

**Shamattawa First Nation Keeyask Project Presentation to
Manitoba Clean Environment Commission
November 7, 2013**





Thank you , Mr. Chair, Commission members, Chiefs, elders, youth, ladies and gentlemen for this opportunity to provide commentary on the proposed Keeyask Project and the material submitted by KCNP about Shamattawa First Nation

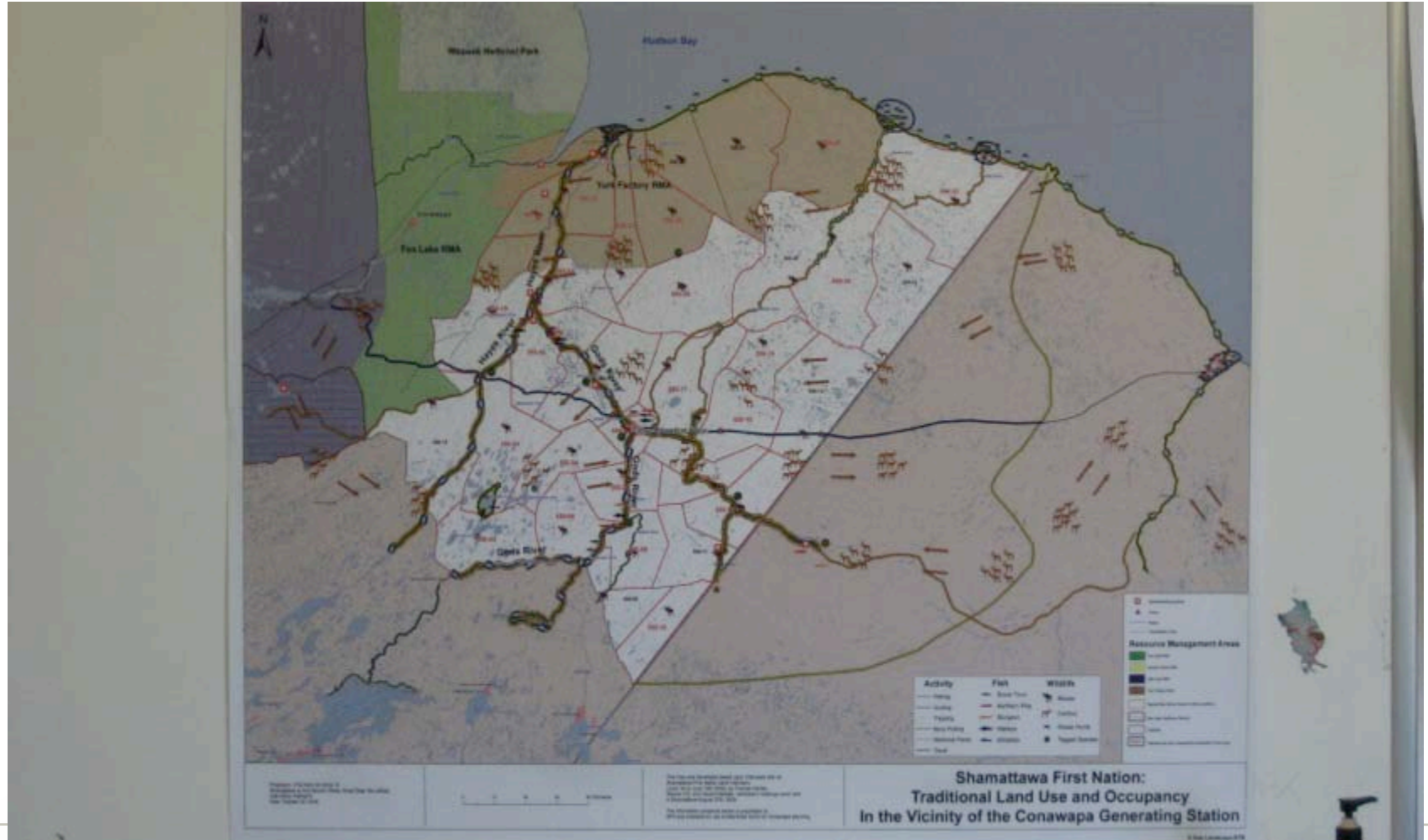
Presentation is made on behalf of the
People of Shamattawa
and

Chief William Miles
Councillor Jordna Hill
Councillor Liberty Redhead
Councillor Kerry Miles
Councillor Sidney Canabie

Presentation Outline

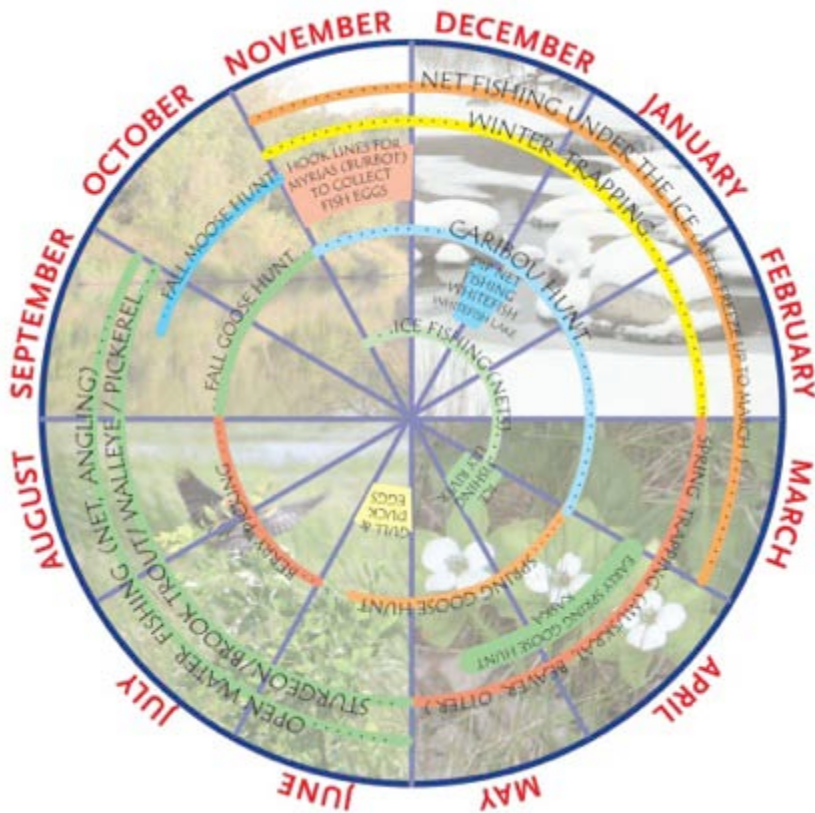
1. Shamattawa First Nation relationship to the Proposed Keeyask and Conawapa Projects: Context and Background
2. Consultation – PIP (Keeyask) SFN Contributions
3. Response to the Keeyask EIS Executive Summary
4. Commentary on KHLP Report “Shamattawa: A Review of Available Information on the Current Use of Lands and Resources for Traditional Purposes in the Keeyask Resource Use Regional Study Area and Potential Effects of the Keeyask Generation Project on those Uses” CEA Registry Reference Number 11-03-64144
5. SFN Recommendations/Outcomes for CEC consideration

Shamattawa First Nation Traditional Land Use and Occupancy Area





Land Use Activities



Seasonal Calendar

- Hunting
- Fishing
- Trapping
- Gathering
- Tents/Cabins

Shamattawa First Nation Relationship to the Proposed Keeyask and Conawapa Projects: Context and Background

- SFN in 2007 entered into a SFN/ Manitoba Hydro Conawapa Consultation Agreement with funding that has led to production of the following Reports
- SFN/Manitoba Hydro Conawapa Consultation documents were submitted to CEC: i) TLUO Report 2009
- ii) Household Survey 2010
- iii) Building Community Unity: Fisheries 2012
- Manitoba Hydro funded SFN to prepare a Critique and Comments on the Keeyask Draft CEA 11-03-64144 Report in July 2013
- These Reports and what follows were used directly in this presentation: Keeyask Executive Summary; Cumulative Effects Chapter 7 Other selected EIA Reports

Sharing Insights about the Natural Environment





SFN Linkages to the Nelson River

By shared history and culture preceding European contact
By canoe and boat; by sled and snowmobile; past and present continuum
By the migrating animals, birds, and fish on which the community depends
By interactions with Manitoba Hydro as diesel energy provider; and others

SFN Keeyask PIP Meetings

- Round One – 2008 SFN unable to participate due to lack of representation for SFN
- Round Two – 2012 Chief Napoakesik and council led Shamattawa community meeting with Manitoba Hydro representatives
- Round Three – 2013 Chief William Miles and Council host PIP presentation; later review draft CEA Report

So What are SFN concerns with the Keeyask Project?

- SFN hydro-developments effects not fully identified and have not been addressed by Manitoba Hydro.
- SFN Excluded from Keeyask Project funding to assess effects.
- SFN Potential effects on livelihood and Treaty/Constitutional rights not acknowledged by those with a fiduciary responsibility (these may or may not be addressed under Section 35 Process).
- Complexity of Keeyask assessment processes led to early misunderstanding of key flow chart depicting roles and deadlines
- SFN Member's discussions with Cree Partner First Nations of Manitoba Hydro about Keeyask effects deepen Member's concerns about environment, culture, and implications for the future



Response to the EIS Executive Summary

Many of the assurances, mitigation and compensation measures do not apply to Shamattawa First Nation because their concerns, documented in written Reports and PIP consultations since 2009 have not been addressed

Concerns in the EIS Executive Summary

- Fifty-five years of hydro-electric development in Northern Manitoba have had profound effects that are acknowledged. However, the Summary suggests that the proponents of the Keeyask project have “mitigated, remediated, and/or compensated, for these effects” and any remaining effects are insignificant and acceptable”- SFN disagrees with this assurance
- Main Keeyask Project VEC conclusions “no significant effects” in several biophysical and socioeconomic components – not accepted by SFN who believe that *cumulative* project effects are inadequately addressed and adverse effects of past hydro development continue and have yet to be addressed and/or resolved
- Mitigation and compensation for Keeyask Cree Partners for past effects have been concluded but no Keeyask Past Adverse Effects Agreement or negotiation process has been made available to SFN.

Concerns in the EIS Executive Summary (continued)

- The Summary touts that Keeyask Project will provide electrical service for over 400,000 homes elsewhere in Manitoba and the USA through the hydro-electric grid. However, there will be no renewable hydro-electric service or benefits for SFN because the community is not on the grid
- The Summary notes the positive Keeyask Project effects in reduction of greenhouse gases and the need for fossil fuel use in Manitoba and the USA. However, the people of Shamattawa will not be included and must continue to rely on fossil fuel generated power for electricity and heat
- The Summary describes the basis for Inclusion of First Nation in JKDA – SFN excluded by arbitrary definition “in the vicinity” as compared with “impacted First Nation”
- The Summary notes the general acceptance of major Keeyask Project effects by the Cree Partners. SFN excluded and Project concerns documented but not addressed

Concerns in the EIS Executive Summary

- Main conclusions for VECs are that effects are minimal, insignificant, or can be remediated. Yet the *impact legacy of 55 years of hydro-electric development* is seen by Members as devastating to the Cree in biophysical, socioeconomic, and cultural terms
- Although Funded to understand Conawapa effects from 2007-2013, KHLF funding was not provided to understand Keeyask Project effects on SFN.

Specific Concerns in the CEA 11-03-64144 Report on SFN Resources Use

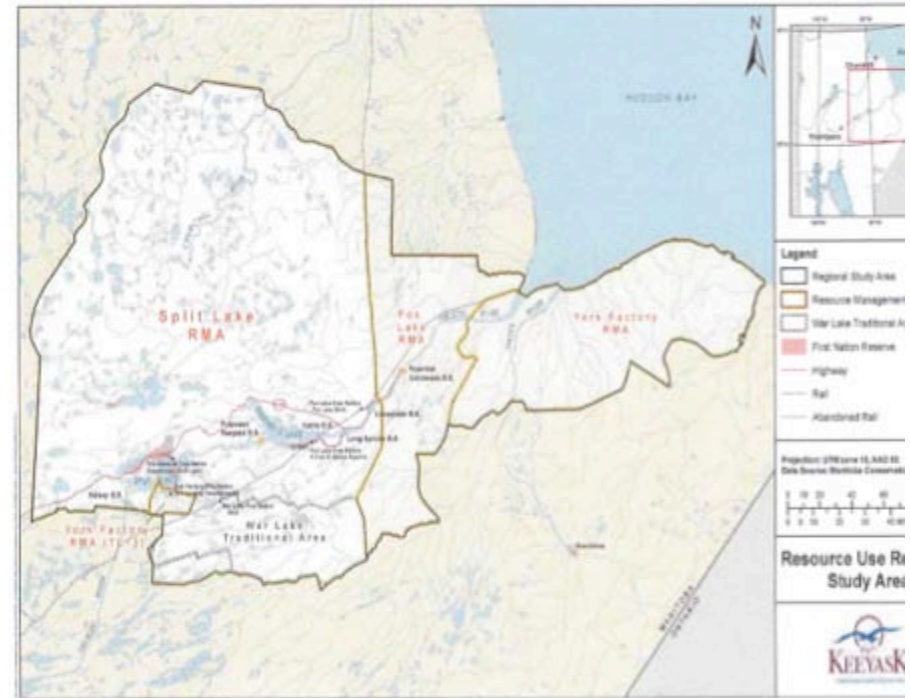
- Although many effects issues are included in the CEA Report, the York Factory RMA issue (Explored in the SFN TLUO Report submitted to Manitoba Hydro in 2009) was left out of SFN Resources Use Assessment. Why?
- Is it because a partner in the KHLP and Manitoba Hydro would rather ignore a SFN identified effects issue associated with the NFA and past hydro-electric development?
- YFFN RMA issue overview is examined briefly in next slide and SFN Map.

Comparison of SFN – TLUO Map and KCN Resource Use Regional Study Area Map

SFN TLUO Map



KCN Resource Use



Specific Concerns in the CEA 11-03-64144

Report on SFN Resources Use

(continued)

- Moose and Penn Island caribou harvest downplayed as primarily “near the community” – SFN TLUO Map clearly indicates harvest throughout the trap line area
- SFN largely scoped out of the effects assessment locally and regionally
- Downplays the significance of migration of key species (caribou, sturgeon, waterfowl) in the local and regional study areas important to SFN livelihood activities

Specific Concerns in the CEA 11-03-64144 Report on SFN Resources Use (continued)

- SFN believes that the Cree Mother Earth Model based on relationships takes a secondary role in the CEA Report compared to scientific, published sources
- A historic commercial sturgeon fishery at Shamattawa and the commercial value of current trap line use is largely ignored or downplayed in importance
- Effects of Keeyask Projects, locally and regionally, are scoped by the EIS in a manner to suggest that effects are limited to a narrow corridor following the Nelson River. SFN believes that both biophysical and socioeconomic effects are much broader than the EIS local and regional study area.

Penn Island Caribou/ Moose and SFN Hunting

- SFN **disagrees** with the following concluding statements:
- Pen Islands coastal caribou “overall effects expected to be adverse but regionally acceptable because habitat loss is small compared to widespread regional availability ” and “there is negligible change to intactness and mortality”
- “Hunting and trapping locations identified by SFN are not within areas directly affected by the Project (ie. The Keeyask Resources Use Local Study Area). Therefore, hunting and trapping are not expected to be directly affected by the Project”
- Residual effects on caribou are small, adverse, medium in extent, long-term in duration and small in magnitude

Penn Island Caribou/ Moose and SFN Hunting

- These reassuring concluding statements are in sharp contrast to those of scientists in Ontario monitoring the same migratory herd where the species is listed as threatened and under the Species at Risk Act where the woodland caribou are also listed as threatened, and where Reports note-
- “Threats to forest-dwelling woodland caribou include habitat loss, degradation and fragmentation due to settlement and development activity such as forestry, mining, **hydro corridors and roads.**”
- Ontario, unlike Manitoba, has prohibited hunting by non Aboriginal people since 1929

Chief William Miles' Sturgeon



Sturgeon and SFN Fishing

- SFN TLUO Area is one of abundance where several fish species follow migratory routes over considerable distances
- SFN is concerned that past hydro development has played a major role (with commercial fishing) in the significant decline in sturgeon populations throughout Northern Manitoba River systems
- SFN is concerned that further reduction of sturgeon habitat by Keeyask Project will be additional to impacts of prior hydro development that have yet to be remediated by establishment of a local sturgeon hatchery facility.
- Elders and other Members are particularly concerned with the methods of fish tagging, fish egg and sperm stripping, and the environmental effects of sturgeon restocking

Sturgeon and SFN Fishing

- People at Shamattawa catch and eat fish (including sturgeon) as an important part of their seasonal harvest of the renewable resources for their livelihood
- SFN is part of the LNRSSA committee because they are concerned about the stewardship and sustainability of sturgeon in the Northern river systems generally
- SFN has been an active partner with Manitoba Hydro consultants in developing a deeper understanding of sturgeon life cycle from both Cree TK and scientific perspectives



Mercury and Health

- Manitoba Hydro and other scientists understand the potential broad effects of mercury accumulation in ecosystems, fish, and animals and to that end took hair samples at Shamattawa for study in the early 1970's
- The results of these investigations were never reported back to people in Shamattawa
- There is concern that mercury in fish and animals will affect SFN Member's health, and the environment

Primary Effects Assessment Conclusions in CEA Report on SFN Not Accepted

- “Land and resource use for traditional purposes by SFN members has not been documented in the Keeyask Local Resources use Study Area. Therefore traditional land and resources use undertaken by the SFN Members is not expected to be directly affected by the Project’.
- “In the Regional Resource Study Area.....It is not expected that this use and associated travel and navigation will be affected in any noticeable way”.
- “No significant effects are expected.”

Primary Effects Assessment Conclusions IN CEA Report Not Accepted

- SFN believes that Manitoba Hydro, since receiving the 2009 SFN TLUO Report has had the information necessary to refute these conclusions, particularly with regard to an issue of resource use and planning in the YFFN RMA.
- SFN further believes that the migratory Pen Island caribou herd, important to Member's livelihood and designated as threatened, will be negatively impacted by further hydro-electric development.

Primary Effects Assessment Conclusions in CEA Report Not Accepted

- SFN believes that the migratory interaction of sturgeon between the Nelson and the Hays and Gods Rivers is inadequately assessed in terms of magnitude and seasonal patterns.
- SFN believes that water quality issues and mercury contamination associated with the Nelson River may impact Member's health.
- Manitoba Hydro's legacy issues undermine confidence that adverse effects of Keeyask will be addressed by the KHLP in a timely and effective manner.

Insight and Perspective of SFN Elder

- Our connection with Mother Earth
- Past, present, future relationships with others
- Elder's wisdom
- What is lost cannot be replaced with money
- Respectful relations with animals and fish
- Respect and trust essential to further relationships

SFN Recommendations/Outcomes for CEC Consideration

- A fuller and independent review of cumulative effects of 55 years of hydro-electric development is needed in light of the widespread environmental, socioeconomic, and cultural losses visited upon the Cree. SFN notes that Manitoba Hydro and their Keeyask Cree Partners conclude that “*The Project will cause numerous and widespread environmental and social effects, some of which would have had the potential to be significant. However....the partnership has mitigated, remediated and/or compensated for these effects, such that the Partnership is confident that the Project should proceed.*”
- SFN does not support this conclusion and notes that effects from past hydro-development on SFN have yet to be addressed and potential future Keeyask impacts on SFN renewable resource use are disputed. As a result, SFN recommends that Manitoba Hydro be required to address both outstanding and potential effects through a fair and transparent process of negotiation with SFN.

SFN Recommendations/Outcomes for CEC Consideration

- In particular, SFN is requesting from the KHLP , an independent and collaborative assessment with SFN of migratory movement of the Pen Island caribou herd and the cumulative effects of development on this threatened species so important to Member livelihoods.
- SFN notes the considerable advantage to others in Manitoba and the United States of renewable hydro development associated with the Keeyask Project. Noting this and wishing to be equally advantaged, SFN recommends that CEC support SFN request to receive hydro - electric benefits through connection of Shamattawa to the Manitoba Hydro electrical grid.

SFN Recommendations/Outcomes for CEC Consideration

- SFN recommends that Manitoba Hydro, for both Keeyask and any future hydro-electric development, consider local and regional effects more broadly in EA analysis, and within the context of cumulative effects. The idea that each hydro-electric project's marginal effects can be limited by narrowly scoping local and regional study areas should be challenged.
- The definition of First Nation "in the vicinity" as more important than a definition inclusive of "impacted First Nations" deserves attention. For example, SFN is now considered "in the vicinity" of the Conawapa Project (some 90 km. downstream from Keeyask) but was not considered to be "in the vicinity" of the Keeyask project, creating a severe funding and opportunity disadvantage to SFN in the processes associated with Keeyask Project effects.

Sustainable Development –Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

- SFN is realistic in terms of Keeyask Project development outcomes and potential effects and trusts the CEC to make informed decisions within the spirit of sustainability and needs of Mother Earth. However, all who would associate with SD, as the KHLP have, must remember that the essential *needs of the poor are to have overriding priority compared to the needs of those with more.*
- People at Shamattawa are Manitobans who are determined to have their legitimate issues addressed by Manitoba Hydro, while their sustainable, future livelihood activities, so important to culture and food security, are protected for future generations.
- SFN has appreciated the opportunity provided by CEC to have Keeyask concerns presented and witnessed by community leadership and Elders, and to have these concerns placed into public decision processes.
- The Cree at Shamattawa respect the past, the wisdom of the Elders, and want to be included in any aspect of Keeyask and Conawapa development that may effect them.

SFN looks forward to respectful working relationships with others for the betterment of present and future generations

