

MANITOBA CLEAN ENVIRONMENT COMMISSION

KEEYASK GENERATION PROJECT

PUBLIC HEARING

Volume 10

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TUESDAY, NOVEMBER 5, 2013

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No Undertakings given

1 Tuesday, November 5, 2013

2 Upon commencing at 9:30 a.m.

3

4

5 Tuesday, November 5, 2013

6 Upon commencing at 9:30 a.m.

7 THE CHAIRMAN: Good morning. Welcome
8 back. We'll commence shortly, but do you want to
9 speak to these responses to undertakings or are
10 they just --

11 MS. PACHAL: We were just filing them
12 on paper at the same time.

13 THE CHAIRMAN: Okay, thank you. We
14 have had three.

15 MS. PACHAL: Seven, eight and nine.

16 THE CHAIRMAN: Seven, eight and nine,
17 okay. Duly noted, thank you.

18 So we'll turn back to the panel.
19 Ms. Kinley, you are about to introduce, I believe,
20 Ms. Anderson and Mr. Bland?

21 MS. KINLEY: Thank you, Mr. Chairman.
22 Good morning commissioners, participants, elders
23 and members of the public. We'd like to
24 recommence our presentation this morning.

25 Yesterday we looked at the context,

1 well, first of all we had the history of
2 communities in the area from Ted Bland and from
3 Karen Anderson. We talked about the context, the
4 approach, and most of the socio-economic VECs.

5 What we'd like to begin with this
6 morning is to talk about culture, culture and
7 spirituality. And before Dr. Petch does her
8 presentation, Karen Anderson and Ted Bland would
9 like to provide comments in advance.

10 MR. BLAND: Good morning. As I did
11 yesterday, I will be presenting on Martina's
12 behalf, and this is the presentation that she's
13 provided for me today.

14 Virginia Petch will be speaking to you
15 shortly about the assessment of project effects on
16 culture and spirituality. Before she does, I want
17 to share with you a few brief comments. We have
18 explained to you that you must know our history to
19 understand who we are as people and where we, the
20 members of the York Factory First Nation, are
21 today. We have explained the importance of our
22 culture, language and traditions. We have spoken
23 about spirituality and religion, and we have
24 spoken about traditional knowledge. These are not
25 separate subjects, they are who we are.

1 We shared the traditional knowledge,
2 culture and spirituality of our Cree Partners with
3 Manitoba Hydro and its socio-economic team, with
4 Janet, Virginia and others. Together we have
5 tried to communicate the importance of this in the
6 Keeyask EIS.

7 Our ways are not easily written, but
8 teaching and knowledge are mainly transferred and
9 taught through stories because we are
10 traditionally an oral society. York Factory's
11 traditional knowledge is held by our elders and
12 passes from generation to generation. Our elders,
13 members and resource users continue to maintain
14 their worldview, values and traditional knowledge.
15 To York Factory, traditional knowledge is more
16 than just information to be recorded and included
17 in the Environmental Impact Statement. It lives
18 within our way of life. It is added to and
19 adapted in the lives of successive generations of
20 Cree people.

21 We are a spiritual people. We believe
22 everything we have in life comes from Munito. We
23 come from Munito, and all things come from Munito.
24 We believe that we must respect all things in
25 nature, that our relationship with living and

1 non-living things are two-way relationships. To
2 live a good way, we respect and care for Aski,
3 other people and all things in this world for our
4 ancestors and for our children and grandchildren,
5 jabanuk. We call this mino-pimatisiwin.

6 With the arrival of Europeans, many of
7 our people accepted Christianity and Christian
8 beliefs into our lives. Today, diverse spiritual
9 beliefs and practices are found among people that
10 could be called traditional Christian or a more
11 blended form of spiritual belief. Regardless,
12 spirituality is important in our culture and how
13 we see the world. Thank you.

14 MS. ANDERSON: I also want to add a
15 few comments to Ted and Martina's comments before
16 we go into the culture and spirituality
17 presentation.

18 For Fox Lake and Cree people, we just
19 wanted to, I guess, make the comments. Because
20 like for me, when somebody comes into our
21 territory and they are coming to study our culture
22 and spirituality, like at the beginning I thought
23 it was very odd, I guess, because it's put into a
24 report. And for us as Cree people, like we don't
25 write things down, we pass things down from

1 generation to generation in oral teaching. So the
2 same was, as Martina and Ted's comments, that we
3 just wanted to say that not everything is always
4 like succinct and put into a report. Some of our
5 elders do not -- you know, it's oral teachings and
6 everything is not always put into writing. And
7 that's the thing I wanted to bring about is the
8 cultures. It's so much in the mainstream. It's
9 always, big focus is on having, you know,
10 research, having something in a report, something
11 in writing, and has to be I guess proven. But for
12 us, it's not that way. So that's just what we
13 wanted to say prior to this presentation being
14 presented by Virginia. Thank you.

15 MS. KINLEY: Thank you very much, Ted
16 and Karen.

17 Now we'd like to turn to Virginia
18 Petch who will provide the culture and
19 spirituality discussion.

20 MS. PETCH: Good morning, Mr. Chair,
21 members of the commission, elders, youth,
22 participants, ladies and gentlemen.

23 It is a pleasure to present the valued
24 environmental component, culture and spirituality,
25 as part of the regulatory assessment on

1 socio-economic, personal, family and community
2 life. It has also been an honour to work with
3 members of our study team and the Partner First
4 Nations. I would especially like to thank
5 Ms. Anderson, Mr. Bland and Ms. Saunders for their
6 remarks.

7 It is one thing to describe certain
8 aspects of culture, custom, art, language,
9 historical experience. It is another thing to
10 understand that culture. Culture is based on
11 living the experience.

12 Over the past 13 years, we have worked
13 closely and collaborated with Partner First
14 Nations. We have learned from each other and deep
15 friendships have been forged. The meetings and
16 workshops have not always been smooth sailing.
17 Differences in cultural values became obvious and
18 caused all of us to re-examine our own core
19 values.

20 As you have heard from Cree witnesses
21 in the earlier panels, and from Ms. Anderson and
22 Ms. Saunders via Mr. Bland, and will hear more
23 following this panel. The Cree have set out the
24 central elements of their worldview and the
25 fundamental values integral to that worldview.

1 The key message is that Cree worldview strives for
2 a good and honourable life.

3 Culture and spirituality can mean
4 different things to different people. For our
5 purpose, we have defined culture and spirituality
6 as dynamic and interactive processes that
7 represent a composite of values, beliefs,
8 perceptions, principles, traditions and worldviews
9 and religion.

10 These values can distinguish groups of
11 people. They are based on individual and
12 collective history, experience, and
13 interpretation.

14 They are commonly celebrated through
15 the oral tradition, and they are constantly being
16 shaped and reshaped through experience,
17 information, knowledge, and wisdom.

18 Culture and spirituality is a
19 universal valued environmental component. And so
20 this definition is fitting to all human kind. And
21 as you will have read in chapter 2 of the EIS, the
22 basic tenets of Cree worldview are clearly set
23 out.

24 In the process of identifying the VEC,
25 culture and spirituality, three main sources were

1 used. Within these sources, or these source
2 headings, many different documents were reviewed
3 and examined. These sources included the
4 regulatory guidelines, workshops with Partner Cree
5 Nations, anthropological literature including
6 relevant thesis and traditional studies.

7 The criteria that was set out for this
8 selection were that the VEC had to be of overall
9 importance or value to people, that there was
10 potential for substantial project effects, and
11 that regulatory requirements were in place
12 regarding culture and spirituality.

13 The Cree worldview informed the
14 culture and spirituality portion of the
15 socio-economic impact assessment.

16 Culture and spirituality also fall
17 within the realm of intangible cultural heritage
18 as defined by the United Nations Educational,
19 Scientific and Cultural Organization, known as
20 UNESCO. It's defined as:

21 "The practices, representations,
22 expressions, knowledge, skills, as
23 well as the instruments, objects,
24 artifacts and cultural spaces
25 associated therewith, that

1 communities, groups, and in some cases
2 individuals recognize as part of their
3 cultural heritage."

4 The historical context has been
5 presented earlier by Ms. Anderson, and I will
6 reiterate and echo her words. Outside influences
7 have always been a hallmark of global, social and
8 cultural change. The Partner Cree Nations are no
9 strangers to change. Over 300 years, a number of
10 outside influences had been experienced. The
11 initial fur trade and the establishment of
12 numerous posts and forts along Manitoba's coasts,
13 Treaty 5 and the adhesion to Treaty 5, with
14 ongoing changes in government policies and
15 procedures, the construction of the Hudson Bay
16 rail and Port Nelson, the Natural Resources
17 Transfer Act, the establishment of the registered
18 trapline, the Family Allowances Act, mineral and
19 other exploration, and hydroelectric development
20 to name a few, have not always been choices made
21 by the Cree people.

22 There is a common thread that binds
23 the Partner First Nations. Each of the Partner
24 First Nations traces their ancestral routes to the
25 York Factory region. Each of the Partner First

1 Nations self-identify as Cree, speak the Cree
2 language, and acknowledge their roots to York
3 Factory Coastal Cree, historically called the Home
4 Guard Cree or Coasters. Each share core Cree
5 values based on traditional relationships with the
6 land. However, each First Nation's historical
7 experience has been unique. With the advent of
8 European fur trade, new ideas and technologies
9 were made known. These and other foreign values
10 greatly influenced and continue to influence Cree
11 culture.

12 As you have heard previously, and will
13 hear with witnesses on the next panel, some of the
14 experiences held by the Cree contain many unhappy
15 incidents. These too have shaped individuals and
16 communities. Still, core values, core key values
17 persist, and these are reflected in the many rich
18 and informative documents that are being produced
19 by the Partner First Nations. It is this cultural
20 resilience that shape the current path of the
21 Partner First Nations.

22 In describing the project effects,
23 mitigation and enhancement, the first task was to
24 describe culture. What goes into describing
25 culture? The western experience insists that we

1 deconstruct things, we reduce them, study them,
2 and put them back together.

3 The Partner Cree Nations, as Karen has
4 just remarked on, is one of holistic
5 understanding. All things are related. What
6 affects one thing will affect another. Hence the
7 ongoing effort for harmony and balance.

8 For our part, we provided technical
9 training related to conducting interviews within
10 the communities. We provided training on the
11 digital equipment, interview management, and
12 administration of post-interview processes for
13 three of the Partner First Nations.

14 Most of the interviews were conducted
15 by the community researchers, the community
16 studies that were conducted by the Partner First
17 Nations with further key person interviews
18 conducted by the study team, these form the basis
19 of our analysis.

20 For the regulatory purpose of
21 examining pathways of effects between the project
22 and the Partner First Nations, nine cultural
23 indicators were applied to account for recurring
24 themes that were noticed during the written
25 documents of the Partner First Nations and in key

1 person interviews that were conducted by the study
2 team.

3 From these sources, recurrent themes
4 were identified and sorted into the list of
5 indicators. This helped us determine values that
6 were repeatedly talked about and which needed to
7 be considered in the pathways of effects from the
8 project to the people.

9 According to the New Zealand Ministry
10 of culture and heritage, indicators are high level
11 summary measures of key issues or phenomena that
12 are used to monitor positive or negative changes
13 over time.

14 As noted in the EIS and in the
15 socio-economic supporting volume, and before you
16 on the screen are the nine cultural indicators
17 that we used. It's worldview, language,
18 traditional knowledge, cultural practices, health
19 and wellness, kinship, leisure, law and order, and
20 cultural products. I'll briefly just refresh your
21 memory from the EIS.

22 Worldview includes relationships and
23 interconnectedness of the natural environment in
24 people. It is how people perceive their world
25 around them and how they internalize these

1 perceptions.

2 Language is the vehicle of expression
3 and could be spoken, written or signed, and is
4 critical to the transmission of cultural
5 knowledge. Knowing the cultural subtleties of
6 one's language can only be fully appreciated by
7 living the language.

8 Traditional knowledge represents the
9 customary knowledge, innovations and practices of
10 the Partner First Nations and is based on
11 experience over time and adaptation and is orally
12 transmitted.

13 Cultural practices represent the modes
14 of completion of activities that distinguish one
15 cultural group from another. It entails a way of
16 doing.

17 Health and wellness includes the
18 physical, emotional, mental and spiritual
19 qualities of life that instill a sense of
20 well-being and security. For the Partner First
21 Nation communities, this is contingent on the
22 availability of western and traditional health
23 practices.

24 Kinship includes social relations,
25 both with immediate families and by association,

1 and is based on culturally-recognized family ties,
2 marriage and alliance. It is the who is related
3 to who and the obligations of that relationship.

4 Leisure includes those activities then
5 for pleasure or enjoyment and are usually not
6 associated with work.

7 Law and order are socially approved
8 systems of maintaining social harmony and balance.
9 This includes customary law and unspoken
10 agreements as well as governance systems.

11 Cultural products can be described as
12 expressions of culture that represent the cultural
13 self and are authentic. For example, certain
14 paintings techniques, music and instruments,
15 crafts and cultural landscapes, this is part of
16 the intangible cultural heritage that I noted
17 earlier.

18 There are a number of key mitigation
19 measures to moderate and offset project effects of
20 culture on culture and spirituality. These
21 include being partners in the project, the adverse
22 effects agreements negotiated and signed by each
23 of the Partner First Nations, and the employee
24 retention and support services, direct negotiated
25 contracts. And these are described in section

1 five of the socio-economic supporting volume.

2 Personal, family and community life
3 are all seen as meaningful ways in which to offset
4 any project effects and have been designed to
5 address any potential effects.

6 The culture and spirituality
7 indicators are linked to the adverse effects
8 agreement programs, for example, Cree language and
9 cultural practices. Within Cree language, each of
10 the Partner First Nations have offset programs to
11 enrich and strengthen their Cree language.

12 Two, for cultural practices, each of
13 the Partner First Nations have traditional
14 resource harvesting programs to enable members to
15 access lands and waters to carry out customs,
16 practices and traditions, and to share wild food
17 within their communities.

18 Further, traditional knowledge
19 programs such as Tataskweyak Cree Nation's
20 traditional knowledge learning program, War Lake
21 First Nation's museum and oral histories program,
22 York Factory First Nation's cultural
23 sustainability program, and Fox Lake Cree Nation's
24 youth wilderness traditions program, provide
25 opportunities for the sharing of ATK across

1 generations.

2 There are further mitigations and
3 enhancements in place. These are the, as I
4 mentioned, employee retention and support services
5 contracts, which include cultural training for
6 workers, counselling services, and the
7 implementation of ceremonies at key project
8 milestones to give thanks and show respect for the
9 land.

10 A video of Gull Rapids and the Nelson
11 River will be prepared. There is incorporation of
12 Cree worldview into the assessment, monitoring,
13 and follow-up programs.

14 When examining the interaction with
15 future products or activities on the culture and
16 spirituality of the Partner First Nations, it has
17 been determined that there will be both spatial
18 and temporal overlap between the Keeyask project
19 and construction and operation of the Keeyask
20 transmission project, the Conawapa project, Bipole
21 III project, and Gillam redevelopment.

22 In conclusion, physical alterations to
23 the land and water will occur, thus adversely
24 affecting the Partner First Nation's cultural
25 relationship with the land and water. However, as

1 noted in chapter eight, the adverse effects
2 agreements have been negotiated with each of the
3 Partner First Nations. Moreover, Partner First
4 Nations community review and evaluation will take
5 place during the construction phase with worker
6 family surveys being conducted during the third
7 year of construction.

8 The AEA's that have been negotiated
9 have the flexibility to make adjustments in their
10 programs and to negotiate additional programs if
11 unforeseen or unanticipated effects arise.
12 Therefore, from a cultural and spirituality
13 perspective, the degree of confidence in
14 mitigating the adverse effects is high.

15 Thank you.

16 MS. KINLEY: Thank you, Virginia.

17 So we have walked through the
18 assessment of three key valued environmental
19 components in personal, family and community life,
20 with respect to mercury and health, public safety
21 and worker interaction, and culture and
22 spirituality.

23 In looking at the full list of
24 personal, family and community life valued
25 environmental components, we wanted to provide

1 some high level comments on the balance of
2 evaluating environmental components.

3 In governance goals and plans, the
4 assessment concludes that the Keeyask project will
5 have a positive effect for the Partner First
6 Nations because each has been involved in the
7 planning and assessment of the project and has
8 carefully considered it, including by their own
9 evaluation studies. Each Partner First Nation has
10 concluded that the JKDA and the adverse effects
11 agreement -- they have each concluded the JKDA and
12 the adverse effects agreement and has voted to
13 proceed. In addition, they each have ongoing
14 roles in implementation of the Keeyask project.

15 For community health, multiple
16 pathways of effect were considered, income, worker
17 interaction, country food use, and project related
18 demands on health services. For example, results
19 generally were considered to be adverse during
20 construction because of sudden income and worker
21 interaction, and positive during operations in
22 terms of long-term sources of income for the
23 Partner First Nations through equity and
24 employment and access to country food through the
25 access programs.

1 For travel access and safety, for
2 water-based travel, we see a small adverse effect
3 during construction, but the waterways management
4 program will be in place. It will be positive
5 during operations, as you heard from the physical
6 panel.

7 For road-based travel, it will be
8 adverse during construction with added traffic,
9 but positive during operation with the shorter
10 route between Thompson and Gillam.

11 With respect to the way the landscape
12 looks, our assessment is that it will be adverse
13 during both construction and operation, but
14 measures will be in place to address these
15 changes, in particular ceremonies to ask
16 forgiveness. And the adverse effects agreement
17 programs will strengthen the connection to the
18 land elsewhere, and there will be other measures
19 as well.

20 We'd like to briefly review with you
21 the socio-economic monitoring plan that will be
22 covering all of the subjects that we have been
23 talking about here.

24 The scope of that plan will include
25 economy, population, infrastructure and services,

1 personal, family and community life. The Partner
2 First Nations will play an important role in the
3 socio-economic monitoring. There will be inputs
4 from Aboriginal traditional knowledge, and
5 community-based monitoring will inform
6 socio-economic monitoring.

7 There will also be inputs from aquatic
8 and terrestrial monitoring programs where we have
9 identified pathways to people such as the mercury
10 monitoring in fish.

11 The objectives of the socio-economic
12 monitoring program are to test effects predicted
13 in the EIS, to identify unanticipated effects
14 related to the project, to monitor the
15 effectiveness of mitigation measures, and to
16 determine if adaptive management is required to
17 reduce unanticipated effects, and finally to
18 confirm compliance with any regulatory
19 requirements.

20 In terms of schedule during the
21 construction phase, there will be monitoring of
22 employment, training and business opportunities
23 and labour income, population change with related
24 effects on housing, infrastructure and services,
25 worker interaction, road travel safety, and

1 culture and spirituality.

2 During the operations phase, there
3 will be monitoring of population change in Gillam
4 during the first five years, water levels at Split
5 Lake regarding travel safety and mercury and human
6 health.

7 For economy, the monitoring will
8 include employment to determine overall outcomes
9 during construction, business to determine the
10 success and effectiveness of the efforts to
11 enhance local and Aboriginal business,
12 participation, and general indications of economic
13 impact on Manitoba, as well employment income to
14 provide an indication of the direct economic
15 impact of the project as well as potential
16 indirect and induced economic impacts.

17 For population, infrastructure and
18 services, population will be tracked looking at
19 the extent of population change during
20 construction, and an estimation of project-induced
21 in and out migration, particularly to the Partner
22 First Nation communities in Gillam. Housing will
23 be examined to test the prediction of minimal
24 demand on housing in the Partner First Nation
25 communities in Gillam during the construction

1 phase.

2 Infrastructure and services, to test
3 the prediction of minimal demand on infrastructure
4 and services in the Partner First Nation
5 communities, in particular, and to understand
6 effects from the influx of non-local construction
7 workers on demand for infrastructure and services
8 in Gillam, part of the worker interaction
9 coordinated effort by Manitoba Hydro, the town,
10 and Fox Lake Cree Nation.

11 And finally, transportation
12 infrastructure, there will be ongoing monitoring
13 of water levels at Split Lake that will continue
14 into the operation phase.

15 For personal, family and community
16 life, there will be monitoring of public safety
17 and worker interaction. This will be a
18 coordinated effort across all of Manitoba Hydro's
19 projects, with Manitoba Hydro, the Town of Gillam
20 and Fox Lake Cree Nation. And this will be
21 focused on the construction phase where the
22 overlapping construction phases are the concern.

23 For travel access and safety, during
24 construction, the waterways management program
25 will manage and monitor water and ice-based

1 travel, access and safety, and Manitoba
2 Infrastructure and Transportation will collect
3 traffic statistics regarding Provincial Road 280.

4 During operation, the waterways
5 management program will manage and monitor water
6 and ice-based travel, access and safety.

7 And for culture and spirituality,
8 there will be a worker family survey that will be
9 undertaken.

10 Also for personal, family and
11 community life, as we spoke about yesterday, there
12 will be mercury and human health monitoring during
13 the operations phase when we expect the effects to
14 occur. Every five years starting in 2022, a
15 survey of country food consumption will be
16 undertaken, and that will feed into an updated
17 human health risk assessment every five years
18 after peak mercury levels have been reached, until
19 they come back to background levels. In addition,
20 coming into this analysis, we'll be looking at
21 effects on, mercury effects on fish through this
22 entire period as well.

23 So overall conclusions about the
24 effects on the socio-economic environment, there
25 will be both positive and adverse effects on the

1 socio-economic environment. The degree of
2 certainty with respect to these varies. The Joint
3 Keeyask Development Agreement, adverse effects
4 agreements address and resolve adverse effects of
5 the Keeyask project on the Partner First Nations.
6 Plans are in place to address growth and change in
7 Gillam. And employment benefits are expected to
8 accrue to the Partner First Nations and to
9 residents in the broader regional study area.

10 And now we'd like to turn to resource
11 use, the second of our major groups of valued
12 environmental components.

13 MR. MACDONELL: Good morning
14 Mr. Chairman, commissioners, and everybody else
15 that is here this morning. My name is Don
16 MacDonell, and I will continue our presentation by
17 speaking to you about the resource use component
18 of the assessment.

19 You've seen this slide before.
20 Resource use as defined in the EIS addresses the
21 following subject areas: Domestic fishing,
22 domestic hunting and gathering, commercial
23 trapping, commercial fishing, commercial forestry,
24 mining, recreational resource use, lodges,
25 outfitters and tourism, and protected areas and

1 scientific sites.

2 As Janet has already mentioned, the
3 resource use assessment addresses domestic
4 subsistence, those two words we use
5 interchangeably, commercial and recreational use
6 resources derived from the natural environment,
7 with the addition of scientific and protected
8 areas.

9 Resource use VEC selection was
10 primarily based on three things, importance and
11 value to people, potential for substantial project
12 effects and regulatory requirements.

13 Resource use VECs include domestic
14 fishing, domestic hunting and gathering, and
15 commercial trapping. These three things are very
16 important for Aboriginal subsistence. All three
17 of these activities are conducted in the area
18 directly affected by the project, and they are
19 highly valued as cultural activities sustaining
20 spiritual and emotional relationships with lands
21 and waters and providing ways to share skills and
22 knowledge among generations thereby preserving
23 culture.

24 The local area for resource use is the
25 area depicted in gray on this map, and encompasses

1 the area where resource use will be directly
2 affected by the project. The area is delineated
3 by the boundaries of four affected traplines,
4 seven, nine, 15, and 25, which are confined by
5 Provincial Road 280 to the north, and the rail
6 line to the southeast. The local study area
7 stretches along the Nelson River from Clark Lake
8 in the west to Gillam in the east.

9 The regional study area for resource
10 use provides context for the effects that will
11 occur in the local study area and encompasses the
12 area where we expect to see indirect effects as a
13 result of mitigation.

14 It includes the Split Lake resource
15 management area, including in the War Lake
16 traditional territory, Fox Lake resource
17 management area, and the York Factory resource
18 management area, including the community trapline
19 13.

20 The adverse effects agreements are the
21 key mitigation measure to offset effects on
22 resource use VECs. As Janet has previously
23 mentioned, these were negotiated by each of the
24 Partner First Nation communities to meet their
25 specific needs and each have offsetting programs

1 that address effects to domestic resource use.

2 The offsetting programs within the
3 adverse effects agreements provide substitute
4 opportunities for Partner First Nations to conduct
5 domestic resource use in unaffected areas. They
6 increase opportunities to practice traditional
7 pursuits on the land. They increase the
8 availability of healthy country foods to community
9 members. And if community needs change over time,
10 the agreements are flexible to shift funds among
11 programs or to create new programs. The
12 offsetting programs will be operated in a manner
13 that conserves resources, considers safety of
14 participants and others, and is respectful to
15 other resource users.

16 The construction access management
17 plan is one of the environmental management plans
18 for the project and is another of the key
19 mitigation measures for resource use. The access
20 management plan will mitigate effects both on
21 resource users and by resource users.

22 The purpose of the plan is to manage
23 access to the project site during construction.
24 The objectives of the plan are to provide safe,
25 coordinated access to the project for authorized

1 users, to protect the safety and restrict access
2 to unauthorized individuals who may otherwise
3 enter the project site, and to support sustainable
4 use through protection of the area's natural
5 resources, and to provide worker orientation
6 regarding respect for the surrounding area,
7 fisheries and wildlife resources, heritage
8 resources, and local communities.

9 Private ownership of the road during
10 construction facilitates implementation of a
11 number of access management measures. There will
12 be security gates on the north and south end of
13 the road that will be staffed 24/7. Security
14 patrols will monitor use of the roads. Access
15 road users will include project workers,
16 contractors, Manitoba Hydro staff, authorized
17 users such as resource users that currently
18 utilize the site, and emergency personnel and
19 regulators.

20 There will be conditions on users such
21 as prohibitions on firearms and recreational
22 vehicles on the project site and along the access
23 road.

24 Based on available information, First
25 Nation groups other than the Partner First Nations

1 are not known to use areas directly affected by
2 the project for domestic resource use, that is the
3 resource use local study area.

4 The Manitoba Metis Federation have
5 identified a fishing area in Stephens Lake in an
6 existing report. Frequency, intensity and
7 specific timing of that use were not reported.
8 But if it is current, there is limited spatial
9 overlap with affected areas and, therefore,
10 effects are expected to be negligible. And there
11 is key mitigation in place that applies to all
12 resource users, such as the waterways management
13 program and communication products with respect to
14 mercury in fish.

15 An agreement has been achieved with
16 the Manitoba Metis Federation to conduct a
17 traditional land use and knowledge study, a
18 socio-economic impact assessment, and a historical
19 narrative which we expect to receive shortly.

20 Manitoba Hydro and Pimicikamak Cree
21 Nation are discussing a potential land use study.
22 And Manitoba Hydro, on behalf of the Partnership,
23 is committed to consider any additional
24 information that is received through these
25 products.

1 So domestic fishing is the first VEC
2 of the resource use assessment that I will speak
3 to.

4 Historically, domestic fishing was
5 integral to existence and culture of the Northern
6 Cree, as you have heard from our Cree Partners.
7 Important fishing grounds were used as central
8 gathering places. Fish were critical to the
9 sustenance of Aboriginal peoples, and fishing was
10 conducted concurrent with other resource
11 harvesting activities, generally year-round except
12 possibly at ice on and ice off periods.

13 As you have also heard, previous
14 hydroelectric development has significantly
15 changed conditions in the area. It's altered
16 patterns of domestic fishing, and added hidden
17 cost in terms of safety and increased time and
18 effort to fish. For example, debris mobilized
19 from flooded land can clog nets, decreasing
20 fishing success and increasing time spent on
21 cleaning nets. So along with social changes,
22 these changes have profoundly affected the
23 domestic fishing practices in local areas.

24 Contemporarily, all Partner First
25 Nation communities conducted domestic fishing,

1 typically in close proximity to the communities,
2 and in spring and fall. Pickerel or walleye, as
3 depicted in the top picture, jack fish or northern
4 pike as in middle picture, and whitefish as shown
5 in the bottom picture, are typically harvested
6 close to communities. In the local study area,
7 sturgeon harvest has been documented on Clark and
8 Gull Lakes and also on other water bodies
9 regionally.

10 Due to concerns of poor quality, as
11 you have heard previously during the aquatic
12 presentation, poor quality of fish such as taste,
13 texture and colour, also mercury concentrations,
14 due to these concerns, many Partner First Nation
15 members do not consume fish from the Nelson River
16 main stem. However, fishing continues to be
17 culturally important. Respect and honour are
18 displayed to animals that have been killed, and
19 only enough to eat is taken and shared.

20 Key construction phase effects on
21 domestic fishing will include changes in
22 water-based access caused by cofferdams,
23 causeways, change in flow patterns. These changes
24 will require a period of adjustment by resource
25 users. These effects will be mitigated by the AEA

1 offsetting programs that will facilitate
2 harvesting in unaffected areas, and also by the
3 waterways management program which will facilitate
4 use of the waterways for the domestic fishers that
5 care to continue to harvest in the project area.

6 Competition for resources for the
7 project workforce is not expected to be noticeable
8 to domestic resource users, but is a concern to
9 the Partner First Nations. Again, this will be
10 mitigated by the construction access management
11 plan, which will restrict access to outside
12 resource users by restricting vehicle,
13 recreational vehicle access on site. The AEA
14 offsetting programs will also allow existing
15 domestic fishers to harvest in areas that won't be
16 encroached on by outside users.

17 Key operational effects on domestic
18 fishing include changes to fish as a result of
19 mercury, or changes to palatability, which are
20 expected to change preferences for fish.

21 This will be mitigated again by the
22 AEA offsetting programs, which will allow domestic
23 fishers to harvest in unaffected areas, and also
24 by consumption advisories which will inform
25 domestic fishers that care to fish in the project

1 area on the proper type and number of fish that
2 they can consume safely.

3 120 to 150 people moving into Gillam
4 will increase local recreational resource use.
5 Again, this will be mitigated by the AEA
6 offsetting programs, and also by Provincial
7 harvest restrictions for non-Aboriginal people
8 which will limit harvest to Provincial
9 regulations.

10 Changes in access to the local area
11 may increase competition for resources by other
12 non-Aboriginal resource users. Domestic users
13 will also benefit from better access. And again,
14 the AEA offsetting programs will allow domestic
15 fishers to access unaffected areas, but the
16 provincial harvest restrictions for non-Aboriginal
17 harvesters will also restrict the amount of
18 harvest by these harvesters.

19 Residual effects of the project on
20 domestic fishing include a redistribution of
21 domestic fishing effort. The Partner First
22 Nations regard workforce harvest as having the
23 potential to cause a residual effect.

24 Resource harvesters will need to
25 adjust to new conditions in local areas and also

1 in the new areas that they access, due to the
2 access program. The offsetting programs are
3 expected, though, to have an overall positive
4 effect on domestic fishing, which will be
5 neutralized by the change in the cultural nature
6 of their domestic fishing activities.

7 So the conclusion is that the net
8 effect of the project on domestic fishing is
9 neutral. So, given an overall neutral assessment
10 on domestic fishing, interactions with future
11 projects and activities were not considered.

12 The second resource use VEC that I
13 will be speaking to is domestic hunting and
14 gathering. Again, historically, hunting and
15 gathering was integral to the existence and
16 culture of the Northern Cree. It generally
17 focused on moose, caribou, waterfowl, small game,
18 plants for medicinal purposes, berries and tea.
19 Historically, these resources were critical to the
20 sustenance of the Cree and these continue to be
21 very important today.

22 Resources were harvested throughout a
23 broad region. Waterways were used as the main
24 travel corridors. And as we have heard
25 previously, previous hydroelectric development has

1 disrupted waterway travel on the Churchill and
2 Nelson Rivers and flooded land. And along with
3 social changes, this has substantively affected
4 domestic hunting and gathering activities.

5 Contemporarily, moose hunting occurs
6 in many regional areas, including project affected
7 areas, and is typically conducted by boat.
8 Caribou hunting occurs primarily in winter, and
9 varies spatially depending on the location of the
10 herds. Typically, little hunting occurs in the
11 local study area due to low numbers of animals.
12 However, this can vary from year to year, as you
13 have heard from the terrestrial presentation.

14 Waterfowl hunting typically occurs
15 near communities, although some Partner First
16 Nation members will travel to the coast for this
17 purpose.

18 Small game, rabbit, ptarmigan, grouse,
19 are typically hunted close to communities, but
20 also opportunistically anywhere hunters are
21 present. Gathering of berries, medicinal plants
22 and other plant products typically occurs near
23 communities. No gathering activity has been
24 documented in the local study area by TCN members
25 with the exception for Lillian Island upstream

1 from Gull Rapids.

2 Hunting and gathering remains integral
3 to the cultural identity of the Cree, as we have
4 heard from Karen previously. Respect and honour
5 are displayed to mammals and plants harvested, and
6 only enough to eat is taken and shared.

7 Key construction phase effects on
8 domestic hunting and gathering include again
9 changes in water-based access as a result of
10 cofferdams, causeways, changes in flow patterns
11 and these, of course, will require a period of
12 adjustment by local resource users. These effects
13 will be mitigated by allowing domestic harvesters
14 to -- the AEA offsetting programs will allow
15 domestic harvesters to harvest in unaffected
16 areas, will also be mitigated by the waterways
17 management plan which will facilitate the use of
18 the local area by domestic hunters and gatherers
19 that continue to want to use that area.

20 Competition for resources from the
21 project work force is not expected to be
22 noticeable to domestic resource, but is a concern
23 to the Partner First Nations. Again, this will be
24 mitigated by the construction access management
25 plan which will limit access by outside resource

1 users. During construction, there will be
2 prohibitions on recreational vehicles on site.
3 There will also be prohibitions on storage of
4 firearms on site.

5 Disturbances causing potential
6 reductions to wildlife resources also have the
7 potential to affect hunters and gatherers. The
8 assessments indicate that there will be no
9 noticeable or a small magnitude reduction in
10 wildlife abundance. Ongoing and long-term
11 monitoring will occur. However, any potential
12 effects will also be offset by the AEA offsetting
13 programs, which will facilitate domestic hunting
14 and gathering in unaffected areas.

15 Key operation phase effects on
16 domestic hunting and gathering include shifting
17 patterns of resource use due to the AEA offsetting
18 programs, which will also be a construction phase
19 effect. This is expected to disperse hunting
20 pressures to a broader land base, which may affect
21 other resource users. And this will be managed
22 and monitored by the moose harvest sustainability
23 plan and by the Partner First Nations cultural
24 approach to harvesting. For example, First
25 Nations will adjust harvest to animal abundance,

1 which could include selective harvesting such as
2 taking only bull moose, or adjusting hunting areas
3 in relation to animal abundance.

4 Increasing populations in Gillam and
5 increases in access may also affect domestic
6 hunters that are currently using the project area.
7 This will be managed by Manitoba Conservation and
8 Water Stewardship through recreational harvest
9 restrictions, and there is no licensed hunting of
10 caribou in game hunting area nine that overlaps
11 with the project area. It will also be mitigated
12 by the AEA offsetting programs, again, which will
13 allow the domestic hunters and gatherers to access
14 unaffected sites.

15 So the residual effects of the project
16 on domestic hunting and gathering include a
17 redistribution of domestic hunting and gathering
18 effort. Resource users will need to adjust to new
19 conditions in the local areas, and also in the AEA
20 offsetting areas. Offsetting programs are
21 expected to have an overall positive effect on
22 domestic hunting and gathering, which will be
23 neutralized by cultural changes in the harvesting
24 activities.

25 So our conclusion is that the net

1 effect of the project on domestic hunting and
2 gathering will be neutral.

3 Again, given an overall neutral
4 assessment on domestic hunting and gathering,
5 interactions with future projects and activities
6 were not considered.

7 The third resource use VEC that I will
8 speak to is commercial trapping. Commercial
9 trapping was and continues to be an important
10 component of the social and cultural environments
11 and economy of the north. It's generally
12 practised in the winter when fur is in prime
13 condition, and harvest is tied to a number of
14 factors including fur value, line access, and fur
15 bearer abundance, not to mention the wage economy,
16 the cost of fuel and many other factors.

17 In the last two decades, production
18 has shifted from beaver and muskrat, which are in
19 the first two pictures, the top two pictures, to
20 American marten, which is illustrated in the
21 bottom picture. And over the last decade
22 analysed, actually marten have accounted for
23 almost 70 percent of the harvest in the commercial
24 trapping study area.

25 Though trapping activity has decreased

1 over time, it remains a highly valued cultural
2 activity. Trapping incomes, though much more
3 modest than historic incomes, remain important to
4 many people in the north.

5 Four traplines will be directly
6 affected by the project, trapline 9 by the north
7 access road, trapline 7 by some flooding in the
8 northwest corner of the line, trapline 25 by a
9 very small amount of flooding in the southeast
10 corner, and trapline 15 by project flooding and
11 the north access road.

12 Potential project effects on
13 commercial trapping include construction
14 disturbances, including noise, dust, traffic,
15 changes to safety, forebay clearing on trapline 7
16 and 15, and road construction on trapline 9.
17 These effects will be mitigated by the
18 Construction Access Management Plan on traplines 9
19 and 15, which will limit access during
20 construction to outside resource users, and also
21 by compensation agreements with the trapline
22 holders.

23 Project operation disturbances include
24 the project footprint flooding on trapline 7, 15,
25 25, and traffic noise and dust on traplines 9 and

1 15. These effects will be mitigated by the
2 compensation agreements with each of the trappers.

3 Changes to fur bearer populations will
4 also be mitigated by compensation agreements.

5 Improved access on traplines 9 and 15 over the
6 long term is considered a positive effect and
7 requires no mitigation.

8 In terms of residual effects of the
9 project, compensation agreements with all four
10 affected traplines, improvements in access during
11 operation on traplines 15 and 9, and the cultural
12 components of the adverse effects agreements are
13 expected to offset residual effects on commercial
14 trapping.

15 The conclusion is that the net effect
16 of the project on commercial trapping will be
17 neutral.

18 Given an overall neutral assessment on
19 commercial trapping, interactions with future
20 projects and activities were not considered.

21 The resource use monitoring plan, or
22 RUMP as it is more affectionately known, is a
23 component of the environmental monitoring plans
24 that are being conducted as part of the
25 environmental protection program for the project.

1 The resource use monitoring program is
2 comprised of two components, workforce harvest
3 monitoring, and recreational harvest monitoring.
4 Workforce harvest monitoring will survey the
5 workforce to determine their participation in
6 resource harvesting during the construction
7 period. And for recreational harvest, the study
8 team will work with Manitoba Conservation and
9 Water Stewardship managers to understand resource
10 harvesting trends. In addition, recreational
11 licence demand and recreational harvest will be
12 monitored using Manitoba Conservation and Water
13 Stewardship data to detect changes in demand on
14 the resource.

15 Other relevant monitoring programs
16 that will be conducted that are relevant to
17 resource use include the ATK monitoring, which we
18 expect will give us an understanding of increases
19 in recreational resource use in the area, as well
20 as other insights. Also monitoring from
21 offsetting programs, which we expect to give us an
22 understanding of harvest from the offsetting
23 programs. And the terrestrial aquatic monitoring
24 programs, which will provide an understanding of
25 how wildlife populations are responding to the

1 project.

2 Results from the aforementioned
3 monitoring programs will be synthesized into a
4 report at the completion of construction, and the
5 monitoring results during construction and in
6 operation will be used to inform resource
7 management boards which will provide a forum for
8 resource management decisions. Recreation harvest
9 monitoring will continue for at least eight years
10 post construction.

11 So our overall conclusions with regard
12 to resource use are: There is a high certainty
13 that the long-term benefits of the adverse effects
14 agreements, which were negotiated by the Partner
15 First Nations to meet the specific needs of their
16 members and communities, in combination with other
17 mitigation measures such as the Waterways
18 Management Program and the Construction Access
19 Management Plan will offset adverse effects of the
20 project on resource use.

21 Therefore, it is expected that
22 residual effects of the project on domestic
23 fishing, domestic hunting and gathering, and
24 commercial trapping will be neutral.

25 That concludes my presentation. Thank

1 you. And I will pass the torch to Virginia.

2 MS. KINLEY: I wanted to ask,
3 Mr. Chairman, if -- we have one section
4 remaining -- to go ahead?

5 THE CHAIRMAN: Go ahead.

6 MS. KINLEY: Thank you. So now
7 Virginia Petch will talk about heritage resources.

8 MS. PETCH: Again, I acknowledge you,
9 Mr. Chair, members of the commission,
10 participants, elders and youth, and ladies and
11 gentlemen. I am now pleased to present the
12 heritage resources component of the socio-economic
13 assessment for the Keeyask project.

14 This has been a 13-year journey of
15 learning and discovery. We have been privileged
16 to have had a part in recording the Partner First
17 Nation Cree ancient history within the Keeyask
18 area traditional lands.

19 Heritage resources are considered as a
20 single VEC, or a valued environmental component,
21 because of the status of a non-renewable resource
22 that is protected under the Heritage Resources Act
23 of Manitoba and because of their cultural
24 importance to the Partner First Nations.

25 This slide outlines the regional,

1 local and core study areas. Coming to a decision
2 as to determining the boundaries of the heritage
3 resources study was difficult because of the
4 fluidity of movement of Cree people, which reaches
5 far beyond the artificial boundaries that we have
6 drawn on this map. Nevertheless, our decision to
7 develop regional, local and core study areas was
8 dependent on the extent to which the project would
9 have an effect on heritage resources relative to
10 the proximity of the heritage resource to the
11 project.

12 As such, the regional study area,
13 which is the larger green area, was used to
14 provide context for characterization and overview
15 within a portion of the Swampy Cree traditional
16 lands, at the same time appreciating the
17 interaction with Upland and Rock Cree.

18 In 2000, 42 archeological sites were
19 registered with the Historic Resources Branch as
20 occurring within the regional study area. All of
21 these were on Split Lake and the lower Burntwood
22 region. I will see if I can point to that, down
23 in this area here.

24 The local study area included Clark
25 Lake, Cash, Carscadden, Moose Nose, Stephens,

1 Atkinson and Kettle Lakes and Landing River, also
2 known as Aiken River, plus the core area which is
3 shown on the map here. The focus here was to
4 determine, or to identify proxy sites outside the
5 core study area that would assist in the
6 assessment. Several of these locations were
7 identified by the partner Cree Nations during
8 meetings as areas of traditional use which
9 required investigation. Prior to the Keeyask
10 project, no known heritage resources were
11 registered in the local study area.

12 The reach of river, of the Nelson
13 River between Birthday Rapids and Keeyask Rapids,
14 and I'll point that out to you -- that's Birthday
15 Rapids here, and Keeyask down in this area here --
16 was selected as the core study area because this
17 area will be impacted to varying degrees by the
18 project. This includes a footprint of the
19 generation facility, borrow areas, dykes and
20 access roads. It did not include the Keeyask
21 infrastructure project or the Keeyask transition
22 project which were assessed separately.

23 It needs to be noted that within the
24 broader region, other archeological investigations
25 continue to be conducted in association with the

1 Lake Winnipeg Regulation and the Churchill River
2 Diversion projects through the system-wide
3 archeological program of Manitoba Hydro and the
4 Historic Resources Branch.

5 Before I begin this presentation of
6 assessment, I wish to state that in Manitoba, all
7 heritage resources are protected under the
8 Heritage Resources Act, regardless of cultural
9 affiliation, and all heritage resources are
10 treated with respect and careful handling.

11 According to the Act, the heritage
12 resource includes a heritage site, a heritage
13 object, and any work or assembly of works of
14 nature or of human endeavour that are of value for
15 its archeological, paleontological, prehistoric,
16 historic, cultural, natural, scientific or
17 aesthetic features, and may be in the form of
18 sites or objects, or a combination thereof.

19 Heritage resources are therefore
20 described as the physical reminders of past
21 cultures. They cannot speak to the core cultural
22 values that surround them without an oral
23 tradition. Therefore, tangible heritage resources
24 only considered in the presentation as per the
25 definition of the Act. That said, we respect the

1 value of the intangible milieu in which these
2 resources of the past flourished and were known
3 and which persist to the present.

4 All artifacts therefore have been
5 smudged with sweet-grass and sage, and lay with an
6 offering of tobacco in storage at the lab.

7 Tobacco is also laid at the many shovel tests that
8 were conducted for this project and in the
9 excavation units.

10 Also protected by the Act and by the
11 policy concerning the reporting, exhumation and
12 the reburial of found human remains, are human
13 remains that had been found outside recognized
14 cemeteries or burial grounds. This includes all
15 skeletal elements.

16 Of importance is the need to
17 understand that archeological sites are more than
18 dots on a map where things have been found.
19 Archeological sites represent the evidence of past
20 human occupation on the land, and at some time in
21 the distant past an individual sat making a tool,
22 leaving behind the scatter of waste flakes. More
23 often than not it is the pattern of scatters that
24 give evidence of the past. We cannot know for a
25 surety the cultural history behind a single

1 artifact because we did not live the moment.

2 As I noted, prior to the Keeyask
3 project, no archeological sites were recorded
4 within the core study area. The oral tradition of
5 the Partner First Nations, however, was and
6 continues to be very much alive and greatly
7 assisted in the understanding cultural preference
8 for site. The oral narrative spoke of small
9 settlements at Gull Lake. This knowledge was
10 complimented by the record of the Hudson Bay
11 Company archives and the diocese of Keewatin
12 Anglican Church archives, and by physical evidence
13 found at various locations.

14 In examining the historical and
15 current context, to date as a result of the
16 ongoing investigations and salvage operations that
17 are taking place, 114 new archeological sites have
18 been located within the local and core study
19 areas. This increases the overall total of the
20 regional study area to 176 sites. The majority of
21 sites are affiliated with pre European contact
22 period.

23 Perhaps one of the most outstanding
24 recoveries was that of a found human remain which
25 were dated to 4,800 years before present. The

1 remains have been re-interred by the Partner First
2 Nations. In addition, projectile points
3 associated with this time period referred to as
4 archaic have been found on the north side of Gull
5 Lake.

6 Another astounding site located at
7 Clark Lake, one of our proxy sites, reveal
8 cultural occupations for the past 5,000 years. It
9 was here that the majority of artifacts were
10 recovered. Radio carbon dating from two samples
11 provided dates of 1,700 years before present, that
12 is about A.D. 250, and 1620 BP, or 390 A.D. This
13 site at Clark Lake represents one of the most
14 major gathering places of pre European contact
15 people in Northern Manitoba, and is several
16 hectares in area. The area nearby continues to be
17 used by descendants of these early people.

18 All the artifacts that were collected
19 during the 13 years of field investigations have
20 been catalogued, scanned and temporarily stored in
21 the lab. At the completion of the hearings, the
22 artifacts will be turned over to the province, to
23 the Historic Resources Branch, and plans for
24 repatriation of the artifacts to the Keeyask
25 Resource Centre Museum in Split Lake are under

1 way, negotiations between TCN and the Province.

2 During the process of heritage
3 resources impact assessments, Partner First Nation
4 elders, resource users, youth and their community
5 representatives actively worked with us in both
6 planning and implementing field work programs.

7 This was especially appreciated in the selection
8 of proxy sites and areas of heritage concern which
9 were identified by the partners. These proxy
10 sites included Atkinson, or Fox Lake, Kettle Lake,
11 Cash Lake, Carscadden Lake, Stephens Lake, Moose
12 Nose Lake, Landing River and Clark Lake.

13 During this time, we developed two
14 high school credit programs through the TCN and
15 War Lake First Nation educational authorities,
16 with elders' involvement. All together, 11
17 students participated in these programs. They
18 received six weeks of classroom instruction with
19 high school credit, traditional knowledge
20 instruction from the elders, and practical field
21 experience, and they received a wage for their
22 assistance.

23 Two Tataskweyak Cree Nation students
24 were further trained by myself in archival
25 research methods at the Manitoba archives and at

1 the diocese of Keewatin archives in Keewatin,
2 Ontario. One of the students continued to work as
3 a part-time employee as she attended university.

4 Further to this, a field program was
5 held at the Split Lake School where students
6 participated in a shoreline survey of their
7 reserve. And on the job archeological field
8 training was also provided to our First Nation
9 support staff.

10 As a result of the many years of
11 investigation, over 30,000 artifacts were
12 recovered. Many of these were fragments of
13 animal, fish and bird bone, which help us to
14 understand what people were eating and the season
15 that they may have used the area.

16 Scatters of stone waste flakes assist
17 in determining activity areas within a settlement
18 and distance travelled to acquire certain kinds of
19 stone material. And diagnostic projectile points
20 and pottery fragments provide an indication of the
21 relative time period of occupation, movement
22 across the land, signature design, and perhaps
23 inter-band marriages.

24 For the construction phase, linkages
25 were sought between the heritage resources and the

1 project environmental effects that could cause
2 change on the status of heritage resources. At
3 the submission of the EIS in 2012, it was
4 determined that permanent disturbance or loss of
5 seven known archeological sites are likely to
6 occur during the construction phase of the
7 project.

8 Continued field studies indicate that
9 a further three sites are likely to be permanently
10 disturbed or lost during the construction phase.
11 This brings the total to 10 heritage resource
12 sites that are likely to be affected by
13 construction.

14 Given that the number of recorded
15 sites continues to increase, we expect that there
16 will likely be permanent loss of currently unknown
17 heritage resources. There is also the potential
18 for increased traffic over areas of unknown and
19 known heritage resources. These will cause
20 permanent change in the interpretive capacity of
21 the site location.

22 During the operation phase, the
23 reservoir impoundment will affect remaining 57
24 registered sites within the core study area.
25 Shoreline erosion caused by flooding or

1 fluctuating water levels will affect heritage
2 resources and there will be permanent loss of
3 historically known cultural landscapes and the
4 ability of the Partner First Nations to orally
5 recount their history at this location.

6 Given the pending loss of heritage
7 resources within the core study area during
8 construction, mitigation in the form of
9 archeological salvage of the affected sites will
10 continue. In addition, annual monitoring under
11 the preliminary heritage resources protection
12 plan, which I will discuss shortly, will be done.
13 Plans are currently in place, in progress to
14 identify and develop a cemetery and memorial
15 marker for any found human remains within the
16 heritage core study area that may be found during
17 this phase. This location will be determined in
18 the spring of 2014 with the Partner First Nations.
19 There will be implementation of the preliminary
20 heritage resources protection plan commencing with
21 the issuing of the environmental licence. There
22 will be education and awareness training of the
23 project workers regarding heritage. And further,
24 Tataskweyak Cree Nation's adverse effect agreement
25 includes measures that facilitate the display and

1 interpretation of heritage resources through the
2 Keeyask Resource Centre's Museum and oral history
3 program.

4 As noted earlier, TCN expressed its
5 intent to the Province to repatriate all the
6 Keeyask project artifacts with a view to creating
7 culturally appropriate displays and
8 interpretations, and future educational travelling
9 displays. War Lake's AEAs also include a program
10 to display artifacts as part of the museum and
11 oral history program.

12 During the operation phase, mitigation
13 will consist of shoreline surveys and
14 archeological salvage of known sites prior to
15 reservoir creation. The waterways management
16 program will be implemented and will include
17 periodic seasonal monitoring of the shoreline and
18 reclamation of disturbed sites through ongoing
19 salvage.

20 The significance of residual effects
21 has been determined as adverse for both
22 construction and operation phases. However, with
23 the mitigation measures that have been described,
24 it has been determined that there will be no
25 significant adverse effect.

1 Interaction with future projects and
2 activities occurs with the Keeyask transmission
3 project during both construction and operation
4 phases of the Keeyask project.

5 Given the mitigation and monitoring
6 associated with both projects, no additional
7 mitigation or monitoring will be required and the
8 conclusion from the residual effects significance
9 does not change.

10 I would like now to turn your
11 attention briefly to the Preliminary Heritage
12 Resources Protection Plan. The Heritage Resources
13 Protection Plan falls within the Environmental
14 Protection Plan, along with other environmental
15 management plans.

16 The Preliminary Heritage Resource
17 Protection Plan has been drafted by the
18 Partnership, Partner First Nations and Manitoba
19 Hydro to address adverse environmental effects to
20 heritage resources that may arise during the
21 construction phase of the Keeyask project.

22 The Preliminary HRPP is modelled after
23 the earlier Wuskwatim project but tailored by the
24 Partner First Nations to reflect their worldview.
25 This document provides a set of guidelines to the

1 field construction and Manitoba Hydro staff
2 regarding the likely discovery of heritage
3 resources during construction.

4 This document was crafted with core
5 Cree concepts, and Manitoba's Heritage Resources
6 Act providing the foundation. Of most importance
7 were value and respect of key culture and tangible
8 heritage, keeping foremost the intangible
9 associations between the physical and culture,
10 stewardship of all persons, meaningful involvement
11 of the Partner First Nations, and culturally
12 appropriate application of protocols within the
13 HRPP. But compliance with the Act, the Manitoba
14 Heritage Resources Act, is compulsory.

15 This plan will be finalized after
16 receipt of the licence terms and conditions and
17 approval from the Historic Resources Branch. It
18 will be implemented under the project's
19 environmental protection program, managed by
20 Manitoba Hydro on behalf of the partnership.

21 In conclusion, heritage resources
22 within the core study area will be lost, primarily
23 due to the reservoir impoundment. This is
24 inevitable. However, measures are in place to
25 mitigate these losses.

1 To recap, those mitigation measures
2 are current and ongoing salvage prior to
3 construction, and a reservoir impoundment,
4 implementation of ongoing shoreline monitoring,
5 the Heritage Resources Protection Plan, the
6 Waterways Management Program, and Manitoba Hydro's
7 system-wide archeological program.

8 There is a positive side to the
9 heritage resources assessment, however humble it
10 may be. The project has afforded the opportunity
11 for archeological investigations that may
12 otherwise not have occurred. It echos what the
13 Partner Cree Nations have spoken, that they have
14 been living in their traditional lands since time
15 immemorial.

16 School designed programs have provided
17 students with hands-on opportunities to work
18 alongside their elders and trained archaeologists.
19 For both the project and the Partner First
20 Nations, greater understanding of the physical
21 evidence of past people has been made available.
22 Thank you.

23 MS. KINLEY: Thank you, Virginia.
24 And, Mr. Chairman, that concludes the presentation
25 of the Socio-economic Resource Use and Heritage

1 Resources Panel.

2 THE CHAIRMAN: Thank you, Ms. Kinley,
3 and thank you to the presenters.

4 Before we take a break, I have a
5 couple of things I want to say. Some people in
6 the room seem to have forgotten the admonishment,
7 or my admonishment on the first day, or perhaps
8 they weren't present when I asked that
9 conversations in the room not happen. I don't
10 want to embarrass people, but if it continues I
11 will call them out. It shows disrespect for the
12 presenters. And I would ask that if you need to
13 have a conversation, please leave the room. And
14 as I said on day one, take it down the hall, not
15 into the doorway.

16 Second thing, when we return we will
17 begin cross-examination. Out of a sense of some
18 fairness, I'm going to change the order of
19 cross-examination. I'm just going to start
20 dropping down the list, so that the first group up
21 this morning will be the Peguis First Nation,
22 we'll then go down the list, and then return to
23 the top of the list.

24 We'll take a 15 minute break and come
25 back at 11:15, please.

1 (Proceedings recessed at 11:00 a.m.
2 and reconvened at 11:15 a.m.)

3 THE CHAIRMAN: Can we reconvene,
4 please? We will begin cross-examination of the
5 socio-economic panel. First up today is Peguis
6 First Nation, Ms. Guirguis.

7 MS. GUIRGUIS: Thank you, Mr. Chair,
8 good morning commissioners, good morning panel.
9 Thanks for your presentation yesterday and this
10 morning.

11 As Mr. Chair has mentioned, my name is
12 Cathy Guirguis. I'm counsel for Peguis First
13 Nation. I believe some of you have met my
14 colleague, Lorraine Land, who was here at the
15 beginning of the hearing. I'll be here for the
16 next couple of weeks.

17 So I have a few themes of questions to
18 go through with you based on the presentation and
19 based on the information on socio-economic
20 effects. And I'm hoping not to take much more
21 than an hour this morning.

22 So I wanted to start off just with
23 some of the information in the presentation in the
24 supporting volume that talks about the Lake
25 Winnipeg Regulation and the Churchill River

1 Diversion. And you would agree that this has
2 created a major disruption to the water regime of
3 the Nelson watershed?

4 MS. KINLEY: Could you indicate to us
5 where you are speaking from?

6 MS. GUIRGUIS: Absolutely. So I'm
7 quoting from page 5133, I believe that's section
8 5.3.5.1.1 of the supporting volume. And it says
9 at the beginning of that section:

10 "Since the 1960s, the LWR and CRD
11 projects have changed the water regime
12 of the Nelson Red River resulting in
13 adverse effects on travel, access and
14 safety."

15 MS. KINLEY: Yes, I have it now.

16 MS. GUIRGUIS: Thank you. You'd agree
17 with me that the LWR and CRD created a major
18 disruption of the water regime of the Nelson River
19 watershed?

20 MS. KINLEY: Yes.

21 MS. GUIRGUIS: And you'd agree with me
22 that it has caused socio-economic impacts to First
23 Nation communities such as the Keeyask Cree
24 Nations, among others?

25 MS. KINLEY: Yes.

1 MS. GUIRGUIS: And in that same
2 section, you have talked about the various other
3 agreements that had been concluded, the Northern
4 Flood Agreement in 1977, and other agreements that
5 have been concluded with First Nation agreements
6 to deal with those effects?

7 MS. KINLEY: Yes.

8 MS. GUIRGUIS: Are you aware of any
9 other agreements about socio-economic impacts
10 between Manitoba Hydro and other First Nations in
11 the Lake Winnipeg Regulation area that have dealt
12 with the impacts from changes to the water regime
13 post Lake Winnipeg Regulation?

14 MS. KINLEY: We are aware of other
15 agreements with the Northern Flood Agreement
16 communities.

17 MS. GUIRGUIS: Sorry, what was that?

18 MS. KINLEY: We are aware of other
19 agreements with the Northern Flood Agreement
20 communities.

21 MS. GUIRGUIS: Flood agreement
22 communities, under the Northern Flood Agreement is
23 what you're referring to?

24 MS. KINLEY: Yes, um-hum.

25 MS. GUIRGUIS: Okay. So does Manitoba

1 Hydro have agreements with First Nations with
2 respect to social and economic impacts from the
3 hydro system in the north, or water management in
4 the north, about impacts that have taken place
5 upstream in the Lake Winnipeg area?

6 MS. COLE: No, we do not.

7 MS. GUIRGUIS: Okay, thank you. So
8 you have also noted in the socio-economic volume,
9 and if you'd like, I can get you the reference.
10 In the socio-economic volume at 2.2.2, overview of
11 hydro development, first order effects.

12 You made note that since the 1950s,
13 Manitoba Hydro has been transforming waterways
14 that have changed water levels, flows, character
15 of land, and the traditional territories of
16 various communities, and have greatly altered the
17 lives of the Keeyask Cree Nations, correct?

18 MS. KINLEY: Which page are you
19 specifically looking at?

20 MS. GUIRGUIS: Sorry, so it's section
21 2.2.2, page 2-10.

22 MS. KINLEY: Um-hum, okay.

23 MS. GUIRGUIS: So you would also agree
24 with me that this 50 years of transformation and
25 the 35 plus hydro projects of the waterways,

1 modifications of the flows and levels have
2 impacted other communities other than the Keeyask
3 Cree Nations, correct?

4 MS. KINLEY: We are aware of other
5 communities, yes.

6 MS. GUIRGUIS: Okay. If I can just
7 take you back, I think it was with you, Ms. Cole,
8 that my colleague, Lorraine Land, she had a
9 conversation with you about whether or not someone
10 at Manitoba Hydro, or anybody at Manitoba Hydro
11 was aware of the claims that my client, Peguis
12 First Nation, has against Hydro for flooding in
13 their communities, that they attribute to the
14 management of water in the north by Hydro, and
15 that they have been very voiceful and very open
16 about the devastation that their community has
17 felt. That's correct, right?

18 MS. COLE: I am aware that that's the
19 position of your client, Peguis First Nation, and
20 certainly we did discuss that when Ms. Land was
21 here.

22 MS. GUIRGUIS: Okay. So with that
23 knowledge, though, there's no analysis or
24 assessment of potential social and economic
25 impacts upstream in the Lake Winnipeg area?

1 MS. COLE: The purpose of the Keeyask
2 Environmental Impact Assessment is to assess the
3 effects of Keeyask. The purpose is not to assess
4 the effects of all past developments, with the
5 exception of where those effects may overlap with
6 the effects of the Keeyask generation project. So
7 the extent that we have looked at past
8 developments, it's to look at where those effects
9 may overlap with the potential effects of the
10 Keeyask generation project.

11 MS. GUIRGUIS: Okay. So you would
12 agree with me, though, that you're not looking at
13 the Keeyask generation project as a silo, as just
14 one piece? You are looking at it in terms of how
15 it adds to the existing system, correct?

16 MS. COLE: We did also have that
17 conversation when Ms. Land was here, and we did
18 talk about the potential for system effects as
19 part of the physical environment panel, as well as
20 the panel and approach to the regulatory
21 assessment. And during the course of that
22 conversation, it was stated quite clearly by
23 Mr. Rempel, in both cases, that we did look at the
24 potential for system effects and the changes to
25 the operation of our system as a result of

1 Keeyask. And that we do not believe that there
2 will be any discernible effects as a result of the
3 addition of Keeyask into Manitoba Hydro's
4 integrated system.

5 So given that, from our perspective
6 there would not be overlap outside of the areas
7 that have been discussed with respect to Keeyask
8 in terms of effects.

9 MS. GUIRGUIS: So given that then, I
10 take your position to be that there was no need to
11 do any kind of investigation or assessment related
12 to my client's concerns about the potential, the
13 existing and the potential socio-economic effects?

14 MS. COLE: In terms of socio-economic
15 effects, while not specifically identified, we do
16 look at pathways of effects from our projects.
17 And one of the primary pathways of effects for
18 communities is, specifically in relation to social
19 and economic effects, are pathways of effects
20 linked to employment. And so those pathways would
21 have been considered within the context of your
22 client and within the northern Aboriginal region.

23 MS. GUIRGUIS: Okay. So let's go on
24 from there in terms of the example of employment.
25 Because that leads me to another question that I

1 had. You did highlight in the presentation the
2 benefits that are going to come from the project,
3 the employment opportunities that are going to be
4 there that were never there before.

5 Would it be fair to say that assessing
6 the project, looking at the project components and
7 doing this assessment, is also an opportunity to
8 find ways, or to highlight ways in which it's
9 going to improve the current situation that
10 currently exists?

11 MS. KINLEY: In doing a socio-economic
12 assessment, we look at what the positive effects
13 may be of a development, and the adverse effects.
14 And from the point of view of a practitioner doing
15 environmental assessment, we very much want to
16 reduce the adverse effects and enhance the
17 positive effects of a development, to the extent
18 that that's feasible. That's part of what we do
19 in working with people.

20 MS. GUIRGUIS: Okay. So you want to
21 reduce the adverse effects. And one of the things
22 that you used as an example was the employment and
23 that it's going to be adding a benefit. Would you
24 agree with me that it's also an opportunity to
25 find ways -- let me step back from that. The

1 Keeyask generation project is adding to this
2 existing system. So would you agree with me that
3 one of the things that the assessment can do, and
4 the review of this project can do, is provide an
5 opportunity to improve on or mitigate existing and
6 potential impacts that are ongoing, particularly
7 upstream of the entire system?

8 MS. KINLEY: The focus, however, for
9 us as practitioners is to look at the effects of
10 the actual Keeyask project. If those overlap with
11 other effects, we can look at those. But really
12 the primary consideration in doing an impact
13 assessment is to look at the effects of a
14 development.

15 MS. GUIRGUIS: Okay, thank you.

16 So we have heard a lot about the
17 approach of the assessment, the two tracks. And
18 in this panel, you discuss that again. And it's
19 evident that the concerns raised by the Keeyask
20 Cree Nations formed some of the basis for measures
21 to deal with identified impacts or potential
22 impacts.

23 So if I can turn to the discussion in
24 the supporting volume about the disruption of
25 travel patterns along the Burntwood/Nelson

1 watershed because of decades of hydro development,
2 that's page 5-128.

3 MS. KINLEY: I have it, thank you.

4 MS. GUIRGUIS: So there you talk about
5 the reduced ability to travel, the impacts on
6 activities and lifestyle. Is this only considered
7 then with respect to the four Keeyask Cree
8 Nations?

9 MS. KINLEY: The discussion that's
10 included in this section focuses on the local
11 study area where we expect there to be overlaps
12 with the Keeyask project. So this is the focus,
13 is in the local study area.

14 MS. GUIRGUIS: Correct. The focus is
15 in the local study area. Did you only consider
16 the effects on members of the Keeyask Cree
17 Nations, is my question?

18 MS. KINLEY: On travel?

19 MS. GUIRGUIS: Yes, on travel.

20 MS. KINLEY: As we mentioned, the
21 Waterways Management Program that is in place, the
22 purpose of that is to provide safe travel for
23 everyone who uses that area.

24 MS. GUIRGUIS: Okay. What about for
25 the consideration of traditional land uses? Was

1 that only with respect to the Keeyask Cree
2 Nations?

3 MS. KINLEY: Again, we looked at
4 effects with respect to the areas affected in the
5 local study area. We have -- the majority of
6 information that we have is from the Keeyask Cree
7 Nations, from the Partner First Nations.

8 However, there certainly has been
9 efforts to obtain information from other
10 Aboriginal groups who may use that area for
11 traditional purposes. And in particular, there
12 was a study that -- there is a study that we're
13 hoping to see soon, that the MMF is undertaking
14 with respect to traditional land use and knowledge
15 study with respect to that area.

16 MS. GUIRGUIS: Yes, I noted, so you
17 mentioned the MMF and you mentioned Pimicikamak
18 Cree Nation. Any other First Nations that you're
19 taking steps to get that information from?

20 MS. COLE: When we sat down and walked
21 through the Regulatory Approach Panel, one of the
22 things we discussed is the extensive Public
23 Involvement Program undertaken by the Partnership.
24 And the purpose of that program is to understand
25 perspectives and concerns with respect to the

1 project, including potential traditional land uses
2 and how people feel they may be affected by the
3 project from a wide variety of communities,
4 organizations and other groups. And that program
5 was quite extensive, took place throughout
6 Northern Manitoba, and included open houses as
7 well in Winnipeg, Thompson and Gillam. And that
8 PIP did provide information on potential use of
9 the area by others, including by the MMF, which is
10 part of the reason that we're in discussion with
11 them.

12 MS GUIRGUIS: Thank you for that. And
13 I think that it was discussed before, I have
14 reviewed the transcripts I think with my colleague
15 in terms of when our client received the
16 invitation to come. So I don't think that bears
17 repeating here.

18 But I am trying to understand the
19 extent to which this panel -- this panel is
20 presenting on the social and economic assessment,
21 the assessment on social and economic effects. So
22 I am trying to understand which First Nation
23 communities were primarily involved, and what
24 proactive steps were taken to find out what the
25 social and economic impacts are on other

1 communities? Because we have heard a lot about
2 the adverse effects agreements concluded with
3 these communities. But I'm wondering whether you
4 can confirm that you never assessed such land and
5 water use for other First Nation communities,
6 except for the ones you have ongoing, which is
7 Pimicikamak and MMF, with respect to use in the
8 area of other First Nations such as my client?

9 MS. COLE: Well, we have filed a
10 request for information from the Federal
11 Government, a response to CCEA 14, which includes
12 an assessment of land and resource use by not just
13 Pimicikamak and the MMF, but also by Shamattawa.
14 And to build a little bit on the lead into your
15 question, that is the entire purpose of the public
16 involvement program, is for the partnership to
17 meet with communities, organizations and other
18 individuals to gain a better understanding of how
19 they believe they may be affected by the project.
20 That's the primary venue. From there, there may
21 be other activities that take place, but that is
22 the purpose of the Public Involvement Program.

23 MS. GUIRGUIS: So the Public
24 Involvement Program that's already taken place,
25 are there ongoing opportunities -- and I note that

1 on one of your slides, I'm sorry, I don't have the
2 number in front of me, where you did mention that
3 you are undertaking these land use studies with
4 MMF, and possibly with Pimicikamak Cree Nation,
5 that you are open to receiving new information.
6 So is it the position of the Partnership that
7 there is a possibility to enter into further
8 adverse effects agreements based on that new
9 information?

10 MS. COLE: It would entirely depend on
11 the nature of the information that came forward
12 and what the effects may be.

13 MS. GUIRGUIS: Okay, thank you. So
14 part of what you were discussing, being the
15 adverse effects agreements, with the four Keeyask
16 Cree Nations, I'm assuming that those would be an
17 inclusive scheme about the proactive steps that
18 are being taken to ensure that the Keeyask Cree
19 Nation worldview about seeing themselves as
20 stewards of the environment -- that's correct,
21 right, that that's the Keeyask Cree worldview?

22 MS. COLE: Ask the Cree.

23 MS. GUIRGUIS: Would that be fair to
24 say?

25 MR. BLAND: Just give me one second.

1 MS. COLE: Could you repeat the
2 question for us, actually? I don't know that it
3 was entirely clear.

4 MS. GUIRGUIS: Sure. The Cree
5 worldview sees the Cree people as stewards of the
6 environment?

7 MR. BLAND: Yes.

8 MS. GUIRGUIS: Okay. And so the
9 adverse effects agreement, it sets out what
10 proactive steps are going to be taken to ensure
11 that that responsibility as being stewards of the
12 environment is fulfilled?

13 MR. BLAND: One second, please?

14 MS. GUIRGUIS: Sure.

15 MR. BLAND: No.

16 MS. GUIRGUIS: Okay. So going back to
17 what you were saying about the potential for --
18 I'm sorry, referring back to what you were saying
19 about the potential, based on the information that
20 you might receive about other First Nations being
21 interested that there's the possibility to enter
22 into these agreements, is there also any
23 opportunity for First Nations that have concerns
24 in the area and also feel that it's the
25 responsibility of stewards of the environment, is

1 there that potential to come to an agreement about
2 fulfilling that responsibility, that obligation?

3 MS. COLE: I think we're confusing the
4 purpose of the adverse effects agreement and the
5 role of stewards of the environment. I don't view
6 the two as one in the same, and I think Ted has
7 also indicated they are not one in the same.

8 Certainly, the goal of the
9 partnership, the goal throughout has been that we,
10 as much as possible, mitigate adverse effects. So
11 that has been our primary goal, working together
12 to mitigate adverse effects. Then we have looked
13 to offset any adverse effects -- first to avoid
14 adverse effects. That's been the first level.
15 Then we look to mitigate adverse effects then
16 offset. And then finally, we enter into adverse
17 effects agreements. And on an ongoing basis,
18 there's long-term monitoring associated with the
19 project that also contributes to that role as
20 stewards. So it's a lot more than just the
21 adverse effects agreements that have been entered
22 into with the communities.

23 MS. GUIRGUIS: Okay. So I understand
24 your position, but that's not kind of a complete
25 code.

1 MR. BLAND: I was just wanting to add
2 to that. I will also be doing a presentation on
3 the Moving Forward Panel probably early next week,
4 and that will discuss the monitoring.

5 MS. GUIRGUIS: Great. Thank you for
6 that. That's helpful. Because where this
7 question is going in terms of, with respect
8 specifically to social and economic impacts,
9 whether there's the opportunity for other First
10 Nations, or where does that space exist or where
11 does that opportunity exist for other First
12 Nations that are concerned about these effects to
13 have a role in ongoing monitoring?

14 MS. COLE: Well, we do have a
15 monitoring panel coming up, but I'll speak to it
16 at a high level. The Partnership, under the terms
17 of the licence, will be responsible for
18 undertaking monitoring for this project. So the
19 partnership has developed monitoring that it
20 believes is appropriate to understand the
21 experienced effects of the project and how well
22 mitigation is working. All of the information
23 collected through that monitoring program will be
24 made publicly available, and there are contact
25 information on the partnership's website,

1 including phone numbers as well as e-mails. And
2 at any time, if there is a concern or an interest
3 to discuss further the results of monitoring, or
4 the outcomes of studies, that opportunity always
5 exists. Individuals, members of the public, other
6 First Nations are more than welcome to contact us,
7 and we are more than happy to sit down and meet at
8 any time and have a conversation about those
9 concerns.

10 MS. GUIRGUIS: So you're saying that
11 there's going to be no further opportunity for a
12 more formal role for other First Nation
13 communities?

14 MS. COLE: At this point in time, it's
15 the Partnership that is responsible for
16 undertaking monitoring related to the project. So
17 the Partnership, which includes four First
18 Nations, have developed a monitoring program. So
19 at this point in time, no, there is no role for
20 your client specifically in that monitoring
21 program.

22 MS. GUIRGUIS: Okay. So I can take
23 that to also mean that there would be no
24 opportunity, or significant opportunity for them
25 to be able to voice their specific concerns.

1 MS. COLE: No, actually I don't
2 believe that's true. If your client has concerns
3 with respect to the project, just as if anyone has
4 concerns with respect to the project, they are
5 more than welcome to contact the partnership at
6 any time. We take all concerns seriously and are
7 more than willing to sit down and discuss the
8 effects of the Keeyask project with your client.

9 MS. GUIRGUIS: Okay. Thank you.

10 So I wanted to shift this to a
11 discussion of the heritage study areas that we
12 just reviewed. And thank you for the information
13 about the sites that have been located.

14 One clarification, when you are
15 talking about the heritage resources and the sites
16 that have been designated, that doesn't include
17 ceremonial sites?

18 MS. PETCH: Not unless they have been
19 identified and reported to the Historic Resources
20 Branch and receive a number and are registered
21 with the Province.

22 MS. GUIRGUIS: Okay. And for
23 identifying those sites, did you talk to any other
24 First Nations that have historically used the
25 area, or currently use the area, to identify and

1 locate these sites and resources?

2 MS. PETCH: The existing site record
3 is based on the Province of Manitoba's Historic
4 Resources Branch's archeological inventory. All
5 sites that are registered with the Province were
6 the sites that were identified on the map and in
7 the report.

8 The sites that were added to the
9 inventory was sites that we, as an archeological
10 team, identified during our investigations over
11 the 13 years.

12 The Partner First Nations assisted us
13 in identifying areas based on cultural preference,
14 and through the oral tradition that have been
15 passed down to them from their elders as to where
16 things had occurred in the time past. So that was
17 the record that was used.

18 MS GUIRGUIS: Okay. So that would be
19 a no, that you didn't speak to any other First
20 Nations?

21 MS. PETCH: Just the First Nations
22 within the Partnership.

23 MS. GUIRGUIS: Thank you. And I would
24 assume that that's the same with respect to any
25 measures that have been undertaken or agreed to,

1 to prevent desecration of these sites, where that
2 has been undertaken?

3 MS. PETCH: The historic resources --
4 the Heritage Resources Act sets out in very clear
5 terms the handling and management of heritage
6 resources within any particular area. So those
7 are the -- that is the basis that we use for
8 protecting and ensuring that sites are not going
9 to be damaged or desecrated. There are areas that
10 some of the elders told us about that have been
11 long gone due to natural events, fire, the natural
12 erosion of some areas. So we know that there are
13 some sites that have been lost. But for
14 desecration of sites, it's very difficult to
15 monitor huge areas from a provincial standpoint.
16 The Province relies on people within a community
17 to identify and to keep an eye out on some of the
18 sites. The Heritage Resources Protection Plan is
19 going to provide opportunities for ongoing
20 monitoring of sites within the area.

21 MS. GUIRGUIS: Okay. I'm not sure if
22 that -- I appreciate the information but I'm not
23 sure if that really answered what I was asking.

24 So is there no -- was there no
25 discussion with the Keeyask Cree Nations about how

1 to protect the sites?

2 MS. PETCH: The Heritage Resources
3 Protection Plan was developed with the Cree Nation
4 Partners and/or -- pardon me, with the Partner
5 First Nations, and under the Historic Resources
6 Act. So there are a number of things that were
7 used, but the Partners certainly contributed
8 greatly to the drafting of the document. And it
9 is, as you will have read, that it is a very
10 culturally appropriate document that's been
11 approved by the First Nation Partners.

12 MS GUIRGUIS: Okay. And so then my
13 question is, it's been approved by these First
14 Nations, no other First Nations, correct?

15 MS. PETCH: They are the Partner First
16 Nations. It has to be approved by the Historic
17 Resources Branch once licensing is received.

18 MS. GUIRGUIS: Okay. So we'll take
19 that as a no other First Nations?

20 MS. PETCH: Also Vicky has just said,
21 it's a preliminary plan in its first draft. And
22 so if there are other comments, they will be
23 included in the document.

24 MS. GUIRGUIS: Other comments just
25 from the public?

1 MS. PETCH: I'm sure from other First
2 Nations, but right now we have a document in place
3 that has been developed by the Partner First
4 Nations with the historic, the Heritage Resources
5 Act as one of the compulsory basis that we have
6 for monitoring and protection plans.

7 MS. GUIRGUIS: Okay. Thank you.

8 So the last theme I wanted to talk
9 about was the discussion of access to country
10 food. So the discussion of country foods and the
11 measures you have noted as dealing with concerns
12 about impacts on access to country foods, as I
13 understand it, much of the traditional way of
14 harvesting, including where it's going to be
15 harvested, is going to be displaced by this
16 project, correct?

17 MS. KINLEY: Could you say that again,
18 please?

19 MS. GUIRGUIS: Sure. As I understand
20 it, much of the traditional harvesting and where
21 it's going to be harvested is going to be
22 displaced by this project; is that correct?

23 MR. MACDONELL: No, I don't think
24 that's correct.

25 MS. GUIRGUIS: Okay. So the

1 offsetting programs of getting people to go
2 elsewhere for hunting and fishing, isn't that what
3 those programs are?

4 MR. MACDONELL: They are to offset
5 some of the negative effects on resource
6 harvesting related to the project.

7 MS. GUIRGUIS: And offsetting it
8 through getting people to go elsewhere to access
9 these resources?

10 MR. MACDONELL: Yes, but I believe you
11 said "much".

12 MS. GUIRGUIS: I believe I said,
13 sorry?

14 MR. MACDONELL: I believe that you
15 said "much" in the first statement that you made.

16 MS. GUIRGUIS: Much of the traditional
17 harvesting, okay. So some of the traditional
18 harvesting exercise of rights, access to resources
19 is going to be located now elsewhere?

20 MR. MACDONELL: Correct.

21 MS. GUIRGUIS: Okay. So you have
22 talked about how the Keeyask Cree Nations will
23 have to go farther, have to change their regular
24 practices in order to get access to these foods.
25 That's correct?

1 MR. MACDONELL: Some of the members
2 will need to travel farther, if they choose to do
3 so. The offsetting programs provide the
4 opportunity for them to do that.

5 MS. GUIRGUIS: And so I want to go to
6 the noted health concerns, that this could
7 interrupt, you know, the foods that they are used
8 to eating on a day-to-day basis, and those foods
9 are considered healthy. So now my question is
10 whether you have considered impacts on access to
11 country foods for other First Nations as well?

12 MR. MACDONELL: Could you be more
13 specific about that question?

14 MS. GUIRGUIS: Absolutely.

15 So I believe, again earlier, at an
16 earlier panel, the terrestrial environment panel,
17 my colleague was speaking to some of the panelists
18 about other First Nations, including my client,
19 that traditionally hunt moose, how the drop in
20 moose populations has pushed that harvesting
21 practice to the north. And that is an access to a
22 country food. And I'm wondering whether or not
23 that social and economic effect has been
24 considered here?

25 MR. MACDONELL: Well, I think as Rob

1 had mentioned, that the terrestrial team is well
2 aware of the issues with moose management, and
3 moose management in other areas of the province.

4 If there is a need, or if there is
5 a -- if other resource users are planning on
6 coming north as a result of some other issue down
7 south that's unrelated to the project, that
8 resource use is going to happen regardless of
9 whether the project is there or not. And I think
10 what's important here is that with the project, we
11 have a number of things in place now, such as the
12 moose harvest sustainability plan, that can take
13 those sorts of potential increased harvest that
14 have nothing to do with the project into account,
15 and sort of basically ensures that we have a
16 sustainable harvest.

17 I just want to point out as well that
18 we have, I think the Partnership has no
19 understanding of any plans of anybody to come into
20 the area to participate in moose hunting that's
21 not there currently.

22 MS. GUIRGUIS: But you are aware of
23 the collapse of the moose population in the south,
24 that has been discussed, and that that has meant
25 that there's further pressures coming up north,

1 right?

2 MR. MACDONELL: That could mean that
3 there's further pressures coming up north. We
4 don't expect people actually to come into this
5 area just because of the low densities of moose,
6 but we can't predict where individual moose
7 hunters will end up. But I think that anything
8 that's related to that will happen regardless of
9 whether the project is there or not. And I think
10 the conditions that are in place post project with
11 the moose harvest sustainability plan, means that
12 we are actually in a better shape to handle that
13 than we would be without the project.

14 MS GUIRGUIS: But whether or not the
15 project is there, the project will have potential
16 impacts on the moose population in the area.
17 That's correct, right?

18 MR. MACDONELL: I think you would have
19 to direct that to the terrestrial people.

20 MS. GUIRGUIS: Yes. And I believe
21 that it was, so I know that this discussion has
22 taken place already. And so based on that, I'm
23 trying to get an understanding of whether this
24 panel, and in this section, it's been considered
25 how access to country foods, namely moose, is

1 going to be impacted for other First Nations?

2 MR. MACDONELL: I think that the
3 conclusions of the terrestrial team was that there
4 was a small unnoticeable effect to the moose
5 population. I may be wrong. I don't want to
6 speak for the terrestrial team. But as I said,
7 any additional harvest that comes into the area
8 will be coming in regardless of whether the
9 project is there or not. And the moose harvest
10 sustainability plan actually puts something in
11 place that will ensure that that resource is
12 harvested in a sustainable manner.

13 MS. GUIRGUIS: And that the
14 availability of the country foods will be there?
15 That the populations can sustain that kind of
16 increased pressure?

17 MR. MACDONELL: I can't speak to
18 whether those populations -- I think, again, you
19 would have to put that to the terrestrial team.
20 But, you know, I don't think that it's possible to
21 anticipate, although I think it is anticipated
22 that there's not going to be an increase in
23 harvest from outside areas just because of the
24 density of moose there. But I think that the fact
25 that the sustainability plan is in place there

1 provides an understanding of where moose are
2 available and where they aren't available. And
3 that the resource management board will be able to
4 take appropriate steps, and the First Nation take
5 appropriate steps to handle any other additional
6 harvest that may take place that they have no
7 control over.

8 MS. GUIRGUIS: Okay. And I take your
9 point about the terrestrial environment panel, and
10 I do believe it was discussed there. Why I'm
11 putting the question here is because of the
12 identified socio-economic effect or VEC about
13 access to country foods.

14 So what I would like to confirm is
15 that there has been no analysis then of the
16 impacts on access to moose by other First Nations
17 harvesting in the area?

18 MR. MACDONELL: I think at this point,
19 we are not aware of any other groups that are
20 coming into this area to harvest. We don't have
21 any understanding of any other groups that may be
22 coming into the area to harvest. And I think that
23 the terrestrial team, and you'll have to speak to
24 the terrestrial team about their modeling, has
25 incorporated the known and anticipated harvests

1 into their moose models. And that's where that
2 sustainability plan stands.

3 MS. GUIRGUIS: Thank you. Okay.
4 Thank you. Those are all my questions.

5 MR. BLAND: I need to make a
6 correction on the question where you asked about
7 the adverse effects agreement and whether we
8 played a role in terms of stewardship.

9 We do have a stewardship program,
10 environmental stewardship. It is funded, or will
11 be funded by the First Nation in the agreement.
12 But we also, as I pointed out, have a monitoring
13 plan with the Keeyask Limited Partnership, and
14 that is where most of our focus has been to
15 develop the monitoring plan. And the stewardship
16 program that we have in our adverse effects
17 agreements is kind of like something to fall back
18 on. And we're using the money that's provided by
19 the Partnership.

20 MS. GUIRGUIS: Okay, thank you very
21 much for that.

22 THE CHAIRMAN: Thank you,
23 Ms. Guirguis.

24 Mr. Williams, you have about a half an
25 hour until lunch break.

1 MR. WILLIAMS: I'm not sure if it's
2 good morning members of the panel, or good
3 afternoon, I think I'm right on the border.

4 THE CHAIRMAN: It's a minute after
5 noon.

6 MR. WILLIAMS: Good afternoon members
7 of the panel.

8 THE CHAIRMAN: Thank you.

9 MR. WILLIAMS: And also to members of
10 the Hydro, excuse me, the Partnership panel.

11 Just for the board and others in the
12 room, we have pulled a few excerpts from chapter 3
13 of the supporting materials of the partnership.
14 There's a few tables there. And rather than have
15 you flip back and forth, we thought that would be
16 useful.

17 Ms. Kinley, I believe that most of my
18 questions this morning will be for you. I know
19 you come from that Intergroup stable of gifted
20 mathematicians. I may have a couple of very basic
21 percentages. I don't know if you have a
22 calculator nearby or if you wanted to borrow mine,
23 or just trust me?

24 MS. MAYOR: Counsel advises against
25 that.

1 MR. WILLIAMS: My learned friend,
2 Ms. Mayor, suggests get a calculator.

3 And, Ms. Kinley, I will, from time to
4 time, be trying to reconcile some information in
5 chapter 3 of the socio-economic supporting
6 materials. So if you have that available, and
7 page 3-19, I'm not going to be quite there but
8 we're going to be coming to that in a couple of
9 moments.

10 And I don't see the slides up on the
11 wall, but just to start with, perhaps we can go to
12 slide 47?

13 MS. KINLEY: Okay.

14 MR. WILLIAMS: Good afternoon,
15 Ms. Kinley. In terms of direct income that may
16 flow into the local study area from the Keeyask
17 project, would I be correct in suggesting too that
18 there are three potential streams of direct
19 income, being employment income, business income
20 and investment income? Would that be fair?

21 MS. KINLEY: Yes.

22 MR. WILLIAMS: I can't hear you, I'm
23 sorry?

24 MS. KINLEY: Yes.

25 MR. WILLIAMS: And part of your

1 exercise that you conducted, along with your
2 colleagues in chapter 3 of the socio-economic
3 supporting materials, was to provide some
4 estimates in terms of two of those streams of
5 direct income, being employment income and income
6 from business. Agreed?

7 MS. KINLEY: Employment income was
8 estimated, direct employment income was estimated
9 in chapter 3. Business income was not, and equity
10 income was not.

11 MR. WILLIAMS: Okay. We'll come back
12 to business income in just one second.

13 And of course, at least conceptually,
14 there also could be indirect income flowing into
15 the local study area through multiplier effects.
16 Agreed?

17 MS. KINLEY: Correct, yes.

18 MR. WILLIAMS: It would be fair to say
19 that for the purposes of your analysis in chapter
20 3 of the socio-economic materials, that you did
21 not attempt a quantitative estimate of multiplier
22 effects within the local study area?

23 MS. KINLEY: Correct. We used a
24 qualitative approach.

25 MR. WILLIAMS: Within chapter 3, we

1 would not find any estimates of the potential
2 beneficial effect of conceivable future projects
3 such as Conawapa. Agreed?

4 MS. KINLEY: That's correct. The
5 overall methodology that was used for the
6 assessment only carried forward -- only carried
7 the cumulative effects that are laid out in
8 chapter 6, we only carried those forward to look
9 at overlaps with future projects when they were
10 adverse. It was a conservative approach.

11 MR. WILLIAMS: And I'm not criticizing
12 you for that, I'm just clarifying.

13 You would agree, though, that in the
14 event Conawapa does proceed, those persons with
15 training and experience with capital project
16 construction, such as involved as Keeyask, could
17 find their services in some demand?

18 MS. KINLEY: It depends on the timing,
19 yes.

20 MR. WILLIAMS: And so for those who
21 have acquired training, skills and experience on
22 the workplace through their involvement with
23 Keeyask, there are potentials for income benefits
24 beyond those presented in chapter 3 of your
25 report?

1 MS. KINLEY: Yes.

2 MR. WILLIAMS: And this can go to you,
3 or to Ms. Sanderson or Mr. Bland, to any of you.
4 But certainly part of the intent in terms of
5 creating a brighter future for the Keeyask Cree
6 Nations is the hope that the experience gained
7 through Keeyask can be transferred into future
8 projects such as Conawapa. Agreed?

9 MS. KINLEY: If I can just clarify,
10 it's Ms. Anderson.

11 MR. WILLIAMS: And I have dealt with
12 you before, Ms. Anderson, I'm very sorry about
13 that. My apologies. You'll forgive me?

14 MS. ANDERSON: No problem.

15 MR. WILLIAMS: Thank you.

16 MR. BLAND: In answer to that
17 question, yes.

18 MR. WILLIAMS: Ms. Kinley, back to
19 you. In terms of the business opportunities to
20 the KCN from the Keeyask project, we have already
21 discussed in the course of this hearing, you will
22 be aware of roughly 203 million associated with
23 directly negotiated contracts. Agreed?

24 MS. KINLEY: Yes, that's correct.

25 MR. WILLIAMS: And as an experienced

1 analyst, you would agree that the degree of profit
2 realized from those business ventures will depend
3 on a variety of circumstances, including efficient
4 management. Agreed?

5 MS. KINLEY: There are a variety of
6 factors involved.

7 MR. WILLIAMS: And one of those would
8 be efficient management?

9 MS. KINLEY: Yes.

10 MR. WILLIAMS: And you indicated
11 earlier that you didn't estimate the business
12 income from this project. Did I hear you
13 correctly before?

14 MS. KINLEY: The specific profit.

15 MR. WILLIAMS: Right. But would it be
16 fair to say that in the course of chapter 3, you
17 gave some insight into the potential magnitude of
18 the net income that might flow from the directly
19 negotiated contracts? And if you need to refresh
20 your memory, I think it's pages 105 and 106, 3-105
21 and 106, and a little piece of that is in the
22 materials before the board.

23 MS. KINLEY: 105 and 106 you said?

24 MR. WILLIAMS: Yes, with a 3 and a
25 dash in front of them.

1 MS. KINLEY: The table at page 3-105,
2 table 3-25 deals with an estimate of gross
3 employment income from the Keeyask Generation
4 Project.

5 MR. WILLIAMS: Ms. Kinley, I'm just
6 directing your attention to the bottom of 3-105,
7 and as it flips over into 3-106.

8 MS. KINLEY: Okay. Yes, I see that.

9 MR. WILLIAMS: It would be fair to say
10 that in the course of your production of this
11 chapter, you did provide an order of magnitude
12 sense of where the business income might flow,
13 assuming efficient management as well as targeted
14 return of 10 percent. Fair enough?

15 MS. KINLEY: That's a very, yes,
16 very --

17 MR. WILLIAMS: Were you going to say
18 very good?

19 MS. KINLEY: It's an estimate.

20 MR. WILLIAMS: Yes, it's an estimate,
21 sorry. And in essence, you said that assuming
22 efficient management, you might be looking at
23 business income from the DNC, or directly
24 negotiated contracts, upwards or beyond
25 \$15 million. Fair enough?

1 MS. KINLEY: That's what it says.

2 MR. WILLIAMS: And of that, it would
3 be fair to say that assuming it was in the range
4 of 15 to \$20 million, that not all of that would
5 flow to the Keeyask Cree Nations due to the
6 partnership nature of their arrangements on direct
7 negotiated contracts?

8 MS. KINLEY: Yes.

9 MR. WILLIAMS: Based on this order of
10 magnitude estimate, would it be fair to assume
11 that a reasonable upper bound, in terms of net
12 income from the business, would be in the range of
13 \$10 million, Ms. Kinley?

14 MS. KINLEY: I'd rather not speculate
15 on that.

16 MR. WILLIAMS: It would be less than
17 15?

18 MS. KINLEY: Yes.

19 MR. WILLIAMS: Yes. And when we look
20 at that estimate of less than \$15 million for the
21 Keeyask Cree Nations in terms of business income,
22 we are talking over the life of the project,
23 agreed, that temporal time frame?

24 MS. KINLEY: Yes.

25 MR. WILLIAMS: So we're not talking

1 that as an annual figure, but as a figure that one
2 might expect assuming efficient management over
3 the Keeyask construction experience. Agreed?

4 MS. KINLEY: I believe that's correct.

5 MR. WILLIAMS: Ms. Kinley, if you --
6 within the little cheat sheets I handed out, if
7 you wanted to direct your attention to table 3-5,
8 which is found at page 3-32. And, Ms. Kinley, if
9 you also had page 3-19 available for you?

10 Now, Ms. Kinley, when I look at table
11 3-5, am I correct in suggesting to you that this
12 is a table portraying the estimated Keeyask labour
13 supply -- excuse me, the estimated labour supply
14 of the Keeyask Cree Nations, roughly juxtaposed
15 against some of the significant job categories
16 associated with Keeyask?

17 MS. KINLEY: That's correct.

18 MR. WILLIAMS: Not a very well asked
19 question, but thanks for bearing with me.

20 And just a point of clarification,
21 first of all, under the 2014 year, and you have
22 got in terms of the KCN labour who were involved
23 in the HNTEI, you have set out 95 individuals who
24 were trained with regard to construction support
25 and service trades. Agreed?

1 MS. KINLEY: Yes.

2 MR. WILLIAMS: Now, Ms. Kinley, to get
3 more precision of that figure of 95, and if you do
4 need to check, you can check on page 3-19, am I
5 correct in suggesting to you that 95 persons was
6 composed of 47 in construction support and 48 in
7 business and management?

8 MS. KINLEY: That's right.

9 MR. WILLIAMS: So in terms of the KCN
10 individuals who were trained in business and
11 management, they would not be classified a part of
12 the supervisory stream, they were intended to be
13 streamed into construction support. I am right on
14 that?

15 And just for the powerpoint person,
16 you might want to -- we'll probably be turning to
17 slide 33 in a couple of moments.

18 MS. KINLEY: Could you ask your
19 question again?

20 MR. WILLIAMS: Ms. Kinley, I'm just
21 focusing on the 48 persons trained in business and
22 management. And I'm trying to get my head around
23 whether they were more properly designated for
24 supervisory positions, or whether they are
25 properly designated in construction support and

1 service trades?

2 MS. KINLEY: Sorry, I just wanted to
3 confirm about the HNTEI training. The types of
4 trades, or types of skills that we're talking
5 about are clerical, also computer application,
6 accounting, admin. support, post-secondary
7 upgrading, and that type of thing.

8 MR. WILLIAMS: Okay. Thank you for
9 that.

10 So would I be correct in suggesting
11 that within the HNTEI, there was not really
12 training towards the supervisory stream?

13 MS. KINLEY: Again, I'd like to confir
14 the details.

15 I'll just confirm for you that, first
16 of all, that the HNTEI training program was a
17 community-based training -- sorry, it was a
18 community-based training program undertaken with
19 the Partner Cree Nations, plus Manitoba Metis
20 Federation, MKO as well. The focus of each of
21 those community-based training programs was -- the
22 focus was undertaken by, or it was designed by
23 each of the individual communities that were
24 leading that training in their communities. To my
25 knowledge, there was not a supervisory training

1 program per se that was identified as part of any
2 of those training programs.

3 MR. WILLIAMS: Thank you.

4 And certainly to Ms. Anderson or
5 Mr. Bland, hopefully I have got Ms. Anderson's
6 name correct now, if there's anything you'd like
7 to add to Ms. Kinley's answer, please feel free.

8 MS. ANDERSON: So I just want to add
9 that we did provide training plans for members who
10 took training, and some of them, the types of
11 training that they took, we are hoping that they
12 will lead to supervisory positions. So that's
13 our -- in Fox Lake anyway.

14 MR. BLAND: In our partnership with
15 Fox Lake and Sodexo, we also built that in as part
16 of one of our mechanisms is to have our staff move
17 up in terms of hierarchy, and go in to the
18 supervisory roles. One second. We do have a red
19 seal chef because Sodexo is catering, we do have
20 one of our own members who is a red seal chef who
21 is working with our members and people that are
22 interested in taking cooking up to another level,
23 he's there to help and he's there to train people,
24 and move up.

25 MR. WILLIAMS: I have a bit of a cold.

1 I have heard you, but -- so can I just, I'll ask
2 Ms. Anderson, and back to you, Mr. Bland.

3 Ms. Anderson, just so I understand, in
4 terms of the HNTEI training undertaken within Fox
5 Lake, would it have been the hope or expectation
6 that it would lead to, some of the positions would
7 lead to supervisory positions, either within Hydro
8 or contractor supervisory positions?

9 MS. ANDERSON: Yes, I think all of our
10 members had that goal in mind. They want to
11 advance their training and go higher up, not just
12 stay at a stagnant level.

13 MR. WILLIAMS: And, Mr. Bland, would
14 that be fair as well to suggest that within those
15 taking training at York Factory, one of the
16 objectives would have been to move into
17 supervisory positions?

18 MR. BLAND: Yes.

19 MR. WILLIAMS: Now, Ms. Kinley, I
20 still want to stay on slide -- excuse me, not
21 slide, but table 3.5. And here is where you can
22 either accept my math subject to check or put me
23 to the test of your calculator.

24 Focusing, I want to direct your
25 attention to the estimate by the partnership in

1 terms of the KCN labour supply resulting from the
2 HNTEI as of 2014. Would I be correct in
3 suggesting to you that roughly 13 percent of the
4 individuals trained through the HNTEI were trained
5 for the purposes of a designated trade?

6 And, Ms. Kinley, just so you
7 understand my math, I am suggesting 31 divided by
8 242 will yield 13 percent?

9 MS. KINLEY: Yes.

10 MR. WILLIAMS: And similarly, when we
11 move over one column to the estimated KCN total
12 labour supply related to Keeyask, would I be
13 correct in suggesting to you that the designated
14 trade population as a whole was roughly
15 18 percent, derived by dividing 85 by 480?

16 MS. KINLEY: Yes.

17 MR. WILLIAMS: And, Ms. Kinley, am I
18 correct in suggesting to you that carpenters
19 account for more than one-half of the KCN members
20 in the designated trades? It's not on that table.
21 If you need a reference, it's page 3-32.

22 Will you accept that subject to check
23 or do you want to go check me up, Ms. Kinley?

24 MS. KINLEY: Further down that page,
25 it says 45 percent.

1 MR. WILLIAMS: I think 45 got trained
2 through the HNTEI. I just want to go a little
3 farther and suggest to you that within the total
4 population of the designated trades, more than
5 half of the KCN members within that category are
6 carpenters.

7 Ms. Kinley, it's page 3-32, if you
8 need a reference?

9 MS. KINLEY: Yeah.

10 THE CHAIRMAN: Perhaps we can take a
11 break for lunch and they can find a response over
12 lunch. So we'll come back at 1:30.

13 (Proceedings recessed at 12:30 and
14 reconvened at 1:30 p.m.)

15 THE CHAIRMAN: Okay, we will
16 reconvene. Mr. Williams, I think you were
17 awaiting an answer, were you not?

18 MR. WILLIAMS: Yes. And Ms. Kinley,
19 you would agree that half of the trade positions
20 associated with the -- in terms of the Keeyask
21 Cree Nation are carpentry positions?

22 MS. KINLEY: Yes, it says carpenters
23 account for more than half of the KCN members in
24 the designated trades.

25 MR. WILLIAMS: Just if we could go

1 into the CAC exhibit and to the table being table
2 3-22, that is on page 3-95 of the handout.

3 Ms. Kinley, I want to direct your
4 attention to the bottom line of that table where
5 you will see that the estimated total demand
6 associated with the Keeyask project is 4,218 EFTs,
7 or equivalent full times. Agreed?

8 MS. KINLEY: 4,218 person years.

9 MR. WILLIAMS: Person years. Thank
10 you for that.

11 And Ms. Kinley, in terms of that
12 demand, would I be correct in suggesting to you
13 that it is the designated trades which is the
14 single highest component of the estimated demand
15 for the Keeyask project?

16 MS. KINLEY: We would have to check
17 that in terms of, I think it is in one of the
18 other -- yes, correct.

19 MR. WILLIAMS: And designated trades
20 account for roughly 1 in 3 of the total estimated
21 person years associated with Keeyask. Agreed?

22 MS. KINLEY: Yes.

23 MR. WILLIAMS: And then if we threw in
24 supervisory positions, those two categories, being
25 designated trades and supervisory, would account

1 for well over half of the person years associated
2 with Keeyask. Agreed?

3 MS. KINLEY: Yes.

4 MR. WILLIAMS: And Ms. Kinley, when we
5 direct our mind back to the Keeyask Cree Nations,
6 you would agree with me in terms of their
7 available labour force, it is in the designated
8 trades and the supervisory positions where they
9 are relatively weak in terms of numbers. Agreed?

10 Ms. Kinley, to put it another way, the
11 hottest demand from Keeyask is in the designated
12 trades, and that is a relatively small percentage
13 of the Keeyask Cree Nations available labour
14 force. Agreed?

15 MS. KINLEY: I wouldn't use the word
16 hottest, but I would say the largest demand is for
17 designated trades, yes.

18 MR. WILLIAMS: So you are agreeing
19 with my proposition?

20 MS. KINLEY: Yes.

21 MR. WILLIAMS: And in essence, there
22 is to some degree a skills mismatch between what
23 the project requires and what is currently
24 available from the Keeyask Cree Nations. Agreed?

25 MS. KINLEY: A construction project of

1 this kind has a large requirement for designated
2 trades and supervisory skills. I don't think it
3 would ever be a -- it would be anticipated that
4 the community, the Keeyask Cree Nations or the
5 partner First Nations would have the ability to
6 fulfill the scale of designated trades and
7 supervisory positions that are required of a
8 project of this magnitude.

9 MR. WILLIAMS: It would be fair to say
10 that the skill sets which are most available to
11 the Keeyask Cree Nations are in relatively low
12 demand in the Keeyask project, as compared to the
13 designated trades?

14 MS. KINLEY: In the matching that was
15 done between the skill sets in the Partner Cree
16 Nations, Partner First Nations, and the project,
17 there was substantive uptake of substantive
18 opportunities for the skill sets that are in the
19 Keeyask Cree Nations.

20 MR. WILLIAMS: No doubt, Ms. Kinley.
21 But there just weren't a lot of people from the
22 Keeyask Cree Nations in that designated trade
23 area. Agreed?

24 MS. KINLEY: In the designated trade
25 area there are not a huge number of people who are

1 available to take those positions. That was one
2 of the reasons that the HNTEI program was brought
3 into place, was to try to increase the skill set
4 relative to the project.

5 MR. WILLIAMS: But of course, if we
6 look at the HNTEI program, only 13 per cent of the
7 Keeyask population who took it were in the
8 designated trades?

9 MS. KINLEY: Correct. The other thing
10 we should note, though, is that each of the
11 communities that undertook a community based
12 training program under HNTEI chose to -- chose the
13 types of places to focus that training. And so I
14 think the other, I won't speak for the Cree
15 Nations, but there are -- the focus of the
16 programs was where they felt that they wanted the
17 efforts to be placed, and that also included skill
18 sets that were relevant to the communities
19 themselves, in transferable skills that could be
20 used in other locations in the region, and in the
21 community itself.

22 MR. WILLIAMS: Fair enough.

23 Ms. Kinley, I want to turn to a
24 different subject, related but different. I see
25 you have a note there if you want to --

1 MS. KINLEY: That's fine.

2 MR. WILLIAMS: Ms. Kinley, it would be
3 fair to say, looking at the potential labour force
4 among northern Aboriginal residents, that it has
5 been growing quite rapidly. Agreed?

6 MS. KINLEY: Yes.

7 MR. WILLIAMS: And you would agree
8 with me that one of the key factors in the growth
9 of the northern Aboriginal labour force is the
10 relatively high proportion of that population in
11 the younger age groups. Agreed?

12 MS. KINLEY: Yes.

13 MR. WILLIAMS: And looking forward now
14 instead of backward, it would be fair to say that
15 we would expect continued relatively rapid growth
16 of the northern Aboriginal labour force. Agreed?

17 MS. KINLEY: I would say relative to
18 the Manitoba labour force, the rate of growth is
19 slowing slightly in the Aboriginal population, but
20 nevertheless it is a growing segment of the
21 population and the labour force.

22 MR. WILLIAMS: And one of the drivers
23 looking forward is, again, that relatively younger
24 proportion of the Aboriginal population who are
25 younger?

1 MS. KINLEY: Yes.

2 MR. WILLIAMS: Now, Ms. Kinley, going
3 back to table 3-5, you present for the purposes of
4 your modeling exercise the KCN labour supply
5 results from 2014, and then you project them
6 forward to 2021. Agreed?

7 MS. KINLEY: Yes.

8 MR. WILLIAMS: And would it be fair to
9 say that over that 7 year period you project quite
10 relatively small growth from 2014 through to 2017?
11 Only 35 persons, agreed?

12 MS. KINLEY: Um-hum, yes.

13 MR. WILLIAMS: And roughly, if we took
14 that 35 over 480, that would be roughly 7 per cent
15 growth over a 7 year period, Ms. Kinley. Agreed?

16 MS. KINLEY: Yes.

17 MR. WILLIAMS: Would it be fair to say
18 that one of the limiting factors in terms of the
19 growth of a labour force, a trained labour force,
20 with the skills for Keeyask, is the absence of
21 community training opportunities such as those
22 offered through HNTEI?

23 MS. KINLEY: The HNTEI was a major
24 effort between 2002 and 2010 that did result in
25 substantive training that was undertaken. There

1 are other training opportunities beyond that but
2 they aren't of the scale of the training that was
3 undertaken for HNTEI.

4 MR. WILLIAMS: Fair enough. And I
5 have your point about the scale. And it would
6 also be fair to say that the extent there may be
7 opportunities for training new young labour force
8 entrants from the KCN communities, they would tend
9 to be in regional centres such as Thompson and The
10 Pas, rather than in the KCN communities?

11 MS. KINLEY: I don't think that I can
12 offer you a specific answer to that question.
13 Each of the communities under HNTEI has developed
14 a community based training facility or a training
15 capacity. If you look at the training centre in
16 Nelson House, for example, that is a facility that
17 continues on today.

18 MR. WILLIAMS: That was Nelson House
19 you were speaking of?

20 MS. KINLEY: Yes, I'm just giving you
21 an example.

22 MR. WILLIAMS: Ms. Kinley, if you need
23 a reference it is on this very page. But isn't
24 some of the driving factors between the relatively
25 low growth in the trained labour force available

1 for Keeyask driven by the fact that there is less
2 training opportunities and they are tending to be
3 offered in places far away? That's why you
4 projected slower growth. Agreed?

5 MS. KINLEY: That's fair.

6 MR. WILLIAMS: Was that a yes?

7 MS. KINLEY: Yes.

8 MR. WILLIAMS: You probably don't need
9 to turn there, but slide 31 if that will help.

10 Ms. Kinley, you will agree that in
11 terms of the Hydro Northern Training and
12 Employment Initiative, there were roughly about
13 595 participants who completed training in job
14 categories required for the project construction.
15 Agreed?

16 MS. KINLEY: That's what it says, yes.

17 MR. WILLIAMS: Yes?

18 MS. KINLEY: Yes.

19 MR. WILLIAMS: And it would be fair to
20 say that many of those individuals have already
21 got experience in construction through the
22 Wuskwatim project. Agreed?

23 I don't need a number. Is that a safe
24 proposition, Ms. Kinley?

25 MS. KINLEY: I don't know how many, I

1 would say some.

2 MR. WILLIAMS: You don't track?

3 MS. COLE: We do. If you will give us
4 a moment, I will get a number for you.

5 MR. WILLIAMS: Sorry, Ms. Cole, I
6 misunderstood your answer. I'm not looking -- so
7 there has been some, okay.

8 Ms. Kinley, let's take a hypothetical
9 example of a high school graduate from one of the
10 KCN communities in 2019? Let's assume that person
11 is aspiring to work on the next project, Conawapa.
12 Would it be fair to say that that person might be
13 disadvantaged in two regards? First, they might
14 not have access to the HNTEI programming; and
15 second, that they would lack the experience of
16 working on projects like Keeyask and Wuskwatim?

17 MS. COLE: It is not entirely possible
18 for us at this point to speculate ahead to
19 Conawapa. Certainly someone graduating from high
20 school would not have the opportunity to
21 participate in HNTEI, which was undertaken
22 specifically for the purposes of Keeyask and
23 Wuskwatim. But that doesn't necessarily negate
24 that Manitoba Hydro and potentially other funders
25 wouldn't look at offering a program for Conawapa.

1 So it is certainly something that is being
2 considered within the context of that project, but
3 I don't think it is fair to say that that type of
4 training doesn't exist.

5 MR. WILLIAMS: Let's back up, Ms.
6 Cole, if you would for a second? Let's take that
7 same graduate, but let's assume it is 2015 that
8 they graduate. Their ability to compete for jobs
9 related to Keeyask, I will suggest to you, is
10 impaired by the absence of HNTEI?

11 MS. KINLEY: I think it depends on the
12 type of work, the type of skill, the type of job
13 that we are speaking about. And I think it is
14 also important to point out that the project has a
15 number of other measures that will give an
16 advantage to people who are from the Partner First
17 Nations. First and foremost is the preference
18 system that's been put in place that provides
19 first preference to those people in the
20 Churchill/Burntwood/Nelson area for all who can be
21 brought into those jobs, they have first
22 preference. And for the Partner First Nations,
23 that includes people located anywhere within the
24 Province of Manitoba, not just Northern Manitoba.
25 So that is a very substantive advantage that

1 people from the Partner First Nations would have.

2 The other thing that would give the
3 person in 2015 an advantage is that direct
4 negotiated contracts are -- there are a series of
5 direct negotiated contracts that are being -- that
6 are sitting with the Partner First Nations. One
7 of the advantages of the direct negotiated
8 contracts is that under section 2.9 of the
9 Burntwood/Nelson Agreement, those firms can
10 directly hire people, they don't have to go
11 through the job order process. So there is an
12 extra advantage for people who are able to connect
13 with those firms in the Partner First Nations and
14 can be hired directly on.

15 MR. WILLIAMS: And thank you for that.

16 For a recent graduate seeking to work
17 on the project, otherwise than the DNC, they would
18 still face the barriers of lack of training.

19 Agreed?

20 MS. COLE: Not necessarily. It would
21 entirely depend on the type of job they were
22 interested in seeking on the project and the
23 nature of the skills required to undertake that
24 job.

25 MR. WILLIAMS: Thank you.

1 Ms. Kinley, going to your modeling
2 exercise, in terms of the estimates for jobs for
3 the KCN in terms of Keeyask, you estimated a low
4 estimate of the number of jobs and a high estimate
5 of the number of jobs. Agreed?

6 MS. KINLEY: Yes, that's right.

7 MR. WILLIAMS: And within your model
8 you allowed for and incorporated recognition of
9 certain barriers to employment. Agreed?

10 MS. KINLEY: Yes.

11 MR. WILLIAMS: One of those barriers
12 was the extent to which local trades people and
13 HNTEI trainees had appropriate and sufficient work
14 experience to be treated as qualified. Agreed?

15 MS. KINLEY: Yes.

16 MR. WILLIAMS: Another of the barriers
17 which you recognized and incorporated into your
18 model was the extent to which qualified workers
19 would be attracted to work on project construction
20 jobs. Agreed?

21 MS. KINLEY: Yes, it is not the type
22 of work for everyone.

23 MR. WILLIAMS: And, Ms. Kinley, as you
24 were one of the key authors of this chapter, I
25 want to explore these barriers a little bit

1 further for the next couple of minutes. Okay?

2 MS. KINLEY: Um-hum.

3 MR. WILLIAMS: I don't think that you
4 need to turn there, but around pages 327 to 329 of
5 this chapter -- it is not in the handout.

6 MS. KINLEY: I will just get them so
7 we are on the same page.

8 MR. WILLIAMS: And, Ms. Kinley, I'm
9 not quoting anything, but would it be fair to say
10 that within the KCN, one of the barriers that
11 their communities face is underfunding of
12 on-reserve schools. Would that be fair enough?

13 MS. KINLEY: Yes.

14 MR. WILLIAMS: And another challenge,
15 and certainly if Mr. Bland or Ms. Anderson want to
16 fill in, I'm focusing on the model, but if I'm
17 misstating anything, you will just correct me.
18 Another challenge within those communities is that
19 the students expecting to work on hydroelectric
20 program developments were not taking the courses
21 required for those jobs, such as sciences and
22 math. That's a challenge that you have identified
23 in your report?

24 MS. KINLEY: Yes.

25 MR. WILLIAMS: And it would be fair to

1 say that another challenge identified in your
2 report was the shortfalls in terms of available
3 childcare which would give people the freedom to
4 take courses. That was another barrier
5 identified. Agreed?

6 MS. KINLEY: Yes.

7 MR. WILLIAMS: And moving from
8 training towards employment, it would be fair to
9 say that another challenge identified in your
10 report, again related to childcare and the
11 challenges of assuming full-time job
12 opportunities, given childcare responsibilities.
13 Agreed?

14 MS. KINLEY: Yes.

15 MR. WILLIAMS: If you just want to
16 turn to slide 42 for a second, and Ms. Cole, this
17 might be you or it might be Mr. Bland and
18 Ms. Anderson, I will leave it up to your panel.
19 Recognizing infrastructure deficits within the KCN
20 communities, I would be fair in suggesting that
21 one of the hopes of the Partnership is that income
22 from equity investments might be used to invest in
23 community infrastructure. Agreed?

24 MR. BLAND: Yes.

25 MR. WILLIAMS: What I'm asking,

1 though, is apart from equity investments in
2 infrastructure, are there any other commitments or
3 investments from the Partnership focused on those
4 systemic barriers such as lack of affordable
5 childcare, such as underfunding in the education
6 system?

7 I leave that to any of the panel
8 members.

9 MR. BLAND: I would -- we have a
10 previous agreement, it is the 1995 implementation
11 agreement that we signed with Manitoba Hydro, and
12 through that agreement we had built a trust debt
13 that identify -- not identify -- we identified
14 some of our problems that we had in our community
15 and we tried to implement funds from the trust to
16 offset some of the cost of problems or issues in
17 different areas such as education.

18 MR. WILLIAMS: Okay. Mr. Bland, would
19 it be fair to say that for your community those
20 deficits in education and in childcare continue to
21 exist?

22 MR. BLAND: Yes. I talked about it
23 before when I made a presentation in York Landing,
24 and I was quite frank about what we thought the
25 Federal Government provided for First Nation was,

1 you know, second rate I guess compared to the
2 general population of Manitoba.

3 MR. WILLIAMS: Thank you.

4 Ms. Anderson, I'm moving on to a
5 different question, I didn't know if there was
6 anything you wished to add or not? Don't feel
7 obliged to, but if I left you out

8 MS. ANDERSON: Well, for Fox Lake We
9 Have The Same Concerns Regarding Our federal
10 funding for our school. We do get less for our
11 students. And you know, same with Provincial
12 funding for childcare, there is no funding
13 provided to our community either, although there
14 is opportunities for those who live in Gillam,
15 they can now access childcare through -- there is
16 a new daycare there. But we face the same funding
17 issues as York Landing, and I'm sure other First
18 Nation communities throughout Northern Manitoba.
19 Thanks.

20 MR. WILLIAMS: Thank you for that.

21 MS. KINLEY: Could I also put on the
22 record too, one of the IRs, CFLGC 21, and that one
23 provides a number of initiatives undertaken by
24 Manitoba Hydro to deal with some of the barriers,
25 bursaries and scholarships, Aboriginal

1 pre-placement, promoting Aboriginal skills
2 development and employment and so on. Just so the
3 record is full with respect to other initiatives.

4 THE CHAIRMAN: Ms. Kinley, could you
5 pull the mic in closer when you are responding
6 because I can't hear your response.

7 MS. COLE: I would also like to add to
8 the response. We did actually answer a CAC IR
9 that was very similar in nature asking
10 specifically about funding for a high school. And
11 in the response to that IR, the Partnership did
12 indicate that funding for capital projects is
13 really beyond the scope of the responsibility for
14 the Keeyask Hydropower Limited Partnership, and
15 on-reserve education is the responsibility of the
16 Federal Government. However, the Partnership has
17 worked very hard within I guess what is its
18 responsibility to provide every opportunity
19 possible to create employment and training
20 opportunities, and to enhance the ability of not
21 just KCN workers, but Aboriginal workers in the
22 north to receive employment on our projects, both
23 at Manitoba Hydro and within the Keeyask project.

24 MR. WILLIAMS: Ms. Cole, you are not
25 disagreeing with my proposition that there are

1 additional barriers facing the members of these
2 communities, you are just disagreeing with my
3 premise that this is something that the
4 Partnership, as part of building capacity in the
5 community, should be addressing?

6 MS. COLE: I think it is up to each
7 Partner First Nation to decide whether to address
8 those barriers with income they receive through
9 the project. They will have additional
10 discretionary income through the project that they
11 certainly decide. The barriers that you have
12 described and that are noted in the EIS are
13 barriers faced by pretty much every Aboriginal
14 community across this country. They are well
15 known barriers.

16 MR. WILLIAMS: Ms. Kinley, I want to
17 go back to your modeling of employment prospects
18 for a moment. And you will agree with me, and you
19 have already discussed that you identify some
20 challenges to people getting jobs or wanting the
21 jobs already within the model?

22 MS. KINLEY: Yes.

23 MR. WILLIAMS: Would it be fair to say
24 that if we reflect upon the Wuskwatim experience,
25 an additional challenge in that environment was

1 not just with people getting jobs, but with a
2 relatively high rate of turnover?

3 MS. COLE: Yes, there was a relatively
4 high rate of turnover among Aboriginal workers at
5 the site.

6 MR. WILLIAMS: And my question to
7 Ms. Kinley is, how, if at all, would that reality
8 have been reflected in your model?

9 MS. KINLEY: That's reflected in the
10 range that's provided in the factors that are
11 considered.

12 MR. WILLIAMS: And so to the extent
13 that there is a turnover analogous to that in
14 Wuskwatim, that would drive the employment numbers
15 towards the lower end of your estimates. Agreed?

16 MS. KINLEY: Yes.

17 MR. WILLIAMS: Ms. Kinley, for the
18 purposes of your model, would it be fair to say
19 that there were challenges in getting current data
20 relating to KCN labour force growth and other
21 labour force measures? I can be more specific if
22 you need reminders?

23 MS. KINLEY: We chose to use
24 Statistics Canada as the basis of information,
25 because it provided a consistent data base with

1 respect to skills across the north.

2 MR. WILLIAMS: And in choosing
3 Statistics Canada for the purposes of, for
4 example, table 3.5, you relied upon Statistics
5 Canada data from 2001. Agreed?

6 MS. KINLEY: That's correct. 2006
7 data, there is substantial suppression of one of
8 our main communities in 2006, so 2001 was used as
9 a base. 2011 data was not available at the time
10 that we were doing the analysis.

11 MR. WILLIAMS: Directionally, do you
12 have any insight in how, if at all, that might
13 affect your projections of KCN labour force
14 growth?

15 MS. KINLEY: Sorry, would you
16 rephrase? I'm not sure what you are getting at?

17 MR. WILLIAMS: Ms. Kinley, by virtue
18 of the fact that you used older Statistics Canada
19 data, do you have any sense of how that might
20 affect your projections, whether that would make
21 you over-optimistic in terms of labour force
22 growth, under-optimistic, any sense directionally
23 of how using the older data may have affected your
24 projections?

25 MS. KINLEY: What we used was the 2001

1 data, and then moved that forward and projected it
2 forward in terms of newcomers coming into the
3 labour force and those exiting the labour force.
4 So we looked at it across time, and moved those,
5 that group forward. We also used the HNTEI data
6 as well.

7 MR. WILLIAMS: So your answer is you
8 expect, you have a relative level of confidence in
9 terms of your labour force projection growth?

10 MS. KINLEY: Yes.

11 MR. WILLIAMS: Not that many more
12 questions for the panel. If you could turn to
13 slide 33, for a moment, and also keep at hand
14 table 3.5, 3-5?

15 Ms. Kinley, you are going to need two
16 fingers for this, hopefully. On slide 33, I just
17 want you to keep your eye on the high estimate for
18 designated trades of 95. Do you see that?

19 MS. KINLEY: Yes, um-hum.

20 MR. WILLIAMS: And that would be, what
21 you are estimating is that if things go really
22 well with Keeyask, there will be 95 person years
23 of employment associated with the project. Am I
24 correct?

25 MS. KINLEY: That's correct.

1 MR. WILLIAMS: And then on table 3-5,
2 you see that the total estimated labour supply in
3 the designated trades is 85 persons. Agreed?

4 MS. KINLEY: In 2014.

5 MR. WILLIAMS: In 2014, yes. And by
6 2021, we are up to 90. Agreed?

7 MS. KINLEY: Correct.

8 MR. WILLIAMS: So, Ms. Kinley, trying
9 to get insight into how that number of persons is
10 distributed over that many person years, and
11 focusing on designated trades, are we talking
12 about -- are you expecting 90 persons getting one
13 year of employment, twice that many getting half a
14 year of employment? How do you see that rolling
15 out through your modeling?

16 MS. KINLEY: That's not possible to
17 estimate. We were estimating and matching between
18 available supply of labour and the total amount of
19 opportunities.

20 MR. WILLIAMS: Okay. Fair enough, and
21 I accept that premise.

22 If it turned out that everyone in the
23 KCN with a designated trade at 2014, got a job
24 with Keeyask, in effect, this would be one year
25 of, the equivalent of one person year of

1 employment for each of them? Would that be fair?

2 MS. KINLEY: If it was one full year
3 of employment.

4 MR. WILLIAMS: Based on page 33, would
5 it be fair to say that whether or not the low
6 estimate rolls out, or the high estimate rolls
7 out, it is Intergroup's expectation that over half
8 the jobs associated with the project -- excuse me,
9 over half the person years of employment
10 associated with the project that flow to the KCN
11 people will be associated with construction
12 support?

13 MS. KINLEY: Yes.

14 MR. WILLIAMS: And generally those
15 would tend to be the lower paying jobs,
16 Ms. Kinley?

17 MS. KINLEY: Yes.

18 MR. WILLIAMS: And if I turn for just
19 one moment to table 3-25, Ms. Kinley, in this
20 table, you estimate the income flowing to the KCNs
21 in terms of gross employment income from the
22 entire Keeyask generation project. Agreed?

23 MS. KINLEY: Yes.

24 MR. WILLIAMS: If things do not go
25 well and you are at the low wage range, it is your

1 estimate that income accruing to the KCNs through
2 the life of the project would be in the range of
3 \$22 million. Agreed?

4 MS. KINLEY: Yes.

5 MR. WILLIAMS: And if things go really
6 well over the life of the project, it would be in
7 the range of 62 million. Correct?

8 MS. KINLEY: Correct.

9 MR. WILLIAMS: And again looking at
10 that high wage range estimate, which we all hope
11 it comes true, would I be correct in suggesting to
12 you that, again, over half of the estimated wages
13 would come from construction support?

14 MS. KINLEY: Yes, that's correct.

15 MR. WILLIAMS: Ms. Kinley, within
16 chapter 3 of the socio-economic supporting
17 material, there is no estimate of equity
18 investment income. Agreed?

19 MS. KINLEY: Correct.

20 MR. WILLIAMS: And recognizing the
21 sensitivity to confidential information, would it
22 have been possible to have done scenarios of the
23 income stream that might flow from preferred
24 dividends?

25 MS. KINLEY: We didn't feel it was

1 appropriate to provide quantitative estimates.

2 MR. WILLIAMS: Just so I understand
3 your answer, and leaving aside the common shares,
4 you are not suggesting that you could not have
5 done scenarios for preferred dividend returns, you
6 are just saying that in your view it was not
7 appropriate?

8 MS. KINLEY: It is not appropriate and
9 we didn't have access to the data. It is
10 confidential data.

11 MR. WILLIAMS: And I won't belabour
12 the point, Ms. Kinley, but again focusing on
13 preferred dividends, you could have assumed a
14 certain investment, and you could have assumed a
15 range of returns for 30-year bonds without
16 violating confidentiality. Agreed?

17 MS. KINLEY: For the purposes of
18 environmental assessment, it is important to
19 understand that there would be a return on
20 investment for these communities to be able to use
21 in the way that they see fit as self-governing
22 communities. I'm not sure how it helps the Clean
23 Environment Commission to understand the exact
24 quantification of that amount of money.

25 MR. WILLIAMS: And again, I don't wish

1 to belabour this, but through scenarios, the Clean
2 Environment Commission or others, could have
3 gained insight into the magnitude of potential
4 returns in low interest rate environments, in
5 moderate interest rate environments. You would
6 agree with that proposition?

7 MS. KINLEY: Again, I don't think that
8 the quantification, the specific quantification is
9 something that is necessary. These communities
10 have a business arrangement through the Joint
11 Keyask Development Agreement that provides them
12 with a stream of income. These communities have
13 considered, within the Adverse Effects Agreement,
14 the other opportunities that come with this
15 project, whether this is something that is
16 reasonable for them as communities. They have
17 voted on it in each case and have signed the JKDA
18 and the Adverse Effects Agreement. I think that's
19 the salient information that we need out of the
20 JKDA.

21 MR. WILLIAMS: Now, one of the
22 targets, one of the -- moving from construction
23 towards operational, there is clearly a target of
24 operational jobs?

25 MS. KINLEY: Correct.

1 MR. WILLIAMS: Again, I'm not sure you
2 are the right person, so if Ms. Cole or Mr. Bland
3 or Ms. Anderson wish to intervene? And that
4 target is, over a 20-year time period, 182
5 positions, correct?

6 MS. KINLEY: Correct.

7 MR. WILLIAMS: Do we know where the
8 KCN are now in terms of those positions?

9 MS. KINLEY: If you just give us a
10 moment, I believe we have that information.

11 MR. WILLIAMS: Ms. Cole, if it is on
12 the record and I just missed it --

13 MS. COLE: I believe it is on the
14 record, but I don't think that it was on the
15 record for all of the communities. I think it may
16 have been answered in the context of one of the
17 communities.

18 Are you looking specifically
19 through -- in relation to the target that's in the
20 JKDA?

21 MR. WILLIAMS: Just to be clear,
22 Ms. Cole, I'm looking beyond the construction
23 period towards the target of having 182
24 operational jobs.

25 MS. COLE: Yes. That's not just

1 beyond the construction period, we started working
2 on that since signing the JKDA with each of the
3 communities, so work has already begun towards
4 that target.

5 MR. WILLIAMS: And where are we now?

6 MS. COLE: At the moment there are two
7 York Factory members who have been employed
8 through that initiative, six Fox Lake members, and
9 nine TCN members.

10 MR. WILLIAMS: Okay.

11 MS. COLE: And there are other KCN
12 members employed in Manitoba Hydro outside of that
13 initiative, but linked directly to that initiative
14 those are the numbers.

15 MR. WILLIAMS: And understanding how
16 the initiative works, am I correct in suggesting
17 that the Partnership has contributed some funding
18 towards the training of these individuals?

19 And Ms. Cole, just so you know, this
20 is just a quick question. I understand that they
21 will be paid by Hydro as they enter the Hydro
22 labour force. I'm just trying to get insight into
23 whether the Partnership is paying for their
24 training or Hydro is?

25 MS. COLE: We have answered several

1 IRs on how it functions and what is linked to it.
2 So the best example is probably CEC 11, which
3 walks through -- and certainly there is
4 Partnership funding targeted at that operational
5 employment initiative. How that funding gets used
6 on an annual basis, is determined on an annual
7 basis between each of the communities and Manitoba
8 Hydro through operational employment working
9 groups.

10 MR. WILLIAMS: Thank you, Ms. Cole.

11 And just a couple of last questions
12 and they could go to either Ms. Anderson or
13 Mr. Bland, and they relate to losses in
14 traditional harvesting areas and then the
15 offsetting program.

16 We agree that as a result of the
17 project -- or excuse me, you would agree that as a
18 result of the project there will be contamination
19 and loss of traditional hunting and trapping
20 areas?

21 MR. BLAND: York Factory's situation
22 is a little different from Tataskweyak and War
23 Lake and Fox Lake. Most of our traditional
24 territory is on the coast in York Factory, we do
25 have a trapline 13, and it is a small area that's

1 generally close to the community, and it is south
2 of York Factory, or York Landing, sorry. And we
3 do recognize that there has been impacts over the
4 past few years.

5 MR. WILLIAMS: And is that --
6 Ms. Anderson for Fox Lake, there is obviously some
7 loss in terms of traditional hunting and trapping?

8 MS. ANDERSON: Yes, there is loss of
9 traditional hunting, but I'm not sure what you
10 meant by contamination.

11 MR. WILLIAMS: Probably I should have
12 just said loss. Your answer was better than my
13 question.

14 Would it be fair to say that
15 activities, harvesting activities such as hunting
16 and fishing are often done in partnership or in
17 groups, or families?

18 MR. BLAND: Yes, it is fair to say
19 that.

20 MS. ANDERSON: Yes.

21 MR. WILLIAMS: And you would agree
22 that there is an important social element to the
23 harvesting activities, whether hunting or fishing,
24 or that there can be?

25 MR. BLAND: Absolutely.

1 MS. ANDERSON: Yes.

2 MR. WILLIAMS: And we certainly
3 wouldn't do justice in our questions, but in terms
4 of the importance of harvesting activities, it
5 would be fair to say it is not just the act of
6 harvesting, but the place in which it takes place
7 that is often important to community members?

8 MR. BLAND: As I mentioned earlier, a
9 lot of our traditional and recreational activity
10 happens up at York Factory, and we do go -- it is
11 mostly -- well, it is only York Factory members
12 that go up there. And I am sorry, I just kind of
13 lost focus of what I was going to say there.
14 Could you repeat your question?

15 MR. WILLIAMS: Probably not very well,
16 Mr. Bland. But the point I was making was in
17 terms of the importance of the harvesting
18 activity, it is not just the act of harvesting,
19 but there is importance associated with the place
20 where the harvesting takes place?

21 MR. BLAND: Yes. As I was pointing
22 out, York Factory, as I said, it is our
23 traditional territory and we don't have a lot of
24 area to cover around York Landing. Most of it is
25 Tataskweyak's traditional territory and the RMA,

1 our trapline 13 is in the resource management area
2 of Tataskweyak. And we do respect, as I pointed
3 out earlier, the boundaries that we have with our
4 neighbours, to War Lake and Tataskweyak. So when
5 we go up there, you know, it is a lot of fun and
6 we do a lot of bonding and enjoy being in our
7 traditional territory.

8 MR. WILLIAMS: And, Ms. Anderson, just
9 the same question to you, when an outsider seeks
10 to understand the importance of harvesting
11 activities, I will suggest to you, we have to
12 understand the significance not just of the act
13 and the socialization, but of the place itself?

14 MS. ANDERSON: Yes, that's correct.
15 For us, we have many areas that our people go to,
16 and either in family or in a community sense, they
17 do -- you know, there is areas where in the past
18 that they may have had family burials in that area
19 so they go back to that area, or they have had
20 other activities, gatherings prior to all of the
21 different boundaries set on us. As I said, in our
22 history we used to go all over the place, and we
23 still do that. But, you know, there is a lot of
24 restrictions and those are the things that are
25 holding us back also, but our people, they do go

1 to areas and they take their children, they take
2 their, maybe nephews along. But it is, there is a
3 lot of barriers I guess. Like many of our people
4 don't have resources like for skidoos. So those
5 type of things, those are the type of things we
6 want to build on and continue on our traditional
7 activities.

8 And also when you talked about an
9 outsider coming along and not understanding the
10 significance, like a few years back we took our
11 members out on the water, on the water so the
12 elders could see the landscape before the dam
13 would come up, and to see the land how it is now,
14 and to have a sense of memories, I guess, of
15 what -- you know, like some islands will be gone.
16 So those types of things are very important to us.

17 MR. WILLIAMS: And just to finish the
18 point, and again recognizing that I'm an extreme
19 outsider, but my sense of your communities'
20 evidence is that to the extent a place is lost, in
21 a way the entire community is diminished?

22 MS. ANDERSON: Not diminished --

23 MR. WILLIAMS: Injured?

24 MS. ANDERSON: Yes, very affected,
25 yes.

1 MR. WILLIAMS: Mr. Bland, do you have
2 anything you would like to add?

3 MR. BLAND: Around York Landing we
4 still use the waterways. We head east to what we
5 call the portage, so we still have access to that,
6 and we head west towards Kelsey. So we do have a
7 little bit of access. Our people that were
8 generally raised in York landing, not everybody is
9 in touch with York Factory. The younger
10 generation hasn't been out there as much. I have
11 been going there since I was 18 years old, that's
12 25 years. And I have been up there almost every
13 year since then. But I think there is a general
14 sense of, you know, specifically around a
15 community that it is -- that there is not a whole
16 lot of area for us. But otherwise I think it is
17 okay for now.

18 MR. WILLIAMS: Mr. Chair and members
19 of the panel, I thank you, and I thank the Hydro
20 panel as well.

21 THE CHAIRMAN: Thank you,
22 Mr. Williams.

23 Now has there been some trading?
24 Ms. Kempton, are you up next? So Pimicikamak.

25 MS. KEMPTON: Good afternoon panel,

1 commissioners, Mr. Chair, and members of the
2 audience and participants.

3 I'm Kate Kempton, I'm a wimpy lawyer
4 apparently from Toronto who finds it very cold
5 here right now. But I'm acting for Pimicikamak,
6 and I have actually had a 15 plus year
7 relationship with Pimicikamak, and I'm acting for
8 them here.

9 Most of my questions will be directed
10 toward the First Nation representatives on the
11 panel, but not all of them. In fact, I wanted to
12 start with a couple of questions to the Hydro
13 consultants.

14 The slides, and I don't have the exact
15 numbers, but there are a few slides that we saw in
16 the presentation that referred to a
17 "redistribution" of fishing and "shifting
18 patterns" of resource use as a result of the
19 Keeyask project, and as a result of the mitigation
20 plans put in place, for instance, in the Adverse
21 Effects Agreement. But what this redistribution
22 and shifting patterns really means, in good part
23 at least, is people having to travel farther out
24 than they currently do to engage in that
25 harvesting; correct?

1 MR. MacDONELL: The shifting pattern
2 of resource use that was referred to is related to
3 the access program which will allow some members
4 to access other areas off of the main Nelson River
5 for harvesting activities.

6 MS. KEMPTON: Excuse me, you say allow
7 to, but they are allowed to now under law,
8 correct? There is nobody prohibiting them legally
9 from accessing that area?

10 MR. MacDONELL: Correct. This will
11 facilitate their ability to do that.

12 MS. KEMPTON: Okay, fair enough. But,
13 in essence, this is in recognition of the fact
14 that they will have to go farther out than they do
15 now because of the damage that Keeyask will do
16 where certain people are harvesting now; correct?

17 MR. MacDONELL: I think you should
18 direct that to the First Nations who have
19 negotiated the adverse effects agreements, and why
20 those agreements are set out as they are. But one
21 of the key factors, as we understand it in terms
22 of doing our assessment, was that there was
23 concern over harvesting in some of the areas that
24 will be affected by the project and, therefore,
25 the adverse effects agreements allow them to go

1 into unaffected areas to harvest.

2 MS. KEMPTON: I certainly will be
3 asking a number of questions of the First Nation
4 representatives. But I'm simply trying to get to
5 the fact that there will be a disruption and, in
6 fact, a removal in some cases of the ability to
7 harvest where people are harvesting now because of
8 Keeyask, and that these programs were set up that
9 recognized that fact, but they also recognize that
10 the words redistribution, shifting patterns,
11 really mean people have to travel farther?

12 MR. MacDONELL: I think that there was
13 an expectation by the First Nations that they will
14 have to travel to harvest in the areas that they
15 would prefer to harvest in post-project.

16 MS. KEMPTON: And we've heard evidence
17 from Ms. Anderson and others, and I would think
18 that this is generally accepted, that in Swampy
19 Cree culture, or the culture of the Keeyask Cree
20 Nations, that hunting and harvesting is
21 traditionally done by family units or clans;
22 correct?

23 MR. MacDONELL: That is our
24 understanding, yes.

25 MS. KEMPTON: And that family units or

1 clans tend to themselves have areas that they go,
2 and it is not just a helter skelter approach where
3 anybody goes everywhere. A family has their own
4 areas that they tend to go, whereas other families
5 have their own areas that they tend to go;
6 correct?

7 MR. MacDONELL: That would be our
8 understanding.

9 MS. KEMPTON: So this redistribution
10 or traveling farther to harvest might indeed
11 create the situation where some families are now
12 being asked to go where other families might be
13 traditionally harvesting; correct?

14 MR. MacDONELL: I would expect that
15 there is a possibility of that, which we've
16 identified.

17 MS. KEMPTON: There is a possibility
18 then that as a result of this, that this could
19 create social and cultural tension among those
20 families?

21 MR. MacDONELL: We've recognized that
22 some families, some resource users that are
23 currently harvesting in some areas could be
24 affected by other harvesters moving into their
25 area.

1 MS. KEMPTON: I take it you will agree
2 with me that if it takes longer, in some cases a
3 lot longer, to go somewhere to do something, and
4 therefore engages more effort, that there is a
5 distinct possibility that this will create a
6 disincentive and that fewer people will actually
7 engage in that activity?

8 MR. MacDONELL: I don't necessarily
9 agree with that.

10 MS. KEMPTON: Are you aware of
11 evidence in Pimicikamak, for instance, that this
12 has in fact been the case?

13 MR. MacDONELL: I'm aware that in some
14 cases, that the farther you travel, the less
15 chance you will have of going to harvest.

16 MS. KEMPTON: That's fair enough. But
17 are you aware of the evidence from Pimicikamak
18 about the disincentive created by the Hydro
19 projects, for instance, on Sipiewesk, and that
20 there is tracking that far fewer people have gone
21 there and, in fact, are not necessarily going
22 farther out to harvest as a result?

23 MR. MacDONELL: I'm aware of some of
24 that. And I'm also aware of instances in
25 Pimicikamak where people are traveling farther to

1 harvest because of things that happened in their
2 own territory.

3 MS. KEMPTON: Did Manitoba Hydro
4 actually study with other First Nations, or these
5 First Nations, what the likely impact would be as
6 this disincentive that I'm talking about, on the
7 actual resource use of KCN members because of this
8 disincentive, have you studied this?

9 MR. MacDONELL: I think you have to
10 direct that question to the Partner First Nations
11 who negotiated the Adverse Effects Agreements to
12 offset the effects to them on harvesting.

13 MS. COLE: I would like to add to that
14 answer, and I'm sure that both Ted and Karen will
15 pipe in and you will hear from Tataskweyak Cree
16 Nation when the KCN panel is up, I believe you are
17 referring specifically to the access program which
18 is a Tataskweyak Cree Nation program. That
19 program was designed by the community, for the
20 community, and it has been operated since 2005 on
21 a trial basis leading up to the signing of the
22 JKDA. And the reason that program is in place
23 today is because the community, and they will
24 speak to it when they are here, their experience
25 was that it was successful, and that many

1 community members were interested in participating
2 in that program, and that it did provide access
3 and facilitate opportunities for families to get
4 out on the land together to practice traditional
5 pursuits.

6 MS. KEMPTON: I will be talking very
7 shortly to Ms. Anderson and Mr. Bland, because I
8 notice that nobody from TCN is on this panel here
9 today. But again, you are relying, the
10 Partnership, which is majority owned by Manitoba
11 Hydro, is relying on these programs as mitigation
12 measures, and then in your own words on the
13 slides, neutralizing the effects of a pretty
14 serious displacement of resource use and
15 harvesting and exercise of rights. So I'm asking
16 you if this was studied as to the likelihood of
17 the success of these programs?

18 MR. MacDONELL: I mean, we relied on
19 the partner First Nations to do the assessment on
20 the effects on their own resource use. In terms
21 of the -- I could refer you to sort the CNP's
22 volume in their evaluation report, page 74, that
23 basically says that all connections to the
24 affected lands will change and new ones will be
25 established in other parts of the homeland

1 eco-system.

2 I think there is a recognition that
3 they will be traveling into other areas, and as
4 part of the AEAs that they think that that's
5 appropriate for offsetting the effects of the
6 project on resource use.

7 MS. COLE: I think it is also
8 important to note that those programs are not set
9 in stone, and they were talked about as part of
10 the Partnership panel, that there is flexibility
11 within the Adverse Effects Agreements, and on an
12 annual basis each community will review those
13 programs, they will look back on those programs
14 and decide whether they are meeting the adverse
15 effects as anticipated. And if they are not,
16 there are opportunities for those programs to be
17 changed or modified.

18 MS. KEMPTON: There are opportunities
19 to change or modify programs to the extent that
20 the damage done by Keeyask will permit. You can't
21 create the scenario where certain people won't
22 have to travel farther because they were
23 harvesting in the area that Keeyask is going to
24 flood out and otherwise destroy, right? That's a
25 fact. You can't deal with, you can't make them

1 that flexible, that you can't overcome those
2 limitations that Keeyask itself is going to cause.

3 MR. MacDONELL: I think the point you
4 are talking about, destroyed -- I mean, harvesting
5 will still be able to take place in the particular
6 area that you are referring to. It is a different
7 type of area, it will be changed. And I think the
8 adverse effects agreements recognize those changes
9 and give the opportunity for those resource
10 harvesters to harvest somewhere else, if they so
11 choose.

12 MS. KEMPTON: Thank you. Mr. Bland
13 and Ms. Anderson, I'm struggling here. Can you
14 help me out here? As I understand it, and I would
15 like you to confirm or correct me, under the
16 worldview of your peoples, or the Swampy Cree
17 peoples, it is difficult or inappropriate to kind
18 of segment off or separate out environmental
19 impacts from socio-economic and cultural impacts;
20 is that fair? It is -- they are all looked at
21 together, they are all felt together as one
22 holistic whole, is that fair?

23 MR. BLAND: Yeah, that's fair.

24 MS. ANDERSON: I agree, yes.

25 MS. KEMPTON: I wonder if there is --

1 is it possible to get a couple of mics because
2 they are going to have to keep switching?

3 I believe that both of you have
4 mentioned many times, and it is actually written
5 many times in the EIS documents how much past
6 hydro development has seriously affected and
7 damaged the Keeyask Cree Nation communities. Is
8 that right?

9 MR. BLAND: That's right.

10 MS. ANDERSON: Yes, it is confirmed
11 that for Fox Lake.

12 MS. KEMPTON: This includes
13 displacement of resource use and traditional
14 harvesting?

15 MR. BLAND: As I pointed out for York
16 Factory, we are limited in the general vicinity of
17 York Landing, and most of our traditional hunting
18 and trapping activities take place in the coastal
19 York Factory.

20 MS. ANDERSON: Just wish to back that
21 up. Could you repeat that, sorry?

22 MS. KEMPTON: That the serious and
23 damaging effects from past Hydro that we are
24 talking about, they include displacement of
25 resource use, displacement of people from areas

1 where they would otherwise be harvesting and
2 engaging in traditional resource use?

3 MS. ANDERSON: Yes, that's true.
4 Right from the 1950s, we have been impacted. We
5 have never had a say in past projects, and a lot
6 of our lands, as I said in my presentation of our
7 history, that that was the case for us, yes.

8 MS. KEMPTON: These serious effects
9 include loss of relationship, or damage to the
10 relationship with the land, between your people
11 and the land; is that fair?

12 MS. ANDERSON: I mean, there was not a
13 lot of access, but I think our people tried to
14 stay on the land, they made a lot of effort to
15 continue it is what I'm saying. Like there was a
16 lot of barriers put in place because of these
17 projects, but they still tried to maintain that
18 relationship with the land.

19 MR. BLAND: As for York Factory, we
20 still have a lot of people that trap around the
21 general vicinity of the area. The waterways have
22 come up a bit but we don't -- like I said, we
23 don't have a lot of resource area out there
24 already. So I think just being able to access the
25 coast with our Adverse Effects Agreement is really

1 helpful to York Factory and the membership.

2 MS. KEMPTON: The impacts from past
3 Hydro development for Fox Lake, and if you are
4 aware for the other Cree Nations in the vicinity
5 of the Keeyask dam, those impacts have been felt
6 in part at the community level through increases
7 in what I would call social ills, like alcohol and
8 drug abuse, family violence, gangs. Is that fair?

9 MR. BLAND: I would say that it is not
10 all contributed to the Hydro development projects,
11 there is a lot of other things to consider such as
12 the residential school, and segregation. Being a
13 small community in the middle of this swamp, you
14 don't have a lot of opportunity to travel around.
15 We don't have all-weather roads, we don't have a
16 lot of things in our community. As for the Hydro
17 development in the territory, you know, there is
18 impacts in terms of recreational activity,
19 fishing, you know, there is impacts.

20 MS. ANDERSON: So, for Fox Lake
21 members, I don't want to speak for the other First
22 Nations, so what I know for Fox Lake, there are a
23 lot of unhealthy coping methods with our
24 experience, and those are some of them. But you
25 know, as we grow I guess and learn from our

1 experience, we really try to work hard to, I
2 guess, protect our members and try to get better
3 coping methods with the experience.

4 MS. KEMPTON: And you would -- I don't
5 know, I'm not asking you to quantify this, but I'm
6 assuming that because your First Nations' evidence
7 is that hydro development has been a major
8 contributing factor to certain socio-economic
9 conditions, including the poor coping that you
10 spoke to, that at least a good part of the cause
11 of these social ills you would attribute to past
12 hydro development. Is that fair?

13 MS. ANDERSON: Yes. And not only just
14 the hydro development, but the services that it
15 bring, and I guess just all of the ripple effect
16 of the project itself. There is a lot of
17 different issues that come forward. Right now we
18 have the all-weather road and there is a lot of
19 other influences also that come with that, when
20 you become more modern, I guess is the word I
21 would use. But, again, like I said, we recognized
22 those and we are working on them. But, yes, it is
23 a major consideration for us is the hydro
24 development.

25 MS. KEMPTON: I don't want to bring up

1 or dwell on -- I guess I am bringing it up -- a
2 very uncomfortable topic. I mean, as lawyer for
3 Pimicikamak, I'm aware that they have had rashes
4 of youth suicide in their community, I'm not going
5 to speak to the causes, but just a sense of gross
6 despair there. Has Fox Lake ever experienced this
7 as well?

8 MS. ANDERSON: I would say yes in
9 different periods of time.

10 MS. KEMPTON: So your First Nations
11 are not just reserves, your cultures and
12 governments and with large traditional
13 territories, is that correct? You are not reduced
14 to just your reserves?

15 MS. ANDERSON: No. Not for Fox Lake,
16 no.

17 MS. KEMPTON: Mr. Bland, did you want
18 to --

19 MR. BLAND: For Fox Lake?

20 MS. KEMPTON: No.

21 MR. BLAND: As I pointed out earlier,
22 it is difficult and different for York Factory
23 because its an isolated community, semi-isolated.
24 Summertime we have access with a ferry. Winter
25 time we have access with a winter road. There is

1 a period of time from April to June, it is only
2 fly out. So the cost of living is a little
3 higher, and travel is definitely expensive when
4 you have to fly out.

5 Like I said, there are people that
6 live off reserve, probably about half the
7 population. A good percentage live in Churchill,
8 Thompson and Winnipeg. And I guess, you know, the
9 community has a difficult way of life, I guess, is
10 the way I will put it.

11 MS. KEMPTON: Fox Lake at least, First
12 Nation, has experienced the effects from, is it
13 correct, Kelsey, Kettle, Limestone and Long
14 Spruce? Is that fair?

15 MS. ANDERSON: Yes.

16 MS. KEMPTON: But York Factory is
17 somewhat different, Mr. Bland, in terms of what --
18 like which hydro development would you say your
19 people and your lands, I mean, you spoke yourself
20 about having a traditional territory, so maybe
21 help me out here. What past hydro development has
22 York Factory, I'm not just talking about the
23 reserve, been affected by then?

24 MR. BLAND: Yes, Kelsey would be the
25 one.

1 MS. KEMPTON: So Keeyask then, along
2 comes Keeyask, it is another big dam, kind of on
3 the scale of the other big dams that Fox Lake has
4 been affected by already, it is not like a tiny
5 little thing. Is that fair?

6 MR. BLAND: Yeah, it is fair.

7 MS. ANDERSON: Well, for us I think it
8 is smaller, because of the Long Spruce, I think
9 they are bigger, so...

10 MS. KEMPTON: But it is not a tiny
11 little run of the river, minuscule project, it is
12 a big dam, right?

13 MS. ANDERSON: Yes.

14 MR. BLAND: It is bigger than Kelsey.

15 MS. ANDERSON: It is a dam.

16 MS. KEMPTON: So I have a question:
17 Without the mitigation measures, without the
18 Adverse Effects Agreement and the JKDA, if
19 Keeyask, in other words, had been built -- like
20 Ms. Anderson, you referred to the other dams
21 having been built -- I take it your communities
22 would not have wanted anything to do with Keeyask,
23 isn't that correct?

24 MS. ANDERSON: I'm not sure they would
25 have not wanted anything to do with Keeyask. I

1 think it is a different time, and I think our
2 leadership has been strong over the years, and
3 like I wouldn't say they wouldn't have wanted
4 anything to do with it. Like I know we would be
5 concerned again with the influx of workers into
6 the area. But I wouldn't say, I don't think they
7 would say they wouldn't have wanted anything to do
8 with it.

9 MS. KEMPTON: Let me rephrase the
10 question.

11 MS. ANDERSON: In what sense do you
12 mean?

13 MS. KEMPTON: You had spoken about the
14 damage done by past hydro developments that your
15 communities didn't -- you were harmed by them, and
16 you didn't feel that you got anything, I'm
17 paraphrasing here, really good out of them. So my
18 question is, if Keeyask were to proceed that way,
19 like the other dams had proceeded, I'm making the
20 assumption that your community would not have
21 wanted Keeyask to have been built. Is that a fair
22 assumption?

23 MS. ANDERSON: Like I said, it is a
24 different time, this current period. And I think
25 with the experience, you know, I think, like I

1 said, our leadership would have fought for more
2 protection for us, as we are. And I can say, like
3 maybe it was back when we never were consulted at
4 all, or never, you know, acknowledged, if that was
5 to happen again, maybe in that sense we would not
6 want anything to do with it. But I think right
7 today, like I said, we are more forward with our
8 leadership, and they would certainly want to
9 protect the members. So there certainly would
10 have been some type of action taken, not just
11 sitting back and, you know, letting history repeat
12 itself. So, no, I don't think they would allow
13 that.

14 MR. BLAND: As for York Factory, being
15 able to have a role and a say in the project and
16 in some of the adverse effects, or the Adverse
17 Effects Agreement that we have in place, knowing
18 all of that right now, and answering your question
19 about would we support, and have nothing? I think
20 that's a pretty obvious answer.

21 MS. KEMPTON: Okay. So without the
22 JKDA and what it provides, and the Adverse Effects
23 Agreement and what it provides, you wouldn't have
24 supported it? You wouldn't have wanted Keeyask
25 then, Mr. Bland, is that --

1 MR. BLAND: If they were to go ahead
2 without York Factory's involvement, you know,
3 again like I said, knowing what we've been able to
4 accomplish together and work as a partnership
5 today, it is hard to support something like that
6 if there wasn't involvement from the community, or
7 our community specifically.

8 MS. KEMPTON: Now, that kind of
9 flipped the coin on that question. If the First
10 Nations could have received the benefits, these
11 access programs, some compensation, et cetera,
12 some monies that you are getting with Keeyask, if
13 you could have received those things without
14 Keeyask being built, you would prefer that way to
15 go, would you not? I mean, without the need for
16 the dam, but getting all of those programs and
17 compensation, I assume you would have, you would
18 choose that way?

19 MR. BLAND: It is a difficult
20 question. If you look back to the 1977 agreement,
21 which who you are representing is part of that
22 agreement, we negotiated something and we, most
23 people, most of the First Nations agreed to
24 implement the 1977 agreement. And with that we
25 established an article 9, which basically

1 establishes that any future development that
2 happens with Manitoba Hydro has to be consulted
3 with the First Nation. The question that you are
4 asking is, you know, I guess it -- I don't know
5 what kind of response you are looking for?

6 MS. KEMPTON: Whatever you feel is the
7 correct response?

8 MR. BLAND: That's my response.

9 MS. ANDERSON: It is a big what if.
10 You know, our community members, we talked about
11 the JKDA, we talked about the project over these
12 many years, different members leading the
13 consultations with our members, the meetings. And
14 you know, it came out to agree, or to go forward
15 with the project as partners. But, I mean, like
16 "what if" is always a question I guess in
17 hindsight, like go back, okay, give us money. I
18 don't know. It is just a hard question that you
19 are asking. It is such a big "what if". You
20 know, I remember they talked about all different
21 stuff, some people didn't agree, some people
22 agreed. You know, some people wanted more, some
23 people wanted, you know, more just for the
24 individual person. So in the end it was a
25 community decision that they decided to support

1 the project.

2 MS. KEMPTON: So there is this 1977
3 Northern Flood Agreement, and then for
4 Tataskweyak, I think their comprehensive
5 implementation agreement is 1992. York Factory's
6 is what, 1996?

7 MR. BLAND: '95.

8 MS. KEMPTON: '95. So, yes, there
9 have been a number of agreements with some First
10 Nations over the years.

11 I take it, Mr. Bland, then that your
12 First Nation felt that those weren't enough to
13 provide you with whatever compensation or
14 remediation measures you felt were required for
15 Keeyask, because you did negotiate a JKDA and an
16 Adverse Effects Agreement. I take it you weren't
17 getting enough otherwise, is that fair?

18 MR. BLAND: I don't know if you can
19 use the words if we are not getting enough. I
20 think we were just planning ahead and thinking
21 about the future.

22 MS. KEMPTON: Did either of your First
23 Nations ask Manitoba Hydro for revenue sharing
24 from the past hydro developments that you are
25 already being affected by?

1 MR. BLAND: Revenue sharing has been
2 on the table, it has been discussed. I know
3 community members have brought it up in public
4 meetings with Manitoba Hydro. And at the time of
5 the negotiation, I was not part of the negotiation
6 team when things started. I came on in 1995 -- or
7 2005, sorry, and the negotiations had begun before
8 that, 2002, for our community.

9 MS. KEMPTON: Ms. Anderson, do you
10 know if Fox Lake First Nation, if a request or
11 demand, or whatever you want to call it, was ever
12 put to Manitoba Hydro for revenue sharing from the
13 dams or projects that you are already affected by?

14 MS. ANDERSON: I can't say there was a
15 formal request, but I know there was discussion
16 among our elders regarding those. I can't say
17 there was a formal request, requesting that.

18 MS. KEMPTON: Is it possible for -- or
19 I don't know if anybody else on the panel knows.
20 I'm, going to make a leap that no revenue sharing
21 from the existing project, like no revenue sharing
22 agreement does exist now, is that fair? Ms. Cole?

23 MS. COLE: That's true, there is no
24 revenue sharing for projects already underway with
25 the exception of the Wuskwatim project, which is a

1 partnership with the Nisichawayshik Cree Nation.

2 MS. KEMPTON: I'm wondering,
3 Ms. Anderson and Mr. Bland, if you could find out,
4 I would like to know if the First Nations asked
5 for revenue sharing from the existing projects,
6 and were denied that from Hydro? Well, we know
7 there isn't revenue sharing, but I don't know if
8 the request was put forward or not?

9 THE CHAIRMAN: Mr. London?

10 MR. LONDON: There are two things.
11 The first thing is we would want a specific
12 definition of revenue sharing, and what is implied
13 or meant by that specifically. I was involved in
14 the process all the way through and there were
15 lots of things that were discussed. One, words
16 can mean so many different things. The question
17 is who is to be the master of us all?

18 Give us a definition of what you mean
19 by revenue sharing in detail, and we will let you
20 know whether or not that particular option was
21 ever put on the table.

22 MS. KEMPTON: Okay. As a lawyer, in
23 other parts of Canada, I negotiate revenue sharing
24 agreements between First Nations and project
25 proponents or owners all the time. And typically

1 what is involved is it is not -- we are not
2 talking about an equity buy in, in that case -- I
3 negotiate a whole bunch of those too. But this is
4 simply, you want to call it a grant or a payment
5 to First Nations in recognition of the impact on
6 them, on their lands and/or their rights for the
7 fact of the project being there. It is a
8 percentage of the profit that is paid to First
9 Nations. This is done typically through impact
10 benefit agreements or other things, it doesn't
11 have to be. So revenue sharing as a percentage of
12 profit, and sometimes it is also, even if the
13 project isn't making a profit in a particular
14 year, there is a baseline amount that's paid
15 nonetheless to the First Nation because the
16 impacts are still there. So it is in recognition
17 of some impact to the First Nation on their lands,
18 themselves, or their rights, and it is a
19 percentage of income from the project that is
20 causing such impact. That's what I mean by
21 revenue sharing. It is not -- I'm not talking
22 about an equity buy in, in this case.

23 Has that been negotiated and has any
24 deal been struck between Manitoba Hydro and the
25 Keeyask Cree Nations like that in respect of past

1 development, not Keeyask?

2 THE CHAIRMAN: Mr. London, do you have
3 any more, or Mr. Regehr?

4 MR. REGEHR: I fail to see the
5 relevance of this question and I'm not prepared to
6 have my client give an undertaking to provide it.
7 It would be subject to negotiation privilege on
8 top of everything else.

9 THE CHAIRMAN: Thank you.

10 MS. KEMPTON: The fact of a revenue
11 sharing agreement wouldn't typically be subject to
12 any kind of privilege. The contents might, yes.

13 MR. REGEHR: Then we have the JKDA
14 here and it speaks for itself. It is on the
15 record.

16 MS. KEMPTON: The relevance of the
17 question, or series of questions, is that the
18 compensation and other measures being provided for
19 in the Adverse Effects Agreement and the JKDA
20 require that Keeyask be built. I'm asking about
21 the opportunities that might have been pursued to
22 get those similar kinds of benefits back to the
23 land programs, culture replenishment programs,
24 compensation, without the requirement of Keeyask
25 being built?

1 THE CHAIRMAN: Mr. London?

2 MR. LONDON: My suggestion would be
3 that the question be put to a subsequent panel,
4 because I'm sure Ms. Kempton knows that when Fox
5 Lake and York Factory became part of this process,
6 there was already in existence an agreement in
7 principle between Tataskweyak and War Lake, or
8 Tataskweyak at least, and Manitoba Hydro, and we
9 were not party to the initial discussions that
10 took place.

11 MS. KEMPTON: Well, I must admit I'm
12 disappointed that there is not a Tataskweyak
13 representative here today. It is making my job a
14 little tougher, and probably imposing an unfair
15 burden on Mr. Bland and Ms. Anderson.

16 THE CHAIRMAN: There will be a
17 Tataskweyak representative on, I'm not sure if it
18 is the next panel, but certainly a future panel.
19 That will be in another day or two.

20 MS. KEMPTON: That's fair enough. I
21 do appreciate that certain things had happened at
22 a certain point.

23 THE CHAIRMAN: Although I'm not sure
24 that we've established the relevance of your line
25 of questioning, and I'm not sure that we will do

1 it right now, but we may need to do that before
2 you pursue that line of questioning again. I'm
3 assuming that you are not going to continue on
4 that line of questioning right now?

5 MS. KEMPTON: Not that particular
6 question, no.

7 THE CHAIRMAN: And I'm just thinking
8 of an afternoon break. Do you have many more
9 questions? Should we break now? Or if you are
10 almost finished, we will continue.

11 MS. KEMPTON: Better to take a break,
12 I don't want to set people to sleep either.

13 THE CHAIRMAN: Okay. Let's come back
14 at just after 3:20.

15 (Proceedings recessed at 3:07 p.m. and
16 reconvened at 3:20 p.m.)

17 THE CHAIRMAN: Okay. We are back on
18 the record. Okay, can we reconvene? Ms. Kempton.

19 MS. KEMPTON: Thank you, Mr. Chair.
20 Mr. Bland, Ms. Anderson, I want to talk about one
21 of the monetary things that your First Nations are
22 going to get from Keeyask which is we -- Mr.
23 Williams, the last questioner, asked a lot of
24 questions about the income from employment that
25 the Keeyask Cree Nations might get from working on

1 the Keeyask project. And don't worry, I'm not
2 going to repeat his questions. I think did he a
3 very thorough job. But in terms of the employment
4 on Keeyask, you would agree, wouldn't you, that
5 virtually all of the jobs projected in relation to
6 Keeyask for your members are for the construction
7 phase and not the operations phase, that the vast
8 majority are construction, during the construction
9 phase; correct?

10 MR. BLAND: That's what is negotiated,
11 yes. There is operational jobs that is built in
12 to, I think it is the agreement, is it the
13 agreement? Operational jobs, yeah, they are two
14 separate things. So what we have negotiated in
15 the Keeyask construction phase is what we have are
16 direct negotiated contracts.

17 MS. ANDERSON: Yes, I would agree that
18 the vast majority will be during the construction
19 phase. Once it is in operation, there will be a
20 lot less people required to run the plant.

21 MS. KEMPTON: So those construction
22 phase jobs, they are in the bigger scheme of
23 things, they are short term, they are short term
24 jobs, they are not going to last for decades;
25 right?

1 MR. BLAND: Well, the construction
2 phase of the project is 10 years and what York
3 Factory and Fox Lake, we have a direct negotiated
4 contract for catering and that catering service
5 agreement is going to be for the duration of the
6 construction phase.

7 MS. KEMPTON: But not -- at this point
8 not beyond?

9 MR. BLAND: We haven't come to the
10 operational stage yet, so we haven't negotiated
11 anything yet.

12 MS. ANDERSON: No, it is just during
13 the construction of the project.

14 MS. KEMPTON: So the money, the income
15 from the employment and from these business
16 contracts, they are going to go to individuals,
17 the workers, and the individual businesses? In
18 other words, that income is not going to your
19 governments, they are going to individual people
20 and businesses, right?

21 MS. ANDERSON: So you mean like the
22 individual working on -- they will get their wage,
23 yes.

24 MS. KEMPTON: Or the businesses
25 that -- I take it you must have some businesses or

1 your members have some businesses that might be
2 bidding on some of these contracts and those
3 businesses might be getting some income as well,
4 right?

5 MR. BLAND: When the money starts
6 coming in, are you talking about revenue, like
7 income from the projects, or are you talking about
8 money that's going to come into employees of the
9 project?

10 MS. KEMPTON: I'm not talking at all
11 about the investment income.

12 MR. BLAND: There is a profit margin
13 from the contracts as well. Is that what you are
14 talking about? I'm not quite clear.

15 MS. KEMPTON: The business income and
16 employment income goes to individual people and
17 businesses is all I'm asking you to confirm.

18 MS. ANDERSON: Yes, if there is any
19 individuals that work on the project they will get
20 their wages, and if there is any spin off
21 businesses, those people will also receive the
22 income or profit, whatever they make.

23 MR. BLAND: As for York Factory, money
24 goes into a trust that's going to be disbursed
25 amongst the community, but I think it would

1 probably try and offset some of the programs which
2 are in the community, such as social, education
3 and stuff like that.

4 MS. KEMPTON: Sorry, I just want to
5 clarify, that that's the investment income?

6 MR. BLAND: No, there is a profit from
7 the direct negotiated contracts as well.

8 MS. KEMPTON: That will go into a
9 trust?

10 MR. BLAND: Yeah, the community, yes,
11 if that's what you are asking because I'm not
12 quite clear.

13 MS. KEMPTON: No, that's fine. That's
14 helpful for me to know. Other than that trust
15 money though, that the rest of this is going to be
16 held in the hands of individual people or
17 businesses, and my next question is there is no
18 requirement, is there, that that money, the
19 employment and business income be pooled towards
20 various programs like in the Adverse Effects
21 Agreement, that's correct, is it not, people who
22 earn the wage are going to go off and spend the
23 money how they want to spend it?

24 MR. BLAND: Yes, those people will be
25 able to spend the money, it is obviously their

1 money, they are working for it. We don't try and
2 impose any restrictions on what they do, because
3 it is their personal money, right? As for the
4 profits, and I know you keep going back to
5 businesses, as I mentioned earlier, York Factory,
6 the money is going to go to the trust. And you
7 know, like I said, it is going to be disbursed
8 amongst whatever programs are required and need
9 it.

10 MS. KEMPTON: There is concerns in a
11 few places in the EIS documents that I've looked
12 at in the socio-economic part of it, and I'm
13 sorry, I don't have page number references, that
14 income could be spent in various different ways,
15 and there was a concern expressed that it is
16 possible that some of the income earned could be
17 spent, that might actually contribute -- in ways
18 that might contribute to social ills. And what is
19 stated in the EIS is there is some concern that
20 some people might, with greater income, get more,
21 buy more drugs and alcohol, which might in itself
22 lead to more violence. That's expressed in the
23 EIS. I take it that's a concern of your First
24 Nations to some extent or a worry?

25 MR. BLAND: Can you just show me where

1 that is because I haven't seen that?

2 MS. KEMPTON: Can somebody on the
3 panel help me, I know it is there, or maybe I
4 could ask --

5 MR. BLAND: Just so I know whose
6 saying it and --

7 MS. KEMPTON: Yes, it is part of, I
8 can undertake to document and come back, but it is
9 there in a few places.

10 MS. ANDERSON: I can comment for Fox
11 Lake. There is a concern, like there is always a
12 concern about alcohol and drugs everywhere, and
13 when people have more access to money, when they
14 make a better wage there is, you know, concern
15 that will rise. So yes, it is in the EIS.

16 MS. KEMPTON: Yes. The investment
17 income, you know, your equity portion of the
18 project, it is possible, I believe it was earlier
19 in evidence, that distributions to the First
20 Nations might not start flowing for about 25 years
21 after the project is built, correct? You might
22 not see any of those distributions for 25 years or
23 so?

24 MR. BLAND: Correct.

25 MS. ANDERSON: 25 years after

1 operation?

2 MS. KEMPTON: Yeah, after the project
3 is built, it might take another 25 years before
4 you start seeing any distributions.

5 MS. ANDERSON: I will ask Jack to help
6 me.

7 MR. LONDON: Which option are you
8 talking about? There are two options under the
9 JKDA, different income streams depending on which
10 option the First Nation chooses.

11 MS. KEMPTON: I know it was in
12 transcript evidence earlier that there is
13 scenarios where they might not see distributions
14 for 25 years.

15 MR. LONDON: It depends on which
16 option they choose.

17 MS. KEMPTON: An option to lead to
18 there being no distribution for 25 years. I don't
19 know what they are going choose either.

20 MR. LONDON: Exactly. And I am not
21 sure what the relevance is to this hearing.

22 MS. KEMPTON: The relevance is my
23 questions to your client and Mr. Bland are that
24 there is, because it is entirely possible that one
25 form of income coming in, employment income, could

1 be -- there is a period of time where it might
2 actually lead to contributing to higher social
3 ills if it is spent in ways that people wouldn't
4 like to see, and there could well be a significant
5 gap in time between when that is happening and
6 when distributions start flowing that can go into
7 programs that address social ills. So you've got
8 a number of years, maybe up to 25 where you've --
9 or call it ten years through the construction
10 phase where people are earning income that
11 potentially could lead to higher social ills. We
12 have seen this in a number of communities because
13 the access to income is actually leading to higher
14 drug and alcohol use which leads to other
15 problems, and yet during those years there is a
16 very good chance there won't be distributions
17 coming in that could be put toward programs to
18 address those social ills, there is that gap;
19 correct?

20 THE CHAIRMAN: You are getting into
21 sort of final argument on that last point. I
22 think that Ms. Cole or perhaps Ms. Kinley can give
23 us an indication under either stream, is it
24 possible that there is a gap of 25 years.

25 MS. KINLEY: Actually, what I wanted

1 to clarify was that when we spoke about -- in the
2 EIS about the potential negative effect of income,
3 it was really related to sudden income during the
4 construction phase where the incomes are
5 relatively higher than they are normally. And
6 measures have been put in place to address those
7 kinds of factors. There will be a counselling
8 service at the camp that will deal with those
9 types of issues. Since the EIS has been filed,
10 there has been discussions between the Northern
11 Regional Health Authority and Manitoba Hydro and
12 the Partnership with respect to getting an on-site
13 public health nurse at the site who can make
14 referrals to appropriate agencies as well, like
15 the Alcohol Foundation of Manitoba. And so the
16 planning is there in terms of addressing that type
17 of issue. We recognize it is an issue, but there
18 are also mitigation measures set up and
19 contemplated for the construction phase.

20 THE CHAIRMAN: How about counselling
21 services back in the community? Because it is
22 more likely they will take a pay cheque or two and
23 go home, and then might go astray.

24 MS. ANDERSON: Okay, so for us for the
25 adverse effects program, one of the programs that

1 we have is the counselling and wellness program.
2 So that's one of the avenues that we are going to
3 try and address these issues that have come
4 forward. It is not only alcohol and drugs, there
5 is also other issues that I referenced like racism
6 and those type of things, strengthening our youth
7 and their coping methods. But I mean when you
8 talk about someone having a higher income at
9 certain times, I mean that can be, that can be,
10 you know, for First Nations people, people say
11 that every month, you know, end of the month and
12 around the middle of the month they always say
13 these days are coming, these things are happening,
14 so people have access to more money at those
15 times. So if that happens with us, I'm sure it
16 will, I'm not saying it is not going to happen,
17 because there is more money around in the
18 community, but we have like current resources in
19 our office, and these adverse effects programs
20 will also be an enhancement to those services
21 already provided to our members. So I'm not
22 saying that everything is just going to go hay
23 wire, I think that people have more of a sense of
24 family now and it is not so, I -- like, it is not
25 like before where there was nothing in place and

1 people just ran over us, and just took over
2 everything.

3 So like I said, we are looking
4 forward, we are trying to protect our people and
5 going forward in that sense. You know, we can't
6 predict what our members will do, they make their
7 own individual choices also, but we want to help
8 if things occur in the community, that we want to
9 be prepared for that. So -- I think that's what
10 you are asking?

11 MS. KEMPTON: You are --

12 THE CHAIRMAN: Can we just go back to
13 the 25 year question? It seems to have got
14 dropped here. Is it possible under either
15 financial arrangement that there would be a gap of
16 25 years from the beginning of operations until
17 the first revenue sharing came into play?

18 MR. REGEHR: Mr. Chair, this area of
19 questioning would have been properly dealt with
20 under the KHLF panel two weeks ago. I'm not sure
21 whether any of the witnesses on this panel can
22 give -- and Mr. London is correct, there is
23 different options in terms of investment; there is
24 common units, there is preferred units, there is a
25 mix of common and preferred units, all which have

1 different payout scenarios. I'm not sure this
2 panel can answer those type of questions. As I
3 said, it would have properly been asked of the
4 KHLP panel.

5 THE CHAIRMAN: With all due respect,
6 this is the first time I have heard a mix of
7 common and preferred units, and I -- Mr. Bedford.

8 MR. BEDFORD: Just to clarify, one has
9 a choice of either common or preferred. Not a
10 mix. My recollection of the negotiations when we
11 went through questions like this, and I can tell
12 you that each of the communities had both legal
13 counsel and expert financial consultants as well,
14 we went through a number of different scenarios.
15 And, of course, you have to look at export price
16 for energy, you look at the capital costs to build
17 the Keeyask project, and you look at drought
18 scenarios, you look at economic conditions, and we
19 ran a number of scenarios. None of them, as I
20 recall, suggested for either a common investment
21 or a preferred investment, that there would be no
22 return to the unit holder for 25 years. But I'm
23 also reminded, looking today actually at the terms
24 of reference for a hearing that's coming up in
25 four months, that these precise sorts of questions

1 are going to be before the Public Utilities Board
2 with respect to the Keeyask project, economic
3 conditions, interest rates, viability of the
4 project, projections as to the export market for
5 energy. They are better posed there because we
6 will have panels who are equipped to provide ready
7 answers. But I think for today's purposes none of
8 the scenarios that either the lawyers or
9 consultants saw or went through suggested there
10 would be no return for 25 years. If you wanted to
11 paint for me a picture of the future, with the
12 severely depressed energy market, with very cheap
13 alternatives for energy, with escalating
14 construction costs, I think we could probably make
15 a number of factual assumptions where the return
16 on the investment would be later rather than
17 sooner. But we could equally project a vision of
18 the future today where the energy market is much
19 improved over what it has been in the last three
20 years, where capital costs come in as estimated,
21 and then the projection would be a return in the
22 very first year that the turbines are running.

23 THE CHAIRMAN: Thank you for that
24 explanation, Mr. Bedford. I would disagree
25 though, with suggestions that this question is not

1 relevant for this hearing and also for this panel.
2 I think the point that Ms. Kempton was trying to
3 make, that she was concerned that there may be
4 social issues in a community because of excess
5 income, but without the equity payments the
6 communities may not have the wherewithal to deal
7 with that. That remains to be argued and dealt
8 with elsewhere during these hearings. But I think
9 the question is relevant, I think it has now been
10 answered and I would ask you to move on to your
11 next question.

12 MR. LONDON: Mr. Chair, if I may, I
13 don't want a gap in information which will lead to
14 people believing in a state of affairs that
15 doesn't exist. The JKDA is a complex document,
16 and there are lots of provisions of it, and my
17 understanding is that the mechanics of the JKDA
18 were not on review here. Having said that, Ms.
19 Kempton has identified three sources of income, of
20 money I should say, and we keep switching back and
21 forth, there is the employment income, there is
22 the business income, and then there is the income
23 from the project.

24 THE CHAIRMAN: Which are all laid out
25 in today's presentation.

1 MR. LONDON: Yes, but in terms of
2 whether or not there are funds available for other
3 programs, for example, over this period of in
4 particular the construction phase, there is other
5 income because the direct negotiated contracts
6 produce income and that income, as councillor
7 Neepin testified on the very first day, is going
8 into something called Fox Lake Ventures, and it
9 will be used by the community for whatever
10 purposes are required. And that could very well
11 be one of those purposes. In addition to that, if
12 I may, without getting into the mechanics of the
13 JKDA, the choice of option under the JKDA as to
14 whether you are common or preferred does not have
15 to be made by the Cree Nations until the last
16 turbine goes into service. At that point in time,
17 tell me what the economic conditions are going to
18 be, and I will tell you which option they will
19 choose. And if the economic conditions at that
20 point in time, ten years from now, looks like it
21 is unlikely that there will be profits for 25
22 years, the likelihood is they will choose the
23 other option. But you cannot make those decisions
24 now. It is foolish to even contemplate them.

25 THE CHAIRMAN: Thank you, Mr. London.

1 Ms. Kempton.

2 MS. KEMPTON: Point of clarification,
3 the statement that there is nothing that says that
4 there will be no returns to the First Nation for
5 25 years, is not the same as the statement that
6 says an option might be that there is no income.
7 A return or a distribution can be totally taken up
8 in this kind of a scenario to pay off the loan to
9 purchase one's equity share. So I don't want to
10 confuse the two, Mr. Bedford, and I think it
11 behooves us to get any potential misconception
12 from that cleared up. A return doesn't
13 necessarily mean income that they can use for
14 programs if it is being used to pay off loans. So
15 unless you are going disagree with me, I think it
16 is fair to say that my question that there might
17 not be income that they can use for programs to
18 address a bunch of community impacts from Keeyask,
19 still might not be coming in for 25 years under
20 one of the options, and I believe it is on the
21 record from an earlier panel that that was a
22 possibility, and I was exploring that further
23 today.

24 MR. BLAND: I would like to respond on
25 York Factory's behalf.

1 As I pointed out earlier, there are
2 profits, which Mr. London pointed out as well,
3 that there are profits that will be generated from
4 the projects and the direct negotiated contracts.
5 The money there, it can be used to offset social
6 programs or health programs, whatever, whether
7 they be alcohol abuse, drug abuse. That is still
8 an opportunity for York, but we also have in our
9 adverse effects agreement a cultural
10 sustainability program built in there, and it is
11 for the duration of the project. And that's how
12 we set out our dollars and we plan or intend on
13 spending those dollars in the community and trying
14 to build back what we lost in terms of our
15 cultural identity years ago.

16 MS. KEMPTON: Keeyask is the --
17 Keeyask comes in and this gives you the
18 opportunity to put some of these programs in place
19 through the Adverse Effects Agreement; correct?

20 MR. BLAND: It is the Adverse Effects
21 Agreement that we negotiated for and asked for
22 specifically.

23 MS. KEMPTON: But Keeyask is --

24 MR. BLAND: That's the avenue at this
25 moment, yes.

1 MS. KEMPTON: Keeyask is the
2 condition, I mean, it is the opportunity but also
3 the condition by which you get the funding?

4 MR. BLAND: If the project goes
5 forward, yes, and we are hoping it does.

6 MS. COLE: I would like to correct
7 something in your premise which was sort of
8 bandied about back and forth here with respect to
9 income. I want to make it very, very clear that
10 the Partnership is not banking on the income
11 earned by communities to offset the adverse
12 effects of the project. The adverse effects of
13 the project are being dealt with by the project as
14 adverse effects of the project. So I don't want
15 to leave the impression with anyone that we are
16 waiting for York to get an income stream so that
17 they can address problems related to potential
18 alcohol or drug abuse or other social problems
19 specifically related to Keeyask. The Partnership
20 has put measures in place to deal with those
21 problems. We talked about on-site counselling.
22 As noted in one of the IRs, there are options for
23 that on-site counselling to be extended to
24 communities and families if that need exists. So
25 I just wanted to make sure that we were clear

1 about that before we moved on.

2 MS. KEMPTON: Ms. Cole, let me just
3 take that as a lead to some other questions then.
4 Clearly, by its very name, the Partnership, Hydro
5 included, is expecting adverse impacts on the
6 community, on the socio-economics of the Keeyask
7 Cree Nations as a result of Keeyask, correct?

8 MS. COLE: Yes, that's correct.
9 That's why we have Adverse Effects Agreements with
10 each of those communities.

11 MS. KEMPTON: Okay. You are familiar
12 with what a tort is? Not a tart, a tort? It is
13 an act or accident for which somebody is liable
14 basically, a car accident, typical situation of
15 one of the parties is liable for what happened.
16 That's what I mean by that.

17 THE CHAIRMAN: Where are you going
18 with this?

19 MS. KEMPTON: In a -- if you will beg
20 me a minute here, Mr. Chair -- in a car accident
21 somebody gets permanently damaged, hurt, you know,
22 you sue the other party, and if you win or settle
23 it, then you get monetary, you get compensation,
24 you get damages.

25 THE CHAIRMAN: In Manitoba --

1 MS. KEMPTON: I'm going to

2 characterize --

3 THE CHAIRMAN: In Manitoba a car

4 accident is not a good example because we have no

5 fault insurance.

6 MS. KEMPTON: Fair enough. We do have

7 something different in Ontario, you can't sue

8 under a threshold, but you can -- let's call it a

9 train accident then, where, you know, somebody

10 gets run over by a train because of negligence of

11 the train operator and you get permanently

12 disabled. You sue CN. What you are going to get,

13 because they can't restore your legs that were cut

14 off, they can't grow you new legs, at least yet,

15 is you get damages for medical care and lost

16 income, because you can't work anymore, et cetera.

17 So what you get is money for certain types of

18 care, et cetera, because of the injury that you

19 received. So I'm going to characterize the

20 Adverse Effects Agreement as providing some money

21 for some programs to deal with the injury and

22 damage that's going to be caused. Would you agree

23 with that characterization?

24 MS. MAYOR: If Ms. Kempton is trying

25 to equate the Adverse Effects Agreements to a tort

1 settlement, then we object to the question in
2 trying to have a characterization that's legal in
3 its foundation. If you want to ask questions
4 about the reasons behind the Adverse Effects
5 Agreements, we don't have a problem with that.

6 THE CHAIRMAN: I would agree.

7 MS. KEMPTON: It is not, the Adverse
8 Effects Agreements aren't designed to make the
9 communities better than if Keeyask wasn't there,
10 they are designed to address impacts from Keeyask
11 through the provision of funding for various
12 programs that are needed because Keeyask is going
13 to cause damage. Correct?

14 MS. COLE: Yes, the Adverse Effects
15 Agreements are designed to address the adverse
16 effects of Keeyask, and they are based in many
17 ways on each community's understanding of the
18 effects of hydro development and how they believe
19 they can best be addressed through the Adverse
20 Effects Agreement.

21 MS. KEMPTON: One moment, Mr. Chair.
22 Those are my questions, thank you.

23 THE CHAIRMAN: Thank you, Ms. Kempton.

24 Fox Lake Citizens, who is it going to
25 be?

1 MR. KULCHYSKI: Thank you, Mr. Chair.

2 For the record, I'm Peter Kulchyski with the
3 Concerned Fox Lake Citizens Group.

4 THE CHAIRMAN: Pick the mic up a
5 touch.

6 MR. KULCHYSKI: I have some general
7 introductory questions, and then some specific
8 questions around the presentation. So let me
9 start, but first I had wanted to ask why someone
10 from TCN is not here today? Surely some of the
11 social environmental or economic impacts are
12 directly relevant to them, and I'm just curious
13 why we don't have a representative?

14 MS. KINLEY: The representatives, the
15 witnesses from the Cree Nations, from the Partner
16 First Nations, have chosen, have seen the way we
17 have organized the panels and have been part of
18 that organization, and they have chosen where to
19 be part -- where to be witnesses. In the
20 Partnership panel earlier on we had all of the
21 communities, and in the one following we will have
22 all of the communities. And we are very happy
23 that Ted and Karen are here with us on this panel.

24 MR. KULCHYSKI: Thanks.

25 So, since I'm an academic, I want to

1 start with the bibliography that's in the main
2 report that you filed. I'm just curious about a
3 couple of absences, so I guess this is to
4 Ms. Kinley or Dr. Petch. Have you seen or are you
5 aware of Dr. Paul Nadasdy's book, Hunters and
6 Bureaucrats?

7 MS. PETCH: I am sorry, you will have
8 to speak a little slower and maybe a little
9 louder?

10 MR. KULCHYSKI: I'm asking whether you
11 have seen or are aware of, I'm just going to have
12 four or five books, so I will go through them.
13 But first, Paul Nadasdy's book, it's called
14 Hunters and Bureaucrats?

15 MS. PETCH: I have heard of it but I'm
16 not familiar with it.

17 MR. KULCHYSKI: And I'm interested in
18 work about the indigenous methodologies, Linda
19 Smith's Decolonizing Methodologies or Shawn
20 Wilson's Research is Ceremony?

21 MS. PETCH: The first one, yes.

22 MR. KULCHYSKI: Linda Smith. And are
23 you familiar with or have you heard of the work of
24 either a Collin Scott or Harvey Feit or Brian
25 Craik or Boyd Richardson on social, socio-economic

1 on James Bay Cree?

2 MS. PETCH: Yes.

3 MR. KULCHYSKI: And Frank Tough, As
4 Their Natural Resources Fail?

5 MS. PETCH: Yes.

6 MR. KULCHYSKI: But those aren't in
7 your bibliography or notations for this study?

8 MS. PETCH: They were examined but
9 they were not part of the bibliography.

10 MR. KULCHYSKI: What about the UNESCO
11 inventory documents pertaining to Intangible
12 Cultural Heritage, United Nations, UNESCO?

13 MS. PETCH: Yes, they were examined
14 and they were then used in our analysis.

15 MR. KULCHYSKI: And are you aware of
16 the emergence of indigenous methodologies around
17 Aboriginal traditional knowledge?

18 MS. PETCH: Yes.

19 MR. KULCHYSKI: Did you use indigenous
20 methodologies in your research?

21 MS. PETCH: Not to the full extent we
22 would have liked to for this one.

23 MR. KULCHYSKI: Can you say why you
24 weren't able to use it?

25 MS. PETCH: The focus was on the

1 impacts of the pathways of effects from culture
2 and spirituality to the project. There were
3 specific things that we were looking at, rather
4 than a full academic study, we were looking at
5 specific issues.

6 MR. KULCHYSKI: Am I taking you to say
7 that you didn't think indigenous methodologies
8 would be appropriate to the focus of this
9 particular research?

10 MS. PETCH: No, I did not say that.

11 MR. KULCHYSKI: Then I'm not quite
12 understanding your answer. You say you would have
13 preferred to use indigenous methodologies if you
14 had a fuller scope, but because the project was
15 supposed to be on the impacts of the Keeyask
16 project, you didn't employ them?

17 MS. PETCH: The First Nation Partners
18 conducted their culture and spirituality studies
19 as part of their other projects. We respected and
20 appreciated the methods that they were using for
21 their components, and we drew from those and from
22 the works that they had produced.

23 MR. KULCHYSKI: Good, thank you.

24 Can I just ask, in terms of oral
25 history research that you were responsible for, is

1 the oral history that you would conduct different
2 if you are working in a place, I'm choosing
3 Romania because one of your research people did
4 their research in Romania, but anywhere else in
5 the world, as opposed to Northern Manitoba and
6 Inninuwug peoples. Would there be different
7 protocols and different methodologies if you are
8 doing oral history with indigenous peoples in
9 Northern Manitoba?

10 MS. PETCH: The technical components
11 of conducting oral histories, depending on the
12 kinds of equipment you want to use, can be pretty
13 much transferred across the board. But
14 specifically for First Nations, there are a number
15 of cultural indicators, if you will, or there are
16 a number of cultural processes that you will want
17 to address.

18 A lot of our questions and a lot of
19 their methods were provided to the First Nations
20 Partners prior to us actually conducting any of
21 the field work. So anything that we had planned,
22 or put forward in our work plans, was put through
23 the First Nation communities before we actually
24 were able to go and do the questions.

25 A lot of communities conducted their

1 own plan. We provided some training for them,
2 they conducted their own oral history programs and
3 provided us with the information they thought
4 would be relevant to us in our pursuit for looking
5 for pathways.

6 MR. KULCHYSKI: So then you were
7 taking information that was provided to you by the
8 communities rather than gathering it yourself, is
9 that --

10 MS. PETCH: We did both. We did a few
11 interviews, I believe about ten, 12 all together.
12 The rest were conducted by the communities. For
13 York Factory First Nation, the interviews that
14 were done by the community researchers were
15 transcribed by the community researchers, and the
16 transcripts were presented to us and we put them
17 through our social science programming. And that
18 is -- we also used that process with the reports
19 that were produced by the First Nations.

20 MR. KULCHYSKI: Thanks very much.

21 One other general question and then I
22 have some specific ones. This is for Ms. Cole. I
23 was actually quite interested in your answer to
24 Mr. Williams today around the limited
25 responsibilities of Manitoba Hydro through the

1 Partnership in terms of educational facilities on
2 the reserve. And I just was curious if you can
3 give me a broader answer. Does Manitoba Hydro,
4 through the Partnership, see itself as having any
5 kind of responsibility for the social well-being
6 of these communities, of the affected communities
7 on any level?

8 I will say it is not a trick question,
9 I'm not looking for a legal answer. I'm just
10 curious. It is an important question, I guess.

11 MS. COLE: It is an important question
12 and that's why I'm thinking about how I want to
13 answer it.

14 MR. KULCHYSKI: Sure, take your time.

15 MS. COLE: The answer to Mr. Williams
16 was in response to some very specific types of
17 services that are provided on communities, and
18 there are statutory obligations within legislation
19 that sort of mandate the responsibility of who
20 provides those services. So, for example,
21 education services are to be provided by the
22 Federal Government. Health services are to be
23 provided through the Public Health Act for the
24 First Nations and Inuit Health Branch. And we are
25 very aware that those statutory obligations exist

1 and that there are others mandated to undertake
2 those activities.

3 Having said that, I think I can speak
4 for myself, I can speak for Hydro, and I probably
5 speak for everyone that works within this
6 Partnership, the social well-being of the
7 communities is incredibly important to us, and
8 that's why so many measures have been taken within
9 what is our mandate to develop the project and
10 undertake the project in a way that provides as
11 much opportunity and enhances benefits as much as
12 possible to the communities that are most affected
13 by this project and are involved as partners.

14 MR. KULCHYSKI: Thanks for that
15 answer.

16 Let's say, with the best will, that
17 all of these measures that you, you know, are
18 obligated to provide and do provide, let's say
19 they fail. Let's says that we repeat, in effect,
20 which some of us are worried about, the mistakes
21 of the past and the socio-economic impacts end up
22 being horrific, as they have been in the past, in
23 my view.

24 Would you, or do you think that your
25 organization would feel a responsibility to go

1 beyond what they are technically legally
2 providing, and relook at the arrangement and try
3 and find some way to improve the situation, or
4 would you feel like, we've passed all of these
5 measures, we have provided all of these
6 provisions, and if they don't work, too bad?

7 MS. COLE: First of all, we are not
8 expecting a failure, and we are not expecting a
9 repeat of the past. We have worked very hard to
10 ensure that that hasn't happened. So in terms of
11 your question, though, we have talked a little bit
12 today about the Adverse Effects Agreements, and
13 there is a very real reason why those Adverse
14 Effects Agreements are structured with
15 flexibility, so that programming can change to
16 address adverse effects based on community wishes
17 in terms of addressing adverse effects, and if
18 they are not functioning as planned, the
19 flexibility and the ability to change those
20 programs. So that would be one part of the
21 answer.

22 I'm certain that you are aware, and it
23 was discussed initially at the Partnership panel
24 that there have been some challenges at Wuskwatim
25 in terms of what was expected from that deal, and

1 we haven't wiped our hands of it and walked away,
2 we are actually sitting down with the community
3 and talking about how we can change that
4 arrangement, so that it does provide what was
5 expected when it was originally negotiated.

6 So I think we are responsible, and we
7 will work with communities if those types of
8 things happen.

9 MR. KULCHYSKI: So then I can take it
10 that you are saying that the long-term
11 socio-economic conditions in the community, at
12 least matter to you and matter to your
13 organization, and as you monitor it as things go
14 on, it will be of concern?

15 MS. COLE: Yes, that's actually the
16 whole point of the monitoring program is to look
17 at the adverse effects of the project, to see if
18 they were what was anticipated, and if they are
19 not and our mitigation isn't working, to look at
20 improving mitigation, enhancing mitigation,
21 possibly changing mitigation, or adding different
22 mitigation if required.

23 MR. KULCHYSKI: All right. Thanks.

24 So now I want to turn to some
25 questions that come out of the presentation more

1 specifically. And Ms. Anderson, I want to start
2 with you. Just a few, I think fairly direct
3 questions or simple questions.

4 It refers to, on page 6 of the
5 powerpoint from Fox Lake, people making clothing.
6 And we just wanted to ask about, you know, people
7 using beaded jackets, gauntlets and mukluks. Do
8 you have any idea when and why they stopped making
9 those things? Animal hide for clothing on page 6?

10 MS. ANDERSON: Why they stopped? I
11 don't know, I think there are still some people in
12 the community who still do these activities. I
13 don't think they totally stopped. Some of them
14 don't live in the community anymore, but they
15 still practice that. Yes.

16 MR. KULCHYSKI: When and why do you
17 think it became less of an activity within the
18 community?

19 MS. ANDERSON: I guess progress. You
20 know, there is a lot of influences in the
21 community and there was no, you know, people were
22 out working, they couldn't live off the land
23 anymore, like totally get an activity off the
24 land, so they had to take jobs, and that takes
25 away from the transferring of skills to the

1 younger generation. And also there is a gap with
2 the elders with the language, so that's part of it
3 also. But I think there is many people had left
4 the community for residential school, like older
5 than me, and then at that time too there was no
6 transferring of the skills also. But there is
7 still some people who I know for sure, like a
8 couple of the ladies, they teach their daughters
9 how to do some of these activities. But there is
10 different reasons, yes. But there is a decline,
11 yeah.

12 MR. KULCHYSKI: Similarly, you say
13 that people used to survive and live on caribou.
14 When did that, you know, most markedly change?

15 MS. ANDERSON: That was an example,
16 like I wouldn't say they lived on caribou. Just a
17 minute I will find it, where I said that. I think
18 you are referring to how we talked about showing
19 the Europeans how animals migrated on the land,
20 and the caribou was the example.

21 MR. KULCHYSKI: All right.

22 And on page 11 you refer to the clan
23 systems, and I'm just wondering if you have any
24 knowledge related to the clan system that was used
25 specifically by Inninuwug around Fox Lake? Do you

1 know what beings might have been associated with
2 clans? Do you know how clans might have played a
3 role in intermarriage or other social relations?
4 Was there any work done on that or do you have any
5 knowledge of this?

6 MS. ANDERSON: Clans, are you
7 referring to family groupings? What did you say,
8 if I knew what?

9 MR. KULCHYSKI: Sometimes, you know,
10 in the Yukon, I worked in the Yukon, and they have
11 raven and wolf clans. Sometimes clans among the
12 Anishinaabe, for example, there is deer clan,
13 there is bear clan, there are clans associated
14 with different non human beings.

15 MS. ANDERSON: I understand what you
16 are asking, but, no, I have no knowledge of that.
17 I used family groupings.

18 MR. KULCHYSKI: When you are using the
19 word clans, you are talking about them as
20 families, is that right?

21 MS. ANDERSON: Yes, family and
22 community groups.

23 MR. KULCHYSKI: Okay. And we are
24 interested in the role of elders and community
25 members in writing up the environmental protection

1 plan and access management plans, I guess.

2 Did elders and community members have
3 direct contact with those developing the plan, or
4 did they act through intermediaries or through
5 other people?

6 MS. ANDERSON: They had direct
7 contact, but I'm just going to confer with Leslie
8 here.

9 MR. KULCHYSKI: I'm sorry, while they
10 are conferring, I will just introduce Mr. Noah
11 Massan, my colleague here. I was so eager to get
12 started, I neglected to say.

13 MS. ANDERSON: Sorry, Mr. Chair, would
14 it be -- could I ask if Leslie could respond? It
15 would be more succinct.

16 THE CHAIRMAN: Certainly, we would
17 have to swear her in, but she could respond.
18 Ms. Leslie Agger: Sworn.

19 THE CHAIRMAN: Go ahead.

20 MS. AGGER: Peter, if I understand
21 your question correctly, you were asking about the
22 direct input of the local elders and harvesters
23 with the people who actually authored the
24 environmental protection plans.

25 So, originally it was the case that

1 we, that it was through intermediaries, as you
2 referred to, like people like me would meet, and
3 we would then go and speak with the community.
4 But over the course of the past three years, Fox
5 Lake realized that there needed to be direct input
6 to the consultants, and actually to Manitoba
7 Hydro, because the ideas that were generated that
8 were coming from the community were best
9 communicated to those people. So over the past
10 three years, what happened was that this sort of
11 core group of elders and harvesters assembled
12 themselves, and that was the group that we began
13 to look to, to help us better understand what the
14 community's perspectives were. So we developed, I
15 guess it was a protocol really, that we insisted
16 that there be direct contact between the core
17 group and Manitoba Hydro and Manitoba Hydro's
18 consultants.

19 So that's a very recent sort of
20 improvement in communication and input to and
21 from, direct input to and from the community and
22 the consultants and Manitoba Hydro.

23 MR. KULCHYSKI: So how recent was
24 that? Is that like starting three years ago?

25 MS. AGGER: That would have been

1 probably 2010 that that started, summer of 2010.

2 MR. KULCHYSKI: Thanks.

3 Okay, so then I want to turn to some
4 questions around the socio-economic parts of the
5 report. And on the main filing in section 219,
6 you referred to the Split Lake adhesion to the
7 Treaty in 1908. And I just wanted to ask if you
8 would agree that if Split Lake had not signed the
9 Treaty adhesion in 1908, that would significantly
10 increase the value of their outstanding rights
11 because they would not have surrendered their
12 Aboriginal title?

13 THE CHAIRMAN: I think that's beyond
14 the can of this panel.

15 MR. KULCHYSKI: Well, can I ask, since
16 they referred to the signing of the Treaty in
17 1908, whether they think that that signing was
18 significant?

19 THE CHAIRMAN: Again, I think that's
20 beyond what we would expect this panel to know.
21 They provided that as a historical point, but they
22 weren't offering any, you know, qualitative
23 observations about the value of that.

24 MR. KULCHYSKI: Okay, thanks.

25 Then on page 16, I think of the slide

1 presentation today, you referred to the
2 collaborative work. And we were wondering, is
3 that collaboration with Manitoba Hydro or its
4 consultants, and specifically I'm wondering --
5 maybe Ms. Cole can answer this -- but is Manitoba
6 Hydro itself gaining any specific capacity or
7 experience with Aboriginal traditional knowledge?
8 Would you say that it is starting to build up an
9 in-house capacity in Aboriginal traditional
10 knowledge?

11 MS. COLE: I'm not quite sure I
12 understand the question or what you are mean by
13 that.

14 MR. KULCHYSKI: Okay. I would say
15 that for many years, Manitoba Hydro has been
16 engaged with Aboriginal communities, but maybe
17 hasn't -- well, I would say hasn't had the best
18 record of engagement with Aboriginal communities.
19 So I'm curious about concrete things that will
20 maybe improve Manitoba Hydro's ability to engage
21 with Cree communities in Northern Manitoba. And
22 one of those would be its in-house capacity to
23 access and understand Aboriginal traditional
24 knowledge. So I guess I'm wondering whether, you
25 know, there has been any improvement or -- we

1 often talk about the capacity of indigenous
2 communities, but I'm concerned about the capacity
3 of Manitoba Hydro itself, apart from the
4 consultants it brings in with its own kind of
5 in-house capacity and understanding, how that has
6 grown.

7 MS. COLE: If we are talking
8 specifically about in-house capacity, it is kind
9 of an awkward question, but I will do my best to
10 answer it for you. And I can't speak to the past,
11 I can't speak to what specifically you are
12 referring to. Certainly among the individuals
13 that are engaged in this project and work in this
14 project, and others within the organization that
15 I'm aware of who work directly with Aboriginal
16 communities, most of those individuals come
17 from -- many of those individuals come from a
18 background where they would have had either
19 previous experience, or they have gained
20 experience working with Aboriginal communities
21 through the course of their jobs. Many of them,
22 some of them are Aboriginal themselves. In the
23 case of my staff, I have two anthropologists who
24 work for me, they are also anthropologists who
25 work within the consulting firms. But I don't

1 want to leave you with the impression that -- we
2 don't view ourselves as the knowledge holders, so
3 I don't want to leave that impression. We view
4 the community themselves as the knowledge holders,
5 so I don't want to leave the impression that we
6 are sort of seeking to hold the knowledge and then
7 reflect it back. We work closely with communities
8 to understand their perspectives and their
9 concerns and where they are coming from.

10 In the case of this project, the use
11 of Aboriginal traditional knowledge within the EIS
12 was governed by a set of Aboriginal traditional
13 knowledge principles that were developed by the
14 Partners, and specifically lead by the communities
15 to sort of talk about how we would incorporate
16 Aboriginal traditional knowledge into the EIS.
17 And those principles are documented in the EIS,
18 and we went through them a little bit earlier in
19 the course of the hearing.

20 I don't know if I've answered your
21 question, but I tried to.

22 MR. KULCHYSKI: I'm not expecting you
23 to become an Aboriginal knowledge holder, but
24 someone who might be prepared to see the relevance
25 of certain questions, ask the questions, and maybe

1 have some ability to understand the answers. And
2 you know, it is a growing field of working with
3 Aboriginal communities on resource uses, so it may
4 have been certainly 30 years ago that Manitoba
5 Hydro as an organization likely didn't have much
6 expertise in that area, 40 years ago maybe we can
7 safely say. And I certainly think some of that
8 has grown. And I just wondered if there has been
9 continued growth in those capacities through this
10 project. And I think you kind of answered my
11 question.

12 MS. COLE: I think there has been
13 continued growth. We talked about that a little
14 bit a few days ago. There have been a lot of
15 ah-ha moments, and we are always learning from one
16 another. And I think, well, I am confident that
17 at least the ones that I work with, I can't speak
18 for others that I am not engaged with at Hydro, I
19 think everyone has approached this project and
20 engaged in this project with very much an open
21 mind and an open heart, understanding and learning
22 from one another, and asking questions.

23 And we talked earlier about developing
24 an environment of respect and trust, and that's
25 critical to being able to ask some of the

1 questions that you are talking about. So some of
2 those relationships and friendships have built so
3 that we can ask some of what might seem like a
4 stupid question, and to facilitate learning and
5 starting to understand one another a whole lot
6 better.

7 MR. KULCHYSKI: Thanks.

8 I had a question, a couple of
9 questions that come from our principals about what
10 are the plans made by Fox Lake leaders about the
11 employment situation after the Keeyask boom dies
12 down, both the expectations it might create with
13 certain families of a certain income level, and
14 about the lack of jobs after the construction boom
15 ends. So what sort of plans do you have in place
16 to deal with the end of the construction phase in
17 terms of employment?

18 MS. ANDERSON: I think that -- like I
19 know this has happened in the past already. Like
20 Limestone, there was a big -- just the town almost
21 went like a ghost town. There was very little
22 jobs, and there was only families who were not
23 employed in the project, like I will say like in
24 the time it was called LGD of Gillam. So those
25 people were lucky, they were able to have their

1 jobs for years after. But at this time, like
2 there is still a lot of unemployment in the
3 community, so people are looking forward to
4 getting some jobs. And you know, it is -- for me,
5 for many years I see that there is no jobs in the
6 community right now. And I mean, I think people
7 will be happy to have some income at this time.
8 But, again, going into the future, there is other
9 projects coming, so we are trying to look at the
10 positives. I know that there will come a time
11 when there will be no jobs and all of the projects
12 are done, and hopefully with some of the training
13 in place for our people, maybe they will leave the
14 community to go in pursuit of positions in other
15 communities, or do other things that we are
16 looking for, we are looking towards the positives.

17 I think when the time comes and the
18 projects are nearing the end, I think that's when
19 we need to decide what we are going to do. You
20 know, maybe we will have some different income
21 sources or different businesses. Those are the
22 things that we need to think about at that time,
23 but that's into the future.

24 So I think that's the best -- like I
25 know what it is to have a project die, and the

1 community to have no income. And it is sad, like
2 a lot of people did leave, they went to go look
3 for other jobs. And hopefully, some of the
4 training will assist those families in doing that,
5 if they plan to leave, you know, because if there
6 is nothing in the community, you know, I think
7 that's going to be a decision that they will have
8 to make. Otherwise I think it will probably be
9 the same. I'm almost positive it will. If there
10 is no job there, and you stay, and then there is
11 really no other choice. But I think, like I said,
12 at the time when it comes, like there is one more
13 project proposed, so maybe in 25 years, you know,
14 that's when, 20 years, that's when whoever is in
15 the leadership will have to start thinking about
16 that.

17 MR. KULCHYSKI: Thanks for the answer.

18 So I understand there are no plans at
19 the moment to deal with that. You have an
20 understanding of the experience, you know it is
21 coming, but you will wait until closer to the time
22 comes to develop a plan?

23 MS. ANDERSON: I don't know that I can
24 say that the leadership has not spoken about it or
25 discussed it in their meetings. But I know that

1 they have that knowledge that will come forward,
2 so...

3 MR. KULCHYSKI: And then on page 32,
4 you refer to, you know, qualified workers. And
5 there have been some concerns in the past from
6 Aboriginal people across Northern Manitoba about
7 what this means.

8 And so among the concerns are, will
9 there be criminal record checks for people
10 applying for jobs? Do people require five years
11 experience in order to get a job? And does
12 someone lose their residency as a northern
13 resident if they left for longer than six months?
14 So those are the three specific questions about --
15 that might exclude people who are looking for
16 work.

17 We are just wondering what you mean by
18 qualify? Do you mean the specific qualifications
19 associated with a particular job, or these other
20 issues such as five years of experience, criminal
21 record checks, and losing your residency if you
22 are out of the north for longer than six months.
23 Also, what you have been thinking of or what have
24 been used as qualifications?

25 MS. COLE: So when we refer to

1 qualified, that refers to the specific
2 qualifications required to do the job. So you've
3 listed three things, and we can address, I guess,
4 all three of those.

5 The first is criminal record checks.
6 Criminal record checks are generally not
7 undertaken with the exception of the security
8 jobs. So that's the first one.

9 Regarding the five years experience,
10 that really is dependent on the job. The level of
11 experience and the number of years of experience
12 will vary depending on the position in the work
13 force. So there is not a set five year level of
14 experience, it is entirely dependent on the job
15 and skills required and experience levels required
16 for that job.

17 In terms of losing northern residency,
18 when we walked through the preferences for the
19 project, one of the things that Janet noted, there
20 is a letter of agreement to the Burntwood/Nelson
21 agreement specific to this project. And in the
22 case of this project, residents of the four
23 Keeyask Cree Nations communities, which would
24 include Fox Lake, do not need to be resident in
25 the north to qualify within the first preference

1 region.

2 MR. KULCHYSKI: So then supplemental
3 to that, if some of the positions, for example,
4 heavy equipment operators or truck drivers,
5 require five years of experience, and people who
6 might train now won't have five years of
7 experience because the job will start, why are
8 people being trained for positions that might
9 require experience before they get hired?

10 MS. COLE: Well, the HNTEI program
11 certainly has -- it ended in 2010. So if people
12 are taking training now, it is certainly on their
13 own volition, it is not training that we are
14 offering. I have no clue, but I can find out the
15 number of years of experience required to be a
16 heavy equipment operator, and it may depend on the
17 type of equipment that you are operating, I'm not
18 sure. But if someone is taking training or
19 pursuing training, I would hope that they are
20 pursuing training because they want a career as a
21 heavy equipment operator and not specifically to
22 work on the Keeyask project for whatever that
23 duration would be.

24 MR. KULCHYSKI: There are certainly
25 limited opportunities for heavy equipment

1 operators, and probably Hydro construction is
2 going to be one of the largest opportunities over
3 the next while. So it can be frustrating for
4 people if they take training, but can't access
5 experience. And then in order to work on the
6 Keeyask or a future projects, you know, don't have
7 the background and can't get employed. So they
8 have got a credential, they can't get experience
9 and they can't get work.

10 MS. COLE: Well, specifically the
11 heavy equipment operators, that is actually one of
12 the few jobs in the north, that is one of the main
13 jobs, which is why there are a lot of heavy
14 equipment operators that have been trained through
15 the HNTEI project.

16 Typically, I would note that some of
17 the work has already started through the Keeyask
18 infrastructure project, so there is certainly
19 experience being gained through that project, and
20 work being undertaken through that project would
21 involve a lot of heavy equipment operators. And
22 most of the contracts through that are direct
23 negotiated contracts with the communities. So the
24 communities have the opportunity to direct hire
25 through those contracts individuals that they may

1 feel are qualified to undertake that work. So
2 that is an opportunity to gain the skills required
3 to do that type work.

4 Also, if the project is underway, and
5 as is up on the slide here, frustration over skill
6 levels that may be noted and those types of
7 aspects certainly come up quite regularly during
8 the course of a construction project. And it is
9 something that we take seriously. And that's why
10 that advisory group on employment exists. And
11 that's a venue for concerns related to job
12 qualifications and those types of things, that
13 provides a venue for those to be brought up,
14 reviewed, and discussed, and taken back and looked
15 at to make sure that the qualifications being
16 asked for a job do match what is actually required
17 to undertake that job.

18 THE CHAIRMAN: Carry on.

19 MR. MASSAN: Hello, my name is Noah.
20 I worked in all of those dams. I'm a heavy
21 equipment operator by trade, I got over 30 years
22 experience on those dams.

23 It all started back in maybe '68, '69,
24 when the construction started, I started working
25 for BACM, and then I worked for MacNamara, I think

1 Terry knows that. That's who are the contract in
2 Kettle, MacNamara. And they gave us opportunity,
3 that's the only outfit that I know gave First
4 Nation people a chance to run machines.

5 Now everything is different after Long
6 Spruce. You had to have five years experience to
7 work on these jobs, even Limestone. Because at
8 Limestone when I was working there was an American
9 outfit I guess. I was the second dozer operator.
10 The American told me, aren't you a little bit too
11 young to be a cat skinner, but John Banville did
12 tell them I worked for Long Spruce and that.
13 Because they wanted, you know, when a company
14 comes in, like they don't want to give -- if you
15 don't have five years experience, they are not
16 going to let you run a \$100,000 machine. They
17 want to see your experience on the machine. They
18 are not like -- lots of our people here took
19 training, truck drivers and everything. Even my
20 brother just finished taking heavy equipment
21 training in Thompson. And he went to the union
22 that was training in Thompson, he asked if he can
23 get a job. But they told him you have to have
24 five years experience, but Smokey wanted to give
25 him a job. They don't know my brother.

1 But Hydro got no control about, you
2 know, the construction, when the contractor --
3 they have got no control over who they can hire.
4 They always ask you for five years experience.
5 Fortunately I had that. I got the run. I play
6 with big toys. The biggest toy, D10 in Limestone,
7 and the biggest loader I run, 992, you are about
8 14 feet high, you know. They were testing me out
9 to see if I can run these machines. I show them I
10 can do it.

11 At first they didn't trust me, I
12 guess. And then I got to run 35 ton crane too.
13 But John Banville didn't tell them I could run
14 this equipment. I got to see what really happened
15 in construction. Hydro don't over look that, like
16 they are not watching the First Nation people.

17 Like, for instance, there is a truck
18 driver, I don't know who they hired this guy from,
19 you know. When you are working on the river you
20 got to think about safety all of the time. That's
21 a big concern too.

22 You know, the other thing about these
23 people, especially when you are working on the
24 river, you are making a cofferdam, you are
25 thinking about them guys. That's how they look at

1 you, these constructions, you know, the
2 contractors and all that.

3 Right now in Keeyask, why are they
4 letting First Nation people -- because a guy
5 there, he is a cousin, I am related to him I
6 guess -- and the contractor keep their people. I
7 don't understand it. I thought we get the first
8 cut at these jobs. We are not getting that.

9 You know, you guys sound pretty good
10 when you are talking, but that's not the
11 experience I got to see, you know. It bugs me
12 when I see that.

13 THE CHAIRMAN: What Noah didn't tell
14 us was that in 1986, I believe, when they had the
15 sod cutting, or sod turning to restart the
16 Limestone project, the Premier of the Province was
17 up there riding on a dozer to cut that soil, and
18 Noah was the operator.

19 MR. KULCHYSKI: But you can see that
20 for all of the paper that's here, and all of these
21 numbers, there is a lot of frustration in northern
22 communities with actual employment. And certainly
23 the five year experience means that people are
24 getting trained, but then can't get the positions.
25 I suppose, maybe I'll turn this into a question.

1 I often hear in various of these projects that the
2 people who own the project afterwards make a bunch
3 of promises, but the contractors, or some
4 contractors don't necessarily feel bound by the
5 promises, and are often bound by their own family
6 ties and their own obligations.

7 So are there contractual provisions in
8 place to ensure that Aboriginal people who are
9 properly trained will get work they are trained
10 for from various contractors and sub contractors?

11 MS. COLE: There are preference
12 conditions in the Burntwood/Nelson Agreement, and
13 those preference conditions do extend first and
14 foremost to northern Aboriginal people, so that
15 they are within the first preference area, and
16 qualified northern Aboriginal people do receive
17 first preference. And that runs through the job
18 referral system.

19 In terms of the five years of
20 qualification, there is no standard five years of
21 qualification. The qualifications are set on a
22 job by job basis. So depending on your experience
23 and the type of job that the individuals that you
24 were referring to were applying for, there very
25 well could have been five years of experience

1 required to operate that piece of equipment. But
2 there certainly isn't a standard five year level
3 of experience across the board.

4 You know, you are right, safety is a
5 huge concern for us. We take it very, very
6 seriously at the site.

7 There is also a process in place, and
8 I would say this is one of the learnings from
9 Wuskwatim, there is a process in place to provide
10 on-the-job training. And that is happening right
11 now through the direct negotiated contracts that
12 are underway through the Keeyask infrastructure
13 project. And it will continue with contractors
14 throughout the course of the general civil
15 contract for Keeyask. And the purpose of that
16 training is to do exactly what you are expressing
17 as a frustration, it is to provide individuals
18 with the opportunity to gain experience at the
19 construction site and to build their
20 qualifications.

21 So, for example, one of the best
22 examples are carpenters. Often carpenters have
23 20, 30 years of experience building houses in a
24 First Nation community, which is totally different
25 than building some of the forms, and concrete

1 forms required at a construction site. So there
2 are cases, and there certainly were through
3 Wuskwatim, where on-the-job training opportunities
4 were provided to provide those individuals with
5 some of the experience needed to qualify to do
6 that type of work on a construction site, and to
7 make sure that those opportunities were available
8 to train carpenters in the region and from the
9 Nelson House community. So that is the purpose of
10 on the job training.

11 THE CHAIRMAN: Dr. Kulchyski, it is
12 after 4:30. If you have five or ten minutes left,
13 we will continue. If you have more, we will wait
14 until the morning.

15 MR. KULCHYSKI: Let's wait for the
16 morning.

17 THE CHAIRMAN: You have more than five
18 or ten minutes?

19 MR. KULCHYSKI: Yes.

20 THE CHAIRMAN: Okay. So we will
21 adjourn until 9:30 tomorrow morning.

22 The thing I forget almost every day,
23 documents to be registered, Madam secretary?

24 MS. JOHNSON: Yes. The KHL P response
25 to undertaking 7 and 8 will be KHL P 46. The

1 response to undertaking number 9 is 47. There is
2 an update to the Keeyask heritage field studies
3 for 2012/13, which will be KHL P 48. The panel's
4 4D slides on socio-economics is KHL P 49. And Mr.
5 Williams' excerpts from the socio-economic record
6 is CAC 005.

7 (EXHIBIT KHL P 46: Response to
8 undertaking 7 and 8)

9 (EXHIBIT KHL P 47: Response to
10 undertaking number 9)

11 (EXHIBIT KHL P 48: Update to Keeyask
12 heritage field studies for 2012/13)

13 (EXHIBIT KHL P 49: Panel's 4D slides
14 on socio-economics)

15 (EXHIBIT CAC 005: Mr. Williams'
16 excerpts from socio-economic record)

17 THE CHAIRMAN: Thank you. We are now
18 adjourned.

19 (Adjourned at 4:35 p.m.)
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OFFICIAL EXAMINER'S CERTIFICATE

Cecelia Reid and Debra Kot, duly appointed
Official Examiners in the Province of Manitoba, do
hereby certify the foregoing pages are a true and
correct transcript of my Stenotype notes as taken
by us at the time and place hereinbefore stated to
the best of our skill and ability.

Cecelia Reid
Official Examiner, Q.B.

Debra Kot
Official Examiner Q.B.

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