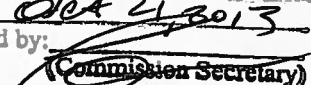


**YORK FACTORY FIRST NATION PRESENTATION
AT KHLP PANEL**

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Hello my name is Ted Bland. I am a Negotiator for York Factory First Nation Future Development. This is my colleague, Martina Saunders. Martina also is a Negotiator for York Factory.

I am here today to speak about York Factory First Nation's history, York Factory's involvement in the Keeyask Project, including the decision to become partners, and our involvement in the Keeyask environmental assessment.

Our history: we have lived in this region for a very long time

In the Cree language, we call ourselves the *Ininiwak*. The *Ininiwak* have lived throughout northern Manitoba for a very long time. Much, much longer than Manitoba and Canada have existed. We have been here from a time reaching beyond memory. There are well over 200 ancient and historical sites, some up to 5,000 years old, identified across the Hudson Bay coastal area of Manitoba. Many of these are associated with our *Ininiwak* ancestors.

We have had contact with Europeans for over 300 years. In 1668, three separate European exploratory parties arrived at the estuaries of the Nelson and Hayes Rivers. Our *Ininiwak* ancestors were there.

The Hudson's Bay Company's York Factory post at the mouth of the Hayes River – which we call *Kischewaskahekan* or “Big House” in Cree – began operations in 1684, and soon became the central hub in the North American fur trade. The *Ininiwak* were central to the fur economy due to our knowledge of the region and its resources. Over the next several hundred years, the Cree continued to occupy and move throughout the Hudson Bay coast and further inland bringing furs to trade for European goods at York Factory. It was during this time that our ancestors formed trade alliances with other First Nations and our ancestors became middlemen in the fur trade.

In 1875, the Crown signed Treaty 5 with the Saulteaux and Cree at Berens River, but it was not until August 10, 1910 that York Factory signed an adhesion to Treaty 5.

Over the next 45 years, as the York Factory post's role in the fur trade declined and the Port Nelson project was abandoned, many of our relatives moved to Tataskweyak, Shamattawa, Churchill and sites along the Hudson Bay railway line. In 1947, two different groups of Cree people from York Factory split into the Shamattawa and Fox Lake Bands. We continue to share a common history – even grandparents, aunts and uncles – with Cree families in Shamattawa, Churchill, Bird, Ilford, Tataskweyak and Gillam.

In the fall of 1956, representatives from Indian Affairs traveled to York Factory and told the remaining York Factory Members of plans to close the trading post and move our members inland to the southeast side of Split Lake. Before relocation, our people lived throughout the lower Nelson and Hayes Rivers and the Hudson Bay coast, at settlements at Port Nelson, Crooked Bank, Ten Shilling Creek, Kaskatamakan, Shamattawa, York Factory and other places.

While the relocation to York Landing, or *Kawechiwasik* as we say in Cree, was an unwelcome experience, York Landing has become our home for over 56 years. It was not until 1990, however, that a small area of reserve land was established for our First Nation at York Landing.

Younger York Factory members were born in York Landing and travel to the coast to conduct traditional activities such as hunting, trapping and fishing. The Hudson Bay coast continues to be a fundamental part of who we are as a community, even though it requires great effort for our members to access that area.

The location of our home community, York Landing, makes it difficult to not only reach our coastal area, but also to travel to Thompson, or Winnipeg, or other places by road. Without all-weather road access, we cross Split Lake by boat, ferry, skidoo, and winter ice road to get to our banks, groceries, medical services, family members, and gatherings outside of the community. Air travel is expensive and not an option for most of our community members.

Our Relationship with Manitoba Hydro

In 1957, the year York Factory Members arrived in York Landing, Manitoba Hydro began construction of the Kelsey Generating Station. We were not consulted about the project even though it was built just kilometres from York Landing and would forever change the waters and land. In the 1970's, the Lake Winnipeg Regulation and Churchill River Diversion proceeded, again without any prior consultation with Cree communities and without any environmental assessment and licensing. The Kettle Generating Station was completed downstream of York Landing in 1974, followed by the Long Spruce Generating Station in 1979. Finally, the Limestone Generating Station was completed in 1990.

Our community knows Manitoba Hydro and hydroelectric development well.

Our Involvement in the Keeyask Project

The relationship between York Factory and Manitoba Hydro is shaped by a number of legal agreements negotiated over the last 35 years. York Factory, with 4 other First Nations, (Split Lake, Nelson House, York Factory, Norway House and Cross Lake) signed the Northern Flood Agreement in 1977 with Canada, Manitoba, Manitoba Hydro. In 1995, York Factory entered into a second agreement called the Comprehensive Implementation Agreement, with Canada,

Manitoba, and Manitoba Hydro to implement the NFA. That Agreement contains principles and processes for future development such as Keeyask, including:

- the involvement of York Factory in the assessment and mitigation of Project effects, and
- the ways in which York Factory can benefit from the Project, such as employment and business opportunities.

York Factory's formal involvement in the planning for the Keeyask Generation Project began in 2001. On September 14, 2001, York Factory, Manitoba Hydro, TCN, War Lake First Nation and Fox Lake Cree Nation, signed the Principals' Memorandum setting out the negotiating principles for concluding the JKDA.

About a year later, on October 15, 2002, York Factory, Manitoba Hydro, Tataskweyak, War Lake, and Fox Lake signed the Negotiating Principles and Process Proposal, which set out, in more detail, the negotiating principles and process for concluding the JKDA.

Between 2002 and 2008 York Factory participated with Manitoba Hydro, Cree Nation Partners and Fox Lake in the negotiation and drafting of the JKDA. York Factory also participated with the Project partners in various committees and working groups responsible for considering different aspects of the Project (for example, the Keeyask Project Description Committee).

From late 2005 until the spring of 2008, York Factory and Manitoba Hydro negotiated the York Factory Keeyask Adverse Effects Agreement, which addresses Keeyask adverse effects on our First Nation. The Keeyask Adverse Effects Agreement emerged out of Article 9 of the 1995 Agreement, which states that York Factory and Manitoba Hydro must develop a proposal to compensate York Factory for "known and foreseeable" adverse effects of any Future Development, including the Keeyask Generation Project.

Before York Factory Chief and Council signed the JKDA, the First Nation held a referendum to determine whether its Members supported the signing. At the same time that the referendum on the JKDA was held, York Factory Members were also asked to vote on whether they supported Chief and Council signing the Adverse Effects Agreement. In the period leading up to the referendum poll, between April 2008 and early March 2009, York Factory conducted six rounds of information meetings for Members of the First Nation in each of York Landing, Thompson, Churchill and Winnipeg.

In addition to information meetings, we used other methods to communicate to Members about the JKDA and Adverse Effects Agreement. A website was set up where Members could access documents and other information about the JKDA and Adverse Effects Agreement. Full copies of the JKDA and Adverse Effects Agreement were distributed to Members. Newsletters (in Cree and English) and a plain language summary of the JKDA were also prepared and distributed.

The York Factory referendum polls for the JKDA and Adverse Effects Agreement were held in March, 2009.

The referendum questions asked Members if they would support Chief and Council in signing the JKDA—Yes or No and the Adverse Effects Agreement—Yes or No. In the referendum, York Factory applied the minimum threshold required by the JKDA Ratification Protocol for the poll. A sufficient level of support for Chief and Council to sign the JKDA and Adverse Effects Agreement required:

- participation by a minimum of one third of all Members eligible to vote, and
- a majority of votes cast being in favour of the referendum question.

Of 713 eligible voters on-and off-reserve, 262 cast ballots (36.6%). There were 218 “yes” votes in favour of signing the JKDA (87% of valid ballots) and 220 “yes” votes in favour of signing the Adverse Effects Agreement (85% of valid ballots).

In May 2009, York Factory Chief and Council signed the JKDA and Adverse Effects Agreement on behalf of the First Nation.

The signing of the JKDA and Adverse Effects Agreement marked York Factory’s decision to become a partner and co-proponent in Keeyask. This was not an easy decision for the community to make given the circumstances and the diversity of views held by community Members regarding the Keeyask Generation Project. Members were faced with a deep moral dilemma in terms of assessing the potential environmental impacts that would affect the community. Even with the best planning, mitigation and monitoring programs, York Factory feels that there will still be substantial adverse effects to the land and our way of life.

For York Factory, the decision to become a partner in Keeyask was made so our youth and future generations will benefit from Project revenues, jobs, training, and capacity-building opportunities. It has also been important for York Factory to participate in the Project and the environmental impact assessment: to be at the table and have a voice in the planning, operation, and management of Keeyask.

York Factory’s worldview, values and traditional knowledge

Throughout time, York Factory’s relationship with the land has been, and continues to be, important to us. Our relationship with the land, our understanding of the world, our values, and our traditional knowledge have been central to the survival of our people and the continued respect and stewardship of the land and waters.

York Factory’s teachings have been handed down through the generations, and continue to be passed on today. These teachings embody the values of York Factory ancestors and today’s Elders giving guidance to our community

members. By adding our voices, values, and traditional knowledge to the Keeyask Generation Project, we hope to positively impact the Project, reduce adverse effects, and continue to be stewards of the land and waters.

To York Factory, it is important to show respect when speaking and acting towards *Askiy*, which is the Cree word for the whole of the land, water, people, plants, animals and all things. We are affected by even the smallest changes to *Askiy*. York Factory Members are part of *Askiy*. We have relied on *Askiy* for as long as we have existed.

For York Factory, it is also important to honour life and *Askiy*. These are special gifts that must not be forgotten. We believe that everything in life comes from *Munito*. We believe that relationships with living and nonliving things are two-way relationships. To live a good life we respect and care for *Askiy*, other people, and all things in this world for our ancestors and for future generations. This is called *minopimatisiwin*.

With the arrival of Europeans many York Factory Members accepted Christianity and Christian beliefs. Today, diverse spiritual beliefs and practices are found among community Members that could be called traditional, Christian or more blended forms of spiritual belief. Regardless, spirituality is very important in York Factory's culture and worldview. Our spirituality informs stewardship of the land and we feel it is important to acknowledge spirituality in the Keeyask Generation Project.

It is also very important that we speak truthfully based on our knowledge and experience. The truth isn't always pleasant, but by acknowledging the truth it is possible to move forward and build trust with others and come to terms with our actions and feelings. Trust is also important to York Factory Members' relationships with family, friends and working partners. Trust is developed over time through experience with other individuals or groups of people.

Ohcinewin is a very important Cree concept, which is not easily translated into the English language. Because of the interconnectedness of *Askiy*, if you harm anything, including the land, water, people, plants, and animals, you will experience equally harmful consequences. These can also come back to those around you, your children or your children's children. This concept applies to all aspects of life. This is a powerful thing, so it is very important to be careful and respect even the use of the word.

It is important to consider one's actions carefully and with caution because of the possible consequences of those actions. When caution is not exercised, mistakes are made. Caution is important so that individuals and our community can avoid disrespectful and harmful actions to others and *Askiy*.

York Factory's traditional knowledge is held by our Elders and passes from generation to generation. Our Elders, members and resource users continue to maintain their worldview, values and traditional knowledge. To York Factory, traditional knowledge is more than just information to be recorded and included in the Environmental Impact Statement. It lives within our way of life. It is added to and adapted in the lives of successive generations of Cree people.

For this reason, our traditional knowledge is best expressed and shared through the participation of our Elders, resource users, and knowledge holders in the partnership. It is crucial that our community representatives, Elders, youth, resource users, and knowledge holders continue to participate in the Keeyask Generation Project's next phases including construction, operation, environmental stewardship and adaptive management.

York Factory's Community-Based Studies

Between 2002 and 2010, York Factory undertook a number of community-based studies to examine environmental and socio-economic issues of specific importance to the community. Studies were undertaken to examine:

- existing socio-economic and environmental conditions
- potential environmental and socio-economic impacts of the Project
- community goals and future priorities
- traditional economic and land based activities, and
- community history.

Community Members were involved in the studies through meetings, workshops, interviews, surveys and field trips. Study reports were provided to Manitoba Hydro and its environmental management team.

The York Factory Future Development office has informed Members about the Keeyask Generation Project and the environmental assessment process through newsletters, community meetings, and workshops, including special meetings and workshops with Elders, resource users, and youth. Cree translation has been provided at meetings and in newsletters. We have communicated the views, concerns and knowledge of York Factory members about Keeyask, and our expectations for the future, through our reports and participation in the project planning and assessment processes.

We continue to keep Members informed about the Keeyask Generation Project by holding community meetings in York Landing and through our website.

York Factory has also been involved with Manitoba Hydro and the other Keeyask Cree Nations in the process of preparing the Keeyask EIS by participating in working groups, attending workshops, reviewing and commenting on various EIS volumes and writing our own report to include in the Keeyask EIS.

Our report for the Keeyask EIS is called *Kipekiskwaywinan*, which means Our Voices in Cree. *Kipekiskwaywinan* has become a very important document to the

community because of how it tells York Factory's story of Keeyask and expresses the concerns, experiences and priorities of Members.

Kipekiskwaywinan is not a tidy account that tries to make community concerns, experiences and priorities sound objective, balanced, certain, predictable and manageable. Rather, the report is full of many contradictions, fear, anger, wariness, resignation, yet hope. Our aim in this report was to communicate the impact of this project and partnership on our community and people. York Factory Members have differed with each other in meetings and workshops. Some Members have shed tears while trying to describe the pain of changes to their way of life and the threats to their cultural survival. *Kipekiskwaywinan* has been very important for York Factory Members to reflect upon, discuss and begin to come to terms with the effects of past hydro development and the potential effects of Keeyask.

York Factory's Role as a Keeyask partner

Through participation in Keeyask and the Environment Impact Assessment, York Factory has been very aware of the role it will play in the potential environmental impacts, both positive and negative, as well as the mitigation measures, monitoring and follow-up programs, and adaptive management of the Project.

York Factory's history and experience with past hydro development has led to a level of distrust and skepticism of some of the scientific predictions. York Factory, however, is optimistic and hopeful moving forward in partnership with Manitoba Hydro and the other Keeyask Cree Nations. It is very important to York Factory to continue to build a better relationship with our partners and learn about and manage the environmental impacts of Keeyask. We must also maintain our cultural values, practices, and traditional knowledge through the Keeyask Generation Project while ensuring various economic benefits for our children and grandchildren.

It is important that we work together as partners to continuously reconcile our role in the partnership, heal past wounds related to hydro development, and build trustworthy relationships with our partners. We especially want our children and future generations to know that we entered into this partnership with these feelings and deep misgivings, but insisted on a long-term, ongoing commitment to healing, reconciliation, mutual respect and self-determination.

Despite our caution for what lies ahead, York Factory sees the need and importance in adapting and maintaining our culture, teachings, and way of life as we have done many times since first contact with European colonizers. York Factory is approaching the Keeyask partnership with hope and determination to keep our values, participate actively in environmental stewardship, and provide opportunities for our Nation.

We expect the Keeyask partners will continue learning to work together and

share knowledge with one another about *Askij* over the long term. The environmental licenses and the Environmental Protection Program will play the largest role in determining how the Partnership proceeds in its mitigation, monitoring, research, management, and reconciliation activities. However, York Factory does not view obtaining an environmental license as the end of environmental stewardship and responsibility. Rather we view the licenses as providing a framework for the development of new hydroelectric facilities in our homeland.

As I explained at the beginning of this presentation, we have been here for a very long time - much longer than Manitoba Hydro, the Province of Manitoba, and Canada have existed. We are part of *Askij*. What we do to *Askij* affects us deeply. For this reason, we have approached the Keeyask Project and Partnership with caution. As partners in Keeyask, we take our role very seriously and hold ourselves and the Keeyask Partnership to a very high standard.

As we move forward with our Keeyask partners, Manitoba Hydro, Tataskweyak Cree Nation, War Lake First Nation, and Fox Lake Cree Nation, we will keep striving to ensure that the Partnership is the best it can be. We are hopeful and determined to use the Keeyask Project to empower our community, to maintain who we are as *Ininiwak*, and to create a better future for our youth and generations to come.

Ekosi.