

**Manitoba Hydro - Keeyask Generating Station - Environmental Impact Statement**  
**Comments from Northeast Wildlife**

Throughout the document, it indicates that the CNP (Cree Nation Partnership) will develop a moose harvest sustainability plan, and later it indicates it has been developed. Has this harvest plan been developed? It also references the responsibility of the province to regulate licensed hunter harvest levels and that moose harvest within the local study area will be recorded at access gates. Will community harvest levels throughout the regional study area be monitored through ATK monitoring and identified in the moose harvest sustainability plan? It is understood that there are sensitivities around recording community harvest levels but without a good understanding of harvest levels from all resource users, it is difficult to ensure population persistence within the northern Resource Management Areas. What exactly is meant by "ATK monitoring?"

Pg 6-129

The first paragraph describes Pen Island caribou migrating from northern Ontario to the area south of the Nelson River. Just for clarification, Pen Island caribou inhabit various areas, depending on the individual. Some caribou may not ever migrate into Ontario, and may reside solely in Manitoba.

Pg 6-133

The first paragraph indicates that population declines have been detected for both barrenground and coastal caribou herds in Manitoba. No declines have been determined for Pen Island or Cape Churchill coastal caribou herds. Coastal minimum population estimate surveys were conducted for Pen Island caribou in the summers of 2008 & 2009. Survey results indicated a reduction in summer range use along the Hudson Bay coast but did not confirm any reduction in population decline. More recent surveys indicate that a population decrease has not occurred but this is being investigated further. Results of the most recent Qamanirjuaq barrenground caribou population surveys were 495,665 in 1994 and 348,661 in 2008. Although this may signal a slight population decline, the standard errors of these consecutive survey estimates overlap and the potential decline cannot be statistically validated. When quoting these estimates, they should be referenced accordingly.

Table 8-4, Pg 8-23 & 8-24

The tables indicate a wide range of variables to be monitored in relation to caribou and moose, some of which are typically determined through collaring programs. The Fox Lake, York Factory and Split Lake Resource Management Boards, in coordination with Conservation and Water Stewardship, initiated a multi-year GPS collaring and genetics program in January 2010 for Pen Island and Cape Churchill caribou. This project is ongoing and currently in its third year. Without more detail, it is difficult to comment at this stage on monitoring programs that will eventually be proposed, but it is understood that these details will be described in the Environmental Protection Plan and Monitoring Plans soon to follow.



September 22, 2012

Dear Sirs,

With a project projected to cost over 6 billion dollars (in today's money) and numerous known and unknown ecological, social and financial impacts, why is there no detailed review and consideration of: 1) cost effectiveness (or need), 2) alternatives to and 3) alternative ways of constructing the Keeyask generating station. Manitoba Hydro does not provide the public with rationale for this immense expenditure of public funds, only to argue that such a discussion will be held in a yet to be announced "Needs For and Alternatives To (NFAT)" independent hearing. Manitoba Hydro states that "The EIS does not include an assessment of Manitoba Hydro's markets or the economic feasibility of the Project" and that "an independent panel" will "be appointed by the Minister responsible for Manitoba Hydro to review the need for and alternatives to (NFAT) new major hydroelectric projects, including the Keeyask Generation Project". To date, no such NFAT has been announced. Instead the public has been asked to review a detailed EIS on the *complete* environmental and socio-economic impacts of this project, without knowing if the project is in the public best interest. When will the required NFAT independent review panel be announced?

As such, the detailed considerations of environmental and/or socio-economic impacts are premature and unwarranted without the NFAT. I recommend that the Public Utility Board of Manitoba be tasked with the NFAT review and be required to report on its findings prior to any conclusions or approvals rendered by Manitoba Environment Branch or any other regulatory body, provincial or otherwise. Will the PUB be tasked with this role? Will the Province of Manitoba ensure that no regulatory decisions will be undertaken until a NFAT is conducted?

Due to the lack of detail on need and rationale for the Keeyask project, the public is without details on key questions: 1) what market will the new generating station serve, domestic or foreign, 2) for domestic markets where is the evidence that this power supply is needed or requested, 3) for foreign (US) markets what is the evidence of need given the commitment reduction of a recently signed agreement with the state of Wisconsin and falling export electricity prices in the face of cheap natural gas in the US, 4) what consideration has been given to cheaper alternatives such as natural gas fired turbines which may not require the construction of other expensive capital project (e.g. Bi-Pole III) and 5) most important of all, where will the money come from to fund this (these) project(s)? How much should Manitoban's expect in hydro rate increases to fund this (and other proposed hydro capital projects)? Recent hydro rate increases, proposed and real, in British Columbia of 31% and 11%, respectfully, are causes for concern.

Notwithstanding the advancement of an environmental review, no public announcement has been made as to if and when a provincial environmental panel review will be conducted by the Clean Environment Commission. When will such a decision be made

so that the details of the EIS can be the subject of a formal panel review? Will this panel review be a joint panel with the federal government? If not, why not?

Numerous environmental impacts of the Keeyask Project have been identified in the EIS that are, in some cases, so severe that to entertain these without clear consideration of the need for the project is at a minimum irresponsible and clearly poor resource management. Lake sturgeon is of particular concern to me. The population of Lake sturgeon in the Gull Rapids and Stephens Lake section of the lower Nelson River appear to be tremendously depressed (Species at Risk Lake Sturgeon Recovery Potential – Designated Unit 3, DFO 2010). The report concludes that “The most important current threats to survival and recovery of Lake Sturgeon in DU3 are habitat degradation or loss resulting from the presence of dams/impoundments and other barriers, mortality, injury or reduced survival resulting from fishing, and population fragmentation resulting from the presence of dams/impoundments and other barriers”. Manitoba Hydro pays little attention to this concern other than to acknowledge the complete loss of spawning habitat and partial loss of rearing habitat for sturgeon. Notwithstanding this loss, it appears that all can be remedied by “compensation” projects that have no detail, no detailed and/or concrete examples of success and no detail on how “success” will be concluded (monitoring plans were not provided as part of the EIS). What will Manitoba Hydro do if they guessed wrong? Their proposal to stock lake sturgeon also lacks any detail and does not adequately address risks to the native sturgeon populations in the lower Nelson River. Manitoba Hydro also denies the concern of fragmentation of fish habitat by stating “these movements do not appear to be related to a particular life history function” and provides a lukewarm commitment to ensuring that fragmentation will be addressed. Impacts to other fish species are given a passing consideration in the “Fish Community” section that provides little detail and less support for conclusion on impacts and ways of dealing with them. As such, the following questions arise: 1) what, in detail, considerations have Manitoba Hydro given to reducing the impacts sturgeon habitat before mitigation? In other words, if a generating station is prudent in the Gull Rapids reach of the Nelson River (needs and alternatives considered in NFAT) then what are the best ways of developing this project? For example, why must the Keeyask Project result in the complete loss of Gull Rapids? Are there alternatives to the current low head dam proposal? Turbine design?, 2) what evidence (in detail) is there that artificial stocking will not harm the native populations of sturgeon in MU’s 3 and 4?, 3) What, in detail, is the management strategy for lake sturgeon in the lower Nelson river? Has this strategy undergone public review and consent? and 4) What are the detailed plans for the assessment of success for remediation projects of lost sturgeon habitat and what, in detailed, are planned alternatives to these remediation projects should the originals fail? Stocking is not an acceptable answer.

In closing, I would like to state my frustration with the seemingly haphazard approach to the management of the resources of the lower Nelson River. Clearly, addressing issues that impact the entire watershed cannot be adequately considered on a project by project basis. Therefore, I call on the province to implement a watershed planning initiative for the lower Nelson River that will: 1) engage the public and consider the interests and needs of all Manitobans, 2) formally consider and plan any potential development of the

lower Nelson River in a public process and 3) commit to continued examination of the impacts of current development and how future development can learn from this. In doing so, a public consideration of limits to development where warranted.

Thankyou for extending your time period and for reviewing my concerns.

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September 20, 2012

Canadian Environmental Assessment Agency  
Prairie Region  
101-167 Lombard Avenue  
Winnipeg, MB R3B 0T8

**Attention: Wendy Botkin, Crown Consultation Co-ordinator**

Dear Madam:

**Re: Keeyask Generation Project – Environmental Impact Statement**

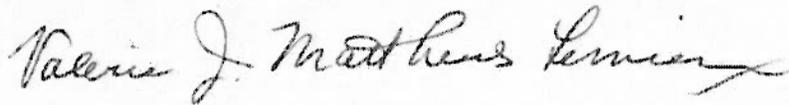
Further to our earlier correspondence in relation to the Keeyask Generation Project, on behalf of NCN, we would firstly like to congratulate the Keeyask partners for producing a generally well written Environmental Impact Statement. In particular, the balancing of western and indigenous analysis and values is well done and commendable. Based on our review of the EIS, we raise the following questions:

1. What impact will there be on system operations from the addition of the Keeyask Generating Station when combined with the Wuskwatim Project, as part of Hydro's operation of the Integrated Power System (also referred to as "systems effects" issues);
2. If the projected benefits from the Keeyask Project do not materialize (employment, business opportunities and projected income) would the project no longer be considered acceptable (note pages 15 and 16 of the Executive Summary and related Chapters where it is indicated that the Keeyask Cree Nations are of the view that the path forward is by having the river and land sustain them in the future as it did in the past and that they accept certain unavoidable effects given the benefit provisions and in particular the potential income opportunities from the sale of the Project's power);

3. What measures will be undertaken to improve employment and business opportunities for northern Aboriginal peoples given the experience with the Wuskwatim Project? (For example, pages 3-85 and 3-124 of the Socio-Economic Environment, Resource Use and Heritage Resources Chapter indicate measures similar to Wuskwatim will be employed but there is no reference to outcomes or an assessment of whether the referred to measures were successful, were modified or will be replaced with other measures for the Keeyask Project.)
4. Will the NFAAT and EIS reviews occur concurrently so project economics, alternatives to the project and project impacts (negative and positive) can be considered holistically as was done in relation to the Wuskwatim Project, and if not, what is the plan to consider these issues?;
5. Given experience on other recent Hydro projects, why is there no VEC listed on page 57 for disturbance of heritage sites that may not be documented as a "known archaeological site" but which may be disturbed during construction? Also, why are heritage resources only defined using the definition in provincial legislation without incorporating Aboriginal concepts of sacred heritage sites, cultural property and values although it is recognized there is a discussion of the intangible nature of heritage resources (see e.g. page 1-4)?
6. What is the plan for ensuring there is Aboriginal control over any finding of Aboriginal human remains and related belongings given that page 1-34 of the Supporting Volume on Socio-Economic Environment, Resource Use and Heritage Resources indicates that provincial legislation and the HRPP will prevail if "unknown heritage resources are unearthed or exposed during construction" and page 1-35 indicates that "if the human remains are determined to be non-forensic" provincial legislation and policies will be followed.
7. It is acknowledged that avoidance of heritage sites may not be possible (page 1-33). Given this assessment, why are there no mitigation measures to reduce winter construction in the areas of potential sites, along with ground truthing in advance of heavy equipment operation that may disturb such sites, both of which may help to avoid disturbance of known and unknown heritage sites?

NCN reserves its right to provide other more detailed comments as the EIS and NFAAT processes unfold. We look forward to a response in due course to the questions raised.

Yours truly,

A handwritten signature in cursive script that reads "Valerie J. Matthews Lemieux". The signature is written in black ink and is positioned below the "Yours truly," text.

Valerie Matthews Lemieux

Cc File

NCN Chief and Council

Norman Linklater – WIO Manager

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September 20, 2012

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**Matter No.:** MMF-510

Dear Sir or Madam:

**RE: Keeyask Generation Project – Manitoba Métis Federation EIS Comments**

I am counsel for the Manitoba Metis Federation (“MMF”) in the abovementioned matter. Please accept the following as the MMF’s comments on the Environmental Impact Statement (“EIS”) that has been filed in relation to the Keeyask Generation Project (the “Project”). As can be seen by the comments, the current EIS is wholly deficient with respect to meeting the requirements of the Project’s EIS Guidelines in relation to impacted Métis community in the study area. It has been and remains the MMF’s position that the EIS should not be considered or reviewed by technicians until these deficiencies are addressed. No further authorizations in relation to this Project should be granted by the Crown until these deficiencies are addressed and meaningful consultation takes place with the Métis community.

The MMF believes it now has an agreement-in-principle with the Keeyask Partners to begin the necessary work that could begin to address these deficiencies within the EIS. However, the MMF is still awaiting a formal letter of agreement to this effect from Manitoba Hydro, which we understand will be provided tomorrow. Regardless, upon execution of the letter of offer, sufficient time will still be needed to arrive at a mutually agreeable workplan based on the letter of offer and to undertake the necessary work. It was and remains the MMF’s position that any Crown authorization or approval related to this Project would be unreasonable given the complete lack of any consideration of Métis rights, use, interests and way of life in the EIS.

Yours very truly,

A handwritten signature in black ink that reads "J.T. Madden".

Jason Madden

Attachments (1)

MMF#: 1	No description of consultation process with Métis community
<b>EIS Guidelines for Keeyask (March 2012)</b>	
7.2 Aboriginal Consultation	
The proponent will actively solicit Aboriginal concerns from groups other than the Keeyask Cree Nations during the course of the EA. The proponent will examine opportunities to mitigate the adverse effects of the Project on Aboriginal groups' current use of land and resources for traditional purposes and other Aboriginal interests. This section of the EIS should, for each Aboriginal group consulted by the proponent, include:	
<ul style="list-style-type: none"> <li>• descriptions of consultation processes used to identify the factors to be considered in EIS;</li> <li>• lists of factors suggested for inclusion in the EIS, whether or not the factors were included, and the rationale for exclusions;</li> <li>• efforts made to solicit the above information from Aboriginal groups if the proponent is unable to obtain the information.</li> </ul>	

**Rationale:**

There is a distinct rights-bearing Métis community, consistent with *R. v. Powley*, [2003] 2 S.C.R. 207, that lives in uses and relies on the Project's study area. For additional information about the Métis community's rights claims and contemporary existence see APPENDIX A and B.

**Review Comments:**

The EIS fails to identify how consultations were undertaken with the rights-bearing Métis community in the region, as represented by the MMF, in order to "identify factors to be considered in the EIS." This is acknowledged in the EIS (Chapter 3: Public Involvement, p. 3-3). In the

The MMF has documented its concerns in relation to the Métis community not having an opportunity to identify Métis specific concerns to be addressed in the EIS in previous letters to CEAA.<sup>1</sup> Since 2010, the MMF's efforts, on behalf of the Métis community, to engage with the Keeyask Partners have been unsuccessful, and workplans and options for engagement of the Métis community have been refused. This has been outlined in letters to CEAA, along with the request for Crown assistance/intervention in order to provide the Métis community an opportunity to "identify factors to be considered in the EIS."

No meetings were held with the democratically elected leadership of the Métis community in the Thompson region, or with Métis leadership in locations such as Thompson, Gillam, etc. The MMF notes that consultation is required with the representatives of the rights-holder. Public consultation efforts, which do not engage the representative bodies for the Métis community at the local, regional and provincial levels, does not constitute consultation.<sup>2</sup>

<sup>1</sup> Letter from MMF Legal Counsel to CEAA dated July 30, 2012.

<sup>2</sup> *Little Salmon Carmacks First Nation v. Beckman*, [2010] 3 S.C.R. 103, at para. 35.

### Information Request(s):

- How with the affected rights-bearing Métis community be provided the opportunity to “identify factors to be considered in the EIS” as required by the EIS Guidelines?

MMF#: 2	No description of Métis asserted rights or traditional territory
<b>EIS Guidelines for Keeyask (March 2012)</b>	
7.2 Aboriginal Consultation	
The proponent will actively solicit Aboriginal concerns from groups other than the Keeyask Cree Nations during the course of the EA. The proponent will examine opportunities to mitigate the adverse effects of the Project on Aboriginal groups’ current use of land and resources for traditional purposes and other Aboriginal interests. This section of the EIS should, for each Aboriginal group consulted by the proponent, include:	
<ul style="list-style-type: none"><li>• descriptions of the traditional territories and potential or established Aboriginal and Treaty rights that were asserted by groups in relation to the assessment area.</li></ul>	

### Rationale:

There is a distinct rights-bearing Métis community, consistent with *R. v. Powley*, [2003] 2 S.C.R. 207, that lives in uses and relies on the Project’s study area. For additional information about the Métis community’s rights claims and contemporary existence see APPENDIX A and B. Since 2009 and before, the Métis community, as represented by the MMF, has asserted aboriginal rights and a traditional territory within the Project’s assessment area.

### Review Comments:

There is no description of the asserted rights of the Métis community, or its traditional territory in the EIS. This results in a deficient EIS in relation to the requirements of the EIS Guidelines. The proponent provides no justifiable explanation for this deficiency. The MMF has outlined in previous letters the rationales that have been provided to the Métis community for

The MMF has attempted to engage the proponent to outline its rights assertions and territory. These efforts have been rejected because they do not align with the claims of the First Nation Keeyask Partners who deny the existence of a distinct aboriginal group – the Métis – within the Project assessment area.<sup>3</sup> This is illustrated in throughout the EIS which is dominated by the Cree world view to the exclusion of any other aboriginal people having rights or interests in the region.

The MMF wants to make it clear that the Métis community respects and acknowledges the unique history, rights and interests of First Nations in the region, the fact that they constitute the majority of the population in the affected region, and that they have suffered significant harm and impacts from past hydro development. However, as part proponents in the Project, existing biases or prejudices that may exist towards the Métis cannot be maintained or used to deny Métis

<sup>3</sup> Letter from MMF Legal Counsel to CEAA dated August 7, 2012, pp. 6-7.

opportunities for the Métis to assert their rights and interests in the region. Such an approach would allow First Nation partnership in the project as a means to deny the existence of Métis rights, similar to how Manitoba Hydro and the Crown used to deny the rights and interests of First Nations.

**Information Request(s):**

- How with the affected rights-bearing Métis community be provided the opportunity to include descriptions of its rights assertion and traditional territory in the EIS?

MMF#: 3	Failure to describe Métis community in baseline characterization of Project area demographics and health status		
EIS Volume #: 1	Chapter #:	Page #(s):	
<b>EIS Guidelines for Keeyask (March 2012)</b>			
8.3.2 The EIS will describe the following attributes in the relevant study area(s):			
<ul style="list-style-type: none"> <li>• Existing population distribution and demographics; including, for each of the aboriginal groups</li> </ul>			
8.3.3 The EIS will describe the following attributes in the relevant study area(s):			
<ul style="list-style-type: none"> <li>• cultural and spirituality; including for each of the Aboriginal groups</li> </ul>			

**Rationale:**

There is a distinct rights-bearing Métis community, consistent with *R. v. Powley*, [2003] 2 S.C.R. 207, that lives in uses and relies on the Project’s study area. For additional information about the Métis community’s rights claims and contemporary existence see APPENDIX A and B.

**Review Comments:**

The EIS does not include an accurate understanding of the distribution and demographics of the rights-bearing Métis community in the study area. The proponent also restricted its description of the Project study area population to three types of communities: First Nations, Northern Affairs Communities, and Municipal/Incorporated Communities. It based its demographic description on the 2006 federal census reports of Statistics Canada. The Statistics Canada, a source that contains sufficient information for the proponent to have characterized the Metis population in the Project Study Area (2006 Aboriginal Identity, Single Response “Metis”, available by Census Metropolitan Areas and Census Agglomerations and by Forward Sortation Area).

The proponent did not engage the MMF in relation to better understanding the Métis population in the Thompson region through the MMF’s registry and related services offered in this region. Also, information concerning Metis population and health by Regional Health Authority area was available to the authors when the Manitoba Centre for Health Policy (Department of Community Health Sciences, University of Manitoba) in collaboration with the MMF made a

report entitled “Profile of Metis Health Status and Health Care Utilization in Manitoba: A Population-Based Study” publically available on the internet,<sup>4</sup> but was not included.

The EIS does not describe the distinct culture of the Métis in the study area, or acknowledge the distinct spirituality and practices that flows from that distinctiveness.

**Information Request(s):**

- Please explain why the Métis community – as a distinct Aboriginal group – was not described and profiled separate from other non-Aboriginal communities?
- Please provide a description of the Metis community population in the Project study area based upon the sources identified in the review comments above.

MMF#:	4	Failure to solicit, include or consider aboriginal traditional knowledge from the Métis community		
EIS Volume #:	Chapter #:	Page #(s):		
<b>EIS Scoping Document Reference:</b>				
8.3.4 Land and Resource Use				
In describing the socio-economic environment, the EIS will focus on the following land and resource use attributes in the relevant study area:				
<ul style="list-style-type: none"> <li>• based on the information provided by Aboriginal groups or, if Aboriginal groups do not provide this information, on available information from other sources, a description of the following               <ul style="list-style-type: none"> <li>○ current and proposed uses of land and resources by each Aboriginal group for traditional purposes, i.e., hunting, fishing, trapping, cultural and other traditional uses of the land (e.g., collection of medicinal plants and uses of sacred sites);</li> <li>○ land and water access into the area by Aboriginal people;</li> <li>○ water and ice routes, modes of transportation, and timing of water/ice route useage; and</li> <li>○ navigation and navigation safety.</li> </ul> </li> </ul>				

**Rationale:**

There is a distinct rights-bearing Métis community, consistent with *R. v. Powley*, [2003] 2 S.C.R. 207, that lives in uses and relies on the Project’s study area. For additional information about the Métis community’s rights claims and contemporary existence see APPENDIX A and B.

The EIS fails to describe the Metis community’s current use of lands and resources for traditional purposes in a level of detail that allows the reader to appreciate the nature and extent of the community’s traditional use, culture and practices, and which forms the foundation for understanding the assessment of project effects and/or the utility of proposed mitigation.

<sup>4</sup> [http://mchp-appserv.cpe.umanitoba.ca/reference/Metis\\_Health\\_Status\\_Full\\_Report.pdf](http://mchp-appserv.cpe.umanitoba.ca/reference/Metis_Health_Status_Full_Report.pdf)

### Review Comments:

The EIS does not include any aboriginal traditional knowledge in relation to the Métis community. Further, the Métis community was not provided the opportunity to provide this information to the proponent, despite ongoing requests to undertake such a study. The EIS is deficient with respect to identifying or assessing the proposed project on Métis hunting, fishing, trapping, gathering and spiritual activities in the study area.

There was also information available about Métis use in the region from the MMF's Traditional Land Use and Knowledge Study ("TLUKS") for the Bipole III project that was not identified or relied upon by the proponent, contrary to the EIS Guidelines. The MMF notes that the EIS identifies impacts on First Nation traditional use in the study area, yet ignores the reality that the similarly situated Métis community in the region will also be impacted. The proponent ignores this requirement of the EIS Guidelines and does not address why it did not fulfill this requirement.

### Information Request(s):

- Please explain why the Métis community was not provided the opportunity to collect and provide aboriginal traditional knowledge and use within the EIS process?
- Please explain why "available information from other sources" with respect to Métis traditional knowledge and use was not considered by the proponent within the EIS?

MMF#: 5	Failure to consider Metis heritage and cultural resources			
EIS Volume #:	Chapter #:		Page #(s):	
EIS Guidelines for Keeyask (March 2012)				
The EIS will require the following heritage resource information relevant to the study area(s).				
<ul style="list-style-type: none"><li>• Historical land use and occupancy</li><li>• Archaeological sites and culturally important sites, focusing on shoreline sites that could potentially be affected by erosion. Location of known and potential burial sites.</li><li>• Structures, sites or things of historical, archaeological, paleontological or architectural significance that will be affected by the Project</li></ul>				

### Rationale:

There is a distinct rights-bearing Métis community, consistent with *R. v. Powley*, [2003] 2 S.C.R. 207, that lives in uses and relies on the Project's study area. For additional information about the Métis community's rights claims and contemporary existence see APPENDIX A and B. Metis are a distinct segment of the population with specific cultural resource concerns and archaeological heritage.

### Review Comments:

The EIS fails to acknowledge that there are two distinct aboriginal peoples – First Nations and Métis – within the Project's study area. The EIS does not present the cultural resources, heritage concerns, or archaeological sites, specific to the Métis community. The EIS completely excludes

the Métis in this respect. The oral historical, archaeological, and historic/archival information used in the EIS does not take into account the Metis archival or archaeological records, as no literature on the Metis is cited or included in the working bibliography.

It EIS does not mention the extant literature on Metis archaeology. A number of publications regarding Metis-specific sites in Manitoba are available, including; McLeod 1985, Ens 1996, Brenner 1998, St. Onge 1985, 2004, Forsman 1977, Meyer and Linnamae 1980, Lunn et al. 1980, and Kelly 1981. Additionally, there are several resources on Metis archaeological sites in other regions that would be helpful for defining Metis archaeological sites, including Doll et al. 1988, Burley 1989, 2000, and Burley et al. 1992 (reference list provided below). None of these are cited or appear in the working bibliography of the EIS.

### **Information Request(s):**

- Please explain the rationale for not considering Metis archaeological resources?
- Please provide detailed information concerning Manitoba Metis archaeological heritage and potential archaeological sites with Metis material culture in the study area, including areas where heritage resources may be impacted by project activity.
- Please provide a map showing known archaeological sites with actual or potential evidence for Metis artifacts and cultural heritage.
- Please describe the process whereby the MMF will be consulted on unknown Metis heritage resources that may be discovered during the course of the project, including Metis burial sites.

### **Manitoba--Metis citations:**

Brenner, Bonnie Lee A. 1998 Archival and archaeological perspectives on economic variability in the Red River Settlement, 1830-1870. Unpublished M.A. thesis, University of Manitoba. (Full access online—link to thesis in Zotero; PDF also saved to Dropbox and GIS computer.)

Ens, G. 1996. *Homeland to Hinterland: The Changing World of the Red River Métis in the Nineteenth Century* (Toronto: University of Toronto Press). (Can access eBook through U of A)

McLeod, K. D. 1985 A study of Metis ethnicity in the Red River settlement : quantification and pattern recognition in Red River archaeology. Unpublished M.A. thesis, University of Manitoba.

St.-Onge, N.J.M. 1985. "The Dissolution of a Métis Community: Pointe à Grouette, 1860-1885," *Studies in Political Economy* 18 pp. 149-172.

St-Onge, N.J.M. 2004. *Saint-Laurent, Manitoba: evolving Métis identities, 1850-1914.* (Regina: University of Regina, Canadian Plains Research Center).

Forsman, Michael. "Archaeological Research at Riel House, Manitoba, 1976," Parks Canada National Historic Parks and Sites Branch Research Bulletins , no. 54, 1977.

Meyer, David and Urve Linnamae. "Churchill Archaeological Research, August 1978," Parks Canada National Historic Parks and Sites Branch Research Bulletins , no. 148, 1980.

Lunn, Kevin, Jennifer Hamilton and Peter J. Priess. "Archaeological Research at Riel House, St. Vital, Manitoba: A Reassessment of the Artifact Data," Parks Canada National Historic Parks and Sites Branch Manuscript Report Series, no. 406,1980.

Kelly, M. "An Introduction to the Archaeology of Sandhill Bay, Southern Indian Lake, Manitoba," Historic Resources Branch, Manitoba Culture, Heritage, and Recreation Archaeological Division: Preliminary Reports, no.8, 1981.

**General--Metis citations:**

Burley, D. 1989. "Function, Meaning and Context: Ambiguities in Ceramic Use by the" Hivernant" Métis of the Northwestern Plains," *Historical Archaeology* 23(1) pp. 97-106.

Burley, D. 2000. "Creolization and Late Nineteenth Century Métis Vernacular Log Architecture on the South Saskatchewan River," *Historical Archaeology* 34(3) pp. 49-56.

Burley, D.V., G. A. Horsfall, and J. D. Brandon. 1992. *Structural Considerations of Métis Ethnicity: An Archaeological , Architectural, and Historical Study* (Vermillion: University of South Dakota Press).

## APPENDIX A Outline of Métis Community's Rights in Project Study Area

The Métis emerged – as a distinct aboriginal people – in west central North America prior to Canada's westward expansion into the 'Old Northwest.' Recently, the Supreme Court of Canada explained the emergence of the Métis people as follows:

“The Métis were originally the descendants of eighteenth-century unions between European men - explorers, fur traders and pioneers - and Indian women, mainly on the Canadian plains, which now form part of Manitoba, Saskatchewan and Alberta. Within a few generations the descendants of these unions developed a culture distinct from their European and Indian forebears. In early times, the Métis were mostly nomadic. Later, they established permanent settlements centered on hunting, trading and agriculture. The descendants of Francophone families developed their own Métis language derived from French. The descendants of Anglophone families spoke English. In modern times the two groups are known collectively as Métis.”

In what is now known as Manitoba, the history of the Métis Nation, largely centered around the Red River Settlement, is well-known. The Métis people, led by Louis Riel and others, were “negotiating partners” in bringing the province of Manitoba into confederation. However, Red River narrative is only part of the story for Manitoba Métis as a part of the larger Métis Nation. From the well-known Métis buffalo hunters on the Plains to the Métis travelling and settling along the waterways and routes of the fur trade, the Métis Nation developed as a large, expansive and inter-related people throughout the Northwest bound by a common identity, nationhood, culture, trade, kinship and territory.

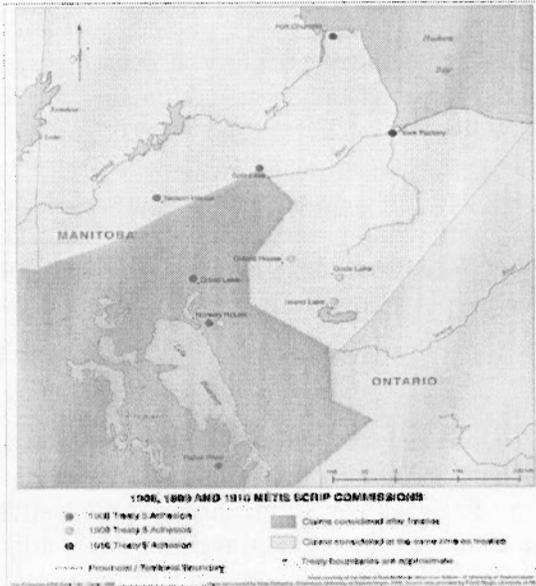
Within the Keeyask study area in northeastern Manitoba, the Métis maintained a regional cohesion, as an indivisible part of the larger Manitoba Métis community and the Métis Nation. Historically, the Nelson River was a strategic ‘highway’ for the Metis. This water route was essential to the transport of goods and furs to and from York Factory. As a result, a sustained and identifiable collective of Metis families lived, used and moved throughout this region of the province from the early 1800s to today.

Today, the MMF's objectively verifiable registry documents that many of the Métis living in this region of the province are the descendants of the historic Métis families who have lived and used the Nelson River for generations prior to effective control in this area. The MMF's registry also documents families who have move recently moved into this region, and are now accepted as a part of the Métis community that is historically rooted in the region. As well, Métis who are ancestrally connected to this region of the province, but now live in other locations for various employment, health or familial reasons, continue to come back to this area to hunt, fish, trap and gather with their Métis relations that still reside in the region. These Metis individuals continue to travel ‘home’ to the region to continue to hunt, fish, trap and gather with Metis family members who still reside there, as evidence in the MMF's Traditional Land Use and Knowledge Study completed for Bipole III.<sup>5</sup>

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<sup>5</sup> This TLUKS is available at [https://www.hydro.mb.ca/projects/bipoleIII/eis\\_technical\\_download.shtml](https://www.hydro.mb.ca/projects/bipoleIII/eis_technical_download.shtml).

The historic record shows a consistent and identifiable “Halfbreed” (i.e., Métis) population from as early as the mid 1800s. This population is captured, in various ways, in Hudson Bay Company records for the district as well as specific locations such as York Factory, Cross Lake and Norway House. These records provide evidence on the mobility and reliance on this region as an important extension of the fur trade.



Between 1908 to 1910, Metis Scrip Commissions visited and issued scrip to “Halfbreeds” (i.e., Metis) in the region. As illustrated on the map to the left, York Factory, Split Lake, Nelson House, Oxford House, Cross Lake and Norway House were all visited and had Metis scrip claims. This historic Metis population in the region is well-known and well-documented.<sup>6</sup> It played and continues to play an important role within the region’s identity and economy. Further, the MMF’s centralized membership system as well as successive Censuses document a sustained self-identifying Metis population in this region. Today, these Metis are democratically represented by the MMF through Metis governance structures at the local, regional and provincial levels.

Based on the historic and contemporary presence of Métis in this region, it is the MMF’s position that there is a regional rights-bearing Metis community that lives in and uses the area in and around the proposed Keeyask project. This community, which is an inter-connected and indivisible part of the Manitoba Metis Community, exercises aboriginal rights throughout its territory, including, among other things, hunting, fishing (food and commercial), trapping (food and commercial), gathering, sugaring, wood harvesting, use of sacred and communal sites (i.e., incidental cabins, family group assembly locations, etc.) and the use of water. These practices are protected as aboriginal rights within the *Constitution Act, 1982*, and have not been extinguished by the Crown by way of treaty or other means.

These constitutional rights trigger the Crown’s duty to consult and accommodate with respect to planning, decisions and authorizations that have the potential to impact Metis rights, interest and way of life in this region. To date, the Manitoba Government has ignored the MMF’s claims and concerns, and failed to ensure this rights-bearing Metis community has been engaged in the planning and development with respect to Keeyask. Similarly, Canada has not assisting in ensuring that the Keeyask Partners meaningful engage with the Métis community. The result is a deficient EIS in relation to understanding the use, traditional knowledge and impacts of the Project on the Métis community. The EIS in its current form will not assist the Crown in discharging its duty owing to the Métis community. A Crown authorization without this requisite information would be unreasonable.

<sup>6</sup> For example see: Frank Tough, *As Their Natural Resources Fail: Native People and the Economic History of Northern Manitoba, 1870-1930* (UBC Press: 1996).

## APPENDIX B Overview of Métis Community in Project's Study Area

The MMF represents the rights-bearing Métis community in this region through its longstanding, democratic, Métis-specific governance structure. A map of the MMF's outlining the MMF's governance structure at the local, regional and provincial levels is attached.

Within the Thompson region, the MMF has over 1,000 members. Approximately, 30% of these members have also re-registered under the MMF's new citizenship requirements, which requires objectively verifiable proof of Métis Nation ancestry. These numbers continue to increase as the MMF's re-registration process, consistent with the *R. v. Powley*. [2003] 2 S.C.R. 207, continues. The MMF has also issued over 100 Harvester Cards in this region.

The Métis community's population is concentrated in locations such as Gillam, Thompson, etc., but from the MMF's perspective these site-specific locations do not define or limit the regional rights-bearing Métis community that continues to live, use, rely on and move throughout this region, as a part of the larger Métis Nation. Within the 2006 Census, the MMF's Thompson region consisted of two Census Divisions (CD's 22 and 23). 2006 Métis counts for these areas are summarized below:

**Division 22 – 2,055 Métis (single response)**

**Division 23 – 530 Métis (single response)**

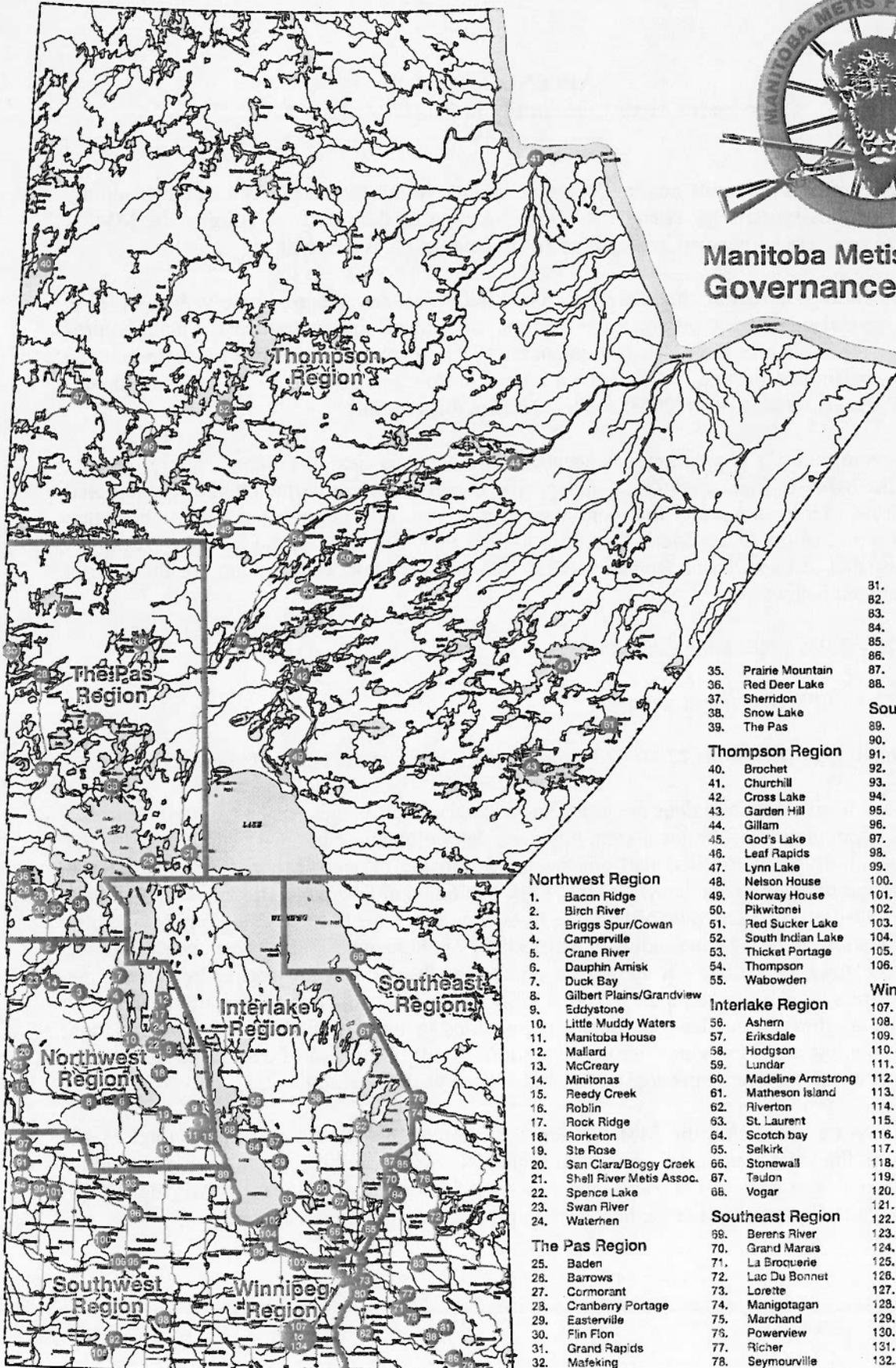
**Thompson Region (Divisions 22 and 23 Combined) – 2,585 Métis (single response)**

The Keeyask local study area does not conform to standard census geography. Rough estimates of the Métis population of the local area, however, can be obtained by aggregating data for the six census sub-divisions (CSD's) that are located within the region. These CSD's include the Indian reserves of Split Lake (Tataskweyak), York Landing and Fox Lake, the Indian settlements of Gillam and Ilford and the town of Gillam. Data aggregated for these CSD's identify the 2006 Métis population to be 140 individuals. Most (130) of these individuals were reported to be living in the town of Gillam. It should be noted that the local study region includes some additional areas which are not part of the 6 CSD's. Census counts for these other areas are unavailable, as they do not have sufficient populations to be classified as data dissemination areas (the smallest areas for which census data are released). Retrieval of data for these areas is possible but would require a time consuming and expensive data request.

It should also be noted that the MMF believes these numbers do not reflect the total Métis population in the local area or the Thompson region as a whole, but they have been provided to provide general estimates of the Métis population. Additional data from the MMF registry as well as the 2006 Census is available, but this was provided to initiate discussions.



## Manitoba Metis Federation Governance Structure



- |                    |                                    |
|--------------------|------------------------------------|
| 31. St. Labre      | 89. Amaranth                       |
| 32. St. Malo       | 90. Assiniboine                    |
| 33. Ste. Rita      | 91. Binscarth/Ste Madeleine Birtle |
| 34. Stoney Point   | 92. Cherry Creek Metis Council     |
| 35. Traverse Bay   | 93. Erickson/Wapiti                |
| 36. Vassar         | 94. Fort Ellice                    |
| 37. Victoria beach | 95. Grand Valley                   |
| 38. Woodridge      | 96. Les Metis                      |
|                    | 97. Pelly Trail/Russell            |
|                    | 98. Pembina River                  |
|                    | 99. Portage                        |
|                    | 100. Rivers                        |
|                    | 101. Snake Creek                   |
|                    | 102. St. Ambrose                   |
|                    | 103. St. Eustache                  |
|                    | 104. St. Marks                     |
|                    | 105. Turtle Mountain               |
|                    | 106. Westman                       |
|                    | <b>Winnipeg Region</b>             |
|                    | 107. Blueberry                     |
|                    | 108. Bosco                         |
|                    | 109. Cathish                       |
|                    | 110. Conseil Elzéar Goulet         |
|                    | 111. Dakota                        |
|                    | 112. Dumont                        |
|                    | 113. Fontaine                      |
|                    | 114. Gilbert Park                  |
|                    | 115. Heritage Proud                |
|                    | 116. Infinity                      |
|                    | 117. Keenleyside                   |
|                    | 118. Kinew                         |
|                    | 119. Liberty                       |
|                    | 120. Metis Elders                  |
|                    | 121. Michif                        |
|                    | 122. New Horizons                  |
|                    | 123. Point Douglas                 |
|                    | 124. Prairie Buffalo               |
|                    | 125. Red River                     |
|                    | 126. Redboine                      |
|                    | 127. Riel                          |
|                    | 128. Seven Oaks                    |
|                    | 129. South Central                 |
|                    | 130. Spruce                        |
|                    | 131. St. Norbert                   |
|                    | 132. St. Vital North               |
|                    | 133. Winnipeg North                |
|                    | 134. Winnipeg West                 |

- 35. Prairie Mountain
- 36. Red Deer Lake
- 37. Sheridon
- 38. Snow Lake
- 39. The Pas

- Thompson Region**
- 40. Brochet
  - 41. Churchill
  - 42. Cross Lake
  - 43. Garden Hill
  - 44. Gillam
  - 45. God's Lake
  - 46. Leaf Rapids
  - 47. Lynn Lake
  - 48. Nelson House
  - 49. Norway House
  - 50. Pikwitonei
  - 51. Red Sucker Lake
  - 52. South Indian Lake
  - 53. Thicket Portage
  - 54. Thompson
  - 55. Wabowden

- Northwest Region**
- 1. Bacon Ridge
  - 2. Birch River
  - 3. Briggs Spur/Cowan
  - 4. Camperville
  - 5. Crane River
  - 6. Dauphin Armisk
  - 7. Duck Bay
  - 8. Gilbert Plains/Grandview
  - 9. Eddystone
  - 10. Little Muddy Waters
  - 11. Manitoba House
  - 12. Mallard
  - 13. McCreary
  - 14. Minitonas
  - 15. Reedy Creek
  - 16. Roblin
  - 17. Rock Ridge
  - 18. Rorketon
  - 19. Ste Rose
  - 20. San Clara/Boggy Creek
  - 21. Shell River Metis Assoc.
  - 22. Spence Lake
  - 23. Swan River
  - 24. Waternen

- Interlake Region**
- 56. Ashern
  - 57. Eriksdale
  - 58. Hodgson
  - 59. Lundar
  - 60. Madeline Armstrong
  - 61. Matheson Island
  - 62. Riverton
  - 63. St. Laurent
  - 64. Scotch bay
  - 65. Selkirk
  - 66. Stonewall
  - 67. Taulon
  - 68. Vogar

- The Pas Region**
- 25. Baden
  - 26. Barrows
  - 27. Cormorant
  - 28. Cranberry Portage
  - 29. Easterville
  - 30. Flin Flon
  - 31. Grand Rapids
  - 32. Mafeking
  - 33. Moose Lake
  - 34. Pelican Rapids

- Southeast Region**
- 69. Berens River
  - 70. Grand Marais
  - 71. La Broquerie
  - 72. Lac Du Bonnet
  - 73. Lorett
  - 74. Manigotagan
  - 75. Marchand
  - 76. Powerview
  - 77. Richer
  - 78. Seymourville
  - 79. South Junction
  - 80. St. Adolphe