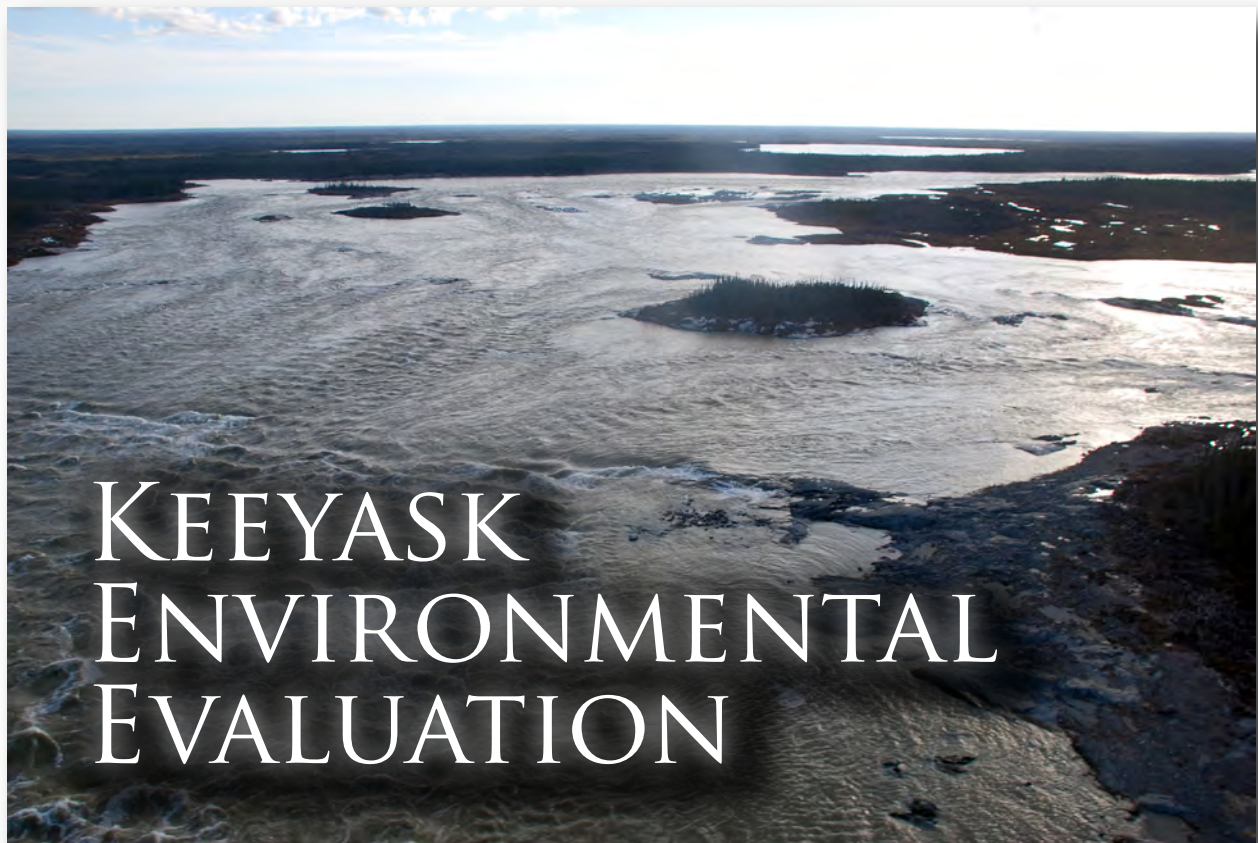




# CREE NATION PARTNERS



## KEEYASK ENVIRONMENTAL EVALUATION

A Report on the Environmental Effects of the Proposed Keeyask Project  
on Tataskweyak Cree Nation and War Lake First Nation

JANUARY 2012



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**January 2012**



# Table of Contents

<b>1.0 FOREWORD .....</b>	<b>1</b>
<b>2.0 PURPOSE AND OVERVIEW .....</b>	<b>2</b>
<b>3.0 THE KEYASK PROJECT – PHYSICAL SETTING AND DESCRIPTION.....</b>	<b>4</b>
3.1 INTRODUCTION .....	4
3.2 PRESENT STATE OF MAJOR WATERWAYS IN THE SLRMA .....	4
3.3 THE PROPOSED KEYASK PROJECT .....	6
<b>4.0 THE KEYASK PROJECT - HISTORICAL OVERVIEW.....</b>	<b>10</b>
<b>5.0 OUR CREE WORLDVIEW .....</b>	<b>16</b>
5.1 INTRODUCTION .....	16
5.2 THE PROCESS OF DESCRIBING OUR CREE WORLDVIEW.....	16
5.3 OUR WORLDVIEW AND CORE BELIEFS .....	18
5.4 RELATIONSHIPS AS THE BASIS OF OUR EXISTENCE AND OUR CULTURE.....	18
5.4.1 Spiritual Relationships with Mother Earth .....	19
5.4.2 Historical Relationships with the Land.....	19
5.4.3 Life Sustaining Relationships with Mother Earth.....	19
5.4.4 Caregiver Relationships and the Duty of Respect .....	20
5.4.5 Hunting, Fishing, Gathering and Trapping Relationships .....	20
5.4.6 Educational Relationships.....	20
5.4.7 Physical Relationships: Travel, Camping, Meetings and Burials.....	21
5.4.8 Emotional Relationships.....	21
5.4.9 Social Relationships within the Community.....	21
5.4.10 Socio-Political Relationships with Other First Nations.....	22
5.4.11 Socio-Political Relationships with Outsiders.....	22
5.4.12 Knowledge of Ecological Relationships among Non-Human Beings.....	22
5.4.13 Personal Property and Community Infrastructure Relationships.....	23
5.5 TCN VISION AND LAND USE OBJECTIVES.....	23
5.5.1 Vision.....	23
5.5.2 Land Use Objectives.....	23
5.6 THE MOTHER EARTH ECOSYSTEM MODEL.....	25
5.6.1 Description.....	25
5.7 SUMMARY.....	27
<b>6.0 CONSULTING OUR MEMBERS.....</b>	<b>28</b>
6.1 INTRODUCTION .....	28
6.2 CONSULTATION PROCESSES AND MECHANISMS .....	28
6.2.1 Council and Elders Gull Planning Committee.....	28
6.2.2 Overview of Water and Land (OWL) Process.....	28
6.2.3 OWL Reference Group.....	29
6.2.4 Keyask Employment and Training Agency (KETA) Reference Group .....	30
6.2.5 Keyask External Relations Committee (KERC) Reference Group.....	30
6.2.6 Keyask Internal Relations Committee (KIRC) Reference Group.....	30
6.2.7 Business Contracting and Economic Strategy (BCES) Reference Group.....	30
6.2.8 Expert Committee on Adverse Effects .....	30
6.2.9 Meetings Preceding Ratification of the AIP .....	30
6.2.10 Roundtable Meetings .....	31
6.2.11 General Membership Meetings.....	31



6.2.12 Information and Planning Meetings.....	32
6.2.13 Negotiation Meetings.....	32
6.2.14 Youth Meetings.....	32
6.2.15 Summary of Consultation Meetings.....	33
6.2.16 Consultations Leading to the Ratification Votes.....	33
6.2.17 Community Questionnaires and Interviews.....	33
6.2.18 Websites.....	33
6.2.19 Newsletters/Journals.....	34
6.2.20 Radio Broadcasts.....	34
<b>7.0 IDENTIFICATION AND EVALUATION OF ENVIRONMENTAL ISSUES – PROCESS AND RESULTS.....</b>	<b>35</b>
7.1 INTRODUCTION.....	35
7.2 DEFINING POTENTIAL KEYASK ADVERSE EFFECTS.....	35
7.3 PROCESS FOR IDENTIFYING POTENTIAL ADVERSE EFFECTS –QUESTIONNAIRES AND INTERVIEWS.....	36
7.4 IDENTIFIED ISSUES.....	36
7.5 METHOD FOR EVALUATING THE ISSUES.....	39
7.6 RESULTS OF OUR EVALUATION.....	39
7.7 ECOSYSTEM RELATIONSHIPS INTEGRAL TO OUR CULTURAL IDENTITY.....	40
7.7.1 Interference with the Right to Hunt, Trap and Fish for Food.....	40
7.7.2 Loss of Historical Connection to the Land that will be Flooded.....	41
7.7.3 Loss of Traditional Food Previously Harvested in the Area of Impact.....	41
7.7.4 Disrespect and Lack of Care for Mother Earth.....	41
7.7.5 Disruption of Spiritual Relationships with the Land.....	41
7.7.6 Disruption of Emotional Relationships with the Land.....	41
7.7.7 Reduced Opportunities for Traditional Learning.....	41
7.7.8 Reduced Opportunities to Experience Traditional Living.....	42
7.7.9 Reduced Opportunities for Sharing.....	42
7.8 SUMMARY.....	42
<b>8.0 INFLUENCING THE KEYASK PROJECT.....</b>	<b>43</b>
8.1 INTRODUCTION.....	43
8.2 TCN AND WLFN PARTICIPATION IN PROCESSES TO MITIGATE ADVERSE EFFECTS.....	43
8.2.1 From 1992 to Early 2001.....	43
8.2.2 The TCN AIP.....	43
8.2.3 The Expert Committee on Adverse Effects.....	43
8.2.4 The Project Description Committee.....	44
8.3 FUNDAMENTAL FEATURES.....	44
8.4 OTHER PLANS AND PROGRAMS.....	45
8.4.1 Reservoir Clearing & Waterways Management.....	45
8.4.2 Reservoir Depth Charts and Travel Routes.....	45
8.4.3 Navigation and Hazard Marking.....	45
8.4.4 Reservoir Water Level Information.....	45
8.4.5 Safe Landing Sites.....	45
8.4.6 Ice Monitoring & Safe Trails Program.....	45
8.4.7 Historical Resources Protection/Preservation.....	45
8.4.8 Reclaiming Disturbed Sites.....	46
<b>9.0 TCN AND WLFN ADVERSE EFFECTS AGREEMENTS.....</b>	<b>47</b>
9.1 INTRODUCTION AND GENERAL PROVISIONS.....	47
9.2 TCN ADVERSE EFFECTS AGREEMENT.....	48
9.2.1 The Offsetting Programs.....	48
9.2.2 Residual Compensation.....	51
9.2.3 Funding Features.....	51



9.2.4 Pre-Determined Compensation ..... 52

9.2.5 Continuing Obligations ..... 52

9.3 WLFN ADVERSE EFFECTS AGREEMENT ..... 53

9.3.1 The Offsetting Programs ..... 53

9.3.2 Residual Compensation ..... 56

9.3.3 Funding Features ..... 56

9.3.4 Continuing Obligations ..... 56

**10.0 TRAINING, EMPLOYMENT, BUSINESS OPPORTUNITIES, OWNERSHIP AND FINANCIAL ARRANGEMENTS..... 58**

10.1 INTRODUCTION ..... 58

10.2 TRAINING AND EMPLOYMENT ..... 58

10.2.1 Pre-Project Training ..... 58

10.2.2 During Project Construction ..... 59

10.2.3 Employment in Hydro Operational Jobs..... 60

10.3 BUSINESS OPPORTUNITIES ..... 60

10.4 OWNERSHIP AND FINANCIAL ARRANGEMENTS..... 61

**11.0 ASSESSING HARMONY AND BALANCE IN OUR HOMELAND ECOSYSTEM ..... 63**

11.1 INTRODUCTION ..... 63

11.2 DESCRIBING THE ANCESTRAL HOMELAND ECOSYSTEM MODEL ..... 63

11.3 APPLICATION OF THE MODEL TO PAST, PRESENT AND FUTURE TIMES ..... 65

11.3.1 Before First Contact with Europeans ..... 65

11.3.2 Before Hydro Development ..... 67

11.3.3 The Present..... 69

11.3.4 Predicted State with Keeyask..... 71

11.4 THE STRENGTH OF OUR VITAL RELATIONSHIPS ..... 73

11.5 SUMMARY..... 73

**12.0 TCN AND WLFN REFERENDUMS ..... 75**

12.1 PURPOSE ..... 75

12.2 PROCESS ..... 75

12.3 RESULTS ..... 75

**13.0 CONCLUSION ..... 77**

**APPENDIX 1 – UTILIZING OUR LANDSCAPES AND WATERSCAPES ..... 79**

1.1. INTRODUCTION ..... 79

1.2. UTILIZING OUR HOMELAND ECOSYSTEM ..... 79

1.3. TYPICAL LANDSCAPES AND WATERSCAPES IN THE SLRMA ..... 79

**APPENDIX 2 – OUR HOMELAND ECOSYSTEM - A HISTORY OF TRANSFORMATIVE EVENTS.... 117**

1.1 INTRODUCTION ..... 117

1.2 KEY POST-CONTACT EVENTS ..... 117

1.2.1 Introduction of European Technology and Products ..... 117

1.2.2 The Royal Proclamation (1763)..... 117

1.2.3 Disease ..... 118

1.2.4 European Food..... 118

1.2.5 Christianity..... 118

1.2.6 Alcohol..... 119

1.2.7 Transfer of HBC Control to Crown (1870)..... 119

1.2.8 Indian Act (1876)..... 119

1.2.9 Adhesion to Treaty 5 (1908)..... 119

1.2.10 Health Care ..... 120



1.2.11 Schooling .....	120
1.2.12 Technology .....	121
1.2.13 Migratory Birds Convention Act (1917).....	121
1.2.14 Hudson Bay Railway .....	121
1.2.15 Cash Payments .....	122
1.2.16 Natural Resources Transfer Agreement (1930) .....	122
1.2.17 Registered Trapline (RTL) System .....	123
1.2.18 Family Allowance.....	123
1.2.19 Hydro Development Beginning in 1957 .....	123
1.2.20 Resource Allocations in the SLRMA .....	124
1.2.21 Lake Winnipeg Regulation and Churchill River Diversion (1976).....	124
1.2.22 Northern Flood Agreement (1977) .....	125
1.2.23 Highway Access (PR 280).....	125
1.2.24 Section 35 of the Constitution Act (1982).....	126
1.2.25 The NFA Implementation Agreement (1992).....	126
1.2.26 The 1996 Article 2 NFA Implementation Agreement .....	126
1.2.27 The Agreement in Principle Regarding the Potential Future Development of the Gull Rapids Hydro-Electric Station (AIP) (2000).....	127
1.2.28 The War Lake Agreement in Principle (2003) .....	127
1.2.29 The War Lake Past Adverse Effects Agreement (2005).....	127
1.2.30 The 2008 Agreement.....	127

**APPENDIX 3 – THE CNP PROPOSED KEYASK GENERATING STATION COMMUNITY  
CONSULTATION REPORT ..... 129**



# List of Figures

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Figure 1: The Mother Earth Ecosystem Model .....	26
Figure 2: Structure of the KHL P .....	62
Figure 3: The Ancestral Homeland Ecosystem Model.....	64
Figure 4: The Ancestral Homeland Ecosystem Model Before First Contact With Europeans .....	66
Figure 5: The Ancestral Homeland Ecosystem Model Before Hydro Development .....	68
Figure 6: The Ancestral Homeland Ecosystem Model at Present.....	70
Figure 7: The Ancestral Homeland Ecosystem Model With the Keeyask Project.....	72

# List of Maps

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Map 1: Split Lake, Ilford and the Major Waterways Affected in the SLRMA .....	5
Map 2: Keeyask Reach of the Nelson River Showing Land Affected After Flooding by Keeyask .....	7
Map 3: Main Components of the Keeyask Project.....	9
Map 4: Split Lake, Ilford, The SLRMA and the WLTUA .....	12
Map 5: The TCN Resource Area, the SLRMA and the WLTUA .....	17
Map 6: Lakes Utilized for the TCN Healthy Food Fish Program .....	50
Map 7: Lakes Utilized for the WLFN Community Fish Program.....	54

# List of Tables

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Table A: Annual CNP Consultation Meetings .....	33
Table B: TCN AEA Payment Schedule and Direct Costs.....	52
Table C: WLFN AEA Payment Schedule and Direct Costs .....	57
Table D: Summary of Our Vital Relationships For the Past, Present and Future .....	74



# List of Acronyms and Conventions

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1992 Agreement – *The 1992 NFA Implementation Agreement\**

AEA(s) – *Adverse Effects Agreement(s)*

AIP(s) – *Agreement(s)-in-Principle*

Ancestral Homeland Ecosystem – Homeland Ecosystem

ATK – Aboriginal Traditional Knowledge

CNP – Cree Nation Partners

CRD – Churchill River Diversion

CS – Control Structure

EIS – Environmental Impact Statement

FLCN – Fox Lake Cree Nation

GS – Generating Station

HBC – Hudson Bay Company

HBR – Hudson Bay Railway

HNTEI – Hydro Northern Training and Employment Initiative

Hydro – Manitoba Hydro

JKDA – *Joint Keeyask Development Agreement*

KCN – Keeyask Cree Nations

KHLP – Keeyask Hydropower Limited Partnership

KIP – Keeyask Infrastructure Project

Keeyask, the Project, the proposed Keeyask Project – The Proposed Keeyask Generation Project

LWR – Lake Winnipeg Regulation

MBCA – *Migratory Birds Convention Act*

MW – Megawatt

NFA – *1977 Northern Flood Agreement*

NFC – Northern Flood Committee

NRTA – *Natural Resources Transfer Agreement Act*

OWL – Overview of Water and Land

TCN – Tataskweyak Cree Nation





TCN AIP – *The Agreement-in-Principle Regarding the Potential Future Development of the Gull Rapids Hydro-Electric Generating Station (2000)*

SLRMA – Split Lake Resource Management Area

SLRMB – Split Lake Resource Management Board

WLFN – War Lake First Nation

WLFN AIP – *The War Lake First Nation Agreement in Principle (2003)*

WLTUA – War Lake Traditional Use Area

YFFN – York Factory First Nation

\*All Agreements, Treaties, Statutes and Reports are shown in italics.



## 1.0 Foreword

---

In 2009, following years of discussions and negotiations, Tataskweyak Cree Nation (TCN) and War Lake First Nation (WLFN), operating together as the Cree Nation Partners (CNP), reached agreement with Manitoba Hydro (Hydro), York Factory First Nation (YFFN) and Fox Lake Cree Nation (FLCN) to share in the ownership, development and operation of the proposed Keeyask Generation Project (the Project). As part of the process leading to the *Joint Keeyask Development Agreement* (JKDA) and our respective *Adverse Effects Agreements* (AEAs), TCN and WLFN undertook to conduct an assessment of the predicted environmental effects of the Project on our communities and our Members. As we will show, we use the term ‘environmental effects’ in a very broad sense, in keeping with our worldview.

Through this report, we intend that any interested parties will understand and appreciate our worldview, our view of the anticipated environmental effects of the Keeyask Project, the arrangements we have reached with Hydro, and ultimately, our decision to move forward with the Project.

We provide the historical context for our decision by showing the changes that have come upon us since the arrival of Europeans. Particular emphasis is given to the period from 1998, when we first proposed to Hydro that we enter into discussions around joint ownership of a future generating station within the Split Lake Resource Management Area (SLRMA), to now, as limited partners and co-proponents, proposing the Keeyask Project to regulators as a way of restoring the capacity of our ancestral homeland ecosystem to sustain us both physically and culturally.

Throughout the journey which led to our decision to participate in Keeyask, our Elders, and Chiefs and Councils have provided strong leadership to our Members. Our Members have actively participated and contributed in a comprehensive, inclusive process involving meetings of many types, interviews, questionnaires, and various forms of media. The process ensured all CNP Members had opportunities to be involved, to have any questions answered, and to provide opinions on the whole range of issues that required consideration and discussion.

We thank all TCN and WLFN Chiefs, Councillors, Members, Elders and youth who participated over more than 10 years. Their invaluable contributions were the driving force behind the proper representation of our worldview and the effective expression of how we expect to experience the environmental effects of the proposed Keeyask Project. In particular, we thank the TCN and WLFN OWL Reference Groups and staff for their significant contributions. Much deserved recognition must be extended to the TCN Manager of Future Development, Victor Spence, whose strategic and administrative role in extending the consultation process to all Members was vital to our success.

We, the Tataskweyak and War Lake Cree, are committed to providing our Members and future generations with greater opportunities, including those available in a modern economy, while maintaining our cultural integrity and sustaining the natural environment through careful management. These are the goals we hope to achieve through our participation in the proposed Keeyask Project.



## 2.0 Purpose and Overview

---

The purpose of this report is to inform regulatory authorities and interested parties of TCN and WLFN's reasoning and processes to approve our participation in the construction and operation of the proposed Keeyask Generation Project. The story we tell is our own, as are the conclusions we have come to regarding Keeyask. The methods we used to assess the likely impacts on us are based on our traditions and our worldview, and our decision to approve Keeyask can be understood in this context.

TCN and WLFN are aware of the requirements of the *Canadian Environmental Assessment Act* and *The Environment Act* (Manitoba) in assessing the environmental effects of a major resource development project. We do not claim that this report has been prepared in compliance with these requirements. It will become clear that we have chosen our own approach to the assessment of environmental effects on us; one that is rooted in our cultural identity and our worldview.

We begin in Chapter 3 with a description of the physical setting of the Keeyask Project in the Split Lake Resource Management Area (SLRMA). Chapter 3 also describes the main components of the Project. Chapter 4 provides a historical context for the Keeyask Project from our perspective.

In order for interested parties to understand our assessment of the effects of the Project, and to understand this report, we include information about our worldview and how we understand and experience environmental effects on our homeland ecosystem. We show how our holistic worldview is reflected in the Mother Earth Ecosystem Model – a model designed by TCN and approved by WLFN – which conveys the interconnectedness of all facets of our homeland ecosystem. Our worldview and core beliefs are discussed in Chapter 5.

In Chapter 6, we explain the community consultation process we used to consider all aspects of the proposed Keeyask Project. Consultations were conducted in accordance with the traditional decision making processes in our communities – one based on informed consensus.

To do our own assessment, and then to successfully negotiate the benefits provided by the *Joint Keeyask Development Agreement* (JKDA) and our comprehensive *Adverse Effects Agreements* (AEAs), it was necessary for us to design and implement ways of identifying, describing and evaluating the anticipated environmental impacts of Keeyask. The process we used and the results we obtained are presented in Chapter 7.

After identifying and evaluating Keeyask adverse effects, it was determined by CNP and Hydro that the joint development of mitigation and compensation measures would be required. Our involvement in developing mitigation measures is described in Chapter 8.

In Chapters 9 and 10, we present the key features of our negotiated agreements with Hydro. Chapter 9 explains how our respective AEAs address all Keeyask adverse effects. Chapter 10 discusses the training, employment and business opportunities for the construction and operation of Keeyask. The structure of the ownership arrangements through the Keeyask Hydropower Limited Partnership (KHLP) is also discussed in Chapter 10.

Chapter 11 provides an analysis of the state of harmony and balance in our homeland ecosystem at four key points in time. We show how the Keeyask Project can be seen as an opportunity to begin restoring the state of harmony and balance in our homeland ecosystem. Chapter 11 also contains a table summarizing the state of our vital relationships with Mother Earth – relationships which are at the core of our beliefs and worldview – in four time periods.



Chapter 12 details the results of our communities' referendums, which gave authority to TCN and WLFN Chiefs and Councils to approve both the JKDA and AEAs. Our conclusions are provided in Chapter 13.

Appendix 1 provides pictures of the major landscapes and waterscapes in our homeland ecosystem. The pictures include a scientific, biophysical description of the area depicted. To complement each picture, we have included comments from CNP OWL Members as to how these landscapes and waterscapes are used for traditional pursuits.

Appendix 2 is a listing and brief description of significant events and changes which we have experienced since the coming of Europeans to our homeland ecosystem. This listing is more comprehensive than is provided in Chapter 4. Many of the events and changes in this appendix are included in the analysis of harmony and balance in Chapter 11.

Appendix 3 contains a report entitled the *Cree Nation Partners Proposed Keeyask Generating Station Community Consultation Report* (2010). This report provides a description of the consultation mechanisms and processes designed and executed by the CNP.



## 3.0 The Keeyask Project – Physical Setting and Description

---

### 3.1 Introduction

This chapter has two purposes: first, to provide the physical context for the areas of our homeland ecosystem which will be affected by the Keeyask Project; and second, to provide an overview of the main components of the Project.

A more detailed description of the key features of our ancestral homeland ecosystem, including pictures and discussion of common landscapes and waterscapes, as well as insight into how CNP Members use these areas for traditional pursuits, is included in Appendix 1.

### 3.2 Present State of Major Waterways in the SLRMA

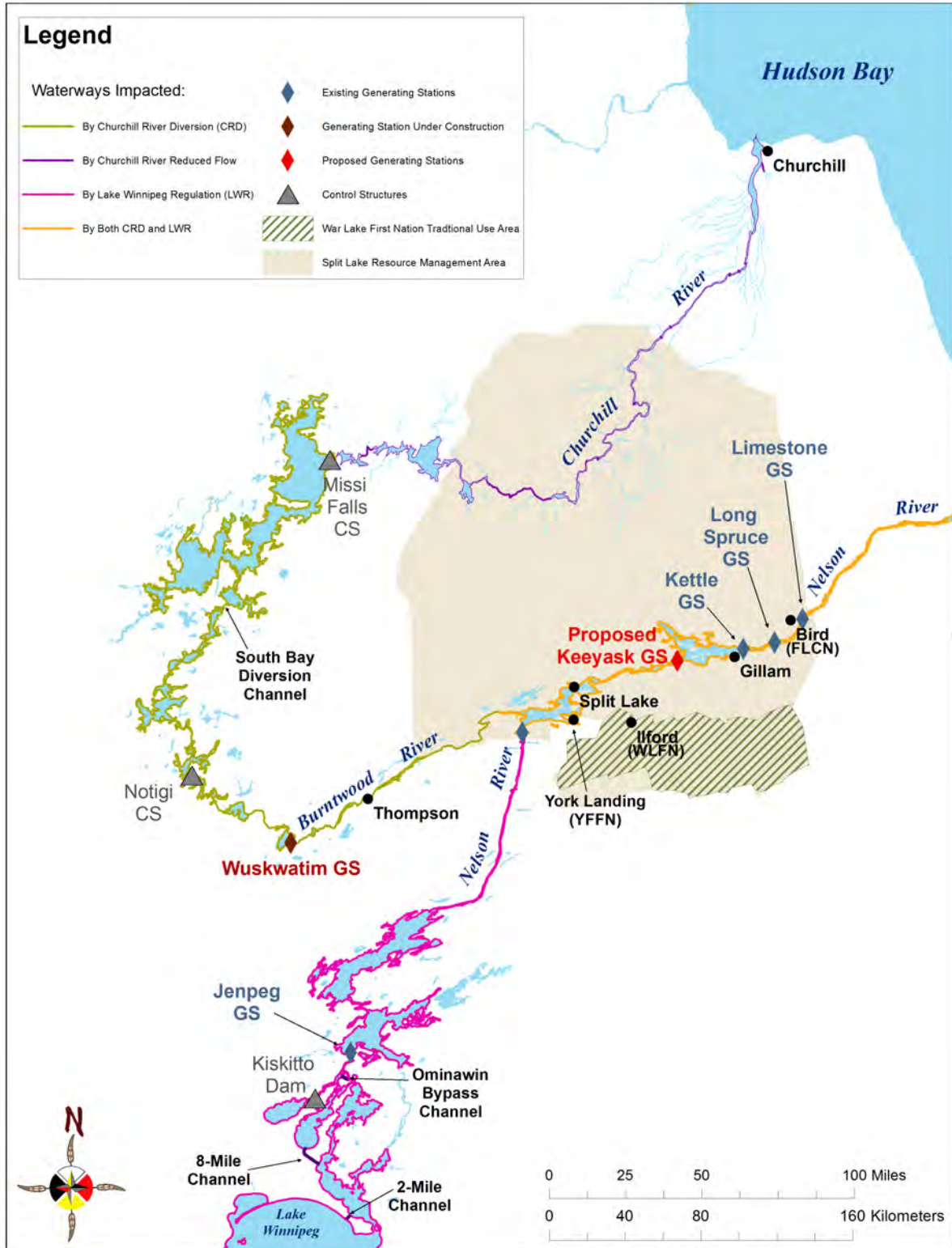


*Aerial Photo of Split Lake in the Foreground with Fox Lake and Assean Lake in the Background*

Split Lake is a widening of the Nelson River where it is joined by the Burntwood River. It is at the very heart of Hydro's generation system, receiving altered flows from the Winnipeg, Saskatchewan, Red, Assiniboine and other smaller rivers that flow into Lake Winnipeg, plus most of the flow of the Churchill River, which has been diverted through the Burntwood River.

The dams, reservoirs and altered water regimes are the most obvious and pervasive outside physical forces affecting us. The most important of those are attributable to the Churchill River Diversion (CRD) and Lake Winnipeg Regulation (LWR). Although flows in the Keeyask Reach, which includes Birthday Rapids, Gull Lake and Gull Rapids, are much different today from those experienced by our ancestors, this is the portion of the Nelson River in the Split Lake Resource Management Area (SLRMA) that is most similar to the state before hydroelectric development began. TCN and WLFN Members consider most portions of the major waterways in our homeland ecosystem to have been altered so extensively by hydroelectric development that they can no longer sustain us in traditional ways. We consider that the Keeyask Reach has not yet been completely altered, but that it will be as a result of the Keeyask Project. Subsequent chapters of this report will explain how this loss will be addressed in ways that will actually strengthen our cultural identity and help to restore harmony and balance to our homeland ecosystem.

Map 1 shows our communities of Split Lake and Ilford and the Hydro developments that directly impact our waterways. The four generating stations in our SLRMA – Kelsey, Kettle, Long Spruce and Limestone – generate approximately 75% of the electricity in Manitoba.



**MAP 1: SPLIT LAKE, ILFORD AND THE MAJOR WATERWAYS AFFECTED IN THE SLRMA**





### 3.3 The Proposed Keeyask Project

The proposed Keeyask Project will be the fifth generating station in the SLRMA. It involves the development of a generating station with a 695 MW rated capacity. It will be located at Gull Rapids on the lower Nelson River in the boreal forest within the Canadian Shield on provincial Crown lands. The proposed site is approximately 31 miles (50 km) downstream of the TCN community of Split Lake, as illustrated in Map 2.

The principal structures include the powerhouse complex, spillway, dams and dykes, as illustrated in Map 3. The powerhouse will contain seven units, each consisting of a vertical shaft turbine and a generator, as well as mechanical and electrical equipment to control the turbines and generators and service the complex. The powerhouse complex will be in the north channel of the Nelson River.

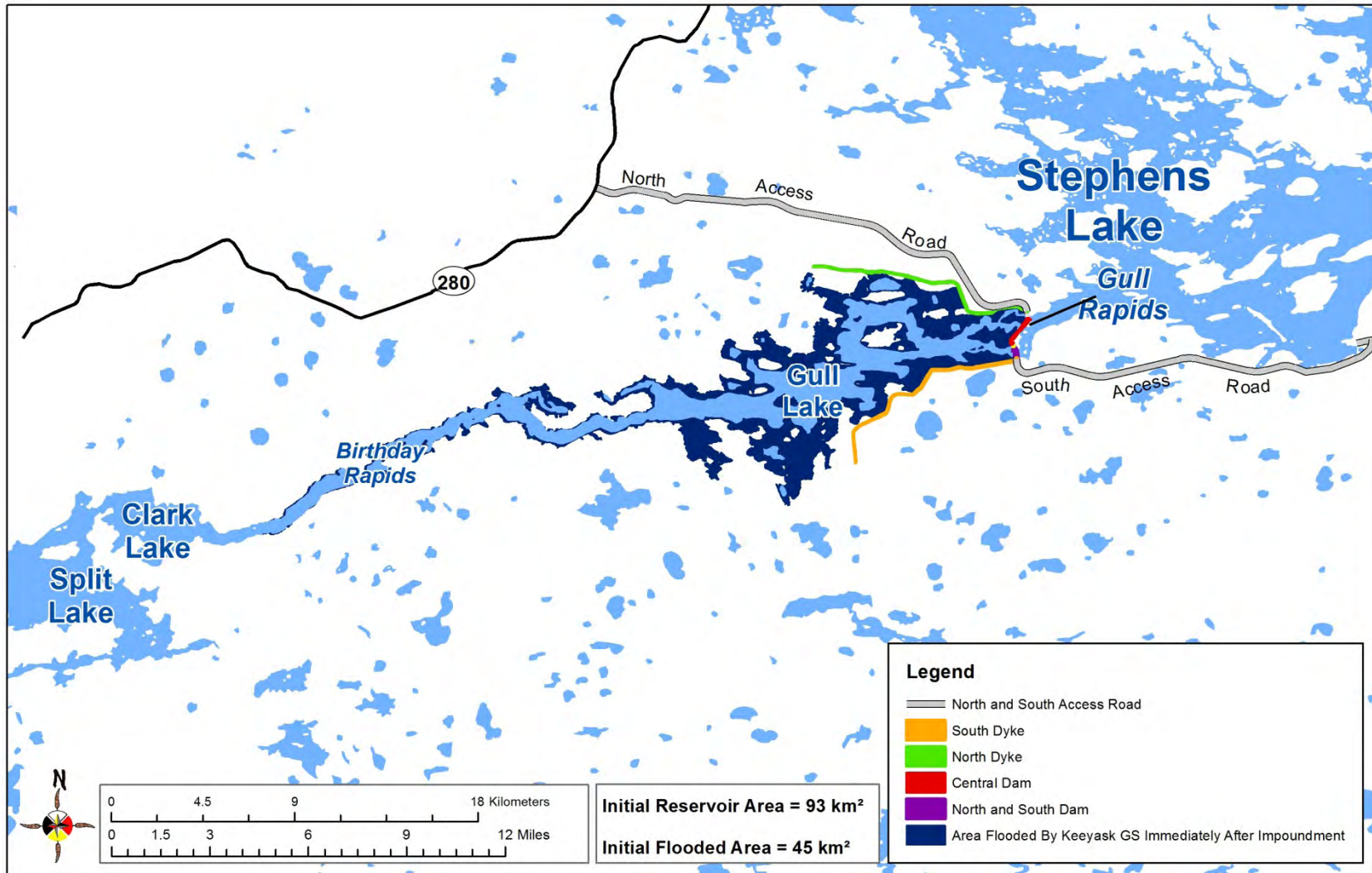
The spillway will be located within a rock channel excavated on the south side of one of the large islands within Gull Rapids, about one mile (1.6 km) south of the powerhouse. Concrete transition structures will connect the spillway and powerhouse to the central dam and to the north and the south dams. The spillway will be a seven-bay concrete overflow structure with individually controlled gates. The powerhouse and spillway will be designed to safely pass the probable maximum flood without creating backwater effects.

A series of earth dykes will be located along both sides of the river for approximately 7 miles (11 km), including a roadway which will be constructed on top of the dykes and between the sections of dykes. Three earthfill dams (the north dam, central dam and south dam) will be constructed across Gull Rapids, creating a reservoir upstream of the powerhouse.

The reservoir will extend from the generating station upstream to the outlet of Clark Lake, a distance of about 26 miles (42 km). Initially, the reservoir area will be approximately 36 miles<sup>2</sup> (93 km<sup>2</sup>) and will consist of approximately 18.5 miles<sup>2</sup> (48 km<sup>2</sup>) of existing waterways and approximately 17.5 miles<sup>2</sup> (45 km<sup>2</sup>) of newly inundated lands (see Map 2). The reservoir area will increase by approximately 2 to 3 miles<sup>2</sup> (7 to 8 km<sup>2</sup>) over a 30-year period mainly due to peatland disintegration and the erosion of some mineral shorelines. Previous hydroelectric developments did not include any provision for clearing the reservoir of trees and brush prior to flooding, but TCN insisted upon this and Hydro agreed.



*Photo of Gull Rapids*



**MAP 2: KEYASK REACH OF THE NELSON RIVER SHOWING LAND AFFECTED AFTER FLOODING BY KEYASK**





Supporting infrastructure required for the Project includes north and south access roads, an ice boom, several cofferdams, camps with accommodations for the workforce, and work areas for Manitoba Hydro and contractors. Much of the supporting infrastructure will be constructed by the KCN under Direct Negotiated Contracts (DNCs) negotiated in the *Joint Keeyask Development Agreement (JKDA)*, including services such as catering and site security.

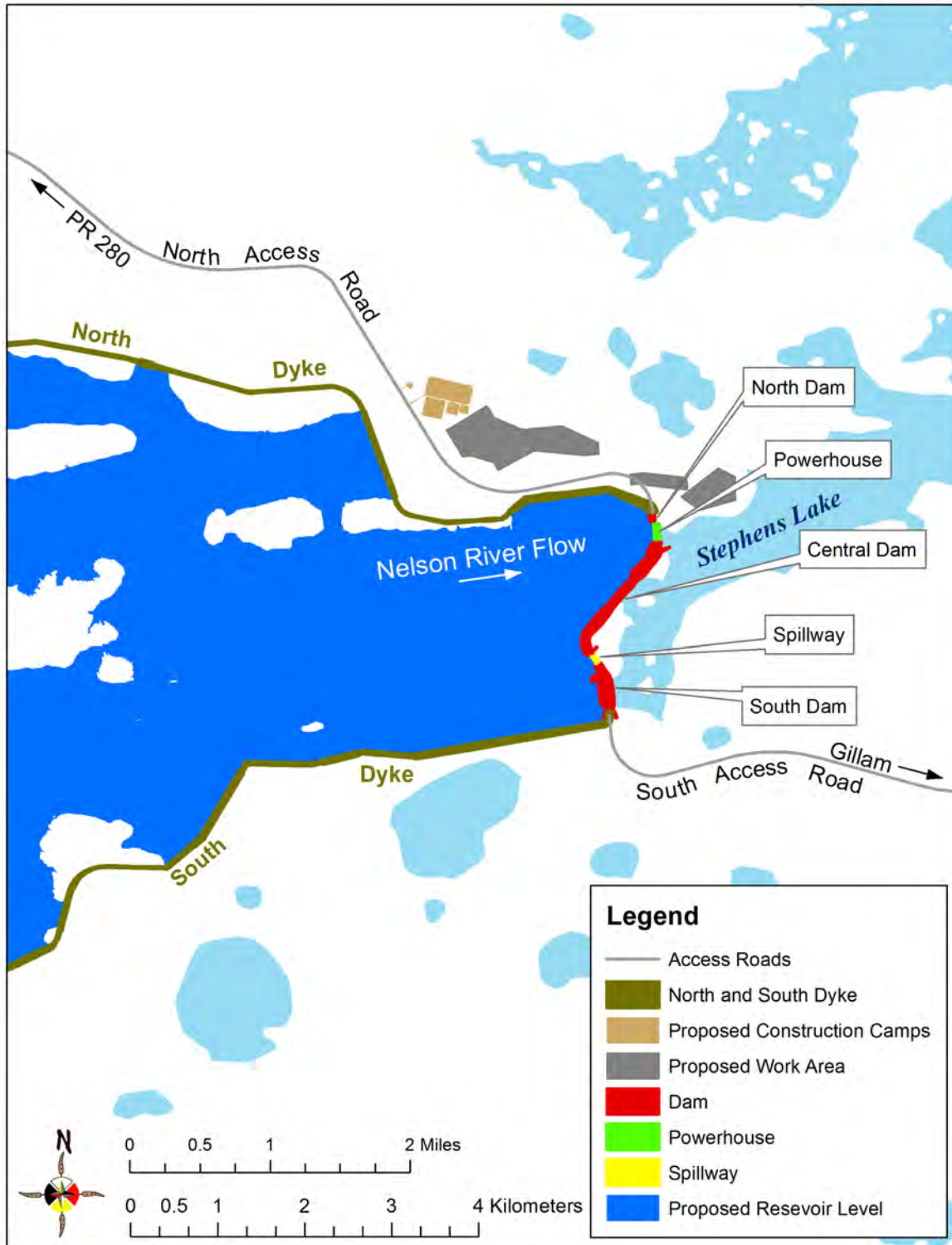
The contractors' work areas will contain field offices, storage facilities, maintenance shops, fuel storage and vehicle refuelling facilities, an aggregate processing area, and the other facilities required to support construction activities. Transportation and communications-related services will be provided by Hydro.

The main camp and work areas are being developed in two phases. The first phase, a 500-person camp on the north side of Gull Rapids, will be constructed in accordance with the requirements of a licence for the Keeyask Infrastructure Project (KIP) under *The Environment Act* (Manitoba). KIP will be constructed and ready to be operationalized if and when authority for the Generation Project is issued. The operation of these facilities and the construction and operation of the second phase of the main camp are part of this Project. During the second phase, the camp will be expanded to accommodate approximately 2000 people.

The north access road will serve as the primary access for transporting construction materials, equipment and workers. The south access road will be built after Project construction starts and will connect the Project site with the Town of Gillam. The north and south access roads will be connected by a permanent river-crossing over the Project's north dam, powerhouse, central dam, spillway, and south dam. The north and south access roads will be constructed to meet Manitoba Infrastructure and Transportation standards.

Materials required for the Project include impervious materials, granular materials and rock. Site investigations have identified a number of sources for these construction materials in the immediate area.

The Keeyask Generation Project has been designed by Hydro and the KCN to lessen or avoid adverse effects. A description of these design features is provided in Chapter 8. For example, the forebay full supply level of 521.7 feet (159.0 metres) was agreed to so that the operation will not affect the water level on Split Lake during open water conditions. Limiting the operating range to 3.3 feet (1.0 metre) was also designed to reduce adverse effects.



**MAP 3: MAIN COMPONENTS OF THE KEYASK PROJECT**



## 4.0 The Keeyask Project - Historical Overview

---

Our decision to approve the Keeyask Project is best understood in the context of our history in our ancestral homeland ecosystem. This chapter provides a brief overview of our communities and then focuses on our history and the changes we have experienced from the time of our ancestors, when our lands and waters were undeveloped and provided all that was required to sustain us physically and culturally. A more comprehensive list of these events is provided in Appendix 2.

TCN is a nation of Cree people who are the descendants of the original inhabitants of a territory situated in north-eastern Manitoba, Canada. Based on Indian and Northern Affairs Canada Registered Population database as of April 2011, the population of TCN is 3392. Our on-Reserve population is 2181, which is 64% of our total population.



*Aerial Photo of Tataskweyak Cree Nation*

WLFN was recognized as a separate Band in 1980. Prior to that, most WLFN Members had been Members of TCN. The community at Ilford, where the principal Reserve of WLFN is located, is on the Hudson Bay Railway (HBR) line and used to be an important supply point for the TCN community at Split Lake and points further north and east. As of April 2011, the Indian and Northern Affairs Canada Registered Population database indicates a total of 269 Members, with 75 living on-Reserve.





*Aerial Photo of War Lake First Nation*

Two mighty rivers flow through our lands – the Churchill and the Nelson. These rivers, the Split Lake Resource Management Area (SLRMA), the War Lake Traditional Use Area (WLTUA) within the SLRMA, and our communities are shown on Map 4. To provide a sense of the scale of our territory, the SLRMA is just under 16,700 miles<sup>2</sup> (more than 43,000 km<sup>2</sup>) in area, representing just under 7% of Manitoba.

Recent archaeological discoveries at Clark Lake (referred to as “Mamee” in Cree), approximately 7 miles (11.5 km) downstream of TCN’s community on Split Lake, provide evidence of our ancestors trading outside of Canada before first contact. Artifacts, such as arrowheads and pottery, provide evidence of at least a 6000 year occupation. It is our belief that we have lived here since time immemorial in an organized society that hunted, fished, trapped and harvested, governing ourselves according to our own laws, customs, and beliefs. We lived as an integral part of our ancestral homeland ecosystem, respecting the natural rhythm of the seasons and the habits of the wildlife. Practising our traditional way of life, we were sustained by the rivers, the boreal forest, and the bountiful Hudson Bay lowlands and coastline. Although our ancestors survived in a harsh climate and an unforgiving landscape, where knowledge of and respect for every component of our homeland ecosystem was paramount to survival, they were self-reliant and self-sustaining.

Before first contact with Europeans, our ancestors lived in harmony with the land and had power and authority to govern their own lives. Our homeland ecosystem sustained us both physically and culturally. Through some 250 years after first European contact, our land continued to support us as we blended new technology and values with our traditional ways. With the passage of time, however, non-Aboriginals eventually gained control of our land and authority over our lives. Key post-contact historical events, which acted cumulatively to alter our homeland ecosystem, are detailed in Appendix 2.

For all of our history, the most significant changes to our way of life are a result of hydroelectric developments in northern Manitoba. Outside use of our waterways began with the construction of the Kelsey Generating Station on



the Nelson River at the outlet to Split Lake in the south of the SLRMA in 1957. Hydroelectric development continued in the 1960s and 1970s with the Churchill River Diversion (CRD) and Lake Winnipeg Regulation (LWR). New generating stations at Kettle, Long Spruce, and Limestone further flooded and altered our lands and rivers. They had a devastating effect on our customs, practices and traditions.



#### **MAP 4: SPLIT LAKE, ILFORD, THE SLRMA AND THE WLTUA**

The Lake Winnipeg Regulation and Churchill River Diversion caused fundamental changes to the flows and levels of the Churchill River, Burntwood River, Nelson River and Split Lake, which had drastic impacts on us. It was as if we had been transported out of the physical landscape of our homeland ecosystem without actually having been moved.

Concern over the hydroelectric development projects caused TCN, along with four other affected First Nations, to form the Northern Flood Committee (NFC) in 1974. The NFC was able to bring Hydro, Manitoba and Canada to the table to begin negotiations concerning the impacts of the hydroelectric projects on our First Nations' lands, lives and



livelihood. The negotiations resulted in the signing of the *Northern Flood Agreement* (NFA) in 1977 by Hydro, the governments of Manitoba and Canada, and the Members of the five Cree Nations affected by the hydroelectric developments: Split Lake (Tataskweyak), Nelson House (Nisichawayasihk), Cross Lake (Pimicikamak), Norway House (Kinasao Sipi) and York Factory (Kitche-Waskahigan).

The NFA was a difficult agreement to negotiate because of government and Hydro reluctance. These parties initially took the position that they had few legal obligations. They provided few resources for the affected Cree Nations to negotiate collectively, preferring to negotiate separate compensation settlements with each affected community. The NFC had no external funding at first. Later, limited financial support from Canada was provided in the form of guarantees for bank loans. However, through collective determination and our Elders' wisdom, the other Parties were forced to recognize the Cree's historic and interdependent relationship with our homeland ecosystem. Our efforts resulted in a legal framework to give us a voice with respect to future Hydro developments. This was a monumental accomplishment because it was the first recognition of our modern legal rights as First Nations in our homeland ecosystem.

The NFA proved an equally difficult agreement to implement largely because of a lack of understanding by outsiders of the enormous adjustments and damages imposed on our people. For many years, little positive action was taken toward implementing the NFA. Hundreds of claims were filed with the NFA Arbitrator in the late 1970s and 1980s to force both governments and Hydro to live up to their commitments. However, the arbitration process proved slow and ineffective. In 1990, after two years of negotiations between the NFC, Canada, Manitoba and Hydro to implement the NFA, negotiations broke down. TCN decided to proceed alone with negotiations to implement key features of the NFA with Hydro, Manitoba and Canada. The other affected Cree Nations chose their own path.

At the start of NFA negotiations, TCN leaders understood that they were dealing with highly complex matters associated with hydroelectric development and its impact on our rights and interests. TCN knew that Canada, Manitoba and Hydro had large teams of legal and technical experts dealing with these matters. As we alone set out on a path to implement the NFA, we knew we required strong representation to achieve a successful outcome. TCN undertook to assemble its own team of independent strategic, technical and legal experts. They worked closely with and took direction from Chiefs and Councils, both directly and through engagement in consultations with the Members.

Negotiations resulted in TCN's *1992 NFA Implementation Agreement* (the 1992 Agreement) that brought benefits to TCN Members. It resulted in major changes in the relationship between TCN and Hydro, and gradual improvements in understanding within Hydro about how we experience impacts. The 1992 Agreement also contains provisions protecting TCN's rights and interests in relation to any future hydroelectric development and formal recognition of TCN's governance and authority. It formally recognized the SLRMA.

A provision of the 1992 Agreement was a joint examination by TCN and Hydro of Hydro projects that had occurred within the SLRMA between 1957 and 1996, as well as planned Hydro development at Gull Rapids (Keeyask is the Cree word for Gull) and Birthday Rapids. The joint examination reviewed the impacts of Hydro development in the SLRMA from both traditional knowledge and technical scientific perspectives, and identified baseline research requirements for existing and future Hydro development. The review of impacts of existing hydro development generated five separate reports documenting outcomes and culminated in the publication of the *Split Lake Post Project Environmental Review*.

Following the completion of the environmental review, Hydro suggested in 1996 that TCN and 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.



In 1996, TCN and Hydro negotiated an agreement to implement the provisions of Article 2 of the 1992 Agreement concerning compensation for departures from the post-Project water regime.

In recognition of the fact that TCN and Hydro shared vital interests in the waters of the Nelson River basin, TCN Chief and Council wrote to the President of Hydro in June 1998:

*“...proposing that Manitoba Hydro and Split Lake Cree First Nation enter into a process to define the terms and conditions on which future impacting Hydro development will proceed. In this regard, the 1992 Agreement contemplates that future hydro-electric development of the waterways will take place. Our view is that the best way to move forward, in the spirit of the 1992 Agreement, would be to negotiate the terms of a business partnership between us, as co-proponents of such future development.”*

We believed our rights and interests could be advanced by building upon the terms of our past agreements and being a participant in the proposed Keeyask Project. In fact, our Chief and Council had decided, based on the widely-held views of our Elders and Members, that if we couldn't achieve partnership status for the project at Gull Rapids, then we would oppose any future development with every means at our disposal. Hydro responded favourably in a letter, saying:

*“Manitoba Hydro acknowledges the vision shown by the Split Lake Cree in advancing this concept for consideration. The Corporation welcomes your invitation to systematically explore the potential for both parties to cooperate on future development in the area.”*

As a result, negotiations began towards an Agreement-in-Principle (AIP). We acknowledge and appreciate the foresight of Hydro in entering and supporting negotiations that were unprecedented at the time and had no guarantee of success. The *Agreement in Principle regarding the Potential Future Development of the Gull Rapids Hydro-Electric Generating Station* (TCN AIP) was signed in October 2000 and would govern partnership negotiations.

Pursuant to a *Memorandum of Cooperation and Understanding* in May 2001, TCN and WLFN formed the CNP. TCN also invited YFFN and FLCN to sign, but they declined and set out to independently negotiate Keeyask partnership arrangements. In July 2003, WLFN was formally made a party to the TCN and Hydro AIP by signing the *War Lake First Nation Agreement-in-Principle* (WLFN AIP).

In each of the TCN and WLFN AIPs, it was agreed to work jointly with Hydro to define and carry out the environmental studies, consultations and other work required to prepare an environmental impact statement (EIS) for the Keeyask Project. These agreements state that we are responsible for the processes within our communities leading to our decision about whether to proceed with the Project, and that a protocol for our participation in the environmental assessment process would be developed relating to our participation as co-owners of the Project.

The *Environmental and Regulatory Protocol*, approved by CNP and Hydro in February 2001, provided for our participation in the assessment of Keeyask environmental effects and in particular for using our Cree worldview in the process. 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.





Pursuant to the *Environmental and Regulatory Protocol*, a number of committees and processes, with representation from the CNP, YFFN, FLCN, and Hydro, were established for the environmental assessment of Keeyask. These committees and processes include:

- Partners' Regulatory and Licensing Committee – Co-chaired by TCN and Hydro, the PRLC is composed of nine Members from the Keeyask Cree Nations (KCN) and three staff from Manitoba Hydro who collectively govern the Partnership's environmental activities.
- The Coordinators Team – While the PRLC oversees the environmental assessment, the Coordinators Team manages the environmental studies, including coordination and preparation of the environmental impact statement (EIS) and the environmental protection plans. CNP and Hydro each have two voting members, and YFFN and WLFN each have one non-voting member.
- Key Issues Working Groups – Beginning in 2007, a series of working groups was established to address key issues and to act as a forum for discussion of concerns to the KCN. KCN and Hydro have planned, organized and held workshops on important environmental assessment topics such as ATK, scoping of valued ecosystem components, and cumulative effects assessment.
- Environmental Studies Working Groups – Hydro has established bilateral working groups with each KCN to review issues of importance to each community, including a review of annual field plans for environmental studies and sharing results of the studies.
- Community-based Studies – CNP, YFFN and FLCN have each undertaken its own studies to help inform their respective Members about the Project and contribute to the EIS.

The Expert Committee on Adverse Effects, a joint CNP and Hydro committee, was established in late 2003. The *Environmental and Regulatory Protocol* of the JKDA continued the earlier version from 2001, with modifications to enable the active participation of FLCN and YFFN.

Over the eight years following the TCN AIP, TCN and WLFN developed detailed negotiating positions and consulted with Members on all aspects of the Keeyask Project. This included identification and evaluation of potential Keeyask adverse effects, mitigation, *Adverse Effects Agreements* (AEAs) and the *Joint Keeyask Development Agreement* (JKDA). Given the size and magnitude of the Keeyask Project, extensive consultation was required to ensure that the concerns of CNP Members were expressed and heard. Our consultation process is described in Chapter 6 and in detail in Appendix 3. The negotiations which accompanied this consultation helped Hydro gain an appreciation of the CNP view of environmental effects of hydroelectric development.

A key role in the consultations and negotiations was played by the OWL Reference Group, which was responsible for reviewing the Keeyask Project Description, regulatory issues, and adverse effects. The OWL Reference Group produced a report of its findings in June 2002, *The Overview of Water and Land (OWL) Summary Report*. WLFN carried out a parallel process which is described in Chapter 6. WLFN negotiated and signed the 2005 *War Lake Past Adverse Effects Agreement* with Hydro and Manitoba, which provided compensation for adverse effects of existing Hydro development and provided processes for addressing impacts of future Hydro projects. It also recognized the use of our traditional resource area in the southern portion of the SLRMA.

With the consultation of CNP Members complete, TCN and WLFN each held a referendum, following which our Chiefs and Councils signed our respective *Adverse Effects Agreements* (AEAs) and the *Joint Keeyask Development Agreement* (JKDA) in 2009. The AEAs describe the mitigation and compensation for all known and foreseeable adverse effects from Keeyask. The JKDA describes the partnership arrangements to construct, own and operate the Keeyask Generating Station, with Hydro and the other KCN. The key elements of these agreements are described in Chapters 9 and 10.





## 5.0 Our Cree Worldview

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### 5.1 Introduction

We have come to realize the importance of articulating and communicating our perspectives to those outside our homeland ecosystem to help others understand our holistic Cree worldview. Assessing the environmental impacts of the Keeyask Project on us required the development of a means of conveying our experience to others. Doing so proved to be a very challenging and time consuming task.

As a people, we are inseparable from our relationships with Mother Earth – relationships that have developed over thousands of years. This is the foundation of our worldview and is integral to our survival. Our relationships with Mother Earth are the basis of our language, history and spirituality – cumulatively, our culture.

We were sustained as a people in our homeland ecosystem for countless generations because we maintained sustainable relationships with Mother Earth. We did not simply use the bounty of Mother Earth; Mother Earth provided for us, and in return, we practised stewardship and showed respect.

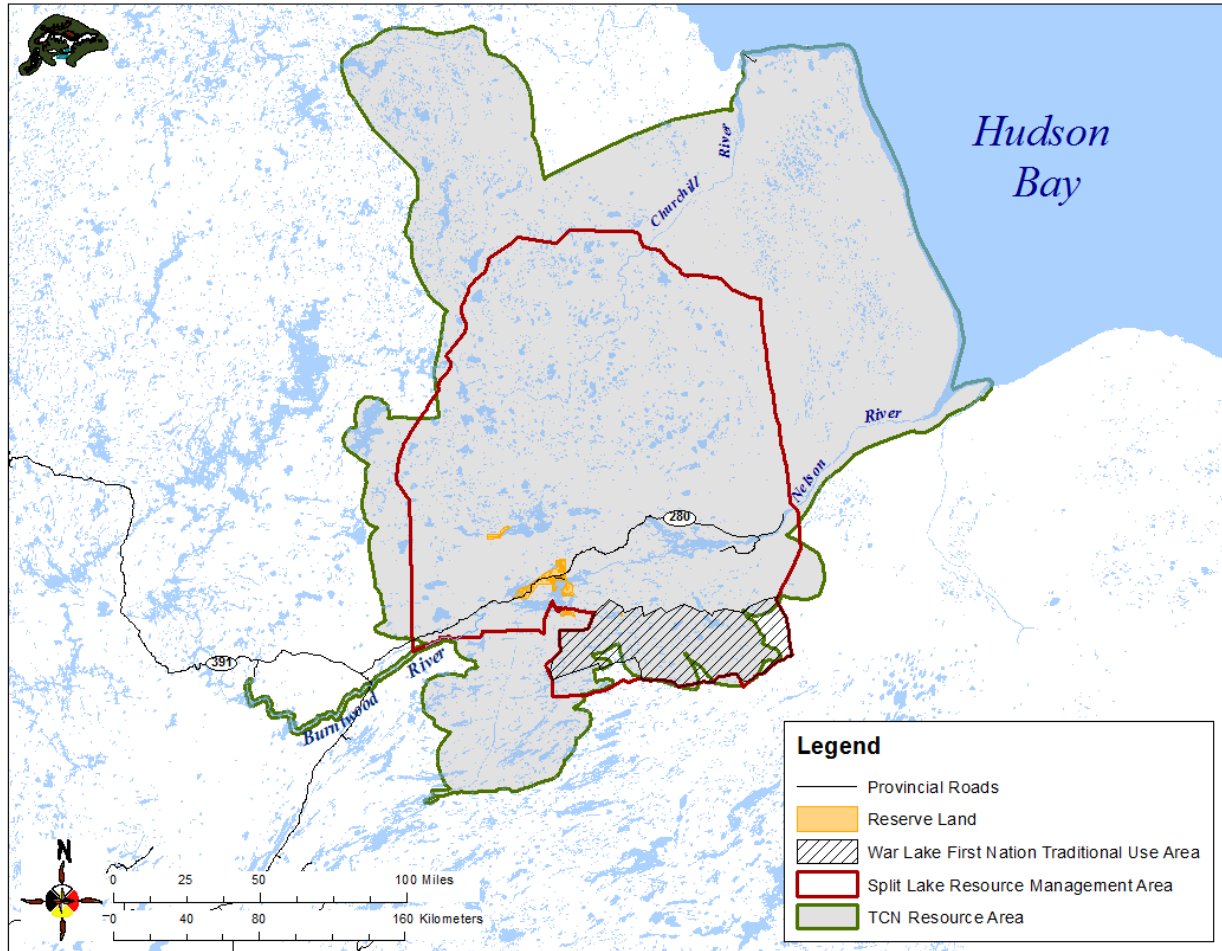
In evaluating any new development such as the Keeyask Project and in determining the resulting impacts, our holistic worldview requires that all of our relationships with Mother Earth be considered. Particular species of plants and animals or individual relationships cannot be singled out from the remainder when assessing the overall impact on harmony and balance in our homeland ecosystem, and subsequently on our culture.

Many of the relationships described in this chapter have been threatened in the past. The Keeyask Project provides an historic opportunity to renew harmony and balance by repairing our diminished relationships.

### 5.2 The Process of Describing Our Cree Worldview

Through consultation with Elders and Members, we undertook to develop a vision for the use of our traditional land within the Split Lake Resource Management Area (SLRMA) as the first step in a land use planning initiative. The process began following the *1992 NFA Implementation Agreement* (1992 Agreement) which recognized the Split Lake Resource Area and established a large portion of it as the SLRMA. These defined areas are depicted in Map 5. The extent of the Split Lake Resource Area is based on interviews with Elders and is shown as it is currently understood. Our specific land use objectives are presented in section 5.5 of this chapter.

Extensive discussions regarding our land use planning initiative took place in our community in the spring of 1999, including a widely distributed questionnaire to adult TCN Members. Subsequently, Chief and Council decided to expand the land use planning initiative. Following this, TCN proposed that Hydro support a work plan to negotiate an Agreement-in-Principle (AIP). The work plan included developing our own autonomous environmental review, participating in the design and implementation of an environmental review, and preparation of land use planning objectives. The proposal to Hydro also included the development of a conceptual ecosystem model of the SLRMA. Hydro agreed to provide the support requested.



## MAP 5: THE TCN RESOURCE AREA, THE SLRMA AND THE WLTUA

Our Mother Earth Ecosystem Model, described in section 5.6.2 of this chapter, was completed before the end of 1999. The *Agreement in Principle regarding the Potential Future Development of the Gull Rapids Hydro-Electric Generating Station* (TCN AIP), signed towards the end of the following year, made specific provision for TCN to conduct our own assessment of the effects of the Keeyask Project, and to participate in the overall environmental assessment. The statement of land use planning objectives was completed and delivered to the Split Lake Resource Management Board (SLRMB) in 2002. It became clear through these efforts that the development of a more formal expression of our worldview would help Hydro and others understand our perspective.

As mentioned in Chapter 4, shortly after the AIP was signed, TCN and Hydro reached agreement on the *Environmental and Regulatory Protocol* in which it was agreed that, for regulatory purposes, both western science and Aboriginal Traditional Knowledge (ATK) would be used in assessing the environmental effects of the Keeyask Project. It was agreed that TCN's decisions about participation in the Project would be based upon our own assessment. Beginning in the spring of 2001, intensive work was done towards our own assessment of the effects of the Project. We used a process that was later to become known as the Overview of Water and Land (OWL) process. The OWL process enabled us to express our inherent values and beliefs in a way understandable to non-Aboriginals. A more detailed examination of OWL's role in developing our worldview and assessing the effects of Keeyask is presented in Chapter 6. What follows is a description of how we view the world.



## 5.3 Our Worldview and Core Beliefs

Every culture is defined by its worldview. It is the lens through which someone sees and interprets the world. It is a set of fundamental beliefs that are so internalized as to go largely unnoticed and unquestioned – so much a part of everyday life as to be virtually invisible.

The Cree worldview reflects our core beliefs that have arisen through countless generations of living as part of Mother Earth's family. As a starting point for understanding, some examples of our core beliefs follow.

- We see the earth as the Mother that bears all things as her children.
- All things are related.
- We are part of the natural world.
- There is no separation between living and nonliving parts of the natural world.
- Animals and plants are Members of one's family.
- Spiritual, physical and emotional relationships with land and water are the essence of our culture.
- The land is validation of our past.
- Land, culture and spirituality cannot be separated.
- We have a responsibility as caregivers for Mother Earth.
- We have a responsibility to share with others but do not do so out of responsibility, but out of our spiritual connection to the Creator, instilled by the teachings of our ancestors.
- Personal and community history are part of the land.
- All things, including inanimate things, have a spirit.
- All things are at the same time spiritual and physical.
- Our relationships with Mother Earth are based on respect.
- Our spiritual, emotional and physical needs can only be met when we live in harmony with Mother Earth.

The Cree worldview identifies us, as a group and individually, as Members of the natural world. Through our beliefs, values, practices and traditions, we have established relationships and obligations with all other parts of the natural world as an integral part of that world. The foundation of the Cree relationship is spiritual. We 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.

Our core beliefs can be expressed in terms of relationships that are integral to our distinctive cultural identity.

## 5.4 Relationships as the Basis of Our Existence and Our Culture

The customs, practices and traditions that are integral to our distinctive cultural identity and that are reflected in our social organizations are rooted in our relationships with Mother Earth. This is especially true when considering the major waterways that have been permanently changed by hydroelectric development.

Our relationships with Mother Earth can be described as spiritual, emotional and physical, and there are many types of relationships that fall within these broad categories. Some of these relationships are described here to gain further understanding of our worldview.



### **5.4.1 Spiritual Relationships with Mother Earth**

Foremost amongst our relationships with Mother Earth are our spiritual relationships. These are not limited to what might be called the religious relationship between a person and the Creator in a conventional sense. Rather, spiritual relationships include our relationships with the spirits or life forces of all physical organisms, as well as between people and the Creator. Taken together, these spiritual relationships are the core of our connection with, and respect for, Mother Earth. These are amongst our most sacred relationships, as they link us to all facets of our homeland ecosystem.

In our worldview, there is no separation between living and non-living beings. All beings, including inanimate ones such as rocks and trees, have spirits that give them life. Maintaining proper relationships between people and the spirits of all other beings is an essential part of our way of living.

### **5.4.2 Historical Relationships with the Land**

A hunter in his family's traditional territory knows that he is walking the same paths and seeing the same sky, water and land that his ancestors saw generations before. He stops at many sites associated with personal family history: here a grandparent was born; there an uncle camped during a great storm many years ago; here a moose was killed when the family had no food; this is the place where many generations have set traps for otter; this is where a great grandmother is buried; here is where families met each summer.

Such a hunter is part of the land. He belongs to the land; it does not belong to him. When he is deprived of access to the land, parts of his history are denied and a vital part of him is lost.

When roads are built, trees cleared for power lines and earth scraped away for foundations of structures, our peoples' histories are altered in profound ways. These alterations must be understood and new knowledge must be incorporated. These cultural changes take time and effort.

### **5.4.3 Life Sustaining Relationships with Mother Earth**

The life sustaining relationships developed with Mother Earth over the millennia were the basis of our Cree culture. Before first contact with Europeans, Mother Earth provided the food, shelter, clothing and medicines to sustain us. After contact, there was a shift in this relationship because some of our needs were met by providing labour to traders. As well, we sold fur and meat to traders, but Mother Earth, too, provided these products.

For over 200 years after first contact, we continued to enjoy life-sustaining relationships with Mother Earth as she provided for our basic needs, directly or indirectly.

Over the last 50 years or so, this relationship has weakened as fewer and fewer of our basic needs have been provided for by Mother Earth. Not only have we experienced this as a decline in “country foods,” medicines and income from trapping, but we have felt it profoundly as individuals and families because our people, mainly our men, could no longer fulfill their roles as providers through traditional activities.

These changes have had a deep impact upon the vitality and preservation of our culture.



#### **5.4.4 Caregiver Relationships and the Duty of Respect**

We have a responsibility to care for the land, and in return, the land provides for us. This involves honouring relationships in ways that the wisdom and experience of generations has shown to be proper and advantageous. The essence of caring for the land is to observe proper relationships based on respect. We take pride in living our relationships with Mother Earth; this is part of caring for the land.

#### **5.4.5 Hunting, Fishing, Gathering and Trapping Relationships**

Hunting, fishing, gathering and trapping were always integral to our lives. The activities themselves were life-sustaining relationships. Despite the critical necessity of obtaining food, shelter and medicine, it was the act of hunting, the act of fishing, and the act of gathering that perpetuated our way of life and gave equal meaning to our language, beliefs and values.

The products of hunting, fishing and gathering are valuable, but the products do not have greater value in terms of our culture and traditions than the hunting, fishing and gathering activities themselves. The primary value of animals killed, fish caught or berries and medicines gathered is the affirmation they provide to the activity. Hunting is not hunting if there is never any prospect of killing something, yet the value of hunting as a cultural activity does not depend upon the number of animals taken.

Teaching our children will be impaired if there is nothing to hunt or gather and if these activities can no longer be practised in ways that respect tradition and support cultural underpinnings such as values, language, understanding and skills. In part, the wisdom of our Elders is perpetuated through its application in relation to activities associated with hunting, fishing and gathering.

Trapping as it is understood today did not exist before traders arrived in our land. The taking of animals such as beaver, muskrats, marten, and lynx was just part of hunting. It wasn't until Europeans introduced a market for fur that trapping became an economic activity separate from hunting. For a time, trapping was both an essential economic activity and a hunting activity for us.

Trapping can be seen by some as only an economic activity and since its value in this regard has greatly diminished, it could be considered a minor or even inconsequential activity by outsiders. In our experience, however, trapping is reverting to its original status as part of hunting. That is, its cultural value is becoming more important than its economic value.

#### **5.4.6 Educational Relationships**

Every society must have a system for passing knowledge from one generation to the next, or it cannot survive. Our traditional way was through words and stories that drew heavily upon Mother Earth for lessons. We not only learned about Mother Earth, but we learned from her.

Traditionally, education began when an expectant woman went into the forests and to the shores to talk to her unborn child about Mother Earth. She pointed out such things as the sounds of birds, running water and rolling thunder, and talked to her child about lessons to be learned from creatures as diverse as ants and bears. These lessons continued from birth through adolescence. Children learned how to live an honourable life and fulfill their destinies as men or women from Mother Earth and from their families.



This interactive system produced people well suited for living as an integral part of Mother Earth; people who had learned these lessons could travel safely and live with confidence in our ancestral homeland because the water, weather, land and animals spoke to us and told us what we needed to know. We needed only to be respectful of all we had learned about maintaining proper relationships with all of Mother Earth's beings in order to thrive.

This educational system was replaced decades ago by a system detached from Mother Earth in which non-Aboriginals taught our children that their way of life was superior to ours. Our children are still too often taught by outsiders in a curriculum shaped towards the needs of competing in the larger Canadian society. The teaching of our own history, traditions and beliefs has a much lower priority. While there is no going back to the pre-contact era, retaining our culture requires our children to learn and take pride in our history, our beliefs and our traditions.

### **5.4.7 Physical Relationships: Travel, Camping, Meetings and Burials**

We have a physical relationship with the land and water that we travel on, with the land where we camp and hold ceremonies, and where our Ancestors buried their dead. These are vital relationships because of the interaction between people and the land, and because of the spiritual and respectful way that we look upon the land that provides for our needs.

### **5.4.8 Emotional Relationships**

Emotional relationships are attitudes towards physical objects, places and physical activities. For example, we might have a certain attitude regarding a particular place, depending upon the history of that place and its current use. We might also have a certain state of mind regarding an activity such as hunting, depending on our opportunity to pursue it.

These emotional relationships are in contrast to spiritual relationships that have no physical aspect. Emotional relationships are also different from economic relationships in which an object is valued for its physical worth for consumption or as a unit of wealth to be saved, traded or given away.

Emotional relationships play a very important part in our culture, especially in our individual and collective decision-making processes.

### **5.4.9 Social Relationships within the Community**

Relationships amongst people are important within any community or culture, but they are especially important when people live in isolated communities. For us, it is imperative that social relationships be carefully nurtured and maintained.

Traditionally, our social relationships were built around hunting, fishing and gathering activities in family groups. In the summer, many of our families would meet in certain places to fish, socialize, barter, perform spiritual ceremonies, find marriage partners and prepare for the coming winter.

Perhaps the most fundamental attribute of traditional social relationships amongst our people is the imperative of sharing. Traditionally, one did not acquire possessions beyond personal requirements except for the purpose of sharing with others. Our willingness to share what we possess is a cultural value that remains of great importance.

These relationships were reflected in our system of governance. We practiced a kinship form of government, living and governing ourselves by custom and tradition.



### **5.4.10 Socio-Political Relationships with Other First Nations**

Relationships between TCN and other First Nations, and between WLFN and other First Nations, are conducted as extensions of our internal social and political structures and values. These relationships were conducted traditionally without the involvement of outsiders, but this is only partly the case today.

A recent archaeological discovery at Clark Lake, within the SLRMA, established that we have had trading relationships with other First Nations for thousands of years.

### **5.4.11 Socio-Political Relationships with Outsiders**

The first contacts our people had with Europeans were with fur traders moving into our ancestral homeland. These traders wanted to establish and maintain good relations with us as fur producers, but had no interest in interfering with our system of governance.

For the most part we dealt with traders as individuals conducting business, but as necessary, we selected representatives to speak for us and put forward consensus positions of our people. Our traditional ways were respected by the traders; consequently, this relationship, which was perhaps more economic than political, lasted for many generations and was successful for both parties.

*Treaty 5* and the *Indian Act* imposed administrative and bureaucratic structures upon us. We were required to appoint a Chief and Councillors to deal with these structures. Despite this, the traditional consultation and consensus relationship remains between our Members and our leaders. All matters having implications for our communities or individuals within them are discussed in General Membership meetings, and decisions made with the concurrence of our Members.

Self-government is an inherent component of our Aboriginal rights. In part, this means being able to advance our socio-political relationships with the larger Canadian society by using our own traditional structures and values. It also means not having decisions imposed upon us. The process of assessing the impacts of the Keeyask Project is a major milestone in reasserting our inherent right to self-government.

### **5.4.12 Knowledge of Ecological Relationships among Non-Human Beings**

Our culture, built around hunting, fishing and gathering, possesses knowledge accumulated over generations about how the non-human beings of Mother Earth interrelate with each other. The knowledge we possess about this is one aspect of ATK.

This knowledge explains where, when and why specific relationships between or among non-human beings take place. For example, where fish spawn, when they spawn and why the fish select a certain spawning place; or, when caribou migrate, where they travel and why they select a particular route. This type of knowledge is vital to practitioners of hunting, fishing and gathering.

The experience of countless generations of our people, gained while developing, confirming and perpetuating ATK was at the core of our cultural development. This knowledge is therefore an important part of our continued existence. Any loss of such knowledge will have a negative effect on our ability to perpetuate our identity and culture.





### **5.4.13 Personal Property and Community Infrastructure Relationships**

All the relationships discussed to this point are rooted in the experience of countless generations of our ancestors. As such, they are the foundation of our culture. If these relationships are undermined, our culture is undermined.

In contrast, there are now many contemporary relationships with which we have but one or two generations of experience. These newer relationships are important for our day-to-day living and survival as individuals, but they are not essential to the survival of our culture. They consist principally of the relationships between people and objects of personal property, community infrastructure and services. TCN and WLFN face two fundamental challenges in this regard. One is to acquire a level of community infrastructure and services comparable to that enjoyed by members of the larger Canadian society; we are well below average in this regard. A second challenge is to develop ways of relating to those things that are useful and effective in the larger contemporary Canadian society, while at the same time honouring our traditions and values, thus allowing us to retain our cultural identity.

## **5.5 TCN Vision and Land Use Objectives**

Initially, TCN approached assessing the effects of the Keeyask Project on us, as a regional land use planning task to be undertaken within the framework of the 1992 Agreement. The vision and land use objectives we developed provide a meaningful context for our assessment of the environmental effects of the Project.

### **5.5.1 Vision**

The vision of TCN is to be a self-governing First Nation within Canada, securing social, economic and cultural benefits sufficient to sustain our people through the shared use of resources within the SLRMA while sustaining the natural environment through careful management based on an understanding of the interrelatedness of all things.

### **5.5.2 Land Use Objectives**

The following Land Use Objectives were approved by the TCN Chief and Council and submitted to the SLRMB in 2002 following extensive consultation with our Elders and Members:

#### ***The Natural Environment***

An objective of Tataskweyak Cree is to ensure that the natural environment of the Split Lake Resource Management Area is not significantly impaired by human activities.

#### ***The Interrelatedness of All Things***

An objective of Tataskweyak Cree is to ensure that all development and resource management activities within the Split Lake Resource Management Area are carried out with recognition, knowledge and understanding of the interrelatedness of people with land, water, air and all living things.

#### ***The Capacity of the SLRMA to Sustain TCN***

An objective of Tataskweyak Cree is to ensure that the capacity of the Split Lake Resource Management Area to fulfill our social, economic and cultural requirements is not impaired by development and resource management activities.





### ***Domestic Harvesting of Resources***

An objective of Tataskweyak Cree is to increase opportunities for our people to hunt, fish and gather for domestic purposes within the Split Lake Resource Management Area by means of internal management decisions and through getting other First Nations to co-operate with the Tataskweyak Cree and Manitoba through the Resource Management Board to achieve desired management outcomes.

### ***Traditional Lifestyle***

An objective of Tataskweyak Cree is to ensure that opportunities be available for our people to experience traditional ways of living based on hunting, trapping, fishing and gathering within the Split Lake Resource Management Area.

### ***Protection of TCN Grave Sites***

An objective of Tataskweyak Cree is to ensure that development and resource management activities in the Split Lake Resource Management Area do not interfere with Tataskweyak Cree grave sites without our approval.

### ***Protection of Sacred Sites***

An objective of Tataskweyak Cree is to ensure that development and resource management activities in the Split Lake Resource Management Area do not interfere with Tataskweyak Cree sacred sites without our approval.

### ***Protection of Traditional Sites***

An objective of Tataskweyak Cree is to ensure that development and resource management activities in the Split Lake Resource Management Area do not interfere with Tataskweyak Cree traditional sites without our approval.

### ***Benefits for TCN from Resource Development***

An objective of Tataskweyak Cree is to ensure that resource development within the Split Lake Resource Management Area enhances our social, economic and cultural life and reinforces our self-reliance.

### ***Protection of TCN Development Options***

An objective of Tataskweyak Cree is to protect our interests in the resource use and development potential within the Split Lake Resource Management Area.

### ***Recognition of Spiritual Values***

An objective of Tataskweyak Cree is to ensure that the natural environment in the Split Lake Resource Management Area is not altered in a manner that offends our spiritual values and beliefs.

### ***Shared Use of the Resource Management Area***

An objective of Tataskweyak Cree is to ensure that the resources of the Split Lake Resource Management Area are shared in a manner that respects the position of Tataskweyak Cree as the people who have occupied the area and derived our economic and cultural well-being from it since time immemorial and who strive to continue to do so.



## 5.6 The Mother Earth Ecosystem Model

Our Mother Earth Ecosystem Model was developed through extensive discussions among TCN Elders and Members in workshops and community meetings. It was accepted through consensus of TCN Members towards the end of 1999, and was later adopted by WLFN.

### 5.6.1 Description

The Mother Earth Ecosystem Model, shown in Figure 1, combines aspects of how we view our surrounding environment along with ecosystem concepts. When it was initially conceived and used, the model was intended as a teaching tool for improving understanding and communication among our Members and between our Members and others. It is the basis of another model, the Ancestral Homeland Ecosystem Model, which we have used to illustrate the evolution of our thinking about Hydro development, as will be explained in Chapter 10.

In the Mother Earth Ecosystem Model, Mother Earth is shown at the centre because the model expresses our relationship with our environment. The sun is included because we recognize its energy as the sustaining force for life. Everything else in the model helps us understand the interrelatedness of all things.

The model recognizes the importance of regional climate, geological materials and available plants and animals as factors in determining the limits of structure and function for an ecosystem, and hence in determining how productive an ecosystem can be in supporting living things. A change in any of these factors can cause permanent change in a region's ecosystems. Therefore, development activities that alter climate, modify geological materials or introduce new species (or remove indigenous ones) are capable of permanently altering an ecosystem.

The circles in the Mother Earth Ecosystem Model represent all the components of the relationships with our environment. These include core ecological processes, the structure and functions of our ecosystem, the things we derive from the ecosystem, and the vital importance of harmony and balance in our relationship with the environment.

The Mother Earth Ecosystem Model includes reference to core ecological processes which are fundamental aspects of an ecosystem. These processes are shown in the black circle. Examples include photosynthesis, growth and reproduction of plants and animals, freezing and thawing, and wild fire.

The brown circle shows the five ecosystem functions resulting from the core ecological processes. They are: to receive inputs from outside the system such as water and migrating animals; to produce things within the system through reproduction and growth; to repeat cyclical events such as cycling of nutrients within the system; to store things within the system such as sediment on a lake bottom; and finally, to send things out of the system such as water and wood fibre.

The orange circle depicts the people and other structural elements that make up our ecosystem. Structural elements are familiar things such as rocks, plants, animals, air, water and land.

The multi-coloured circle represents our ecosystem's products which are valued by people. These products include traditional ones, such as fish and medicinal plants, but include services the ecosystem performs, such as adding oxygen to the air and removing carbon dioxide. The appearance of our ecosystem's landscape, which may be beautiful or unpleasant to the beholder, is also something that people value. For example, the appearance of a landscape that has been recently burned over will be valued differently compared to before it was burned. Of particular importance to us is the spirituality embodied in all our ecosystem's structures and functions.





## 5.7 Summary

As the closing words of this chapter, we provide a description of the Cree worldview, as written by Joseph Irvine Keeper (C.M.). Joe Keeper, a Cree born and raised in Norway House, Manitoba, 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 negotiation of the landmark *Northern Flood Agreement* (1977) which created the basis for the *TCN NFA Implementation Agreement* (1992) and subsequent agreements.

In his words:

*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 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.*



## 6.0 Consulting Our Members

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### 6.1 Introduction

During the Agreement-in-Principle (AIP), *Adverse Effects Agreements* (AEAs) and *Joint Keeyask Development Agreement* (JKDA) negotiations, we undertook an extensive consultation process with our Members which provided them an opportunity to understand and contribute to all aspects of the Keeyask Project. The consultation process was designed and driven by the ideas, questions and concerns of TCN and WLFN Members. It was effective in linking our legal, technical and strategic advisors directly with our Members. Our inclusive approach reflected traditional decision making by TCN and WLFN. It was the same approach used in the negotiation of the *1992 NFA Implementation Agreement* (the 1992 Agreement). The process included a variety of committees, meetings and media.

### 6.2 Consultation Processes and Mechanisms

In the following section, a listing is provided of the methods CNP employed from 1998 to 2009.

#### 6.2.1 Council and Elders Gull Planning Committee

To manage the initial discussions and negotiations with Hydro, TCN formed the Council and Elders Gull Planning Committee in 1998. This was followed by the preparation of a joint development work plan and timetable that was submitted to Hydro later that year. The work plan described the work required by TCN and the costs associated with further exploring the potential for an AIP with Hydro.

Over the next 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 Members could make informed decisions on the proposed AIP and, ultimately, on the Keeyask Project.

The Council and Elders Gull Planning Committee was responsible for the development 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.

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

#### 6.2.2 Overview of Water and Land (OWL) Process

In 1998, the Council and Elders Gull Planning Committee met to consider different ways of looking at land and environmental planning and assessment issues. They decided to adopt a framework that combined our worldview with the ecosystem concept of western science, and a Working Group was appointed to develop a way to apply the framework. The Working Group held a series of workshops and meetings which resulted in the Overview of Water and Land (OWL) process that was designed to allow individual Members to come to their own conclusions about the potential development of Keeyask. We were determined that all foreseeable effects resulting from the construction and operation of the Project would be identified before construction started.





Until this time, TCN's experience was that conventional western science-based environmental impact assessments consistently underestimated the effects of hydroelectric development on us because they failed to consider our worldview. We believe that a proper assessment of any project like Keeyask can only be done using the knowledge, wisdom and values of the people in whose traditional area the development is proposed. We also believe that, to be valid and meaningful, our assessment of the effects of the Keeyask Project must take place in the context of past and future developments, and other key historical and socio-political events.

TCN hired four staff in the spring of 2001 to manage the OWL process in TCN. OWL staff Members were responsible for:

- Supporting Chief and Council and the Council and Elders Gull Planning Committee in negotiations with Hydro;
- Keeping Members fully informed, including by way of one-on-one meetings;
- Participating with environmental experts in the process of identifying foreseeable adverse effects; and
- Participating in meetings with Hydro to discuss mitigation and compensation measures.

Staff first focused their attention on interviewing Elders about their knowledge of the Split Lake Resource Management Area (SLRMA) to gather information about where their families lived, trapped, fished and hunted. About two dozen interviews were taped in Cree and translated into English, and contributed to the identification of adverse effects. This is discussed in greater detail in section 6.2.16.

In parallel with the activities carried out by TCN, WLFN established its own OWL process to address our 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.

OWL staff ultimately became part of the OWL Reference Group and attended meetings with Hydro at which adverse effects and programs to offset the identified adverse effects were discussed and designed. This was critical for keeping TCN Members informed and for ensuring that the input of our Members and the wisdom of our Elders were reflected in the *Adverse Effects Agreements* (AEAs).

### 6.2.3 OWL Reference Group

The participants in the OWL Reference Group were charged with the following responsibilities:

- Participate in the process of developing detailed negotiating positions and consulting with Members about the Keeyask 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.

The OWL Reference Group was responsible for reviewing the Keeyask Project Description, considering regulatory matters, and assessing adverse effects. In June 2002, TCN produced a summary report of the OWL process describing our worldview and how it has shaped our thinking about the proposed Keeyask Project. This report, known as the *Keeyask Generating Station TCN OWL Overview Summary*, described the broad overall impacts that Keeyask was expected to have on our culture and way of life.



In the case of WLFN, the Mother Earth Ecosystem Model was used to organize how the OWL process would examine relationships that existed within the knowledge base of our Members. Our report, titled *War Lake OWL Process Keeyask Project Report* (July 2002), concluded that our work to that point demonstrated the utility of the Mother Earth Ecosystem Model.

### **6.2.4 Keeyask Employment and Training Agency (KETA) Reference Group**

KETA was responsible for maximizing attainment of employment and business opportunities, including the JKDA target of 110 operational jobs with Manitoba Hydro. 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.

### **6.2.5 Keeyask External Relations Committee (KERC) Reference Group**

KERC developed and implemented responses to protect our Keeyask Project rights and interests from undue interference from external groups particularly American Tribes, American governmental bodies, and regulatory agencies in the states which import Manitoba power (i.e. Minnesota and Wisconsin).

### **6.2.6 Keeyask Internal Relations Committee (KIRC) Reference Group**

KIRC was responsible for developing the legal, financial, and operational requirements of the Keeyask ownership structure, including decision making and management powers, and the nature of TCN governance requirements to enable effective ownership, control, and management.

### **6.2.7 Business Contracting and Economic Strategy (BCES) Reference Group**

BCES was formed to maximize the business opportunities associated with the Keeyask Project, including considerations with respect to the Hydro northern purchasing policy, required training and related support, joint ventures, and regional economic development.

### **6.2.8 Expert Committee on Adverse Effects**

This joint CNP-Hydro committee, established in December 2003, was required to review all information relating to potential Keeyask 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.

### **6.2.9 Meetings Preceding Ratification of the AIP**

TCN held 12 community meetings between June 1998 and October 2000 to discuss different aspects of the potential partnership with Hydro and to provide information to our Members about matters ranging from budget considerations to potential adverse effects, and included details and documents that were tabled at meetings by either TCN or Hydro.



## 6.2.10 Roundtable Meetings

Roundtable meetings, where the five Reference Groups met as a large group, were scheduled periodically to ensure the exchange of information and provide a forum for discussion of issues and concerns being expressed by Members. Chiefs and Councils, Elders and support staff joined the Reference Groups, along with outside expertise and strategic, technical and legal advisors. Presentations at these meetings typically involved content related to each Reference Group's subject area, but also served to inform Members of the progress in negotiations and the latest information on Keeyask.



*CNP Roundtable Reference Group Meeting*

## 6.2.11 General Membership Meetings

General Membership Meetings were held in the CNP communities, in Thompson and in Winnipeg, to provide opportunities 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. They typically involved the attendance of hundreds of Members. From 2001 to the referendum in 2009, 30 General Membership Meetings were held.



*Tataskweyak Cree Nation General Membership Meeting*





## 6.2.12 Information and Planning Meetings

The purpose of Information and Planning Meetings was to brief the CNP leadership and Members on the progress of negotiations with Hydro and 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 that took place to plan for the Negotiation Meetings with Hydro, or following such meetings, to provide a briefing on the discussions. From 2001 to the referendum in 2009, 1455 Information and Planning Meetings were attended by CNP Members.

## 6.2.13 Negotiation Meetings

Negotiation Meetings with Hydro presented the venue for the CNP to negotiate all of the benefits and opportunities available to them in order to create the most beneficial agreements for our Members. The core negotiating group, consisting of community representatives and advisors from each KCN, 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 referendum in 2009, 456 Negotiation Meetings were attended by CNP Members.

## 6.2.14 Youth Meetings

CNP leadership deemed it essential to hold separate meetings with the youth of TCN and WLFN so their voices would not be lost in the larger public forum. 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 Keeyask Project. The youth were also encouraged to attend General Membership Meetings.

A survey was conducted with students at Chief Sam Cook School in TCN using hand-held voting devices to collect their views about what mattered most to them personally and as Members of our community. From 2001 to the referendum in 2009, 7 Youth Meetings were attended by CNP Members.

The overall result of this high level of involvement by our communities was that a large proportion of Members of TCN and WLFN participated in the process and had the opportunity to develop a significant measure of knowledge about the Keeyask Project. The total number of meetings held for each type of meeting is summarized in the following table.



*CNP Youth Forum*



## 6.2.15 Summary of Consultation Meetings

**TABLE A: ANNUAL CNP CONSULTATION MEETINGS**

Year	Information	Negotiation	Reference Group	General Membership	Youth
1998	16	0	0	0	0
1999	41	10	0	0	0
2000	39	19	0	1	0
2001	90	48	25	2	0
2002	132	62	24	2	0
2003	172	39	21	9	0
2004	157	54	22	4	1
2005	221	40	15	2	2
2006	164	69	7	2	1
2007	206	85	19	1	0
2008	212	30	1	5	3
2009	5	0	0	2	0
<b>Total</b>	<b>1455</b>	<b>456</b>	<b>134</b>	<b>30</b>	<b>7</b>

## 6.2.16 Consultations Leading to the Ratification Votes

During the community consultation phase leading to our Members’ votes on the AEAs and JKDA, 15 meetings were held in Split Lake, Ilford, Thompson and Winnipeg to review all aspects of the proposed agreements with TCN and WLFN Members.

## 6.2.17 Community Questionnaires and Interviews

TCN and WLFN used questionnaires and interviews at two critical stages of the consultation. Details are provided in section 7.3.

## 6.2.18 Websites

In 2001, TCN established a website (Tataskweyak.mb.ca) to express our voice in hydroelectric development matters, our history, our people, and a description of our lands and waters in the SLRMA. This website continues to be a useful source of information for Members and the general public.

A CNP website was established in 2008 (creenationpartners.ca) to provide information for the community consultation process leading to the referendum on the JKDA and AEAs. The website was designed to be user-friendly and featured many informative features for CNP Members, including major Project updates, full digital copies of the TCN Journal and Mooseocoot Times, complete digital copies of the JKDA and AEAs, a section on “Frequently Asked Questions”, and technical information on the proposed Keeyask Project Description, including



maps and satellite images. The website also featured an interactive feature, in the form of a diagram, which illustrated and helped provide an understanding of the linkages between various aspects of the Keeyask Project.

### 6.2.19 Newsletters/Journals



The Tataskweyak Journal began as a newsletter in 1998, reporting to TCN Members on the potential business relationship with Hydro. Two newsletters were published in 1998, five in 1999 and two in 2000. It then became a newspaper. Between 2001 and 2008 inclusive, the TCN Journal published 27 issues and 2 special editions. The Journal reported on the progress of the main JKDA negotiating issues with Hydro in addition to announcing community meetings, publishing survey results and commenting on current issues under discussion in TCN.

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.

*Examples of the Tataskweyak Journal and Moosecoot Times*

### 6.2.20 Radio Broadcasts

A local radio station was used to announce the schedule of community meetings during the JKDA community consultation phase to TCN Members, to stage telephone call-in programs to answer Members' questions on adverse effects and generally to promote an understanding of the JKDA and AEA.



## 7.0 Identification and Evaluation of Environmental Issues – Process and Results

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### 7.1 Introduction

This chapter explains how we identified and evaluated the expected environmental impacts of the Keeyask Project on ourselves. The issues identified and evaluated through this process guided the negotiations of the *Joint Keeyask Development Agreement* (JKDA) and the *Adverse Effects Agreements* (AEAs) that our Cree Nations have approved.

When we refer to the anticipated effects from the construction and operation of Keeyask, we use the terms “environmental effects” and “environmental impacts”. We understand that these are commonly used scientific terms used to describe biophysical, social, economic and cultural effects. Our understanding of an environmental effect or impact is more comprehensive than is commonly used. As was explained in Chapter 5, our holistic worldview demands that we consider all elements of our homeland ecosystem – our ‘environment’ – and our relationship to those elements during any assessment of this magnitude.

Aboriginal Traditional Knowledge (ATK) was the basis of our examination of the environmental impacts of the Project on us. ATK is knowledge that reflects our experience, understanding, wisdom, values, beliefs, norms and priorities governing our relationships with Mother Earth and all her beings, derived and developed through living in our homeland ecosystem since time immemorial. ATK is inextricably linked to our culture and our worldview.

We show how we came to see the expected impacts of the Project as effects on our ability to perpetuate our Cree identity: effects on our ability to maintain relationships with Mother Earth through our customs, practices and traditions.

### 7.2 Defining Potential Keeyask Adverse Effects

The AEAs between Hydro and TCN and between Hydro and WLFN both define Keeyask adverse effects. Considering the location of the community of Split Lake on the Nelson River, the TCN AEA is somewhat broader in scope, and states:

*“Keeyask Adverse Effects means the negative consequences of the planning, construction and operation of the Keeyask Project, either direct or indirect, which impact or change the physical, chemical or biological quality of the environment of any part of the Split Lake Resource Management Area, and includes, without limitation, risks or injuries to the health, safety, well-being, comfort or enjoyment of TCN or Members, and impacts on interests in lands, pursuits, activities, opportunities, lifestyles and assets of TCN and Members, and does not include any effects caused by Existing Development, or Future Development other than the Keeyask Project, which effects are the responsibility of Hydro and have been addressed, settled and resolved by the 1992 Agreement or, in the case of specified exceptions, are to be resolved under separate processes contemplated in the 1992 Agreement, including processes in the Northern Flood Agreement.”*



Because this is the broader of the two definitions, we have used it in explaining our assessment and evaluation of the environmental effects on both TCN and WLFN for purposes of this report.

## 7.3 Process for Identifying Potential Adverse Effects – Questionnaires and Interviews

TCN and WLFN used a number of processes to identify the potential adverse effects of the Keeyask Project, which resulted in a list of issues. It was anticipated that the list of issues would allow our negotiating team to work with Hydro and the other KCN to address potential Project impacts through changes in the Project design, mitigation measures and programs in our AEAs.

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

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 regarding possible hydroelectric development in the areas of local business opportunities, ownership of the generating station, training and employment and the opportunity to conduct a community-based environmental review. Finally, the questionnaire asked Members to respond to questions as if TCN were a part owner of the Project.

WLFN began by focusing on socio-cultural relationships and then upon relationships with the biophysical environment. A series of interviews was conducted and a report was produced. That report, *War Lake OWL Process – Keeyask Project Report* (July 2002), notes that WLFN Members endorsed an approach to assessing the environmental effects of Keeyask based on traditional knowledge within a holistic worldview.

Extensive discussions were held with TCN and WLFN Members through our respective Overview of Water and Land (OWL) processes. This involved dozens of meetings and workshops at which our Members recounted their experiences – and described the experiences of past generations – with outside influences and impositions on our homeland ecosystem, especially hydroelectric development. All Members had opportunities to participate, and many did.

The most crucial aspect of this process was listening carefully to what our Members said. Skilled translators helped express the statements of Members as issues, written in English. The OWL process was used to refine the phrasing of the issues to appropriately represent Members concerns. The OWL Reference Group also reviewed the wording for accuracy. WLFN endorsed the issues identified by TCN, with some modifications principally related to the geographic area that would be affected.

In the ongoing discussions with Hydro during this process, a number of design and operation features of the Keeyask Project were adjusted to reduce adverse effects. These adjustments are discussed in Chapter 8.

## 7.4 Identified Issues

In this section, we list the issues identified through the process which began in 1999 by TCN Members, and which was subsequently endorsed by WLFN Members. Since originally developed, this list has evolved to include other issues that arose during the negotiations. The wording of the 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 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 will indicate a failure to properly care for the land and for fellow beings of Mother Earth, by allowing the Keeyask 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 Keeyask 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 Nations 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 NFA Implementation Agreement* (1992 Agreement), and the *Agreements-in-Principle* (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 Keeyask 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.
- Water fowl 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.

## 7.5 Method for Evaluating the Issues

Having identified the initial issues, input and direction was sought regarding their importance. This was accomplished by distributing an adverse effects questionnaire in the community at Split Lake for completion by any adult Member wishing to do so.

Six types of questions were asked related to:

- Demographics – age group, gender and preferred language;
- Issue Importance – potential adverse effects were identified and rated in importance;
- Members' Predictions of Effects on Cultural Indicators – Respondents provided opinions on how particular aspects of their way of life and culture would be affected by Keeyask;
- Extent of Current Effects on TCN Relationships – Respondents provided their opinions on how Keeyask negotiations may have affected TCN's relationships with Hydro, Fox Lake Cree Nation (FLCN) and York Factory First Nation (YFFN);
- Depth of Feeling – Respondents were asked to predict their emotional reaction if Keeyask were built; and
- Comments – Respondents were asked to provide any additional comments.

## 7.6 Results of Our Evaluation

Seven hundred questionnaires were distributed to TCN Members and 555 were completed and returned. The results of the completed questionnaires provided guidance during negotiations with Hydro. The large response ensured that we could rely upon the results.



Each of the issues received an average importance rating between “very important” and “extremely important” (between 4 and 5 on a scale from 1 to 5). Given these ratings, it was clear that all of the issues had to be addressed in our AEAs.

The survey results showed that TCN Members do not view the potential environmental effects of Keeyask as being primarily related to resources or to particular physical elements of our homeland ecosystem. Rather, our Members see them as effects on our customs, practices, traditions and relationships that comprise our distinctive cultural identity.

This is clear from answers to three survey questions in particular. TCN Members were asked about the expected suffering and deaths of beaver and muskrats resulting from the construction and operation of Keeyask, and in another question about the risk of greater death and injury to TCN Members due to expected increased traffic on PR 280. These issues were considered equal losses and were among the top ten concerns. This result is entirely consistent with our worldview that all beings are equally important parts of Mother Earth.

Similarly, when asked about the depth of feelings about the loss of over approximately 17 square miles of land and the emotional reaction of people to this loss, our Members’ responses rated it amongst the top rated concerns. We believe these three examples, corroborated by the other survey results, illustrate our connection to the land, our recognition of the interconnectedness of all facets of our homeland ecosystem, and ultimately, our respect for Mother Earth.

After a report was prepared on the results from this questionnaire, the *Keeyask Generating Station TCN OWL Overview Summary* (June 2002), the OWL Reference Groups worked to identify mitigation and Offsetting Programs. This included linking the issues from the questionnaire to the Project’s physical structures including the forebay, generation station, dykes, roads and transmission lines, as well as identifying mitigation measures to help prevent adverse effects. WLFN endorsed the issues as appropriately representing our views.

## **7.7 Ecosystem Relationships Integral to Our Cultural Identity**

Most of the issues we identified through the OWL process are possible interferences with the exercise of our customs, practices and traditions which define our cultural identity. These interferences would be detrimental to the vitality of our relationships without mitigation. The restatement of our identified issues as effects on our ability to exercise our customs, practices and traditions formed the basis of our negotiations towards the AEAs.

In the paragraphs that follow, we describe these possible interferences which, as a result of our successful negotiations, have been fully addressed in our AEAs.

### **7.7.1 Interference with the Right to Hunt, Trap and Fish for Food**

The Aboriginal right to hunt, fish and trap for food has been integral to our people from before first contact with Europeans through to the present time. This right was specifically included in *Treaty 5*. These rights were given constitutional protection through the *Natural Resources Transfer Agreement* (the *Constitution Act, 1930*) and further recognized and affirmed in s.35 (1) of the *Constitution Act, 1982*.

As affirmed by the Supreme Court of Canada, the right to hunt, fish and trap for food is a right that is only meaningful if there is a land base on which to exercise it.



Thus, not only do we have the right to hunt, fish and trap for food, but we have a right to be sustained through those activities from the lands and waters in our homeland ecosystem upon which we have traditionally relied for centuries.

### **7.7.2 Loss of Historical Connection to the Land that will be Flooded**

We have a close relationship with the landscape developed over time that is above and beyond the necessity of being familiar with the landscape for living purposes. The landscape provides direct connection to past events and ancestors much as books and maps do for societies with a written record. This is an integral feature of our distinctive culture. When the land is lost, so is some of the history of the people who have lived on that land for thousands of years.

### **7.7.3 Loss of Traditional Food Previously Harvested in the Area of Impact**

Although everyone requires food, certain kinds of food are characteristic of distinctive cultures, and can be integral to those cultures. We have traditionally eaten food such as moose, caribou, beaver, gull eggs, sturgeon, ruffed grouse, wild raspberries and many more elements of Mother Earth. This relationship is an integral part of our culture.

### **7.7.4 Disrespect and Lack of Care for Mother Earth**

We live in a world where all things are both related and interrelated and can exist in a state of harmony and balance if proper care is given and respect is shown for Mother Earth and all her beings. In return for respecting and caring for Mother Earth, she will provide all that is required for our well-being.

Conversely, if proper care and respect is not shown there will be serious consequences for us. This relationship is an integral part of our culture.

### **7.7.5 Disruption of Spiritual Relationships with the Land**

Our worldview holds that there is no separation between living and non-living beings and all, including inanimate ones, have spirits that give them life. Maintaining proper relationships between people and the spirits of all other beings is a vital part of our distinct cultural identity.

### **7.7.6 Disruption of Emotional Relationships with the Land**

Sites that will be flooded by the Project are particularly worthy of respect and reverence. The customary use of these sites is an integral part of our culture.

### **7.7.7 Reduced Opportunities for Traditional Learning**

Our young people traditionally were taught respect for Mother Earth and values to live by through lessons demonstrated on the land. Such teaching and learning practices are integral components of our distinctive culture. Most of this learning took place on the lands and waters that sustained us both physically and culturally for centuries, some of which will be flooded by the Project.



### 7.7.8 Reduced Opportunities to Experience Traditional Living

The practices, customs and traditions that mark our culture as being distinctive are all based upon our relationships with the land as they existed prior to the coming of Europeans and as they continued to exist by and large up until the first hydroelectric development. Although these opportunities can be found throughout our traditional territory, it is evident that in the past these activities were concentrated on the river systems that have been permanently altered by hydroelectric development.

### 7.7.9 Reduced Opportunities for Sharing

Perhaps the most fundamental attribute of traditional social relationships amongst our Members is sharing. For us, sharing is not merely a survival strategy, but a moral imperative; we share what we have with others in need because one day we may be in need.

In our view, sharing is not like charity. Rather, it is giving as the natural action of an individual under circumstances that require sharing. It is also a way of showing respect for animals and hence ensuring that they will make themselves available when needed by people.

## 7.8 Summary

We identified and evaluated many anticipated environmental effects from the Keeyask Project through extensive consultations with our Members, based on our experience with previous hydroelectric developments in our homeland ecosystem. We articulated these adverse effects as issues and, through the lens of our worldview, as effects on our ability to exercise the customs, practices and traditions which are at the core of our relationships with Mother Earth and our homeland ecosystem.

We described the potential environmental effects of Keeyask as effects on our Cree identity. In order for Hydro to understand our experience, we reinterpreted our identified issues as effects on our homeland ecosystem's ability to sustain our cultural identity. This approach was integral to the successful negotiation of the AEAs and the JKDA. The success of these negotiations ultimately will be measured by the extent to which the agreements strengthen our distinctive culture and identity and help us to achieve the economic benefits available from a modern economy.

The issues which we identified have been addressed in a number of ways through changes in the design of the Project (Chapter 8); *Adverse Effects Agreements* (Chapter 9); training, employment, revenue and business opportunities (Chapter 10); and other mechanisms, such as the studies undertaken for the environmental impact statement. For example, the issue regarding the loss of burial and sacred sites was identified in the Agreement-in-Principle, 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 are being drafted to manage heritage resources and burial sites that may be affected by the Project. The plans will be consistent with Cree traditional wisdom, practices and governance and with provincial legislation regarding found human remains and heritage resources.



## 8.0 Influencing the Keeyask Project

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### 8.1 Introduction

The first way in which the issues stated by TCN and WLFN Members during the consultation process were addressed was through modifications to important aspects of the Project. This chapter includes a description of TCN and WLFN's involvement in various processes, from 1992 to the conclusion of negotiating the *Joint Keeyask Development Agreement* (JKDA) and *Adverse Effects Agreements* (AEAs), which addressed the mitigation of the likely impacts of Keeyask in manners consistent with our worldview. We also provide a description of the results achieved through those processes.

### 8.2 TCN and WLFN Participation in Processes to Mitigate Adverse Effects

The processes which contributed to the mitigation of Keeyask adverse effects began following the signing of the *1992 NFA Implementation Agreement* (1992 Agreement) and included joint TCN-Hydro studies on the impacts of existing and future Hydro development, the negotiation of TCN and WLFN's Agreements-in-Principle (AIPs), and the work of the Expert Committee on Adverse Effects and the Project Description Committee.

#### 8.2.1 From 1992 to Early 2001

Studies were undertaken by TCN and Hydro from 1992 to 1996 to analyze the impact of the hydroelectric development options at Birthday and Gull (Keeyask) Rapids on the community of Split Lake. As well, *The Split Lake Post Project Environmental Review* reviewed the impacts of Hydro development in the SLRMA from both traditional knowledge and technical scientific perspectives and identified baseline data requirements for understanding impacts of existing and future Hydro development.

After TCN's proposal to Hydro for partnering in the construction and operation of a hydroelectric generating station at Gull Rapids, Hydro proposed both intermediate and low head designs. TCN rejected Hydro's intermediate head concept and agreed to a low head design which would not aggravate flooding on Split Lake and would operate with a full supply level about 26 feet (8 metres) below the average annual water level of Split Lake.

#### 8.2.2 The TCN AIP

The *Agreement-in-Principle regarding the Potential Future Development of the Gull Rapids Hydro-Electric Generating Station* (TCN AIP) confirmed the low head design. It also provided that the powerhouse would be located on the south side of the Nelson River. In 2001, based on further detailed engineering studies, Hydro indicated a preference for the north side, a location that TCN had previously advocated so as to make the major construction activities more accessible to TCN businesses and workers. The AIP also specified that the Churchill River Diversion (CRD) and Lake Winnipeg Regulation (LWR) water power licences would not be changed.

#### 8.2.3 The Expert Committee on Adverse Effects

In December 2003, we agreed with Hydro to establish a joint CNP-Hydro committee called the Expert Committee on Adverse Effects. Generally, the Committee was required to review all information relating to potential Keeyask





adverse effects, including potential impacts upon the exercise of TCN and WLFN Aboriginal and Treaty rights, and to identify, evaluate and recommend potential mitigation measures.

The Expert Committee did some initial work related to preventing, avoiding and reducing adverse effects, but the majority of its work focused on replacements, substitutions and offsetting opportunities.

The customs, practices and traditions integral to our distinctive cultural identity are existing Treaty and Aboriginal rights protected by s.35 of the *Constitution Act of Canada* (1982). Therefore, negotiations involving the Expert Committee on Adverse Effects focused primarily on the potential for the Keeyask Project to interfere with the exercise of these customs, practices and traditions, and secondarily on issues that might be described as being conventional in nature.

We developed Offsetting Programs, a key feature of the AEAs discussed in detail in the following chapter, to provide appropriate replacements, substitutions or opportunities to offset unavoidable Keeyask adverse effects on our cultural identity. The customs, practices and traditions affected were detailed in Chapter 7.

## 8.2.4 The Project Description Committee

The Project Description Committee contributed to the identification of ways to reduce, avoid or prevent Keeyask adverse effects by articulating the Fundamental Features of the Project. The Project Description Committee influenced Project size, operations, and location, as well as other plans and programs discussed in the following sections.

## 8.3 Fundamental Features

The Fundamental Features of the Keeyask Project were an important consideration in our assessment of the Project's overall impacts on us. In the JKDA, Hydro, as the design engineer, construction manager and operator, has agreed that:

- The north and south access roads will be routed within specific corridors to which we have agreed;
- The intake, powerhouse complex, spillway and main construction camp will all be at the locations shown in the Project Description of the JKDA;
- The construction and operation of the Project will not require any changes to the CRD Licence, as modified by the Augmented Flow Program, or to 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 forebay will be 521.7 feet (159.0 metres) the minimum operating level of the forebay will be 518.4 feet (158.0 metres), and the level of the forebay will only be higher or lower than these elevations under special or emergency conditions.

TCN's AEA and the JKDA state that no changes may be made to Fundamental Features without TCN's concurrence.



## **8.4 Other Plans and Programs**

Some of the agreed plans and programs discussed below were designed to prevent, avoid or reduce adverse effects have seldom or never been used in northern Manitoba. Monitoring will be required to ensure their success. Depending on their degree of success, some aspects of these plans and programs may be modified, expanded, reduced, or eliminated.

### **8.4.1 Reservoir Clearing & Waterways Management**

An agreed Reservoir Clearing Plan sets out standards and guidelines, as well as a timeline, for the clearing of the areas to be flooded. An agreed Waterways Management Program was also developed.

### **8.4.2 Reservoir Depth Charts and Travel Routes**

Depth charts will be developed to illustrate the depth of water throughout the reservoir upstream from the Keeyask Generating Station as an aid for boat travel. The depth charts will also illustrate safe travel routes that should be used during all water level conditions.

### **8.4.3 Navigation and Hazard Marking**

Navigation buoys will be installed and maintained along primary travel routes and along charted routes to shore access points at locations where there is a serious risk of striking a rock or reef depending on water level.

### **8.4.4 Reservoir Water Level Information**

A series of manual water level gauges (staff gauges) will be located near selected access points to show the actual water level at that location. The water level gauges will provide information required to interpret the reservoir depth charts and determine the depth of water along travel routes under conditions prevailing at the time.

### **8.4.5 Safe Landing Sites**

Recognizing that the reservoir will be used for resource harvesting, boat travel and a variety of other pursuits, a number of potential landing sites have been identified along the shoreline. These landing sites will also serve in emergency situations.

### **8.4.6 Ice Monitoring & Safe Trails Program**

There will be locations where travel on the ice will be dangerous and where ice conditions will be unknown or uncertain, especially during the first few winters after the initial flooding. Safe trails over the ice will be marked, and the ice will be monitored for a number of years until ice travel maps are considered reliable.

### **8.4.7 Historical Resources Protection/Preservation**

After construction, the new shoreline will be surveyed periodically to identify culturally significant sites so that they can be protected or preserved. This program will be implemented in conjunction with the Waterways Management Program.



### **8.4.8 Reclaiming Disturbed Sites**

When reclaiming borrow areas, quarry sites, work areas, temporary access roads, settling ponds and on-land spoil deposition sites after the construction of the Keeyask Project, measures based on best management practices, guidelines, and regulations will be used to stabilize soils and prevent erosion, following principles that give regard to our culture-based imperative of respecting the land.



## 9.0 TCN and WLFN Adverse Effects Agreements

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### 9.1 Introduction and General Provisions

TCN and WLFN agreed from the beginning of *Adverse Effects Agreements* (AEAs) negotiations to an order of priorities for addressing Keeyask adverse effects. We agreed to begin by preventing or avoiding works or measures that would cause adverse effects. Next, we worked to lessen or reduce unavoidable adverse effects. Then, we focused on ways to make up for the identified losses by providing replacements, substitutions and offsetting opportunities for the infringements on our customs, practices and traditions. Finally, we sought compensation for residual effects.

We were also determined to ensure that the terms of the compensation we would receive would be established prior to the start of construction.

The TCN and WLFN AEAs encompass mutually agreed upon mitigation measures, the purpose of which is to address and resolve all present and future Keeyask adverse effects on TCN and WLFN, all impacts of the Keeyask Project on our collective rights and interests, and all impacts of the Keeyask Project on the exercise of Aboriginal and Treaty rights by our Members which arise from the development and operation of the Keeyask 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 Keeyask adverse effects on the practices, customs and traditions integral to our distinctive cultural identity. There are other provisions for dealing with Hydro's on-going liabilities, and in the case of TCN, Pre-Determined Compensation if water levels in the Keeyask Forebay exceed defined limits. Residual Compensation, payment for all remaining adverse effects, was provided for both TCN and WLFN. Residual Compensation and other elements of the AEAs are discussed in the sections which follow.

The cost of the AEAs is the responsibility of the Keeyask Hydropower Limited Partnership (KHLPP). While there is provision in the agreements for one-time only capital items, the Offsetting Programs are an annual expense that is adjusted for inflation. Annual payments for the Offsetting Programs (the 'Guaranteed Annual Amount' in each agreement) will be made to TCN and WLFN for the life of the Keeyask Project. The financial terms of the Offsetting Programs were negotiated with the goal of ensuring that the Offsetting Programs will be as vibrant 50 or 100 years from the commissioning of Keeyask as they will be the day they come into effect. This was achieved. The funding for Offsetting Programs will be in effect as long as the Project is operational, which will ensure our continued connections with the lands and waters of our ancestral homeland ecosystem. The Offsetting Programs described below will be in full effect by March 31, 2013, for TCN and March 31, 2014 for WLFN.



## 9.2 TCN Adverse Effects Agreement

### 9.2.1 The Offsetting Programs

#### *Keeyask Centre*

The objective of the Keeyask Centre is to provide space and facilities, primarily related to accommodating staffing requirements, and office functions for the management and administration of the Offsetting Programs, but also including space for display cases, for the storage of supplies and equipment, for conducting educational and learning programs, for fish processing and for other needs incidental to the management, administration and implementation of the Offsetting Programs.

The AEA provides \$4 M for construction of the Keeyask Centre which is anticipated to be 8000 feet<sup>2</sup> (approximately 745 metres<sup>2</sup>) plus a 2000 feet<sup>2</sup> (approximately 185 metres<sup>2</sup>) services facility. This funding was provided in 2009 and 2010. The agreement provides funding to cover operation and maintenance of the Keeyask Centre in addition to funding for equipment and staff to manage the Offsetting Programs.



*TCN Adverse Effects Agreement*

#### *Access Program*

The objective of the Access Program 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 our distinctive cultural identity within the Split Lake Resource Management Area (SLRMA), given that the Keeyask Reach will be flooded by the Project. The Access Program addresses the loss of meaningful opportunities to sustain, over the long term, our distinctive cultural identity on the waters of the Nelson River and on land within the SLRMA adjacent to the Nelson River.

The Access Program provides a one-time payment for restoration and improvement of trails and portages throughout the SLRMA and annual funding for:

- 52,000 miles (approximately 84,000 km) of flying to enable our Members to get access to all parts of the SLRMA;
- Management of the Access Program;
- Leasing of a vehicle for transportation within the Reserve;
- Hiring Members to maintain the re-established trails and portages;
- Paying incremental travel costs incurred by Members; and
- Acquiring and maintaining satellite phones.



*Float Planes Used in the Access Program - Credit: Victor Flett, TCN Member*





### ***Land Stewardship Program***

The objective of the Land Stewardship Program is to provide opportunities for TCN to show respect for the land in a manner consistent with our traditional values and to assist us in caring for the land within the SLRMA.

The Land Stewardship Program provides funds for staffing, travel in the SLRMA, and purchasing equipment necessary to run the program. The AEA provides funding to provide up to 6760 miles (approximately 11,000 km) of flying. Staff will monitor activities in the SLRMA and assist our Members of the Resource Management Board to fulfill their land use and resource management planning responsibilities.

### ***Healthy Food Fish Program***

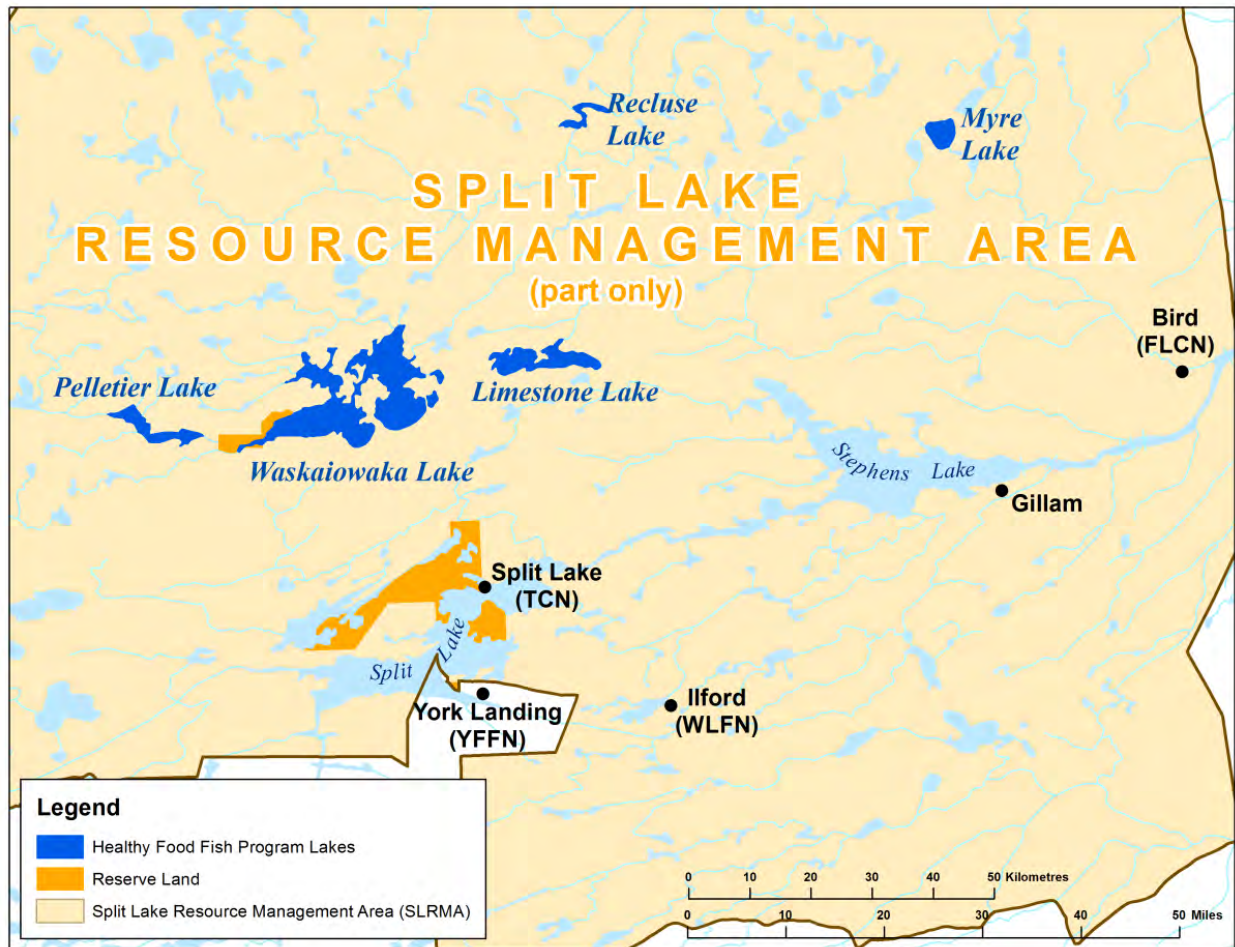
The objective of the Healthy Food Fish Program is to provide opportunities for Members to continue to fish and to provide a supply of wholesome fish to Members in order to replace fish that may no longer be safe to consume as a result of increased methyl-mercury levels caused by the Keeyask Project.

The Healthy Food Fish Program provides for the costs of a cabin, dock, ice house, storage shed and fish cleaning table at each of the following lakes: Waskauiowaka, Recluse, Pelletier, Myre and Limestone. These lakes are shown on Map 6. It also provides for purchase and replacement of four snow machines and sleds, four boats and motors, fishing nets, wages for fishermen, flying time for transport of fish and processing fish in the Keeyask Centre. It is intended that the fish processing facility in the Keeyask Centre will be built and operated to meet appropriate Provincial food handling standards.

TCN will be responsible for management of the program. We will decide when to fish, which species to catch and how to process, store and distribute fish. TCN, with Hydro, is developing a Fish Sustainability Plan to ensure the long-term conservation of our fish populations.



***Fish Caught for the Healthy Food Fish Program  
Credit: Victor Flett, TCN Member***



**MAP 6: LAKES UTILIZED FOR THE TCN HEALTHY FOOD FISH PROGRAM**

### *Traditional Lifestyle Experience Program*

The objective of the Traditional Lifestyle Experience Program 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 of the Traditional Knowledge Learning Program is to replace opportunities for traditional learning that will be lost due to development of the Keeyask Project.

The Access Program will provide opportunities for families to spend time on the land and ultimately to pass on knowledge in traditional ways. In addition, there will be programming available in the Keeyask Centre to teach our children about traditional activities.



### ***Cree Language Program***

The objective of the Cree Language Program is to strengthen the cultural identity of our Members by creating opportunities for adults to learn to speak Cree or to improve their Cree language skills.

This will be an adult education program open to any adult Member who wishes to enrol. There will be no tuition costs. Space will be provided in the Keeyask Centre. Funding will be provided for instructors. Elders will be used as support for instructors and each Elder will be paid an honorarium.

### ***Traditional Foods Program***

The objective of the Traditional Foods Program is to provide opportunities to gather and share traditional foods.

The gathering opportunities will be provided through the Access Program. Processing and storage facilities will be provided at the Keeyask Centre and food will be shared within the community as our customs dictate.

### ***Museum and Oral Histories Program***

The objective of the Museum and Oral Histories Program is to provide a substitute opportunity for TCN and our Members to maintain the historical connection to the land that will be affected when the Keeyask Project is built.

There will be space and facilities in the Keeyask Centre to safely store and display archaeological materials collected from the Project area, oral histories, copies of archival documents and videos of the land that will be affected, and oral histories related to the land affected.

## **9.2.2 Residual Compensation**

Compensation for residual effects is a one-time cash payment for all remaining adverse effects which were not addressed specifically by the Offsetting Programs and the Pre-Determined Compensation, as described in section 9.2.4. The Residual Compensation of \$3 M was a negotiated amount and was paid upon signing the TCN AEA.

## **9.2.3 Funding Features**

The KHLF is obligated to:

- Assume direct responsibility for construction and costs of cabins, docks, ramps and storage sheds at each of Pelletier, Waskaiowaka, Limestone, Recluse, and Myre Lakes;
- Fund the Guaranteed Annual Amount which is the annual amount to be used to operate the Keeyask Centre, operate the Offsetting Programs, and maintain and replace capital items (a component of the Guaranteed Annual Amount is directed to the construction of the Keeyask Centre); and
- Pay Residual Compensation.
- The other most significant features of the Guaranteed Annual Amount are that:
  - It will be paid annually for the life of the Keeyask Project starting in 2013;
  - It will be adjusted annually for inflation; and
  - TCN has the flexibility to reallocate funds between the Offsetting Programs or to reallocate funds to new, agreed upon programs, provided we do so in a manner that meets the overall objectives of the programs.

The Offsetting Programs have various start-up dates. All of them, however, will be in full operation by March 31<sup>st</sup>, 2013. The full payment of the Guaranteed Annual Amount begins with the March 31, 2013 payment. Table B shows



payments of the Guaranteed Annual Amount, by year, the estimated cost of direct cost items, and payment of Residual Compensation. It also shows payments for the construction of the Keeyask Centre made in 2009 and 2010. Currently, draft plans for the construction of the Keeyask Centre are being reviewed by TCN.

**TABLE B: TCN AEA PAYMENT SCHEDULE AND DIRECT COSTS**

Component	Cost or Payment (\$2008)					
	2009	2010	2011	2012	2013	2014
Guaranteed Annual Amount <sup>(1)</sup>	\$350,000	\$350,000	\$734,900	\$1,071,900	\$2,123,607	\$2,123,607
Construction of the Keeyask Centre <sup>(2)</sup>	\$2,000,000	\$2,000,000				
Residual Compensation	\$3,000,000					
Value of Direct Cost Facilities <sup>(3)</sup>				\$ 208,700		
<b>Total</b>	<b>\$5,350,000</b>	<b>\$2,350,000</b>	<b>\$734,900</b>	<b>\$1,280,600</b>	<b>\$2,123,607</b>	<b>\$2,123,607</b>

(1) The Guaranteed Annual Amount is adjusted annually for inflation with 2008 as the base year and paid on March 31 of each year. The amount shown in the table for 2013 is guaranteed for the life of the Project.

(2) The AEA identifies this funding as a “component” of the Guaranteed Annual Amount.

(3) This amount includes the estimated cost of cabins and related facilities and equipment at the lakes which are part of the Healthy Food Fish Program. The KHLF is obligated to pay the actual cost of these facilities.

### 9.2.4 Pre-Determined Compensation

In the interest of ensuring that future problems and potential misunderstandings are avoided, TCN and Hydro included a provision in the AEA for payment of Pre-Determined Compensation. Payment amounts by Hydro to TCN (expressed in dollars per foot per day) have been agreed in the unlikely event that the Keeyask forebay ever exceeds 521.8 feet (159 metres) or falls below 518.2 feet (158 metres). Hydro will also pay compensation to TCN when the forebay is intentionally drawn down for maintenance, inspection or emergency purposes.

### 9.2.5 Continuing Obligations

In addition to the Offsetting Programs, Hydro will retain certain on-going obligations with respect to the Keeyask Project under the AEA. These include:

- Personal injury or death claims;
- Responsibility to compensate TCN Members who are licensed trappers for any loss of net income and/or direct loss of property;
- Illness resulting from methyl-mercury contamination of food;
- Human remains disinterred by flooding or erosion (liable to recover and re-intern human remains);
- Unknown or unforeseen adverse effects;
- Breaches of a Fundamental Operating Feature; and
- Breaches of the relevant Project licences.





## 9.3 WLFN Adverse Effects Agreement

### 9.3.1 The Offsetting Programs

#### *War Lake Distribution Centre*

Pursuant to the Community Fish Program described below, there is a Distribution Centre that will serve as a receiving station, and a facility to process, store and distribute fish to community Members. There is a budget provision for hiring staff to work at the centre. It is intended that the Distribution Centre will be built and operated to meet appropriate Provincial standards as a food handling facility.

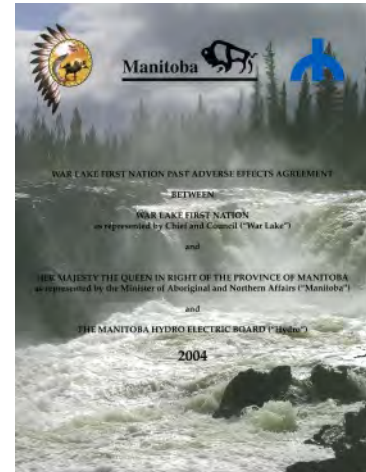
#### *Community Fish Program*

The objective of the Community Fish Program is to provide wholesome fish to WLFN 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 Keeyask Project. The fish are to come from War Lake, approximately 9 miles (15 km) south of Ilford and Atkinson Lake, approximately 31 miles (50 km) east of Ilford, as shown on Map 7.

The Community Fish Program provides for all the physical assets and other resources required for the provision of fish on a sustained and regular basis. The Program provides for construction of a dock, ice house, storage shed and fish cleaning table at War Lake and Atkinson Lake, the construction of a cabin at War Lake and improvements to a cabin at Atkinson Lake. It also provides for purchase and replacement of two snow machines and sleds, two boats and motors, fishing nets, wages for fishers and transport of fish from War and Atkinson Lakes to Ilford. Transportation of fish from Atkinson Lake will be by float plane in the summer and by an ice road in the winter. Fish from War Lake will be transported by surface year round.

Management of the program and maintenance of the cabins and the Distribution Centre will be our responsibility. WLFN will decide when to fish, which species to catch and how to process, store and distribute fish. WLFN, with Hydro, is developing a Fish Sustainability Plan to ensure the long-term conservation of our fish populations. A manager will be responsible for organizing the fishery and ensuring a wholesome supply of fish throughout the year. The Community Fish Program may have a family element and may be used to introduce younger Members to fishing practices.

When methyl-mercury levels have returned to pre-Project levels, we may continue the program or reallocate the costs to another program that would strengthen our cultural identity.

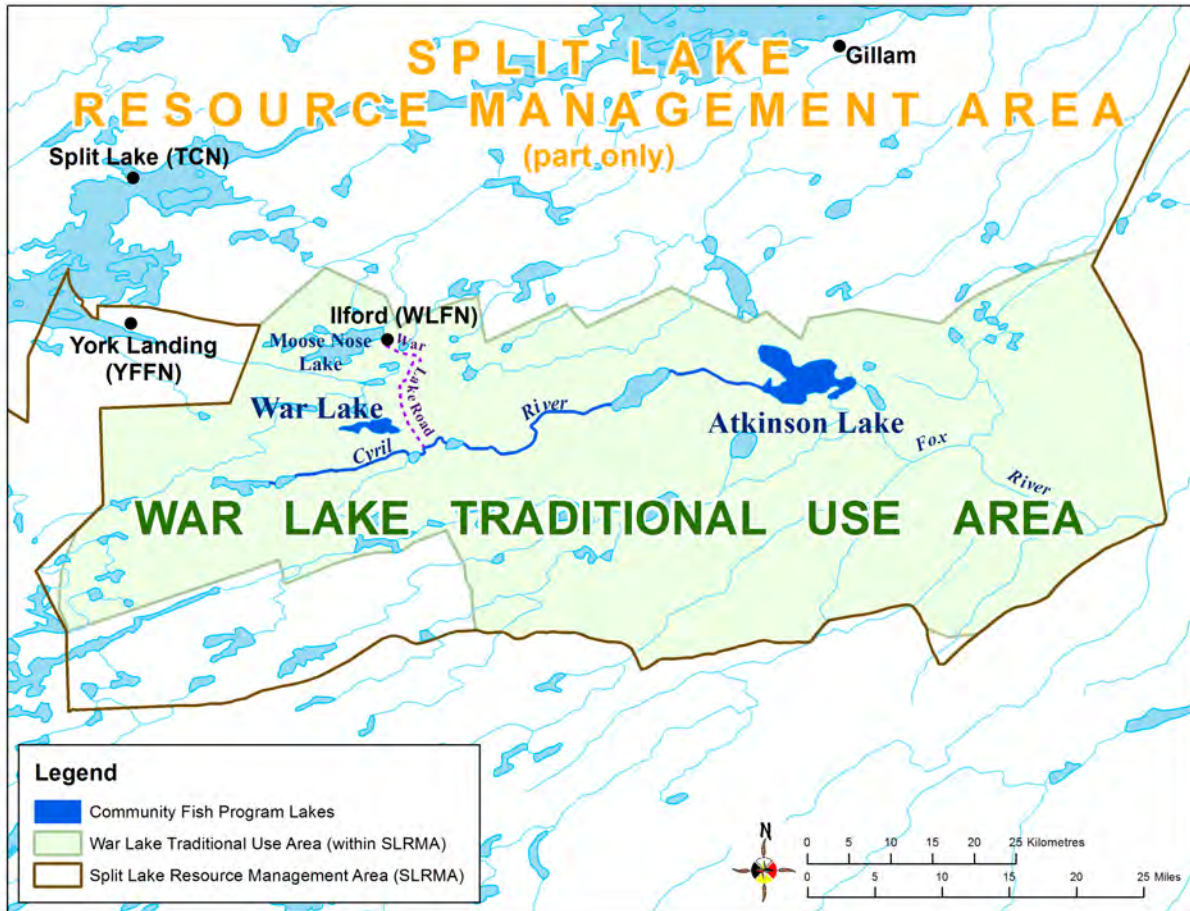


*War Lake Adverse Effects Agreement*



*WLFN Members Daniel Fitzner Tagging Sturgeon on the Fox River, Northeast of Atkinson Lake (an Offsetting Lake)*





## MAP 7: LAKES UTILIZED FOR THE WLFN COMMUNITY FISH PROGRAM

### *Improved Access Program*

The objective of the Improved Access Program is to provide WLFN Members with substitute opportunities to fish and carry out other customs, practices and traditions integral to our cultural identity in a vital part of our homeland ecosystem.

WLFN has a Treaty Land Entitlement selection and cabins on Atkinson Lake, an important part of our Traditional Use Area. Improving access to Atkinson Lake and throughout our Traditional Use Area is important as a way of dealing with some of the anticipated adverse effects of the Keeyask Project.

The Improved Access Program has three components:

- Improvements to the road from Ilford to War Lake;
- Construction of two shelters along the Cyril River water route to Atkinson Lake; and
- Restoration and improvements of the winter trail from Ilford to Atkinson Lake.



The War Lake road also provides access to the headwaters of the Cyril River. The location of the War Lake road, Cyril River and Atkinson Lake are shown on Map 7.

Cyril River is the traditional route for our Members to travel to Atkinson Lake in the summer months. The Cyril River lies south of Ilford and runs generally east-northeast to Atkinson Lake. Atkinson Lake comprises the headwaters of the Fox River which flows into Hudson Bay via the Hayes River. For recreational canoeists this is an interesting alternative route to York Factory and could form part of a tourism business that would allow WLFN to showcase our culture.

Our Members continue active use of Wakicomenaw (Crooked) Lake and Maskwapin (Bear Bone) Lake near the headwaters of the Cyril River, but the eastern part of the river system has fallen into disuse. With the disruptions caused by the Keeyask Project, WLFN Members will re-establish the route along the entire length of the Cyril River. The community has already improved the portages along the route using funds provided by Hydro in 2009 under our AEA.

### ***Traditional Learning/Lifestyle Program***

The objective of the Traditional Learning/Lifestyle Program is to provide opportunities for young adult Members of WLFN to experience a traditional lifestyle.

WLFN owns two cabins at Atkinson Lake in addition to the cabin to be improved for the purposes of the Community Fish Program. These cabins all sit on our Treaty Land Entitlement land selection and will eventually form part of our Reserve. This area is to be the focal point for the Traditional Learning/Lifestyle Program.

The Traditional Learning/Lifestyle Program includes a transportation component to allow families to spend time together in a traditional camp setting. There is provision within the Guaranteed Annual Amount to pay for charter services for float plane access in the open water season. There are funds available to pay for Elders to act as mentors both at Ilford and in camp at Atkinson Lake.

This program will have direct links to the Community Fish Program, allowing young Members to participate in the harvesting and proper handling of fish. It will also involve young Members canoeing from Ilford to Atkinson Lake along the Cyril River route using the shelters to be built as part of the Improved Access Program.

### ***Cree Language Program***

The objective of the Cree Language Program is to strengthen the cultural identity of our Members by creating opportunities for adults to improve their Cree language skills. Language is a foundation of any culture. Enhancing the use of Cree within our community is important to the overall objective of strengthening our cultural identity.

The program provides for employment of instructors, honorariums for Elders and purchase of necessary materials.

### ***Museum and Oral Histories Program***

The objective of the Museum and Oral Histories Program is to provide substitute opportunities for WLFN Members to maintain the historical connection to the land that will be weakened and in some cases lost when the Keeyask Project is built.

This program will provide for the design, construction, and maintenance of display cases to house artifacts, maps and photos demonstrating our historic connection to the land.



The Museum and Oral Histories Program will provide an important opportunity to preserve those tangible aspects of our history in an environment that is both safe and accessible.

### 9.3.2 Residual Compensation

Compensation for residual effects is a one-time cash payment for all adverse effects which were not addressed specifically by the Offsetting Programs. The Residual Compensation amount is \$255,000 which was paid on signing the WLFN AEA in 2009.

### 9.3.3 Funding Features

The KHLP is obligated to:

- Construct the Distribution Centre;
- Assume direct responsibility for construction and costs of docks, ramps and storage sheds at Atkinson Lake and War Lake, the construction of a cabin at War Lake, and improvements to a cabin at Atkinson Lake;
- Fund the Guaranteed Annual Amount which is the annual amount to be used to operate the Offsetting Programs, maintain and replace capital items and operate the Distribution Centre; and
- Pay Residual Compensation.

Significant features of the Guaranteed Annual Amount are:

- It will be paid annually for the life of the Keeyask Project starting in 2014;
- It will be adjusted annually for inflation; and
- WLFN has the flexibility to reallocate funds between the Offsetting Programs or to reallocate funds to new agreed programs, provided we do so in a manner that meets the overall objectives of the programs.

The Offsetting Programs have various start-up dates. All of them, however, will be in full operation by March 31, 2014. The full payment of the Guaranteed Annual Amount begins with the March 31, 2014 payment. Table C shows payments of the Guaranteed Annual Amount, by year, the estimated cost of direct cost items, and payment of Residual Compensation.

### 9.3.4 Continuing Obligations

In addition to the Offsetting Programs, Hydro will retain certain on-going obligations with respect to the Keeyask Project under the AEA. These include:

- Personal injury or death claims;
- Responsibility to compensate TCN Members who are licensed trappers for any loss of net income and/or direct loss of property;
- Illness resulting from methyl-mercury contamination of food;
- Human remains disinterred by flooding or erosion (liable to recover and re-intern human remains);
- Unknown or unforeseen adverse effects; and
- Breaches of the relevant Project licences.



### **TABLE C: WLFN AEA PAYMENT SCHEDULE AND DIRECT COSTS**

<b>Component</b>	<b>Cost or Payment (\$2008)</b>					
	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Guaranteed Annual Amount <sup>(1)</sup></b>	\$146,500	\$0	\$0	\$0	\$191,394	\$265,575
<b>Residual Compensation</b>	\$255,000					
<b>Value of Direct Cost Facilities <sup>(2)</sup></b>					\$ 150,000	
<b>Total</b>	<b>\$401,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$341,394</b>	<b>\$265,575</b>

(1) The Guaranteed Annual Amount is adjusted annually for inflation with 2008 as the base year and paid on March 31 of the applicable year. The amount shown in the table for 2014 is guaranteed for the life of the Project.

(2) This amount includes up to \$100,000 (2008\$ subject to CPI adjustment) for a fish Distribution Centre on Reserve and the actual costs (estimated by Manitoba Hydro to be \$50,000 in 2008 \$ subject to CPI adjustment) to construct a cabin at War Lake, to improve an existing cabin at Atkinson lake, and related facilities at War Lake and Atkinson Lake.



## 10.0 Training, Employment, Business Opportunities, Ownership and Financial Arrangements

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### 10.1 Introduction

The *Joint Keeyask Development Agreement (JKDA)* sets out all of the training, employment, business opportunities, ownership, and financial arrangements among Hydro, CNP, York Factory First Nation (YFFN) and Fox Lake Cree Nation (FLCN). These present and future opportunities were a major consideration when deciding upon the approval of the JKDA and include the following:

- Ownership of the Project;
- Opportunity to earn income from the Project;
- Direct Negotiated Contracts (DNCs) for construction of the supporting infrastructure of the Project;
- Training opportunities; and
- Commitments to employ our Members in construction of the Project and on a permanent basis with Hydro.

The specific arrangements are similar for TCN and WLFN, but differ in degree, reflecting the relative size of our communities.

TCN and WLFN were marginalized in previous hydroelectric developments. Our Members were hired for some unskilled labour positions but few, if any, were employed in skilled positions. With the Keeyask Project, there has been a significant emphasis on training to prepare Members years before construction begins. With existing hiring preferences and employment targets, it is expected that our Members will be hired in both unskilled and skilled trade positions on the Project.

### 10.2 Training and Employment

#### 10.2.1 Pre-Project Training

The KCN conducted Pre-Project Training through the Hydro Northern Training and Employment Initiative (HNTEI). This initiative was proposed, planned and implemented by the KCN. It was funded by Hydro and the Federal and Provincial governments. Under this Initiative, TCN and WLFN have designed, developed and implemented training programs specific to the employment opportunities related to the Keeyask Project and to the interests of our Members.

Under HNTEI, we have been allocated up to \$19.6 M for training of our Members.

A total of 642 CNP Members participated in one or more training activities. The training activities can be divided into three general occupational categories: Designated Trades; non-Designated Trades; and Business and Administration.



*TCN Member Kathleen Spence  
Trying “the Linesman”*





Designated Trades include Carpenters, Crane Operators, Electricians, Ironworkers, Millwrights, Heavy Vehicle and Motor Vehicle Mechanics, Welders, Cooks and Plumbers.

Non-Designated Trades include Caterers, Heavy Equipment Operators, Skilled Labourers and Truck Drivers.

Business and Administration includes various Computer training, Civil Technologies, Computer Business Administration and Environmental Stewardship.

Of the Members who received HNTEI funds, there are, on average over the last few years, about 150 Members who are employed in our communities or in other parts of Manitoba. This number changes due to seasonal variability in job placement opportunities.

Trainees funded by HNTEI have already had positive impacts on numerous community infrastructure projects. Working with contractors, trainees have participated in the construction of housing and a hotel in Split Lake, the upgrading of the University College of the North Split Lake Regional Centre, the upgrading of Split Lake Construction facilities, the development of the TCN owned Wawatay receiving home in Thompson, and the construction of a new nursing station.

Members have also benefited from HNTEI education upgrading and life-skills programming in our communities. The opportunity for our communities to staff various administrative and operational positions has resulted in a human resource legacy. This legacy will help CNP reach our goal of self-reliance. Included in this legacy is the ground breaking establishment of effective working relationships between CNP and various unions, service providers and businesses throughout Manitoba.

HNTEI, through an on-Reserve Job Referral Service, has been connected to the Provincial Job Referral Service linked to all upcoming Hydro projects. This link will provide even greater access for our Members to training and job opportunities.

### 10.2.2 During Project Construction

The opportunities for employment on the Keeyask Project during the estimated eight year construction period are numerous and varied, estimated by Hydro at 4000 person-years.

An unprecedented accomplishment is that Hydro and the KCN have agreed to a target of 630 person-years of employment for KCN Members on construction of the Keeyask Project. If the number of person-years falls short of the target, the Keeyask Hydropower Limited Partnership (KHLP) will contribute additional dollars, to a maximum of \$3 M to the joint KCN/Hydro Working Group on Operational Jobs.

The employment and training opportunities during Keeyask construction include trades and management work that will be available through: the Direct Negotiated Contracts; work with successful contractors bidding open tender contracts; employment as part of the workforce hired or subcontracted directly by Hydro; work as part of the



*TCN Member Michael P. Garson, Crane Operator*



Keeyask Job Referral process; work on various committees associated with the Project; and service related businesses that may be required during construction.

AMISK Construction is a joint venture between the CNP and Sigfusson Northern Construction Ltd. The joint venture has been formed to carry out the Keeyask related construction projects that will be available to CNP as construction on the Keeyask Project proceeds. Through AMISK, CNP communities will receive numerous benefits throughout the Keeyask development including training and employment, acquisition of equipment and tools, profits and other lasting benefits for the CNP communities.

### 10.2.3 Employment in Hydro Operational Jobs

Through the JKDA, Hydro has agreed to a target of 182 Operational Jobs for KCN over the next 20 years. The JKDA outlines an annual budget of \$900,000 adjusted for inflation, to support the KCN work with Hydro on designing and implementing a successful employment framework to meet the Operational Jobs target. The TCN and WLFN share of this annual budget is \$540,000 and our target is 110 Operational Jobs over the next 20 years. This represents a large increase in CNP Members employed by Hydro and effectively fulfills the promise, at least for the construction and operation of Keeyask, of specific employment related articles of the NFA.



*WLFN Member Bruce Wavey, Rock Truck Driver*

It is expected that there will be between 40 and 50 permanent jobs related to the operation and maintenance of the Keeyask Generating Station. TCN and WLFN are determined that their Members will have full access to these permanent jobs.

The Working Group on Operational Jobs has identified a number of training and employment related mechanisms that have the potential to make attainable the target of 110 jobs for TCN and WLFN Members over the next 20 years.

## 10.3 Business Opportunities

The Keeyask Project provides opportunities to expand the number, capacity, diversity and viability of TCN and WLFN businesses. The JKDA identifies 15 work packages on Keeyask construction for Direct Negotiation with KCN controlled businesses. Their total value is estimated by Hydro to be \$203 M in 2007 dollars. TCN and WLFN businesses have first right to negotiate 12 of those contracts valued at \$122 M. In addition, and separate from the Keeyask Project, work for KCN businesses on the upgrades to PR 280 is now underway. The estimated value of the work on the first PR 280 contract is \$9 M, with two additional contracts to follow.

Supplemental or additional work packages for KCN existing or new businesses are still being assessed by Hydro. KCN controlled businesses can bid for work on open tender contracts on a bid depository basis. The JKDA also allows KCN businesses to supply non-tendered goods, supplies and services including fuel supply, internet support, environmental monitoring, and recreational activities.



## 10.4 Ownership and Financial Arrangements

The KHLPP was formed to construct, own and operate Keeyask. While Hydro holds a majority ownership interest in the Project, it will be owned not by Hydro but by the KHLPP. The ownership structure of the KHLPP is shown in Figure 2.

In the Keeyask Project, the Limited Partners are Hydro and each of the KCN investment entities. The General Partner will be a subsidiary of Hydro. Hydro, as a Limited Partner and the General Partner, will own a minimum of 75% of the KHLPP and the KCN investment entities will own, among them, up to the remaining 25% as follows: TCN and WLFN 15%, YFFN 5% and Fox Lake 5%.

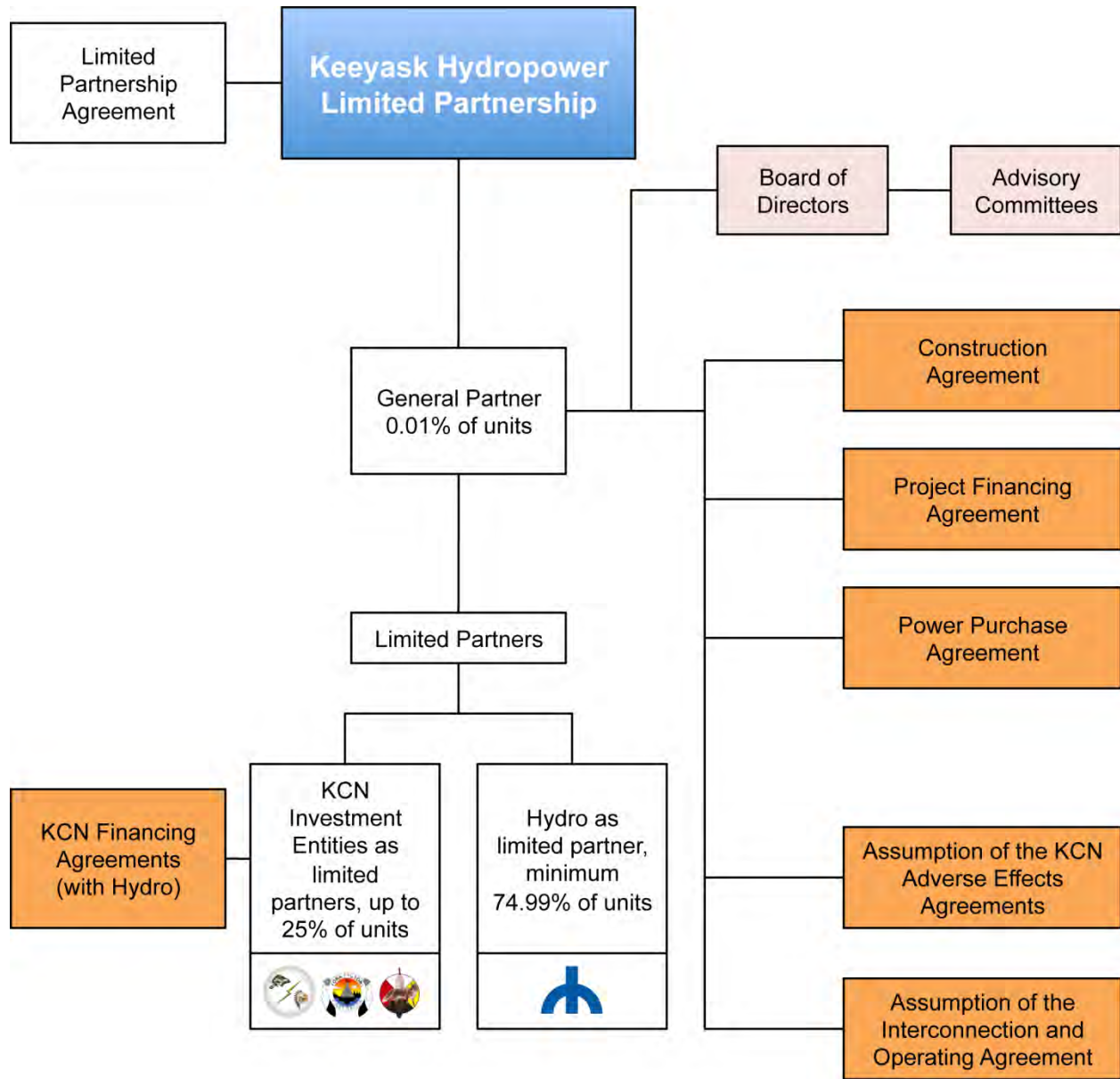
Therefore, as a limited liability partner, TCN and WLFN, as the CNP Limited Partnership, will be risking no more than the cash we invest in the Project. Most of this investment is not required until six months after the last turbine comes into operation, at which point the economic prospects for Keeyask will be more certain and will guide our investment decisions. At that time we must also choose whether we wish to own preferred or common units. Each provides a different risk and return profile.

The General Partner will manage the business of the KHLPP. The General Partner will sign agreements and contracts with Hydro for the construction of the generating station, the purchase of the power generated, and the provision of management services, operating and maintenance services, and system operation services including the operation, dispatch and control of Keeyask. Each KCN will be entitled to have representatives appointed to the Board of Directors of the General Partner.

Twenty-five percent of the capital requirements of the KHLPP will be funded through cash investments by the partners. The remaining 75% will be borrowed from Hydro. TCN and WLFN cash investments will be provided by a mixture of our own cash and, if we choose, loans from Hydro. Our own cash investment cannot be less than \$7.5 M.

As a Limited Partner, the CNP will be entitled to receive annual distributions from the KHLPP. The amount of the distribution will depend on the Project's annual economic performance and whether we choose to own preferred or common units. If we choose preferred units, the amount of each distribution will be based on a percentage of total gross revenues reduced by certain agreed costs. If we choose common units, the amount of the distribution will be based on a percentage of net cash available for distribution after all costs are charged, including the cost of any preferred distributions. Under either scenario, however, the minimum annual distribution to TCN and WLFN will be approximately 5% of our own cash invested.

CNP will carefully evaluate the options available to us when it is time for us to make the majority of our investment. Based on the information available at that time we will determine which ownership option best meets our needs. Substantial returns are expected.



**FIGURE 2: STRUCTURE OF THE KHL**



# 11.0 Assessing Harmony and Balance in our Homeland Ecosystem

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## 11.1 Introduction

The Mother Earth Ecosystem Model, as described in Chapter 5, represents our worldview by demonstrating the interrelatedness of all things in our ancestral homeland ecosystem and the ecological processes that link them. It illustrates the harmony and balance that is possible in a sustainably developed ecosystem. It does not, however, capture the experience of physical, economic, social and cultural change caused by events after first contact, most notably hydroelectric development. Reflecting on our history caused us to see the need for another model that captured our historical experience and represented the effects of these transformative events on our homeland ecosystem. This led to the development of the Ancestral Homeland Ecosystem Model, a simplified variant of the Mother Earth Ecosystem Model. It has helped us organize our thinking about our holistic approach to assessing environmental impacts of the Keeyask Project on us.

In this chapter, we describe the Ancestral Homeland Ecosystem Model before applying it to four time periods in order to analyze and compare the state of harmony and balance in our homeland ecosystem. The four time periods used for analysis are: before first contact with Europeans; before Hydro development; the present state; and the hypothetical state of our homeland ecosystem with the Keeyask Project. These comparisons helped us determine that Keeyask can help restore harmony and balance to our homeland ecosystem and, subsequently, to our lives.

## 11.2 Describing the Ancestral Homeland Ecosystem Model

In each version of the Ancestral Homeland Ecosystem Model, the focal point of analysis is the state of harmony and balance in the outer band. This is represented by the consistency of the outer green band and is determined by the interactions and combined influence of the other components of the model.

The model depicts our homeland ecosystem as a series of circular bands, the innermost of which contains plants, animals, the landscape, the waterscape and us. They are all connected by a web of the relationships which are vital to our Cree identity. These relationships were discussed in Chapter 5. The cumulative strength of these relationships is represented by the web – when the strength is diminished, so is the web.

The red arrow on the left points towards the outer circle and represents imports to our homeland ecosystem, including all outside influences, which are the small red arrows surrounding our homeland ecosystem in Figures 5, 6, and 7. The red arrows represent specific historical events and agreements of great significance to us. The cumulative effect of outside influences on the state of harmony and balance is indicated by the size of the red imports arrow. When the arrow is larger, the cumulative effects are greater.

The brown arrow on the right, pointing away from the outer circle, represents exports from our homeland ecosystem. As our homeland ecosystem is strained by the demand for more resources from outsiders, such as hydroelectric energy, the brown arrow grows in size.

The orange arrows inside the second yellow band represent the resilience of our homeland ecosystem to the combined force of outside influences (the red arrow) and increased demand for exports from outsiders (the brown arrow). The larger the orange arrows are, the greater the resilience of the components of our homeland ecosystem (animals, plants, landscapes, waterscapes and us) to adapt to these forces. Most importantly, the relative health or





degradation of our vital relationships (the web), also helps to determine the resilience of our homeland ecosystem in retaining its original purpose of sustaining us physically and culturally. Thus, there is an inherent connection between the strength of our vital relationships and the resilience of our homeland ecosystem.

In each time period that we apply the model, our homeland ecosystem has a distinct purpose and identity, found in the description of each model. The purpose of our homeland ecosystem has changed since before first contact with Europeans. It has always had the purpose of sustaining us physically and culturally, but since first contact with Europeans it has had the additional purpose of providing valuable resources to outsiders. Our assessment of the effects of Keeyask on our homeland ecosystem has taken this expanded purpose into account.

The major changes to the determinants of harmony and balance explained in the preceding paragraphs are summarized and explained for each time period.



**FIGURE 3: THE ANCESTRAL HOMELAND ECOSYSTEM MODEL**





## 11.3 Application of the Model to Past, Present and Future Times

In the following subsections, we explain the result of applying the Ancestral Homeland Ecosystem Model to four time periods by describing the major changes in the visual components of the model. These changes determine the state of harmony and balance in each time period and are described in the following four subsections.

### 11.3.1 Before First Contact with Europeans

Prior to first contact with Europeans our homeland ecosystem provided food, shelter, clothing and medicine. For the most part, tools were derived from local materials, and exports and imports of materials were limited. Mother Earth provided waterways so we could travel in all seasons.

The geological structure of our homeland ecosystem was the same for thousands of years. The rivers, lakes, wetlands, eskers and moraines, hills and valleys determined where uncounted generations of our ancestors and other beings could live. The waterways remained essentially unchanged as travel routes and sources for food. The resulting physical, emotional, historical and spiritual relationships were at the heart of our ancestors' cultural identity.

Our ecosystem was able to sustain our ancestors because our vital relationships were intact. As a result, the state of harmony and balance in our homeland ecosystem was mostly unchanged from the time of its inception.

This state is illustrated by Figure 4, and summarized below.

1. Purpose: to sustain TCN and WLFN physically and culturally.
2. Identity: a hunter gatherer system with minimal imports and exports.
3. Outside Influences: the least significant in our history.
4. Web of Relationships: fully intact, indicating proper maintenance of our vital relationships, as indicated by the size and consistency of the web.
5. Resilience Arrows: large orange arrows indicate proper maintenance of our vital relationships.
6. Imports Arrow: small, indicating a relatively isolated hunter gatherer society.
7. Exports Arrow: small, indicating a relatively isolated hunter gatherer society.
8. Harmony and Balance: fully intact, as indicated by the solid green outer ring.



**FIGURE 4: THE ANCESTRAL HOMELAND ECOSYSTEM MODEL BEFORE FIRST CONTACT WITH EUROPEANS**



### 11.3.2 Before Hydro Development

Our homeland ecosystem changed after first contact with Europeans, slowly until the mid-19<sup>th</sup> century, then faster and with greater impacts. Beginning in the early 20<sup>th</sup> century, the influence of outsiders created new relationships, but eroded existing ones, especially our exercise of power and authority within our homeland ecosystem. The major influences of this and each time period, including key events and agreements, are discussed in Appendix 2. Despite the effect these events had on diminishing our vital relationships, our cultural identity remained strong.

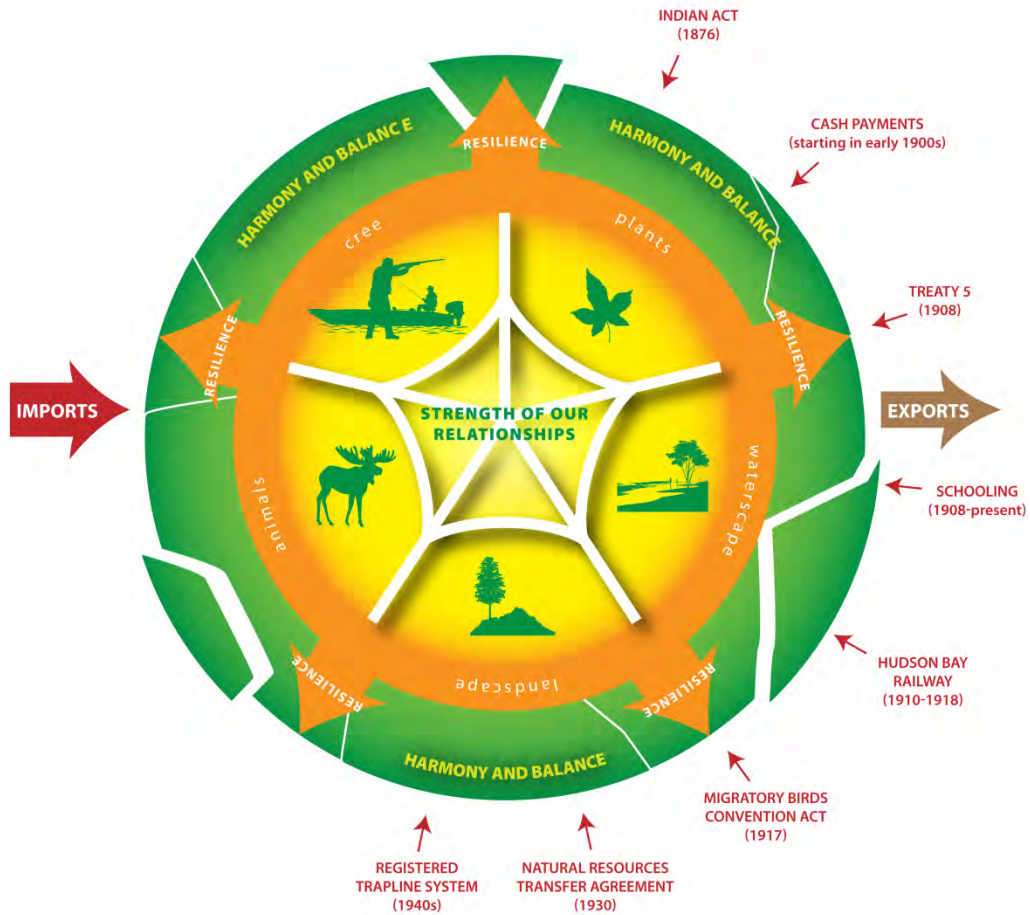
The following example provides insight into how our homeland ecosystem responded to major events and resulting disturbances during this time period.

Application of the *Indian Act* disturbed our homeland ecosystem in many ways, especially after our adhesion to *Treaty 5* in 1908, primarily by taking away power and authority from our people. The changes we experienced were mainly social and cultural. The change from traditional learning to a system of education similar to what existed in non-Aboriginal communities was one important aspect of this loss of power and authority, and representative of an imposed change on our social structure and our cultural traditions. Before the *Indian Act*, learning had been about passing on knowledge essential to sustaining oneself physically and culturally in our homeland ecosystem. Instead, it became about passing on knowledge intended to prepare for life in a culture with different customs, practices and traditions. Nevertheless, our people made great efforts to adapt to ensure traditional learning continued. Learning of traditional knowledge still took place during this period; our young people were still taught the customs, practices and traditions integral to our cultural identity; everyone still spoke our Cree language; and our worldview was still rooted in our relationships with the land that itself was unchanged by the education system imposed by the *Indian Act*. This state is represented in Figure 5 by slightly reduced resilience arrows.

Over the 40 years following our adhesion to *Treaty 5*, our social structure was changed so extensively that our people lost most of the power and authority to govern ourselves and the activities within our SLRMA. By the mid-1950s, when hydroelectric development was about to begin, our homeland ecosystem was under considerable stress, resulting in a significantly reduced state of harmony and balance. It had begun to provide resources to outsiders, permanently altering its original purpose of sustaining us physically and culturally.

Despite all the disturbances and resulting changes, our cultural identity was still strong because of our ongoing relationships with the land. This state is illustrated by Figure 5, and summarized below.

1. Purpose: to sustain TCN and WLFN physically and culturally and to provide resources to outsiders.
2. Identity: a hunter gatherer, wage labour, resource exploiting system with shared benefits.
3. Outside Influences: the *Indian Act*, *Treaty 5*, Schooling, the *Migratory Birds Convention Act*, Cash Payments, the *Natural Resources Transfer Agreement*, the Registered Trap Line System, and the construction of the Hudson Bay Railway.
4. Web of Relationships: weakened, due to the changes imposed on us by Outside Influences, as indicated by the smaller size of the web.
5. Resilience Arrows: unchanged, indicating the ability to adapt to the changes imposed on us by the abovementioned factors in the context of sustaining our cultural identity through maintenance of our vital relationships. Our lands and waterways are still largely unchanged, allowing us to exercise our traditional pursuits.
6. Imports Arrow: increased, indicating the cumulative strength of Outside Influences.
7. Exports Arrow: fairly small, indicating limited demand on our ecosystem's resources.
8. Harmony and Balance: reduced, as indicated by the formation of cracks in the outer ring.



**FIGURE 5: THE ANCESTRAL HOMELAND ECOSYSTEM MODEL BEFORE HYDRO DEVELOPMENT**



### 11.3.3 The Present

The last five decades saw unprecedented disruption of our homeland ecosystem caused by major historical events and various outside influences, including the introduction of Family Allowance, the construction of PR 280 and resource allocations in the Split Lake Resource Management Area (SLRMA). Foremost among these outside influences are the hydroelectric developments of Kelsey, Long Spruce, Kettle Rapids and Limestone on the Nelson River, and the Churchill River Diversion (CRD) and Lake Winnipeg Regulation (LWR). The resulting changes to our lands and waterways are the most significant contributors to our homeland ecosystem's disrupted state of harmony and balance. Summary descriptions of these development projects are available in Appendix 2.

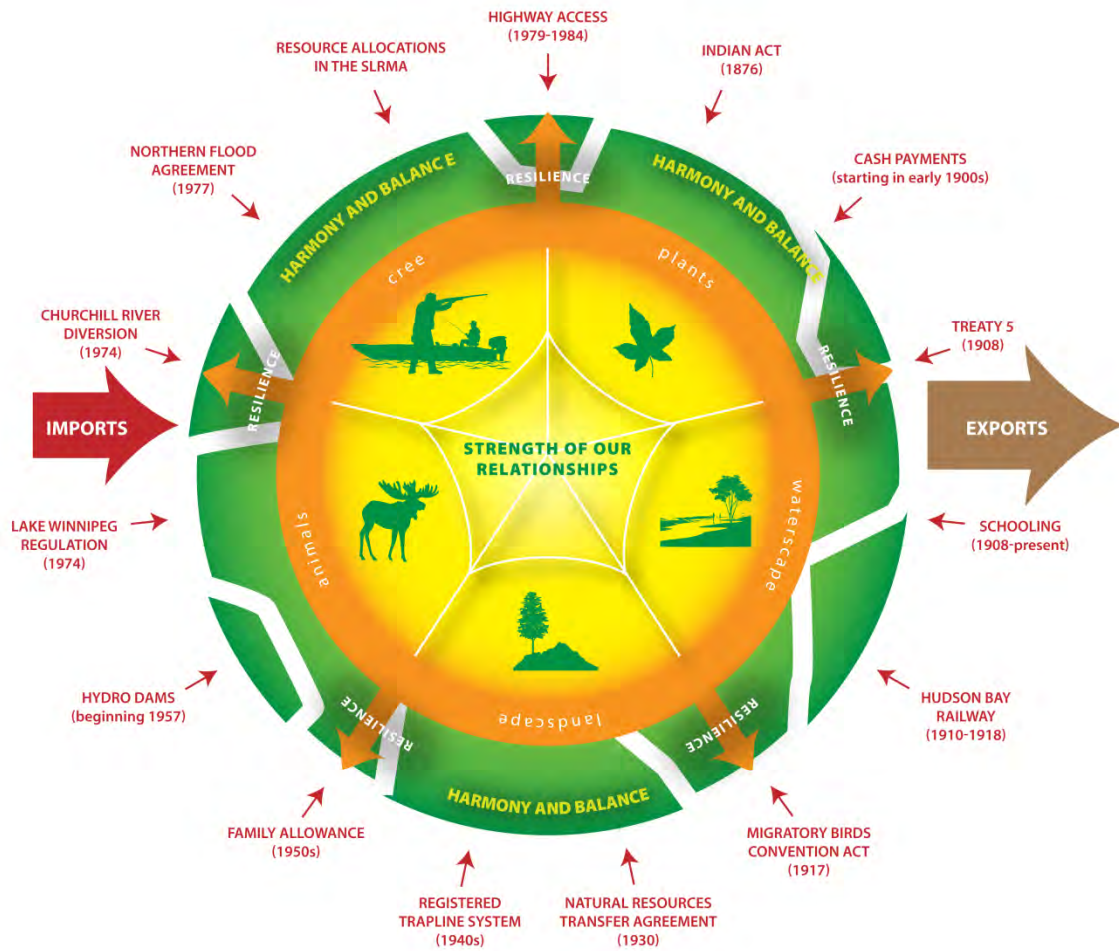
It was a totally new experience for us when the physical structure of the land and waters were changed by hydroelectric development. Many of our vital relationships – physical, spiritual, emotional, historical, life sustaining – were disrupted by the changes to our homeland ecosystem caused by hydroelectric development. Our relationships became difficult to maintain, eventually resulting in disharmony and imbalance that we were seemingly powerless to reverse.

Hydroelectric development transformed the purpose of our homeland ecosystem. The original purpose remained – sustaining us physically and culturally – but it now had the additional purpose of providing valuable resources for outside use. To help counter the powerful effects of hydroelectric development, we started to reassert our rights.

Not all events had a negative effect on our lives. For example, the negotiation of the *Northern Flood Agreement* (NFA) from 1974 to 1977 marked a formal beginning to reclaiming the power and authority we once held. The *1992 NFA Implementation Agreement* (1992 Agreement) gave substance to the promises of the NFA. Our homeland ecosystem changed from being an area with no formal identity that could be utilized by outsiders as a source of resources, to the SLRMA, where we were recognized as having priority for the use of fish and wildlife and where we have input in planning and resource allocation decisions. It was the 1992 Agreement that provided the power and authority necessary for TCN to be able to engage Hydro in meaningful discussions about the future development of the Keeyask Project.

The current state of our homeland ecosystem is represented in Figure 6, and is summarized below.

1. Purpose: to sustain TCN and WLFN physically and culturally and to provide resources to outsiders.
2. Identity: a hunter gatherer, labourer, resource exploiting, energy exporting system with external investment benefits.
3. Outside Influences: the *Indian Act*, *Treaty 5*, Schooling, the *Migratory Birds Convention Act*, Cash Payments, the *Natural Resources Transfer Agreement*, the Registered Trap Line System, the construction of the Hudson Bay Railway, Family Allowance, Resource Allocations in the SLRMA, Highway Access, the Lake Winnipeg Regulation and Churchill River Diversion, and 4 Hydro generating stations on the Nelson River in the SLRMA.
4. Web of Relationships: most of our vital relationships are the weakest in our history, as indicated by the diminished web.
5. Resilience Arrows: greatly reduced, due to the degradation of our vital relationships and the cumulative impact of overwhelming outside influences, all combining to limit our homeland ecosystem's resilience.
6. Imports Arrow: the largest arrow of all the models indicates the greatest cumulative strength of outside forces influencing the state of harmony and balance in our homeland ecosystem,
7. Exports Arrow: a larger arrow indicates the greatest demand for resources, mainly hydroelectric energy, derived from our homeland ecosystem in our history.
8. Harmony and Balance: discordant and the least stable in our history, as indicated by the disjointed outer band.



**FIGURE 6: THE ANCESTRAL HOMELAND ECOSYSTEM MODEL AT PRESENT**





### 11.3.4 Predicted State with Keeyask

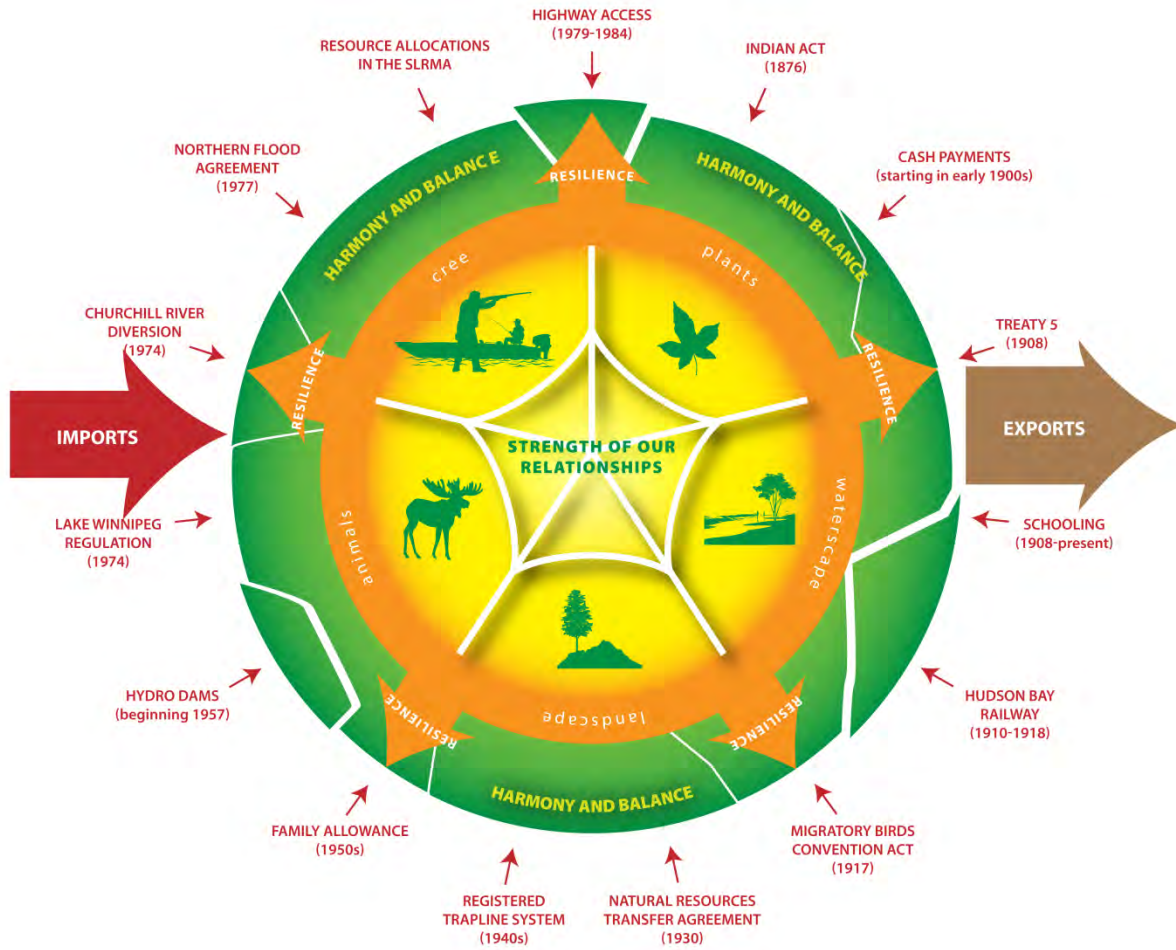
Previous chapters of this report explain the long path that we travelled before the majority of our Members thought that there could be circumstances under which further hydroelectric development, specifically the Keeyask Project, would actually improve the capacity of our homeland ecosystem. This situation arose out of our reclaimed ability to influence the decisions being made which would affect our homeland ecosystem.

By negotiating the *Joint Keeyask Development Agreement* (JKDA) and separate *Adverse Effects Agreements* (AEAs) and by partnering with Manitoba Hydro for the development of the Keeyask Project, CNP are seeking to restore and enhance the capacity of our homeland ecosystem to sustain our people both physically and culturally. Knowing that the Keeyask Project would irreversibly alter our homeland ecosystem already affected by hydroelectric development, we nevertheless came to see an opportunity to ensure it would come closer to meeting its original purpose of sustaining us than it does today. These comparisons are highlighted in the major changes between Figures 6 and 7.

After Keeyask is built, we believe it is likely that the overall harmony and balance of our homeland ecosystem will improve. The effects we believe Keeyask will have on our vital relationships are summarized in the column titled *With Keeyask* in Table D, found at the end of this chapter.

It is our hope that Keeyask - with equity participation, significant employment and business opportunities, Offsetting Programs, and other mitigation and compensation described in the JKDA and our respective AEAs - will improve the capacity of our homeland ecosystem to sustain us both physically and culturally. Figure 7 depicts our homeland ecosystem as we expect to experience it after the Keeyask Project is constructed and operational. The state of harmony and balance is described below.

1. Purpose: to sustain TCN and WLFN physically and culturally and to provide resources to outsiders.
2. Identity: a hunter gatherer, labourer, entrepreneurial, resource exploiting, energy exporting system with internal and external investment benefits.
3. Outside Influences: the *Indian Act*, *Treaty 5*, Schooling, the *Migratory Birds Convention Act*, Cash Payments, the *Natural Resources Transfer Agreement*, the Registered Trap Line System, the construction of the Hudson Bay Railway, Family Allowance, Resource Allocations in the SLRMA, Highway Access, the Churchill River Diversion and Lake Winnipeg Regulation, 5 Hydro generating stations on the Nelson River in the SLRMA, including Keeyask.
4. Web of Relationships: expected to strengthen due to improved access to the land to exercise our traditional activities, as indicated by the partially renewed size and consistency of the web.
5. Resilience Arrows: the resilience of our homeland ecosystem in maintaining its original purpose of sustaining us physically and culturally will improve, as indicated by an increase in the size of the orange arrows. The strengthening of our Web of Relationships contributes to the resilience.
6. Imports Arrow: with the addition of Keeyask, it is expected to be the largest in our history.
7. Exports Arrow: with the addition of Keeyask, it is expected to be the largest in our history.
8. Harmony and Balance: will improve because of the strengthening of our vital relationships and our ability to progress in a modern economy while strengthening our Cree identity, as indicated by the improved structure in the outer band.



**FIGURE 7: THE ANCESTRAL HOMELAND ECOSYSTEM MODEL WITH THE KEYASK PROJECT**



## 11.4 The Strength of Our Vital Relationships

To help understand the strength or weakness of our vital relationships in the four time periods of analysis, we developed a summary table to describe the state of these relationships. The state of our relationships in each time period contributes to determining both the resilience and the harmony and balance of our ancestral homeland ecosystem. The strength of each relationship, both individually and cumulatively is inherently linked to the effects of the historical events described in Appendix 2. Our vital relationships were described in Chapter 5.

## 11.5 Summary

Our ancestors expected that our homeland ecosystem would always provide for us, physically and culturally. We continue to have that expectation. More than just providing food and shelter for survival, it means providing the employment, business opportunities, and income opportunities available to other Canadian communities. It also means sustaining our distinctive cultural identity, our Cree identity, through ongoing opportunities to engage in the customs, practices, and traditions that arose out of living here in harmony and balance with our surroundings for millennia.

The SLRMA is also a source of natural resources, primarily hydroelectricity. TCN and WLFN now see our homeland ecosystem as capable of fulfilling both of these purposes when utilized respectfully and responsibly.

Our concept of harmony and balance comes from our close association with the lands and waters of our homeland ecosystem and reflects our understanding, based on experience, that human activities are a part of the natural order. It also includes the likelihood of disharmony and imbalance within our ecosystem when our vital relationships are disrupted.

We believe it is possible to restore harmony and balance to an ecosystem through respectful and responsible human action. This is consistent with our holistic worldview that there is no separation between our social system and the biophysical ecosystem in which we live. We know that humans are fully integrated in the ecosystem and can influence it in a variety of ways, both positive and negative.

Our belief that the long term benefits provided by the Keeyask Project are likely to help restore harmony and balance in our homeland ecosystem is founded in this understanding and confirmed by our analysis utilizing the Ancestral Homeland Ecosystem Model.



**TABLE D: SUMMARY OF OUR VITAL RELATIONSHIPS FOR THE PAST, PRESENT AND FUTURE**

		RELATIONSHIP DESCRIPTION											
		Spiritual	Educational	Historical	Care-Giving & Respect	Hunting, Fishing, Trapping & Gathering	Life Sustaining	Physical	Emotional	Social	Political re: Other First Nations	Political re: Outsiders	Traditional Ecological Knowledge
TIME PERIOD	Before Contact with Europeans	Relationships among the spirits of all beings were intact	System for transferring traditional knowledge was intact	Historical connections to the land and water were intact and growing as new events occurred with the passage of time	People's ability to show respect and care for Mother Earth to ensure survival was uninhibited by any outside influences	People hunted, fished, trapped and gathered in territories they controlled	People ate plants and animals in sufficient quantities to maintain a viable population	Travel on rivers and lakes was critical to survival and was subject only to natural constraints	Emotional attachment to Mother Earth and all beings was fully operative	Social relationships arising from relationships with Mother Earth were fully functional	Political relationships with other First Nations were conducted between independent entities	Not applicable	Our knowledge of ecological relationships was comprehensive
	Before Hydro Development	Relationships among the spirits of all beings were eroded by the <i>Indian Act</i> and schooling	System for transferring traditional knowledge was damaged	Historical connections to the land and water were mixed as the railway and roads made access easier but limited the range of travel	People's ability to show respect and care for Mother Earth to ensure survival was reduced	People were beginning to be required to compete with outsiders and availability of resources was reduced	People ate plants and animals in sufficient quantities to maintain the Cree culture	Travel on rivers and lakes was critical to survival and was subject only to natural constraints	Emotional attachments to Mother Earth and all beings was mainly unaffected	Social relationships arising from relationships with Mother Earth were functional	Political relationships with other First Nations were affected	Severely impaired	Our traditional ecological knowledge continued to be valid
	Present Time	Elders retain very strong spiritual relationships while the spiritual relationships of young people are greatly diminished	Traditional ways of passing on knowledge have been very significantly reduced	Elders retain strong historical connections to the land but young people have quite limited connection to the land	Elders feel and show more respect; all are constrained from exercising control; river alteration is a challenge to exercising the duty of care	Constraints in place today regarding the exercise of Treaty and Aboriginal rights	Young people eat less country food; travel is costly	Travel is impeded by dams, higher flows, reverse seasonality, debris, altered currents, reefs	Distinction between attachment by Elders and youth; Elders experience greater emotional attachment	There is a growing need for law enforcement, better housing and improved health and social programs	First Nations respect each other's decisions; Hydro involvement affects Nation to Nation relationships	Federal Crown still more respected than Provincial Crown; increasing reliance on law and regaining power and authority	Our traditional ecological knowledge has diminished as our contact with land has diminished and the style and content of the education of our children changed
	With Keeyask	More time on the land will strengthen spiritual relations	There will be expanded opportunities for traditional learning through more time on the land for families	Old connections to the affected land have changed. New ones will be established in other parts of our homeland ecosystem	Keeyask participation allows expanded opportunities to show respect in other parts of the homeland ecosystem	Expanded opportunities will be available to access other parts of our ancestral homeland	There will be greater opportunities to hunt, fish and gather	Access will be improved through mitigation and Offsetting Programs under the AEA's	There will be greater opportunities for Members (especially youth) to establish new emotional connections to our lands and waters through the Offsetting Programs	There will be more opportunities to re-establish traditional relationships especially within families	Mainly unaffected	Relationships may be affected as CNP gain increased capacity to travel within our homeland ecosystem and exercise our Treaty and Aboriginal rights	Offsetting Programs will restore our traditional ecological knowledge to a condition which is better than presently exists



## 12.0 TCN and WLFN Referendums

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### 12.1 Purpose

The purpose of the Referendum was to determine if TCN and WLFN Members supported the signing of the *Joint Keeyask Development Agreement (JKDA)* and the *Adverse Effects Agreements (AEAs)* by our Chiefs and Councils.

### 12.2 Process

The Referendum was conducted on February 5<sup>th</sup>, 2009. It was conducted in accordance with the Ratification Protocol of the JKDA.

TCN and WLFN undertook the following procedures leading up to the Referendum vote:

- In late 2008, held 15 General Membership meetings in Split Lake, Ilford, Thompson and Winnipeg in late 2008, before and after the Notice of Referendum was posted, to explain to Members the nature and significance of the JKDA and AEAs.
- Appointed a separate Process Officer by Council Resolution to manage each Referendum;
- Posted the Notice of Referendum in 3 prominent places in each community;
- Posted the Notice of Referendum in the Winnipeg Free Press and Winnipeg Sun; and
- Approved a transcript of a radio announcement that was read in Cree and English on NCI;

The respective Process Officers sent a Mail-in Ballot package of information to off-Reserve Members with a covering letter, which explained voter eligibility and the contents of the package, which included the Notice of Referendum describing:

- The time, date and place of upcoming public information meetings;
- The time, date and polling station for the Referendum poll;
- Where the JKDA and Keeyask AEAs, and related information could be reviewed or obtained, including information on how to access copies of the agreements via the Internet;
- A letter from Chief and Council;
- Voting Instructions regarding the procedure for voting by mail-in ballot;
- An information package about the JKDA called the JKDA Briefing Book, November 2008; and
- Voting material, including the mail-in ballot.

The Process Officers attended in their respective communities on February 5<sup>th</sup>, 2009 to supervise the polls, ensure voter eligibility, count ballots and report on the results.

### 12.3 Results

Tataskweyak Cree Nation:

Question 1 – Do you support the Chief and Council of Tataskweyak Cree Nation signing the proposed Joint Keeyask Development Agreement (JKDA)?

- 421 Yes 273 No





Question 2 – Do you support the Chief and Council of Tataskweyak Cree Nation signing the proposed Keeyask Adverse Effects Agreement?

- 427 Yes 267 No

War Lake First Nation:

Question 1 – Do you support the Chief and Council of War Lake First Nation signing the proposed Joint Keeyask Development Agreement (JKDA)?

- 65 Yes 4 No

Question 2 – Do you support the Chief and Council of War Lake First Nation signing the proposed Keeyask Adverse Effects Agreement?

- 61 Yes 8 No



## 13.0 Conclusion

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This report tells the story of how and why we came to the decision to join with Hydro and the other KCN in the construction, operation and ownership of Keeyask.

We have provided our assessment of the predicted effects of the Keeyask Project as we would expect to experience them. We describe these as environmental effects but, in keeping with our holistic worldview, they include the social, cultural, economic and biophysical effects.

To understand our decision to approve the Keeyask Project, you must understand the changes our culture has experienced. We have included the history of our experiences in our ancestral homeland ecosystem from the time before first contact with Europeans to the present day, in order to give context to our decision.

You must also understand that we have a unique Cree worldview. Our assessment of the Keeyask Project was based on the articulation of our worldview and the description of our vital relationships with Mother Earth. The Mother Earth Ecosystem Model was used as a way to convey the interconnectedness of all facets of our homeland ecosystem. Our worldview was the framework for our assessment of the environmental impacts of the Keeyask Project.

We have shown how we set out to protect our interests and restore harmony and balance to our homeland ecosystem, beginning with our 1998 proposal to Manitoba Hydro to negotiate a partnership for the development of the Keeyask Project. We have outlined the ensuing process of consultation and negotiation, conducted in accordance with our tradition of consensus decision making, which included extensive opportunities for our Members to voice their opinions, to raise their concerns, to have their questions addressed, and their viewpoints respected.

We have provided information about how we identified and evaluated the severity of environmental issues and potential adverse effects through the knowledge and experience of our Members in the context of our worldview. By describing the anticipated effects from Keeyask as effects on our relationships, we were able to appropriately express the impacts and negotiate mitigation and compensation. We have also described the instances where we had a direct influence on the design and other key features of Keeyask.

We have documented the gradual deterioration of our vital relationships due to outside influences imposed on us. By applying the Ancestral Homeland Ecosystem Model to four important periods of time, we have showed how the Keeyask Project can help to restore a degree of harmony and balance to our ecosystem.

Like previous hydroelectric developments, the Keeyask Project will have certain major, unavoidable effects. Knowing this, we nevertheless are hopeful that the Project will actually enhance our culture by providing increased opportunities to engage in the customs, practices and traditions integral to our distinctive cultural identity and which are key to strengthening our vital relationships with Mother Earth. Similarly, we are hopeful that the benefits that are associated with the Joint Keeyask Development Agreement – training, employment, business opportunities, and income opportunities from the sale of the Project's power – will sustain us physically.

Our communities have experienced the effects of previous hydroelectric developments in our homeland ecosystem for over five decades without a fair share of benefits. Now, through the vision, guidance and determination of our Elders and leaders and the active participation of our Members, we are in a position to meet our goals of securing the social, economic and cultural benefits sufficient to sustain our people, while protecting the natural environment.



It is impossible to know with absolute certainty what our future will be like with Keeyask. But in voting to approve the Joint Keeyask Development Agreement and our Adverse Effects Agreements, we express a hope – a realistic hope based on a careful assessment – that Keeyask will help improve our homeland ecosystem’s ability to sustain us and to restore harmony and balance to our relationships and to our lives.

As TCN Elder William Beardy has remarked:

*“The lands, the waters and the resources have provided for us in the past. We can’t exercise our traditional pursuits as in the past because the waters have changed. Yet, these waters and their power could once again help to provide for our people.”*