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In the Matter of:  
The Manitoba Clean Environment Commission  
Hearings regarding the Keeyask Generation Project

Submission of the  
Kaweechiwasihk Kay-tay-a-ti-suk

December 12, 2013 – Fort Garry Hotel, Winnipeg – Treaty No. 1 Territory

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**ENINESEWIN - ABORIGINAL TRADITIONAL KNOWLEDGE**

We are the INNINUWUK, the people of ASKI who speak the Cree language. ASKI means everything that is part of Mother Earth.

All Aboriginal people are known as O-KA-NA-WAY-NI-CHI-KAY-WAK, a Cree word which means "keepers of the land", or stewards.

The Elders are the keepers of ENINESEWIN, which means our traditional knowledge and wisdom, about everything concerning ASKI (the land). Their ENINESEWIN shares observations and experiences of everything on ASKI.

Their ENINESEWIN also shares any changes that happen on ASKI.

Their ENINESEWIN is passed down from generation to generation. This ENINESEWIN becomes broader with each new observation and experience.

We, are the KAWEECHIWASIIHK KAY-TAY-A-TI-SUK, meaning the Elders at York Landing.

Our ENINESEWIN also comes from a world view that is reflected in our language and in our customary laws.

Our ENINESEWIN is guided by our spiritual beliefs.

Our ENINESEWIN is rooted in our cultural practices and in our ceremonies.

We, the KAWEECHIWASIIHK KAY-TAY-A-TI-SUK, believe that everything on ASKI is interconnected and alive. We believe that everything and every living thing has a purpose on ASKI.

We do not take from ASKI without giving in return.

When one part is changed or destroyed or damaged, ASKI is off balance.

We call this OCHENEWIN. This means that what you do to ASKI will affect you and your family and your extended family and your community and your Nation and the children yet unborn. In this way, every person has an obligation to care for ASKI and to care for everything on ASKI.

We believe that every INNINU and all INNINUWUK have an obligation to carry out their role as O-KA-NA-WAY-NI-CHI-KAY-WAK.

We believe that every INNINU and all INNINUWUK have an obligation to do everything possible to achieve KWAYASKONIKIWIN, meaning to restore balance. We must take every step we can to achieve KWAYASKONIKIN whenever ASKI is changed or destroyed or damaged or out of balance.

We, as OKANAWAYNICHIKAYWUK, have a responsibility to be the voices for everything on ASKI and to find ways to make things better.

We, as OKANAWAYNICHIKAYWUK, have to do everything we can to achieve KWAYASKONIKIWIN.

Where there is a disturbance and where ASKI is out of balance, the future of all INNINUWUK depends on achieving KWAYASKONIKIWIN.

We, the KAWEECHIWASIIHK KAY-TAY-A-TI-SUK, recommend that before any projects begin, that the Elders be consulted.

We recommend that our ENINESEWIN be treated with equal value and importance.

This input is very important.

So, by meeting and counselling with the Elders, and by treating ATK with equal value importance, ATK and Western Science can result in a true partnership.

ENINESEWIN and Western Science can work together.

Unfortunately, at times, we are not consulted regarding various projects. At times, our ENINESEWIN is not treated with equal value and importance with Western Science.

In these times, we are not able to work together to identify changes to ASKI. In these times, we are not able to work together to achieve KWAYASKONIKIWIN.

We are very concerned that our voices have not been heard. We are concerned that our ENINESEWIN is not being treated with equal value and importance with Western Science.

We are very concerned that more imbalances in ASKI will happen.

We are very concerned that we will not be able to work together to achieve KWAYASKONIKIWIN.

[More comments, including from 3.1 "Treating Traditional Scientific Knowledge with Equal Value and Importance: Traditional Scientific Knowledge and the Keeyask Generation Project", of the September 26, 2013 document *Kaweechiwasihk Kay-tay-a-ti-suk Summary of Presentations, Working Draft 1.0.*]

We can share two examples.

Na May O, is the Cree word for Sturgeon. This is a very clean fish. When their present habitat is polluted or changed, the fish will leave. Even when ashes fall on the river from a forest fire, the fish leave the area.

We have tried to share our ENINESEWIN about Na May O.

We are concerned that ATK and Western Science have not been combined to achieve KWAYASKONIKIWIN for the things that make Nay May O out of balance.

We, the KAWEECHIWASIIHK KAY-TAY-A-TI-SUK, recommend that the restoration of the former seasonal fish passage at the Kelsey Generating Station be considered.

We also recommend building a structure in the river to make a more natural flow of water at the discharge of the Kelsey Generating Station to improve habitat for Na May O and other fish.

[More comments, including from Part 3.3, “Innovative Measures to Mitigate Impacts on Lake Sturgeon and Enhance Sturgeon Habitat in the area of the Keeyask Project and the Nelson River”, of the September 26, 2013 document *Kaweechiwasihk Kay-tay-a-ti-suk Summary of Presentations, Working Draft 1.0.*]

We have tried to share our ENINESEWIN about the four groups of caribou.

There are the NOSCHIMIK ATIKOK, which means “caribou that stay in the bush”.

There are the WAPANOK ATIKOK, which means “comes from the east caribou”.

There are the MANTAYOSIPI NEYAHK ATIKOK, which means “caribou from the point of land of the River of Strangers”.

There are the PASKO ATIKOK, which means “no tree caribou”.

We are concerned about the NOSCHIMIK ATIKOK.

We, the KAWEECHIWASIIHK KAY-TAY-A-TI-SUK, recommend that that the NOSCHIMIK ATIKOK be recognized as a distinct group of resident caribou that are near the Keeyask project.

We also recommend that ATK and Western Science work together to recognize and protect the NOSCHIMIK ATIKOK.

[More comments, including from Part 3.4, “Recognizing and Protecting *Noschimik Atikok*: Resident Woodland Caribou in the Area of the Keeyask Generation Project” of the September 26, 2013 document *Kaweechiwasihk Kay-tay-a-ti-suk Summary of Presentations, Working Draft 1.0.*]

**Kaweechiwasihk Kay-tay-a-ti-suk Inc.**

**Kaweechiwasihk Kay-tay-a-ti-suk Summary of Presentations  
Working Draft 1.0**

**Clean Environmental Commission  
Keeyask Generation Project  
September 26, 2013**

**1.0 Kaweechiwasihk Kay-tay-a-ti-suk Inc. Overview:**

- 1.1 Kaweechiwasihk Kay-tay-a-ti-suk means “the Elders of York Landing” in the Cree Language.
- 1.2 Kaweechiwasihk Kay-tay-a-ti-suk, Inc. is a not-for-profit organization incorporated under the laws of Manitoba. While the Kaweechiwasihk Kay-tay-a-ti-suk have been recognized in our ancestral lands since time immemorial, the Kaweechiwasihk Kay-tay-a-ti-suk, Inc. has incorporated under the laws of Manitoba in order to better engage with others outside of Kaweechiwasihk, including for the hearings before the Clean Environment Commission regarding the Keeyask Generation Project.

**2.0 Kaweechiwasihk Kay-tay-a-ti-suk Inc. Core Interests:**

- 2.1 As an intervenor in the Clean Environment Commission hearings on the Keeyask Generation Project, Kaweechiwasihk Kay-tay-a-ti-suk is examining and testing the Partnership’s submissions, assumptions and environmental assessment information. To illustrate the core interests of Kaweechiwasihk Kay-tay-a-ti-suk Inc. in the licencing of the Keeyask Project, as well as other matters, we will examine the following five major topics in our oral and written submissions:
- a) The manner and extent to which Aboriginal Traditional Knowledge was – and will be in future - considered, included and treated with equal value and importance by the Partnership and the regulators in:
- i) the project design, construction and operation;
  - ii) the EIS;
  - iii) the environmental protection plans;
  - iv) the environmental monitoring plans; and
  - v) the environmental and project management plans.

- b) How the differences in the world views and conclusions between Aboriginal Traditional Knowledge and Western Science-based analysis were – and will be in future - treated by the Partnership and the regulators in:
  - i) the project design, construction and operation;
  - ii) the EIS;
  - iii) the environmental protection plans;
  - iv) the environmental monitoring plans; and
  - v) the environmental and project management plans.
  
- c) The consideration of innovative measures to protect Lake Sturgeon in the area of the Keeyask Project. The consideration of innovative measures should include measures to mitigate the impacts of hydroelectric developments on Lake Sturgeon, including consideration of measures to mitigate impacts at the Kelsey Generating Station, in part, by restoring the former seasonal passage of Lake Sturgeon and other fish species between the Sipiwesk Lake area and Split Lake.
  
- d) The recognition of the distinct herd of resident boreal woodland caribou in the area of the Keeyask Project and nearby the other projects on the Nelson River and the consideration of measures to recognize and protect the herd and to mitigate the impacts of the Keeyask Project on the herd.

### **3.0 Kaweechiwasihk Kay-tay-a-ti-suk – Summary of Presentations**

#### **3.1 “Treating Traditional Scientific Knowledge with Equal Value and Importance”: Traditional Scientific Knowledge and the Keeyask Generation Project**

To assist in providing context, the presentation will discuss and comment on the relevance to the review of the Keeyask Generation Project of Part 1.6.1, Traditional Knowledge, of the September 22, 2005 *Report on Public Hearing for the Wuskwatim Generation and Transmission Projects of the Clean Environment Commission*, which states, at page 5:

*“The EIS Guidelines use the term Traditional Ecological Knowledge (TEK), while MH/NCN used the term Traditional Knowledge (TK) in the EIS documents. NCN considers Traditional Knowledge to be the observation and experience of the land; Aboriginal law regarding how the environment works; the understanding of NCN’s place in the world (how things are connected, including spiritually, and the relationship to the land); the goals and aspirations of NCN; the outlook on the proposed Projects (concerns, acceptability); NCN’s identity and culture; the stewardship of the land, and a basis for natural resource management. NCN*

*believes that traditional knowledge comes from Elders and others, both traditional and modern. In this report the Commission uses the terms Western Scientific Knowledge (WSK) and Traditional Scientific Knowledge (TSK) and accords them equal importance and value throughout the report. TSK is scientific knowledge held by Aboriginal or indigenous peoples around the world. It is based upon an intimate connection with the lands and waters, oral tradition since time immemorial, and draws upon the people’s spiritual connectedness. WSK is scientific knowledge accumulated by systematic study using the scientific method and organized by general principles. Because the Commission has concluded that TSK is a more appropriate and useful term, it has used it when describing what participants referred to as Traditional Knowledge.”*

The presentation will address the perspective and recommendations of the Kaweechiwasihk Kay-tay-a-ti-suk regarding the manner and extent to which Aboriginal Traditional Knowledge was – and ought to be in future - considered, included and treated with equal value and importance by the Partnership and by the regulators.

The presentation will also address the perspective and recommendations of the Kaweechiwasihk Kay-tay-a-ti-suk as to how the differences in the world views and conclusions between Aboriginal Traditional Knowledge and Western Science-based analysis, including those which have been identified by the Partnership, were – and ought to be in future - treated by the Partnership and by the regulators.

The perspective and recommendations of Kaweechiwasihk Kay-tay-a-ti-suk will address how Traditional Scientific Knowledge should be recognized as expert advice and accorded equal value and importance regarding:

- a) the project design, construction and operation;
- b) the EIS;
- c) the environmental protection plans;
- d) the environmental monitoring plans; and
- e) the environmental and project management plans.

<b>Presenter(s)</b>	<b>Sources and Key References</b>
Holder(s) of Traditional Scientific Knowledge: Kaweechiwasihk Kay-tay-a-ti-suk	<ul style="list-style-type: none"> <li>- Traditional Scientific Knowledge of</li> <li>- Kaweechiwasihk Kay-tay-a-ti-suk</li> <li>- Kaweechiwasihk Kay-tay-a-ti-suk Information Requests 1 and 2</li> <li>- Keeyask EIS and Supporting Material</li> </ul>

	<p>- <i>Report on Public Hearing for the Wuskwatim Generation and Transmission Projects</i> , Clean Environment Commission, September 22, 2005</p>
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### **3.2 Case Study: The Recommendations of the Nisichawayasihk O'nanakachechikewuk Regarding Traditional Scientific Knowledge and the Wuskwatim Generation Project**

The presentation will address how the core interests of Kaweechiwasihk Kay-tay-a-ti-suk as outlined in 2.1 a) and b), above, were addressed by Nisichawayasihk Nehetho expert holders of expert Traditional Scientific Knowledge, regarding the Wuskwatim Generation Project, with emphasis on the activities of the Nisichawayasihk O'nanakachechikewuk, and with particular emphasis on the December 21, 2005 comments and recommendations of the Nisichawayasihk O'nanakachechikewuk in response to the determinations and conclusions set out by Fisheries and Oceans Canada and Transport Canada in their Comprehensive Study Report in respect of the proposed Wuskwatim Generation Project under the Canadian Environmental Assessment Act.

The summary of the presentation is succinctly captured at pages 1 and 2 of the Comments of the Nisichawayasihk O'nanakachechikewuk, December 21, 2005, as follows:

*"The Nisichawayasihk O'nanakachechikewuk (monitors and stewards of N'tuskenan (our land)) concur with the determination of Fisheries and Oceans Canada and Transport Canada ("the responsible authorities") as set out in the October 2005 Canadian Environmental Assessment Act Comprehensive Study Report (CSR) for the Wuskwatim Generation Project that the Project, as defined by the scope of the CSR, is not likely to cause significant adverse environmental effects.*

*In coming to this determination, the Nisichawayasihk O'nanakachechikewuk rely upon the implementation of the mitigation, environmental protection and monitoring plans and programs proposed by Manitoba Hydro and the Nisichawayasihk Cree Nation ("the Proponent") and as have been additionally recommended in the CSR by the responsible authorities. The determination of the Nisichawayasihk O'nanakachechikewuk relies upon and is also predicated on the following:*

- 1. That the responsible authorities, other regulatory authorities and those responsible for implementing any environmental plans or programs, which authorities include NCN, acknowledge, recognize and apply the Ethinesewin (traditional knowledge, including collective wisdom) of Nisichawayasihk Nethowuk (the people from where three rivers meet and who speak the language of the four winds) as "expert"*

*knowledge; acknowledge and recognize the holders of Ethinesewin as "experts"; accord an importance and value to the contributions of Ethinesewin that is equal to western scientific knowledge; and, accord recognition to the Nisichawayasihk O'nanakachechikewuk and to the NCN Resource Management Board as being in possession of "expert" information in respect of Ethinesewin and to be consulted in this regard, including in the Board's role as a co-decision authority.*

2. *That the customary laws, beliefs, values and principles of Nisichawayasihk Nehethowuk in relation to the protection of environmental and heritage resources are acknowledged and are applied as part of the environmental protection, heritage resource protection and monitoring programs associated with the Wuskwatim Generation Project and in particular, the Customary Law principle of Kwayaskonikiwin (reconciliation).*
  
3. *That measures for the protection of heritage resources are in accord with Article 6 of the 1996 Comprehensive Implementation Agreement, the May 3,2005 Letter of Intent between NCN and Manitoba Culture, Heritage and Tourism, with the May 12,2005 NCN-Manitoba Agreement in Principle To Develop A Heritage Resources Agreement (Heritage Resources AIP) and with each of the agreements and protocol that will be developed further to the Heritage Resources AIP, being:*
  - ✓ *an NCN-Manitoba Heritage Resources Agreement that will address heritage resource protection within Nisichawayasihk N'tuskenan and the NCN Resource Management Area;*
  - ✓ *the Protocol for the Protection of Heritage Resources related to the Wuskwatim Project, which protocol is to be concluded by April 1,2006;*
  - ✓ *the renewal of the Churchill River Diversion Archeological Project also to be effective April 1, 2006, which agreement will include Manitoba Hydro; and*
  - ✓ *Arrangements included within each of the above-noted agreements as are necessary to protect the proprietary interests and intellectual property values and rights inherent in Ethinesewin, including knowledge of heritage resources, sites of special interest and the uses and location of medicines."*

<b>Presenter(s)</b>	<b>Sources and Key References</b>
Holder(s) of Traditional Scientific Knowledge:  D'Arcy Linklater Nehetho from the Nisichawayasihk Nehetho Nation Co-Chair, Nisichawayasihk O'nanakachechikewuk	- <i>Canadian Environmental Assessment Act Comprehensive Study Report for the Proposed Wuskwatim Generation Project, Comments of the Nisichawayasihk O'nanakachechikewuk, December 21,2005 (with attachments)</i>

### **3.3 Innovative Measures to Mitigate Impacts on Lake Sturgeon and Enhance Sturgeon Habitat in the area of the Keeyask Project and the Nelson River**

The presentation will discuss and recommend that measures to mitigate the adverse effects of the Keeyask Generation Project on Lake Sturgeon should broadly examine innovative measures to mitigate adverse effects on Lake Sturgeon and to enhance sturgeon habitat and populations in both the upper and lower reaches of the Nelson River, particularly in the area of the multiple confluences with the Nelson River of the Grass River, Burntwood River and Odei River and in the Sipiwesk Lake area.

In addition to the expert Traditional Scientific Knowledge of Kaweechiwasihk Kay-tay-a-ti-suk, the September 27, 2011 report entitled *Review of reports dealing with Fish Mortality Studies and the Quantification of Fish Habitat for the Kelsey Re-running Project* notes at Physical Setting and ATK Indications, 4(a), at page 14, that:

*“The result of the ATK studies previously conducted and presently being conducted by the York Factory First Nation (and other First Nations) indicate that the multiple confluences of these rivers in the vicinity of the former rapids at the Kelsey site, known as misipawistik, or great rapids, by the local Cree, and present day Kelsey Generating Station represents highly significant and productive fisheries habitat extensively used by First Nations peoples, particularly in respect of lake sturgeon, northern pike, walleye and whitefish (Figs. 1, 4, 5). Notwithstanding any lack of baseline information documented at the time of the construction of the Kelsey Generating Station and the need to further document ATK, it is well supported in the scientific literature that these multiple and closely adjacent river confluences are expected to represent important habitat, including spawning habitat, for these fish species.”*

The report also observes at Physical Setting and ATK Indications, 4(b), at page 14, that the former *mispawistik* is covered by a dyke made primarily of aggregate fill:

*“A review of engineering drawings and current photographs in the available literature reveals that the former river channel and rapids at the Kelsey site have been covered by the “Centre Dyke” of the Kelsey Project and that the present spillway, although in very close proximity to the east of the former rapids, is an excavation (Fig.3).*

The presentation will discuss and recommend consideration of the construction and operation of fish passage facilities at the location of the former *misipawistik* or “Great Rapids” at the site of the Kelsey Generating Station in order to at least partially restore the former seasonal passage of Lake Sturgeon and other fish species between the Sipiwesk Lake area of the upper

Nelson River and the area of the multiple confluences with the Nelson River of the Grass River, Burntwood River and Odei River at the headwaters of Split Lake.

In addition to the expert Traditional Scientific Knowledge of Kaweechiwasihk Kay-tay-a-ti-suk, the *Review of reports dealing with Fish Mortality Studies and the Quantification of Fish Habitat for the Kelsey Re-runnering Project* also notes at Conclusion 5(b), at page 16, that:

*“The available preliminary ATK information suggests that lake sturgeon moved upstream through the former rapids and continue to attempt to move downstream through the Kelsey powerhouse. This information underscores the significance and relevance of conducting ATK studies in relation to pre-project and post-project fish habitat, spawning areas and fish movement as part of any assessment of the impacts or adverse effects of the Kelsey re-runnering project.”*

The presentation will recommend that the implementation of measures to mitigate the adverse effects of the Keeyask Generation Project on Lake Sturgeon should also include innovative measures to mitigate the impacts of pervious hydroelectric developments on Lake Sturgeon. Specifically, the presentation will propose and recommend consideration of the construction and operation of a fish passage at the site of the former *misipawistik* at the site of the present Kelsey Generating Station in order to at least partially restore the former seasonal passage of Lake Sturgeon and other fish species between the upper and lower reaches of the Nelson River, and in particular, to restore the seasonal passage of fish between Sipiwesk Lake and the area of the multiple confluences with the Nelson River of the Grass River, Burntwood River and Odei River.

<b>Presenter(s)</b>	<b>Sources and Key References</b>
<ul style="list-style-type: none"> <li>- Holder(s) of Traditional Scientific Knowledge:  Kaweechiwasihk Kay-tay-a-ti-suk</li> <li>- Western Scientific Knowledge Expert:  Dr. Terry Dick</li> </ul>	<ul style="list-style-type: none"> <li>- Traditional Scientific Knowledge of</li> <li>- Kaweechiwasihk Kay-tay-a-ti-suk</li> <li>- Kaweechiwasihk Kay-tay-a-ti-suk Information Requests 1 and 2</li> <li>- Keeyask EIS and Supporting Material</li> <li>- <i>Review of reports dealing with Fish Mortality Studies and the Quantification of Fish Habitat for the Kelsey Re-runnering Project</i>, Terry Dick and Michael Anderson, September 27, 2011</li> </ul>

### 3.4 Recognizing and Protecting *Noschimik Atikok*: Resident Woodland Caribou in the Area of the Keeyask Generation Project

This presentation will address the recognition of the distinct herd of resident boreal woodland caribou in the area of the Keeyask Project and nearby the other projects on the Nelson River and the consideration of measures to recognize and protect the herd and to mitigate the impacts of the Keeyask Project on the herd.

The presentation will identify, discuss and describe the caribou herds in the study area as known to expert holders of Traditional Scientific Knowledge as:

- *Noschimik Atikok* , which means “caribou that stay in the bush” and refers to the resident woodland caribou which calve on protected islands and in peatlands in the area of Nelson River;
- *Wapanok Atikok*, which means “comes from the east caribou” and refers to the Pen Island herd of woodland caribou which calve on the coastal tundra along the Hudson Bay Coast generally in the area of the Manitoba-Ontario boundary;
- *Mantayosipi Neyahk Atikok* , which means “caribou from the point of land of the River of Strangers” and refers to the caribou in the vicinity of the point of land at the mouth of the “River of Strangers” - being the Churchill River and Cape Churchill - and to the Cape Churchill caribou herd;
- *Pasko Atikok*, which means “no tree caribou” and refers to the Beverly and Quaminirjuak herds of barren ground caribou which are generally encountered during winter migrations into the southern and southeast extent of the range.

These traditional namings and descriptions by the Kaweechiwasihk Kay-tay-a-ti-suk of the caribou in the Study Area are generally consistent with the discussion in *Defining the Pen Islands Caribou Herd of southern Hudson Bay*, including at page 36, where it is noted:

*"Independent discussions we had at this time with Shamattawa, Manitoba, Cree hunters revealed similar information. They also distinguished three types. Shamattawa hunters began to see and hunt the migrating caribou in about 1980 (possibly the Pen Islands Herd) **in addition to the more usual resident "woodlands" caribou and the Cape Churchill caribou with thinner hides and "pelage like a rabbit".** [emphasis added]*

The presentation will also address the differing descriptions of the Noschimik Atikok herd which appear in the materials filed as part of the Bipole III Transmission Project and the Keeyask Generation Project, being the characterization in the Bipole III materials of Noschimik Atikok as “coastal caribou” or the “Gillam Area Pen Island Herd”, and in the materials filed as part of the Keeyask Generation project, being a description of the Noschimik Atikok herd as “summer resident” caribou.

The presentation will recommend that the Noschimik Atikok herd be recognized as a distinct herd of resident boreal woodland caribou and that appropriate steps be taken to recognize and protect the Noschimik Atikok herd and to identify appropriate measures to mitigate the impacts of the Keeyask Project on the Noschimik Atikok herd, including in the context of possible recognition and inclusion of the Noschimik Atikok herd in Manitoba’s *Conservation and Recovery Strategy for Boreal Woodland Caribou (Rangifer tarandus caribou)* and for possible inclusion in an updated *Action Plan for Boreal Woodland Caribou Ranges in Manitoba*.

<b>Presenter(s)</b>	<b>Sources and Key References</b>
<p>Holder(s) of Traditional Scientific Knowledge:</p> <p>Kaweechiwasihk Kay-tay-a-ti-suk</p> <p>Western Scientific Knowledge Expert:</p> <p>(confirming arrangements in progress))</p>	<ul style="list-style-type: none"> <li>- Traditional Scientific Knowledge of</li> <li>- Kaweechiwasihk Kay-tay-a-ti-suk</li> <li>- Kaweechiwasihk Kay-tay-a-ti-suk Information Requests 1 and 2</li> <li>- Keeyask EIS and Supporting Material</li> <li>- Defining the Pen Islands Caribou Herd of southern Hudson Bay, Kenneth F. Abraham and John E. Thompson, The Seventh North American Caribou Conference, August, 1996</li> <li>- Bipole III Transmission Project, <i>Supplemental Caribou Technical Report</i>, Joro Consultants, August, 2012</li> <li>- <i>Conservation and Recovery Strategy for Boreal Woodland Caribou (Rangifer tarandus caribou)</i>, 2005</li> <li>- <i>Action Plans for Boreal Woodland Caribou Ranges in Manitoba</i>, Draft, 2011</li> </ul>

EXHIBIT NUMBER: YORK-001  
File Name: Keeyask  
Date: Sept 26, 2013  
Received by: [Signature]  
(Commission Secretary)

Kaweechiwasihk Kay-tay-a-ti-suk-Inc.  
Introductory Comments – Keeyask CEC Hearings  
York Landing, Manitoba September 26<sup>th</sup>, 2013

Tansi: and Good Afternoon to the Clean Environment Commission Chair and Panel Members.

Terry Sargeant – Chair  
Edwin Yee  
Jim Shaw  
Judy Bradley  
Reg Nepinak  
Mike Green  
Cathy Johnson- Secretary

For the record, I am Roy Beardy, and I am joined by Elders Flora Beardy, Elizabeth Beardy, Stella Chapman, Doreen Saunders, Obediah Wastesicoot and regrets to Elder Eric Saunders that will not be able to join us due to health issues. We are here today to representing the Interuenor Kaweechiwasihk Kay-tay-a-ti-suk Inc.

Kaweechiwasihk Kay-tay-a-ti-suk Inc. is not a not for profit organization incorporated under the laws of Manitoba. While the Kaweechiwasihk Kay-tay-a-ti-suk Inc. have been recognized in our ancestral lands since time immerial, the Kaweechiwasihk Kay-tay-a-ti-suk Inc. has incorporated under the laws of Manitoba in order to better engage with others outside of Kaweechiwasihk.

The Kaweechiwasihk Kay-tay-a-ti-suk Inc. are a group of concerned Elders who have questions regarding the Keeyask Environmental Impact Statement. They do not wish to oppose the Project, they are simply looking after York Factory First Nation (YFFN) interest. Kaweechiwasihk Kay-tay-a-ti-suk Inc. intends to generally “examine and test” the partnership submission. The Elders Group simply want a “fair stake” for our people to the benefits of Keeyask while fulfilling their duties as stewards of the lands and waters.

To illustrate the core interests of Kaweechiwasihk Kay-tay-a-ti-suk Inc., as well others matters, we will examine the four major topics reflected in our written information requests:

- a.) The manner and extent to which Aboriginal Traditional Knowledge (ATK) was and will be in future – considered, included and treated with equal value and importance by the partnership and the regulators in:
- i) The project design, construction and operation;
  - ii) The environmental Impact Statement (EIS);
  - iii) The environmental protection plans;
  - iv) The environmental monitoring plans; and
  - v) The environmental and project management plans

Kaweechiwasihk Kay-tay-a-ti-suk Inc. is aware that these plans have been forwarded to the Regulators. These plans are still under development, particularly how ATK will be related to the environmental protection, monitoring, the environmental and management plans.

- b.) How the difference in the world views and conclusions between Aboriginal Traditional Knowledge and western science – based analysis were – and will be in future – treated by the Partnership and the regulators in:
- i) The project design, construction and operation;
  - ii) The EIS;
  - iii) The environmental protection plans; and
  - iv) The environmental monitoring plans; and
  - v) The environmental and project management plans.

Kaweechiwasihk Kay-tay-a-ti-suk Inc. will be questioning the difference and how the Partnership intends to address these differences. Kaweechiwasihk Kay-tay-a-ti-suk Inc. Possesses the knowledge of past hydro-development. We are concerned of Oschinewin – the sacred law that we can not disturb nature for the fear that it will come back on us. As for western science, it is not a problem until they have to prove it.

- c.) The consideration on innovation measures to protect in the areas of the Keeyask Project. As well as the consideration of measures to mitigate the impacts of hydroelectric developments on Lake Sturgeon, including considerations of measure to mitigate impacts at the Kelsey Generating Station, in part, by restoring the seasonal passage of lake Sturgeon and other species between Sipiwesk Lake area and Split Lake.

Kaweechiwasihk Kay-tay-a-ti-suk Inc. or rather York Landing Elders, participated in the "Review of Dealing with Fish Mortality Studies and Quantification of Fish Habitat for the Kelsey Re-Running Project". The "Report" was prepared by; Terry A. Dick, Phd – Arctic Fish Technology Inc.; Dr. Terry Dick was retained by the York Factory First

Nation (YFFN) to review reports dealing with survival and injuries to fish passed through a turbine at Manitoba Hydro's Kelsey Generating Station on the Nelson River as well as reports dealing with fish habitat quantification and a presentation by Richard Remnant, North South Consultants, to Manitoba Department of Water Stewardship and the community of the York Factory First Nation. At the request of York Factory First Nation, Michael Anderson provided technical support to Dr. T. Dick, as well as historical reference and imagery and commentary on the potential relevance and application of Aboriginal Traditional Knowledge (ATK) to assessment of the potential effects of the re-running project of the Kelsey Generating Station.

- d.) The recognition of the distinct herd of resident boreal woodlands caribou in the area of the Keeyask Project and nearby the other projects on the Nelson River and the consideration of measures to recognize and protect the herd and to mitigate the impacts of the Keeyask Project on the herd.

Kaweechiwasihk Kay-tay-a-ti-suk Inc. has reviewed the Bi-Pole III Transmission Project Supplement – Caribou Technical Report and is preparing an analysis for the Commission that will be reviewed and discussed in the November 2013 CEC Hearings.

The

Kaweechiwasihk Kay-tay-a-ti-suk Inc. analysis requires consideration and application of Aboriginal Traditional Knowledge (ATK)

Kaweechiwasihk Kay-tay-a-ti-suk Inc. is concerned with the Pequis and Pimichichamak-Notice of Motion – that was forwards to the Clean Environment Commission, in the matter of Keeyask Generating Project that was filed on September 9<sup>th</sup>, 2013.

To our understanding, the motion tends to delay the Keeyask – Clean Environment Commission hearings until a Regional Cumulative Effects Assessment (RCEA) is undertaken. The CEC wisely recommended this approach in its decision about Bi-Pole III, saying that no new hydro development licences should be issued until the regional assessment was done.

Conservation Minister Gord MacIntosh has said that he intends for this recommendation to be implemented, and that Manitoba will begin discussions with Manitoba Hydro about implementing this assessment.

To Kaweechiwasihk Kay-tay-a-ti-suk Inc. knowledge, York Factory First Nation (YFFN) has done some work on the cumulative Effects based on our own experiences with hydro-electricity development. But we have not collaborated broadly with other First Nation that has been effected by hydro-electricity development. Kaweechiwasihk Kay-tay-a-ti-suk Inc. agrees with the CEC, as set out in the Bi-Pole III recommendations.

Furthermore, Kaweechiwasihk Kay-tay-a-ti-suk Inc. would like to introduce a "snapshot" of our experience with high water levels on Split Lake in 2011. We feel that the information is relevant to the Cumulative Effects areas of interest and could serve as a discussion paper on the matter.

The Inc. intends to present expert information in support of its perspectives and interest on the matters and to participate throughout the hearings. Kaweechiwasihk Kay-tay-a-ti-suk Inc. looks forward to presenting its recommendations at the conclusion of the hearings. Kaweechiwasihk Kay-tay-a-ti-suk Inc. looks forward to receiving advice and direction from the commission regarding the timing, process and procedural matters regarding these presentations.

Customary Law - Kaweechiwasihk Kay-tay-a-ti-suk Inc. is making arrangements to bring in a colleague who is an expert on Customary Law related to dam building.

Kinanaskomitinawow, Thank you.