

MANITOBA CLEAN ENVIRONMENT COMMISSION

KEEYASK GENERATION PROJECT

PUBLIC HEARING

Volume 11

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INDEX OF UNDERTAKINGS

No Undertakings given

1 Wednesday, November 6, 2013

2 Upon commencing at 9:30 a.m.

3 THE CHAIRMAN: Good morning. I'd like  
4 to reconvene now. We're continuing with  
5 cross-examination of the socio-economic panel,  
6 Concerned Fox Lake Grassroots Citizens, then the  
7 chair.

8 Dr. Kulchyski?

9 MR. KULCHYSKI: Thank you. So just to  
10 let you know roughly, we have a few more questions  
11 around training, some questions about social  
12 impacts, questions about mercury, and questions  
13 about heritage, and a couple of general questions  
14 at the end. So that's roughly our overall  
15 program.

16 So if we can turn back to, I just  
17 finished with a couple of questions on training.  
18 I want to ask a little bit about the Wuskwatim  
19 experience. So I guess this is directed towards  
20 Ms. Cole.

21 Would you characterize the Aboriginal  
22 employment experience at Wuskwatim as an  
23 unqualified success or something less than that,  
24 and if so, what would your overall  
25 characterization be?

1 MS. COLE: I would probably not use  
2 the phrase "unqualified success," but I would say  
3 that it was successful. I mean, it was the first  
4 time in many, many years that Hydro had undertaken  
5 a major capital project. And in that respect, I  
6 think we did quite well. We had roughly  
7 35 percent Aboriginal employment. Rates of  
8 turnover were down from the context of Limestone.  
9 There were certainly a number of people who were  
10 in senior supervisory positions. Some of the  
11 individuals who worked at Wuskwatim have gone on  
12 to work at the Keeyask infrastructure project. So  
13 in that respect, I do think it was a success. But  
14 we also learned a lot during the course of  
15 undertaking Wuskwatim and some of those lessons  
16 are being applied at Keeyask. And we talked about  
17 some of those yesterday in the context of  
18 on-the-job training, and there are some other  
19 aspects as well.

20 MR. KULCHYSKI: That was my next  
21 question, whether lessons that were learned at  
22 Wuskwatim were incorporated into the new project?

23 MS. COLE: Yes.

24 MR. KULCHYSKI: So I guess retention  
25 rates are the thing that concerned me when I

1 looked at the numbers coming out of Wuskwatim. Do  
2 you have any specific plans to try and improve  
3 retention rates of Aboriginal workers in the  
4 Keeyask project?

5 MS. COLE: We do. And they were a  
6 concern for us coming out of the Wuskwatim project  
7 as well. Retention rates were certainly better  
8 than they were on Limestone, but they were not as  
9 good as we had hoped they would be.

10 So some of the things that we do have  
11 in the context of retention, firstly, there's an  
12 employee retention and support contract, which is  
13 a negotiated contract, a direct negotiated  
14 contract with York Factory and Fox Lake. That  
15 contract does provide counselling services at  
16 site, as well as cultural awareness training,  
17 which will be really important in the context of a  
18 very diverse workforce that we expect at the  
19 Keeyask site.

20 One of the things that is new, and I  
21 think is a learning through the context of  
22 Wuskwatim, is for many northern Aboriginal people,  
23 in particular, working with unions is not a  
24 familiar experience and can in many ways be very,  
25 very intimidating. And there is a lack of comfort

1 often in going to speak to a union or taking up --  
2 engaging, I guess, in a fight would be something  
3 that would be a way that I would characterize it.  
4 So one of the things that we learned through  
5 Wuskwatim is, rather than challenge, people would  
6 just leave the site.

7                   And so one of the changes that has  
8 been made in the context of Wuskwatim is having a  
9 specific Aboriginal union representative hired by  
10 the union, who is there to act as a liaison for  
11 the Aboriginal workforce at the site, and to  
12 support Aboriginal workers in dealing with the  
13 unions.

14                   Those are two of the bigger matters  
15 with respect to retention. There are also site  
16 representatives from the KCN communities that are  
17 there to act as liaisons for the KCN communities,  
18 but certainly for others. And we do expect that  
19 there will be elder visits to site, which was one  
20 of the learnings through the course of Wuskwatim  
21 and was certainly very well received by workers  
22 from Nisichawayasihk Cree Nation, was the  
23 opportunity to sit down and speak with elders on a  
24 regular basis, so...

25                   MR. KULCHYSKI: But would you agree

1 that using Limestone as a baseline and saying  
2 Wuskwatim improves on Limestone, I mean, we are  
3 looking at a dam that was built in an era when,  
4 you know, Aboriginal employment rates were very  
5 poor and processes were quite poor. So that's not  
6 like -- saying you have improved on Limestone is  
7 not, to my mind, saying a whole lot.

8 MS. COLE: Well, for Hydro, that's our  
9 last experience, building in Northern Manitoba.  
10 And the Limestone experience certainly wasn't as  
11 bad as you're making it out to be, and we have  
12 improved upon it. Limestone retention rates for  
13 Aboriginal workers were around 50 percent, so that  
14 certainly was not very good.

15 In the context of Wuskwatim, they were  
16 roughly a 40 percent retention rate, but many of  
17 those workers were rehired later on in the  
18 process, and many of them quit. They weren't  
19 workers who were fired, they just left the job  
20 site. And so many of them came back later on.

21 And rates of hire at Limestone were  
22 probably -- they weren't as high as Wuskwatim, but  
23 there certainly was a large Aboriginal workforce  
24 at Limestone as well.

25 MR. KULCHYSKI: So then you don't

1 agree that Limestone sets a fairly poor standard  
2 as a baseline to work from and to characterize  
3 your improvement?

4 MS. COLE: For us it's the only, I  
5 guess, point of reference that we have in terms of  
6 our experience working in Northern Manitoba. We  
7 would use now as a point of reference going  
8 forward on Keeyask the Wuskwatim experience,  
9 because that's going to be a very recent  
10 experience, and many of the policies and  
11 practices, the pre-employment training are very  
12 similar to Keeyask. So we would use that now as  
13 our baseline in the place in which to improve  
14 upon.

15 MR. KULCHYSKI: Sure. And then  
16 turning to the workers who voluntarily left  
17 employment, are you familiar with the concept of a  
18 racially stratified workforce?

19 MS. COLE: Perhaps you can explain to  
20 me what you mean by that and then I can --

21 MR. KULCHYSKI: A racially stratified  
22 workforce means basically, in crude terms, you  
23 have brown people shoveling and you have white  
24 people ordering them where to shovel, as in  
25 executive positions, management positions,

1 supervisory positions are dominated by, in this  
2 case, non-Aboriginal people, and menial positions  
3 are dominated by Aboriginal people. We  
4 characterize a workforce that works largely in  
5 that structure as a racially stratified workforce.

6 MS. COLE: Okay. Are you asking me if  
7 I believe Wuskwatim was like that, or is there a  
8 question?

9 MR. KULCHYSKI: So you're not familiar  
10 with the concept of racially stratified workforce?

11 MS. COLE: I understand what you're  
12 getting at, yes.

13 MR. KULCHYSKI: Okay. Do you  
14 appreciate the fact that sometimes workers may  
15 leave a job, Aboriginal workers, for example,  
16 those at the lower end of the workforce, because  
17 they are experiencing a racially stratified  
18 workforce?

19 MS. COLE: I am not sure I would  
20 characterize -- as the Partnership, the Wuskwatim  
21 Hydropower Limited Partnership has spent a lot of  
22 time talking about why people may have left the  
23 work force. And certainly concerns about -- I  
24 won't use your language because that certainly  
25 wouldn't be the language that would be reflected

1 back to us. Certainly what we have heard in some  
2 instances is that individuals left the workforce,  
3 in some cases, because they felt there was perhaps  
4 a lack of understanding of Aboriginal culture and  
5 they weren't understood on the workforce, and that  
6 there were communication barriers and  
7 misunderstanding. I won't deny that that has  
8 absolutely come up in the context of Wuskwatim and  
9 discussions with workers who have left the site.  
10 And we are working very hard to address that in  
11 the context of Keeyask.

12 MR. KULCHYSKI: Can you give me some  
13 examples of what sort of changes will be made to  
14 address those kinds of situations?

15 MS. COLE: Well, one we have already  
16 talked about, which is implementing cultural  
17 awareness training. That will be lead by York  
18 Factory and Fox Lake First Nation. It's mandatory  
19 at the site, and has now been integrated and will  
20 take place as part of safety, as part of the  
21 safety training at site. So all site staff will  
22 receive it. Managers and supervisors receive a  
23 longer training course than perhaps other workers  
24 at the site. So that would be one of the pieces  
25 that's been undertaken.

1                   And there are always efforts to get  
2 individuals into supervisory positions from  
3 Northern Manitoba, but it's challenging and -- but  
4 there are efforts made to do that.

5                   MR. KULCHYSKI: Okay. On page 61, you  
6 say:

7                   "Manitoba Hydro intends to address  
8 these risks through a corporate wide  
9 strategy."

10 And then in my terms, thinking about it as a  
11 racially stratified workforce, has Manitoba Hydro  
12 had, or does it contemplate having an Aboriginal  
13 executive training program within the  
14 organization?

15                   MS. COLE: So what you're referring to  
16 on page 61 is linked specifically to public safety  
17 and worker interaction. So it's not actually  
18 specifically linked to incidents at site. It's  
19 actually primarily linked to interaction in local  
20 communities that may not be positive interactions  
21 between an outside workforce and individuals in  
22 local communities. So are you asking me about  
23 that, or do you want to talk about your first  
24 question?

25                   MR. KULCHYSKI: I was thinking it

1 might have had a broader applicability. So let me  
2 ask if Manitoba Hydro, as an organization, has it  
3 contemplated or does it have an Aboriginal  
4 executive training program?

5 MS. COLE: I'd have to find out for  
6 you whether we have something specific at Manitoba  
7 Hydro related to an Aboriginal management  
8 initiative. I can tell you that within Manitoba  
9 Hydro there certainly are, within the company  
10 employment target, like an Aboriginal management  
11 employment target, and we're working very hard to  
12 achieve that inside the company.

13 And we do have a number of initiatives  
14 that we work towards to improve Aboriginal  
15 employment within our own workforce. So, for  
16 example, we have the Aboriginal pre-placement  
17 training initiative, which provides Aboriginal  
18 candidates with skills, upgrading, training,  
19 particularly in the area of sciences which are  
20 often not found in Northern Manitoba. We talked  
21 about yesterday, to improve the ability of  
22 Aboriginal workforce to get into our trades,  
23 training apprenticeship program. So they would go  
24 through first the Aboriginal pre-placement  
25 training program, and then they enter right into

1 the trades training initiative which lead to  
2 either a five or six-year apprenticeship program.

3 We also offer several scholarships  
4 through the course of the work that we do. We  
5 have a very engaged summer student program, which  
6 25 percent of the students in that program are  
7 Aboriginal.

8 So there is an IR that walks through  
9 all of those initiatives.

10 MR. KULCHYSKI: But I'm asking,  
11 specifically I'm concerned at the executive level,  
12 at the upper level of Manitoba Hydro  
13 decision-making and management, what efforts are  
14 made to recruit Aboriginal people? For example,  
15 are there Aboriginal liaison officers? I know in  
16 the corporate structure, there is someone with the  
17 responsibility for Aboriginal community  
18 engagement, but I don't see Aboriginal people in  
19 those positions, or other positions not related to  
20 Aboriginal people.

21 And you know, we talked yesterday a  
22 little bit. I'm concerned about, when we talked  
23 about the capacity to develop Manitoba Hydro's  
24 knowledge of Aboriginal traditional knowledge, so  
25 I'm concerned about its general capacity to

1 appreciate, understand Aboriginal culture, the  
2 conditions of Aboriginal communities. Part of  
3 that capacity probably involves having Aboriginal  
4 people at the upper echelons of the organization.  
5 And I'm just curious whether you're sort of  
6 allowing these programs hopefully to eventually  
7 infiltrate, so that someone comes, or whether  
8 there is a more aggressive strategy for recruiting  
9 Aboriginal people at the executive level?

10 MS. COLE: Well, certainly that is our  
11 hope or we wouldn't be implementing all of those  
12 programs. That's 100 per cent of our hope. But  
13 the notion that there aren't some very influential  
14 Aboriginal people at the very senior executive  
15 level of Hydro, I'm not sure is entirely fair.  
16 Hydro's board has four Cree people on the board  
17 for Manitoba Hydro, who are leading the policy and  
18 decision-making of the company.

19 MR. KULCHYSKI: Well, I appreciate and  
20 I'm aware of that level of Aboriginal engagement  
21 at the board. I'm concerned about the operational  
22 organizational structure of the organization, so  
23 the presidential, vice-presidential, kind of the  
24 daily decision-making level. And again, within  
25 Hydro --

1 THE CHAIRMAN: Mr. Bedford?

2 MR. BEDFORD: We have moved beyond the  
3 Keeyask project. Manitoba Hydro is not the  
4 proponent of this project and, however interesting  
5 the subject may be, it's not relevant to your work  
6 here.

7 MR. KULCHYSKI: It's absolutely  
8 relevant inasmuch as if Manitoba Hydro has a  
9 racially stratified workforce in its own  
10 organization, and that can therefore get mirrored  
11 in a project like Keeyask and, therefore, you have  
12 a recurrent problem.

13 THE CHAIRMAN: Unfortunately for you,  
14 Dr. Kulchyski, I would agree with Mr. Bedford. I  
15 don't believe it's relevant to the proceedings  
16 before us.

17 I would also note that you are making  
18 a lot of statements. You should just be asking  
19 questions. Some context is allowed, but making  
20 statements goes beyond the purpose of  
21 cross-examination. That comes in argument.

22 MR. KULCHYSKI: Of course. Thanks.

23 I think the other question I have is  
24 about the training you have been talking about in  
25 terms of workers. Do you have any sense of what

1 the duration of training is for workers and for  
2 supervisors on the Keeyask site around cultural  
3 sensitivity issues?

4 MS. COLE: Like how long is the  
5 training program?

6 MR. KULCHYSKI: I understand there's a  
7 health and safety component, so I'd be curious  
8 about how long that component is versus how long  
9 the cultural sensitivity component will be?

10 MS. COLE: You'll have to give me a  
11 minute just to find out for you. Ted may know on  
12 the cultural training, but I'm not sure.

13 MR. BLAND: The cultural training  
14 component is throughout the duration of the  
15 project. There is cultural sensitivity and  
16 training for management and staff. And I believe  
17 everyone would have to do the training annually,  
18 especially the managers. But for new people, it  
19 would, I think it's just, they would have to do it  
20 once.

21 MR. KULCHYSKI: And like once meaning  
22 a morning, a full day, a week, an hour, 30  
23 minutes?

24 MR. BLAND: Management staff would  
25 have to do it for a day and a half, I believe, and

1 then the regular, the staff that are in, they  
2 would do it for a day and half a day. There's  
3 different types. And I don't have the document in  
4 front of me, but I know that's along the lines of  
5 what we negotiated for the training.

6 MR. KULCHYSKI: All right, thanks.

7 So then I'll leave aside the training  
8 issues and turn a little bit to social issues.  
9 And I did want to say, it seems to me, again, I  
10 have questions about all of the communities. Is  
11 it a normal part of the process that if someone,  
12 like the reason Split Lake is not here, I  
13 understand, is just they decided not to be here.  
14 Can someone just excuse themselves from discussion  
15 around any of the issues if they decide not to be  
16 present?

17 THE CHAIRMAN: Ms. Mayor?

18 MS. MAYOR: As Ms. Kinley indicated  
19 yesterday, TCN representatives will be here on the  
20 next panel relating to their environmental  
21 approach. So you will have a full opportunity to  
22 ask them questions relating to social impacts when  
23 they are here with the Partnership.

24 THE CHAIRMAN: I would also note that  
25 we're not here to review what's going on in

1 individual communities, not in an exhaustive way  
2 anyway. We are here to review the Partnership and  
3 the role of the Partnership. I mean, there are  
4 certainly some issues that come back to the  
5 individual communities which are valid questions  
6 at this time, but it's not an overall examination  
7 of each community.

8 MR. KULCHYSKI: No, I understand that.

9 All right. Will there be any specific  
10 monitoring around the impact of Keeyask as it  
11 relates in your communities to substance abuse  
12 rates and sexual violence rates? These are two  
13 issues that you have listed in your talk about the  
14 impact on Fox Lake specifically, but we would also  
15 have a concern with York Landing, we would have a  
16 concern with TCN if it were here, and War Lake.  
17 Do you plan to monitor how the Keeyask dam will  
18 impact your communities, specifically in terms of  
19 those issues?

20 MR. BLAND: We are going to be doing a  
21 monitoring presentation at the end of probably  
22 next week. We're going to talk about a few  
23 different issues. In terms of the social issues,  
24 I think it's something that we're constantly  
25 monitoring. We do keep track of who our employees

1 are at the site, how they are doing. Before these  
2 presentations, I mean, before the panel or CEC  
3 hearings began, I was going up to meet with our  
4 staff to see how they are doing, how they are  
5 functioning at the site, how they are managing  
6 away from their families, and how they are doing  
7 when they come home. And their breaks are seven  
8 days and 21 days -- 21 days on, seven days off.

9 We also have a worker, she's -- just  
10 one second. The retention support workers are  
11 also meeting with the membership. It is a benefit  
12 to have them being members of our communities,  
13 both York and Fox, also Tataskweyak and, you know,  
14 we are able to communicate with them directly if  
15 they are having any issues. And while we are out  
16 there, we also encourage them to meet with the  
17 retention employment workers or the cultural  
18 coordinator to talk about any issues or problems  
19 that they might be having.

20 MR. KULCHYSKI: Thanks.

21 MS. COLE: I'd like to actually add to  
22 Ted's answer.

23 As a Partnership, we have worked quite  
24 closely with the RCMP, in both Thompson and in  
25 Gillam, to make sure that they are aware of the

1 expected workforce that's in the area, and any  
2 concerns that may come as a result of that. And  
3 we do have commitment from the RCMP that, on a  
4 monthly basis, they will continue to work with  
5 both mayor and council in Gillam, as well as the  
6 chiefs of each of the communities, to discuss with  
7 them regular statistics and any significant events  
8 that are taking place. The RCMP detachment of  
9 Thompson is responsible for Split Lake and York  
10 Landing, whereas the one out of Gillam is  
11 responsible for Fox Lake.

12 In addition, the RCMP in Gillam are  
13 working directly with Manitoba Hydro on a worker  
14 interaction committee to specifically look at this  
15 issue and to put in place measures to address  
16 these issues, and to monitor these types of issues  
17 on an ongoing basis. So it's certainly something  
18 we are aware of and are working with.

19 Some of those statistics, particularly  
20 when we get into crime statistics, are often  
21 confidential. So the RCMP prefer to work directly  
22 with mayor and council and with chief to share  
23 some of those statistics.

24 MR. KULCHYSKI: Thanks. Ms. Anderson?

25 MS. ANDERSON: I just wanted to add

1 that, again, there's a worker interaction  
2 committee that's been started, and Fox Lake is  
3 part of that. But at the same time, like for our  
4 community, we look at if there's like a large  
5 increase of any substance abuse, any assaults on  
6 women, children, or males. But we also have  
7 current workers, and our resources in the  
8 committee, a NADA worker, which is a National  
9 Alcohol Drug Abuse worker. And we have our health  
10 staff who also, you know, are aware of these types  
11 of issues. And the context that we are in right  
12 now, like it's not only the Keeyask project, but  
13 right now there are several projects happening  
14 around our community in Gillam and Bird.

15 So, you know, we are already on the --  
16 we are already, I guess, monitoring the activity  
17 of the workforce in the area, and it's going to  
18 continue.

19 MR. KULCHYSKI: And will there be a  
20 bar in the work camp? That's one of the questions  
21 that are --

22 MS. COLE: Yes, there will be a bar at  
23 the work camp.

24 MR. KULCHYSKI: Thanks.

25 And will there be anything done to

1 mitigate, and in spite of that, the influx of  
2 workers to the bar in Gillam? Will there be any  
3 control over worker movement into the bar at  
4 Gillam?

5 MS. COLE: There are actually a number  
6 of measures in place that are not -- I mean, this  
7 is a free country so we can't sort of lock people  
8 at site and make them stay at site. But  
9 certainly, you raised the lounge. That's actually  
10 one of the key reasons there is a lounge at site,  
11 is to entice people to stay at camp and not go  
12 into Gillam or into Thompson. One of the other  
13 advantages of having the lounge at site is that it  
14 provides the Partnership and those at site with  
15 the opportunity to regulate alcohol consumption.  
16 So you only are allowed to purchase a certain  
17 number of drinks and no alcohol is allowed at  
18 site.

19 Other activities at the site,  
20 there's -- we had on the very first day, Marc  
21 showed what's at site. There's a lot of  
22 recreational facilities at site to make the camp  
23 an enticing place to stay.

24 There is certainly restriction to  
25 public visits to the site. Northern and other

1 workers are discouraged from bringing personal  
2 vehicles to the site. And there is shuttle  
3 service offered from, well, in the BNA I think  
4 it's called the point of departure. I probably  
5 got that wrong, but from Thompson, Gillam and  
6 certainly from York Landing, there are shuttle  
7 services available to get to site, so individuals  
8 are not driving their own vehicles.

9           And during the course of the  
10 construction project, individuals are housed  
11 primarily at the main camp. There will be a south  
12 side camp, but the majority of the workforce is at  
13 a camp on the north side of the river. So the  
14 duration and time to get to either Gillam or  
15 Thompson is about an hour and a half. So it's a  
16 pretty significant trip. And if you don't have a  
17 car, it's certainly not a trip you're going to  
18 make on foot. So the Partnership has sort of, I  
19 guess, the measures put in place are to make the  
20 camp as attractive a place as possible for workers  
21 to be and to stay.

22           And they are long work days. Most  
23 workers are working 10 to 12 hours a day. So it  
24 is built in, but we are aware that there are some  
25 workers who will go into both Gillam and Thompson,

1 and there certainly is the potential for there to  
2 be negative interactions with the local  
3 population. And so we're working to address those  
4 as well.

5 MR. KULCHYSKI: I appreciate there's  
6 only so much that you can do. I've done work  
7 around these issues where huge efforts are made,  
8 and in spite of that, things will happen. So I  
9 understand what you're saying. Sorry for the  
10 comment.

11 In terms of vehicle use and  
12 restrictions on vehicle use, will the restrictions  
13 on worker vehicle use at the camps be greater than  
14 the current restrictions that exist for Hydro  
15 workers in Gillam?

16 MS. COLE: The restrictions are on the  
17 use of company vehicles for personal purposes  
18 while at the site. I cannot speak to how that  
19 relates to what's currently under way in Gillam,  
20 but certainly at the site, if someone is going  
21 into Gillam or Thompson to say pick up supplies,  
22 they are going to pick up supplies and come back.  
23 They are not taking a company vehicle to go to  
24 Thompson to, I don't know, go bowling and go to  
25 the bar for the evening. It's strictly for

1 company business. So there are certainly  
2 restrictions, yes. Now, how that compares to what  
3 happens in Gillam, I can't speak to that.

4 MR. KULCHYSKI: We know that there are  
5 restrictions in Gillam and that still vehicles  
6 often get used for personal use from the  
7 experience of our principals.

8 MS. COLE: Okay.

9 MR. KULCHYSKI: So I was just  
10 wondering whether there are additional  
11 restrictions in place or whether they roughly map  
12 out the same way. If they map out the same way,  
13 it would seem they are not sufficient.

14 MS. COLE: Well, I don't know if  
15 that's a question or not. The restrictions are,  
16 you need to go to town, do your business and come  
17 back. There's not, it's not for personal use.  
18 You can't pick up a vehicle at 9:00 on Friday  
19 night go into town to party. That certainly is  
20 not something that would be allowed, which I think  
21 might be what you're getting at. That is not  
22 allowed.

23 MR. KULCHYSKI: Okay. On page 82, you  
24 refer to a worker family survey. And I'm  
25 wondering who will that be conducted by and in

1 what form it will take place? So at the bottom of  
2 page 82, it says:

3 "Cultural and spirituality. A worker  
4 family survey will be undertaken."

5 MS. COLE: So typically, those types  
6 of surveys, we did a worker family survey as well  
7 during the course of Wuskwatim and that worker  
8 family survey was undertaken and lead by  
9 Nisichawayasihk Cree Nation. And I would expect  
10 that similar to the heritage resources work that  
11 has been undertaken here, as well as much of the  
12 socio-economic work, that it would be undertaken  
13 by individuals within the communities where the  
14 worker family survey has taken place.

15 MR. KULCHYSKI: And so is it like a  
16 checklist kind of survey, or is there sort of  
17 discussion as part of the survey? Like of the  
18 sort we see in key informant interviews?

19 MS. COLE: It's a little bit of --  
20 well, I'll tell what you we did at Wuskwatim.  
21 That survey was designed in consultation with the  
22 communities, so we would have worked together to  
23 design that. So the same would happen here.  
24 We'll work together with the communities to design  
25 a survey that we all feel is appropriate. And so

1 in the case of Wuskwatim, it's typically a little  
2 bit of both, there will be some yes/no questions.  
3 But there's usually quite a bit of opportunity to  
4 engage in discussion and there's more open-ended  
5 questions to really get an understanding of some  
6 of the issues and concerns that might be going on,  
7 what might be working well and what might not be  
8 working well. So it's a combination.

9 MR. KULCHYSKI: Thanks.

10 So now I want to turn to the issue of  
11 mercury, and starting on page 55. I was just, I  
12 didn't understand what's meant by no spatial  
13 overlap. So the first sentence there says:

14 "No spatial overlap between effects on  
15 environmental mercury concentrations  
16 and human health from Keeyask."

17 MS. KINLEY: Yes. The intent of that  
18 statement is to indicate that the mercury effects  
19 from the Keeyask project that we spoke about in  
20 the presentation relate to Gull Lake and Stephens  
21 Lake. And in talking with the study team, the  
22 aquatic study team, we understand that those  
23 effects will not overlap with effects of the  
24 Conawapa project.

25 MR. KULCHYSKI: All right. And then

1 on page 50 you have a chart, on page 51, refer to  
2 it. Have hunters and trappers been told that --  
3 and will be told that their diet will be changed  
4 in terms of being able to fish from the reservoir  
5 for a period of about 25 years?

6 MS. KINLEY: There certainly will be  
7 detailed discussion with those people who make use  
8 of those areas. Consultation and -- not  
9 consultation -- guidance with respect to  
10 consumption is very much part of the factors that  
11 are going to protect human health. And so that's  
12 part of the measures in the risk management plan.

13 MR. KULCHYSKI: Okay. But going into  
14 this, have people been made aware that there will  
15 be a long period of time when they won't be able  
16 to consume fish from that area?

17 MS. KINLEY: Certainly through the  
18 course of the mercury and human health technical  
19 working group, for example, where we had  
20 representation from each of the communities, this  
21 was discussed at length with the communities.

22 MR. KULCHYSKI: And are you aware that  
23 among international scholars, I know we have  
24 Canadian standards, but have you followed the  
25 debate about how much mercury is acceptable in

1 humans, that's largely engaged in by Asian  
2 scholars, but it's kind of the international  
3 standard. Like are you aware of the fact that  
4 there's a significant scholarly debate about how  
5 much mercury is acceptable, what the overall  
6 mercury levels that might produce symptoms in  
7 humans are?

8 MS. KINLEY: Yes, indeed. The mercury  
9 and human health technical working group received  
10 advice from Ross Wilson, who is a toxicologist and  
11 follows this issue definitely. And there was  
12 quite a lot of discussion around what standard  
13 would be appropriate.

14 Maybe I'll let Ross speak to his  
15 understanding of that issue.

16 MR. KULCHYSKI: Thanks.

17 MR. WILSON: Thank you. So, yeah, we  
18 definitely follow all of the international science  
19 that is being done on mercury. I attended the  
20 international conference on mercury in Edinburgh  
21 this year. I was at it two years ago. Every two  
22 years about a thousand or so mercury scientists  
23 convene, and the discussion on what are safe  
24 levels is always one of the key topics. And our  
25 peer reviewer was Laurie Chan who, when you go to

1 these conferences there is like five or so  
2 streams, but there's always keynote presentations.  
3 And Laurie Chan is one of the guys that everyone  
4 comes to listen to and attend. So we have  
5 followed that type of information.

6 MR. KULCHYSKI: Thanks. And have you  
7 ever talked to anyone, seen anyone who has  
8 actually been affected by mercury contamination?

9 MR. WILSON: I haven't spoken with  
10 anyone in the communities that has ever been  
11 affected. I am not aware that there is anyone who  
12 has ever been affected.

13 I have definitely been to  
14 presentations where we have actually had people  
15 who have followed the people at Minamata in Japan.  
16 Those people were exposed to incredible levels of  
17 mercury that we would not expect. I have spoken  
18 with clinicians who have followed people who  
19 consumed whale meat, which is again much higher  
20 than what we would expect, and they have reported  
21 on the effects that have been associated with  
22 them. And then I have spoken with clinicians who  
23 have followed people from the Seychelle Islands  
24 who were exposed to lower concentrations, and we  
25 didn't actually see the effects. And so that type

1 of information I have gathered.

2 MR. KULCHYSKI: Can I ask the  
3 community members, Mr. Bland and Ms. Anderson,  
4 have you met, talked to, or seen anyone who has  
5 been affected by mercury contamination?

6 MR. BLAND: I honestly couldn't tell  
7 you if I have or not, not at this point.

8 MR. KULCHYSKI: But didn't do it  
9 specifically, like there was no attempt --

10 MR. BLAND: Somebody who has been  
11 affected, is that what you're saying?

12 MR. KULCHYSKI: Yeah.

13 MR. BLAND: You mean visually,  
14 somebody that I can tell is being affected by  
15 mercury?

16 MR. KULCHYSKI: Um-hum.

17 MR. BLAND: No, I can't answer that  
18 question.

19 MR. KULCHYSKI: Thanks.

20 MS. ANDERSON: So for Fox Lake, I  
21 would say that I know we have done testing in our  
22 community. And I think for the most part, that  
23 they were very minimal. So I don't know that it's  
24 been affected. Our people, they still do eat fish  
25 sometimes. I know when I go home, I eat fish.

1 But I don't know what the severe effects are, if  
2 that's what you are referring to. Like to see  
3 somebody that they are physically affected? No, I  
4 don't think so.

5 MR. KULCHYSKI: Thank you.

6 On page 53, you refer to achieving, I  
7 guess, achieving a stable concentration level.  
8 Where do you predict the mercury that's  
9 bio-accumulated to go? Where does it disappear  
10 to? How does it decrease?

11 MR. WILSON: That would probably be  
12 best answered by the biophysical panel. But based  
13 on my understanding, what happens is we see an  
14 increase in the fish in about three to seven years  
15 after the impoundment occurs. And then gradually  
16 it works its way through the system. Those fish,  
17 they eventually die. And the protein that the  
18 mercury is attached to dissipates itself through  
19 the system. And they have good information from  
20 previous reservoirs that they see this increase,  
21 and then a gradual decrease to pre-impoundment  
22 levels.

23 MR. KULCHYSKI: And why is only fish  
24 tested, when other studies show that mercury also  
25 accumulates in the liver and kidney, for example,

1 of moose and waterfowl, which are consumed quite  
2 extensively as traditional foods?

3 MR. WILSON: Right.

4 Again, this would probably be best for  
5 the biophysical panel. However, from my work with  
6 them, the moose are not expected to change  
7 concentrations at all. But there is a program in  
8 place where hunters, First Nations can submit  
9 samples, and we'll have them analysed. But at  
10 prior reservoirs, we have just never seen those  
11 types of animals being the concern. When you go  
12 to these mercury conferences, it's all about the  
13 fish. You know, it's fish, fish, fish, you know,  
14 is where we're seeing the issues.

15 MR. KULCHYSKI: I mean, fish get  
16 tested most, but there are studies now starting to  
17 show that they are seeing some accumulation of  
18 mercury in other animals.

19 Voluntary programs for animal testing  
20 have generally been shown not to work. There are  
21 some long-standing programs where hunters are  
22 encouraged to send animal samples, hardly ever  
23 happens. Even offering an honorarium to offset  
24 costs and difficulties doesn't seem to have an  
25 impact on that.

1 THE CHAIRMAN: You're making  
2 statements again.

3 MR. KULCHYSKI: Sorry, just to  
4 explain. Do you plan to do anything extra to try  
5 and encourage hunters to participate in sampling  
6 programs?

7 MS. KINLEY: I'd like to go back to  
8 your last question for a moment. Just to be clear  
9 that one of the things that drove the way that the  
10 human health risk assessment was done, was the  
11 questions that were asked by the community. And  
12 the communities that were represented in the  
13 technical working group were interested in a whole  
14 range of country foods. They were interested in  
15 mammals, they were interested in fish, they were  
16 interested in plants and birds. And so the scope  
17 of -- and water, by the way, as well.

18 So the scope of the human health risk  
19 assessment that the committee, or the technical  
20 working group put in place and asked for Ross to  
21 undertake included all of those types of, all of  
22 those potential pathways from the environment to  
23 people.

24 And so I guess I just want to be  
25 really clear that when we're talking about moose

1 or other types of country foods, the analysis was  
2 done to examine the potential effects of Keeyask.  
3 And the results were that there was not a concern  
4 there at all for anything but the fish. And with  
5 the fish, it's the predatory fish that were  
6 primarily of concern.

7 Now, with respect to voluntary testing  
8 of mammals and so on, the idea was, and this came  
9 up at the technical working group as well, the  
10 idea was to try and get some additional samples.  
11 But there was a concern, for example, that you  
12 wouldn't want to ask people to go out and gather  
13 moose, for example, just from the point of view of  
14 to obtain a mercury sample, in terms of a wasting  
15 factor.

16 So it was characterized and was agreed  
17 by the technical working group that it should be  
18 done on a voluntary basis. If someone was  
19 gathering these types of country foods, that we  
20 would encourage them to have it tested. And so  
21 that was actually discussed through the course of  
22 the technical working group.

23 What was established was a protocol  
24 for gathering of these types of country foods.  
25 And kits were established and will be provided to

1 people in the communities through the monitoring  
2 advisory committee, to encourage people to gather  
3 fish -- or to gather mammals.

4 Also sturgeon was in that category, I  
5 should also indicate that there was a concern  
6 about taking sturgeon just for mercury sampling.  
7 It was intended to be just if they were being  
8 gathered in any event.

9 MR. KULCHYSKI: Thanks for that.

10 And will there be extra efforts made  
11 during what you anticipate to be, what you have  
12 described as the peak years of mercury  
13 accumulation? Do you anticipate trying to maybe  
14 make a greater push in that specific period to  
15 encourage people to test animals, or are you just  
16 making the kits available through the whole course  
17 of the project?

18 MS. KINLEY: I think that will be up  
19 to the monitoring advisory committee. The  
20 monitoring advisory committee, that will be the  
21 group within the Partnership that is in charge of  
22 monitoring. And they will decide how best to get  
23 effective return on voluntary monitoring.

24 MR. KULCHYSKI: Do you contemplate, or  
25 does anyone contemplate testing people for mercury

1 levels at any stage during this process?

2 MS. KINLEY: I know we discussed that  
3 at the technical working group. And one of the  
4 options available to the communities is to have  
5 mercury testing done, hair mercury sampling in  
6 particular. Typically, the Federal government  
7 will do the analysis. And in addition, Laurie  
8 Chan, who has worked with us on our study, can  
9 also do that testing, mercury testing, and has  
10 also indicated to the communities that he would be  
11 happy to do that testing.

12 MR. KULCHYSKI: Thank you.

13 So my last set of questions, it's a  
14 fairly large set, is around heritage issues. So I  
15 suspect Dr. Petch will be, most of these will be  
16 directed towards you, although some come toward  
17 the communities.

18 Does anyone on the research team have  
19 specific training in Aboriginal spirituality as  
20 it's practised in contemporary times?

21 MS. PETCH: The Aboriginal training  
22 that we have received, this being through cultural  
23 awareness programs presented by the First Nation  
24 Partners.

25 MR. KULCHYSKI: Okay. And do you have

1 any -- well, what in your view would you say is  
2 integral of the tangible and intangible cultural  
3 elements you have examined to the distinctive  
4 culture, practices and traditions of the Inninuuk  
5 that you were working with? Put it another way,  
6 would you say that what you are calling the valued  
7 environmental components, would you say those are  
8 integral to these cultures?

9 MS. PETCH: Are you speaking of  
10 heritage, or culture and spirituality, or both?

11 MR. KULCHYSKI: Both I guess, yes.

12 MS. PETCH: Under the Heritage  
13 Resources Act, we have an obligation to ensure  
14 that all heritage resources are handled in a  
15 proper manner. The culture and spirituality  
16 component regarding things like worldview and  
17 cultural practices were assisted by the First  
18 Nation communities as we were in the field. We  
19 usually had elders with us or resource users who  
20 were spiritual. They worked closely with us and  
21 explained to us some of the things that were of  
22 value on the land. For example, culturally  
23 modified trees, where you would have birch bark  
24 peeling, they would explain the season, the  
25 reasons and the kind of obligations that went with

1 removing something from Mother Earth.

2 MR. KULCHYSKI: So I wanted to ask  
3 about the nine cultural indicators you list on  
4 page 70. So I guess this is under culture and  
5 spirituality, how those were selected, and if an  
6 indicator was not generated, could it have been  
7 encountered or added through interviews or through  
8 some other process?

9 MS. PETCH: I'm sorry, can you please  
10 repeat that? I am having a hard time hearing you.

11 MR. KULCHYSKI: First, how are the  
12 nine cultural indicators generated?

13 MS. PETCH: This was through an  
14 examination of global indicators that had been  
15 used to assist in understanding cultural  
16 components in other communities. And based on my  
17 research and ongoing work in the north, these are  
18 the kinds of themes that were constantly being  
19 raised by a variety of elders and resource users  
20 and other members of communities. So that was how  
21 they were selected. It was a combination of the  
22 academic record as well as the community record.

23 MR. KULCHYSKI: Thank you.

24 And so, for example, I'm interested  
25 that spirituality itself is not on that list.

1 Where would it go, or where would it belong with  
2 the elements that are on the list?

3 MS. PETCH: Spirituality was  
4 considered very personal and very sensitive and it  
5 was a theme that people were not prepared to  
6 discuss with us. These may have been discussed  
7 within the community programs that were conducted.  
8 But as I said yesterday, the information that was  
9 given to us was not -- it was selected. Things  
10 that we were incorporating into our study were  
11 things that the community felt needed to be  
12 brought forth. Spirituality, as a personal and  
13 sensitive component, was not discussed in great  
14 detail, especially religion. It was considered to  
15 be an aspect that was very personal.

16 MR. KULCHYSKI: Thank you.

17 And what about governance? Governance  
18 also was not on the list. Was it not --

19 MS. PETCH: Governance was under law  
20 and order, and it has been stated, it's both  
21 customary law and governance.

22 MR. KULCHYSKI: Okay, thank you.

23 On page 75, I guess this is to the  
24 community, to Mr. Bland and Ms. Anderson.

25 During your presentation, under

1 cultural and spirituality, you said there would be  
2 a ceremony of forgiveness as part of the Keeyask  
3 project. So can I ask what the forgiveness would  
4 be for?

5 MR. BLAND: The forgiveness would be  
6 for the changes to the environment.

7 MR. KULCHYSKI: And so can I take that  
8 to mean the changes to the environment are not  
9 perceived in a positive way and, therefore,  
10 forgiveness is needed?

11 MR. BLAND: Well, you could look at it  
12 that way. But when you are, if you are knocking  
13 down trees, you are making a change, right, but  
14 you're also impacting the environment. You're  
15 moving rocks, you're crossing river streams --  
16 river streams, you are making changes to the  
17 environment. You ask Munito, you ask for  
18 forgiveness, you ask the grandfathers, you ask the  
19 land for forgiveness.

20 MR. KULCHYSKI: Thank you.

21 And a large part of mino-pimatisiwin  
22 involves balance; is that correct?

23 MR. BLAND: Yes.

24 MR. KULCHYSKI: And do you think that  
25 building a dam like the Keeyask dam threatens that

1 balance?

2 MR. BLAND: It impacts that balance.

3 MR. KULCHYSKI: And do you think  
4 eating healthy wild traditional foods is a part of  
5 mino-pimatisiwin?

6 MR. BLAND: Yes.

7 MR. KULCHYSKI: Do you think your  
8 understanding of mino-waywin (ph) or  
9 mino-pimatisiwin will be the same before and after  
10 Keeyask? Do you think it will change how people  
11 think of the good life, or the way of the good  
12 life, once the dam is built?

13 MR. BLAND: For me, I don't think it  
14 will change. For other people, people who may not  
15 have supported moving forward on this project, it  
16 might impact their feelings or their thoughts.  
17 But for people that have chosen to move forward,  
18 which is a bigger part of our population, our  
19 voting members, I think they had a clear  
20 understanding of what the decision was and how it  
21 was being made. Because we had hundreds of  
22 meetings, over 600 meetings to talk about some of  
23 the impacts, the effects, and the changes that are  
24 going to happen along with the project. Then we  
25 have consulted with our elders, we have consulted

1 with our youth, our adults. We had sharing  
2 circles to talk about these impacts and these  
3 changes that are coming. So for a lot of people,  
4 the majority of our people made a clear decision  
5 as to what was going to happen and how they were  
6 going to be impacted. But also that choice of  
7 having ceremonies was critical for our First  
8 Nation. And to be able to have prayer and to have  
9 ceremonies, have feasts, to ask for forgiveness  
10 was very important.

11 MR. KULCHYSKI: Thank you.

12 I want to ask a little bit about  
13 intangible cultural heritage. And I guess ties as  
14 a community member, or Dr. Petch, do you feel  
15 intangible cultural heritage is sufficiently  
16 documented and relied on in the environmental  
17 impact study? Maybe Dr. Petch?

18 MS. PETCH: If you can repeat that,  
19 please?

20 MR. KULCHYSKI: Do you feel that  
21 intangible cultural heritage has sufficiently been  
22 documented and relied on in the environmental  
23 impact --

24 MS. PETCH: The Partner First Nations  
25 have undertaken a number of cultural studies which

1 have dealt with the intangible heritage. And we  
2 have used that where it has been available to us  
3 through the documents to guide us and to assist us  
4 in looking at pathways to the project.

5 MR. KULCHYSKI: But you didn't conduct  
6 any intangible cultural heritage work yourself?

7 MS. PETCH: As I said yesterday, we  
8 did some interviewing with some community members.  
9 We provided training skills. But the communities  
10 took the lead in determining the kinds of  
11 information they would share with us regarding  
12 culture and spirituality and intangible culture.

13 MR. KULCHYSKI: All right.

14 MS. PETCH: You might also want to  
15 refer to the Cross Lake 0026 regarding mitigation  
16 and intangible heritage.

17 MR. KULCHYSKI: On page 132, and this  
18 is on the heritage resources section, Dr. Petch,  
19 you refer to 30,000 artifacts being recovered. So  
20 would you characterize that as a rich finding, or  
21 would you characterize that as, you know, poor,  
22 given the geographical dispersal area that you  
23 looked at? Is that a poor finding, a very rich  
24 finding, or somewhere in the middle? How would  
25 you characterize that, given your extensive

1 knowledge of archeological sites in various  
2 places?

3 MS. PETCH: Most of the artifacts that  
4 were found were found at Clark Lake at one  
5 particular site, which I noted yesterday was  
6 probably one of the most important sites in  
7 Northern Manitoba with regard to community  
8 settlement, ancient community settlement.

9 Probably 3,000 of those 30,000  
10 artifacts were found in and around the reach of  
11 river between the Birthday Rapids and Gull Rapids.  
12 So some of the sites were richer than others, some  
13 of the sites were what we call isolated finds,  
14 which give us the understanding that somebody at  
15 some time in the past was either walking by that  
16 area, and dropped or abandoned a tool, or they  
17 were making a tool in certain areas.

18 So there was a variety of different  
19 kinds of sites that could be found. And with the  
20 historic resources branch, the site inventory form  
21 has about 22 different site types that we need to  
22 refer to when we are examining the field.

23 MR. KULCHYSKI: Thanks. And why are  
24 the artifacts turned over to the Heritage  
25 Resources Branch and not directly to the local

1 First Nations?

2 MS. PETCH: Currently, I hold the  
3 custody of the artifacts until the project is  
4 over. By law, under the Heritage Resources Act,  
5 the Province is the owner of all artifacts.  
6 People can hold custody of artifacts, but the  
7 Province is the owner and protects these for the  
8 benefit of all Manitobans. Once the project is  
9 approved, or this hearing is over, those artifacts  
10 will be transferred to the Province, and TCN has  
11 already made an indication to the Province of  
12 Manitoba that they intend on repatriating the  
13 artifacts to the Split Lake area where they will  
14 be housed in the museum, and which will be made  
15 available for educational displays and travelling  
16 displays throughout the area.

17 MR. KULCHYSKI: Thank you.

18 And so I'm going to turn, just let me  
19 check here -- excuse me. I wanted to ask about  
20 some tangible heritage issues. Would sacred  
21 boulders be considered tangible?

22 MS. PETCH: Yes.

23 MR. KULCHYSKI: And did you do any  
24 work, or were you able to do any work identifying  
25 sacred boulders in the area, or was that a part of

1 what the community was not sharing with you?

2 MS. PETCH: It definitely is something  
3 that we keep an eye out for when we are out in the  
4 field. We did not find any boulders. There was  
5 one site in the historic record that Peter Fidler  
6 identifies as an offering stone at the rapids. We  
7 searched for that stone and could not find it.

8 And I believe that it probably has ended up in the  
9 river, very unstable bank at that particular area.  
10 That was the only one that we were aware of.

11 MR. KULCHYSKI: And what about trails?  
12 Are trails considered tangible heritage?

13 MS. PETCH: Yes, we identified trails.  
14 The elders and resource users who were out with us  
15 assisted us in identifying old trails and new  
16 trails, trails that have been abandoned,  
17 especially around the rapids.

18 MR. KULCHYSKI: Thank you.

19 And so finally I want to turn to the  
20 last set of questions on resource use, I guess for  
21 Mr. MacDonell.

22 Again, I want to ask, the highly  
23 valued components in your study, do you think  
24 those are integral to the distinctive culture of  
25 the Cree and the Inninuwuk?

1 MR. MACDONELL: Yes.

2 MR. KULCHYSKI: And in an overall  
3 sense, would you say that hunting may be one of  
4 the most integral elements that characterizes  
5 Inninuwuk culture in this region?

6 MR. MACDONELL: Yes.

7 MR. KULCHYSKI: So on page 89, at the  
8 bottom of the page, you refer to sustaining  
9 spiritual and emotional relationships with lands  
10 and waters. Do you think the spiritual and  
11 emotional relationships with Keeyask Rapids will  
12 be sustained through this?

13 MR. MACDONELL: I think that that's a  
14 question you would have to pose to the Partners.

15 MR. KULCHYSKI: I'll pose it to the  
16 Partners.

17 Ms. Anderson and Mr. Bland, do you  
18 think that the spiritual and emotional  
19 relationship with the Keeyask, current Keeyask  
20 Rapids will be sustained through this project, or  
21 will it end, or will it be fundamentally  
22 transformed?

23 MR. BLAND: That's a difficult  
24 question for York Factory to answer. We don't use  
25 the Keeyask Rapids as much. Maybe that question

1 would be more directed to Tataskweyak.

2 MR. KULCHYSKI: Or to Ms. Anderson, I  
3 assume?

4 MR. BLAND: Or Ms. Anderson, sorry.

5 MR. KULCHYSKI: I would like to direct  
6 it towards Tataskweyak but --

7 MS. ANDERSON: So I think that for Fox  
8 Lake, the resource users are the people who use  
9 that area. You know, it would be very affected,  
10 the rapids will be silenced, and we have to come  
11 to terms with that in our own way as resource  
12 users and as a people. So we will attempt to  
13 continue to value that area, knowing that what was  
14 there before, as with the past projects, many --  
15 like I keep saying like we understand the damage  
16 that has been done to our land. But, yes, we  
17 still are coming to terms with that and we will  
18 continue to work on that. Thank you.

19 MR. KULCHYSKI: Thank you.

20 So back to Mr. MacDonell. I guess,  
21 I'm thinking of page 112, although you refer to  
22 this in a number of different slides. You talk  
23 about basically shifting hunting from the local  
24 area and the more impacted areas into non-impacted  
25 areas. And you talk about it as having a neutral

1 effect, or not significant in the end.

2 Are you aware that hunting families  
3 may, over many generations, establish a specific  
4 relationship with specific areas of land?

5 MR. MACDONELL: Yes.

6 MR. KULCHYSKI: So do you think that  
7 moving them, offering them some other area of  
8 land, and erasing that knowledge of the local land  
9 type is not a significant change?

10 MR. MACDONELL: Again, we relied on  
11 the First Nations to understand the effects on  
12 their resource users of this project. We relied  
13 on the First Nations in the sense that they  
14 negotiated their Adverse Effects Agreements to  
15 offset the effects that they feel that they were  
16 going to incur as a result of this project on  
17 resource use.

18 We have used their evaluation reports  
19 to understand what they perceive those effects to  
20 be, such that we could respond in our regulatory  
21 response, in our volume.

22 One of the things I pointed out the  
23 other day, I don't want to speak for TCN, but one  
24 of the statements within their evaluation report  
25 on page 74 basically says that old connections to

1 affected land will change. There is an  
2 understanding that that will occur. That new ones  
3 will be established in other parts of our homeland  
4 ecosystem.

5 So there's definitely an understanding  
6 there by the First Nation that those changes are  
7 occurring. And we trust in their negotiation and  
8 development of their Adverse Effects Agreements  
9 that those adequately offset those potential  
10 changes.

11 MR. KULCHYSKI: So if the First Nation  
12 tells you something, you simply take it at face  
13 value; is that correct?

14 MR. MACDONELL: Well, I think that we  
15 understand the Partner First Nations had the  
16 experience with hydroelectric development in this  
17 area. They understand the potential effects that  
18 hydroelectric development has on their domestic  
19 resource harvesting. And we would trust that they  
20 would have the best understanding of how to offset  
21 those effects. And that's what we feel is  
22 reflected in the Adverse Effects Agreements.

23 MR. KULCHYSKI: So if I'm asking you  
24 whether intergenerational knowledge of a specific  
25 area of land being completely disrupted, and the

1 hunting families being sent to different areas of  
2 land much further afield is a significant effect,  
3 what you're telling me is that you yourself don't  
4 determine whether that's significant, you simply  
5 accept what the First Nation tells you?

6 MR. MACDONELL: I think they are the  
7 best people to tell us what the effects are. They  
8 also, the Adverse Effects Agreements are treating  
9 their -- it's more of a community use of  
10 resources. There's definitely, any time you have  
11 a project like this, there may be individuals that  
12 are affected more than others. The Adverse  
13 Effects Agreements are I think addressing the  
14 overall community needs in terms of resource use.

15 MR. KULCHYSKI: And the term neutral  
16 on this panel, and as you use it in several  
17 places, do I take that to mean that the negative  
18 impacts are offset, or are counterbalanced by  
19 positive programs, or do I take it to mean that  
20 you actually see the impact itself as relatively  
21 insignificant?

22 MR. MACDONELL: Actually, from a  
23 regulatory perspective, we took a very  
24 conservative approach here in the sense that, with  
25 the Adverse Effects Agreements we expect that

1 there is going to be positive effects on resource  
2 use. There's cultural programs, there's  
3 opportunities to harvest in areas that are  
4 unaffected by the project. But given the -- as  
5 you have heard from Ms. Petch, there are some  
6 cultural negative adverse effects, and just  
7 changing resource harvesting activities.

8           So when we did our assessment, rather  
9 than portray a positive effect at the end of the  
10 day here, we treated it as a neutral effect in the  
11 sense that the adverse effects agreements are  
12 offsetting, you know, the negative effects on  
13 resource harvesting, but we also recognize that  
14 there's this cultural change that's occurring as  
15 well, which we feel sort of -- which we feel  
16 neutralizes that positive effect.

17           MR. KULCHYSKI: On page 109, just a  
18 little bit earlier, you say that no gathering  
19 activity has been documented in the local study  
20 area?

21           MR. MACDONELL: Which page?

22           MR. KULCHYSKI: Page 109, and the  
23 middle of the three bullet points.

24           "No gathering activity has been  
25 documented in the local study area

1 (except for Lillian Island upstream  
2 from Gull Rapids) by TCN members."

3 I mean, this to me seems to kind of violate, I  
4 don't know, common sense, that people would be  
5 picking medicinal plants, or picking berries, or  
6 using material from the area. Like, did you do an  
7 extensive study? Was this result just determined  
8 by what the First Nation communities, again, said  
9 to you, or how do you -- where does this statement  
10 come from?

11 MR. MACDONELL: The First Nations,  
12 particularly TCN in this case, undertook to do  
13 their own ATK collection and analysis. We took  
14 the information that they cared to share with us  
15 to put in our report. And so this reflects our  
16 understanding of what they provided to us. We  
17 understand that gathering berries, medicinal  
18 plants, and other things, happens concurrently  
19 with other harvesting activities all the time.

20 This reference probably refers to a  
21 specific area targeting a specific plant. So  
22 that's why we have included it in here. That's  
23 the information we have. That's the information  
24 that TCN cared to share with us. And I think if  
25 you want to be more specific, you need to ask the

1 community.

2 MR. KULCHYSKI: Sure.

3 And has any study been conducted  
4 around the impacts of dust from the road on  
5 people's gathering activities and throughout, you  
6 know, the south access road, north access road,  
7 kind of in the broad area of Fox Lake Cree Nation  
8 and of TCN, I guess?

9 MR. MACDONELL: I think the effects  
10 that will result from the south and the north  
11 access road have been recognized in here. Those  
12 have also been recognized as an effect that needs  
13 to be offset by the Adverse Effects Agreements,  
14 which allows for those resource harvesters to  
15 harvest elsewhere.

16 The other thing, there's also in terms  
17 of trappers, there's trapline agreements that deal  
18 with disturbances both during construction and  
19 post project that offset things like disturbances  
20 from the road and dust and traffic.

21 MR. KULCHYSKI: And do you appreciate  
22 the fact that for gathering and hunting, as the  
23 distance increases from where people live, it  
24 becomes a much more difficult activity to engage  
25 in? Even as you provide, you know, opportunities

1 that travel people to other locations. Instead of  
2 going from your home and setting a snare for a  
3 rabbit behind your house, as was done in Fox Lake  
4 30 years ago or so, if you're going to have to fly  
5 somewhere to do an activity like that, you're not  
6 sending your kids, you know, you're not basically  
7 able to. Do you appreciate the extent to which  
8 each of these phases makes it much more difficult  
9 for hunters to engage as a daily level, as a daily  
10 activity in that practice that's integral to their  
11 culture?

12 MR. MACDONELL: I would agree with  
13 that, but I think that you need to take into  
14 consideration the area that we're talking about  
15 here that we are affecting. It's quite a remote  
16 area itself. I don't know if you've been there,  
17 but you need to actually access between two sets  
18 of rapids to actually get there right now.  
19 There's only access roads that really are trails  
20 that get there in the winter time. So it is not  
21 an easy area to get into itself. So we're  
22 actually providing access to this area which will  
23 facilitate use of this area by resource users.  
24 But those resource users that are using it now  
25 that may be affected by that increased access,

1 there's programs in place through the Adverse  
2 Effects Agreements that will offset those effects  
3 to them.

4 MR. KULCHYSKI: I have been there, but  
5 that's a separate issue.

6 Do you think the compensation  
7 agreement mitigates cultural loss? Do you think  
8 any compensation agreement in the end can mitigate  
9 significant cultural loss?

10 MR. MACDONELL: I think that cultural  
11 loss is dealt with through the Adverse Effects  
12 Agreements. And you, again, should talk to the  
13 First Nations about how those Adverse Effects  
14 Agreements offset cultural loss. So the  
15 compensation agreements with the trappers are  
16 intended to offset the commercial loss of that  
17 activity, and some part of their domestic harvest  
18 that occurs incidentally with that activity.

19 MR. KULCHYSKI: The slide on page 108,  
20 again, in the middle bullet point you say:

21 "Typically little hunting occurs in  
22 the local study area due to low  
23 numbers of animals."

24 Was this information you received from the Partner  
25 First Nations again?

1 MR. MACDONELL: Yes.

2 MR. KULCHYSKI: Okay. I guess, has  
3 anyone talked to Mr. Massan about his hunting  
4 locations and schedule? Because he feels strongly  
5 that this is not accurate. I guess I'm asking  
6 Ms. Anderson, and she's conferring.

7 MR. MACDONELL: If I may, I'll just  
8 add something while Ms. Anderson is preparing.

9 The information, some of this  
10 information we got we received through resource  
11 user workshops where there was a number of  
12 participants that were involved. So we not only  
13 relied on their evaluation reports and whatever  
14 information they provided, but we also had a  
15 resource user workshop with Fox Lake which  
16 Mr. Massan participated in. So he would be aware  
17 of the information that was shared at that  
18 meeting, I think.

19 MS. ANDERSON: Okay, sorry, I am going  
20 to ask Leslie if she can help me respond to this  
21 question, regarding your direct question regarding  
22 Mr. Massan.

23 THE CHAIRMAN: Ms. Agger?

24 MS. AGGER: Could you please repeat  
25 the question? We weren't quite sure.

1 MR. KULCHYSKI: Well, the statement is  
2 made here that little hunting occurs in the local  
3 study area due to low numbers of animals.

4 MS. AGGER: Right.

5 MR. KULCHYSKI: And so I'm wondering  
6 if Mr. Massan was asked about that?

7 MS. AGGER: Specifically with caribou  
8 hunting or --

9 MR. KULCHYSKI: It just says  
10 "typically little hunting."

11 MS. AGGER: Right. This is an example  
12 where the results of our study actually differ  
13 from the assessment. And in our Keeyask  
14 traditional Aski Keskentamowin study, we did  
15 document hunting areas, current hunting areas from  
16 the, in the local, what I guess has been called  
17 the local study area.

18 MR. MACDONELL: This is referring  
19 specifically to caribou, this statement?

20 MR. KULCHYSKI: Okay, yes.

21 MR. MACDONELL: So we recognize there  
22 is hunting that occurs in the area for moose.  
23 This particular statement refers to caribou.

24 MR. KULCHYSKI: All right, thanks.

25 And maybe while I have Ms. Agger, was

1 Mr. Massan or anyone else asked directly about  
2 whether they fish at the Gull Rapids area itself?

3 MS. AGGER: Currently or historically?

4 MR. KULCHYSKI: Currently?

5 MS. AGGER: Currently. My  
6 understanding is that historically, that was a  
7 very important area. I can't speak about  
8 contemporarily. My understanding is it is a  
9 difficult, the rapids themselves are difficult.  
10 Most certainly downstream in Stephens reservoir,  
11 there is fishing activity that takes place.

12 MR. KULCHYSKI: But you are saying you  
13 don't know whether there is fishing activity at  
14 the rapids, it's a difficult place, which I --

15 MS. AGGER: Directly at the rapids, I  
16 mean, I think Jimmy may do a bit of fishing. We  
17 definitely documented historically that -- because  
18 the Keeyask Rapids was a large, is changed even  
19 from historically because the Stephens reservoir  
20 had actually flooded part of Keeyask Rapids. So  
21 because you are talking about a large set of  
22 rapids, I could not be specific about which set of  
23 rapids there was fishing historically, but most  
24 certainly there was -- to be accurate, I would  
25 have to go and confer with the core group.

1 MR. KULCHYSKI: And are you aware that  
2 Mr. Massan said that this past summer, that  
3 actually he's been fishing there up till quite  
4 recently?

5 MS. AGGER: No, I wasn't aware of  
6 that.

7 MR. KULCHYSKI: Thanks.

8 MR. MACDONELL: Just to clarify that,  
9 we are aware of Fox Lake fishing in the vicinity  
10 of the rapids and that has been documented in the  
11 EIS.

12 MR. KULCHYSKI: Thanks.

13 So I just have a few final questions I  
14 want to pose, I guess to the community members  
15 here.

16 The Environmental Impact Statement was  
17 written collectively; is that correct? That is  
18 you had a hand in the writing of the Environmental  
19 Impact Statement?

20 MR. BLAND: Yes.

21 MR. KULCHYSKI: And did any of the  
22 Partners ever object to being collectively  
23 referred to as the Keeyask Cree Nations?

24 MR. BLAND: Not that I'm aware of.

25 MR. KULCHYSKI: And in the vote to

1 approve this agreement --

2 MS. ANDERSON: Can I just answer some  
3 of the questions you are asking the communities.  
4 We did have a part in the EIS in chapter 2, and  
5 yeah, we I guess objected or made some comments  
6 regarding being referred to as Keeyask Cree  
7 Nations.

8 MR. KULCHYSKI: So you did have  
9 objections to using the term Keeyask Cree Nations;  
10 is that correct?

11 MS. ANDERSON: Well, in the sense that  
12 it sounds like it's an organization, which it's  
13 not. Like we are Cree Nation Partners in the  
14 Keeyask project is what we'd rather be referred  
15 to.

16 MR. KULCHYSKI: So why does the name  
17 continue to be used throughout the document and  
18 here? Is Fox Lake happy with that, or would it  
19 prefer not to see that happen?

20 MS. ANDERSON: I guess it is a defined  
21 term now in the agreement, so we still object but  
22 we accept it.

23 MR. KULCHYSKI: Thanks. And I will  
24 try to avoid using the term out of my  
25 understanding of what Fox Lake's position is.

1                   In the vote to approve this in each of  
2 your communities, were there other options  
3 presented to the citizens? Was it a yes or no  
4 straight up vote on this? Were they presented  
5 with any other possibilities, any other options?

6                   MR. BLAND: There is a vote on the  
7 JKDA process, it was a yes/no. And then there was  
8 an Adverse Effects Agreements vote as well,  
9 yes/no.

10                  MS. ANDERSON: Well, the questions  
11 that were given to the community members is if  
12 they supported chief and council in signing the  
13 documents, so that was the question. And most of  
14 our members said yes.

15                  MR. KULCHYSKI: That's what I  
16 understand.

17                  And why was the standard for a  
18 positive vote set at a majority of voters rather  
19 than a majority of members?

20                  MR. BLAND: I'm just going to have one  
21 second here.

22                  MR. KULCHYSKI: I'm nearly finished.

23                  MR. BLAND: So the question is, why  
24 was -- can you ask me again, sorry?

25                  MR. KULCHYSKI: Why was your standard

1 a majority of the voters rather than a majority of  
2 the members?

3 MR. BLAND: The majority of the voters  
4 lived off reserve in our community. We were  
5 trying to capture, or trying to reach out to as  
6 much of our membership as possible, because they  
7 were all over Canada and the States, and some  
8 overseas. But we just did our best to have  
9 mail-in ballots. We had our different stations in  
10 Thompson, Churchill and Winnipeg. And I guess  
11 most of our population lives off reserve, so we  
12 just did our best to reach everyone, and were  
13 hoping for a good response in terms of  
14 participation and voting.

15 MR. KULCHYSKI: I appreciate that, and  
16 thanks for the answer, but I don't think you're  
17 understanding my question.

18 MR. BLAND: Okay.

19 MR. KULCHYSKI: The question is, what  
20 makes for a successful vote? And in some cases,  
21 and in the past many First Nations have had votes  
22 where it's a majority of all the members, whether  
23 they vote or not, determines a successful outcome.  
24 So that basically someone not voting is virtually  
25 counted as a no vote. That's been a standard

1 that's been used in a number of different impact  
2 and benefit agreements and in some historical  
3 situations.

4 In other historical situations, we  
5 only count a majority of those people who come out  
6 to vote. So I'm wondering why you used that  
7 latter standard rather than the former one?

8 MR. BLAND: Okay. Well, one of the  
9 reasons that we use it, there's always a turnout  
10 that's not what we would hope for in our  
11 community. We always want to have the majority of  
12 our people come out to vote. And making that  
13 decision, of course, to include off-reserve  
14 members was important to try and have as many  
15 members as possible.

16 I think in any democratic process,  
17 including in Canada, you could look at our voting  
18 participation across Canada. It is very low. I  
19 don't have any stats, but I know that they are not  
20 very good. So the best answer I can give you is  
21 that we just tried to reach out to get to as many  
22 people as we can and consult with them. And  
23 whoever participated, if we got a majority of  
24 participating members voting yes, then we were  
25 going to accept that. If we tried to have a

1 majority of our members vote, that would mean we'd  
2 be dragging them out there physically. So that's  
3 the best that we could do and that's what we did.

4 MR. KULCHYSKI: Thanks. Ms. Anderson?

5 MS. ANDERSON: So, in Fox Lake for the  
6 JKDA and the Adverse Effects Agreement, for us we  
7 had two votes taken on this agreement. The first  
8 one, we had a higher threshold than was laid out  
9 in the agreement itself, the JKDA on the  
10 referendum process. So in that agreement, we set  
11 a goal for ourselves to have a higher level of  
12 voting from our members. So from that, from the  
13 first vote, there was a major, majority number in  
14 favour. And then on the second -- but we didn't  
15 reach the personal threshold that we had given to  
16 ourselves, and so we had the second vote. And  
17 using the terms, or the process in the JKDA, and  
18 again it was, everybody was in favour of those.  
19 And like I said, I just wanted to kind of put a  
20 similar context to that.

21 Like in our community, usually we  
22 support our leadership. But, you know, we trust  
23 them. We don't go and, you know, do these  
24 different processes, like these votes and that.  
25 We do these in open forum. And when we don't have

1 a large turnout, we take that as agreement, not as  
2 a no vote, which is what I think you stated  
3 earlier. That's what we do in our community. But  
4 we did try to entice more people, again, to come  
5 out again on the second vote. And we went to all  
6 our members in all our communities.

7 MR. KULCHYSKI: So do you believe your  
8 communities met the standard of free, prior and  
9 informed consent for this project?

10 MS. ANDERSON: Did you say pre prior?

11 MR. KULCHYSKI: Free, prior and  
12 informed consent?

13 MS. ANDERSON: I don't know if that's  
14 a defined term, but I think they were informed,  
15 yes.

16 MR. KULCHYSKI: And, Mr. Bland?

17 MR. BLAND: As I mentioned earlier, we  
18 did do a lot of consultation with our members, and  
19 this happened over years and years of  
20 consultation, years and years of meetings with our  
21 elders, with our youth, with our adults in our  
22 community. And in terms of preparing and  
23 informing our members, we tried to reach out as  
24 early as we could to let them know that this  
25 process was going to begin. And we did as much as

1 we could to reach out and consult and prepare  
2 members for the vote.

3 MR. KULCHYSKI: And my last two  
4 questions: Has Manitoba Hydro ever formally  
5 apologized for the impacts of past developments on  
6 your communities to you?

7 MR. BLAND: I think there has  
8 definitely been an acknowledgment from Manitoba  
9 Hydro. This organization today is different from  
10 the organizations of the past. The organizations  
11 of the past did not consult with the First  
12 Nations. They did not consult with members of the  
13 1977 agreement, including Pimicikamak, Norway  
14 House, Cross Lake -- I mean, Nelson House and  
15 Tataskweyak. So if you look at it in that regard,  
16 things were just done, there were devastating  
17 impacts, and a lot of traditions and ways of life  
18 were changed because of that.

19 This organization today has made an  
20 attempt to reach out to the First Nations, and  
21 approach the project differently from what's been  
22 done in the past. And when I talked about being  
23 potential partners, if the project is to move  
24 forward, having direct negotiated contracts,  
25 employment, you know, those weren't things that

1 were offered in the past.

2 MR. KULCHYSKI: But has that  
3 acknowledgment or that reach out included a formal  
4 apology?

5 MR. BLAND: I can't say if there's  
6 been a formal apology, but I just acknowledge that  
7 there has been a change.

8 MR. KULCHYSKI: I understand.

9 And Ms. Anderson, are you aware of a  
10 formal apology?

11 MS. ANDERSON: Just a minute, please.

12 MR. KULCHYSKI: Sure.

13 MS. ANDERSON: Okay. So for Fox Lake,  
14 I don't know if there was a formal apology. Like  
15 at the time when the impact settlement agreement  
16 was signed in 2004, I was not in the community.  
17 So I was just conferring if there was something  
18 signed in the community, and there was. And also  
19 the Province was a part of that agreement. And  
20 that impact settlement agreement was for impacts  
21 on past projects. But like, I can't say, I don't  
22 know if -- I wasn't there and I don't know if you  
23 are referring to something similar as the apology  
24 from the Federal Government on the residential  
25 school or, you know, we have certainly had

1   apologies like from Hydro from our -- there was  
2   grave site desecrations, I'm thinking that there  
3   has been some sort of apology, and if it's formal  
4   in signing this agreement, I would say yes.

5                   MR. KULCHYSKI:   And, Ms. Cole, are you  
6   aware of Hydro having made any formal apologies  
7   for the past activities?

8                   MS. COLE:   I'm running through my head  
9   to remember if we have made one in the context of  
10  working with the Keeyask Partners.  I do know that  
11  in the context of planning for the Wuskwatim  
12  generation project with the Nisichawayasihk Cree  
13  Nation, that there definitely was a formal public  
14  apology made in the context of past projects.  I  
15  would need to find out if something similar has  
16  been made here.  The projects has been ongoing  
17  since 2001, and I've been engaged since 2005, so  
18  that may have happened.

19                   MR. KULCHYSKI:   And just to both, to  
20  Mr. Bland and Ms. Anderson, if a formal apology  
21  hasn't been made, do you think that it would be  
22  important for the future healing of the community  
23  in moving forward?

24                   MR. BLAND:   York Factory has begun a  
25  process of reconciliation.  And we have started

1 this a couple of years ago, and we recognize that  
2 being partners with Manitoba Hydro is a step in a  
3 direction, and not everybody was on board with  
4 that.

5           When people had an opportunity to  
6 speak about the impacts that they have felt, it  
7 was emotional for a lot of people. And not  
8 everybody agreed to move forward, but a majority  
9 of people acknowledge that there was impacts,  
10 acknowledge that this is not something that we can  
11 hold onto in our hearts. And I would absolutely  
12 think an apology would benefit and help the First  
13 Nations move forward.

14           MR. KULCHYSKI: Ms. Anderson?

15           MS. ANDERSON: Again, I kind of have  
16 some of the same sentiments that Ted has. Like, a  
17 lot of our members, we have a dark history with  
18 Hydro, and I think that would be something we'd  
19 have to discuss within the community and amongst  
20 ourselves. Because I know some of our members  
21 still do not trust Hydro. And so I think that is  
22 something that would have to be done within the  
23 community, a decision to be made, if there was no  
24 formal apology. And personally, I think for  
25 people to move forward and heal, I think that

1 would only help. So, yes.

2 MR. KULCHYSKI: I want to thank  
3 everyone for their answers to my questions, and I  
4 apologize for my own problems with form on  
5 occasion. And I appreciate all of your  
6 thoughtfulness of your answers. Egosi.

7 THE CHAIRMAN: Thank you,  
8 Dr. Kulchyski. We'll take a break for 15 minutes  
9 and come back at 11:20, please.

10 (Proceedings recessed at 11:04 a.m.  
11 and reconvened at 11:20 a.m.)

12 THE CHAIRMAN: I'd like to reconvene,  
13 please. Before we turn to the cross-examination,  
14 or return to the cross-examination, just a point  
15 came up during the last cross-examination to the  
16 effect that in Aboriginal culture, when certain  
17 types of questions are asked about spirituality  
18 and related matters, it's traditional to make a  
19 tobacco offering. So Mr. Nepinak has some  
20 ceremonial tobacco and we have it on the table.  
21 And if a similar question arises, basically  
22 Mr. Nepinak will nudge me, and I will ask the  
23 question or two to make the tobacco offering.

24 So second thing, Mr. London, you have  
25 a point to make?

1 MR. LONDON: Thank you, Mr. Chairman.

2 I am not giving evidence, but I think fair is  
3 fair. Those of us who were at the bargaining  
4 table for all those years through the JKDA,  
5 particularly latterly, before the JKDA was  
6 finalized and signed, will remember that in fact a  
7 senior executive member of Manitoba Hydro at the  
8 table did offer to make an apology on behalf of  
9 Manitoba Hydro. And the Cree Nation's  
10 representatives at that time declined, thinking  
11 that the process itself was more important.

12 THE CHAIRMAN: Thank you.

13 So turning to cross-examination,  
14 Manitoba Metis Federation, go ahead.

15 MS. SAUNDERS: Thank you.

16 THE CHAIRMAN: Please identify  
17 yourself for the record. It's been a while since  
18 you've been before the recorder.

19 MS. SAUNDERS: It has. Thank you.

20 Jessica Saunders for the Manitoba Metis  
21 Federation.

22 I believe I have four areas of  
23 questioning, beginning with employment and  
24 training.

25 On slide 31, information is provided

1 on the Hydro Northern Training and Employment  
2 Initiative operated from 2002 to 2010. And slide  
3 32 then provide details of the project  
4 construction employment enhancement measures. So  
5 on that slide, the Burntwood/Nelson Agreement is  
6 referenced. The direct negotiated contracts  
7 process for Partner First Nations and the JKDA,  
8 and employee retention and service contracts with  
9 the Fox Lake Cree Nation and the York Factory  
10 First Nation are also referenced.

11 So to clarify, on the site employee  
12 liaison workers and community-based job referral  
13 officers, are those positions ones that will be  
14 handled under the Burntwood/Nelson Agreement  
15 preferences, or how will those positions be  
16 determined?

17 MS. COLE: Which positions are you  
18 speaking to specifically?

19 MS. SAUNDERS: The on-site employee  
20 liaison workers, and a few bullets down, two  
21 bullets down, the community-based job referral  
22 officers.

23 MS. COLE: The job referral officers  
24 are hired within the community, and by the  
25 communities. I was just checking on the on-site

1 employee liaison workers. We are currently in a  
2 process, or sitting down with the communities to  
3 work out the hiring processes and job descriptions  
4 and reporting mechanisms for those workers.

5 MS. SAUNDERS: Thank you.

6 And so as I said, the Burntwood/Nelson  
7 Agreement, the JKDA, and then the employee  
8 retention service contracts, and then in addition  
9 to those two positions, the processes for which  
10 you have just explained are under way. You can  
11 confirm then that those are the only employment  
12 enhancement measures, that there are no other  
13 agreements in place outside of what has been  
14 mentioned on this page with respect to the  
15 project?

16 MS. COLE: This is talking about  
17 employment enhancement measures specifically. But  
18 there are certainly, I guess, other measures that  
19 enhance retention and employment. So there is a  
20 shuttle service to provide transportation to and  
21 from the site for employees. We're looking at  
22 different contracting schedules that may be a  
23 little bit more amenable to attracting employees.  
24 Certainly, we have run the HNTEI initiative in  
25 advance, which was on the previous slide. There

1 are ceremonies under the employee retention and  
2 service contract. And that contract, while it  
3 says Fox Lake Cree Nation and York on there, it's  
4 really important to note that that's the employee  
5 retention and service contract for the entire  
6 site. It is not specific to Aboriginal workers,  
7 it is for all workers at the Keeyask site. It  
8 just happens to be managed and lead by Fox Lake  
9 Cree Nation and York Factory First Nation through  
10 a direct negotiated contract.

11 MS. SAUNDERS: Okay. So just to  
12 clarify what you said lastly there, with the  
13 employee retention and service contract, you just  
14 said that Fox Lake Cree Nation and York Factory  
15 First Nation are responsible for managing that  
16 component with respect to all of the workers on  
17 site?

18 MS. COLE: Yeah. The contract is held  
19 by them. They are, in essence, the service  
20 provider, but the service itself is available to  
21 all workers at site.

22 MS. SAUNDERS: Thanks for the  
23 clarification.

24 On slide 32, you referred to an  
25 advisory group on employment. I don't think the

1 details of the advisory group were discussed in  
2 your presentation, but forgive me if they were.  
3 Is this advisory group currently active?

4 MS. COLE: The advisory group on  
5 employment itself has not been formally  
6 established. It will be established, there's  
7 conditions in the Keeyask infrastructure project  
8 agreement and in the JKDA on the timing of when  
9 that group gets established.

10 Having said that, there is discussion  
11 related to employment issues already taking place  
12 within the context of the Keeyask infrastructure  
13 project, and there's agreement among the Partners  
14 that that discussion will take place at the  
15 Partner's regulatory and licensing committee while  
16 the Keeyask infrastructure project is under way.  
17 It will be formally established, I think the  
18 language in the JKDA is within a few months of the  
19 main camp contractor coming on site. There's some  
20 sort of triggering mechanism, which we can  
21 certainly find out, but it's my understanding that  
22 each will be formally established sometime in the  
23 new year. We talked about doing it this fall, but  
24 everyone thought we'd all be here, so that  
25 probably wouldn't be the best timing.

1 MS. SAUNDERS: And so matters  
2 including the terms of reference and the  
3 representation in the group, those are then to be  
4 determined as well, or have those already been  
5 discussed?

6 MS. COLE: The advisory group on  
7 employment is a negotiated group, and the terms of  
8 reference for that group are in the JKDA.

9 MS. SAUNDERS: Okay, thank you.  
10 Moving to slide 96 and 97, the second bullet, the  
11 MMF has identified a fishing area in Stephens Lake  
12 in an existing report, frequency, intensity and  
13 specific timing of use were not reported. If use  
14 is current -- and then you've got the two bullets  
15 there, the first that it's limited to spatial  
16 overlap with the affected areas and, therefore,  
17 those effects are expected to be negligible. And  
18 then as well, the key mitigation in place that  
19 applies to all resource users, and then you list  
20 them.

21 Will you confirm what report is being  
22 referred to? Specifically -- I apologize, I read  
23 the whole bullet, but where you say the MMF has  
24 identified a fishing area in Stephens Lake in an  
25 existing report, could you confirm that report,

1 please?

2 MR. MACDONELL: That's the MMF TLUKS  
3 study 2011.

4 MS. SAUNDERS: Great, thank you.

5 I believe the CEC is familiar with the  
6 various Bipole III assessments, but part of the  
7 MMF Bipole III included some information on  
8 Gillam, so presumably that's where the information  
9 is coming from.

10 So then the presentation goes on to  
11 say that an agreement has been reached, achieved  
12 with the MMF to conduct a traditional land use and  
13 knowledge study, a socio-economic impact  
14 assessment and historical narrative. And further  
15 that Manitoba Hydro, on behalf of the Partnership,  
16 is committed to considering additional information  
17 received.

18 So the Keeyask generation project  
19 Environmental Impact Statement was filed in July  
20 of 2012, correct?

21 MS. COLE: Yes.

22 MS. SAUNDERS: So aside from the  
23 information provided in the Bipole III report that  
24 you just confirmed regarding the fishing area in  
25 Stephens Lake, and the current agreement that the

1 MMF agreed to, that you referenced in June of  
2 2013, there is no other assessment as to the  
3 potential impacts to the Metis in the project  
4 area, correct?

5 MS. COLE: Actually, that's not  
6 correct. We have filed an information request.  
7 And I think we talked about this when we were up  
8 in the first panel on the regulatory assessment.  
9 We were asked by the Canadian Environmental  
10 Assessment Agency to file additional information  
11 with respect to the Manitoba Metis who may use the  
12 area, as well as Pimicikamak and Shamattawa. We  
13 refer to it as CCEA 14, because that's the IR  
14 number it's referred to. And there was a quite  
15 lengthy report provided, as well as an assessment  
16 provided in that filing based on all available  
17 existing information related to Metis use of the  
18 study area, both the local and the regional study  
19 area.

20 MS. SAUNDERS: Right. And I think we  
21 went through this in my last appearance here, that  
22 it was based on -- the assessment that was then  
23 provided in that process was based on available  
24 information and not on assessments with the  
25 community, because that agreement to do the TLUKS

1 will achieve that?

2 MS. COLE: Well, it will certainly add  
3 additional information, yes.

4 MS. SAUNDERS: Okay. So a part of the  
5 socio-economic impact assessment and the agreement  
6 with MMF, you would agree that there is a baseline  
7 study being done to begin the process of looking  
8 at potential socio-economic impacts to the Metis  
9 in the study area?

10 MS. COLE: The MMF is certainly  
11 undertaking a socio-economic impact assessment and  
12 baseline work. I do want to be clear, though,  
13 that we haven't ignored the Metis. The Metis are  
14 certainly among the northern Aboriginal  
15 population. And assessments of the effects from  
16 this project from a socio-economic perspective has  
17 been undertaken for the northern Aboriginal  
18 population as well as for the local region. And  
19 the Metis, to the extent that they are resident or  
20 within that region, would certainly have been  
21 included within that assessment.

22 MS. SAUNDERS: Sure. And that's a  
23 fair comment that, in your view, you haven't  
24 ignored.

25 I guess what I'm just asking is, I

1 just want to go through this process of, there's  
2 an agreement in place that will look at the  
3 impacts, potential impacts to the Metis. And then  
4 after that process, the result of that would then  
5 be that, say if there are impacts, potential  
6 impacts to the Metis, there would then be a  
7 process put in place presumably to deal with those  
8 potential impacts; is that correct?

9 MS. COLE: Certainly, we have  
10 committed that we're more than willing to sit down  
11 with the Manitoba Metis Federation to review the  
12 results of the study and to talk about the  
13 findings.

14 MS. SAUNDERS: Right. And you would  
15 agree that those types of processes, Adverse  
16 Effects Agreements, and other such arrangements as  
17 are typical in dealing with impacts to potentially  
18 affected Aboriginal groups, those are processes  
19 that you would expect to then result from these  
20 type of assessments? Those are things that -- a  
21 process is put in place to deal with these  
22 impacts, correct?

23 MS. COLE: There would be a process to  
24 review and discuss the results of your assessment.  
25 The outcomes, I don't want to in any way refer to

1 what the outcomes of that process might be or what  
2 it might lead to. Until we have an understanding  
3 of the findings and what the MMF believes the  
4 effect might be, it's impossible for us to know  
5 what the right course of action might be.

6 MS. SAUNDERS: Okay. Fair enough.

7 However, though, having achieved an  
8 agreement with the MMF, we can't speak to the  
9 outcomes, that's fair. However, though, in  
10 achieving an agreement with the MMF, and creating  
11 the way forward in hopefully addressing the  
12 potential impacts that there may be, it's  
13 appropriate then to say that we're going to go  
14 wait to hear for those results rather than speak  
15 to say measures that apply to all resource users,  
16 that are based on previous reports that you have?

17 I guess what I'm getting at is when we  
18 look to slide 96, the second bullet, you would  
19 agree that a process coming out of an assessment,  
20 one that you are undertaking to do with the MMF as  
21 per the agreement, that will result in hopefully a  
22 greater understanding of effects such that  
23 measures, mitigation measures applicable to all  
24 resource users, those type of things, you'll have  
25 say a better understanding of as a result of this

1 process. Is that fair to say?

2 MS. COLE: I'm not sure I'm entirely  
3 following the question. At this point in time,  
4 based on all the information and the review that  
5 we've done, we anticipate that -- well, at this  
6 point in time, we're not aware of any specific  
7 effect that's specific to the Metis community, and  
8 we're not aware that there is a Metis community  
9 per se in this region. However, it is entirely  
10 possible that there may be individual resource  
11 users who use this area, for whatever purpose.  
12 And there are certainly a number of mitigation  
13 measures in place that are in place for all  
14 resource users who use the area. And two of them  
15 are listed there, the waterways management  
16 program, which provides for safe travel for  
17 resource users. That is a program that's  
18 available to all resource users in the area, and  
19 is certainly beneficial to all resource users.

20 Communication products with respect to  
21 mercury and fish are anticipated to be widely  
22 distributed so that all resource users in the area  
23 are aware of potential, with guidance, with  
24 respect to consuming fish that may be taken out of  
25 Gull Lake or Stephens Lake.

1                   In addition to that, Don also walked  
2 you through the access management plan. And  
3 certainly if there are people in the area who have  
4 regularly and traditionally used resources that  
5 can no longer be accessed because there is  
6 construction in the area, the access management  
7 plan does provide opportunities to provide those  
8 resource users with safe access along the access  
9 roads being constructed for the project so that  
10 they can access their traditional use areas.

11                   Those are certainly available to Metis  
12 individuals as much as they are available to any  
13 of the First Nations involved in the Partnership.

14                   MS. SAUNDERS: Okay. And my  
15 apologies, it wasn't the greatest question, but  
16 nevertheless you were still able to provide me  
17 with an answer. So thank you.

18                   So then having achieved an agreement  
19 with MMF, you would agree that mitigation to  
20 potential impacts to Metis is better addressed  
21 through that process flowing out of the results of  
22 the assessments and studies, and not just general  
23 mitigation measures as you have just discussed and  
24 as are indicated on slide 96?

25                   MS. COLE: Actually, I'm not sure I

1 would agree with that. I do think it's going to  
2 depend on the impacts identified. So, certainly,  
3 there may be cases -- I have no clue what's going  
4 to come forward, but certainly if there are  
5 instances where we need to modify mitigation or  
6 change the mitigation that's there, we are  
7 certainly willing to talk about it. But until we  
8 have an understanding of the impacts and what  
9 those impacts are, the mitigation that's in place  
10 may be perfectly appropriate.

11 MS. SAUNDERS: And regarding the  
12 heritage resources on slide 127 -- I discussed  
13 this with Mr. Nepinak and I thank him for tobacco.  
14 I won't be questioning on cultural and spiritual  
15 elements of this area, though. Thank you very  
16 much.

17 So on slide 127, you have provided  
18 your map outlining the heritage study areas as  
19 being the regional, local and core study areas.

20 You then go into the local study area  
21 and discuss participation on slide 131 of your  
22 presentation. So it reads, and this is just to  
23 clarify a bit of course, the elders and resource  
24 users, and the information you provided is  
25 specific to the core study area, and the elders

1 and resource users that you referenced were First  
2 Nation elders and resource users, correct?

3 MS. PETCH: That's correct.

4 MS. SAUNDERS: And then regarding  
5 Aboriginal traditional knowledge reference on this  
6 slide, you are referring to First Nation  
7 traditional knowledge, particularly Cree  
8 traditional knowledge? There was no Metis or  
9 Inuit traditional knowledge per se?

10 MS. PETCH: That's correct.

11 MS. SAUNDERS: Thank you.

12 Now I just have general questions for  
13 the Cree Nation Partner representatives. I wanted  
14 to bring you to Dr. Kulchyski's questions  
15 regarding whether Hydro has apologized to your  
16 First Nations for past impacts. Mr. Bland?

17 THE CHAIRMAN: I think that was dealt  
18 with in the response from Mr. London.

19 MS. SAUNDERS: It won't be anything of  
20 particular --

21 THE CHAIRMAN: Okay.

22 MS. SAUNDERS: It won't be requesting  
23 any details.

24 THE CHAIRMAN: We'll see where you go.

25 MS. SAUNDERS: Thank you very much.

1                   So, Mr. Bland, you spoke very  
2 eloquently to this, and I will attempt to  
3 reference what you said. But you said that the  
4 Hydro of today is different from what it was in  
5 the past, and that Hydro now consults with First  
6 Nations whereas they didn't always do that in the  
7 past. Is that a fair, I guess, summary of what  
8 you said earlier?

9                   MR. BLAND: Yes, I was referring to  
10 the Keeyask Cree Nations, and also to the 1977  
11 Agreement First Nations.

12                   MS. SAUNDERS: Would you agree that  
13 the new relationship your First Nation has with  
14 Hydro, one based on consultation and respect I  
15 think you had said, well, at least consultation,  
16 and I'm suggesting it appears that it is one of  
17 respect, has been crucial to your relationship  
18 with Hydro and all that you've been able to  
19 achieve for your First Nation here in this  
20 project. Is that fair to say?

21                   MR. BLAND: That's fair to say.

22                   MS. SAUNDERS: And we didn't hear from  
23 Hydro on this, but Ms. Cole, would you agree that  
24 a relationship such as the one between Hydro and  
25 the Cree Nations involved in this project, one

1 based upon consultation and respect, is key to  
2 reaching all that you have been able to achieve in  
3 this project?

4 MS. COLE: Yes, I think it's integral  
5 to what we've been able to achieve, and we have  
6 certainly referenced a number of times how  
7 important that's been to our process. And we  
8 value that with the Keeyask Cree Nations as well  
9 as many other groups that we work with, including  
10 with the Manitoba Metis Federation. And many of  
11 the measures that we're working towards with the  
12 Manitoba Metis Federation are specifically to  
13 achieve that level and that type of respect,  
14 including, you know, funding of liaison officers  
15 and other programs. So it's something we're  
16 working across the board on, not just with the  
17 Keeyask Partners, but with many of the  
18 organizations and communities we work with.

19 MS. SAUNDERS: Thank you very much  
20 Ms. Cole. Those are all my questions.

21 THE CHAIRMAN: Thank you,  
22 Ms. Saunders. The final cross-examiner of this  
23 panel is Manitoba Wildlands, Ms. Whelan Enns?

24 MS. WHELAN ENNS: Hello to everyone.

25 The questions we have today will be

1 mostly in the sequence in terms of the  
2 presentation in the hearing, and in terms of who  
3 presented when. There will be slight variances,  
4 but I have tried to keep that order.

5 On page 8 then, in terms of the Fox  
6 Lake First Nation presentation, that one has been  
7 asked and answered.

8 Then on page 18, slide 18, there's a  
9 reference here about the Fox Lake people working  
10 on constructing the railroad. And the question is  
11 whether then Fox Lake people were also working on  
12 building dams. You have got the reference here to  
13 Kettle Rapids. This is a question about Kelsey  
14 and whether Fox Lake peoples and members worked on  
15 site in building Kelsey?

16 THE CHAIRMAN: How is that relevant to  
17 this review?

18 MS. WHELAN ENNS: It goes to the RSA,  
19 and the RSA identified is larger and different.  
20 And the question overall has to do with the KCN's  
21 participation in building dams. So the question  
22 has to do with the fact that Kelsey hasn't been  
23 identified by either First Nation or this panel.

24 THE CHAIRMAN: Okay.

25 MS. ANDERSON: So Fox Lake, I believe

1 they have worked on all the dams, and I can't for  
2 sure say Kelsey. I could check, though, I'm sure  
3 they have. But for my presentation, I was  
4 referring to right in the vicinity of Gillam and  
5 Fox Lake where we lived. That's why I only  
6 referenced the three dams there.

7 MS. WHELAN ENNS: Thank you.

8 On page 45, you have provided a photo  
9 of your Memorial site. And again, a referral to  
10 the next panel is fine, but we have two of the  
11 Keeyask Cree Nations here. And the question is  
12 whether or not any of the others, and then this  
13 would specifically be York Factory, have a similar  
14 Memorial?

15 THE CHAIRMAN: What's the relevance?  
16 I'm sorry, I can't see the relevance of that  
17 question, so --

18 MS. WHELAN ENNS: Well, I think --

19 THE CHAIRMAN: No, I can't see the  
20 relevance. So please, next question.

21 MS. WHELAN ENNS: Okay. That's the  
22 questions I have then in terms of the Fox Lake  
23 slides.

24 Mr. Bland assisted in terms of reading  
25 comments and assisting in terms of Martina

1     Saunders not being able to be with us. And you  
2     made some comments, there are some comments then  
3     in terms of people most affected by Keeyask. And  
4     you identified neighboring communities. And I go  
5     on to ask you then whether Shamattawa has, at any  
6     time, been considered a neighbouring community or  
7     been part of the discussions in the region among  
8     the First Nations for this project?

9                     THE CHAIRMAN: Mr. Regehr?

10                    MR. REGEHR: Well, first of all, I  
11     don't see the relevance of this, but I'm not sure  
12     how Mr. Bland can even answer this question.

13                    THE CHAIRMAN: Agreed.

14                    MS. WHELAN ENNS: Thank you. Okay.

15                    Also then for Mr. Bland, our  
16     understanding from your comments, and we are now  
17     moving specifically to York Factory, and please  
18     correct us, but was there in fact a trapline  
19     district set up for York Factory in the 1950s?

20                    MR. BLAND: There has always been  
21     traplines there. You are talking specifically  
22     about York Factory, or are you talking about York  
23     Landing?

24                    MS. WHELAN ENNS: I think it probably  
25     would be best if I asked you about both. Point

1 taken.

2 MR. BLAND: Okay. If we refer to York  
3 Landing, trapline 13 was given to York Factory in  
4 1957 when we were relocated by the Federal  
5 Government. And thank you for that Tataskweyak.

6 In York Factory, we have had traplines  
7 for thousands of years there that were used. I  
8 can't answer specifically when Manitoba intervened  
9 and made official lines, I don't have that in  
10 front of me at the moment.

11 MS. WHELAN ENNS: Thank you.

12 And the general chronology in terms of  
13 the early '50s is fine. And that's that question.

14 MR. BLAND: I would like to add,  
15 though, that we do have members that go up to York  
16 Factory every year and have been going ever since  
17 I can remember.

18 MS. WHELAN ENNS: Thank you.

19 This is a question about timelines.  
20 We have had from other participants a range of  
21 questions in terms of timelines. I think that  
22 this one's simple, and that is, is there in  
23 fact -- and we have read all the -- we have read  
24 the JKDA and the effects assessments -- effects  
25 agreements rather. Is there a start and end date

1 in the way the JKDA is structured?

2 MS. COLE: What do you mean by that  
3 question? The JKDA was signed in 2000, and it is  
4 in place for the life of the project.

5 MS. WHELAN ENNS: Thank you. So they  
6 were signed in March and May of 2009, and life of  
7 project then means?

8 MS. COLE: For as long the project is  
9 operating.

10 MS. WHELAN ENNS: Thank you.

11 In the main stack of slides then on  
12 page 12, climate change is included in terms of  
13 the main or upper level of effects for the  
14 assessment. In our sort of re-review of the  
15 contents in the EIS then, the section about  
16 climate change appears to be about winter roads.  
17 So the question is, was the climate change  
18 discussion in terms of arriving at the effects  
19 assessment only or primarily about winter roads?

20 MS. KINLEY: Climate change was  
21 considered in looking at each of the outcomes of  
22 the valued environmental components to see if  
23 climate change effects would change those effects.  
24 And so we highlighted that with respect to  
25 transportation in particular. It was also

1 highlighted with respect to mercury and fish.

2 MS. WHELAN ENNS: Did you also then  
3 include in your climate change review for the  
4 assessment effects on infrastructure?

5 MS. KINLEY: That's exactly why we  
6 looked at winter roads in particular. We  
7 highlighted the place where we felt that climate  
8 change could make a difference to the outcome.

9 MS. WHELAN ENNS: Did you look at all  
10 built structures in terms of buildings, both  
11 community and residences?

12 MS. KINLEY: We looked at the -- we  
13 looked at each of the outcomes of the valued  
14 environmental components, and the process was to  
15 see if climate change would make a difference to  
16 the effect that was assessed.

17 MS. WHELAN ENNS: Thank you. You also  
18 mentioned when you were starting on this slide,  
19 the other environmental assessments that you  
20 looked at and reviewed in doing the socio-economic  
21 assessment. Was this step taken at the very, you  
22 know, very early in the discussions and very early  
23 in your socio-economic review, or was it near the  
24 end in that writing time?

25 MS. KINLEY: I believe we spoke about

1 that from the point of view of looking at the  
2 types of issues that there are associated with  
3 hydroelectric development. And we looked at it in  
4 particular in the early phases of the project  
5 where we were examining what could be considered  
6 valued environmental components.

7 MS. WHELAN ENNS: Then I think you're  
8 telling us that you were primarily looking at the  
9 EAs and filings for hydroelectric projects when  
10 you were looking at other assessments? Is that  
11 correct? And correct me if I've got that wrong.

12 MS. KINLEY: We looked primarily at  
13 hydroelectric development. We were looking at the  
14 types of effects that had been determined in other  
15 projects. And that's always helpful in  
16 understanding the issues that could be associated  
17 with a project like this.

18 MS. WHELAN ENNS: Thank you. Did you  
19 specifically look at the environmental assessments  
20 for Hydro projects, or other industrial projects  
21 that were assessed, and potentially licensed under  
22 the Canadian Environmental Assessment Act that's  
23 pertinent to the Keeyask Generation Station, as in  
24 that version of the Act?

25 MS. KINLEY: It would have been at the

1 same time. This project is being assessed under  
2 the earlier Act.

3 MS. WHELAN ENNS: Thank you. Shifting  
4 to slide 20, there is a reference to protected  
5 areas and scientific sites in the resource use  
6 part of this slide. And this may be more than one  
7 individual to answer, but let's start. And that  
8 is, were there any discussions or preliminaries to  
9 consultation for new protected areas in the RSA  
10 during the preparation of the assessment? And the  
11 second part of that question then would be whether  
12 there were any specific interactions or  
13 pre-consultations with the Keeyask Cree Nations  
14 regarding establishment of protected areas?

15 MS. KINLEY: I'll turn that to Don  
16 MacDonell.

17 MR. MACDONELL: Actually what we did  
18 was we identified those areas as per the  
19 guidelines. So what specifically are you  
20 referring to, in terms of there was no  
21 consultation with the First Nations with regard to  
22 the establishment of additional ones?

23 MS. WHELAN ENNS: Basically, you're  
24 saying that in the 10 year period, let's call it  
25 10 years generally, in terms of preparation for

1 the assessment of the project and agreements then  
2 with the Keeyask First Nations, was that there  
3 were no preliminary or advanced consultations, or  
4 consultations with these First Nations regarding  
5 establishment of new protected areas. Did I  
6 understand you correctly?

7 MR. MACDONELL: We're not aware of any  
8 of those consultations. Our objective in the EIS  
9 was to identify established protected areas at the  
10 time we wrote the EIS. So that's what we have  
11 done.

12 MS. WHELAN ENNS: Were there any  
13 discussions then between the Partnership  
14 personnel, Manitoba Hydro personnel, and the  
15 Manitoba Government personnel responsible for the  
16 established and protected areas regarding the  
17 candidate areas in the RSA?

18 MR. MACDONELL: Not that I'm aware of.  
19 Again, we identified the areas that were in the  
20 regional study area and identified any areas that  
21 were in the local study area, which there were  
22 none. And those were the ones that were  
23 potentially affected directly by the project.

24 MS. WHELAN ENNS: Did the personnel in  
25 the Partnership consider taking the steps to make

1 the Partnership First Nations aware that they have  
2 the option in Manitoba to nominate lands to be  
3 protected from development? Did you consider that  
4 at all?

5 MS. COLE: It's not really the role of  
6 the Partnership or Manitoba Hydro, I don't think,  
7 to inform the communities about their rights and  
8 responsibilities with respect to asking for  
9 protected areas. So the answer to your question  
10 is no.

11 MS. WHELAN ENNS: Thank you.

12 THE CHAIRMAN: Mr. Bedford.

13 MR. BEDFORD: The question's been  
14 answered so an objection is a little late.

15 MS. WHELAN ENNS: Thank you.

16 Is there any intention after -- or in  
17 a construction phase, if you will, or into the  
18 next phase of the Keeyask generation station, is  
19 there any intention to find ways to combine  
20 socio-economic impacts, VEC's assessment steps for  
21 other projects going on in the same area and  
22 affecting the same communities?

23 MS. COLE: Absolutely. That was  
24 actually one of the key outcomes of our cumulative  
25 effects assessment in the Looking Forward

1 component of the cumulative effects assessment.  
2 One of the things that became very obvious and  
3 very clear, and we talked about that, I talked  
4 about it for sure in my presentation, and I  
5 believe Janet discussed it as well, is over the  
6 next 10 years in the Gillam area in particular,  
7 there is the potential for a lot of development.  
8 And particularly given concerns raised by Fox Lake  
9 as well as the other communities, we were very  
10 concerned about worker interaction and public  
11 safety. And it's one of the key reasons why we've  
12 taken a bit of a broader approach that's not  
13 Keeyask specific, that looks at establishing at a  
14 community level a worker interaction committee  
15 that involves key service providers, Manitoba  
16 Hydro, the Community of Fox Lake, as well as  
17 Tataskweyak Cree Nation, as appropriate, to  
18 address those concerns at a community level,  
19 regardless of the projects taking place.

20 So the answer to your question is yes,  
21 that absolutely has been considered.

22 MS. WHELAN ENNS: And you are quite  
23 right in terms of what you are reminding us of.

24 THE CHAIRMAN: You're making  
25 statements now. Please move on to questions.

1 MS. WHELAN ENNS: Fair enough.

2 Staying on the socio-economic, the  
3 tables referred to, the 3-36 and 3-35, and then  
4 also the comment as you are going through the  
5 slides, basically refer to the economic effects,  
6 most of which are benefits. Would you please tell  
7 us whether there's been an assessment of the costs  
8 of the Keeyask Generation Station project to  
9 Manitoba or to Canada?

10 MS. KINLEY: First of all, I wonder if  
11 you can get us to the correct slide? We don't  
12 have a slide reference.

13 MS. WHELAN ENNS: This is a question  
14 that basically arose as a result of listening to  
15 your presentation. It's not attached to a  
16 specific slide. We did take a look at tables 3-36  
17 and 35 in terms of operation costs. I'm going to  
18 take a look at 35 here to see whether that's --  
19 no. So we went into the EIS and looked at this on  
20 those locations.

21 The question overall is about whether  
22 or not there's been an identification in the  
23 socio-economic assessment of costs also? We have  
24 effects and benefits figures.

25 THE CHAIRMAN: Mr. Bedford?

1 MR. BEDFORD: Well, with respect to  
2 Ms. Whelan Enns, I think she's going to have to do  
3 a better job with the use of the word costs.  
4 There may be an issue relevant to an environmental  
5 hearing that's buried in what she's trying to  
6 seek, but I'm not getting it and I'm sure the  
7 panel isn't either.

8 MS. WHELAN ENNS: Mr. Chair, may I try  
9 an example?

10 THE CHAIRMAN: What costs specifically  
11 are you asking about?

12 MS. WHELAN ENNS: We have had a fair  
13 bit of content in the last two days based on this  
14 panel in terms of discussion about social  
15 services, for instance, all right.

16 So then let's narrow the question.  
17 Has there been an assessment of what the increased  
18 costs to the Province of Manitoba --

19 THE CHAIRMAN: Are you asking -- like  
20 the Partnership has identified a number of  
21 different programs that you referred to, social  
22 services programs that they intend to implement,  
23 as needed, based on monitoring. So are you asking  
24 if they have costed out each of these programs?

25 MS. WHELAN ENNS: I'm asking, staying

1 on Manitoba, Mr. Chair, whether they have costed  
2 what the increased costs, for instance, for social  
3 allowance or healthcare, those would be two  
4 examples to Manitoba, would be from the Keeyask  
5 Generation Project?

6 THE CHAIRMAN: Mr. Bedford?

7 MR. BEDFORD: It's just that's not  
8 relevant.

9 THE CHAIRMAN: I would agree.

10 MS. WHELAN ENNS: Thank you.

11 THE CHAIRMAN: Move on, please.

12 MS. WHELAN ENNS: This pertains then  
13 to slide 42, and that point in your presentation,  
14 not specifically the content on the slide. And  
15 that is, has there been any discussion or analysis  
16 about whether or not, for instance, the Keeyask  
17 Cree Nations will have challenges keeping staff in  
18 their band administration or their band programs,  
19 in relation to what salaries and wages will be  
20 elsewhere in the region during the project?

21 MR. BLAND: I think there will be an  
22 interest from membership that are working on  
23 reserve. Right now in our community we have a lot  
24 of younger people that are taking advantage of the  
25 opportunity provided by our direct negotiated

1 contracts. At this point we have had minimal  
2 impact, in terms of our administration, from the  
3 community leaving to pursue employment at Keeyask.  
4 As for the future, it's difficult to predict.

5 MS. WHELAN ENNS: Thank you,  
6 Mr. Bland.

7 Has there been any assessment or any  
8 concern then about risk of high turnover in terms  
9 of staff in the Keeyask Cree Nation's  
10 administrations?

11 THE CHAIRMAN: I think that was just  
12 answered.

13 MS. WHELAN ENNS: We'll pass on  
14 anything further then. And there's a response  
15 too.

16 MS. COLE: I did want to note that we  
17 have answered an IR related to this, it's CAC  
18 76 D.

19 MS. WHELAN ENNS: Thank you.

20 Page 58, we have had a fair bit of  
21 helpful content in terms of the planning for this  
22 project and others in the region. What I'd  
23 appreciate knowing is how early the discussions  
24 with the City of Thompson started, and whether  
25 there will be an overall plan with the City of

1 Thompson in terms of anticipating the effects on  
2 the city for this project and the other Hydro  
3 projects in the region at the same time?

4 MS. COLE: So, during the course of  
5 undertaking the socio-economic assessment, we  
6 certainly undertook a number of key person  
7 interviews with individuals in Thompson, and  
8 similar types of interviews have also been  
9 undertaken in the context of the Wuskwatim  
10 project. And I would say based on the assessment,  
11 and we have also had discussions with them through  
12 the course of the Keeyask infrastructure project  
13 as part of the socio-economic monitoring plan,  
14 while there certainly may be some effects felt in  
15 Thompson, based on our assessment, our primary  
16 concern is the Community of Gillam.

17 We have talked to the RCMP in  
18 Thompson. And certainly while there may have been  
19 an effect, they cannot pinpoint Wuskwatim, but we  
20 are in close consultation with both Wuskwatim --  
21 or sorry, with both the mayor and council as well  
22 as with the RCMP in Thompson on a regular basis,  
23 and we do have commitments from the RCMP to work  
24 with us very, very closely during the course of  
25 implementing the Keeyask project, as well as

1 Keewatinoow, Bipole III, and the Conawapa project,  
2 to ensure that capacity is available in the region  
3 to be able to respond to any concerns.

4           So I'm not going to say that it's an  
5 overall Thompson specific strategy. We have taken  
6 the approach of working directly with the service  
7 providers and the individuals and organizations  
8 responsible for providing really key services like  
9 health, healthcare, and policing, and working  
10 directly with them.

11           So, similarly with the RCMP, we have  
12 been working directly with the Northern Regional  
13 Health Authority to find ways to provide health  
14 services at site, including possible provision of  
15 a health nurse directly at site to alleviate any  
16 pressure that may be experienced within the  
17 Community of Thompson on health services.

18           I'm not sure if that answers your  
19 question. This is specifically a worker  
20 interaction related slide and it's quite specific  
21 to the possibility of worker interaction. And  
22 certainly if there was an issue raised in  
23 Thompson, or the community came to speak to us,  
24 we'd be more than happy to work with them. At  
25 this point it does not seem to be as big a concern

1 as it is in the Community of Gillam, where most of  
2 the development, or around which most of the  
3 development is focused.

4 MS. WHELAN ENNS: Thank you. This  
5 refers to slide 64, and I believe then  
6 Ms. Anderson -- though also then Martina Saunders  
7 was not able to be here. There is a reference on  
8 this slide to distinguishing groups of people, and  
9 the question is, how many groups of Aboriginal  
10 people did you distinguish?

11 MS. ANDERSON: I don't believe this is  
12 our slide. This is part of Virginia's process for  
13 her -- I'll let her answer.

14 THE CHAIRMAN: Ms. Mayor, were you  
15 going to --

16 MS. MAYOR: Again, I'm not sure of the  
17 relevance of this to the EIS.

18 THE CHAIRMAN: Can you explain  
19 relevance?

20 MS. WHELAN ENNS: I can certainly also  
21 rephrase, Mr. Chair.

22 Were groups of Aboriginal people  
23 distinguished, again choosing the language that's  
24 in the slide, in addition to the Keeyask Cree  
25 Nations?

1 THE CHAIRMAN: With all due respect, I  
2 think that that has been covered in this panel.  
3 They noted a number of different Aboriginal  
4 communities. They noted that a number of  
5 Aboriginal communities had their origins on the  
6 coast of Hudson Bay and are now the four Cree  
7 Nations, plus Shamattawa, and I believe there may  
8 be one or two others. So I think it has been  
9 answered.

10 MS. WHELAN ENNS: Thank you.

11 Ms. Petch, you identified some steps  
12 that are being taken under the Heritage Act with  
13 respect to the field work and archaeology. Are  
14 you, as a leading archaeologist in the Province,  
15 comfortable that all of the steps under the  
16 Heritage Act are going to be taken?

17 MS. PETCH: Could you please repeat  
18 the last part of that?

19 MS. WHELAN ENNS: Sure.

20 Are you comfortable that all of the  
21 steps under the Heritage Act that required -- are  
22 going to be taken?

23 THE CHAIRMAN: Ms. Mayor?

24 MS. MAYOR: Is she asking for whether  
25 or not legally there's been compliance, because

1 that's not an appropriate question to be asking  
2 Ms. Petch.

3 THE CHAIRMAN: I would agree. What  
4 are you getting at?

5 MS. WHELAN ENNS: We can pass,  
6 Mr. Chair.

7 The regulatory requirements are  
8 referenced here on this slide, and it was a  
9 preliminary question to another one.

10 THE CHAIRMAN: But I think we can take  
11 as a given that Dr. Petch, as a professional  
12 archeologist, would abide by all of the steps  
13 required under the law.

14 MS. WHELAN ENNS: Dr. Petch, let's try  
15 it another way. You were referencing the  
16 artifacts and the Province of Manitoba. Can the  
17 Manitoba Museum also hold the artifacts?

18 THE CHAIRMAN: How is that relevant to  
19 this review?

20 MS. WHELAN ENNS: We can pass.

21 THE CHAIRMAN: She has explained just  
22 a few moments ago the nature of the ownership  
23 under Manitoba Law. She also noted that there is  
24 an opportunity to repatriate a number of these  
25 artifacts into the resident communities.

1 MS. WHELAN ENNS: And tourists and so  
2 on, yes. Thank you, Mr. Chair.

3 On slide 70 you are referring to, and  
4 you have a set of the nine cultural indicators you  
5 used. And I want to say to the two  
6 representatives from two of the Keeyask First  
7 Nations that this is meant simply as a question.  
8 Did the indicators, and were you able to apply  
9 nine indicators fully to each of the four First  
10 Nations?

11 MS. PETCH: Yes, based on the themes  
12 that developed out of each of the community  
13 processes, we were able to use all nine indicators  
14 for all of the Partner First Nations.

15 MS. WHELAN ENNS: Thank you.

16 This pertains to slide 77, and that  
17 that is have each of the four Keeyask Cree  
18 Nations, previous to this project or more  
19 recently, been able to complete a full  
20 traditional, a set of traditional use studies and  
21 lands plan for their traditional lands and  
22 territories?

23 MR. BLAND: One second.

24 THE CHAIRMAN: Mr. Regehr?

25 MR. REGEHR: I'm not clear on the

1 relevance of this question to these proceedings.

2 THE CHAIRMAN: I would agree. Move  
3 on, please.

4 MS. WHELAN ENNS: Thank you.

5 I'm going to thank Mr. Bland, but  
6 we're moving on.

7 MR. BLAND: You are welcome.

8 MS. WHELAN ENNS: We have had a number  
9 of references to the family survey, both in  
10 certain slides, when you get into the '80s, in the  
11 slide deck. The question is, and this is the  
12 worker family survey, the question is, why will  
13 you start in 2022?

14 Now, that's in mercury and human  
15 health survey in 183. There's also the worker  
16 family survey. The question basically has to do  
17 with whether these surveys could, in fact, start  
18 earlier in the construction phase and/or be more  
19 frequent than five years?

20 MS. KINLEY: With respect to the  
21 mercury and health surveys, we're talking about a  
22 country food consumption survey beginning in 2022.  
23 This is cognizant of the fact that effects on  
24 mercury will occur in the operations phase. So  
25 we're looking ahead to the period when mercury

1 will actually change. And that's the reason that  
2 it's looked at in that period.

3           And with respect to the time frame,  
4 our assessment is that it would be changing, the  
5 mercury would be changing fairly gradually. And  
6 that every five years would be adequate to capture  
7 that. However -- and the other thing I guess I  
8 should say is that a country food consumption  
9 survey is a pretty large undertaking. And the  
10 willingness of each of the communities to  
11 undertake a major survey like that, we would have  
12 to be a little concerned about the burden of  
13 survey in the communities as well.

14           I should also say, though, that the  
15 aquatics effects monitoring program is continuous  
16 through the whole period. So this is dealing with  
17 the consumption and human health risk assessment  
18 per se, but the aquatic monitoring is right the  
19 way through.

20           MS. WHELAN ENNS: Thank you.

21           MS. COLE: You also asked about the  
22 timing of the worker family survey?

23           MS. WHELAN ENNS: Yes.

24           MS. COLE: That's in the third year of  
25 the general civil contract, and I believe it might

1 also take place again at the end of the general  
2 civil contract. And the timing is specifically so  
3 that people have been engaged and working on the  
4 site long enough that they have a full  
5 appreciation of what that experience is like at  
6 the time we go to do the survey.

7 MS. WHELAN ENNS: Thank you. I'm  
8 trying to catch questions that have been  
9 previously asked, Mr. Chair, and I also had -- the  
10 staple gave way on me. So if I have pages or  
11 slides out of order, just tell me.

12 There was a reference made around the  
13 time we were in slide 110, about only taking the  
14 bull moose. So the question is whether there was  
15 any review undertaken, or information provided to  
16 the Keeyask First Nations about the steps that  
17 other Manitoba First Nations are putting in place,  
18 and their basis for decisions to only take the  
19 bull moose?

20 MR. MACDONELL: So you are asking  
21 whether there was information provided to the  
22 Partner First Nations with regard to steps that  
23 are being taken in other game hunting areas with  
24 regard to harvesting moose?

25 MS. WHELAN ENNS: My reference was not

1 to the game hunting areas. The question has to do  
2 with whether or not the Keeyask Cree Nations were  
3 provided with any information about the steps that  
4 other Manitoba First Nations are taking in terms  
5 of their moose hunting and only taking the bull  
6 moose?

7 MR. MACDONELL: I'm not aware of that  
8 information being provided, but maybe Ted or Karen  
9 could respond to that, or the terrestrial team.

10 MR. BLAND: We haven't -- well, we  
11 didn't seek out any other communities' information  
12 on what their traditions are and their hunting  
13 practices. We just normally followed what we had  
14 done for thousands of years. And one of the  
15 things about only taking the males is that the  
16 females are the -- how do you say it -- they carry  
17 life and they continue the cycles of life. So the  
18 practice has always been to try and take a bull  
19 moose and let the females survive.

20 MS. WHELAN ENNS: Thank you,  
21 Mr. Bland.

22 Was there then -- and this is a  
23 similar question -- any discussion in terms of how  
24 the hunting practices and hunting standards were  
25 set through the Aboriginal consultations for

1 Wapusk National Park?

2 THE CHAIRMAN: Mr. Bedford?

3 MR. BEDFORD: Again, not relevant.

4 THE CHAIRMAN: Agreed.

5 MS. WHELAN ENNS: In arriving at --  
6 this is approximately slide 117, but it's the map  
7 in terms of the potential project effects, and  
8 it's under the trapping VEC, but applies to other  
9 VECs, and sub topics, if we can refer to them as  
10 sub topics for socio-economic.

11 In arriving at the agreements that are  
12 in place and the offsets, and doing the  
13 socio-economic assessment, has there been any  
14 discussion about the Keeyask Cree Nations managing  
15 their hunting practices? This would include  
16 offsets, specifically along the trapline  
17 boundaries?

18 MS. COLE: I'm not actually sure  
19 exactly what you are referring to, but certainly  
20 when the terrestrial team was up here, they did  
21 talk about the moose harvest sustainability plan  
22 which has been developed by the Cree Nation  
23 Partners specifically for the management of their  
24 offsetting programs.

25 MS. WHELAN ENNS: Thank you. This is

1     pertaining to slide 121 and the reference to  
2     working with Manitoba Conservation and Water  
3     Stewardship. Has there been, or is there any  
4     intent or anticipated need for the Partnership to  
5     discuss a reduction in recreational hunting  
6     licences and tags in the RSA?

7                     MR. MACDONELL: I think that the  
8     management of wildlife is the responsibility of  
9     Manitoba Conservation and Water Stewardship. They  
10    participated on the resource management board for  
11    the area as well, and that provides a forum for  
12    discussing the data that comes out of this program  
13    such that they can make the appropriate management  
14    decisions.

15                    MS. WHELAN ENNS: Thank you.

16                    THE CHAIRMAN: Ms. Whelan Enns, it's  
17    12:30. I think we'll take our lunch break. But  
18    could I ask that during the lunch break you filter  
19    through the rest of your questions and eliminate  
20    those ahead of time that had been asked and  
21    answered, and also those that aren't relevant to  
22    the review before us.

23                    MS. WHELAN ENNS: Certainly,  
24    Mr. Chair.

25                    We have been checking off, okay, as

1 there has been other cross-examination, and we can  
2 take another look at it. That's straightforward.

3 THE CHAIRMAN: Just take particular  
4 note of those that are relevant. I mean, you well  
5 know, you have been through a number of these  
6 hearing processes before, you well know the main  
7 purpose of cross-examination, which quite simply  
8 is to elicit information for your final arguments,  
9 to use in your final arguments. So those that  
10 aren't relevant to that, could you please stroke  
11 off?

12 MS. WHELAN ENNS: Quick question, if I  
13 may?

14 THE CHAIRMAN: Yes.

15 MS. WHELAN ENNS: Are the -- is it  
16 reasonable also then to be including questions  
17 that are to assist our witnesses in their  
18 preparation, which is different than closing  
19 arguments, if you will, or a statement from  
20 Manitoba Wildlands?

21 THE CHAIRMAN: Yes, that's true, it  
22 is. But, again, make sure that they are relevant.

23 MS. WHELAN ENNS: Okay, thank you.

24 (Proceedings recessed at 12:30 p.m.

25 and reconvened at 1:30 p.m.)

1 THE CHAIRMAN: Okay, we will resume  
2 now, continuing with cross-examination by  
3 Ms. Whelan-Enns.

4 MS. WHELAN ENNS: Thank you,  
5 Mr. Chair.

6 Section 19 and 62 of this volume of  
7 the EIS makes short reference to protected areas.  
8 The question is whether there was a decision made  
9 to not apply the regulatory regime of protected  
10 areas in Manitoba to your definition and your  
11 assessment?

12 MR. MacDONELL: We identified  
13 protected areas based on the current Provincial  
14 legislation, including the Parks Act, Ecological  
15 Reserve Act, and the Wildlife Act. As per the  
16 guidelines, areas of special interest were  
17 designed based on 2010 document protecting  
18 Manitoba's outstanding landscapes by Manitoba's  
19 Protected Areas Initiative.

20 MS. WHELAN ENNS: Thank you.

21 Then in the definition you've used,  
22 and the regulatory framework you've identified,  
23 you could tell us which of the IUCN categories  
24 that are in your definition are a protected area  
25 in Manitoba?

1 MR. MacDONELL: The definitions are  
2 provided from section 1.12 as per the legislation.  
3 I think we also responded to this in an IR, I will  
4 just -- CEC Wildlands 40, round one.

5 MS. WHELAN ENNS: Thank you,  
6 Mr. MacDonell.

7 Will you tell me which of the IUCN  
8 categories then are protected area by Manitoba's  
9 regulatory and public policy framework? The  
10 definition relies on the IUCN definition.

11 THE CHAIRMAN: Can you help me a  
12 little bit?

13 MS. WHELAN ENNS: This is the world  
14 conservation union, IUCN is the old acronym, and  
15 it is an international organization that has a  
16 biannual world conservation congress, and is made  
17 up of governments internationally, scientific  
18 institutes, technical institutes, and also a range  
19 of representatives from a lot of U.N. agencies.

20 THE CHAIRMAN: Okay. Help me a little  
21 bit then? If, as Mr. MacDonell has just said,  
22 they identify protected areas in accordance with  
23 Manitoba legislation, why should we be concerned  
24 about IUCN?

25 MS. WHELAN ENNS: Well, thank you for

1 asking that. Because that's one of my questions,  
2 Mr. Chair. The definition used in the EIS is the  
3 IUCN definition, and it does not in any way  
4 reflect or refer to the Manitoba definition or  
5 regulatory framework. And not all of the IUCN  
6 categories are protected areas in Manitoba.

7 MR. MacDONELL: I think it is clear  
8 within the EIS how we defined those areas. Also,  
9 I would like to point out that none of the areas  
10 that were identified or have been identified are  
11 in the local study area that are affected by the  
12 project.

13 MS. WHELAN ENNS: Thank you.

14 Later tomorrow or later today,  
15 Mr. Chair, I'm going to put some things out for  
16 people for their interest in terms of the full  
17 answer on this, and the concern.

18 I have changed tags. The challenge I  
19 think has been going through stuff that was  
20 prepared before cross-examination from others.

21 Now, this is a reference to sections  
22 in the EIS that were referenced when the Consumers  
23 Association of Canada was doing cross-examination.  
24 And it is a question about apprenticeships. So we  
25 took a look in the EIS, and would like to know

1 more clearly what the expectations and  
2 arrangements are going to be in terms of  
3 apprenticeships? That is expectations of  
4 contractors, major and sub? The reason for the  
5 question is because there is very little reference  
6 to apprenticeship in the EIS.

7 MS. COLE: In terms of apprenticeship,  
8 there are ratios identified directly in the BNA  
9 for different categories of job. So that is what  
10 applies on the site. And as we talked about  
11 yesterday, there will be on-the-job training  
12 programs that will be developed. And it is our  
13 expectation that some of those on-the-job training  
14 programs will target apprenticeships, and  
15 particularly level one apprentices.

16 MS. WHELAN ENNS: The Province of  
17 Manitoba has made a significant priority of  
18 renewing and increasing apprentices. So one sub  
19 question, will there be any requirements of  
20 contractors or sub contractors who will work on  
21 the construction of the Keeyask Generation Station  
22 for, for instance, a number of apprenticeships  
23 they should in fact have in place as a condition  
24 of their contracts?

25 MS. COLE: Because the contracts

1 aren't in place yet, we haven't had the  
2 opportunity, obviously, to work with whoever the  
3 selected contractors will be to develop the  
4 on-the-job training programs. But certainly as  
5 part of the general civil contract, we are working  
6 to develop an on-the-job training program, which I  
7 just mentioned, that targets level one  
8 apprentices.

9 MS. WHELAN ENNS: So the on-the-job  
10 training program would actually be a boost in  
11 terms of getting into an apprenticeship, is that  
12 what you mean by level one?

13 MS. COLE: No. Level one would be  
14 individuals who have completed level one of an  
15 apprenticeship program. I believe if you look at  
16 some of the materials Mr. Williams had yesterday  
17 and went through some of the training materials,  
18 one of the challenges through the HNTEI program is  
19 that often people get through level one, and it is  
20 quite hard to get the work experience in the north  
21 to get beyond level one. So we've trained a  
22 number of people at level one in apprenticeship  
23 programs. So part of the reason that that type of  
24 training and that level would be targeted is so  
25 that those who have indicated a real strong

1 interest in pursuing an apprenticeship program had  
2 the opportunity to gain the relevant work  
3 experience working on the Keeyask project that  
4 might not be provided otherwise in Northern  
5 Manitoba.

6 MS. WHELAN ENNS: Thank you.

7 In listening to the discussion about  
8 where there is high school available in the  
9 community and where there isn't, and the questions  
10 from the CAC about examples in terms of graduation  
11 years and so on. And we have hunted, so feel free  
12 to correct me on this, but will there also be, and  
13 is there an intention for remedial programs in the  
14 community for those individuals who, in fact, need  
15 to get their GED in order to be eligible for  
16 training, apprenticeship and employment for  
17 Keeyask?

18 The question is perhaps for  
19 Ms. Kinley, and we don't see much reference to  
20 remedial?

21 MS. COLE: That was part of the HNTEI  
22 program and was one of the aspects of training  
23 provided through the HNTEI program. And I think  
24 we have also talked about, this morning about the  
25 Aboriginal pre-placement program that Manitoba

1 Hydro runs, to be able to provide upgrading for  
2 individuals who are interested in entering some of  
3 the trades at Manitoba Hydro.

4 MS. WHELAN ENNS: So those upgrades  
5 then would be what I'm calling remedial, if I'm  
6 understanding you?

7 MS. COLE: Not necessarily. Typically  
8 you need to have been through high school, but one  
9 of the challenges in Northern Manitoba is that  
10 often science courses aren't provided, because  
11 community high schools, perhaps there isn't enough  
12 enrollment or they don't have the proper  
13 facilities to offer a range of courses,  
14 particularly in chemistry and physics and those  
15 types of subjects. So it's for individuals to  
16 complete math and sciences required to enter  
17 technical training programs.

18 HNTEI was designed and delivered by  
19 the communities, and the funding was provided by  
20 the communities, and a large amount of that  
21 funding was targeted towards upgrading to enter  
22 more advanced programming.

23 MS. WHELAN ENNS: Thank you.

24 Ms. Cole, thank you for the  
25 information you gave when the CAC was asking

1 questions -- actually Fox Lake Concerned Citizens  
2 were asking questions about the challenges and the  
3 learning from the challenges of Wuskwatim.

4 Basic question then. Have the  
5 discussions inside the Partnership and with the  
6 Keeyask First Nations regarding those challenges  
7 and the things learned from Wuskwatim started?  
8 Have you begun to discuss with your partners what  
9 you've learned from the Wuskwatim challenges and  
10 how that will be applied to this generation  
11 project?

12 MS. COLE: Certainly, all of them are  
13 identified in the EIS, those challenges, and they  
14 were brought forward yesterday, we had those  
15 conversations. We spoke this morning about  
16 whether or not the advisory group on employment  
17 had been established, and I indicated at that time  
18 that that group would probably be established  
19 later this year. But throughout the entire course  
20 of planning, we've had up there -- you have seen  
21 it many times -- all of the various points of  
22 interaction and places where we have collaborated  
23 and worked together. And certainly issues with  
24 respect to employment have been a very, have  
25 taken -- they have been a large part of our

1 discussion and they continue to be a large part of  
2 our discussion, particularly through the Partners  
3 regulatory and licensing committee. You know, we  
4 had a meeting, I don't know, three weeks ago,  
5 right before the hearing started. The entire  
6 meeting for two and a half hours was around  
7 exactly those types of issues and how to grapple  
8 with those types of issues, and searching for ways  
9 regularly to improve processes that are in place.

10 MS. WHELAN ENNS: Thank you.

11 The director of the Sundance training  
12 and housing site and facilities for Limestone was  
13 Aboriginal. What are your goals in terms of  
14 Aboriginal and First Nations staff then for the  
15 Keeyask site in terms of housing? We don't know  
16 at this point whether they will be training there,  
17 I'm just leaving that open for the next seven or  
18 eight years. What are your goals in terms of the  
19 proportion of staff on site in Keeyask to be  
20 Aboriginal First Nation? And does that goal  
21 change over time in terms of getting, you know,  
22 the portion of people being housed and working on  
23 the construction site?

24 MS. COLE: I'm struggling a little bit  
25 to understand the question and whether you are

1 asking whether there is an employment target at  
2 the site, or whether you are asking specifically  
3 about camp management, because they are not the  
4 same.

5 MS. WHELAN ENNS: The question is  
6 about the housing and services attendant to the  
7 housing on the construction site. So it was not a  
8 question about the employment target in terms of  
9 the construction crews, but more about the -- and  
10 that's why the comparison to Sundance and  
11 Limestone.

12 THE CHAIRMAN: I don't get the  
13 connection to Sundance and Limestone. I don't  
14 quite get your question. I mean, there was a  
15 non-sequitur when you started off saying the  
16 director of the training program was Aboriginal,  
17 and then lead into a totally unrelated question.

18 MS. WHELAN ENNS: We could simplify  
19 the question and ask --

20 THE CHAIRMAN: Please do.

21 MS. WHELAN ENNS: -- whether or not  
22 the director then for the housing site for Keeyask  
23 will be Aboriginal?

24 MS. COLE: I want to clarify something  
25 in the premise of your question, which is, this is

1 not comparable to Limestone. We are establishing  
2 a construction camp, we are not establishing a  
3 town site. So Sundance was a town site that was  
4 established specifically for the development of  
5 that project, and workers moved and lived at  
6 Sundance with their families. So it effectively  
7 was a small town, it had its own post office,  
8 people brought their children, they went to  
9 school, it was a community.

10 This is not the same. This is a  
11 construction camp. Construction workers live here  
12 on a temporary basis to undertake construction  
13 work. We are not providing housing in the sense  
14 that people are moving here with their families.  
15 It is a camp for construction workers. The  
16 management of that camp contract, so to speak, is  
17 a contract that's a direct negotiated contract  
18 with York Factory and Fox Lake Cree Nation, or it  
19 is designated for them.

20 In terms of whether the person they  
21 eventually choose to hire to lead that contract  
22 and management is Aboriginal, I guess is entirely  
23 up to them in terms of who they feel is best  
24 suited to undertake that work and to lead that  
25 work.

1 MS. WHELAN ENNS: Thank you very much.

2 To avoid making a statement,

3 Mr. Chair, I would like to ask whether or not

4 anyone from Manitoba Hydro is aware of who I'm

5 referring to when I ask this question.

6 THE CHAIRMAN: I certainly am, but I'm

7 not sure that it is relevant.

8 MS. WHELAN ENNS: I was taking your

9 lead from the early comments about Limestone. We

10 were very close to the end of Manitoba Wildlands

11 questions when we broke for lunch.

12 Thank you to the panel.

13 THE CHAIRMAN: Thank you,

14 Ms. Whelan-Enns.

15 Now the panel does have a few

16 questions, I'm not sure if we have sorted them all

17 out. Are you going to do some?

18 MR. YEE: Thank you, Mr. Chairman.

19 I just have a couple of questions

20 related to mercury and human health effects. So

21 we have discussed this earlier this morning. So

22 essentially Ms. Kinley, you indicated that the

23 Partnership would discourage people from eating

24 fish from Stephens Lake and Gull Lake, and that's

25 understandable given the perspective of sensitive

1 population. But won't non-sensitive populations  
2 still be able to eat fish as long as they don't  
3 exceed a certain number of meals in a period of  
4 time?

5 MR. WILSON: So, I'm pretty sure your  
6 question is regarding after impoundment?

7 MR. YEE: Yes, it is.

8 MR. WILSON: So, after impoundment we  
9 will have concentrations that will increase in the  
10 whitefish, but more so in the pickerel and in the  
11 pike. The concentrations in the whitefish,  
12 scientifically, I do think that people could have  
13 some meals. The concentrations in the pickerel  
14 and the pike, they are going to be up around one  
15 part per million, and so it would just be --  
16 sorry, I should back up. In the whitefish,  
17 scientifically, I think there could be some meals  
18 by all sensitive and non-sensitive. In the case  
19 of the pickerel and the pike, they would be more,  
20 maybe the non-sensitive people could have the  
21 occasional meal. It would almost be equivalent to  
22 someone having a tuna steak every once in a while,  
23 it is in the one part per million range. We see  
24 these types of concentrations in the super market.  
25 But for the sensitive people, we do advise them

1 that maybe that's not the best choice.

2 MR. YEE: And following up, based on  
3 the human health risk assessment, have consumption  
4 values been established for Gull and Stephens Lake  
5 for consumption of fish?

6 MS. KINLEY: There are discussions  
7 ongoing with Health Canada and with Manitoba  
8 Health with regard to what those consumption  
9 values should be. In principle, a process has  
10 been established to work with those agencies to  
11 receive the actual effects, the actual results of  
12 monitoring, and to work with them with respect to  
13 what those mean in real terms.

14 MR. YEE: Thank you. I guess one  
15 other follow-up question, and I would direct this  
16 to I guess your First Nations partners, Mr. Bland  
17 and Ms. Anderson.

18 It is our understanding that a central  
19 part of the Adverse Effects Agreement is to allow  
20 First Nation members to obtain fish and  
21 potentially other country foods from offsetting  
22 areas. So my question is, will there be some, or  
23 any of your community members who would eat fish  
24 again from the Gull and Stephens Lake areas?

25 MR. BLAND: For York Factory, I don't

1 think that we will be eating any fish or anything  
2 from the Gull or Stephens Lake area. But every  
3 once in a while we head east to hunt moose and  
4 caribou, and that's parallel to the river, the  
5 Nelson River, around that area. In terms of what  
6 we eat would be moose and caribou.

7 MS. ANDERSON: Okay. So for Fox Lake,  
8 I would say that there could be some people who  
9 may eat from that area. But, again, in our  
10 community I find that the message is don't eat any  
11 fish at all, and I think that's what most of the  
12 people follow, it is almost like a -- it is given  
13 very importance not to eat it. Like he said,  
14 occasionally you could have some, but that's not  
15 the message that's provided in the community. It  
16 is almost like don't eat it at all. And it comes  
17 from various different agencies such as Health  
18 Canada, so...

19 MR. YEE: Thank you very much. No  
20 further questions.

21 THE CHAIRMAN: Mr. Nepinak?

22 MR. NEPINAK: Mr. Bland, I have one  
23 question for you, and that's regarding training  
24 non-aboriginal people about our culture. I, at  
25 one time, had provided Aboriginal training myself

1 as a teacher. And will your trainers be asked to  
2 train -- I'm going to take Ms. Cole as an example,  
3 if you don't mind, because you made a statement  
4 the other day of, I don't know anything about the  
5 Cree culture or not -- something along those  
6 lines.

7 MS. COLE: I said I wasn't Cree.

8 MR. NEEPIN: Yes. So she comes from a  
9 different background, a totally different  
10 background from yourself and myself. And I found  
11 that it was easier for me to train somebody like  
12 Ms. Cole if I understood her background and her  
13 way of thinking. Will your trainers be trained  
14 that way, to think that way, to train people from  
15 the background that they come from?

16 MR. BLAND: Well, first of all,  
17 throughout the negotiation process, I think  
18 Manitoba Hydro and their employees really got to  
19 learn a lot about the Cree Nations and the  
20 territory. Traditional knowledge, western  
21 science, you know, that approach has been taken on  
22 by the partners. And there is an acknowledgment  
23 on behalf of both parties, but just going through  
24 these negotiations and everything, it has been  
25 really helpful for both sides. In terms of the

1 contract that we are delivering, employment  
2 retention, we have a cultural coordinator there,  
3 we have a retention employment worker. And we are  
4 going to be delivering cultural sensitivity  
5 workshops to the members, or the employees that  
6 are coming to the Keeyask camp, including Manitoba  
7 Hydro and its managers. And our staff there, I  
8 would say are relatively informed, you know, they  
9 have different backgrounds in terms of education  
10 and knowledge in the cultural world as well. So I  
11 think when our cultural coordinator is delivering  
12 workshops about the traditional territory, it is  
13 going to be really informative about who we are as  
14 people, what our history is, what our background  
15 is, how we lived our lives, what animals, plants,  
16 medicines that we used in the territory. Those  
17 are things that are going to be passed on to  
18 employees that are coming to the work site.

19           And we want people to understand that  
20 these things that we are teaching and passing on  
21 are important to us, and we want the territory to  
22 be respected. We don't want people coming into  
23 the territory and throwing garbage around, you  
24 know, just being disrespectful in general. So  
25 when we teach this we want people to know that

1 these things are important. We encourage them to  
2 join us in ceremonies as well, so they also  
3 understand what ceremonies mean to us as  
4 Aboriginal people and why we have them.

5 In terms of training and working with  
6 Manitoba Hydro staff and contractors and  
7 everything, I think we are heading in the right  
8 direction, and we want people to know who we are  
9 as Aboriginal people.

10 MR. NEPINAK: All right. Thank you.

11 THE CHAIRMAN: Ms. Bradley?

12 MS. BRADLEY: Okay. I have a few  
13 questions related to employment and contracting.  
14 And these questions are coming from the  
15 perspective of what may be challenges, and we are  
16 interested in hearing about that. So I will start  
17 with, is there an estimate of labour that will  
18 come from inside and outside Manitoba?

19 MS. KINLEY: That analysis was  
20 undertaken as part of the broader economic impact  
21 assessment that was undertaken directly by  
22 Manitoba Hydro, and it was appended to the actual  
23 Environmental Impact Statement, yes.

24 MS. BRADLEY: And can you refresh my  
25 memory, do you have percentages?

1 MS. KINLEY: Appendix 3(c) to the  
2 socio-economic impact assessment included this  
3 analysis. And for the economic impact on  
4 Manitoba, during the construction phase it was  
5 2,460, I believe that's person years. Also in the  
6 analysis was economic impact on the rest of Canada  
7 during the construction phase, and that was 2,010  
8 person years of direct employment.

9 MS. COLE: We should probably point  
10 out, because we know Mr. Williams likes math so  
11 much, that those numbers will look a little bit  
12 different than what you see in the EIS. The  
13 numbers in the EIS for person years of employment  
14 are based on a construction person year of  
15 employment, which on average is around 3,000 hours  
16 of work a year. These numbers which are standard  
17 reporting numbers across Canada, and what we will  
18 use in the context of monitoring, are based on a  
19 2,000 hour person year. So they are the same  
20 numbers but these are based on a lower hourly  
21 person year, I guess.

22 MS. BRADLEY: Thank you.

23 Further, are there particular trades  
24 or professions associated with the project where  
25 it will be very difficult to meet the labour

1 supply within the BNA and Manitoba?

2 MS. COLE: So, based on our Wuskwatim  
3 experience, we certainly did have some challenges  
4 attracting in the area of skilled trades linked to  
5 the turbine and the generator contracts and some  
6 of the electrical and mechanical contracts. So  
7 areas where someone would have skills that you  
8 might only have building generating stations that  
9 might not exist anymore in Manitoba or that are  
10 very, very specialized. In those cases we did  
11 have some trouble finding workers from within  
12 Manitoba.

13 MS. BRADLEY: Thank you. And looking  
14 toward the future, given the timing of the project  
15 and possible future projects, are there likely  
16 competing projects or sectors in Manitoba and  
17 Canada, across the county, that will be completing  
18 with certain labour trades and professions, so  
19 that you will be in competition, and possible  
20 negative impact for Manitoba?

21 MS. COLE: This is definitely a  
22 concern for Keeyask, and I think probably for many  
23 in the construction industry across Canada,  
24 particularly given the level of employment on the  
25 oil sands, we definitely experienced that that for

1 us has been a challenge attracting workers,  
2 because there are such high paying jobs and long  
3 term jobs associated with that activity. So it is  
4 certainly something on our radar screen and that  
5 we are watching on a regular basis. And yes, we  
6 do expect there will be some challenges given  
7 other activity going on in the country. Probably  
8 not a bad thing to have in the country.

9 MS. BRADLEY: Thank you. I assume  
10 that you will be keeping an eye on that.

11 MS. COLE: I think we keep a very  
12 close eye on that, yes.

13 THE CHAIRMAN: In the past a lot of  
14 workers have come from Newfoundland, but Muskrat  
15 Falls will be starting up fairly soon, so that  
16 could be a competition, among others.

17 I have a number of questions, and I  
18 have noted in the past, when you bat clean up,  
19 they are all over the place. So they may not make  
20 any coherent, or sense on how they follow on  
21 but -- will there be a permanent RCMP presence at  
22 the camp?

23 MS. COLE: At this point in time, no,  
24 there will not be a permanent RCMP presence at the  
25 camp. Although in the course of our conversations

1 with the RCMP, we have talked to them about  
2 potential options for perhaps improving response  
3 time, and whether additional officers may be  
4 needed in Gillam. They have indicated to us that  
5 at this time they do not think that's necessary,  
6 but there is ongoing conversations with them and  
7 there will continue to be throughout the course of  
8 the Keeyask project.

9 THE CHAIRMAN: So camp policing will  
10 be handled by private security?

11 MS. COLE: Yes, we do have on-site  
12 security.

13 THE CHAIRMAN: Bouncing around a  
14 little bit. Beavers, if beavers become a nuisance  
15 with plugging up culverts or streams, will you  
16 involve the local trapline holder, or will it be  
17 as what was common practice way back in the olden  
18 days of just throwing a stick of dynamite in the  
19 pond? I should add that was also a popular way of  
20 fishing way back in the olden days, it was known  
21 as a CIL lure.

22 MS. COLE: I'm pretty sure we won't be  
23 dynamiting them.

24 THE CHAIRMAN: I suspected not.

25 MS. COLE: No. And I do know that

1 they are having conversations about trapping with  
2 a local family at trapline 15, which is right  
3 there. I'm not sure of the outcome of those  
4 conversations, but I would imagine that most  
5 likely they will be trapped.

6 THE CHAIRMAN: Thank you.

7 MR. MacDONELL: There are guidelines  
8 with regard to, from the Department of Fisheries  
9 and Oceans with regard to removing beaver dams.  
10 We will be following those guidelines.

11 THE CHAIRMAN: The trapping  
12 compensation program, is it the same program or  
13 virtually the same program that we heard about in  
14 the Bipole III presentations?

15 MR. MacDONELL: No, it isn't. There  
16 is a set policy for dealing with transmission  
17 lines and trappers. The trapping agreements that  
18 will be set out with the trappers here are  
19 specific to the generating station, and so there  
20 is not a specific formula, although they use some  
21 of the same criteria for developing those  
22 agreements.

23 THE CHAIRMAN: And who will manage  
24 this, Manitoba Hydro or the Partnership or --

25 MS. COLE: Manitoba Hydro on behalf of

1 the Partnership.

2 THE CHAIRMAN: Thank you.

3 Fishing, now I missed this but our  
4 consultant didn't, so did you say, Mr. MacDonell,  
5 that fishing will be allowed at the camp by  
6 workers?

7 MR. MacDONELL: Fishing will be  
8 allowed at the camp by workers in specific areas  
9 that are safe to do so. There is a number of  
10 measures in place through the access management  
11 plan to dissuade the workers from using boats,  
12 ATVs, to access other areas. I think recognized,  
13 though, that giving them an opportunity probably  
14 to fish from shore on Stephens Lake is a very low  
15 impact activity, it provides some leisure  
16 activity, but would only be allowed in areas that  
17 are safe to do so, away from the construction  
18 site, and would be controlled, of course, by  
19 Manitoba Conservation and Water Stewardship  
20 regulations.

21 THE CHAIRMAN: That begs the obvious  
22 question, what do they do with the fish if they  
23 are living in the camp? Will the camp kitchen  
24 cook it up for them, or do they catch and release,  
25 or any ideas?

1                   MR. MacDONELL: This is why we expect  
2     there to be a very low impact. There is no  
3     opportunity for them to store the fish. We expect  
4     that any recreational fishing that occurs on site  
5     will be almost 100 per cent catch and release.  
6     And based on our experience from talking to people  
7     at Wuskwatim on site, that's generally what kind  
8     of fishing goes on. It seems to be the trend in  
9     recreational fishing overall now is towards catch  
10    and release. And we would expect that  
11    particularly on site here, based on the fact that  
12    there is nothing that they can do with the fish.

13                  THE CHAIRMAN: Well, you can start a  
14    camp fire and buy a cast iron frying pan. If it  
15    is trout from some of the local creeks, they are  
16    pretty tasty.

17                  Just a few questions about the  
18    employment projections. You've given us  
19    employment projections in two different formats  
20    for this project. But basically the one, I think  
21    it was at 4,218 or something person years. I'm  
22    sure you did the same type of projection for  
23    Wuskwatim. Have you compared how accurate those  
24    projections were? I mean, if you estimated 3,000  
25    for Wuskwatim, how close to accurate was that?

1 MS. COLE: We have gone back and  
2 looked at those numbers, and we actually did that  
3 quite regularly throughout the course of Wuskwatim  
4 construction just to see where we were at. And it  
5 is a really interesting question, because if one  
6 looked at the Wuskwatim EIS and just compared the  
7 percentages, you would think we were way off,  
8 because the EIS predicted 46 to 59 per cent  
9 Aboriginal employment, and what actually occurred  
10 on site was around 33 per cent. But there is a  
11 big but. One of the interesting things is that  
12 the overall amount of employment far exceeded EIS  
13 predictions. So in the case of the EIS, we were  
14 predicting around 900 person years of employment  
15 for northern Aboriginal individuals, and we ended  
16 up with over 1,100 person years of employment. So  
17 the actual amount of employment that was  
18 predicted -- that was predicted going into the  
19 project, so the amount we thought we would need  
20 was actually higher than what we were anticipating  
21 going into Wuskwatim. Again, another learning for  
22 us in terms of developing a new project after many  
23 years of not developing projects. So while the  
24 predictions on a percentage basis do not seem  
25 off -- or do seem like it wasn't well predicted,

1 the actual person years of employment were much,  
2 much greater, and the person years of northern  
3 Aboriginal employment and Aboriginal employment  
4 were actually higher than what was predicted in  
5 the EIS.

6 THE CHAIRMAN: So how confident are  
7 you in the 4,218 guesstimate, if you were way off  
8 on Wuskwatim?

9 MS. COLE: I think we are pretty  
10 confident in that. There were some challenges  
11 experienced in both the general civil and road  
12 contract. So in this case -- well, first of all  
13 we have learned from Wuskwatim, so we have been  
14 regularly refining our estimates based on our  
15 learning at Wuskwatim, which is a relatively  
16 recent experience. And the Keeyask infrastructure  
17 project is being developed in advance and in a bit  
18 of a different way than we did the infrastructure  
19 required for Wuskwatim. So I think based on that  
20 we are fairly confident that the person years of  
21 employment are fairly accurately predicted for  
22 Keeyask.

23 THE CHAIRMAN: Thank you.

24 Leaping around again, vehicles in  
25 camp. Now, you've said that you are going to try

1 to limit the number of personal vehicles in camp.

2 Would it not be possible to completely ban them?

3 MS. COLE: I suppose we could ban  
4 personal vehicles from the site, but it is our  
5 hope, obviously, that we can attract a lot of  
6 local individuals and local residents from within  
7 the area to work at the site. And I know that  
8 personally for myself, if I lived there, I would  
9 be more than happy to have the opportunity to  
10 drive home in the evening to see my family who  
11 maybe live an hour away. So I guess you kind of  
12 have to kind of balance.

13 The real issue with personal vehicles,  
14 or I guess the concerns with personal vehicles  
15 often link to a worker interaction concern and the  
16 ability of people to leave the site. I think it  
17 is our expectation that individuals who are not  
18 from the area, the majority of them will take  
19 advantage of the free transportation to the site  
20 that is provided through both flights, and managed  
21 under the BNA, as well as the shuttle service to  
22 and from Thompson and Gillam and some other  
23 points.

24 So you still have to do that balancing  
25 act, right?

1 THE CHAIRMAN: Do you have any  
2 guesstimates as to how many non-local workers  
3 might bring their own vehicles?

4 MS. COLE: Gosh, I have no idea. I  
5 can tell you from visiting the Wuskwatim site that  
6 there certainly were not, it wasn't like huge  
7 parking lots of vehicles. It was quite contained.  
8 The majority of the workers did take advantage of  
9 the shuttle service which operated throughout the  
10 course of construction.

11 THE CHAIRMAN: And if I'm not  
12 mistaken, that site is actually quite a bit closer  
13 to Thompson, isn't it?

14 MS. COLE: It is closer to Thompson.  
15 Not -- yeah about 45 minutes to get to the  
16 Wuskwatim site versus about an hour and a half  
17 here. So, yeah.

18 THE CHAIRMAN: Only an hour and a half  
19 from this site to Thompson? It took me longer  
20 than that to get to Split Lake a couple of weeks  
21 ago.

22 MS. COLE: Sorry, it is probably  
23 closer to two and a half. I'm thinking about the  
24 travel time to Gillam.

25 THE CHAIRMAN: That sounds better.

1 Commercial fishing, there is one  
2 fishing licence on Stephens Lake, is that correct?

3 MR. MacDONELL: Yes.

4 THE CHAIRMAN: And I think it is  
5 either going to be given up, or bought out, or  
6 ended, is that correct?

7 MR. MacDONELL: The intention is to  
8 buy it out.

9 THE CHAIRMAN: And the Partnership  
10 will be doing the buying?

11 MR. MacDONELL: I believe it is  
12 Manitoba Hydro on behalf of the Partnership.

13 THE CHAIRMAN: Okay.

14 Now, we asked a question last week of  
15 the aquatic panel about the status of fish in  
16 these lakes, that will be available under the  
17 Adverse Effects Agreements. And the answer at  
18 that time was that, yes, they had been studied and  
19 there is sufficient fish.

20 Will monitoring, ongoing monitoring be  
21 conducted to ensure that the fish stocks in those  
22 lakes continues to be good?

23 MR. MacDONELL: Yes, the intention is  
24 also to have a fish harvest sustainability plan  
25 for those lakes. As was mentioned last week, 13

1 lakes have been studied in detail, and sustainable  
2 yields have been calculated. There is still some  
3 work to be done before the fish harvest  
4 sustainability plan is completed, but that is the  
5 intention.

6 THE CHAIRMAN: Now, I think at least  
7 one of those lakes, there is one or more  
8 commercial outfitters on the lake. Is that  
9 correct?

10 MR. MacDONELL: Yes, there is one  
11 lake, I think you are probably referring to the  
12 Waskaiowaka Lake has one lodge on it.

13 THE CHAIRMAN: And has that operator  
14 been consulted?

15 MR. MacDONELL: That operator has  
16 been interviewed, and there is consideration for  
17 that operation on the lake, and TCN has taken that  
18 into consideration and intends to put in place  
19 some mitigation to -- with the intent to share  
20 that lake.

21 THE CHAIRMAN: Thank you.

22 I have two or three questions around  
23 just the work week, and we did ask this question,  
24 or ask some questions around it in an IR 0017.

25 In many other, if not most other

1 jurisdictions now, in remote camps, mining,  
2 construction, it is a seven day week. And a  
3 typical in out is, you know, 14 days in, seven, or  
4 14 days out. Manitoba Hydro has, I think as long  
5 as I know, always had the practice of taking  
6 Sunday off, or at least partly off. There is  
7 always a number of crews that work Sunday anyway.

8 Has Manitoba Hydro given serious  
9 consideration to a seven day week? I mean, in  
10 some ways rather than giving workers who are from  
11 away a day off in camp, you might give them an  
12 additional day at home with their family?

13 MS. COLE: It certainly is not  
14 something that we haven't thought about. And  
15 typically the work schedules, as we answered in  
16 that IR, are up to the contractors' discretion.  
17 And the work schedule noted in the EIS is based on  
18 provisions in the Burntwood/Nelson Agreement, so  
19 those exact working hours would need to be  
20 finalized by the specific contractor and at their  
21 discretion. And it often depends on workload and  
22 timing and schedule. And I do know in the case of  
23 Wuskwatim we did move to seven days a week for  
24 some of the contracts that were there.

25 So it really varies. And it is an

1 interesting question, and we were challenged to  
2 answer that for that exact reason, that it is  
3 really up to the contractors' discretion. Without  
4 a contractor on site, we are not really sure which  
5 direction they are going to head yet.

6 THE CHAIRMAN: But in some of these  
7 other jurisdictions, the proponent, the owner of  
8 the project says, this is what we want, we want  
9 seven 10s, or seven 12s. I mean, there are other  
10 benefits to the owner in that you don't -- you  
11 probably don't need as many bedrooms in the camp,  
12 because people don't get to keep their bedroom. I  
13 don't know whether that will be the practice now,  
14 but I know at Kettle and Long Spruce when you went  
15 out for a week -- mind you, in those days it took  
16 90 or 60 days before you got out, but your room  
17 stayed your room on a seven day in, or 14 day in  
18 and out, it is more like a hotel room. So you  
19 have some advantages there. You probably don't  
20 need to have a lounge or as much recreation,  
21 because if they are working seven 10s, or seven  
22 12s, most of rest of the time they are sleeping.  
23 And you can always -- have you ever brought it up  
24 with the Allied Hydro Council in negotiations as  
25 to having seven 10s, seven 12s?

1 MS. COLE: So, as I said, it is really  
2 up to the contractors. You know, there may be  
3 benefits. The thinking is that with the new  
4 rotation leaves, we have moved from 21 days on and  
5 seven days off. It is likely that many  
6 contractors will move to a seven day work week.  
7 But it is sort of like the car thing, I guess, it  
8 is a little bit challenging and you have to sort  
9 of think through that, because there are some  
10 benefits of in some of those contracts having the  
11 day off in terms of retention and other measures.

12 So, for instance, for York and Fox  
13 Lake members, having a day off to go see your  
14 family or to do things with your family is also  
15 appreciated. So that is partly why, you know --  
16 so there is value in having it left to the  
17 contractor and having there be a little bit of  
18 discretion within the different contracts. But  
19 the expectation is that once we move into the  
20 general, given the 21 on and seven off, that many  
21 of the contractors will move to that type of  
22 rotation that you are talking about.

23 I was trying to find out if you have  
24 to check out of your room, because I know at  
25 Wuskwatim you actually did keep your room until

1 the camp got so full that we had to do check in  
2 and checks out to manage that rotation.

3 THE CHAIRMAN: Now, with respect to  
4 the lounge, or the bar, also long time practice  
5 with Manitoba Hydro camps, how common is that  
6 nowadays to have a licensed lounge in an isolated  
7 construction camp or mining camp?

8 MS. COLE: I think it is actually  
9 quite common. And we found it worked very well,  
10 and I will try and find my numbers in here  
11 somewhere. I'm sure I have them.

12 In the case of Wuskwatim, when we  
13 first started undertaking Wuskwatim, we were  
14 building the initial infrastructure and there  
15 wasn't a lounge at the site. So individuals were  
16 permitted what would be considered a reasonable  
17 amount of alcohol, because there wasn't a lounge  
18 to go to.

19 And the change in terms of level of  
20 security calls and instances of violence at the  
21 camp site, I can't speak to off the camp site, but  
22 certainly within the camp site, the change as soon  
23 as that lounge was introduced, you had alcohol  
24 banned at site and you had the ability, within a  
25 lounge environment, to control hours. So the

1 lounge is really only open from 6:00 p.m. to  
2 11:00 p.m., there is only a set number of drinks,  
3 it creates somewhere where people can go relax in  
4 a bit of a more relaxed environment, but the  
5 ability to, I guess, drink to excess disappears.  
6 And it actually, the incidence -- it is a dramatic  
7 difference. Like I think it is around 70 or 75  
8 per cent difference in security calls once we  
9 moved to the lounge.

10           There we go -- 40 per cent change as  
11 soon as we opened the camp lounge.

12           THE CHAIRMAN: 40 per cent change in?

13           MS. COLE: So prior to the camp being  
14 open, the percentage of camp occurrence reports  
15 resulting in evictions, so that's how many times  
16 security had to intervene and it resulted in  
17 eviction, prior to having the lounge it was 40 per  
18 cent of those occurrences, and after the lounge it  
19 was -- after the lounge was operational it was  
20 around 25 per cent, it was a noted change in terms  
21 of the evictions.

22           THE CHAIRMAN: Will there be VLTs in  
23 the lounge? I mean, there were always some pretty  
24 good poker games going on in the camp, but VLTs  
25 will liberate people of their money a lot more

1 quickly than the poker games.

2 MS. COLE: If we look at the site  
3 rules, I actually do think gambling is banned and  
4 there are no VLTs on site.

5 THE CHAIRMAN: I will just take a half  
6 minute time out and make sure we canvassed all of  
7 our questions.

8 Okay. I think we've covered all of  
9 our questions, so that does it for this gang.  
10 Thank you very much. And some of you we will see  
11 again, some very shortly, and others at other  
12 times over the next few weeks. Thank you.

13 We will take a brief time out,  
14 probably five or ten minutes, ten minutes to  
15 switch teams and then we will come back.

16 (Proceedings recessed at 2:30 p.m. and  
17 reconvened at 2:42 p.m.)

18 THE CHAIRMAN: I am getting a signal  
19 they are ready to go, so we will reconvene.

20 Now is there anybody up there that  
21 didn't get sworn in at an earlier panel Victor and  
22 Robert? Okay. The back row we don't swear in  
23 unless you are giving testimony. So Cathy, could  
24 you --

25 MS. JOHNSON: State your names for the

1 record.

2 MR. FLETT: Robert Flett, Tataskweyak  
3 Cree nation.

4 MR. SPENCE: Victor Spence Tataskweyak  
5 Cree Nation.

6 Robert Flett: Sworn

7 Victor Spence: Sworn

8 THE CHAIRMAN: Thank you, and you may  
9 proceed.

10 MR. BLAND: Hello. So, this is a KCN  
11 panel, we are going to just introduce ourselves,  
12 where we are from and who we are.

13 And then George Neepin will begin his  
14 presentation, followed by myself, Ted Bland, and  
15 Victor Spence.

16 THE CHAIRMAN: You just introduced the  
17 front table, could you just introduce the back  
18 table, please?

19 MR. BLAND: Sure.

20 MS. AGGER: My name is Leslie Agger,  
21 I'm an advisor to Fox Lake.

22 MS. ANDERSON: Karen Anderson, Fox  
23 Lake.

24 MR. NEEPIN: George Neepin, Fox Lake.

25 MR. SPENCE: Victor Spence, Split

1 Lake, Tataskweyak.

2 MR. FLETT: Robert Flett, Tataskweyak  
3 Cree Nation.

4 MR. BLAND: Ted Bland, York Factory  
5 First Nation.

6 And directly behind me we have Jim  
7 Thomas, who is a representative of Hilderman  
8 Thomas Frank Cram, and he works for York Factory  
9 First Nation as a consultant.

10 MR. SPENCE: Behind me I have Ron  
11 Lowe, TCN CNP advisor. Ernie Hobbs, CNP advisor,  
12 and Bill Kennedy CNP advisor.

13 THE CHAIRMAN: Thank you. And go  
14 ahead, Mr. Neepin?

15 MR. NEEPIN: Thank you, Mr. Chairman.  
16 Tansi. I would like to again extend my greetings  
17 to members of the Clean Environment Commission,  
18 elders, participants and audience members.

19 My name is George Neepin, I'm a  
20 councillor for the Fox Lake Cree Nation, and I was  
21 chief during most of the Keeyask negotiations, and  
22 I was also chief when my community voted in favour  
23 of the Joint Keeyask Development Agreement.

24 Today I'm going to share with you how  
25 we, as a community, evaluated and weighed the

1 potential costs and benefits of the Keeyask  
2 project, the methods and frameworks we used, and  
3 the results of our evaluation, all of which are in  
4 Fox Lake's environmental evaluation report.

5 I consider it a privilege and a huge  
6 responsibility that my statements to the Clean  
7 Environment Commission are truthful and  
8 effectively represent my Cree Nation and its  
9 people.

10 Just before I get into the body of my  
11 presentation, I would like to take this moment to  
12 make a few general comments. The process that we  
13 as Fox Lake, and I'm sure the other Cree partners  
14 would agree, find ourselves in is a foreign  
15 process. While we understand this is a hearing,  
16 we want to make clear that the development of our  
17 environment evaluation report was a team and  
18 community effort.

19 I do not presume to sit in front of  
20 you and have all of the answers at my immediate  
21 fingertips. Unlike the various other panels, we  
22 are only permitted two witnesses, that being Karen  
23 Anderson and myself. We do have Leslie Agger,  
24 lead researcher, to assist us. It is a bit of, it  
25 is a bit challenging and overwhelming for just the

1 three of us to speak on behalf of our entire team.

2           Secondly, and more importantly, I  
3 would like to re-emphasize the fact that our  
4 presence here is a reflection of the two phased  
5 approach that Vicky Cole and respected elder --  
6 the two face approach that Vicky Cole described  
7 earlier.

8           We have not shied away from the fact  
9 that we do not always agree with the approach of  
10 the regulatory guidelines, Manitoba Hydro, western  
11 science and the academia. We are here to share  
12 our knowledge and experiences, and how we view the  
13 world, and how hydro development, despite its  
14 tragic track record, will be an opportunity for  
15 our community.

16           Lastly, I would like to remind  
17 everyone that our community is inclusive of all,  
18 which not only includes our elders, resource  
19 users, men, women, but those that will inherit the  
20 consequences of our decisions, our youth.

21           We are proud of the methods we have  
22 used to include our members in our studies and  
23 verify the results. Our methods ensured that  
24 most, if not all, of Fox Lake people had an  
25 opportunity to participate if they so choose. In

1 fact, dozens of Fox Lake members were interviewed  
2 multiple times during the course of our studies.  
3 This was a time consuming but thorough process,  
4 and it was necessary to ensure that our studies  
5 were carried out responsibly and ethically and  
6 according to Fox Lake's values.

7           As a community, and certainly as Cree  
8 and other indigenous people, we have maintained  
9 our own knowledge systems since time before living  
10 memory. The systems are innovative, adaptive,  
11 relevant, and reflective of the values of our  
12 ancestors. They are evolving and continuing to be  
13 relevant despite being challenged by external  
14 forces such as the arrival of Europeans, the  
15 imposition of residential schools and, of course,  
16 hydroelectric development.

17           So it was not with eagerness or  
18 absence of thought that we chose to become  
19 partners in a major hydroelectric project. Rather  
20 our pride in our history, culture and values makes  
21 us cautious and apprehensive as we approach this  
22 new phase in our history.

23           Our environmental evaluation report  
24 draws from a number of community based studies and  
25 processes. These include Fox Lake's grievance

1 statement, which is the foundational document that  
2 laid out the rationale for Fox Lake's inclusion in  
3 the Keeyask negotiations.

4 An oral history project entitled  
5 Ninan, history of the Makeso Sakikan Inninuwak  
6 that highlights Fox Lake members individual and  
7 family stories and histories, and Aski  
8 Keskentamowin, traditional knowledge, study that  
9 documents members traditional land use of Keeyask  
10 study area in a series of ongoing workshops and  
11 discussions with Fox Lake, and the core  
12 Kitayatisuk, second harvesters group.

13 Our oral history and Aski  
14 Keskentamowin studies in particular underwent  
15 extensive community engagement and verification  
16 processes using methods such as interviews with  
17 elders, women and youth, map, biography and group  
18 mapping sections, with land users, including with  
19 women and youth ground shooting important places  
20 on the land, and waterscapes with elders and  
21 harvesters, and reviewing and editing draft  
22 reports with study participants, and producing  
23 Cree syllabic reports.

24 For example, ground shooting was a  
25 major component of our Aski Keskentamowin studies.

1 Not only did elders and harvesters design and plan  
2 this aspect of our research, but they also lead  
3 all field work. The role of our researchers was  
4 to record what the elders and harvesters were  
5 saying and prepare a report that was subsequently  
6 reviewed and verified by them. This verification  
7 process too underwent significant community input  
8 to ensure that our as Aski Keskentamowin reports  
9 truly reflected the communities values and  
10 perspectives.

11 Our researchers reviewed the draft  
12 text word for word with the study participants who  
13 then edited, removed or added information as they  
14 saw fit. This was done with a Cree translator and  
15 as a group to ensure that consensus was reached.

16 In addition, we utilized home visits,  
17 casual conversations, or band meetings as a way to  
18 gauge the satisfaction of the community in the  
19 activities being undertaken.

20 I also think it is important to point  
21 out that our negotiations office is staffed 100  
22 per cent by First Nation people of which  
23 approximately 75 per cent are Fox Lake members.  
24 While we utilized external support from various  
25 advisors, the activities were lead by people who

1 live and understand the culture of an indigenous  
2 community.

3 Our environmental evaluation report  
4 represents a decade's worth of work that was a  
5 vital part of our community's evaluation of  
6 Keeyask, which ultimately lead to our decision --  
7 which ultimately lead to their decision to support  
8 the project.

9 As you read our report, it is clear  
10 that the foundation on which it is based and  
11 guided is the concept of mino-pimatisiwin. The  
12 concept of mino-pimatisiwin is one shared by all  
13 First Nations, and we all have our own  
14 understanding of what it means, but for us it  
15 means the good life or living life well.

16 Our elder Jessie Anderson explained  
17 that the term comes from the idea of balance, mino  
18 puniho, to balance yourself. This can mean  
19 physical balance, balancing on a tight rope, or to  
20 keep things even in balance. Living  
21 mino-pimatisiwin, being alive, well is an active  
22 and ongoing process. Living mino-pimatisiwin does  
23 not mean living a life devoid of challenges or  
24 hardships, but rather living a life where those  
25 challenges and hardships can be met and managed in

1 a way that reflects and supports Cree meaning,  
2 capacity, values and autonomy, and living  
3 authentically by following Inninuwuk values. It  
4 requires caring for aski in ways that respect  
5 those alive today and the generations who will  
6 live in the future, a care that calls for balance  
7 in all things.

8 Relationships with Aski are an  
9 integral part of Fox Lake's culture, identity,  
10 spirituality and history.

11 As summarized in our evaluation  
12 report, our way of life was forever changed as a  
13 result of hydro development. For many generations  
14 we have lived, travelled, and derived our  
15 livelihoods and well-being from the Nelson River,  
16 its tributaries, and surrounding land base. It  
17 has been one of major highways connecting our  
18 people throughout the region. It facilitated a  
19 variety of social and political relationships,  
20 including trade, marriages and alliances between  
21 Cree people and nations. This connection  
22 continued throughout the European Cree fur trade  
23 Treaty 5 negotiation and the subsequent creation  
24 of reserves, railway expansion to Churchill, and  
25 influx of hydro workers that eventually resulted

1 in the establishment of the Town of Gillam and dam  
2 building.

3 Our ancient route of travel became  
4 blocked and for the first time we were prevented  
5 from reaching one another through traditional  
6 means, which greatly impacted the nature and  
7 frequency of social gatherings, among other  
8 things. The process of development included four  
9 dams, Kelsey, Kettle, Long Spruce and Limestone,  
10 two transmission projects, Bipoles I and II, and  
11 two converter stations, Radisson and Henday.

12 Each of these projects affected more  
13 and more of our homeland with the consequence that  
14 the people of Fox Lake were separated from their  
15 land, alienated from their water, and forced to  
16 refocus our activities in area less affected by  
17 hydro development. We now have a generation of  
18 young people who grew up surrounded by hydro  
19 development. And as one of our youth described, I  
20 grew up hearing stories from him, her grandfather,  
21 about how our lands used to be to, and just from  
22 our elders in our community, I could never  
23 understand them. I get translated, just like all  
24 of you get translated too. It was like a  
25 fairytale, you know.

1                   The balance that we knew before hydro  
2 development, a life of seasonal movement on the  
3 land, the enjoyment of a rich range of food and  
4 activities was essentially lost. Although we  
5 still do hunt, the berry patches are mostly gone.

6                   There is no doubt that the '60s era of  
7 dam building has resulted in widespread  
8 environmental damage, and was and continues to be  
9 contrary to our worldview. And in particular to  
10 the belief that the land, animals and people  
11 should not be mistreated.

12                   It is our goal that through Keeyask,  
13 unlike previous development, our people will be  
14 informed, aware and prepared for hydro  
15 development. We do not want to see the same human  
16 injury that we have experienced and are working to  
17 heal.

18                   We would be thoughtless and  
19 disrespectful if we did not take the time to share  
20 what our community has experienced with hydro  
21 development. It is these experiences that we have  
22 drawn upon to guide how we proceed. We do not  
23 just identify what Keeyask will mean for us,  
24 rather we take an overall look at our past  
25 experiences with hydro development, our current

1 situation, and how we struggle to heal from the  
2 experiences. And we look to the future and what  
3 we need to do for our people to live well.

4 Our report highlights the feelings of  
5 powerlessness, the inability to change what was  
6 happening to them and to their world, and the fear  
7 of the unknown yet to come from the projects, and  
8 the sadness in the loss of control over our lives.

9 As Fox Lake elder Catherine Beardy  
10 recalled in an interview in 2004, I know the  
11 disastrous impact of what Hydro has done. He has  
12 destroyed so much land here. We used to make a  
13 living from the land. Nora Wavey, an elder  
14 interviewed in 2006, simply stated, "We had a good  
15 life long ago before Hydro. He wrecked  
16 everything."

17 The feelings of separation from the  
18 land, the challenges to live in balance, to live  
19 mino-pimatisiwin today run far deeper than a sense  
20 of economic loss. The inability to live  
21 mino-pimatisiwin has resulted in not only a  
22 disconnect with ourselves and the land, but  
23 ourselves as an individual, families, and  
24 community. Families find themselves unable to  
25 communicate with each other, unable to pass on

1 important traditional and social teachings as our  
2 language is no longer spoken by children and  
3 grandchildren.

4           The influx of workers that we have  
5 experienced over the many years of hydro  
6 development has also transformed our community.  
7 We have had many single mother families that have  
8 had to find means of survival. This has impacted  
9 how we view families and kinship, particularly  
10 when many of these young people struggle to form  
11 their identities.

12           These types of losses resulted in  
13 fundamental changes in how we now provide for our  
14 families, make a living with the land, move and  
15 travel on the land to renew family and other  
16 relationships, teach our children and honour our  
17 old people, live as a community, and how we form  
18 sustainable, trustworthy and respectful  
19 relationships with governments and companies, and  
20 most importantly live empowered lives.

21           It is for these reasons that Fox Lake  
22 understands fully the cumulative long term impacts  
23 of dam building, and that it did not enter into a  
24 partnership agreement with Manitoba Hydro lightly.  
25 Past experience and community lead evaluated

1 studies and initiatives have made Fox Lake fully  
2 aware of the impacts of hydroelectric development,  
3 as well as the measures necessary to avoid, reduce  
4 and compensate for these impacts.

5 Our report summarizes over a decade's  
6 worth of careful analysis and includes some of the  
7 following conclusions and recommendations  
8 regarding the impacts of the Keeyask project,  
9 which we will monitoring through our community  
10 based monitoring plan.

11 Increased access to traditional  
12 resource use by construction and operational  
13 workers will have negative impacts on the  
14 availability of those resources to our people,  
15 which impacts will be mitigated, at least in part,  
16 by measures in the access management plan such as  
17 restricting access to the north and south access  
18 road during construction, and restricting use of  
19 firearms by workers.

20 Decreased access to traditional Cree  
21 foods due to decline in local plants, fish, fur  
22 bearers and big game as a result of the physical  
23 impacts of the construction and operation of the  
24 Keeyask project, to be managed at least in part by  
25 measures in the access management plan and

1 mitigated by our resource users access program.

2                   And negative impacts on sturgeon  
3 population and health as a result of loss of  
4 sturgeon spawning areas at Gull Rapids, to be  
5 managed by proposed replacement habitat and trap  
6 and transport programs.

7                   And the scarring of the physical  
8 landscape, to be managed at least in part by  
9 rehabilitation of borrow pits and other disturbed  
10 areas according to our values.

11                   Despite our devastating history with  
12 hydroelectric development, Fox Lake is now in a  
13 unique position to benefit from the Keeyask  
14 project. We are not caught up in words such as  
15 self-government or self-determination, as those  
16 have a lot of other meanings that academics and  
17 politicians attach to them. Rather what we are  
18 caught up in is taking control over our lives, and  
19 Fox Lake has and will use the opportunity  
20 associated with partnership to develop and  
21 implement a strategy to again live  
22 mino-pimatisiwin, consistent with our own values,  
23 responsibilities, and relationships to Aski.

24                   It is a strategy that we hope will  
25 once again see members as healthy and prosperous

1 people. The desire to take control of our future  
2 was the key reason that so many members decided to  
3 support the project.

4           The traditional way in which we were  
5 able to live mino-pimatisiwin is gone, and we need  
6 to find a new way to live in balance, and in a way  
7 that still respects our values for the land, for  
8 our children, families, community, and for  
9 ourselves, individual members of these various  
10 units of our being.

11           While we are not foolish enough to  
12 believe that one hydroelectric project will  
13 provide that for us, we do view this as one of a  
14 number of ways in which we can exercise control  
15 over our lives and restore balance.

16           We will take advantage of these new  
17 tools that are before us. And while they will  
18 need to be refined and adjusted, they can assist  
19 in our plan.

20           For example, we are plainly aware of  
21 the loss of our language which has occurred for  
22 many reasons. As part of our strategy to again  
23 live, to live mino-pimatisiwin, our Adverse  
24 Effects Agreement includes funding for a Cree  
25 language program to restitch the threads of

1 communication and learning between younger and  
2 older people.

3           The wellness programs in our agreement  
4 will also form of basis of our focus of healing  
5 our community. Our youth wilderness program will  
6 help in bridging the gap between our resource  
7 users and our youth, so that we can continue to  
8 transfer and maintain the knowledge that our  
9 elders and resource users possess.

10           We are fully aware that no one can do  
11 this for us. While external sources did cause  
12 much damage and hurt to our community, it is up to  
13 us to use and develop these and other programs to  
14 provide our members with the means to start  
15 balancing the residual harms with opportunities.

16           The environment and the land will  
17 continue to be an essential part of this balance,  
18 and we will develop and implement a community  
19 based Aski Keskentamowin monitoring plan to be  
20 fully funded by the Partnership. The commitment  
21 has been made to give our traditional knowledge  
22 equal weight, so that western science and the  
23 environmental protection during Keeyask's  
24 construction and operation, especially in cases  
25 where Fox Lake knowledge has predicted different

1 results than those reported in the EIS.

2 I will have more to say about  
3 monitoring when we come to the moving forward  
4 panel.

5 As we move forward in our relationship  
6 with Manitoba Hydro, we are no doubt aware that  
7 lessons have been learned on both sides, and  
8 respect for our respective interests and desires  
9 have also grown. While we do not expect to agree  
10 on every aspect of this process, we are confident  
11 that Manitoba Hydro has come to have a better  
12 understanding of us and who we are as a people.  
13 We, as a people, have also come to understand our  
14 strength and our ability to advocate for what we  
15 feel would be most respectful of Aski and  
16 ourselves.

17 We are confident, based upon our  
18 experiences with the EIS process, that Manitoba  
19 Hydro will satisfactorily respect, incorporate and  
20 act upon Fox Lake Aski Keskentamowin in the  
21 future.

22 For example, in 2011, Fox Lake's core  
23 elder and harvester reiterated the need to have  
24 more direct input into the environmental studies  
25 carried out in the traditional resource use area

1 for the Keeyask environmental assessment. The  
2 knowledge of our people, both historical and  
3 contemporary, was relevant and vital to the  
4 assessment. The core group expressed a desire to  
5 work more collaboratively with Manitoba Hydro  
6 consultants, and requested that these consultants  
7 meet with them prior to, during, and after any  
8 local field work had taken place. This has now  
9 become practice.

10 Another example was the Partnership's  
11 consideration of the core group's recommendation  
12 to rehabilitate the south side of the Keeyask dam  
13 as wetland, to avoid it being permanently  
14 dewatered, as is the case with the Limestone  
15 Generating Station. Fox Lake and its Partner,  
16 Manitoba Hydro, are working to build a more  
17 collaborative working relationship, although much  
18 work is still to be done in this respect in order  
19 for true partnership to be realized fully.

20 Fox Lake Cree Nation and the  
21 Partnership both recognize that not all of the  
22 measures will have the result they hope for. And  
23 we also understand that there is still much work  
24 to be done to meet the desires of all members of  
25 this Partnership. Therefore, we are pleased to

1 see approaches such as adaptive management which  
2 is utilized by the Partnership in developing the  
3 Keeyask Generation Project. In addition, the  
4 flexibility within the Adverse Effects Agreement,  
5 which allows funding to be moved between  
6 programming to meet community needs and  
7 aspirations further exemplifies this adaptive  
8 management approach.

9           The challenge for the Partnership is  
10 to ensure that it realizes the opportunities that  
11 are presented while simultaneously ensuring that  
12 we care for and are responsible for Aski.

13           While our approach in our  
14 environmental evaluation report did not always  
15 agree with the approach taken by western science,  
16 nor did it always result in the same conclusions  
17 about the extent of the impacts of the Keeyask  
18 project on the environment and our people, we are  
19 satisfied overall that the impacts of the Keeyask  
20 project have been fully canvassed, if not fully  
21 addressed in the response to EIS guidelines, and  
22 that the mitigating measures proposed therein are  
23 acceptable.

24           We are also comfortable that the  
25 commitment of the Partnership to meaningful

1 ongoing monitoring of the actual impacts,  
2 including community specific Aski Keskentamowin  
3 monitoring will ensure that to the degree the  
4 actual impact may turn out to be different than  
5 predicted, they will either be mitigated through  
6 additional project measures or compensated through  
7 mechanisms in our Adverse Effects Agreement.  
8 Egosi.

9 THE CHAIRMAN: Thank you, Mr. Neepin,  
10 Mr. Bland, are you next?

11 MR. BLAND: Yes, I am.

12 Thank you, George.

13 Hello, my name is Ted Bland, I'm the  
14 negotiator for York Factory First Nation. As you  
15 have heard, my colleague Martina Saunders has  
16 returned to York Landing for the funeral of her  
17 grandmother. She hopes to join us in the days  
18 ahead.

19 I'm here to speak about York Factory's  
20 process and approach to evaluating the Keeyask  
21 project and York's involvement in the preparation  
22 and review of the Keeyask EIS.

23 I will also speak about  
24 Kipekiskwaywinan, York Factory's report submitted  
25 as part of the Keeyask environmental impact

1 statement. In Cree Kipekiskwaywinan means our  
2 voices. This is our document here, I encourage  
3 you to read it.

4 We are people with an oral tradition.  
5 We did not traditionally write about how we live  
6 and learn, or how we share knowledge and  
7 experience our culture. We did not write about  
8 how we make decisions and act out our lives.  
9 Rather we have learned through observation and  
10 stories told by our parents, grandparents and  
11 community elders.

12 In most of the Keeyask Environmental  
13 Impact Statement, there is a great deal of  
14 technical information and content written by  
15 western trained engineers, biologists, social  
16 scientists and consultants. So when we decided as  
17 a co-proponent to put together a York Factory  
18 report to include in the Keeyask EIS, our team  
19 looked for a way to tell the story about our  
20 journey to this point in our history and to  
21 explain how we feel about Keeyask.

22 We created a steering group of  
23 community members and future development staff to  
24 guide the process, which involved workshops,  
25 community meetings, and meetings of the steering

1 committee and future development team to review  
2 and refine our document.

3           The more we talked amongst our team  
4 and with our community members, we began to see  
5 how the community members' voices did not make for  
6 a tidy written account. To honestly portray our  
7 community members' voices, we felt we would have  
8 to maintain the contradictions, fear, anger,  
9 weariness and resignation of many of our members.  
10 But we also heard voices of hope and optimism.

11           In Kipekiskwaywinan, we wanted to  
12 describe the impact of the Keeyask project and  
13 partnership on whom we are as a community and  
14 people. This has not been an easy process to  
15 write about how our members feel about the Keeyask  
16 project and the partnership.

17           Kipekiskwaywinan has become an  
18 important document to our community. We encourage  
19 you to read the entire document to understand our  
20 history and experiences that lead us to support  
21 and become a partner in the Keeyask project.

22           Today our elders, members, and  
23 resource users are maintaining our traditional  
24 knowledge. One way it is expressed is through  
25 Kipekiskwaywinan. This document does not

1 represent all of our traditional knowledge, but is  
2 based on our tradition knowledge, cultural values  
3 and worldview.

4           However, our knowledge is not just  
5 information to be recorded and included in the  
6 Environmental Impact Statement. As my chief,  
7 Louisa Constant says, traditional knowledge is in  
8 our language and our traditions, it is a way of  
9 life, it is who we are as Inninuwuk, and who we  
10 are is built on our identity as Cree people, on  
11 our relationship to land, water and all creation.

12           Traditional knowledge is fundamental  
13 to who we are as a people and a culture. Our  
14 traditional knowledge is maintained by our elders  
15 and passes from generation to generation. It is  
16 an ongoing process of learning and applying  
17 knowledge and teachings. Because traditional  
18 knowledge lives within our way of life, the  
19 process of engaging our community elders, members  
20 and resource users is the most important way our  
21 traditional knowledge, values and worldview enter  
22 the Keeyask Environmental Impact Statement. For  
23 this reason, it is important that our community  
24 representatives, elders, youth, resource users and  
25 knowledge holders continue to participate in the

1 Keeyask project's next phases, including  
2 construction, operation, environmental monitoring  
3 and adaptive management.

4           Since in the early planning process we  
5 recognized the importance of having meetings  
6 between our community members, Manitoba Hydro and  
7 Manitoba Hydro consultants, by sitting down  
8 together we have come to understand some  
9 similarities and differences in the way we see the  
10 project and how Manitoba Hydro sees the project.

11 As Cree people, we have our own way of knowing,  
12 our own experts, and our own understanding of a  
13 highly complex and interconnected world.

14           Many of our environmental changes that  
15 we have described in Kipekiskwaywinan are ongoing.  
16 They began with changes in the flow of water and  
17 are passed along through fish, animals, birds,  
18 shorelines and our community. Our environment is  
19 continuously changing and adapting in response to  
20 more and more developments. Keeyask is the next  
21 step in the ongoing hydroelectric development in  
22 our territory. We have experienced cumulative  
23 changes caused by numerous past developments, and  
24 we know that Keeyask will add to more damage than  
25 is already caused.

1                   In our consultations and negotiations  
2     with Manitoba Hydro, we have been told that  
3     Keeyask will have a very minor, if any, effect on  
4     Split Lake and the Aiken River. The studies  
5     predict no flooding upstream of the outlet of  
6     Clark Lake under open water conditions, and no  
7     changes to the ice cover on Split Lake. They  
8     predict no further degradation of water quality  
9     near York Landing and only minimal, if any,  
10    effects on fish and animals near our community.

11                  Because of our experience with more  
12    than 55 years of hydro development, we continue to  
13    be skeptical about the predictions of the  
14    potential effects of the Keeyask project. To us  
15    the water, the land, the people and the animals  
16    are highly, tightly interconnected, that we can  
17    not confidently predict everything that will  
18    happen as Keeyask is built.

19                  However, Manitoba Hydro has come a  
20    long way in acknowledging the uncertainty in  
21    making predictions. In many cases Manitoba Hydro  
22    has come to understand our skepticism about the  
23    predicted effects of the Keeyask project. As many  
24    of our members pointed out, we believe that the  
25    effects of the project will go beyond predicted

1 hydraulic zone of influence and beyond the study  
2 area as defined in the Environmental Impact  
3 Statement.

4           The Keeyask EIS acknowledges this. We  
5 have agreed that we will monitor the effects of  
6 Keeyask to determine whether effects are different  
7 than predicted. When we explained that every part  
8 of nature is connected, we are referring to a web  
9 of relationships amongst people, between people  
10 and the land, and amongst various living,  
11 non-living and spiritual beings. We include  
12 ourselves in the web of relationships.

13           The changes that have taken place in  
14 the water and the land over the past 55 years have  
15 also occurred in us, as individuals, families and  
16 community. All of us have found ourselves shaken  
17 and gradually changing along with the land.

18           Have we explained -- as we explained,  
19 our teachers, our elders teach us that every part  
20 of the land is living and has a spirit, even  
21 rocks, places, ancestors have spirits that are  
22 alive on the land. And we are tied to all of the  
23 beings around us. We have been taught to show  
24 respect for every part of creation and to take  
25 care of the land. The term ohcinewin refers to

1 our understanding that when people harm Aski or  
2 harm another being, they face consequences.  
3 Simply, ohcinewin means that we must act  
4 respectfully towards everything in life, otherwise  
5 we will experience consequences such as disease,  
6 social disorder, disappearance of animals, and bad  
7 fortune. These consequences can come back to our  
8 children and others around us. Our elders speak  
9 about this and how they are expecting the  
10 consequences of past actions.

11 We have been working with our partners  
12 to develop and manage the projects in accordance  
13 with our Cree values and worldview. As a First  
14 Nation and as a Partnership, we need to make a  
15 strong commitment to stewardship and maintaining  
16 our relationships with the land. Our actions,  
17 monitoring and management need to incorporate all  
18 of the knowledge that is available, both western  
19 and traditional, and must be rooted in Cree  
20 concepts of respectful relationships with the  
21 land. It will not be enough to incorporate Cree  
22 knowledge into scientifically based management  
23 programs. We can not sit back and support  
24 development in our land without reconciling  
25 ourselves with our actions. You must acknowledge

1 and monitor the changes to the land and waters  
2 while giving thanks for the gifts that come from  
3 Munito.

4 From our perspective there will be  
5 substantial adverse environmental impacts despite  
6 good planning, research, design, assessment,  
7 mitigation and monitoring.

8 With Manitoba Hydro and our Cree  
9 partners, we have been involved in considering  
10 mitigation measures for a wide variety of impacts  
11 on the waters, lands, plants, animals, fish and  
12 ourselves. But from a Cree perspective, it is  
13 important to acknowledge even the smallest  
14 environmental impact, even if it has been  
15 mitigated. As co-proponents we are responsible to  
16 Aski Munito and the future generations for our  
17 part in creating these environmental impacts.

18 We have explained that our culture  
19 focuses on respect, respect for ourselves, respect  
20 for each other, and respect for Aski. We have  
21 been taught that we were placed here by Munito to  
22 care for Aski. Destruction is not a part of our  
23 culture. We respect the concept of ohcinewin, so  
24 it has been very important for our community to  
25 consider how to reconcile ourselves and our

1 actions as partners in the Keeyask project.  
2 Reconciliation with these effects must be an  
3 important focus of Cree mitigation measures. Some  
4 of our community members will need to reconcile  
5 themselves on a personal level or through  
6 community programming. But the Keeyask Partners  
7 together will also need to demonstrate efforts to  
8 come to terms with the inevitable impacts of the  
9 project on Aski.

10 We have discussed how these Cree  
11 principles might be implemented through  
12 partnership ceremonies as well as environmental  
13 protection programs that will allow the elders,  
14 resource users and youth to engage as stewards or  
15 keepers of the land. We want our partners to  
16 respect and work with us continuously, reconcile  
17 our role as partners as we heal and build  
18 trustworthy relationships throughout the life of  
19 the Keeyask project. We especially want their  
20 children, their children and all who follow to  
21 know that we have entered into this partnership  
22 with these feelings, insisting on long-term  
23 ongoing commitment to healing, reconciliation,  
24 mutual respect and self-determination.

25 Our future generations are one of the

1 main reasons we have decided to become partners in  
2 the Keeyask project. We must look to our future  
3 generations, their involvement in the Keeyask  
4 project, and the different benefits and  
5 opportunities that will become available to them  
6 as we move forward in the Partnership.

7           In Kipekiskwaywinan we have described  
8 the socio-economic conditions in our community and  
9 the threats to Cree culture. Elsewhere in the  
10 overall Keeyask Environmental Impact Statement  
11 there is information that illustrates some of the  
12 issues our community faces, such as high  
13 unemployment rates, low educational attainment,  
14 low family income levels, and public health issues  
15 including diabetes and tuberculosis.

16           Given these conditions, our members  
17 chose to support chief and council signing the  
18 JKDA to pursue the potential benefits for our  
19 current and future generations, to sustain and  
20 achieve respect for our Cree culture, and to have  
21 a voice in this partnership.

22           However, our decision to become a  
23 co-proponent was not easy and was filled with  
24 mixed emotion. Despite the shaky past our  
25 community has had with Manitoba Hydro and the

1 highly technical nature of negotiations, our  
2 community voted in good faith and with the desire  
3 to be at the table with the other partners in  
4 securing benefits for our future generations.

5           We have observed some of the good  
6 signs over the last years that our partners are  
7 making an attempt to improve our relationship and  
8 mend past wounds. However, we believe that the  
9 Keeyask Partnership still requires ongoing  
10 attention and nurturing if it is to be sustained  
11 and strengthened as the project moves through  
12 licensing to implementation.

13           In Kipekiskwaywinan we have explained  
14 how we came to be in this position and how we feel  
15 at this point in our community history. We have  
16 explained how the Hudson Bay Company appeared in  
17 our territory at the mouths of the Hayes and  
18 Nelson Rivers on the Hudson Bay in the 17th  
19 century, and how our ancestors became an essential  
20 part of the new fur economy. We also explained  
21 how we were relocated, sent to residential  
22 schools, suffered the effects of past hydro  
23 projects, lost much of our language and cultural  
24 practices, and struggled through the Keeyask  
25 negotiations.

1                   Our community has been repeatedly  
2 destabilized by traumas that have been imposed on  
3 us from the outside. We have struggled to adapt  
4 to the changes, one after another, and some of our  
5 members are exhausted and believe that the Keeyask  
6 will be just another blow from the outside world.

7                   At the same time, many of us see  
8 ourselves as a strong Cree community, adaptive and  
9 resilient, both physically and spiritually to  
10 Aski. Our members still choose to live in York  
11 Landing, and come together for tradition dances,  
12 youth camps, and feasts, and return to our  
13 territory in York Factory as often as we can. We  
14 respect the teachings of our ancestors and look  
15 for ways to apply them in the modern world.

16                   During presentations by other panels  
17 in the Keeyask EIS, you have heard about our  
18 involvement in the Keeyask environmental  
19 assessment and the preparation of the Keeyask EIS.  
20 As I have already mentioned, we spent a great deal  
21 of time and effort creating Kipekiskwaywinan. We  
22 have also participated in field studies and  
23 research, many working groups, committees and  
24 workshops, and the review and comment on the EIS  
25 documents.

1 York Factory has participated in  
2 hundreds of meetings related to the Keeyask  
3 environmental assessment. We have participated in  
4 over 600 such meetings and workshops since 2002.  
5 There were hundreds of other meetings related to  
6 the JKDA negotiations, training, employment and  
7 business opportunities.

8 We completed our own community studies  
9 which examined the effects of past development and  
10 potential effects of Keeyask. We had many, many  
11 meetings, workshops, and sharing circles with our  
12 members, our elders, our adults, youth, men and  
13 women.

14 Although our members were faced with a  
15 difficult decision to become a partner in Keeyask,  
16 we voted and decided that we will not stand by and  
17 watch another development project occur in our  
18 land without trying to influence it. We have  
19 chosen to become a partner and have a voice in the  
20 Keeyask environmental assessment and the project's  
21 governance and management.

22 Our hope is that it will allow us to  
23 take control of our destiny and find roles for our  
24 members as contractors, workers, managers and  
25 environmental stewards.

1                   The Keeyask project is an important  
2    step away from resignation towards  
3    self-determination. We believe that there are  
4    encouraging signs in working together as partners,  
5    but achieving the potential of the Keeyask project  
6    will require a great deal of work, both in our  
7    community and with our partners.

8                   The Keeyask partners can together take  
9    the responsibility of reconciling our part as  
10   co-proponents in damaging Aski. We need to do  
11   this as a partnership, not just as a single  
12   community. We can build a sense of hope by  
13   implementing our values and traditional knowledge  
14   and maintaining our cultural, social,  
15   environmental and economic goals over the life of  
16   the project.

17                  The Keeyask project can continue to  
18   incorporate our values and give equal importance  
19   to traditional knowledge through meaningful  
20   participation by our community elders,  
21   representatives, youth, and resource users in the  
22   environmental protection program. Through that  
23   process our Cree values, teachings and traditional  
24   knowledge will be incorporated and applied to the  
25   construction and operation of Keeyask.

1 Direct involvement in follow-up  
2 monitoring and adaptive management is important to  
3 us to continue to avoid, mitigate, and offset  
4 adverse environmental effects for the life of the  
5 project.

6 Participation of community elders,  
7 representatives, youth and resource users in the  
8 environmental stewardship activities will also  
9 play an important role in strengthening  
10 relationships with our partners.

11 Our First Nations and other Keeyask  
12 Cree Nations have worked to incorporate our  
13 worldview, our values, traditional knowledge and  
14 language into the Keeyask Environmental Impact  
15 Statement. With few clear precedents, this  
16 process has been a challenge and learning  
17 experience for us all. As the Keeyask project  
18 proceeds, we want to continue to work with our  
19 partners building cross cultural understanding and  
20 finding new ways to draw on the knowledge of our  
21 past and present generations.

22 Our Cree language is very important to  
23 us, even though it is used much less today than it  
24 used to be. By continuing to use the Cree  
25 language in project documents, by facilitating its

1 use in meetings and encouraging its use during the  
2 construction and operations of the key project, we  
3 will be helping to bring the Cree language back to  
4 its rightful place in our lives and in Canada's  
5 multicultural environment.

6 Our experience and relationship with  
7 Manitoba Hydro goes back more than 55 years. We  
8 can not change the past and cannot ignore the  
9 collective memory of our community. However,  
10 becoming partners in the Keeyask project has  
11 provided an opportunity to work together and build  
12 a better relationship with our partners.

13 We are thankful for the opportunity to  
14 speak with honesty about our history, our  
15 worldview, our values, concerns, traditional  
16 knowledge, hopes, and expectations in  
17 Kipekiskwaywinan. However, we cannot simply talk  
18 and represent these values in words. The Keeyask  
19 Partnership must act according to our Cree values,  
20 teachings and traditional knowledge. For this  
21 reason the development and implementation of the  
22 environmental protection program and monitoring  
23 plans must be most important to our community.

24 The Keeyask Partnership will provide  
25 long-term annual funding for environmental

1 monitoring and adaptive management. Just as there  
2 have been working groups to prepare the EIS, such  
3 as aquatics working group, the mammals working  
4 group, and the mercury and human health working  
5 groups, there is a need for ongoing monitoring and  
6 management arrangements with full participation by  
7 all partners. We have started to discuss details  
8 related to the function of the monitoring advisory  
9 committee and Aboriginal traditional knowledge  
10 monitoring program. These are intended to  
11 function as mechanisms to involve our community  
12 members and apply our worldview values and  
13 traditional knowledge in ongoing monitoring,  
14 mitigation and adaptive management of the Keeyask  
15 project. We hope the monitoring advisory  
16 committee and the environmental protection program  
17 will provide mechanisms to build understanding, to  
18 improve communication, and to develop a greater  
19 appreciation for each other's knowledge. These  
20 are important steps in continuing to work  
21 together, build trust and strengthen our  
22 partnership.

23 In conclusion, I want to read from an  
24 opening letter in Kipekiskwaywinan.

25 "Our members have been observing

1           experiencing and discussing the  
2           effects the hydroelectric development  
3           since the 1950s. With the Keeyask  
4           project, however, we have become a  
5           co-proponent of the hydroelectric  
6           project for the first time, and for  
7           the first time have the responsibility  
8           of explaining our perspectives on this  
9           development in an environmental impact  
10          statement. We have taken this  
11          responsibility very seriously and have  
12          written Kipekiskwaywinan as an honest  
13          account of our understanding and our  
14          feelings about the Keeyask project,  
15          our decision to become a partner in  
16          Keeyask and our hopes, fears and  
17          expectations for the future of the  
18          Partnership."

19        Thank you for listening. Egesi.

20                    THE CHAIRMAN: Thank you, Mr. Bland,  
21        Mr. Spence?

22                    MR. SPENCE: Good afternoon to the  
23        commissioners, participants, and to our partners,  
24        Manitoba Hydro, Fox Lake and York Landing.

25                    My name is Victor Spence, I am the

1 future development manager for Tataskweyak Cree  
2 Nation. I'm speaking on behalf of our partnership  
3 which includes Tataskweyak and War Lake First  
4 Nation.

5           After over 15 years of direct  
6 involvement with Keeyask, and many more years  
7 working on behalf of my community, I welcome the  
8 opportunity to introduce to the Commission --  
9 again, I'm sorry, Mr. Chairman, but my eyesight is  
10 not the best and so I struggle to read. I welcome  
11 the opportunity to introduce to the Commission the  
12 Cree Nation Partners' environmental evaluation of  
13 Keeyask generation project.

14           Today we will present to you an  
15 overview of our report, including information  
16 about our extensive community consultation  
17 process, and the outcomes it produced, by  
18 providing description of our Cree worldview and  
19 our vital relationships with Mother Earth, Aski.  
20 We hope to provide an understanding of how we  
21 experience the effects of hydroelectric  
22 development. We will also explain how our  
23 assessment lead to the conclusion that Keeyask  
24 will provide opportunity to strengthen our  
25 cultural identity and begin to restore harmony and

1 balance in our homeland and in our lives.

2 Before I asked Mr. Flett to do the  
3 presentation, I just want to quote, read a quote  
4 from our Elder William Beardy.

5 "The lands and the waters and the  
6 resources have provided for us in the  
7 past. These waters and their power  
8 could once again help to provide for  
9 our people."

10 I will ask Mr. Flett, Robert Flett,  
11 one of our OWL staff, to do the presentation.

12 MR. FLETT: Thank you, Mr. Spence, for  
13 the opportunity to present the Cree Nation  
14 Partners' assessment on the effects of the Keeyask  
15 project.

16 I would like to begin by providing an  
17 overview of our report and a brief explanation on  
18 the various factors which we considered in our  
19 overall assessment of the project. We have a  
20 slide presentation on the screen for you to follow  
21 as I'm reading.

22 Our environmental evaluation was based  
23 on our holistic worldview and the ideas and  
24 concerns of our members. The Cree Nation Partners  
25 designed and implemented an inclusive and

1 comprehensive process to engage our members  
2 regarding all of the aspects of this Keeyask  
3 project. Through this process of engagement, TCN  
4 and War Lake drew upon the knowledge base of our  
5 members to provide our worldview, identify  
6 environmental issues, and explain to Manitoba  
7 Hydro how we experienced effects of these issues,  
8 and to design mitigation measures to offset these  
9 effects.

10 In this sense our Aboriginal  
11 traditional knowledge, along with that of our  
12 partner communities, played a key role in the  
13 Keskentamowin of Keeyask. When we refer to  
14 Aboriginal traditional knowledge, commonly known  
15 as ATK, it is in relation to our worldview and our  
16 understanding of our homeland. To us ATK is a  
17 knowledge that respects our experiences, our  
18 understanding, wisdom, values and beliefs.

19 Tataskweyak/War Lake ATK has developed  
20 since living in our homeland since time  
21 immemorial. Our ATK is found in holistic  
22 understanding of the world, which is based on  
23 sustaining vital relationships with Mother Earth,  
24 the spiritual, historical, educational, social,  
25 and life sustaining relationships. In this sense

1 ATK is our worldview -- sorry, in this sense ATK  
2 and our worldview are complementary and are the  
3 foundation of our assessment of the project.

4           In order to assess the predicted  
5 effects of Keeyask, our worldview required  
6 consideration of how we have been affected by past  
7 historical events. The influence in these past  
8 events, including the Hudson Bay railway, Indian  
9 residential schools, the Natural Resources  
10 Transfer Agreement, the trapline system, and most  
11 importantly by hydroelectric development in the  
12 Split Lake resource management area since 1957,  
13 have contributed to a gradual loss of control over  
14 our future and our homeland.

15           We also considered the positive  
16 influence of the various agreements we have  
17 negotiated with Canada, Manitoba and Manitoba  
18 Hydro, beginning with the NFA in 1977, which have  
19 helped us to reclaim some control of our future.

20           In addition, to considering the  
21 effects of the significant historical events, our  
22 evaluation has also provided the following: A  
23 description of our Cree worldview to provide  
24 greater insight to non-Aboriginals and how we  
25 experience the effects of hydro development; a

1 description of our valued relationships with  
2 Mother Earth and all components of our own  
3 eco-system, and an explanation of how the  
4 predicted effects of Keeyask came to be described  
5 as effects on these relationships; a description  
6 of Mother Earth ecosystem modeling, and  
7 construction of a model of that ecosystem which  
8 combines our worldview with the scientific concept  
9 of ecosystems; how we identified and evaluated  
10 environmental impact issues; how we re-interpreted  
11 our environmental issues as infringements on our  
12 ability to exercise our customs, practices and  
13 traditions integral to our cultural identity; how  
14 we participated and contributed to the  
15 identification and mitigation of anticipated  
16 adverse effects; how we influenced the Keeyask  
17 project in a variety of important ways, including  
18 the fundamental features of the project; a  
19 description of the training, employment and  
20 business opportunities we have negotiated in the  
21 Joint Keeyask Development Agreement; a description  
22 of the benefits we have negotiated in the Adverse  
23 Effects Agreements; and a description of the  
24 ancestral homeland ecosystem model, a model used  
25 to illustrate our assessment of the project.

1                   Although not all of these topics will  
2 be discussed in detail in today's' presentation,  
3 they are all contributing factors in our overall  
4 assessment of this project.

5                   Next I would like to present an  
6 overview of the consultation process CNP designed  
7 to engage our membership in consideration of the  
8 Keeyask project. During the negotiation on the  
9 JKDA agreement in principle, the Adverse Effects  
10 Agreements, and the EIP, we undertook an extensive  
11 consultation process with our members which  
12 provided many opportunities to understand and  
13 contribute to all aspects of the Keeyask project.  
14 This included participation in a variety of  
15 committees and sharing of information in meetings  
16 through the use of communication media.

17                   The CNP created a variety of  
18 committees to help organize our participation in  
19 this project. These include the council and  
20 elders OWL planning committee. TCN formed this  
21 committee in 1998 to manage the initial  
22 discussions and negotiations with Hydro regarding  
23 the Keeyask project. It was for developing the  
24 Mother Earth ecosystem model, and for developing a  
25 set of reference groups to develop our negotiating

1 position and consult with members on various  
2 aspects of the project. It also appointed a  
3 separate working group to design the overview of  
4 water and land process, which is what we call OWL.

5 The OWL committee, the overview of  
6 water and land committee, better known as OWL, was  
7 designed to allow individual members to come to  
8 their own conclusions about the potential  
9 development of Keeyask.

10 Tataskweyak hired four staff in the  
11 springs of '01, in 2001, to manage the OWL  
12 process. OWL staff members were responsible for  
13 supporting chief and council and the elders OWL  
14 planning committee on the negotiating with Hydro,  
15 keeping members fully informed, including by way  
16 of our meetings, participating with environmental  
17 experts in the process of identifying foreseeable  
18 adverse effects, and participating in meetings  
19 with Hydro to discuss mitigation and compensation  
20 measures, to manages the considerable range of  
21 issues related to Keeyask which required  
22 consideration. CNP formed a number of reference  
23 groups to discuss specific issues.

24 Eventually, the OWL staff evolved into  
25 the OWL reference group and continued working on

1 ways to identify and mitigate anticipated adverse  
2 effects, in addition to the OWL reference group  
3 another -- and in order to address specific  
4 subject matter, Tataskweyak and War Lake members  
5 created and participated in the following  
6 reference groups: The Keeyask Employment and  
7 Training Agency reference group, the Keeyask  
8 external relations committee reference group, the  
9 Keeyask internal relations committee reference  
10 group, and the business contracting and economic  
11 strategy reference group. We also held roundtable  
12 meetings where all five reference groups would  
13 meet and discuss matters of common interest.

14           The following were established as  
15 bilateral or multilateral committees with Manitoba  
16 Hydro and our partner Cree Nations: Partners  
17 regulatory licensing committee was one co-chaired  
18 by TCN and Manitoba Hydro. This committee is  
19 responsible for governing of the Partnership's  
20 environmental activities, especially as they  
21 relate to the licensing of the project.

22           The coordinator's team: While the PRL  
23 oversaw the environmental assessment, the  
24 coordinator's team managed the environmental  
25 studies, including the environmental impact

1 statement and the environmental protection plan.

2 Key issues working groups, beginning  
3 in '07, a series of working groups were  
4 established to address key issues and to access a  
5 forum to discuss amongst the Keeyask Cree Nations  
6 and Manitoba Hydro. Issues discussed included  
7 Aboriginal traditional knowledge, which is ATK,  
8 and valued environmental components.

9 Enviromental studies working groups;  
10 Manitoba Hydro established working groups with  
11 each Keeyask Cree Nation to review issues of  
12 importance to each community, including a review  
13 of annual field plans for environmental studies.

14 The project description committee  
15 identified ways to reduce, avoid, or prevent  
16 Keeyask adverse effects by articulating the  
17 fundamental features of the projects.

18 The expert joint committee on adverse  
19 effects; this joint CNP/Hydro committee was  
20 established to review all information relating to  
21 potential Keeyask adverse effects as determined  
22 through the OWL process and the environmental  
23 assessment process, and identify, evaluate, and  
24 recommend potential mitigation measures. This  
25 committee was responsible for the development of

1 our offsetting programs, which is part of our  
2 Adverse Effects Agreement.

3 Consulting our members, in addition to  
4 committees and reference group meetings, the  
5 following types of meetings were utilized to  
6 consultant our members. General membership  
7 meetings, these meetings were open to all CNP  
8 members and provided an opportunity for all  
9 members to discuss this project and to ask  
10 questions and to voice their issues and concerns  
11 in an open forum.

12 Information and planning meetings;  
13 information and planning meetings provided an  
14 opportunity to brief CNP leadership and members on  
15 all aspects of the project and to plan for  
16 negotiating meetings with Manitoba Hydro.

17 Negotiating meetings; our negotiations  
18 with Hydro were directly related to the agreement  
19 in principle, the EIP, the Joint Keeyask  
20 Development Agreement, and our respective Adverse  
21 Effects Agreements.

22 We also had some youth meetings, youth  
23 meetings provided an opportunity for CNP youth to  
24 learn and become involved in Keeyask in the  
25 project.

1                    Consultation meetings; meetings to the  
2    ratification votes, these meetings were an open  
3    forum for community members to discuss all aspects  
4    of the proposed Joint Keeyask Development  
5    Agreement and the Adverse Effects Agreements,  
6    leading up to the ratification votes in each of  
7    our communities.

8                    To give an idea of the intensity of  
9    our review of Keeyask, the following number and  
10   types of meetings were attended by CNP members in  
11   Winnipeg, Thompson, Split Lake, and War Lake  
12   between 2001 and 2009: 134 reference group  
13   meetings, 1,455 information and planning meetings,  
14   456 negotiating meetings, 30 general membership  
15   meetings, 7 youth meetings, and 15 consultation  
16   meetings leading to a ratification vote.

17                    CNP; we utilized a variety of  
18   communication media to keep our members informed  
19   about the latest developments related to Keeyask.  
20   These included interviews and questionnaires to  
21   gather information regarding the predicted effects  
22   of Keeyask from our elders, resource users and  
23   other members; community newspapers to share  
24   information, including 33 editions of the  
25   Tataskweyak Journal and nine of the War Lake

1 Mooseocoot Times; radio programs to announce  
2 meetings on various aspects of the project; and  
3 websites to share information regarding the  
4 project.

5           Some of the outcomes of our meetings,  
6 our communities articulated our Cree worldview.  
7 You know, they thought about it, and their core  
8 beliefs to make them understandable to outsiders.  
9 They also described their vital relationships with  
10 Mother Earth. These are the foundations of our  
11 assessment of the Keeyask project.

12           The Cree worldview reflects our core  
13 beliefs that have arisen through countless  
14 generations of living as part of mother earth's  
15 family, as a starting point to understanding some  
16 examples of our core beliefs will follow. A more  
17 complete description of our beliefs is contained  
18 in our evaluation report.

19           I will list some of our beliefs now.  
20 One is we are part of the natural world. All  
21 things are related. All things are at the same  
22 time spiritual and physical. We see the earth as  
23 the mother that bears all things as her children.  
24 We have a responsibility as caregivers for mother  
25 earth. There is no separation between living and

1 non-living parts of the natural world. Spiritual,  
2 physical and emotional relationships with land and  
3 water are the essence of our culture. Our  
4 spiritual, emotional and physical needs can only  
5 be met when we live in harmony with mother earth.  
6 Our core beliefs can be expressed in terms of  
7 relationships that are integral to our cultural  
8 identity. As a people we are inseparable from our  
9 relationships with mother earth, relationships  
10 that are developed over thousands of years. Our  
11 relationship with mother earth on the basis of our  
12 language, history spirituality and our culture.  
13 This is the foundation of our worldview and it is  
14 key to our survival.

15                   Our relationship with mother earth can  
16 be described as spiritual, emotional and physical.  
17 There are many types of relationships that fall  
18 within these broad categories, some of these  
19 relationships include spiritual relationship with  
20 mother earth, historical relationships with the  
21 land, life sustaining relationships with mother  
22 earth, caregiver relationships, hunting, fishing,  
23 gathering and travel relationships, and  
24 educational relationships, physical, emotional  
25 relationships, social relationships within the

1 community. We were sustained as a people in our  
2 homeland for countless generations because we  
3 maintained sustainable relationships with mother  
4 earth. We did not simply use the bounty of mother  
5 earth. Mother earth provided for us, and in  
6 return we practiced stewardship and showed  
7 respect.

8 In evaluating any new developments  
9 such as the Keeyask project and in determining the  
10 resulting impacts, our holistic worldview requires  
11 that all aspects of the project on our  
12 relationships with mother earth must be  
13 considered. Tataskweyak and War Lake use a number  
14 of processes to identify the potential adverse  
15 effects of the Keeyask project.

16 Through community questionnaires and  
17 extensive interviews with elders, members and  
18 resource users, a list of over 60 issues was  
19 created. Our members drew upon our long history  
20 with hydroelectric development to identify these  
21 issues. It was anticipated that the list of  
22 issues would allow a negotiating team to work with  
23 Hydro and other KCN bands to address potential  
24 project impacts through changes in the project  
25 design and some mitigation measures and programs

1 in the Adverse Effects Agreements. With the major  
2 anticipated issues identified, the Owl reference  
3 group worked on identifying mitigation and  
4 offsetting programs for our Adverse Effects  
5 Agreements. We came to see the expected impacts  
6 of the projects as effects on our ability to  
7 strengthen our Cree identity. That is effects on  
8 our ability to maintain relationships with mother  
9 earth through our customs, practices and  
10 traditions.

11 Project design was the first way in  
12 which our environmental issues were addressed.  
13 Through the project description committee, the CNP  
14 worked with Hydro to develop the fundamental  
15 features of the project. It is important to note  
16 that the following features cannot be changed  
17 without the consent of TCN: The north and south  
18 access roads will be routed within specific  
19 corridors to which we have agreed; the intake and  
20 powerhouse complex spillway, main construction  
21 camp will all be at locations shown in the project  
22 description on the JKDA. The construction issues  
23 on the project will require -- will not require  
24 any changes to the Churchill River Diversion  
25 licence, or the Lake Winnipeg Regulation Licence.

1 And the operation of the generating station will  
2 not affect water levels on Split Lake during open  
3 water conditions. The forebay will operate within  
4 a one metre range, and will only be higher or  
5 lower than this range under specific special or  
6 emergency conditions.

7 To our knowledge this is the first  
8 time a major utility has worked with a First  
9 Nation to define the fundamental features. And  
10 has agreed that these features cannot be changed  
11 without the consent of one of our First Nations.

12 The Cree Nation partners, Fox Lake,  
13 York Factory and Hydro has also worked together to  
14 develop other plans and programs to address  
15 specific issues; these include reservoir clearing,  
16 and waterways management. Reservoir depth charts  
17 and travel routes, navigation and hazard marking,  
18 reservoir water level information, safe landing  
19 sites, ice monitoring and safe trails program,  
20 historical resources protection preservation, and  
21 reclaiming disturbed sites.

22 Additionally we and our partners  
23 contributed to the following features of the  
24 project; low head design to reduce flooding and  
25 change of the name from Gull to Keeyask. As you

1 all probably know now that Keeyask means Gull in  
2 Cree.

3           Next the Owl reference group and the  
4 expert committee on adverse effects worked on what  
5 are appropriate replacements, substitutions and  
6 opportunities to offset unavoidable Keeyask  
7 adverse effects on our cultural identity. This  
8 work served as the basis of negotiations for our  
9 respective adverse effects agreements.

10           The following agreements, which are  
11 associated with the Keeyask project, are founded  
12 in the principles and arrangements under the NFA  
13 agreement, and the 1992 Northern Flood Agreement  
14 implementation agreement.

15           The Tataskweyak and War Lake adverse  
16 effects agreements, by defining our Cree worldview  
17 and helping others understand how we experience  
18 environmental effects and through our  
19 reinterpretation of environmental issues as  
20 effects on our ability to maintain our vital  
21 relationships, we began the process of identifying  
22 ways to reduce, mitigate or offset these effects.  
23 By 2009, we had negotiated separate adverse  
24 effects agreements for our communities. Working  
25 together with Hydro, we designed a set of

1 offsetting programs which provided a variety of  
2 opportunities to strengthen our relationships with  
3 mother earth and our Cree identity. These  
4 programs include the access program, which  
5 provides opportunities for families to hunt, fish  
6 and trap in unaffected areas of our resource  
7 management area. Other programs include the Cree  
8 language program, the traditional knowledge youth  
9 program. In this sense we see Keeyask as  
10 providing a significant opportunity to strengthen  
11 our cultural identity.

12           In addition to the programs we  
13 negotiated in our Adverse Effects Agreements, we  
14 negotiated a business arrangement with Manitoba  
15 Hydro and our partner Cree Nations. The end  
16 result, the Joint Keeyask Development Agreement,  
17 JKDA, defines the nature of our participation in  
18 the Keeyask project, including training,  
19 employment and business opportunities for our  
20 members and businesses, and also describes our  
21 investment options.

22           Community ratification; in 2009,  
23 following nine years of formal consultation and  
24 negotiations regarding the Keeyask project, our  
25 communities each held referendums to determine

1 whether or not our members would authorize our  
2 respective chief and councils to ratify the JKD  
3 and the Adverse Effects Agreements. Tataskweyak  
4 and War Lake members voted in favour of our chief  
5 and councils in signing these agreements, and  
6 approved our participation in this project.  
7 Further information can be found about this  
8 process in chapter 12 of our report.

9           In conclusion, I would like to  
10 conclude this presentation by thanking you for  
11 your time. It is my hope that this presentation  
12 has provided greater insight into our unique  
13 assessment, and the effects of the Keeyask project  
14 on us. Through an extensive and engaging  
15 consultation process and a referendum in each of  
16 our communities, the Cree Nation partners have  
17 approved Keeyask. We have determined that the  
18 benefits associated with the training and  
19 employment and business opportunities, when  
20 combined with the opportunities to exercise the  
21 customs, practices and traditions which are  
22 essential to our Cree identity are sufficient to  
23 begin to restore harmony and balance to our home  
24 lands and to our lives.

25           Keeyask will be the fifth generating

1 station on the Nelson River. We can no longer  
2 live off the lands and waters in the way we used  
3 to. With this project we have a realistic hope  
4 that Keeyask can help us strengthen our identity  
5 and to improve the social and economic hardships  
6 that we struggle with daily, while being  
7 constructed and operated in an environmentally  
8 sustainable way, with appropriate mitigation and  
9 monitoring measures to ensure ongoing respect of  
10 the environment.

11 As our elder William Beardy once said,  
12 which Victor just quoted, the lands, the waters  
13 and the resources have provided for us in the  
14 past. We can't exercise our traditional pursuits  
15 as in the past because the waters have changed.  
16 Yet these waters and their power could once again  
17 help to provide for our people. Thank you.  
18 Egosi.

19 THE CHAIRMAN: Thank you, Mr. Flett.  
20 That concludes the presentation.

21 MR. BLAND: Yes.

22 THE CHAIRMAN: Thank you. We have  
23 about 20 minutes left for some cross-examination.  
24 On our rotating list the first up would be I guess  
25 Manitoba Metis Federation. Do you have any

1 questions. No? Consumers Association?

2 Ms. Craft.

3 Just note that we will have to  
4 conclude at 4:30, at least a couple of us on this  
5 panel have commitments this evening, so you have  
6 about 20 minutes today and we will carry on  
7 tomorrow morning.

8 MS. CRAFT: Thank you, Mr. Chair. I  
9 will just get my materials organized here because  
10 I don't have paper presentations for two of the  
11 presentations, so I will be referring directly to  
12 the environmental evaluation reports. Thank you  
13 Commission members, and members of the panel for  
14 your presentations, and welcome to the  
15 participants and the others that are in attendance  
16 today. My name is Aimee Craft for the record.  
17 I'm counsel to the Consumers Association of  
18 Canada, Manitoba Branch. I want to start, and we  
19 are reminded about traditional ways of doing  
20 things, I want to start out by thanking the First  
21 Nations for bringing their environmental  
22 perspectives to the process, but also for coming  
23 to present as a panel today on your environmental  
24 evaluation reports.

25 Just a precursor to some of the

1 questions that I'm going to ask, I would like to  
2 share that I thought your reports were thoughtful  
3 and rich, and so were your presentations today,  
4 and we could really hear the voices of those who  
5 contributed to them, and thank you for bringing  
6 their perspectives forward.

7                   So, I'm not from your communities, and  
8 I was very much educated by your approach that's  
9 in the written materials and from your  
10 presentations today. I would like to ask you some  
11 questions on your approach and your evaluation of  
12 the project itself. I would also like to say that  
13 I'm asking these questions in the spirit of  
14 respectful inquiry on behalf of our client, CAC  
15 Manitoba. You have dealt with some tough  
16 questions. Some of them that you have referred to  
17 today in your presentations, and those tough  
18 questions are addressed in your reports.  
19 Hopefully mine aren't going to be quite as tough  
20 as the ones you have had to deal with over the  
21 last years.

22                   So let's dive in. I'm quite  
23 interested in the two track approach that we have  
24 already heard a little bit about, and I think you  
25 will agree with me that your environmental

1 evaluation reports flow directly from this two  
2 track approach. Now, Mr. Neepin, I am going to  
3 ask you if you wouldn't mind correcting for the  
4 record, earlier you spoke of a two faced approach.  
5 I'm going to say that that's probably just a slip  
6 of the tongue, and what you meant was the two  
7 track approach; is that correct?

8 MR. NEEPIN: Yes.

9 MS. CRAFT: Now there were two  
10 environmental evaluations -- two streams in this  
11 two track approach, and these are the Cree Nation  
12 evaluation reports and the regulatory  
13 environmental assessment process which we have  
14 heard about from the previous panels. And would  
15 it be fair to say, and this is a question for all  
16 three, and I'm speaking, when I say all three,  
17 Mr. Neepin, Mr. Spence and Mr. Bland; would it be  
18 fair to say that these are different in scope, in  
19 method, in values and in concepts, is that  
20 correct?

21 MR. NEEPIN: Yes.

22 MR. BLAND: Yes, I agree.

23 MR. SPENCE: Yes.

24 MS. CRAFT: Mr. Bland I don't have a  
25 copy of your presentation, and I was trying very

1 hard to write notes and listen attentively to what  
2 you were saying, but you did mention on a few  
3 occasions in your comments about reconciliation  
4 and reconciling, going forward, York Factory's  
5 position; is that correct?

6 MR. BLAND: That's correct.

7 MS. CRAFT: I was wondering if you  
8 could define for me what you mean by  
9 reconciliation? I think generally you will accept  
10 that there is a legal definition to  
11 reconciliation. I'm assuming that you have  
12 something particular in mind from a York Factory  
13 perspective?

14 MR. BLAND: From a traditional  
15 knowledge point of view, I would say it is for us  
16 trying to heal our spirits from past impacts from  
17 the project.

18 MS. CRAFT: Can you tell us a little  
19 bit about the methodology that you employ for  
20 that?

21 MR. BLAND: One of the things we do as  
22 Aboriginal people is to share. There is no real,  
23 I guess, practice like as in social work, it is  
24 basically coming together in sharing circles. We  
25 would have elders, youth, adults come together and

1 talk about experiences that we have had with the  
2 project. And a lot of impacts that community  
3 members felt were difficult for them, and as I  
4 mentioned earlier, a lot of members shed tears  
5 when they spoke of some of the impacts and how  
6 they were affected or their families were  
7 affected. So one of the ways that we do reconcile  
8 this is to talk about the hardships and talk about  
9 the impacts and share amongst the circle, and then  
10 people -- generally it kind of opens things up for  
11 other people that are, you know, not so used to  
12 sharing. But it starts a process of healing and  
13 talking about the hardships.

14               So when we began our process it was  
15 right after the JKDA, and it was a difficult time,  
16 you know, there was a little bit of pressure to  
17 finish and complete the negotiations and move  
18 forward. So right after we completed the JKDA and  
19 the adverse effects agreements that we signed, we  
20 sat down, we got our community members together,  
21 and just started to talk about it. And early on  
22 there was a lot of frustration, there was a lot of  
23 anger and hurt feelings, and that whole process  
24 was able to alleviate, I guess, stress or emotions  
25 that were staying inside people's hearts. And

1 through that process, just letting it out, pouring  
2 it out. It was really helpful. And being able to  
3 talk about the positive things, you know, it kind  
4 of gives you a little bit of energy to inhale, it  
5 feels good to breathe again, because you kind of  
6 get stuck while you are sharing.

7 MS. CRAFT: Mr. Bland, are you aware  
8 that the environmental impact statement indicates  
9 that the JKDA and the AEA are reflective of the  
10 perspectives that are in the environmental  
11 evaluation reports of the First Nations?

12 MR. BLAND: Give me one second here.  
13 The JKDA I guess you would have to specify what  
14 you mean. Like, the adverse effects agreement, I  
15 could agree with, but the JKDA, could you  
16 elaborate on what you are saying?

17 MS. CRAFT: My question is actually  
18 related to the timing of the process of the  
19 creation of your environmental evaluation reports.  
20 I just want to confirm that what you are telling  
21 me, and I'm going to try my pronunciation,  
22 kipekiskwaywinan, was created and the process came  
23 after the signing of the JKDA and the AEA?

24 MR. BLAND: That's correct.

25 MS. CRAFT: Thank you. You are

1 talking about a process of reconciliation, you  
2 just described that quite extensively for us. Can  
3 you tell us who was involved from a York Factory  
4 perspective in this process?

5 MR. BLAND: Just me. Just kidding.  
6 We actually had our elders, our youth, our  
7 leadership was there as well. A lot of the people  
8 that felt the impacts of the past project were  
9 there. The youth participated as well. We had  
10 reconciliation sharing circles in the schools. We  
11 were able to bring in some of the younger  
12 generations to share traditional knowledge about  
13 impacts, and for them to understand what was going  
14 on and for them to understand that what we are  
15 doing today is going to involve them heavily in  
16 the future.

17 MS. CRAFT: Thank you for that honest  
18 answer. You gave me hope that I had done such a  
19 brilliant job of this cross-examination that I got  
20 you, that you were the only one that participated.  
21 I understand your sense of humour now.

22 Would it be fair to say that the  
23 process of reconciliation, and what you are  
24 describing in terms of the creation, or the  
25 process for the development of your environmental

1 evaluation report is a process, and that it is  
2 necessarily ongoing?

3 MR. BLAND: Yeah, as I mentioned  
4 earlier, we are looking at different things such  
5 as monitoring, you know, which is a different  
6 panel, but we are looking at things such as  
7 monitoring and trying to include our younger  
8 generations in understanding what these processes  
9 are, and making sure that they are prepared as we  
10 moved forward.

11 MS. CRAFT: And directly in your  
12 discussions relating to the development of  
13 kipekiskwaywinan, did you address how that  
14 document will be used going forward in monitoring  
15 and the process as you've just described it?

16 MR. BLAND: The document?

17 MS. CRAFT: My question really is are  
18 the community members aware of how this document  
19 and the concepts discussed will be used going  
20 forward?

21 MR. BLAND: The community members  
22 created the document. If you have a look through  
23 the document, we have a lot of quotes and  
24 feelings, as I expressed earlier, of pain and then  
25 optimism at the same time. And everybody

1 participated -- well, not everybody, you know what  
2 I mean, but there is a really big population of  
3 the community that came out and participated in  
4 the creation of this document. And moving forward  
5 we hope to have this document become a part of our  
6 education system, you know, using it as an  
7 educational tool. I'm not quite sure what if  
8 that's what you are looking for in terms of your  
9 answer.

10 MS. CRAFT: That's fine. This is for  
11 all three again. Would you accept that ATK was  
12 integrated into the environmental regulatory  
13 process? And by that I mean the EIS or the series  
14 of binders that you are all familiar with?

15 MS. ANDERSON: We will provide an  
16 answer from Fox Lake, and it will be two parts.

17 MS. AGGER: So, Fox Lake had carried  
18 out its own Aski Keskentamowin study, and whenever  
19 we saw there was relevant Aski Keskentamowin that  
20 was added to the environmental -- particularly the  
21 terrestrial and the aquatic sections of the  
22 supporting volumes, and I think you will note that  
23 Fox Lake is referenced throughout those two --  
24 particularly those two volumes.

25 MS. CRAFT: So is that a yes or a no

1 to integration of ATK?

2 MS. AGGER: It was integrated, yes.

3 MS. CRAFT: Mr. Spence?

4 MR. SPENCE: Earlier you spoke about  
5 the two track approach, the ATK, the TCN along  
6 with War Lake did an evaluation on the project.  
7 It was part of the EIS submission, and that if you  
8 are looking for a yes or no directly to your  
9 question, it was submitted jointly along with the  
10 other documents that was done through the western  
11 science to meet the regulatory processes required  
12 by the Province and the Federal government.

13 MR. BLAND: Yes, we participated as  
14 well.

15 MS. CRAFT: And the reason I'm asking  
16 this question is because we have seen, we have all  
17 seen the slides and we have seen it in the EIS  
18 document itself about this two track approach,  
19 essentially two different streams that are not  
20 colliding or meeting, and I accept that, that we  
21 have two different environmental evaluations; one  
22 in the environmental regulatory process and the  
23 other is coming from your nations. I'm wondering  
24 specifically about Aboriginal traditional  
25 knowledge, and Mr. Flett, in your presentation

1 today you discussed that ATK and worldview are  
2 integrated, are two important pillars of  
3 understanding who you are. And I'm just wondering  
4 how much of that ATK has been reflected, not in  
5 your own documents, but the documents that were  
6 prepared by the Partnership?

7 MR. FLETT: I can only speak on the  
8 documents that we have, that we have, and the  
9 documents that we spoke about today. The reason  
10 why you don't see the two tracks meeting at some  
11 point in the future is because this is an ongoing  
12 process that's going to continue for the life of  
13 the project. We will always have the ATK  
14 integrated into our evaluations, and that is what  
15 we are going to base our studies on. And the  
16 western science part of that, that's the Manitoba  
17 Hydro stream track. So that's what I have to say  
18 about that.

19 MS. CRAFT: I have been looking  
20 through the materials, and this is not your  
21 reports but in the EIS, and I'm trying to  
22 reconcile my own mind around how the two are  
23 supporting each other or not, the environmental  
24 regulatory and your environmental regulatory  
25 processes. I'm looking at the common principles

1 regarding the inclusion of Aboriginal traditional  
2 knowledge in the Keeyask environmental assessment.  
3 And this is in chapter 2 of the EIS response to  
4 guidelines. And this is for, I'm just going to  
5 repeat the title, it is the Common Principles  
6 Regarding the Inclusion of Aboriginal Traditional  
7 Knowledge in the Keeyask Environmental Assessment,  
8 and I'm presuming that means both assessments; is  
9 that fair? Mr. Bland?

10 MR. BLAND: Yes.

11 MS. CRAFT: And from Fox Lake, do you  
12 have a response? Mr. Neepin or Ms. Anderson?

13 MR. NEEPIN: Can you clarify that,  
14 that's basically the same question that you  
15 asked -- what do you mean?

16 MS. CRAFT: I'm just asking if you are  
17 familiar with this --

18 MR. NEEPIN: Yes.

19 MS. CRAFT: And Mr. Spence as well?

20 MR. SPENCE: Yes.

21 MS. CRAFT: And the first principle in  
22 those common principles is giving equal weight to  
23 ATK and western science. Do you accept that? It  
24 is in the document. I'm sure you are familiar  
25 with it. My question to you, and all three of

1 then is are your environmental evaluation reports  
2 in your view the primary mechanism by which equal  
3 weight was given to your ATK perspective?

4 MR. BLAND: Yes, I would say that, it  
5 is our view.

6 MS. CRAFT: Mr. Spence?

7 MR. SPENCE: Yes, I don't see any  
8 other way for our nation to participate  
9 meaningfully on this project. We insisted on it.

10 MS. CRAFT: And for Fox Lake?

11 MR. NEEPIN: Yes.

12 MS. CRAFT: Now, Mr. Neepin, while I  
13 have you near a microphone, the Fox Lake  
14 environmental evaluation report says that although  
15 the Keeyask EIS includes Aski Keskentamowin, and I  
16 apologize for the mispronunciation, in equal  
17 weight to western science. In practice this has  
18 proved challenging. Now today you have  
19 indicated -- let me refer back to my notes -- that  
20 equal weight has been given, especially in  
21 relation to mitigation and especially when there  
22 has been different results between western science  
23 and the ATK perspectives. Has there been a shift  
24 from the time the environmental evaluation reports  
25 were prepared to reflect the nature of your

1 comments today?

2 MR. NEEPIN: Maybe we will just give  
3 you a bit more description of our process and we  
4 will ask Leslie to do that.

5 MS. AGGER: Sure. In addition to the  
6 evaluation or the evaluation report, Fox Lake did  
7 its own traditional knowledge study, and ground  
8 truthing was a major component of that. We also  
9 developed processes so that there was direct input  
10 to and from the local elders and resource users  
11 with Manitoba Hydro, and those processes took a  
12 long time to establish. So in our view we have  
13 been collecting and providing Manitoba Hydro and  
14 its consultants with Aski Keskentamowin for years.

15 THE CHAIRMAN: It is now 4:30, so I  
16 think we will adjourn for the evening, and we will  
17 reconvene -- One more question directly related?  
18 Yes.

19 MS. CRAFT: Mr. Neepin, would it be  
20 fair to say that the process is still challenging  
21 although there is progress?

22 MR. NEEPIN: Yes.

23 MS. CRAFT: Thank you.

24 THE CHAIRMAN: Thank you. Madam  
25 secretary, you have documents to register?

1 MS. JOHNSON: Just one today. It is  
2 KHLP number 50, which is this presentation on the  
3 Cree Nation partners.

4 (EXHIBIT KHLP50: Presentation of the  
5 Cree Nation partners)

6 THE CHAIRMAN: Thank you. So we are  
7 adjourned until 9:30 tomorrow morning.

8 (Adjourned at 4:30 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.

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Cecelia Reid  
Official Examiner, Q.B.

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Debra Kot  
Official Examiner Q.B.

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