

# **CHAPTER 2**

## **PARTNERS' CONTEXT, WORLDVIEWS AND EVALUATION PROCESS**

# CHAPTER 2

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## 2.0 PARTNERS' CONTEXT, WORLDVIEWS AND EVALUATION PROCESS

### 2.1 INTRODUCTION

This chapter presents the context within which the Keeyask Hydropower Limited Partnership (the Partnership) approached and developed the principles and processes that have guided the preparation of this environmental impact statement (EIS).

The Partners agreed early on that there would be a Keeyask Cree Nations evaluation process as well as a government regulatory environmental assessment process. This chapter focuses on the central elements of the Keeyask Cree Nations' (KCNs) worldview and the fundamental values integral to that worldview. This includes the critical importance and function of Aboriginal traditional knowledge (ATK) throughout the multi-faceted process of KCNs engagement in the Keeyask Generation Project (the Project).

Much of the text in this chapter has been prepared by the KCNs, beginning with Section 2.2, which explains their worldview. Section 2.3 provides a chronology of agreements between each Cree Nation and Manitoba Hydro (and, at times, Canada and Manitoba), beginning with those that compensated for damages caused by past hydro projects, and then the Joint Keeyask Development Agreement (JKDA), which marks a new era of collaboration and cooperation before a major new project is undertaken. Sections 2.4, 2.5 and 2.6 are then devoted to the Cree Nation Partners (Tataskweyak Cree Nation and War Lake First Nation working together as the CNP), York Factory First Nation (YFFN) and Fox Lake Cree Nation (FLCN), who each share their goals and objectives, experiences and perspectives about their participation in the Project. This analysis includes a description of the extensive and comprehensive community consultation processes undertaken by KCNs communities respecting their engagement in the Project planning over many years.

After intensive community consultation, each First Nation approved the JKDA and their community-specific adverse effects agreements (AEAs), and their respective Chiefs and Councils subsequently signed the JKDA and AEAs with Manitoba Hydro in 2009. The JKDA and AEAs provide the legally binding framework for the relationship between the KCNs and Manitoba Hydro in the planning, construction, future operations and **monitoring** of the Project. While the EIS considers the manner in which these agreements influence the design criteria, adverse effects programs, and hiring preferences of the Project,

the agreements per se are not within the scope of the Project for which regulatory approval is being sought and are not subject to review in the environmental impact assessment.

CNP, YFFN, and FLCN, with Manitoba Hydro's support, autonomously represented themselves and retained external expertise during the JKDA and AEA negotiations. They directed and managed the evaluation of the environmental impacts of the Project on each of their respective communities and their Members, based on their own worldview. They engaged their own independent professional and technical support and used ATK in their evaluation of the Project impacts.

As a partner, Manitoba Hydro also describes its approach to the initiative by elaborating its mission and commitment to sustainability and to establishing positive, respectful, constructive and mutually beneficial relationships with Aboriginal communities in Manitoba in general, and specifically the KCNs in this initiative.

The final section of the chapter provides a summary of Manitoba Hydro's mandate, goals and sustainable development principles.

## **2.2 KEYYASK CREE NATIONS WORLDVIEW, VALUES AND ABORIGINAL TRADITIONAL KNOWLEDGE**

### **2.2.1 KEYYASK CREE NATIONS WORLDVIEW AND VALUES**

The following consensus respecting how the Ininewak (the Cree people) live and what is true about Askiy (the living earth and all within and upon it) has been developed among and articulated by the Elders and leadership of the KCNs.

#### **Ininewak Askiy Kasikannowapachikatek (How the Ininewak Live and What is True About Askiy)**

We are four Cree Nations: Tataskweyak Cree Nation, War Lake First Nation, Fox Lake Cree Nation and York Factory First Nation. We do not speak for others.

The following statements are not a complete description of who we are, how we live and what is true to us, and there are differences between and amongst our communities and our individual members. However, we share the following statements regarding who we are, how we live and what is true to us. These statements provide important guidance for the Keeyask Generation Project.

We, the **Ininewak**<sup>1</sup>, were placed here on Askiy by Manitou. We are part of Askiy. We are sustained by Askiy. We care for Askiy. Our language, Kitayamowin, is fundamental to who we are, how we live and what is true about Askiy. It is important that our language is maintained. We highly value our families, communities, and Nations, and these make up who we are as Ininewak.

**Askiy** is the word used by the Ininewak for the whole of the land, water (nipi), animals (aweassisak), plants including medicines (muskikéya), people (Ininewak), all other creatures and the interrelatedness of all things. All things are alive, have spirit and come from Askiy. Askiy and all things come from something greater than us – Manitou. Our culture, spirituality and history are part of Askiy. Kakenaw kakona ota aski nikanatentennan – everyone and everything on Askiy is sacred to us.

**Niwákomákanak (My Relations)**<sup>2</sup>, all things are related; all things are equal. We are all relations. Our relationships with Askiy are important to our culture, identity, spirituality and history. Our relationships are based upon aspénimowin (trust) and kisténitamowin (respect) for every part of Askiy. Ininewak kistentamok kakenow kakona ota aski – We highly respect everything that is part of Askiy.

**Mino-pimatisiwin** means living a good and honourable life. Mino-pimatisiwin includes many things such as being a good person, respecting Askiy, harvesting and consuming healthy Ininew foods, and following our values. Kanawécikéwin – we care for Askiy for the Ininewak today and future generations. We pray and give thanks for everything that Askiy provides. Ohcinéwin – if a person harms or abuses anything that is part of Askiy, there will be consequences for oneself and even one’s family members. Because this is such a powerful thing, we need to be careful and respect even the use of this word. Pastamowin – if a person slanders another person, there will be consequences for oneself and even one’s family members. When we act in a harmful or disrespectful way, we must acknowledge the harm we have created and make sincere attempts to put things right and strive for é-tipápéskopanik (balance) and minonénimowin (harmony). To set things right we use rituals and ceremonies. Matinakéwin - we share with others. We, the Ininewak, maintain our kiskinohamakaywina (teachings) and aniska achimowin (traditions) by living them (pimatisiwin) and teaching them to our youth and future generations.

This is what we know to be true and important. This is how we should conduct ourselves while we are alive.

See Appendix 2B for a syllabic interpretation of the Cree worldview.

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1 Some Members of our communities also refer to who we are as the Muskego Ininewak and the Nehenow Ininiwak.

2 There are different ways of speaking about relationships in Nehenow ayamowin. Other Cree terms include wakohtinwin (kinship), kiwákomákananak (our relations) and wakoméwéwin (relationship).

## 2.2.2 ABORIGINAL TRADITIONAL KNOWLEDGE

Joseph Irvine Keeper, a Cree born and raised in Norway House, has worked with Cree communities for much of his life. He was involved in the Community Development movement of the 1960s, which had as its objective the involvement of the Cree people in developing self-reliant, self-governing First Nations. He participated in the organization of the Northern Flood Committee and its role in the landmark **Northern Flood Agreement (NFA)** (1977), which created the basis for the TCN Implementation Agreement (1992) and subsequent agreements. Joe has contributed the following text, extracted from the CNP Keeyask Environmental Evaluation Report, as description of the Cree historical relationship to the land that the KCNs continue to live and experience today:

Since time immemorial, we have had a relationship to our lands and waters that was inextricably linked to our existence and survival. We saw ourselves as interrelated to the land and all parts of the land, both animate and inanimate. We believed that for our continued existence and survival as Cree it was necessary to live in a way that maintained the harmony and balance of the ecosystem. We believed that if this could not be accomplished we could not survive. Our ecosystem would then begin to unravel and eventually disappear. Therefore, over the millennia, we developed within our culture the spiritual beliefs, customs, values and practices that would serve to ensure harmony and balance within our world.

Our ancestors believed in a Creator or Great Spirit who had provided a land with all the requirements that we needed to sustain our identity. As part of this belief, it was necessary for all parts of the lands and waters to relate and interrelate with every other part. It was important for our ancestors to find a way to ensure and enhance these relationships. This was accomplished through particular practices which showed respect and gratitude to animals and plants and to all other parts of our world, as provided by the Creator. There were particular ceremonies, rituals and practices, such as the vision quest for youths, to enhance their relationship with the other beings in our world.

Inherent in the Cree culture is how we placed ourselves in our relationship to the land and all of nature. It was a reciprocal relationship - nature contributed by caring for the Cree and the Cree contributed by caring for nature.

Within our culture, spiritual life, family life, and livelihood activities are not separated. These values and beliefs become an integral part of an individual's personality. When TCN and War Lake Members look at the purpose of our resource area, they see it from within the spectrum of our value and belief system. It is seen as part of the gift from the Creator from which we obtain our livelihood and reason for being. It is also part of our value and belief system that we must treat all parts of his world with the respect and care consistent with the spiritual beliefs of our culture.

As we became involved with the white man and adapted Christianity into our spiritual beliefs, certain practices changed, but the basic beliefs, values, traditions and customs have been retained.



ATK, then, is a cumulative body of knowledge, practice and belief about relationships among living beings that is handed down by Elders in each generation and is a way of life continuously adapted and added to by each generation.

The principles, which have guided the sourcing, use and incorporation of ATK into this EIS are included as Appendix 2A to this chapter.

## 2.3 HISTORY OF AGREEMENTS BETWEEN KEYASK CREE NATIONS AND MANITOBA HYDRO

The KCNs have lived for centuries in their ancestral homeland, which is today at the very heart of Manitoba Hydro's northern generating system. In the experiences between the Cree and non-Aboriginal people since first contact with Europeans in the 17<sup>th</sup> century, there have been interactions of various types, including negotiations and oral or written agreements. These experiences form an integral part of their approach to participation in the Project.

Over the centuries, the Cree experienced a gradual loss of control and power in decisions affecting major aspects of their lives. The increased need for land and hydroelectric resources by the larger Canadian society resulted in greater intrusion in their ancestral homeland and the culture of the Cree. Hydroelectric developments in northern Manitoba, which began about 50 years ago, became the largest factor in reducing the capacity of their homeland **ecosystem** to sustain them physically and culturally.

The first indication of a project that would affect the flows and levels of the waters on the lower Nelson River happened in 1957 with the start of construction of the Kelsey Generating Station. Two decades later, it was followed by the **Lake Winnipeg Regulation** and **Churchill River Diversion** (LWR and CRD) Projects. Construction of this massive regulation and diversion scheme began in 1970, with LWR completed in 1976 and CRD operational in 1977. During that same era, two large generating stations were developed: Kettle Generating Station, which inundated surrounding land and lakes to create Stephens Lake, was completed in 1974, and Long Spruce Generating Station was completed in 1979. From the Cree perspective, CRD, LWR and the two additional generating stations caused the most severe effects on their culture by seriously limiting the use of their homeland ecosystem.

In December 1977, the landmark Northern Flood Agreement was signed by Canada, Manitoba, Manitoba Hydro and the Northern Flood Committee, which represented five Cree Nations: Split Lake First Nation now called Tataskweyak Cree Nation (TCN); York Factory First Nation; Norway House Cree Nation; Cross Lake First Nation; and Nelson House First Nation (now called Nisichawayasihk Cree Nation [NCN]). The NFA was one of the first agreements of its type in Canada. It provided a range of remedial and compensatory

measures to address the effects caused by hydroelectric development, including compensation programs and remedial measures for trappers and fishermen.

Four of the NFA communities have since signed agreements with Canada, Manitoba and Manitoba Hydro to implement their respective obligations: TCN in 1992, YFFN in 1995, NCN in 1996, and Norway House in 1997. In 2004, FLCN signed an agreement with Manitoba and Manitoba Hydro that recognized and resolved adverse effects of past projects on the natural environment in FLCN's traditional territory and related socio-economic impacts, including land use issues. In 2005, WLFN signed the War Lake Past Adverse Effects Agreement with Manitoba and Manitoba Hydro, which recognized WLFN's use of their traditional resource area in the southern portion of the Split Lake Resource Management Area (SLRMA) by payment of compensation for damages caused by previous hydroelectric development.

The following initiatives designed to analyze the effects from previous projects and the potential effects of the Keeyask Generation Project were undertaken and ultimately led to the signing of the JKDA, the environmental assessment and this resultant EIS and the KCNs' Environmental Evaluation Reports:

- Joint Studies on the Impact of Past Hydro Developments in the Split Lake Area:** TCN and Manitoba Hydro undertook a number of studies from 1992 to 1996 to analyze the impacts on the community of Split Lake due to the potential development of hydroelectric generating stations on the Nelson River between Split Lake and Stephens Lake. These studies culminated in the publication of the Split Lake Post-Project Environmental Review. In response to a request from TCN, the community and Manitoba Hydro examined the impacts of Manitoba Hydro project initiatives that had occurred within the SLRMA between 1957 and 1996. It reviewed the impacts of Manitoba Hydro development in the SLRMA from both Aboriginal traditional knowledge and technical scientific perspectives, and identified baseline research requirements for developing a hydroelectric project at Gull Rapids. The review generated five separate reports documenting outcomes.
- Agreement-in-Principle (AIP) and Process Agreements:** In 1996 following the completion of the Post-Project Environmental Review, Manitoba Hydro suggested that TCN and Manitoba Hydro continue consultations commensurate with the scope and timing of a potential development of Gull Rapids which, at that time, was contemplated to be 20 to 25 years away. TCN responded favourably, proposing that the best way forward would be to negotiate the terms of a business agreement in which TCN and Manitoba Hydro would be co-proponents for any such future development. As a result, discussions between TCN and Manitoba Hydro were held from 1998 to 2000, culminating in an AIP which was ratified by the community and signed in October 2000. *The Agreement-in-Principle Regarding the Potential Future Development of the Gull Rapids Hydro-Electric Generating Station (AIP)* sets out the fundamental principles and understandings that would govern the new relationship between TCN and Manitoba Hydro with respect

to the potential development of the Project. This AIP provided a framework to guide the negotiation of the JKDA and the AEA. In signing the AIP, TCN believed its rights and interests could be better advanced by being a participant in the Project and by building upon the terms of its past agreements.

The AIP made provisions for involving other First Nations with the agreement of Hydro and TCN. In late 2000, TCN, with the agreement of Hydro, invited FLCN, YFFN and WLFN to become signatories to the AIP. WLFN subsequently signed the AIP in 2003.

- **Gull (Keeyask) Negotiating Principles and Process Proposal:** YFFN's and FLCN's formal involvement in the planning for the Project began in 2001, some months after Manitoba Hydro and TCN signed the AIP. In September 2001, Manitoba Hydro, TCN, WLFN, YFFN and FLCN signed the Principals' Memorandum setting out the negotiating principles for concluding the JKDA, and a year later, in October 2002, they signed the Negotiating Principles and Process Proposal, which set out in more detail, the negotiating principles and process for concluding the JKDA.
- **Joint Keeyask Development Agreement (JKDA):** The KCNs and Manitoba Hydro negotiated the JKDA between 2002 and 2008. These negotiations shaped the key features of the Project and the terms of the Partnership between the KCNs and Manitoba Hydro, including governance of the Partnership and financing and management of the Project. Among other matters, the JKDA also addresses the KCNs' potential income opportunities, training, employment, business opportunities, and involvement in the Partnership's environmental and regulatory affairs. The JKDA was signed in May 2009 by representatives from each of the KCNs and Manitoba Hydro.
- **Keeyask Environmental and Regulatory Protocol:** Given the implications of their different worldview, TCN concluded at an early point that they should determine and present their own evaluation of the environmental impacts of the Project on their own community. This was accepted by Manitoba Hydro under a protocol reached in 2001 to guide them in the preparation of the environmental assessment required under the *Canadian Environmental Assessment Act* and the *Environment Act* (Manitoba). The protocol subsequently incorporated WLFN, YFFN and FLCN. Each of the communities led the consultations with their respective Members, while Manitoba Hydro took the lead for facilitating consultation processes with other communities. It was also agreed that for all components of the assessment, study methods for collecting, organizing and evaluating information would need to be compatible with each other and be capable of being integrated into the EIS.

- The protocol was adjusted over the years with the current version being incorporated into the JKDA. Through the protocol, a number of committees and processes have been established for the environmental assessment. They include the following:
  - **Partners' Regulatory and Licensing Committee (PRLC):** The PRLC is composed of nine Members from the KCNs (three from TCN and two each from WLFN, FLCN and YFFN) and three staff from Manitoba Hydro, who collectively govern the Partnership's environmental activities. TCN and Manitoba Hydro co-chair the committee.
  - **EIS Coordination Team:** While the PRLC is the senior body overseeing the environmental assessment, the Coordination Team manages the environmental studies, including final coordination and preparation of the EIS and the environmental protection plans. CNP and Manitoba Hydro each have two voting members on the Coordination Team, and FLCN and YFFN each have one non-voting representative on the Coordination Team (decisions to date have been by consensus).
  - **Key Issues Working Groups:** Beginning in June 2007, the EIS Coordination Team established a series of multilateral working groups to address key issues and to act as a forum for discussion of concern to the KCNs communities. The KCNs and Manitoba Hydro planned, organized and held workshops on important environmental assessment topics such as ATK, scoping of valued components, and cumulative effects assessment.
  - **Environmental Studies Working Groups:** Manitoba Hydro has established bilateral working groups with each of the KCNs to review issues of importance to each community, including a review of annual field plans for environmental studies and sharing results of the studies.

## 2.4 CREE NATION PARTNERS' INVOLVEMENT IN THE PROJECT

As noted previously, Manitoba Hydro projects have had a severe impact on the Cree Nations on the lower Nelson River, but by 1998, when TCN proposed a partnership with Manitoba Hydro for the potential Project at Gull Rapids, TCN and its Members had slowly regained power and authority over decisions that affect their lives. They believed their rights were sufficiently recognized to give them enough confidence to begin negotiations with Manitoba Hydro. They believed that such negotiations held the potential for restoring some of the capability of their homeland ecosystem that had been lost over time and for returning some of the influence and control they had lost over the years. They entered the discussions with two principles in mind: first, they would not oppose the Project if satisfactory

partnership arrangements could be negotiated; second, they would use their own worldview to assess the potential environmental effects of the Project on themselves and their communities.

CNP undertook extensive consultation processes with their Members to articulate the Cree worldview and, from this perspective, considered all aspects of the Project. This consultation process was highly inclusive and consistent with traditional CNP decision-making. The consultation provided opportunities to shape the Project in a variety of meaningful ways and guided the negotiations which led to the AEAs and the JKDA.

## **2.4.1 EVALUATION BASED ON THE CREE NATION PARTNERS' WORLDVIEW**

The CNP undertook the evaluation of the Project's potential effects on its communities and Members based on their worldview. In undertaking this evaluation, which is recorded in the CNP Keeyask Environmental Evaluation Report, CNP developed a model – the Mother Earth Ecosystem Model – through extensive discussions among TCN Elders and Members in workshops and community meetings. The process included the development of a vision statement, a set of core beliefs, land use planning objectives, and a description of their relationships with Mother Earth. The model was accepted through consensus of TCN Members and later adopted by WLFN. It conveys the interconnectedness of all facets of their homeland ecosystem.

The CNP describe this interconnectedness in terms of their relationships with Mother Earth. These relationships are the basis of CNP social organizations and of the customs, practices and traditions that are integral to their distinctive cultural identity.

These relationships are as follows:

- Spiritual relationships;
- Historical relationships;
- Life sustaining relationships;
- Caregiver relationships and the duty of respect;
- Hunting, fishing and gathering relationships;
- Trapping relationships;
- Educational relationships;
- Physical relationships – travel, camping, meetings and burials;
- Emotional relationships;

- Social relationships within the community;
- Socio-political relationships with other First Nations and outsiders;
- Knowledge of ecological relationships among non-human beings; and
- Personal property and community infrastructure relationships.

The Cree worldview identifies them, as a group and individually, to be Members of the natural world. The Cree, with their own beliefs, values, practices and traditions, have established relationships and obligations with all the other parts of the natural world as an integral part of that world. The foundation of the Cree relationship is spiritual. They believe that all parts of nature, animate and inanimate, have a spirit or a soul and are worthy of respect. Thus, when one part of nature is impacted all the other parts are also impacted, which creates an imbalance that must be remedied.

The evaluation of the Project, conducted by the CNP and based on their worldview, is an evaluation of the ability of their homeland ecosystem to sustain them physically and culturally. In their view, this is a state of harmony and balance, accompanied by strong relationships with Mother Earth.

## 2.4.2 CNP COORDINATION AND CONSULTATION PROCESSES AT KEY STAGES IN THE ENVIRONMENTAL AND PLANNING PHASE

Based on traditional Cree decision-making, CNP utilized a comprehensive and inclusive process to inform and consult with Members during the AIP, AEA and JKDA negotiations. This included a variety of committees, types of meetings and forms of media. In the following sections, a listing is provided of the methods CNP employed from 1998 to 2009.

### 2.4.2.1 COMMITTEES AND REFERENCE GROUPS

- **The Council and Elders Gull Planning Committee:** This committee was formed in July 1998. It led to the drafting of a joint development work plan and timetable. Over the following two years, TCN undertook an intensive schedule of work to define and understand the nature of the Project and bring that understanding to the community so that Members could make informed decisions on the proposed Project. This committee was responsible for the establishment of a set of Reference Groups to develop negotiating positions and consult with Members, particularly about the benefits and risks of the potential new business relationship. Appointments to the Reference Groups were made by Chiefs and Councils, who also participated in the Groups along with Elders, Members, support staff and outside strategic, technical and legal advisors. Presentations

at these meetings typically involved each Reference Group's subject area, but also served to inform Members of the progress in negotiations and the latest information on the Project. From 2001 to the referenda in 2009, 134 Reference Group meetings were held.

The Council and Elders Gull Planning Committee were also responsible for the initiation of the OWL process.

- **The Overview of Water and Land (OWL) Process and OWL Reference Group:** In 1998, the Council and Elders Gull Planning Committee adopted a framework to look at land and environmental planning and assessment issues. They appointed a Working Group which developed a process for Members to identify the foreseeable effects from the construction and operation of the Project. Later, TCN hired four staff to manage the OWL process.

In parallel with the activities carried out by TCN, WLFN established its own OWL process to address their own unique adverse effects. TCN and WLFN Members also attended joint meetings to consider broader issues of interest to both communities and to form a common understanding as to the overall approach for assessing the predicted impacts. Appointments were made to the OWL Reference Group and the following responsibilities were assigned:

- Participate in the process of developing detailed negotiating positions and consulting with Members about the Project;
  - Ensure that all questions raised by Members concerning the benefits and risks of the potential new business relationship were answered;
  - Identify potential adverse effects on TCN Members; and
  - Identify any programs or actions that could be implemented to reduce or offset the identified adverse effects.
- **Keeyask Employment and Training Agency Reference Group (KETA):** KETA was responsible for maximizing attainment of employment and business opportunities, including the JKDA target of 110 operational jobs with Manitoba Hydro over 20 years. Once training funding was secured, under the Community Employment and Training Program (CETP), the title of this Reference Group was changed to the CETP Reference Group.
  - **Keeyask External Relations Committee Reference Group (KERC):** Beginning in 2000, KERC assisted in managing the relationships between CNP and other First Nations, environmental groups, Churches and other religious organizations. KERC focussed on developing and implementing responses to protect CNP rights and interests from undue interference from external groups. The most significant opposition was focused in the states of Wisconsin and Minnesota and stemmed from American Tribes, governmental bodies and regulatory agencies.

- KERC was responsible for monitoring activities and identifying the proliferation of inaccurate and out-dated information. As a tool to better inform concerned opposition, KERC developed presentations which told the story of CNP's involvement in the Project from their own perspective, including information about Project planning and CNP future goals. Over the past decade, relationships were managed with Church groups and ENGOS resulting in greater public understanding of the Project.
- **Keeyask Internal Relations Committee Reference Group (KIRC):** KIRC was responsible for developing the legal, financial, and operational requirements of the Project ownership structure, including decision making and management powers, and the nature of TCN governance requirements to enable effective ownership, control, and management.
- **Business Contracting and Economic Strategy Reference Group (BCES):** BCES was formed to maximize the business opportunities associated with the Project, including considerations with respect to the Hydro Northern Purchasing policy, required training and related support, joint ventures, and regional economic development.
- **Expert Committee on Adverse Effects:** This joint CNP-Manitoba Hydro committee, established in December 2003, was required to review all information relating to potential Project adverse effects as determined through the OWL process and the environmental assessment process, and identify, evaluate and recommend potential mitigation measures. The committee did some initial work related to preventing, avoiding and lessening adverse effects, but the majority of its work focused on replacements, substitutions, and offsetting opportunities.

#### 2.4.2.2 MEETINGS

- **Meetings Preceding Ratification of the AIP:** TCN community meetings were held between November 1998 and May 1999 to discuss different aspects of the potential partnership with Manitoba Hydro, including the concept of working in cooperation with Manitoba Hydro, and to provide information to Members about matters ranging from budget to potential adverse effects, and included details and documents that were tabled at meetings by either TCN or Manitoba Hydro.
- **Roundtable Meetings:** To ensure the exchange of Project information and provide a forum for discussion of issues and concerns being expressed by Members, Roundtable meetings, where the five Reference Groups met as a large group, were scheduled periodically.
- **General Membership Meetings:** These meetings were held in the CNP communities, in Thompson and in Winnipeg, to provide the opportunity for all interested Members to hear presentations on various subjects and to voice their opinions and concerns. The meetings were announced in advance and advertised through the radio, strategically



placed posters, and by word of mouth. From 2001 to the 2009 referenda, 30 General Membership meetings were attended by CNP Members.

- **Information and Planning Meetings:** Information and Planning meetings were held to brief the CNP leadership and Members on the progress of negotiations with Manitoba Hydro and to present issues that required discussion and decision. Typically, these were meetings between advisors and Chiefs and Councils, Elders, Reference Groups, support staff and interested Members to plan for the negotiations with Manitoba Hydro, or following negotiations, to provide a briefing on the discussions. From 2001 to the 2009 referenda, 1455 Information and Planning meetings were attended by CNP Members.
- **Negotiation Meetings with Manitoba Hydro:** The Core Negotiating Group (CNG), various technical committees (on Project Description, Commercial Terms and Business Opportunities), and the Expert Committee on Adverse Effects conducted the negotiations. From 2001 to the 2009 referenda, 456 Negotiation meetings were attended by CNP Members, supported by their own strategic, technical and legal advisers.
- **Youth Meetings:** Separate meetings with the youth of TCN and WLFN were held so that their voices would not be lost in the larger public forums. Presenters at the meetings stressed the importance of hearing from the people who would be the leaders of tomorrow and the people charged with managing the consequences as well as the benefits of the Project. The youth were also encouraged to attend General Membership meetings. One survey was conducted with students at the school using hand-held voting devices to collect their views about what mattered most to them personally and as Members of their communities. From 2001 to the 2009 referenda, seven Youth Meetings were attended by CNP Members.
- **Consultations Leading to the Ratification Vote:** During the community consultation phase leading to the vote on the JKDA and AEAs, 15 meetings were held in Split Lake, Ilford, Thompson and Winnipeg to review all aspects of the proposed agreements with TCN and WLFN and their Members.

### 2.4.2.3 OTHER COMMUNICATION MECHANISMS

- **Community Questionnaires:** In May 1999, TCN administered a community questionnaire regarding potential development of the Project to ensure that the opinions of as many Members as possible would be heard and considered. Five hundred and thirty-five people completed and returned the questionnaire.

Some questions were formulated to elicit answers regarding Cree culture, the natural environment, resource development and traditional skills and lifestyles. Other questions asked participants about their priorities ranging from low to very high regarding possible development in the areas of local business opportunities, ownership of the generating

station, training and the opportunity to conduct a community environmental review. Finally, the questionnaire asked Members to respond to questions as if TCN were a part owner of the Project.

The first step of the WLFN process was a cultural component that involved 44 interviews. The report on that process, prepared in May 2002, notes that WLFN Members endorsed an approach to assessing the environmental effects of the Project based on Aboriginal traditional knowledge within a holistic worldview.

A Project adverse effects questionnaire was distributed to the TCN community in March 2003. The purpose of this questionnaire was to get feedback on how important specific adverse effects might be to Members if the Project were built. Seven hundred questionnaires were distributed, of which 555 were completed and returned. The results from the 555 completed questionnaires provided guidance to the Chief and Council of TCN in relation to the adverse effects and other negotiations with Manitoba Hydro.

- **Newsletters/Journals:** The *Tataskweyak Journal* began as a newsletter in 1998, reporting to the community on the potential business relationship with Manitoba Hydro. Two newsletters were published in 1998, five in 1999 and another two in 2000. Between 2001 and 2008, the *Tataskweyak Journal* published 27 issues and two special editions. The *Tataskweyak Journal* reported on the progress of the main JKDA negotiating issues with Manitoba Hydro in addition to announcing community meetings, publishing survey results and commenting on current issues under discussion in Split Lake.

WLFN's community newspaper, the *Moosecoot Times*, began publishing in 2004. It was utilized to report on the progress of JKDA and AEA negotiations, community announcements, and materials relevant to WLFN. Between 2001 and 2008, the *Moosecoot Times* was published six times.

- **Radio Broadcasts:** The local radio station was used to announce the schedule of community meetings during the JKDA community consultation phase, to hold call-in programs to answer Members' questions on adverse effects and generally to promote an understanding of the JKDA and AEA's.
- **Websites:** In 2001, TCN established a website ([www.tataskweyak.mb.ca](http://www.tataskweyak.mb.ca)) to express its voice in hydroelectric development matters, its history, its people, and a description of its lands and waters in the SLRMA. It continues to be a useful source of information for Members and the general public.

The CNP established a website in 2008 ([www.creenationpartners.ca](http://www.creenationpartners.ca)) to provide information for the community consultation process leading to the referendum on the JKDA and the AEA's. The website included major Project updates, full digital copies of the *Tataskweyak Journal* and the *Moosecoot Times*, complete digital copies of the JKDA and the AEA's, a section on "Frequently Asked Questions," and technical information on the proposed project description, including maps and satellite images.

### 2.4.3 CNP CONCERNS PRIOR TO PROJECT IMPROVEMENTS AND MITIGATION

As noted previously, CNP Members were engaged early in the process to identify their issues so their negotiating team could work with Manitoba Hydro and the other KCNs to address potential Project impacts through changes in the Project design, mitigation measures and programs in their AEAs.

In this section, the issues identified by TCN Members and endorsed by WLFN Members are listed. Since originally developed, this list has evolved to include other issues that arose during the negotiations. The wording of the following issues has been modified to remove duplication.

- Over 17 square miles of land will be flooded, Gull Rapids will be lost, and Birthday Rapids will be affected.
- Potential effects on the Cree language, our worldview, our Aboriginal traditional knowledge and seasonal movements are specific concerns.
- Our families will lose their historical connection to the land that will be flooded.
- Our emotional well-being will be harmed, since it will be disrespectful to the land, and indicates a failure to properly care for the land and for fellow beings of Mother Earth, by allowing the Project to be built and flooding to take place. It could also disrupt the harmony and balance amongst all Mother Earth's beings—human and non-human. The Project will also damage our spiritual connection with the land.
- Many of our relationships with and among other beings will be changed by the Project.
- Opportunities to teach and learn traditional lessons will be lost.
- Opportunities to live a traditional lifestyle will be lost.
- Relationships with other First Nations will be affected, as will our inherent right to self-government, as the Project has caused Hydro and Manitoba to become involved in relations between and among TCN, WLFN and other First Nations and has had an effect on our traditional decision-making.
- Fiduciary relationships between our First Nation and the Crown could be affected and we are concerned that Canada and Manitoba honour and respect them.
- Relationships with Manitoba Hydro could be affected because of differing interpretations of the NFA, the 1992 Agreement and the AIPs.
- Noise from construction of the roads and dam will scare animals away from the Keeyask area.

- Construction workers will fish and hunt animals, resulting in fewer fish and animals being available to Members.
- More policing and security will be required due to the presence of construction workers in the area.
- The risk of death and injury to CNP Members will increase, due to increased traffic on PR 280 associated with the construction.
- More drugs and alcohol will be used by the youth because of the presence of construction workers.
- There is a risk that construction workers will abuse women from the communities.
- There will be an increased demand for housing as Members come home to seek work on the Project.
- Shorelines will be subject to erosion, thus putting more **sediment** into the water. Moreover, the Project will create many miles of unsightly new shoreline, due to erosion, slumping, and debris.
- Daily water levels will fluctuate.
- While engineering studies show that water levels on Split Lake will not be affected during the open water season, some Members are concerned that there may be a greater risk of flooding in the community of Split Lake, as occurred in 1997 and 2005.
- While engineering studies show that no further changes will be caused to the seasonal flow in the Nelson River, some Members think there will be further changes once the Project is operational.
- While the timber will be salvaged from the flooded areas, once it is flooded the area will never again produce trees for firewood or building materials.
- It will be more difficult to catch fish, because of debris, sediment, altered habitat and dangerous boating conditions. Fishing with nets will be more difficult because of silt. Consequently, fish will make up a smaller part of our diet.
- The dam will block fish movement upstream and downstream.
- Changes in winter water levels will cause suffering and deaths of muskrats and beavers.
- The increase in mercury levels in some fish species, especially jackfish and pickerel will pose a health hazard.
- Traditional hunting, fishing and trapping grounds will be altered or destroyed.
- There will be fewer animals such as moose, waterfowl, muskrat and beavers to harvest.
- Caribou habitat will also be lost due to the flooding.

- Waterfowl nesting habitat will be damaged by the flooding and nests will be destroyed by daily water fluctuations.
- Sturgeon **spawning** areas will be lost at Keeyask (Gull) and Birthday Rapids.
- Travelling by boat will be less safe due to floating debris and to the creation of new and unfamiliar reefs.
- Travel over ice may be more dangerous. In particular, travelling by snowmobile over the ice will be more difficult due to increased slush ice.
- Medicinal plants will be lost due to flooding.
- There will be less traditional food because of fewer animals and mercury in some fish species.
- Recreational opportunities presently available will be lost.
- Traditional camp sites and trappers cabins will be destroyed.
- Some archaeological objects such as ancient tools and pottery will be lost forever when land is flooded.
- Despite efforts to identify burial sites before the Project is constructed, it is possible some unknown sites will be flooded.
- Known sacred sites will be lost due to flooding.
- There will be stress in the community because of uneven distribution of costs and benefits amongst CNP members arising from the Project. For example, the most direct losses suffered from flooding may be experienced by different people than those who may get the greatest benefits from jobs and businesses.
- The loss of traditional hunting and fishing grounds may have a negative effect on various species and also may cause overcrowding and tension among some of the resource harvesters.
- CNP Members who trap in the Keeyask area will suffer lost revenue because there will be fewer fur-bearing animals to trap due to flooding caused by the Project.
- There may be increased encroachment by outsiders on lakes in the eastern part of WLFN's Traditional Use Area.
- The Western science-based regulatory processes have not properly considered our worldview and our inherent right to make our own decisions.

These issues have been addressed in a number of ways through changes in the design of the Project (Section 5.3.4); adverse effects agreements (Section 5.3.5); training, employment and business opportunities (Section 5.3.6); and other mechanisms, such as studies undertaken for

the environmental impact assessment. For example, the issues regarding the loss of burial and sacred sites were identified in the AIP, which stated all such known sites will be protected or moved, if necessary, and appropriate spiritual ceremonies will be performed. Studies led by CNP have been undertaken to identify these sites, and plans have been drafted to manage heritage resources and burial sites that may be affected by the Project. The plans are consistent with Cree traditional wisdom, practices and governance and with provincial legislation regarding found human remains and heritage resources.

## 2.4.4 CHANGES TO IMPORTANT ASPECTS OF THE PROJECT

The issues raised by CNP Members during the consultation process were concerns about foreseeable environmental effects based on their 50 years of experience with previous hydroelectric developments. The issues informed the CNP negotiators about aspects of the Project that they would work with Manitoba Hydro and the other KCNs to address. The issues also informed the CNP negotiators working on the AEAs.

First, aspects of the Project were modified in important ways, including the Project's size, location, name (from "Gull" to "Keeyask," which means gull in Cree) and the associated benefit arrangements, including training, employment preferences and business opportunities. The following fundamental features related to the design, construction and operation of the Project cannot be changed without CNP's agreement:

- The north and south access road will be routed within specific corridors;
- The intake, powerhouse complex, spillway and main construction camp will all be at the locations shown in the Project description;
- The construction and operation of the Project will not require any changes to the CRD Licence, as modified by the Augmented Flow Program, or the LWR Licence;
- The operation of the generating station will not affect water levels on Split Lake during open water conditions; and
- The full supply level of the reservoir will be 159 m (521.7 ft) and the minimum operating level will be 158 m (518.4 ft), and the reservoir will be higher or lower than these elevations only under special or emergency conditions, which are described in the JKDA.

As well, in response to concerns raised by the Cree, improvements were made to plans for clearing the reservoir, water management, ice monitoring, navigation and hazard marking, and reclamation of disturbed sites.

## 2.4.5 CNP ADVERSE EFFECTS AGREEMENTS

The CNP AEAs encompass agreed upon mitigation measures, the purpose of which is to address and resolve all present and future Project adverse effects on TCN and WLFN, all impacts of the Project on their collective rights and interests, and all impacts of the Project on the exercise of Aboriginal and Treaty rights by their Members which arise from the development and operation of the Project within the Agreed **Water Regime**, and which, as of the date of signing of the Agreements, are foreseen or are foreseeable with the exercise of due diligence.

The core of each Agreement is a set of Offsetting Programs. The overall purpose of the Offsetting Programs is to provide appropriate replacements, substitutions or opportunities to offset unavoidable Project adverse effects on the practices, customs and traditions integral to their distinctive cultural identity. The AEAs also deal with compensation for residual effects. There are other provisions for dealing with Manitoba Hydro's on-going liabilities, and in the case of TCN, certain provisions if water levels in the Project reservoir exceed defined limits. For both TCN and WLFN, compensation for residual effects was a one-time cash payment.

Every Offsetting Program will be operational by 2013 in the case of TCN and 2014 in the case of WLFN. They will be in effect as long as the Project is operational. As of 2009, the net present value of CNP AEAs was \$45 million.

### 2.4.5.1 TATASKWEYAK CREE NATION ADVERSE EFFECTS AGREEMENT

The Offsetting Programs, residual compensation and other aspects of the TCN AEA are as follows:

- **The Creation of a Keeyask Centre:** The objective is to provide space and facilities in Split Lake, as well as office functions for the management and administration of the Offsetting Programs. It also includes space for conducting educational and learning programs. Two \$2 million payments have been made to fund the Keeyask Centre.
- **The Access Program:** The objective is to provide Members with substitute opportunities to hunt, fish and trap for food and to carry out associated customs, practices and traditions integral to their distinctive cultural identity within the SLRMA.
- **The Healthy Food Fish Program:** The objective is to provide opportunities for Members to continue to fish and to provide a supply of wholesome fish to Members in order to replace fish that may no longer be safe to consume as a result of increased methyl-mercury levels caused by the Project.

- **The Land Stewardship Program:** The objective is to provide opportunities for TCN Members to show respect for the land in a manner consistent with their traditional values and to assist them in caring for the land within the area.
- **The Traditional Lifestyle Experience Program:** The objective is to provide opportunities for young adult Members to experience a traditional lifestyle during one cycle of seasonal activities on the land.
- **Traditional Knowledge Learning Program:** The objective is to replace opportunities for traditional learning that will be lost due to the development of the Project.
- **Traditional Foods Program:** The objective is to provide opportunities to gather and share traditional foods.
- **The Cree Language Program:** The objective is to strengthen the cultural identity of the Members by creating opportunities for adults to learn to speak Cree or to improve their Cree language skills.
- **Museum and Oral Histories Program:** The objective is to provide a substitute opportunity for TCN Members to maintain their historical connection to the land.
- **Pre-Determined Compensation:** In the interest of ensuring to the best of their abilities that future problems and potential misunderstandings are avoided, pre-determined compensation will be paid in the unlikely event that the Project reservoir exceeds 159.05 m or falls below 157.95 m. Compensation will also be paid to TCN when the reservoir is intentionally drawn down for maintenance, inspection or emergency purposes.
- **Residual Compensation:** Compensation for residual effects is a one-time cash payment for all adverse effects that were not addressed by the Offsetting Programs and the pre-determined compensation for extreme water levels in the Project reservoir. The residual compensation of \$3 million, in 2008 dollars, was a negotiated amount and was paid upon the signing of the TCN AEA.
- **Funding Features:** The Partnership is obligated to assume direct responsibility for the construction and costs of cabins, docks, ice houses, ramps and storage sheds at each of Pelletier, Waskaiowaka, Limestone, Recluse and Myre lakes. It must also fund the guaranteed annual amount, which is the annual amount to be used to operate the Offsetting Programs and maintain and replace capital items. The guaranteed annual amount will be paid annually for the life of the Project. TCN will have the flexibility to reallocate funds between the Offsetting Programs or to reallocate funds to new agreed programs. All programs are to be fully funded by 2013.
- **Adverse Effects Agreement (AEA):** Manitoba Hydro made its settlement offer, and the AEA was concluded prior to completion of the Keeyask environmental assessment and EIS. The AEA provides for the compensation proposal to be reviewed and



modified as may be required to accommodate changes in the proposed Project resulting from federal or provincial environmental review and licensing processes.

- The AEA also includes provisions to review and modify the agreement if the environmental assessment identifies new information about adverse effects, if the Project is altered by regulators, or if the conditions attached to the Project approval by regulators affect an offsetting program. In such circumstances, changes may be made to the AEA or offsetting program if there is a material change in an adverse effect or if the effectiveness of an offsetting program or other mitigation measure is materially changed.
- **Continuing Obligations:** In addition to the Offsetting Programs, Manitoba Hydro and/or the Partnership will retain certain ongoing obligations with respect to the Project. These include the responsibility to compensate TCN Members who are licensed trappers for loss of net income and/or direct loss of property and the responsibility for personal injury or death unless the event occurs in a pre-designated area in the vicinity of the Project. Compensation is also required for illness resulting from methyl-mercury contamination of food and for unforeseen adverse effects.

#### 2.4.5.2 WAR LAKE FIRST NATION ADVERSE EFFECTS AGREEMENT

The Offsetting Programs, residual compensation and other aspects of the WLFN AEA are as follows:

- **The Creation of a Distribution Centre:** The objective is to provide space and facilities related to fish processing, storage and distribution.
- **Community Fish Program:** The objective is to provide a supply of wholesome food fish from War Lake and Atkinson Lake in order to replace fish that may no longer be available to consume as a result of increased methyl-mercury levels caused by the Project.
- **Improved Access Program:** The objective is to provide Members with substitute opportunities to fish, hunt, gather and trap, and to carry out other customs, practices and traditions integral to their distinctive cultural identity in their homeland ecosystem.
- **Traditional Learning/Lifestyle Program:** The objective is to provide opportunities for young adult Members to experience a traditional lifestyle at Atkinson Lake.
- **Cree Language Program:** The objective is to strengthen cultural identity by creating an opportunity for adult Members to learn to speak Cree, or to improve their Cree language skills.
- **Museum and Oral Histories Program:** The objective is to provide a substitute opportunity for Members to maintain the historical connection to the land that will be lost when the Project is built.

- **Residual Compensation:** Compensation for residual effects is a one-time cash payment for all adverse effects that were not addressed by the Offsetting Programs. The residual compensation of \$255,000 was a negotiated amount and was paid upon the signing of the WLFN AEA.
- **Funding Features:** The Partnership must fund the guaranteed annual amount, which is the annual amount to be used to operate the Offsetting Programs and maintain and replace capital items. The guaranteed annual amount will be paid annually for the life of the Project. The WLFN will have the flexibility to re-allocate funds between the Offsetting Programs or to re-allocate funds to new agreed programs. All programs are to be fully funded by 2014.
- **Adverse Effects Agreement (AEA):** Manitoba Hydro made its settlement offer, and the AEA was concluded prior to completion of the Keeyask environmental assessment and EIS. The AEA provides for the compensation proposal to be reviewed and modified as may be required to accommodate changes in the proposed Project resulting from federal or provincial environmental review and licensing processes.  
  
The AEA also includes provisions to review and modify the agreement if the environmental assessment identifies new information about adverse effects, if the Project is altered by regulators, or if the conditions attached to the Project approval by regulators affect an offsetting program. In such circumstances, changes may be made to the AEA or offsetting program if there is a material change in an adverse effect or if the effectiveness of an offsetting program or other mitigation measure is materially changed.
- **Continuing Obligations:** In addition to the Offsetting Programs, Manitoba Hydro and/or the Partnership will retain certain ongoing obligations with respect to the Project. These include the responsibility to compensate WLFN Members who are licensed trappers for loss of net income and/or direct loss of property and the responsibility for personal injury or death unless the event occurs in a pre-designated area in the vicinity of the Project. Compensation is also required for illness resulting from methyl-mercury contamination of food and for unforeseen adverse effects.

## 2.4.6 PROJECT TRAINING, EMPLOYMENT AND BUSINESS OPPORTUNITIES

Beginning in late 2000, a number of programs were established to provide training, employment and business opportunities to CNP Members. They include the following:

- An allocation of up to \$19.6 million has been made to train CNP Members.
- A total of 642 individual CNP Members participated in one or more training activities. This is approximately 17% of their on-Reserve populations. The training activities can

be divided into three general occupational categories: **Designated Trades; non-Designated Trades;** and Business and Administration.

- During the Project construction, a target of 630 **person-years** of employment for KCNs Members has been planned for the construction of the Project. If the number of person-years is below the target, additional dollars up to a maximum of \$3 million will be extended to the joint KCNs/Manitoba Hydro working groups on operational jobs. The employment and training opportunities during the construction include trades and management work that will be available through different contracts and related employment.
- Manitoba Hydro has agreed to an operational jobs target for KCNs over the next 20 years. The JKDA outlines an annual budget of \$900,000, adjusted for inflation, to support the KCNs work with Manitoba Hydro on designing and implementing a successful employment framework to meet the operational jobs target. The CNP share of this annual budget is \$540,000 and the CNP operational jobs target is 110 jobs over the next 20 years.
- The Project will also provide opportunities to expand the number, capacity, diversity and viability of KCNs businesses. The JKDA identifies 15 work packages on Project construction for direct negotiation with KCNs-controlled businesses. The total value of KCNs contracts is estimated by Manitoba Hydro to be \$203 million in 2007 dollars. The total value of CNP contracts is estimated by Manitoba Hydro to be \$122 million in 2007 dollars.
- AMISK Construction is a joint venture between CNP and Sigfusson Northern. The joint venture has been formed to carry out Project-related construction activities that will be available to CNP as construction on the Project proceeds. Through AMISK, CNP communities will receive numerous benefits throughout the Project development including training and employment, equipment and tools, profits and other lasting benefits for the CNP communities.

## 2.4.7 CNP REFERENDUMS

Referendums were held in CNP communities on February 5, 2009 to determine the level of support for the ratification of the JKDA and the AEAs by the Chiefs and their respective Councils.

TCN answered question 1: “Do you support the Chief and Council of TCN signing the proposed Joint Keeyask Development Agreement?” by a vote of 421 “Yes” votes and 273 “No” votes. Question 2: “Do you support the Chief and Council of TCN signing the proposed Keeyask Adverse Effects Agreement?” was answered by 427 “Yes” votes and 267 “No” votes.

WLFN answered question 1: “Do you support the Chief and Council of WLFN signing the proposed Joint Keeyask Development Agreement?” by a vote of 65 “Yes” and 4 “No” votes. Question 2: “Do you support the Chief and Council of WLFN signing the Keeyask Adverse Effects Agreement?” was answered by 61 “Yes” votes and 8 “No” votes.

The Chief and Council of both TCN and WLFN approved the signing of both the JKDA and the AEAs.

## 2.4.8 CNP CONCLUSIONS

The evaluation conducted by CNP, as part of the extensive consultation process, identified many important potential adverse effects of the Project on their communities and Members. However, based on improvements to the design of the Project and provisions in their AEAs and the JKDA, CNP Members supported the Project through positive votes in their referenda.

The CNP believe that their homeland ecosystem was in a state of harmony and balance prior to first contact with non-Aboriginals. The state of harmony and balance was gradually diminished with the changes brought by non-Aboriginals, most significantly, hydroelectric development. From the beginning of their negotiations with governments and Manitoba Hydro, CNP leaders were determined that their homeland ecosystem would once again provide for them physically and culturally—essentially to attain a new state of harmony and balance.

Like previous hydroelectric development projects, the Project will have certain major, unavoidable effects. Knowing this, CNP nevertheless are hopeful the Project will actually enhance their culture by providing opportunities to engage in the customs, practices and traditions integral to their distinctive Cree cultural identity. Similarly, they are hopeful that the benefits that are associated with the JKDA—training, employment, business opportunities, and potential income opportunities from the sale of the Project’s power—will sustain them physically. By providing for them culturally and physically, their homeland ecosystem, transformed by the Project, can be in an enhanced state of harmony and balance.

The CNP analysis of the Project is available as a separate report, the CNP Keeyask Environmental Evaluation Report, which is included with the Project EIS.

## 2.5 YORK FACTORY FIRST NATION INVOLVEMENT IN THE PROJECT

YFFN’s involvement and role as a partner in the Keeyask Generation Project must be understood in the broader context of its history on the Hudson Bay coast; the community’s

relocation to Split Lake; the appearance and growth of Manitoba Hydro in the north; the development of various legal agreements between YFFN and Manitoba Hydro, including the Joint Keeyask Development Agreement (JKDA) and YFFN Adverse Effects Agreement; and finally looking to the future of the Keeyask Partnership.

## 2.5.1 YORK FACTORY FIRST NATION HISTORY

The following is YFFN's own account of their history. The Ininiwak ancestors of YFFN lived along the coast of Hudson Bay (Kîhcikamîy) for a long time. So long ago in fact, that long ago (Kuyas) is remembered only through Kuyas Achimowina, the oral tradition and Kapesiwin, the scattered remains of former campsites. There are well over 200 ancient and historical sites, some up to 5,000 years old, identified to date across the Hudson Bay coastal area of Manitoba. Many of these are associated with the Ininiwak ancestors of YFFN.

In 1668, three separate European exploratory parties arrived at the estuaries of the Nelson and Hayes Rivers. The next 25 years saw a flurry of activity as both French and English built a series of forts and trade posts. The York Factory post – also known as the “Big House” (Kischewaskahekan) – of the Hudson's Bay Company (HBC) began operations in 1684, and soon became the central hub in the North American fur trade. Throughout the following period of wars, economic rivalry and peace treaties between England and France, YFFN ancestors continued to move throughout and occupy the Hudson Bay coast and further inland bringing furs to trade for European goods such as metal tools and implements at York Factory (Kischewaskahekan). As word of the European presence progressed further south, many other First Nations formed trade alliances with the Ininiwak, and by this means, the Cree became middlemen in the fur trade.

In 1875, the Crown signed Treaty 5 with the Saulteaux and Cree at Berens River. Treaty 5 covered the area south of the Hudson Bay Lowland and an adhesion was signed in 1908 by Split Lake (Tataskweyak) and Nelson House. It was not until August 10, 1910 that YFFN signed an adhesion to Treaty 5 that included, amongst other things, provision of reserve land for YFFN.

In 1933, the York Factory post lost its status as a customs port of entry, leading to a reduced level of traffic and trading. As well, Port Nelson (Pawinakaw) was abandoned and many of our relatives moved to Split Lake (Tataskweyak), Shamattawa, Churchill (Mantayo Seepee) and other sites along the railway line. In 1947, two different groups of Cree people from York Factory resulted in the Shamattawa and Fox Lake Bands. We continue to share a common history, even common grandparents, with Cree families in Shamattawa, Churchill, Bird, Ilford (Moosecoot), Split Lake (Tataskweyak) and Gillam (Akwayskimakuk).

YFFN Members were the last of the Ininiwak at York Factory. Five family groups continued to spend the summers at York Factory (Kischewaskahekan) – one from Port Nelson

(Pawanikaw), another from Crooked Bank (Wanatawahak), another from Ten Shilling Creek (Seepastik), another from Kaskatamakan and the remainder from Shamattawa.

In the fall of 1956, representatives from Indian Affairs traveled to York Factory (Kischewaskahekan) and told the remaining YFFN Members of plans to close operations at the fort and move the community inland to the southeast side of Split Lake. While the relocation to York Landing (Kawechiwasik) was an unwelcome experience, YFFN Members have now lived in York Landing (Kawechiwasik) for more than 50 years. Younger YFFN Members were born in York Landing (Kawechiwasik) and take occasional trips to York Factory, Ten Shilling Creek, Port Nelson, and Kaskatamakan to conduct traditional activities such as hunting and fishing. York Landing (Kawechiwasik) has become YFFN's home. It was not until 1990 that a small area of reserve land was established for YFFN at York Landing (Kawechiwasik).

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

The relationship between YFFN and Manitoba Hydro is shaped by a number of legal agreements that have been negotiated over the last 35 years. Although hydroelectric development began on the Nelson River in the 1950's, it wasn't until 1977 when Canada, Manitoba, Manitoba Hydro and five First Nations (Split Lake, Nelson House, York Factory, Norway House and Cross Lake) signed the Northern Flood Agreement. This agreement put a framework and processes in place to address adverse effects of Lake Winnipeg Regulation, the Churchill River Diversion, the Augmented Flow Program, and hydroelectric development on the Nelson and Burntwood Rivers. In 1995, YFFN entered into a second agreement called the Comprehensive Implementation Agreement (CIA), with Canada, Manitoba, and Manitoba Hydro to implement the NFA.

## 2.5.2 YFFN WORLDVIEW, VALUES, AND TRADITIONAL KNOWLEDGE

Throughout time, YFFN's understanding of the world, its values, and its traditional knowledge have been central to the survival of the YFFN people and the continued respect and **stewardship** of the land and waters. This was the case several hundred years ago and it remains the case today. So, YFFN's worldview, values and traditional knowledge are rooted

in the community's history, culture, and relationship to the land on the coast, and now in the Split Lake and Aiken River area.

YFFN's teachings (*kiskinohamakaywina*) have been handed down through the generations, and continue to be passed on today. These teachings embody the values of YFFN ancestors and today's Elders giving guidance to their community members. These teachings are relevant and applicable to the Keeyask environmental assessment process and the planning, construction and operation of the Keeyask dam.

To YFFN, it is important to show respect (*kistaynitamowin*) when speaking and acting towards *Askiy*, which is the Cree term for the whole of the land, water, people, plants, animals and all things. YFFN is affected by even the smallest changes to *Askiy*. YFFN Members are part of *Askiy* having relied on *Askiy* for as long as they have existed.

For YFFN, it is also important to honour (*kistaynitakosewin*) life and *Askiy*. These are special gifts that must not be forgotten. YFFN honours life and *Askiy* through ceremonies since the YFFN members are inherently spiritual people. YFFN believes that everything in life comes from *Munito*. YFFN believes that all things in nature must be respected – that relationships with living and nonliving things are two-way relationships. To live a good life YFFN respects and cares for *Askiy*, other people, and all things in this world for its ancestors and for future generations. This is called *minopimatisiwin* (living the good life).

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

It is very important to YFFN Members to speak truthfully (*tapwaywin*) based on one's knowledge and experience. The truth isn't always pleasant, but by acknowledging the truth it is possible to move forward and build trust with others and come to terms with one's actions and feelings. Trust (*aspebnimowin*) is also important to YFFN Members' relationships with family, friends and working partners. Trust is developed over time through experience with other individuals or groups of people. *Obcinewin* is a very important Cree concept, which is not easily translated into the English language. Because of the interconnectedness of *Askiy*, if you harm anything, including the land, water, people, plants, and animals, you will experience equally harmful consequences. These repercussions can also come back to those around you, your children or your children's children. This concept applies to all aspects of life. This is a powerful thing, so it is very important to be careful and respect even the use of the word.

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

YFFN's traditional knowledge (*ininivi-kiskénibtamowin*) is held by its Elders and passes from generation to generation. It is a dynamic, living process that is added to and adapted in the lives of successive generations of Cree people. To YFFN, traditional knowledge is more than just information. It lives within YFFN's way of life.

YFFN Elders, Members and resources users continue to maintain their worldview, values and *ininivi-kiskénibtamowin*. Some of YFFN's traditional knowledge has been documented in community reports. However, YFFN's traditional knowledge isn't just information to be recorded and included in the Environmental Impact Statement (EIS); rather YFFN considers it as an ongoing process of sharing and participating in the partnership. Because traditional knowledge lives within the community's way of life, the process of engaging community Elders, Members and resources users is the most important way that its traditional knowledge, values, and worldview enter the Environmental Impact Assessment (EIA). For this reason, it is crucial that our community representatives, Elders, youth, resources users, and knowledge holders continue to participate in the Keeyask Generation Project's next phases including construction, operation, environmental monitoring and **adaptive management**.

### 2.5.3 YFFN INVOLVEMENT IN THE KEYASK PROCESS

YFFN's formal involvement in the planning for the Keeyask Generation Project began in 2001, some months after Manitoba Hydro and Tataskweyak Cree Nation (TCN) signed the "Agreement-in-Principle Regarding the Potential Future Development of the Gull Rapids Hydro-Electric Generating Station" (AIP). On September 14, 2001, YFFN, Manitoba Hydro, TCN, War Lake First Nation (WLFN) and Fox Lake Cree Nation (FLCN), signed the Principals' Memorandum setting out the negotiating principles for concluding the JKDA.

On October 15, 2002, YFFN, Manitoba Hydro, TCN, WLFN, and FLCN signed the Negotiating Principles and Process Proposal, which set out, in more detail, the negotiating principles and process for concluding the JKDA. The Negotiating Principles and Process Proposal provided for reimbursement of YFFN's costs to participate in project negotiation, planning and implementation activities. Subsequently, YFFN established the York Factory Future Development office and hired community Members to staff the office and participate in project negotiations, planning and implementation. The funding was also used by YFFN to retain legal and technical advisors to assist the First Nation in the negotiation, planning and implementation activities.

Between 2002 and 2008 YFFN participated with Manitoba Hydro, Cree Nation Partners (CNP – representing TCN and WLFN) and FLCN in the negotiation and drafting of the JKDA. YFFN also participated with the Project partners in various multi-party committees and working groups responsible for considering specific aspects of the Project (*e.g.*, the Keeyask Project Description Committee).



From late 2005 until the spring of 2008, YFFN and Manitoba Hydro negotiated the YFFN Keeyask Adverse Effects Agreement (AEA), which is the compensation package for Project adverse effects on YFFN. The Keeyask AEA emerged out of Article 9 of the 1995 CIA, which states that YFFN and Manitoba Hydro must develop a proposal to compensate YFFN for “known and foreseeable” adverse effects of any Future Development, including the Keeyask Generation Project.

In April, 2008, Hydro presented an offer to YFFN with respect to the total monetary value for compensation. The monetary compensation is provided to YFFN to finance programs to offset Project adverse effects and to compensate for residual adverse effects. The AEA also includes commitments related to monitoring of Project adverse effects.

Manitoba Hydro made its settlement offer, and the AEA was concluded prior to completion of the Keeyask environmental assessment and EIS. The CIA provides for the compensation proposal to be reviewed and modified as may be required to accommodate changes in the proposed Future Development resulting from federal or provincial environmental review and licensing processes.

The AEA also includes provisions to review and modify the agreement if the environmental assessment identifies new information about adverse effects, if the Project is altered by regulators, or if the conditions attached to the Project approval by regulators affect an offsetting program. In such circumstances, changes may be made to the AEA or offsetting program if there is a material change in an adverse effect or if the effectiveness of an offsetting program or other mitigation measure is materially changed.

## 2.5.4 JKDA AND AEA RATIFICATION

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

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

The YFFN referendum polls for the JKDA and AEA were held on March 29th, 2009, with advanced polls on March 9th, 2009. The YFFN polls took place seven weeks after the TCN

and WLFN referendum polls, which determined a “KCN Majority” in support of the Keeyask Generation Project.

The referendum question asked each YFFN Member if they would support Chief and Council in signing the JKDA—Yes or No and the AEA—Yes or No. In the referendum, YFFN applied the minimum threshold required by the JKDA Ratification Protocol for the poll. A sufficient level of support for Chief and Council to sign the JKDA and AEA required: participation by a minimum of one third of all Members eligible to vote and a majority of votes cast being in favour of the referendum question.

Of 713 eligible voters on- and off-reserve, 261 cast ballots (36.6%). There were 216 “yes” votes in favour of signing the JKDA (83% of valid ballots) and 220 “yes” votes in favour of signing the AEA (84% of valid ballots).

In May 2009, YFFN Chief and Council signed the JKDA and AEA on behalf of YFFN.

## **2.5.5 YFFN’S DECISION TO BECOME A PARTNER IN THE KEYASK GENERATION PROJECT**

The signing of the JKDA and AEA marked YFFN’s decision to become a partner and co-proponent in the Keeyask Generation Project. This decision was not an easy decision for the community to make given the circumstances and the diversity of views held by community Members regarding the Keeyask Generation Project. YFFN Members were faced with a deep moral dilemma in terms of assessing the potential environmental impacts, both negative and positive, that would affect the community. Even with the best planning, mitigation and monitoring programs, YFFN feels that there will still be substantial adverse effects to the land and YFFN’s way of life. YFFN has had to try to come to terms with this new role they have adopted in the Keeyask Generation Project.

For YFFN, the decision to sign the JKDA and become a partner in the Keeyask Generation Project was based on wanting to ensure that their youth and future generations will benefit from the prospective revenues, jobs, training, and capacity-building opportunities. Equally important to YFFN has been the ability to participate in the Project and the environmental impact assessment. For YFFN, it is very important to be at the table and participate in the planning, mitigation, monitoring and follow-up, and the adaptive management of the Project. By adding their voices, values, and traditional knowledge to the Keeyask Generation Project, YFFN Members hope to positively impact the Project, reduce adverse effects and contribute to their ongoing role as stewards of the land and waters.

## 2.5.6 YFFN INVOLVEMENT IN THE KEYYASK ENVIRONMENTAL IMPACT ASSESSMENT

YFFN is involved in the Keeyask environmental assessment through representation on the various key issues working groups mentioned in Section 2.3 (*e.g.*, Mercury and Human Health Working Group, Aquatics Working Group, Mammals Working Group). Also, as mentioned in Section 2.3, YFFN is a member of the Partners Regulatory and Licensing Committee (PRLC) and has one non-voting representative on the EIS Coordination Team. YFFN also participates in the Environmental Studies Working Group (ESWG), on a bilateral basis with Manitoba Hydro, to examine and discuss environmental issues of particular importance to YFFN.

Between 2002 and 2010, YFFN undertook a number of community-based studies to examine environmental and socio-economic issues of specific importance to the community. Studies were undertaken to examine: existing socio-economic and environmental conditions; potential environmental and socio-economic impacts of the Project; socio-economic baseline and sustainability indicators; community goals and future priorities; traditional economic and land based activities; and community history. Community Members were involved in the studies through meetings, workshops, interviews, surveys and field trips. Study reports were provided to Manitoba Hydro and its environmental management team.

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

YFFN continues to keep Members informed about the Keeyask Generation Project by holding community meetings in York Landing and through its website. YFFN has also been involved with Manitoba Hydro and the other Keeyask Cree Nations (KCNs) in the process of preparing the EIS for the Keeyask Generation Station by participating in the working groups, attending issue specific workshops, reviewing and commenting on various EIS volumes and writing its own EIS evaluation report.

YFFN has produced its own evaluation report for the Keeyask EIS called *Kipekiskwaywinan* (Our Voices). *Kipekiskwaywinan* has become a very important document to the community because of how it tells YFFN's story of Keeyask and expresses the concerns, experiences and priorities of Members.

*Kipekiskwaywinan* is not a tidy, coordinated written account that tries to make community concerns, experiences and priorities sound objective, balanced, certain, predictable and

manageable. Rather, the report is full of many contradictions, uneven treatment, bias, fear, anger, wariness, resignation, yet hope. YFFN has stated that its aim was to communicate the impact of this project and partnership on the community and people. YFFN Members have differed with each other in meetings and workshops; some YFFN Members have shed tears while trying to describe the pain of changes to their way of life and the threats to their cultural survival. *Kipekiskwaywinan* has been very important for YFFN Members in terms of reflecting upon, discussing and beginning to come to terms with the effects of past hydro-electric development and the potential effects of the Keeyask Generation Project.

## 2.5.7 YFFN CONCLUSIONS

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

YFFN's history and experience with past hydro-electric development has understandably led to a level of distrust and skepticism of some of the scientific predictions. YFFN, however, is optimistic and hopeful moving forward in partnership with Manitoba Hydro and the other KCNs. Moving forward in partnership is very important to YFFN in terms of building a better relationship with its partners, continuing to learn about and manage the environmental impacts of the Keeyask Generation Project, maintaining its cultural values, practices, and traditional knowledge through the Keeyask Generation Project, and ensuring various economic benefits for its youth and future generations.

It is important to YFFN to work together as a partnership to continuously reconcile their role in the partnership, heal past wounds related to hydro-electric development, and build trustworthy relationships, through processes, programs and decision-making, for the life of this project and partnership. YFFN especially wants their children and future generations to know that they entered into this partnership with these feelings and deep misgivings, insisting on a long term, ongoing commitment to healing, reconciliation, mutual respect and self-determination.

YFFN's worldview, values, and traditional knowledge inform and adapt along with the Keeyask Generation Project. YFFN believes the only way they can succeed in this partnership, and the partnership can succeed, is to hold onto and apply their worldview, values, and traditional knowledge (*ininini-kiskénihtamowin*) of the Elders, resource users, youth and community members to the Keeyask Generation Project. YFFN feels that this will be crucial if their community is to continue to adapt, maintain their way of life, and achieve positive outcomes in the Keeyask partnership.

YFFN is cautious (*ayakohmisewin*) for what lies ahead, but as YFFN has had to do many

times since first contact with European colonizers, YFFN sees the need and importance in adapting while maintaining their culture, teachings, and way of life. YFFN is approaching the Keeyask partnership with hope and determination to keep their values, participate in mitigation, monitoring and follow-up, and adaptive management, and provide opportunities for their youth and future generations. It is YFFN's future generations who will inherit the outcomes of this project and partnership.

## 2.6 FOX LAKE CREE NATION INVOLVEMENT IN THE PROJECT

### 2.6.1 FLCN HISTORICAL CONTEXT

Fox Lake people have lived for generations in the northeast region of Manitoba, embraced by rivers, lakes, and muskeg. The *Kischi Sipi*, or “Great River” (Nelson River), is the largest water system to flow through the Fox Lake people’s territory. Fox Lake people’s history is rooted in stories, landmarks, relationships among land, people and animals, and through *Inninimowin*<sup>1</sup> (translates to: “the language we speak”). Fox Lake *Ininewak* are descendants of the peoples who inhabited the boreal forest east of the *Kischi Sipi* for centuries prior to the fur trade. Like the other First Nations involved in Keeyask, our history is multifaceted - Fox Lake peoples’ ancestors can be traced to York Factory, Fort Severn and even as far as Big Trout Lake Ontario. Today our relations can be linked to York Factory First Nation, Tataskweyak Cree Nation, War Lake First Nation and Shamattawa First Nation.

More specifically, Fox Lake peoples’ relationship to the land and waters can be viewed as complex. This relationship is reflected in the oral tradition (stories, legends) about *Askij* (the Inninimowin word for the people and their interconnections with the land, water, resources, animals and fish); the naming and remembering of places and landmarks; the use and navigation of the local landscape and waterways; important events and the maintenance of Nation-to-Nation relationships such as Treaty (*Ininewak*– Crown), hunting alliances, and marriage. Embedded within *Ininewak* society is a philosophy referred to as *mino pimatisiwin*. *Mino pimatisiwin*, which is the overall health of a people and *Askij*, is a fundamental *Ininewak*

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<sup>1</sup> Note on Inninuw terminology – it should be emphasized that there is no standardized spelling formats for Inninuw in English. The spelling of place names in this document has incorporated the Roman Orthography approach in an attempt to duplicate the First Nation verbal pronunciation into an English sounding word. Another point to remember is that there can be additional place names with First Nations with a different spelling. Makeso Sakahikan Ininewak Kitayatisuk, hunters, trappers and fishers, have generally accepted the Inninuw place names noted in this document and its interpretation. For FLCN, the accepted spelling of several Inninuw terms is slightly different – for example, FLCN spell Ininewak as Inninuwak and Askij as Aski.

value. Human well-being is dependent upon the well-being of *Askej*, including our perceptions of the well-being of *Askej*. It is our responsibility to care for and nurture the well-being of *Askej*, so that it can provide for the future *Inninuwak*.

It is important for Fox Lake Cree Nation that both Manitoba Hydro and the Regulators understand FLCN's relationship to the lands and waters within areas to be affected by the Keeyask Project. Areas traditionally used by Fox Lake members have been greatly impacted by fifty years of dam building. Fox Lake's Core *Kitayatisuk* (Elders) and Harvester Group have indicated that some Members have used and still use the lands and waters along the *Kischi Sipi* between Gull and Conawapa Rapids, including inland areas along streams and creeks.

Fox Lake views all Hydro projects, including Keeyask, as one continuous staged process of development with long-term and cumulative impacts. Unlike in the past, Fox Lake now has an opportunity to participate as a partner and to educate, inform and influence the Keeyask Project. This partnership serves as a way to ensure the protection of *Askej*. *Askej* is the foundation of the Cree worldview and embodies the cultural, spiritual, and physical well-being - it must be protected, both now and into the future.

## 2.6.2 LAYING THE FOUNDATION FOR DIPLOMATIC RELATIONSHIPS: FORGOTTEN NATION IN THE SHADOWS OF THE DAMS

To understand the Keeyask Project from the issues and perspectives of FLCN, it is important that Fox Lake reminds the reader that the early interactions with Manitoba Hydro have not been pleasant. *The Forgotten Nation in the Shadows of the Dams* (1997) is based on the oral tradition, the available written record, and academic studies and examines the benefits and disparities caused by the project as a result of lack of consultation, relocation and destruction of people's homes in Gillam, inadequate adjustment measures, adverse effects to *Askej*, socio-economic impacts, lack of access to Manitoba Hydro jobs, and non-participation in the Northern Flood Agreement. As the population of Gillam area grew from a few hundred to several thousand in less than two years, FLCN homelands were bombarded with migrant workers, and the *Askej*, upon which Fox Lake members relied for hunting, fishing, trapping and gathering, was flooded and forever transformed. Hydro development was an instrumental reason for the failure to have land set aside for a Reserve in Gillam. All of these factors are documented in this report to demonstrate the abrupt, forced transition for Fox Lake peoples from a self-sustaining and self-determined community, to a community rife with social issues and despair. This report sets out the basis of Fox Lake Cree Nation's grievances concerning the effects of past hydroelectric projects

on *Askejy*. The concluding chapter in this document offers ideas for change. Seven years later, the Impact Settlement Agreement was achieved.

### 2.6.3 COMMUNITY HISTORY DOCUMENT: NINAN AND COMMUNITY HISTORY VIDEO

Ninan (draft) is a compilation of oral histories about a wide range of themes, including: Cree legends and stories, livelihoods and family life, community values and norms, and institutional experiences such as the forced-enrolment of children to residential schools, hydroelectric development, denial of a reserve, and other systematic means of discrimination. The draft history document illustrates inherent *Ininewak* values that are embedded in Fox Lake Cree society, such as living *mino pimatisiwin*, caring for *Askejy* and other philosophical values and perspectives. The data collected in this project was digitally archived. The community video illustrates the human impacts of hydro development in FLCN traditional territory and how the community expresses their story of the Keeyask Project.

### 2.6.4 FLCN TRADITIONAL KNOWLEDGE PROGRAM

The Fox Lake Traditional Knowledge Program emerged at a later stage of the environmental assessment process. FLCN asserts that if any TK or *Askejy Keskentamowin* (AK) work is to be done with its Members, then it must be led and directed by Fox Lake. The project commenced in January of 2009, in a team meeting to seek guidance and advice from key Elders and harvesters, as well as to identify key individuals for map biographies. The study team recruited individuals through *Fox Tracks* (FLCN's newsletter), posters and leaflets, as well as through word of mouth. The communication literature emphasized the importance of protecting and preserving Fox Lake peoples' knowledge for the young people and for the future generations.

Research methods included: in-depth, in-person, open-ended interviews. Elders and *Kitayatisuk* participated in interviews. After each interview, the TK facilitators transcribed the interviews, a time-consuming and demanding undertaking. Many Elders speak 'High Cree', which is an older dialect of Cree and in order to extract the messages being shared, collaboration with other Cree speakers and references to a dictionary prepared by missionaries at York Factory was undertaken.

Fox Lake people were also invited to participate in community mapping sessions specifically related to Cree place names and caribou, fish, moose migration patterns. Along with providing valuable traditional knowledge, the sessions provided an opportunity for

participants to socialize and learn from one another, especially between Elders and the younger generation.

The study team and several key Elders and harvesters spent several days visiting key sites between July and December 2009, to ground-truth the results of the interviews and mapping sessions. Global positioning system (GPS) points were recorded at each location of interest, and detailed field notes were recorded. Once the report was drafted, interviewees also had an opportunity to meet with the principal author and a facilitator to review the draft report and clarify their main points.

The study report findings assert:

1. Importance of Cree language;
2. Former and ongoing resource use within the Keeyask area;
3. Perceptions of water, fish (sturgeon, whitefish, brook trout, suckers, jackfish, walleye, fish preparation and perception of fish);
4. Perceptions of land;
5. Waterfowl (Geese and Ducks);
6. Furbearers (Muskrat, beaver, rabbit, fisher, martin and lynx);
7. Caribou – including caribou crossings, types of caribou and caribou preparation;
8. Moose;
9. Wolves;
10. Other Animals;
11. Medicine and berry harvesting;
12. Honouring the Ancient Ancestors through Archeology; and
13. Overall changes to *Askiy*, including flooding, animal sickness, and reminiscence of a better time (i.e. life before the flood).



The traditional knowledge program team was then tasked with analyzing those findings to identify themes, and to determine the potential Keeyask Project impacts facing FLCN, based on the experience and historical knowledge of its citizens. The team identified four themes.

- Aquatic Environment:
  - Keeyask Generating Station Project impacts;
  - Water quality;
  - Sedimentation;
  - Fish quality;
  - Sturgeon; and
  - Brook Trout.
- Terrestrial Environment:
  - Keeyask Generating Station Project impacts;
  - Wildlife;
  - Caribou;
  - Erosion;
  - Access; and
  - Resource use.
- Importance of Traditional Knowledge Programs or what FLCN Elders now refer to as *Askiy Keskentamowin* (AK).
- Stephens Reservoir as a model for the Keeyask Reservoir, as far as applicable, to understand potential physical and biological effects and possible ways of mitigating those effects.

The Fox Lake Traditional Knowledge draft report produced the following recommendations on 12 topics. These recommendations are not all Keeyask specific.

### 2.6.4.1 CREE LANGUAGE OR INNINIMOWIN (THE LANGUAGE WE SPEAK)

A recurrent theme, specially held by the *Kitayatisuk* (Elders), was the importance of Inninimowin to FLCN, due to the implications inherent for an intact *Ininewak* society. Participants strongly recommended that FLCN pursue measures to revitalize the language, and to continue to re-establish and affirm the original place names. This has started with programs in Fox Lake's AEA.

#### **2.6.4.2 TRADITIONAL KNOWLEDGE OR ININEWAK ASKIY KESKENTAMOWIN PROGRAMS**

FLCN has taken significant steps to direct who, what and how research is conducted involving the documentation of its traditional knowledge/*Askiy* knowledge. The draft report recommended that Fox Lake people lead and advance the research of their community, which will foster the ability to build capacity on many levels. The draft report further notes that traditional knowledge programs require contributions from the whole community; that traditional knowledge programs need to be integrated into the initial planning stages of development. FLCN asserts that traditional knowledge studies need to be a continuous process, since it is a dynamic, evolving knowledge system. In line with this recommendation, FLCN has stressed the inclusion of traditional knowledge programs as part of its long-term community monitoring associated with the Keeyask Generation Project and other developments in areas traditionally used by FLCN Members.

#### **2.6.4.3 CREE FOODS INITIATIVES**

FLCN identified the need for a community-wide assessment of wild food consumption due to concerns about contaminants, particularly mercury.

#### **2.6.4.4 CACHE LAKE**

Butnau River and Cache Lake were important to FLCN members prior to the development of the Kettle Generating Station in the 1970s, and continue to be used today.

#### **2.6.4.5 IMPORTANCE OF GROUND TRUTHING**

The draft report affirms the importance of the involvement and participation of local resource users in ground-truthing traditional knowledge and recommends more ground-truthing by experienced local resource users in future studies and monitoring programs.

#### **2.6.4.6 GRAVESITE PROTOCOL**

Noting impacts of past projects on ancient graves, FLCN is currently involved in internal discussions to develop a FLCN protocol for identifying, protecting and addressing the burials and gravesites of its Members in the Fox Lake RMA and the Gillam area.

#### **2.6.4.7 HOLISTIC KISCHI SIPI (NELSON RIVER) MANAGEMENT**

Noting changes occurring in concepts of land ownership and management since colonization, FLCN encourages a greater understanding of this concept to the region's

Indigenous, and more specifically Cree, peoples. Such an undertaking could foster genuine working relationships concerning river management. Historically the river was shared by all of the communities and continues to be used today and based on *Ininewak* time-honoured philosophy, *Askejy* cannot be owned.

#### **2.6.4.8 RESOURCE USE**

The traditional use study revealed that the resource users will be affected by the Keeyask Project to a greater extent than initially understood. Therefore, FLCN will continue to discuss ways to implement the alternative resource use (or off-set) program that is included in FLAEA.

#### **2.6.4.9 LAKE STURGEON MITIGATION**

FLCN, as a Partner, has stated that it must continue to be involved in any and all Partnership plans to mitigate the effects of the Keeyask Project on sturgeon. Collecting sturgeon eggs and stocking programs require protocols that reflect FLCN values and knowledge system; FLCN has been part of these discussions.

#### **2.6.4.10 EROSION**

FLCN recommends long-term monitoring of erosion on Stephens Lake, which FLCN refers to as Stephens Reservoir.

#### **2.6.4.11 WATER REGIME CHANGES**

FLCN noted that its members are concerned about the cumulative and on-going effects of past projects on the *Kischi Sipi* (Nelson River).

The draft Fox Lake Cree Nation Traditional Knowledge study report indicates that historically the Keeyask area was used by KCNs Members and continues to be used today. The draft report concludes that the Fox Lake people are resilient, and continue on their journey to foster the Ininewak concept of how traditional knowledge can inform and improve the quality of environmental studies being conducted in preparation for future hydroelectric development. Not only is the collection of time-honoured traditional knowledge important, it is essential to collect and preserve such knowledge while key knowledge-holders are still with us.

## **2.6.5 FLCN INVOLVEMENT IN THE ENVIRONMENTAL ASSESSMENT AND REGULATORY PROCESSES**

Through the Keeyask environmental assessment process, FLCN participates diligently in both multilateral and bilateral tables concerning the protection of *Askeij*. These tables include: the Environmental Studies Working Group, Environment Impact Statement Coordinators Group, Partners Regulatory and Licensing Committee, Mammals Working Group, Aquatics Working Group, Mercury and Human Health Technical Working Group and various aquatic and mammals subgroups with the other Keeyask partners. FLCN ensures that members are informed about the Project through community meetings, website, community newspaper – Fox Tracks, and memos. Informational literature is often translated into Cree syllabics. FLCN also participates as a Partner in reviewing and commenting on the various Environment Impact Statement (EIS) documents and writing of its own environment evaluation report.

## **2.6.6 INVOLVEMENT IN THE KEEYASK GENERATION PROJECT: JKDA AND FOX LAKE ADVERSE EFFECTS AGREEMENT**

Through the signing of the JKDA in May of 2009, Fox Lake Cree Nation (FLCN) decided to engage in the Keeyask Partnership to maximize benefits for the people of FLCN. Before FLCN Chief and Council could sign the JKDA and FLAEA, FLCN leadership held a referendum on March 11, 2009, to determine whether they had permission to sign the Joint Keeyask Development Agreement (JKDA) and the Fox Lake Adverse Effects Agreement (FLAEA). In the period leading up to the referendum, the Fox Lake Future Development team hosted a series of thirty community information sessions in Bird, Gillam, Thompson, Churchill and Winnipeg. Also, copies of the JKDA and FLAEA were mailed to all identified Fox Lake members.

The results of this referendum are as follows:

Out of 726 eligible voters, 268 ballots, or 36.9% of eligible voters were cast. Of those, 87% voted in favor of the JKDA and 91% voted in favour of the FLAEA. Because Council had earlier decided to include as many members in the voting process as possible, a second referendum was held resulting in 345 FLCN voters participating (47% of those eligible). Of those, 92% voted in favour of the JKDA and 94% voted in favour of the FLAEA.

### **2.6.6.1 THE FOX LAKE ADVERSE EFFECTS AGREEMENT: PROTECTING ASKIY AND DEALING WITH KEYYASK EFFECTS BEFORE THEY OCCUR**

The signing of the JKDA and the AEA by FLCN leadership, exemplifies a position to ensure that our needs and interests are looked after and we are not left behind, again forgotten in the shadows of the hydroelectric development. Being a partner in the Keeyask Project is based on our needs and desire to look out for the youth and future generations of Fox Lake.

FLCN negotiated monies for programs such as the following:

1. Gathering Centre;
2. Youth Wilderness Traditions Program;
3. Cree language program;
4. Gravesite Restoration Program;
5. Lateral Violence;
6. “Where do we go from Here” Program; and
7. Alternative Resource Use Program.

It is important to illustrate that the FLAEA notes that the Keeyask Environment Assessment and some of FLCN’s own assessment studies were not complete at the time of the signing of the AEA and FLCN negotiated provisions for possible amendment to the agreement in the future. However, even within this partnership, FLCN is aware that *Askiy* will forever be altered, and therefore will make every effort to ensure that *Askiy* is protected. FLCN’s priority was to prevent, avoid, or lessen the adverse effects and then to provide appropriate replacements, substitutions or opportunities to offset any remaining adverse effects. Many of the adverse effects address the influx of migrant workers to FLCN local area.

Through this involvement, FLCN hopes to be better prepared to work toward the mechanisms needed to mitigate the negative impacts of the project. FLCN intends to take full advantage of any positive opportunities that result from the project while ensuring our treaty and Aboriginal rights are protected and maintained. Manitoba Hydro (acting on behalf of the Keeyask Hydropower Limited Partnership) remains responsible for negotiating the compensation to commercial trappers for direct losses or damages originating from the Project. In signing the agreement, FLCN provided releases concerning impacts of the Project on its treaty and Aboriginal rights.

## 2.6.7 FLCN CONCLUSIONS

FLCN is in the midst of rebuilding its community from the devastating effects of past projects, while at the same time trying to prepare for the oncoming projects such as South Access Road, BiPole III, Keewatinoow Converter Station and Conawapa, to ensure that a repeat of the past will never occur. FLCN and its Members are continuing to grow and move forward, while maintaining our culture, and ways of knowing. Through a further understanding of and reuniting with our history, values and language, we are better able to take control and to self-determine of our future. FLCN remains committed to the Keeyask Partnership, but will also ensure that the voice of its people continues to be heard.

## 2.7 MANITOBA HYDRO

### 2.7.1 MISSION AND SUSTAINABILITY GOALS

Manitoba Hydro is the province's major energy utility. It serves over 525,000 electricity customers throughout Manitoba and exports electricity to utilities through its participation in three wholesale markets in Canada and the mid-western United States. Nearly all electricity generated by Manitoba Hydro is from self-renewing water power from 14 hydroelectric generating stations, primarily on the Winnipeg, Saskatchewan and Nelson rivers. It is also the major distributor of natural gas in the province, delivering natural gas to 265,000 customers in nearly 100 communities in the province.

With assets approaching \$13 billion it has grown to become one of Canada's largest public utility companies servicing the electricity needs of all Manitobans and contributing to the economic development of the province and Canada. Its domestic electricity rates are among the lowest in North America.

The corporation is governed through the Manitoba Hydro-Electric Board. Members are appointed by the Lieutenant-Governor in Council. The vision of the corporation is: "To be the best utility in North America with respect to safety, rates, reliability, customer satisfaction, and environmental leadership, and to always be considerate of the needs of customers, employees, and stakeholders." The corporation seeks to enact this vision through its mission statement and a comprehensive and measureable set of specific goals which have been incorporated into its strategic plan. The mission of the corporation is: "To provide for the continuance of a supply of energy to meet the needs of the province and to promote economy and efficiency in the development, generation, **transmission**, distribution, supply, and end-use of energy."

The corporation's strategic plan for 2011/2012 identifies nine specific goals as follows:

- Improve safety in the workplace;
- Provide exceptional customer value;
- Strengthen working relationships with Aboriginal peoples;
- Maintain financial strength;
- Extend and protect access to North American energy markets and profitable export sales;
- Attract, develop, and retain a highly skilled and motivated workforce that reflects the demographics of Manitoba;
- Protect the environment in everything that we do;
- Promote cost effective energy, conservation and innovation; and
- Be recognized as an outstanding corporate citizen and a supporter of economic development in Manitoba.

Of particular importance to the Keeyask Generation Project and, in this instance, the KCNs, is the commitment Manitoba Hydro has made to sustainable development. In 1993, the corporation adopted a sustainable development policy and 13 complementary guiding principles based on the principles and guidelines of sustainable development adopted by the Manitoba Round Table on Environment and Economy. The policy and the 13 principles represent a guiding influence for the corporation's decisions, actions, and day-to-day operations.

These principles have been applied in developing the Partnership with the Keeyask partners and in advancing the Keeyask Generation Project through to fruition. A further elaboration of these principles and their relationship to the Project can be found in Chapter 9.

As a means of putting into practice Manitoba Hydro's commitment to sustainable development, the corporation has developed and implemented an environmental management system (EMS) that meets international standards. As a set of tools and processes used to realize environmental goals, an EMS enables Manitoba Hydro to identify its environmental impacts, set goals to manage them, implement plans to meet those objectives, evaluate performance, and make continual improvements to the system.

Manitoba Hydro has exercised a strong leadership role in both formulating and advancing sustainability principles within the Canadian Hydropower Association (CHA), the national trade association dedicated to representing the interests of the hydropower industry whose members represent more than 95% of the hydropower capacity in Canada. As well, in a similar leadership capacity with the UNESCO-based International Hydropower Association (IHA), Manitoba Hydro has contributed to and supported the development of a

Sustainability Assessment Protocol. The protocol has enjoyed wide acceptance from the hydropower industry, non-government organizations and international financial institutions. The use of the protocol is voluntary and is not required by Canadian regulation. However, applying the protocol could obtain international recognition of Keeyask's sustainability attributes. Subjected to an independent audit assessment, the Partnership will participate in the IHA process to assess the Project using the new protocol.

As a demonstration of its commitment to furthering the sustainability goals and standards of both of these organizations, senior executives at Manitoba Hydro have been and continue to be involved in the governance and direction of the CHA and IHA.

Manitoba Hydro is also a member of the Canadian Electricity Association (CEA) and an active participant in its Sustainable Electricity program. Sustainable Electricity is an industry-wide sustainability initiative that addresses the three components of sustainability: environment, society, and the economy. The program enables the electricity industry to take a holistic approach to managing its impacts and securing a collective energy future.

Manitoba Hydro understands that the future of hydroelectric generation in northern Manitoba must include Aboriginal peoples. This recognition extends beyond meaningful consultation and appropriate accommodation to enabling Aboriginal communities to share in the wealth and opportunity arising from the development of the water power resources in their traditional territory. Manitoba Hydro would be among the first to acknowledge that such has not always been the case and that Aboriginal people in northern Manitoba have been negatively impacted by hydroelectric developments in the past.

Through a deliberate, concerted and concentrated effort, the corporation has worked diligently in recent decades and taken steps toward reconciliation. It has endeavoured to repair damaged relationships, to acknowledge and compensate for past damages from hydroelectric development, and to build positive and durable relationships with Aboriginal people who live in the vicinity of northern hydroelectric developments. This has extended to include participation in new hydroelectric developments. Difficult legacies take time and trust to overcome and despite obstacles, representatives from First Nations communities and senior officials with Manitoba Hydro and their professional representatives have worked constructively to improve relationships and create business partnerships that accommodate the social and economic aspirations of First Nations people in a manner which also allows their vital cultural and spiritual traditions to strengthen and flourish.

The Partnership announced in June 2011 that it is planning to proceed with the Keeyask Generation Project. The Premier, the Chiefs of the four Keeyask Cree Nations, and then President and CEO of Manitoba Hydro, Mr. Bob Brennan, spoke at the announcement. Mr. Brennan stated:

I am extremely proud to participate in the launch of Keeyask with our partners. Manitoba Hydro's approach today to developing new generation facilities in a close working relationship with Aboriginal communities ensures local people share in the immediate and long-term benefits. Working together on project planning and



environmental studies has helped to increase local benefits and reduce and manage environmental impacts, with mitigation and compensation addressed before development proceeds.

**APPENDIX 2A**

**ABORIGINAL TRADITIONAL  
KNOWLEDGE PRINCIPLES  
WITHIN THE KEEYASK  
ENVIRONMENTAL IMPACT  
STATEMENT**

# COMMON PRINCIPLES REGARDING INCLUSION OF ABORIGINAL TRADITIONAL KNOWLEDGE IN THE KEEYASK ENVIRONMENTAL ASSESSMENT

The principles set out here have been developed by Manitoba Hydro with TCN, WLCN, YFFN and FLCN (the Keeyask Cree Nations) to reflect how their Aboriginal traditional knowledge is being and will be included in the Environmental Assessment for the Keeyask Generation Project.

## 1. Giving Equal Weight

The EA process honours and respects ATK and the Cree worldview. The EA aims to give equal weight to ATK and western science. It is recognized that ATK has value in and of itself.

## 2. Ensuring Visibility

ATK will have a distinguishable voice in the Environmental Impact Statement (EIS), and will not be melded with western science so as to become invisible.

## 3. Maintaining Authority and Confidentiality

Aboriginal people have authority and control over their traditional knowledge. Each KCN, together with its knowledge holders, will choose whether the source of its knowledge is to be acknowledged in the EIS document, or to remain confidential.

## 4. Leading Documentation - Rigorous and Defensible Methods

Each KCN is taking the lead role in collecting and documenting their ATK. Rigorous and defensible methods will be used to collect and document ATK.

## 5. Acknowledging Worldviews

The EA process and the EIS document recognize Cree knowledge and western science as distinct worldviews. ATK is more than just information about resources and resource use. There is a role for ATK in each step of the EA process.

**6. Building and Sustaining Respectful Relationships**

The EA process aims to foster communication and knowledge-sharing, and to build and sustain respectful relationships between Manitoba Hydro and the KCN communities.

**7. Acknowledging the Past**

Acknowledge the past in the EA process as providing context for the assessment (including temporal context).

**8. Reflecting Cultural Values and Spirituality**

Cree spirituality and cultural values are being and will be reflected in the EA process.

**9. Acknowledging Caution and Addressing Uncertainty**

Acknowledge and respect the caution that many KCN members have about predictions of environmental effects of hydro-electric development (*e.g.*, uncertainty associated with predictive models). It is important to employ a precautionary approach that identifies knowledge gaps and recognizes the uncertainty of predictions.

# **APPENDIX 2B**

# **CREE WORLDVIEW SYLLABICS**

The following Cree syllabic translation is provided by York Factory First Nation as their interpretation of the KCNs Cree worldview found in Chapter 2. It should be noted that Cree syllabics differ amongst Cree Nations across Canada.

## Δσσσ° βρρΛΛΝρ Δνρβσ° βρβσ°Δ·<CR> Ininewak Askiy Kasikannowapachikatek

Ρεσ βσ° βσρβ\ ΔσσσΔ\, CCνρβ° ΔσσσΔ\ ρρδρρ° ΔσσσΔ\, Λρρ°ββΔ·βσ  
ΔσσσΔ\ Γε ρρΔνβΔβ ΔσσσΔ\, ∇δσσ\ Δδ βΔ·ΔγΔ·βσσΛρ\ Δσνδ>ρρ·Δ ΔσC  
ρβνδ <°νδ\.

∇δΛ ββΝΛρεΔβU\ ρε Γσ ρρρCσΔσ Δ∇·σρ ρεε\ Cσρ βρρΛΛJΔβ\, Γε  
Δσσρ βρ<∇ββρ\ ρΝ∇σΛβσεε\ ∇δ° ΔCΔε. Λ°L° ΔΛ βΝΛρεΔβU\ Δ°Λρ.  
Δ∇σσρ ρεεε Γε βρρΛΛJΔβ Γε∇C∇Λβ\, ρνUCδσ CCL\ CΔ·ρΔδβ\ ΔΛ ρβ°  
ρ<Δβσ.

### ΔσσσΔ\ - Ininewak<sup>1</sup>

- Ρεε ΔσσσΔ\, Λσ) βρ Δσδβ\ ΔC Δνρ\, ρCεεβρCβ\ Δνρ Cεε∇σCΛ\  
δβ\ Δνρ.
- ρCβ°JΔ·εσ ρΝσσJ°Δε ρνUCδσ Δ·∇·σρ ρεεσ βρΛΛΝρβ\ Γε βCCL ΔC  
Δνρ\ ∇δ Γε ΔΛ βρΔβΓβ\ Cεε∇·ρβU\.
- Γσ ρCβσ° CΔ·ρΔβ\ βΝ∇σΛδ\ ρΝCΔε\ Γε βρε· ΔσσσΔ\, ∇δC  
C°ρρνρCL ∇σσΔ·β\.

### Δνρ - Askiy

- Δνρ ∇δΛ Δ·U°Δσ ββ<ρCβ\ ρρεσ ΔσσσΔ\ Γρ∇ Δνρ, σΛ, ΔΔ·βρβ\  
βσCρ\ Δνρ\ Λνρρβ ΔσσσΔ\βρε Γε βσCρΛβ\ ρδσε.
- βρβε ρδσε ΛLCε, ΔΛδΔσ, Δνρ βρΛβ\.
- Δνρ Γε βρε° ρδε βρΛβ\ ρνΔ·Δσ Δσδ ρεεσ Λε).
- ρρνρCJΔεε ΔΛδΛΛΝρΔ·σ Γε ΔρJΔε βρρνρCL\ ∇δΛ Δνρ Δρ.
- βρε° ρδ ΔC Δνρ.
- βρε° Δ∇·ε Γε βρε· ρδ ΔC Δνρ ρβε∇·CLβΔ·εσ.

### ρΔβUε - Niwacomakanak<sup>2</sup>

- βρε° ρβσ ρΔβUε° βρε° ρδσ ∇ββ ρΝρ<Δ)βUε βρε° ρΔ·δΓΝε°
- βρΔβCL\ Δνρ ρνUCδσ βρΛΛρ°ββ\ Δ∇ερε ΔΛδΛΛΝρΔσ\ Γε ∇)CL  
ρδε.

