

APPENDIX H

Tataskweyak Cree Nation Bipole III Preferred Route Selection

Tataskweyak Cree Nation



BIPOLE III



Preferred
Route
Selection

June 2010

TATASKWEYAK CREE NATION
BIPOLE III PREFERRED ROUTE SELECTION

DRAFT

EXECUTIVE SUMMARY

Manitoba Hydro and Tataskweyak Cree Nation agreed in a contribution agreement signed on April 9, 2010 on a joint process which would result in Tataskweyak commenting on a preferred route for Bipole III within Tataskweyak's Resource Management Area in the form of a constraints map and associated report.

This report draws upon the wisdom and experience of generations of Tataskweyak Members. It provides an overview of the extent and variety of traditional activities that have been conducted by our people using a combined historical and contemporary approach.

As a result of this process, this report concludes that Tataskweyak Cree Nation is prepared to enter into further discussions with Hydro and conduct a more detailed examination with a focus on Route B as proposed by Hydro on its map, *Bipole III Alternative Routes Map*. At the outset, adjustments should be made to Route B to locate the transmission line as close as reasonably possible to the right of way for PR 280 so as to avoid intrusion into otherwise pristine areas.

Tataskweyak's willingness to move forward with a focus on Route B is conditional on reaching agreement with Hydro on continuing process funding to support Tataskweyak's involvement in the determination of the best location for the specific 66 metre right of way for Bipole III. Tataskweyak Cree Nation also expects to conduct our own evaluation of the impacts of Bipole III. Finally, Tataskweyak expects to hold discussions with Hydro on appropriate benefit-sharing for the construction and operation of Bipole III within our territories, and on the opportunities that may be available in terms of training, employment and business.

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1.0 INTRODUCTION

Manitoba Hydro (Hydro) has proposed that Bipole III, a high-voltage direct current transmission Line, be constructed to provide additional transmission reliability and capacity to its integrated system. Hydro has proposed that Bipole III, originating from a new converter station near the proposed Conawapa Generating Station, should follow a route on the west side of Lakes Winnipeg, Winnipegosis, and Manitoba to southern Manitoba. Through Hydro's Site Selection Environmental Assessment process, two rounds of consultations with affected communities, First Nations, and organizations were conducted, prior to any engagement by Tataskweyak Cree Nation (Tataskweyak) in the process. In the first round of consultations a Study Area was identified (Figure 1) and, in a later round, route alternatives. Figure 1 below illustrates the proposed alternative routes for Bipole III within the Split Lake Resource Management Area.

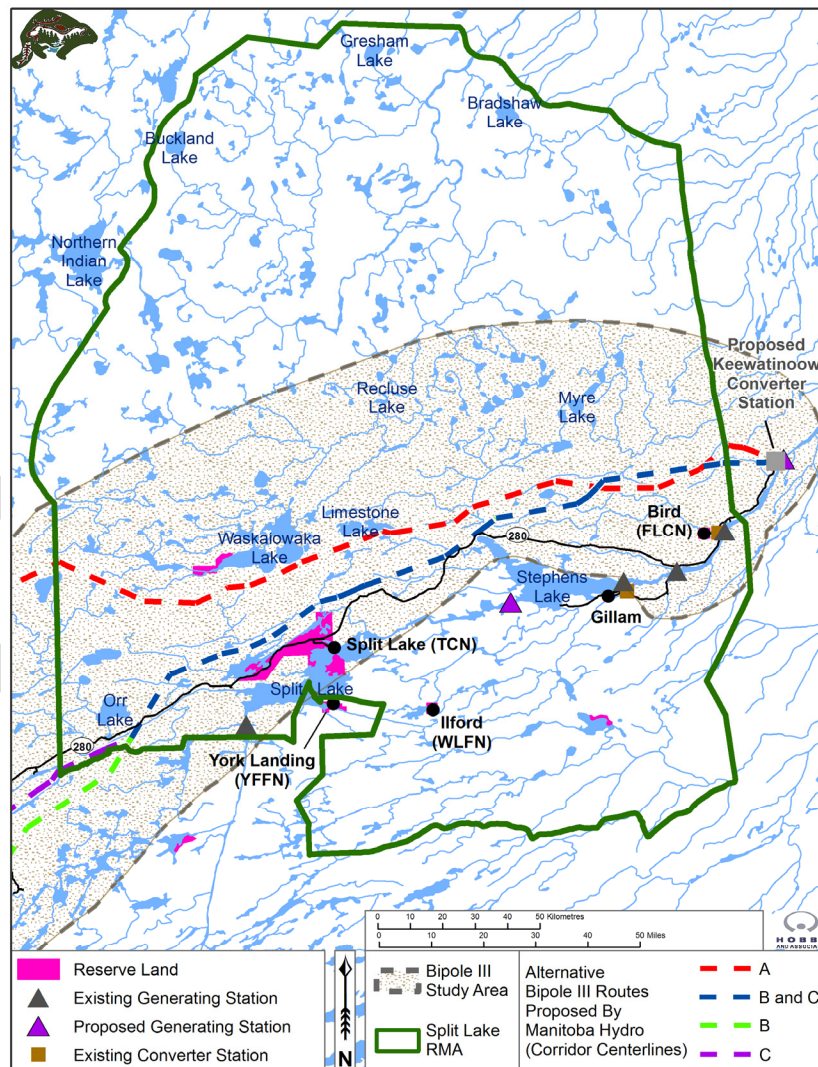


Figure 1: Three Manitoba Hydro proposed Bipole III transmission routes traversing through the Split Lake Resource Management Area.

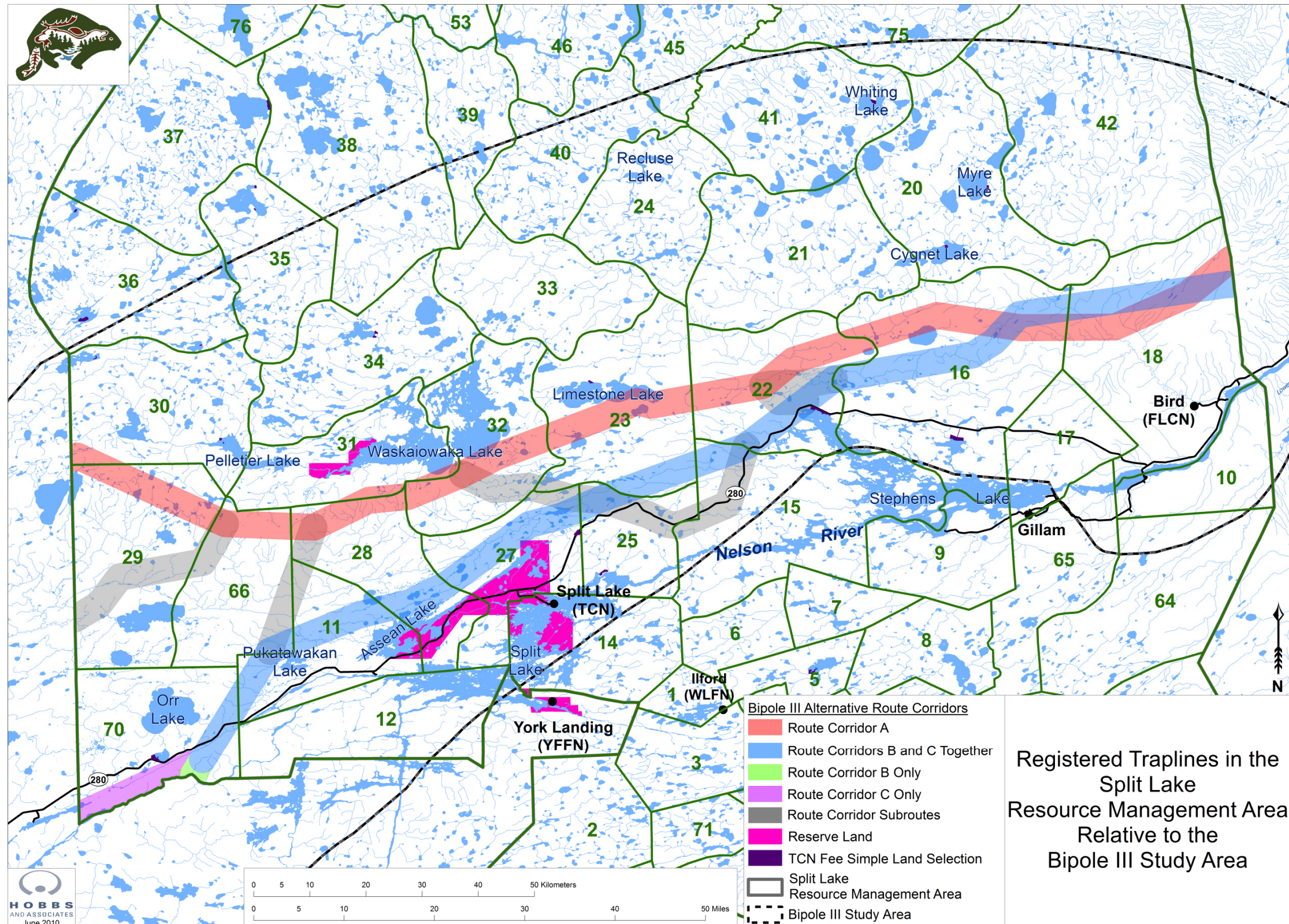


Figure 2: Manitoba Hydro proposed Bipole III Study Area showing Registered Traplines, Tataskweyak Cree Nation Reserve and Fee Simple Lands. Bipole routes are shown in their respective colours, while corridor subroutes are illustrated in gray.

The route alternatives proposed by Hydro travel, on average, travel 220 km through the Split Lake Resource Management Area (Figure 2). If certain proposed sub-routes were part of the final route selected, the distance could exceed that figure. No other community, municipality or First Nation will be affected by Bipole III to the extent that the Tataskweyak Cree Nation will be.

In September 2009, Tataskweyak Cree Nation and Hydro entered into discussions regarding participation in Hydro transmission-related processes. Subsequently, Tataskweyak Cree Nation and Hydro agreed on a Work Plan with the primary purpose of:

“ensuring meaningful consultation and participation in processes to address Tataskweyak’s and Hydro’s shared and respective rights and interests that would be affected by the development of the Bipole III Transmission Project (Bipole III), within the Traditional Territory.”

The objectives of the Work Plan are:

- to develop a process and forum for Tataskweyak Cree Nation and Manitoba Hydro to discuss and share information about the Bipole III Transmission Project;
- to encourage membership engagement for the purpose of addressing issues, concerns, and opportunities related to Bipole III;
- to prepare and provide a constraints map, identifying Tataskweyak concerns regarding the routing of Bipole III within the Split Lake Resource Management Area; and
- in association with the preparation of the map, to prepare a Tataskweyak Cree Nation Bipole III report, for potential inclusion in the Bipole III Environmental Impact Statement.

Through discussions, it was agreed that the initial focus of a joint process with Hydro would be to provide support to Tataskweyak in gathering information from Members related to the project and preparing a constraints map and report concerning the preferred route for Bipole III within the Split Lake Resource Management Area. It was further agreed that the work on the constraints map and report would take place over the four month period from March 1 to June 30, 2010.

In preparation of this report, Tataskweyak has trusted in our own governance structure, rooted in traditional Cree values and beliefs, and involved Chief and Council, Elders, youth, Members, and trappers, including the Fur Council, as we have considered the various issues and elements relating to the Bipole III transmission project within the Split Lake Resource Management Area. We have also drawn upon the body of knowledge as assembled in a variety of forms, gathered over many years from many of our people.

2.0 METHODOLOGY

2.1 Comments Obtained from Community Information Meetings

A series of community information meetings was held over the course of the 4-month project. Meetings accomplished two things: the provision to participants of information regarding the planned Bipole III project and the recording of feedback from the participants. The information provided was largely based on Hydro material, adapted to the particular needs and interests of the various Tataskweyak meeting participants. Additionally, information was provided on the context for Bipole III within the framework of Tataskweyak's Agreements, such as the 1992 NFA Implementation Agreement and the Joint Keeyask Development Agreement.

The meetings involved a broadly representative sample of Tataskweyak Members including youth, Elders, Chief and Council, OWL staff, and resource harvesters, including representatives of the Fur Council.

2.2 Interviews of Elders and Resource Harvesters

In addition to the feedback obtained at the above noted community meetings, analysis was given to a series of two rounds of interviews which involved Members and Elders.

In conducting these interviews, data collectors employed an interview guide to pose questions to community Members about their experience with traditional activities throughout the Split Lake Resource Management Area. The interview guide aided in maintaining the quality of the data.

A total of 49 different individuals were interviewed in two rounds to capture their contemporary and historic knowledge of traditional land uses in the Split Lake Resource Management Area. Additionally, five OWL staff provided commentary directly related to transportation.

When possible, participants indicated on a transparent mylar sheet placed over various 1:250,000 National Topographic System (NTS) maps the places he or she carried out or had knowledge of others carrying out a traditional activity. The focus of all the data collection phases was to capture both living memory (since 1945) as well as contemporary use information from the participants.

The data collected was entered into a GIS (geographic information system) database. Once digitally transcribed, the information collected was available to be mapped using ESRI ArcMap software to provide a means of visualizing the intensity and diversity of land uses.

Once all the information had been suitably converted and grouped by activity, a density mapping technique was applied to these individual activity datasets as well as the aggregate of all datasets. This produced a colour gradient ramp in the map with darker areas depicting areas of higher relative activity and with lighter areas illustrating lower relative activity density in the study area. Additional details regarding the technical aspects of this mapping technique are provided in Appendix A.

3.0 RESULTS

3.1 Comments Obtained from Community Meetings

3.1.1 Constrained Timelines

Members frequently commented on the limited time (4 months) available to conduct a thorough evaluation of the route alternatives for the Bipole III Study Area. In support of this statement, Members pointed to the size of the Study Area – comprising some 16,630 square kilometres of the Split Lake Resource Management Area, or over 4.1 million acres. Members expressed a strong opinion that the evaluation of the Bipole III project should extend beyond the initial 4 month phase.

3.1.2 The Intrusion of Bipole III into Undeveloped Areas of the Split Lake Resource Management Area

Members commented on the extent of the intrusion of Bipole III into their Traditional Territory, traversing over 200 km for any of the proposed routes within the Split Lake Resource Management Area, passing through diverse and pristine wilderness. Very little development is currently present within the study area. Members recommended that all possible steps should be taken to lessen the intrusion by locating the line as close as reasonably possible to PR 280.

3.1.3 The Waterways Affected

Members pointed out that the route alternatives proposed for Bipole III each cross a substantial number of streams and rivers within the Split Lake Resource Management Area and pass relatively close to significant lakes which are widely used for traditional activities. Members recommended that all possible steps be taken to locate the transmission lines as far to the south as reasonably possible.

3.1.4 The Wildlife, Particularly Moose and Caribou

Members noted that the route alternatives will transect important moose and caribou habitat and would want to see all possible steps being taken to minimize negative effects on habitat fragmentation by locating the transmission line as close as reasonably possible to PR 280.

3.1.5 Traplines, Trappers, and their Families

While individual commercial trapping interests are not the subject of this report, the discussions about Bipole III raised strongly-held feelings about the likely effects on trapping and the need for Tataskweyak Cree Nation to play a role in representing and protecting the rights and interests of trappers and their families.

3.1.6 The Extent of Existing Hydro Development

Members spoke to the extent of existing Hydro development within the Split Lake Resource Management Area - 35 major projects covering a total footprint of 124,000 acres of land and affecting numerous lakes and streams. Members noted that the signing of the JKDA

and Adverse Effects Agreement has moved us closer to the day when the Keeyask Generating Station will be added to this list. Furthermore, the Keeyask Outlet Transmission Project will add three additional high voltage lines to this system of integrated projects. Members commented to the extent of Hydro development within the Split Lake Resource Management Area with, to date, little benefit flowing to the community.

3.1.7 General Comments in Opposition to Bipole III

Members, particularly resource harvesters, spoke in opposition to Bipole III within the Split Lake Resource Management Area. Members noted that Bipole III was desired by Hydro, although Hydro is delaying the Keeyask Project (which is Tataskweyak Cree Nation's main interest).

3.2 Analysis of Interviews – Compilation of Constraints

Individual maps depicting six categories of traditional activity within the Split Lake Resource Management Area are presented in Appendix B. An aggregation of those maps is presented below in Figure 3.

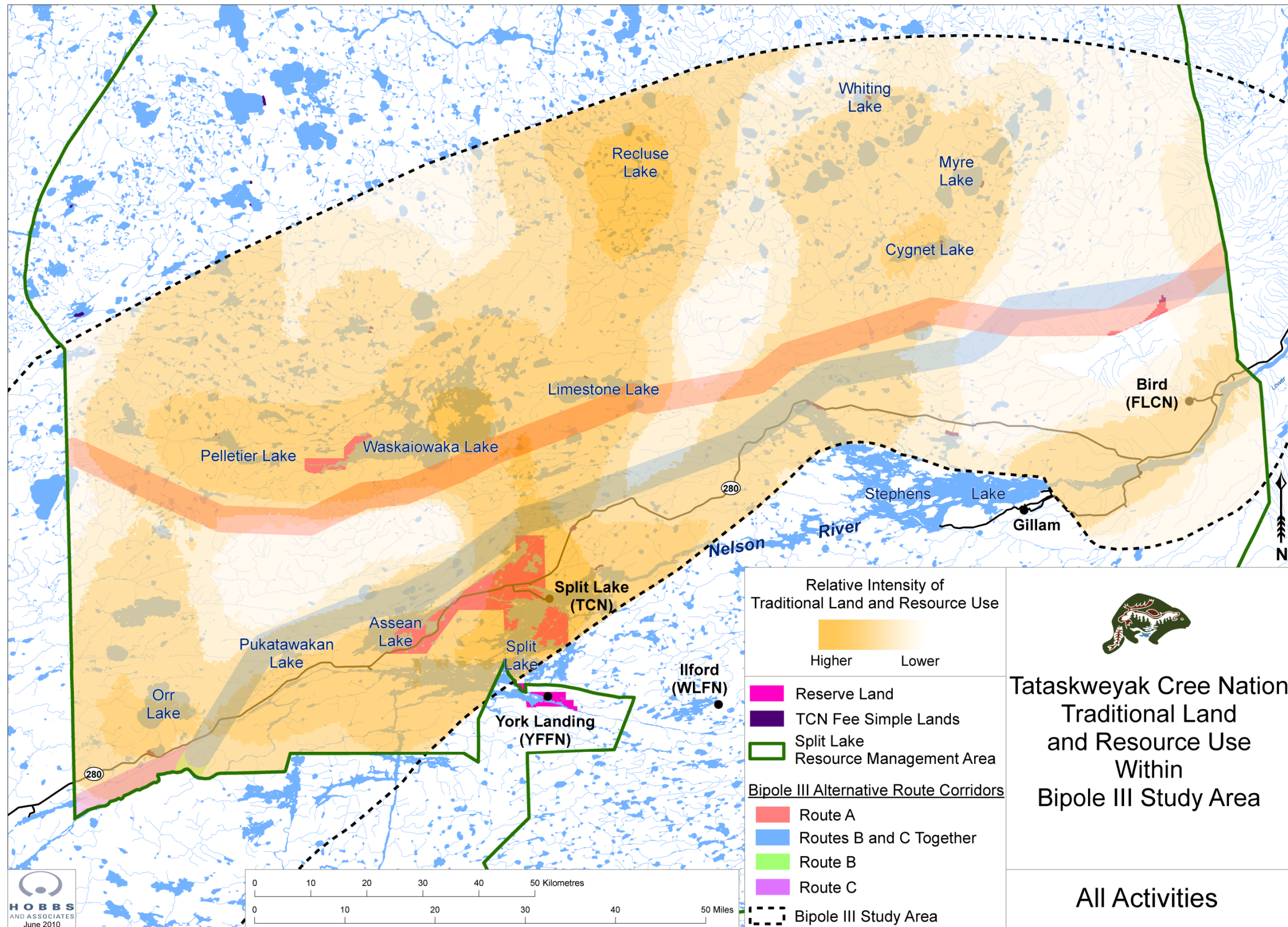


Figure 3: Results compiled as a constraints map in relation to corridors of alternative routes – camps and cabins, fishing, gathering, hunting, timber, trapping, and transportation. Individual supporting maps are available in Appendix B.

The following observations are provided regarding Figure 3:

- Tataskweyak Cree Nation Members reported engaging in traditional activities throughout the Bipole III Study Area.
- There is a similar intensity of activity along the corridors for Route A and Route B/C.
- The highest intensity of activity is associated with certain key lakes and transportation routes.
- There are two small areas in the eastern portion of the Split Lake Resource Management Area where no activity was reported.
- It is expected that additional interviews would generate greater detail and possibly expand the area and intensity of activity shown in the map.

4.0 DISCUSSION

4.1 General Commentary

Tataskweyak Members expressed a strong preference that the route be located as far to the south as reasonably possible. From Hydro's *Bipole III Alternative Routes Map*, the current route most congruent with this priority is Route B.

Members stated that the opportunity existed in several locations to make adjustments to Route B so as to have the transmission line be located reasonably close to PR 280. Such adjustments would avoid further fragmentation and intrusion into undeveloped portions of the Split Lake Resource Management Area.

Members stated that more work needs to be done to locate the specific right of way for the transmission line within the 3 mile corridor which defines Route B, both for the portions that are to be adjusted closer to PR 280 and for those that will not be adjusted.

Members stated a need to ensure that the potential impacts of the construction and operation of Bipole III are properly understood.

Members stated a need to ensure that meaningful discussions take place around compensation and benefits, including participation in available employment opportunities.

4.2 Specific Commentary to the Tataskweyak Cree Nation Preferred Route for Bipole III within the Split Lake Resource Management Area

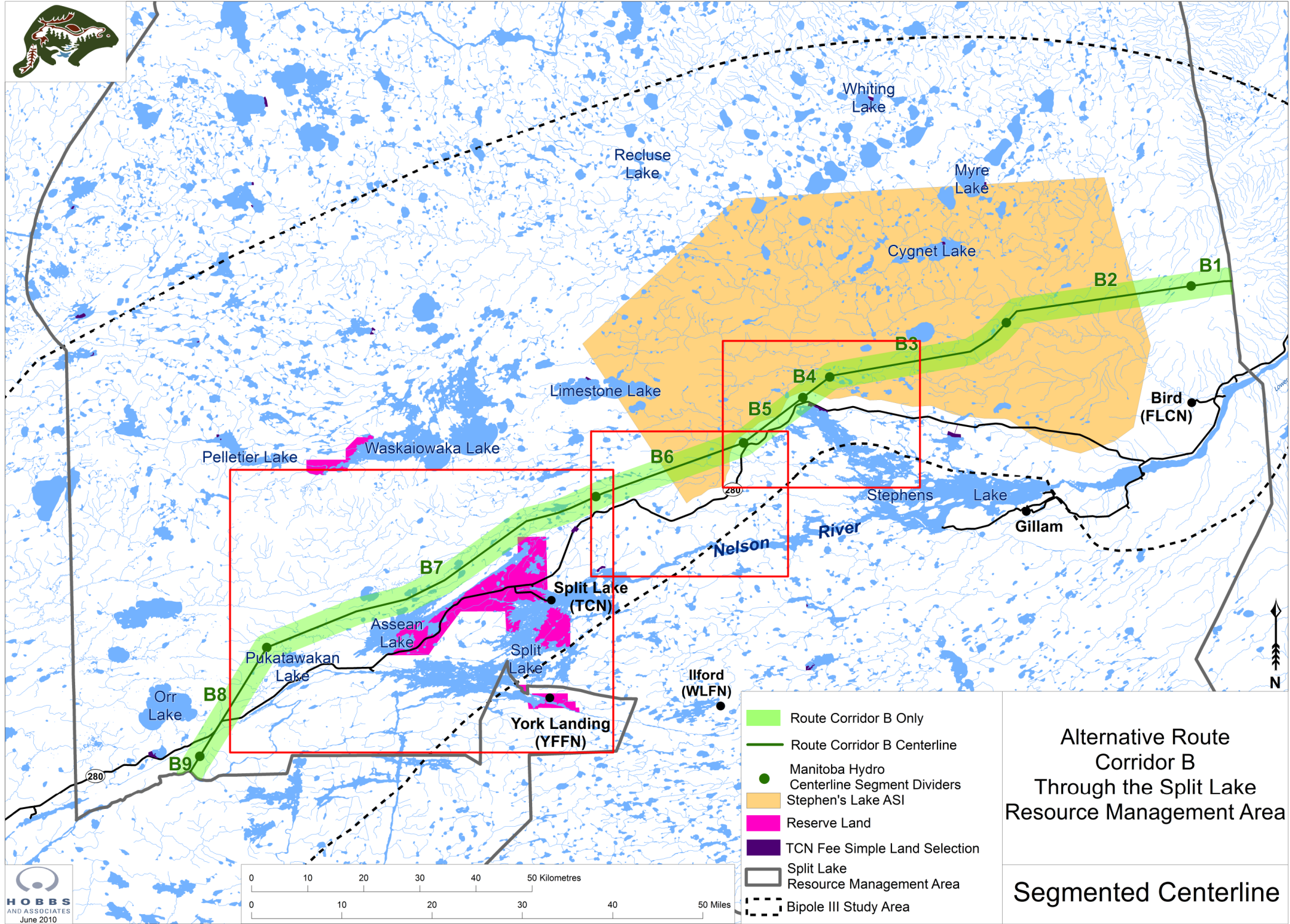


Figure 4: Manitoba Hydro proposed Route B corridor subdivided reference sections. Red squares highlight areas where additional maps are provided to accompany the comments.

4.2.1 Segment B2:

Segment B2 is within the Stephen's Lake Area of Special Interest (ASI). Appropriate measures will need to be carefully considered to avoid damaging or fragmenting the characteristic natural regions of this ASI.

4.2.2 Segment B3:

Consideration needs to be given to adjusting the route to bring it as close to PR 280 as possible or at minimum, routing as much as possible on the perimeter of the Stephen's Lake ASI. Such changes would reduce fragmentation through the ASI.

4.2.3 Segment B4:

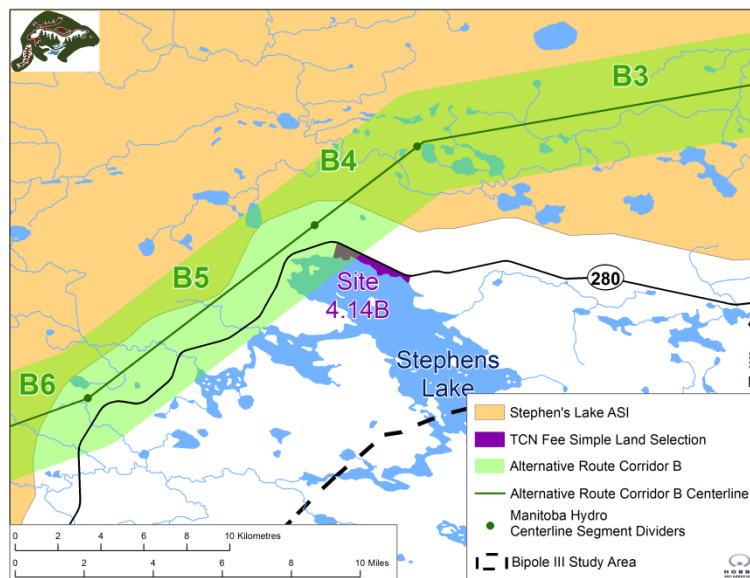


Figure 5: Zoomed portion of Route B relating to Segment B4.

The centre line of segment B4 is within 2 km of the Fee Simple Land (Site 4.14B) at Stephens Lake. Routing through this Fee Simple Land is not acceptable to Tataskweyak.

4.2.4 Segment B5:

This segment follows the PR280 right of way and as such, is in accord with Tataskweyak Cree Nation's approach to Bipole III routing.

4.2.5 Segment B6:

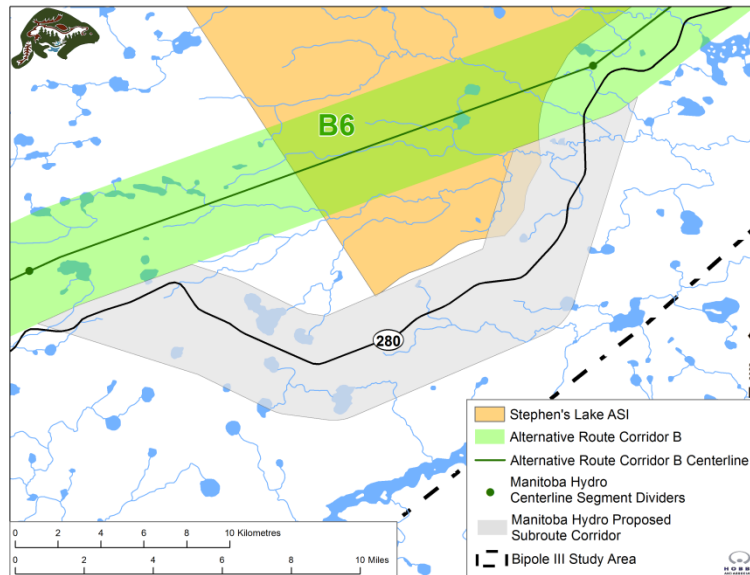


Figure 6: Zoomed portion of Route B as relating to Segment B6.

For section B6, it is suggested that Bipole III follow the originally proposed sub-route line which parallels PR 280 throughout this segment. This would avoid passage through the ASI.

4.2.6 Segment B7:

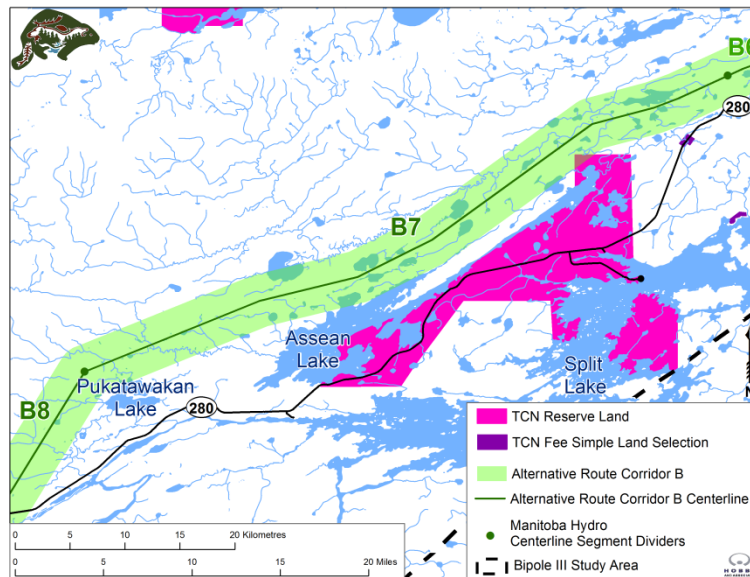


Figure 7: Zoomed portion of Route B as relating to Segment B7.

This centre line of this segment is within 4 km of the Assean River Crossing (Site 4.12). This segment also comes within 2 km of the Assean Lake Reserve.

The 3 mile corridor overlaps the Reserve at this point. Any overlay of the corridor within Tataskweyak Cree Nation Reserve Land is absolutely unacceptable. The centre line of this

segment is within 4 km of Little Assean Lake, and within 2 km of Assean Lake. The community is heavily involved in these areas and subsequent routing to avoid these lands should be considered a priority.

Segment B7 is in the vicinity of some mining interests. If consideration is to be given to adjusting this segment to avoid these mining interests, routing this segment towards PR 280 as early as possible is suggested, in the area east of Pukatawakan Lake and west of Assean Lake.

4.2.7 Segment B8:

Following the adjustments proposed to segment B7, segment B8 can be located closer to PR 280. The segment as proposed is an acceptable distance from Fee Simple Land Site 4.21 at Troy Lake.

5.0 CONCLUSIONS

In reference to the alternative routes provided for consideration by Manitoba Hydro in the map, titled *Bipole III – Alternative Routes Map* as part of Round 3 of its Site Selection and Environmental Assessment process, and following consultation with Members and due consideration of material collected from the Members and Elders over the past 20 years, this report concludes the following:

Tataskweyak Cree Nation is prepared to enter into further discussions with Hydro and conduct a more detailed examination with a focus on Route B, on the understanding that, where possible, adjustments will be considered to locate the transmission line as close as reasonably possible to the right of way for PR 280 so as to avoid intrusion into otherwise pristine areas.

This conclusion is subject to Tataskweyak Cree Nation and Manitoba Hydro reaching agreement on reasonable funding of joint processes regarding the following:

- a) Determination of the 66 metre right of way within the agreed preferred route for Bipole III within Tataskweyak Cree Nation Traditional Territory;
- b) Determination of the impacts on the collective rights and interests of Tataskweyak Cree Nation arising from the construction and operation of Bipole III within Tataskweyak Cree Nation Traditional Territory;
- c) Holding discussions with Hydro on benefit-sharing for the impacts on the collective rights and interests of Tataskweyak Cree Nation arising from the construction and operation of Bipole III within Tataskweyak Cree Nation Traditional Territory; and
- d) Holding discussions with Hydro on the opportunities that may be available in terms of training, employment and business.

6.0 APPENDIX A: TECHNICAL PROTOCOL ADDENDUM

The data obtained from interviews and transcribed on mylar sheets to depict Tataskweyak Cree Nation's traditional activities included:

- polygons to identify areas of a particular activity;
- lines to define pathways along which an activity was practiced, as well as, routes taken to reach other areas in which Members engaged in traditional pursuits.

Following initial analysis, a decision was taken to depict the data using a relative density approach. The basis of this decision was that a relative density approach would most appropriately represent the collected experience of Tataskweyak, since the data only represented input from a sample, albeit a substantial sample, of Members. Secondly, a relative density approach essentially accounted for any errors that might have arisen in the transcription of information provided in the interviews.

To employ a relative density approach it was necessary for the data to be converted into points suited to this type of analysis. To this end, it was determined that the best approach for creating points from the polygons would be a sampling method which would assign points throughout the study area. Placing points at regular intervals was seen as preferable to random sampling as the former would result in a more accurate predictor of relative density. This provides for equal likelihood of being selected and would equally space the occurrences in an effort to avoid misrepresenting the data. Points could be selected more than once (if identified by more than one individual) and points that fell into a particular polygon would be captured with others lying outside, omitted, from a particular activity's dataset. This method provided a type of sampling which eliminated the potential of point clusters and vast open areas, both of which would misrepresent the data.

To best capture and group the data into the identified categories of activity, separate polygon and line information layers were created for each activity type. In terms of interval spacing of the resulting points, too great an interval would mean that some areas of identified activity would not be captured, while too small an interval might overstate the intensity of activity in a particular area. Through carefully structured examination of the existing dataset as well as related sources, it was found that a 4 kilometre interval for the polygon points would be a suitable representation of activity intensity for the purposes of a relative density application. The number of sample points falling within each of these polygons was calculated.

With regard to the lines, these were assigned points at regular intervals along their length, the optimal spacing found to be at 3 km intervals. The intent was to capture the value of these transportation routes both as water/pathways along which traditional activities were practiced as well as the means to access other areas of cultural or traditional importance.

7.0 APPENDIX B: SUPPORTING CONSTRAINT AND ACTIVITY MAPS

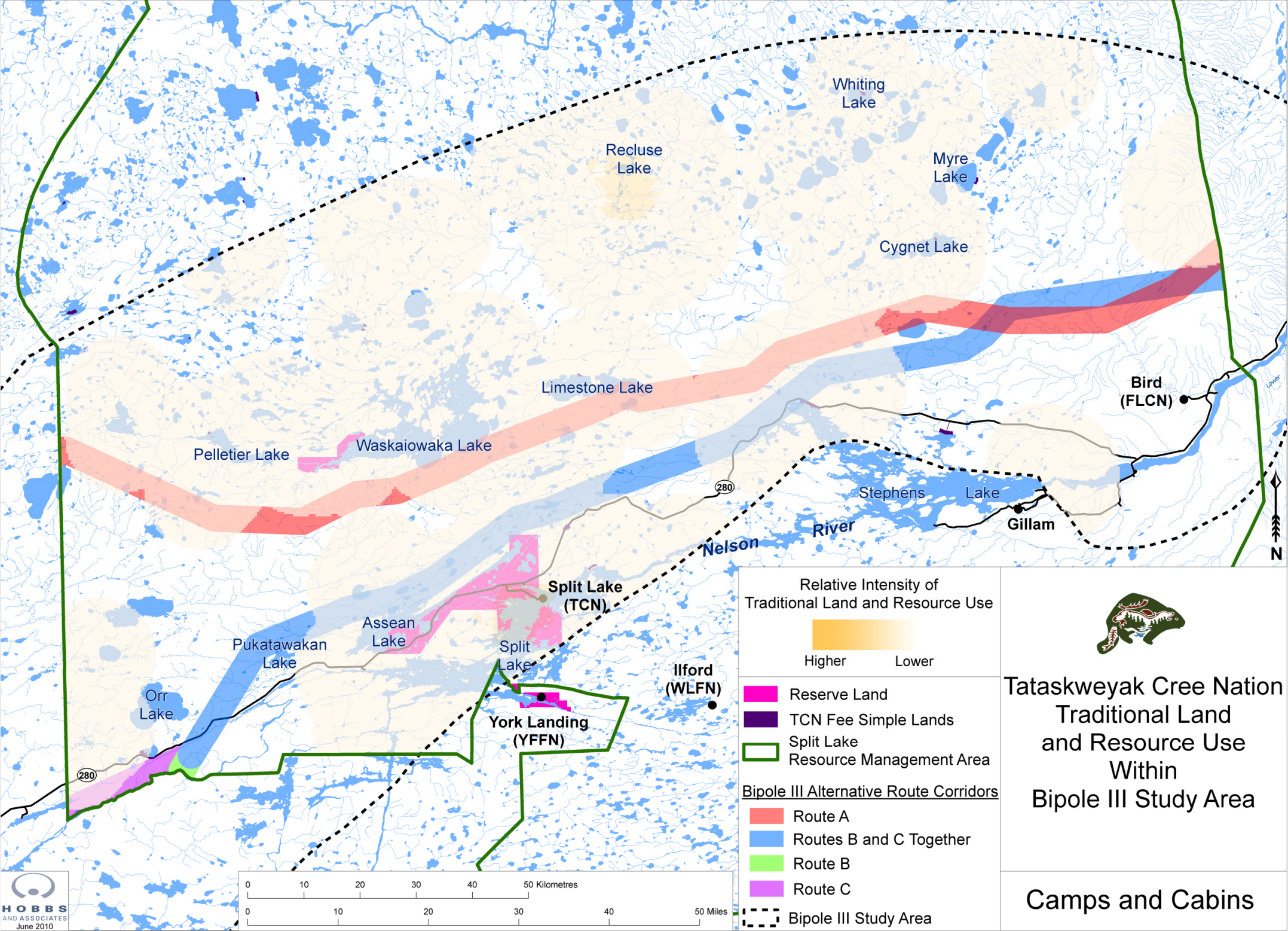


Figure 8: Data collected as referring to camps and cabins.

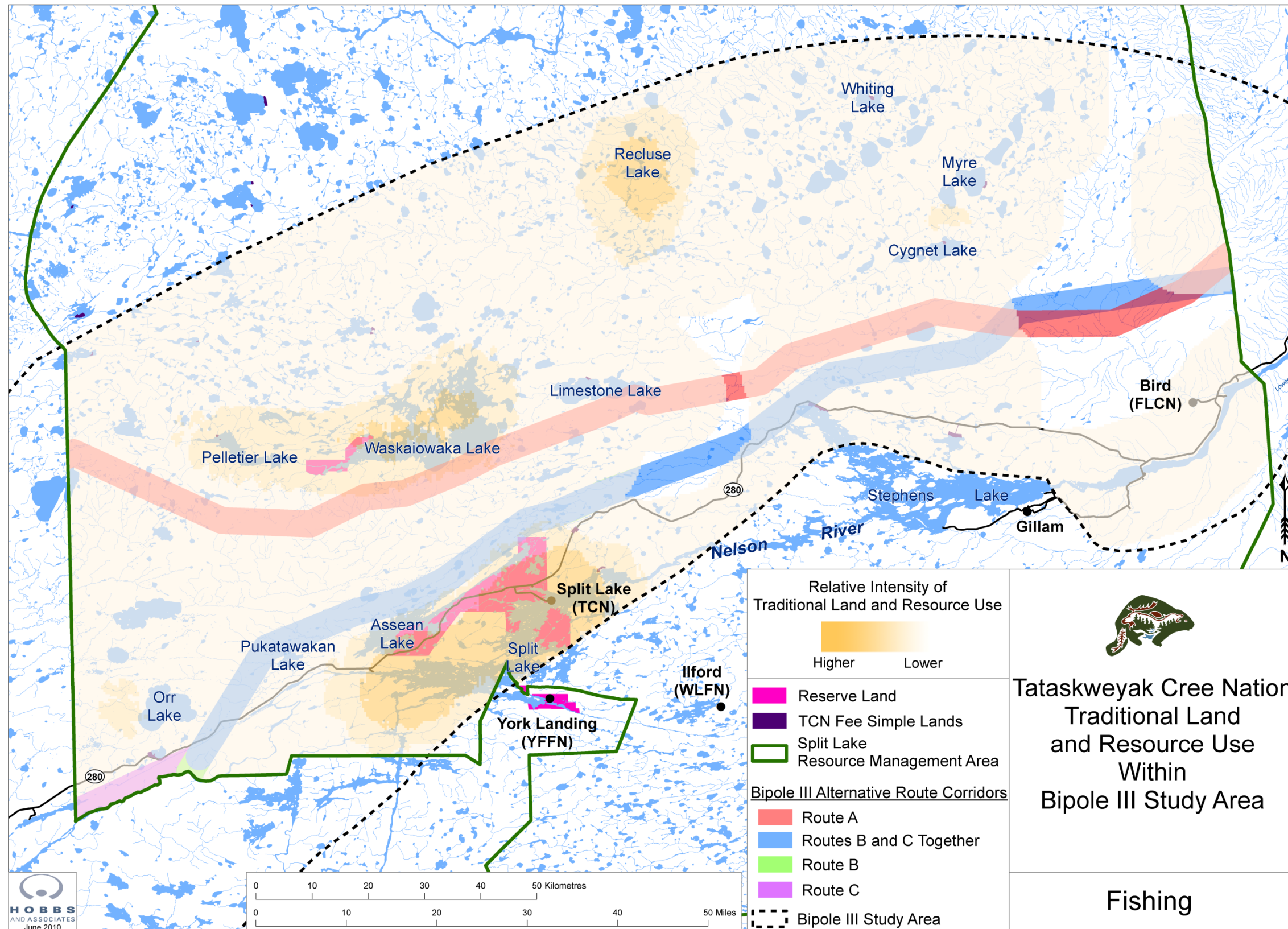


Figure 9: Data collected as referring to fishing.

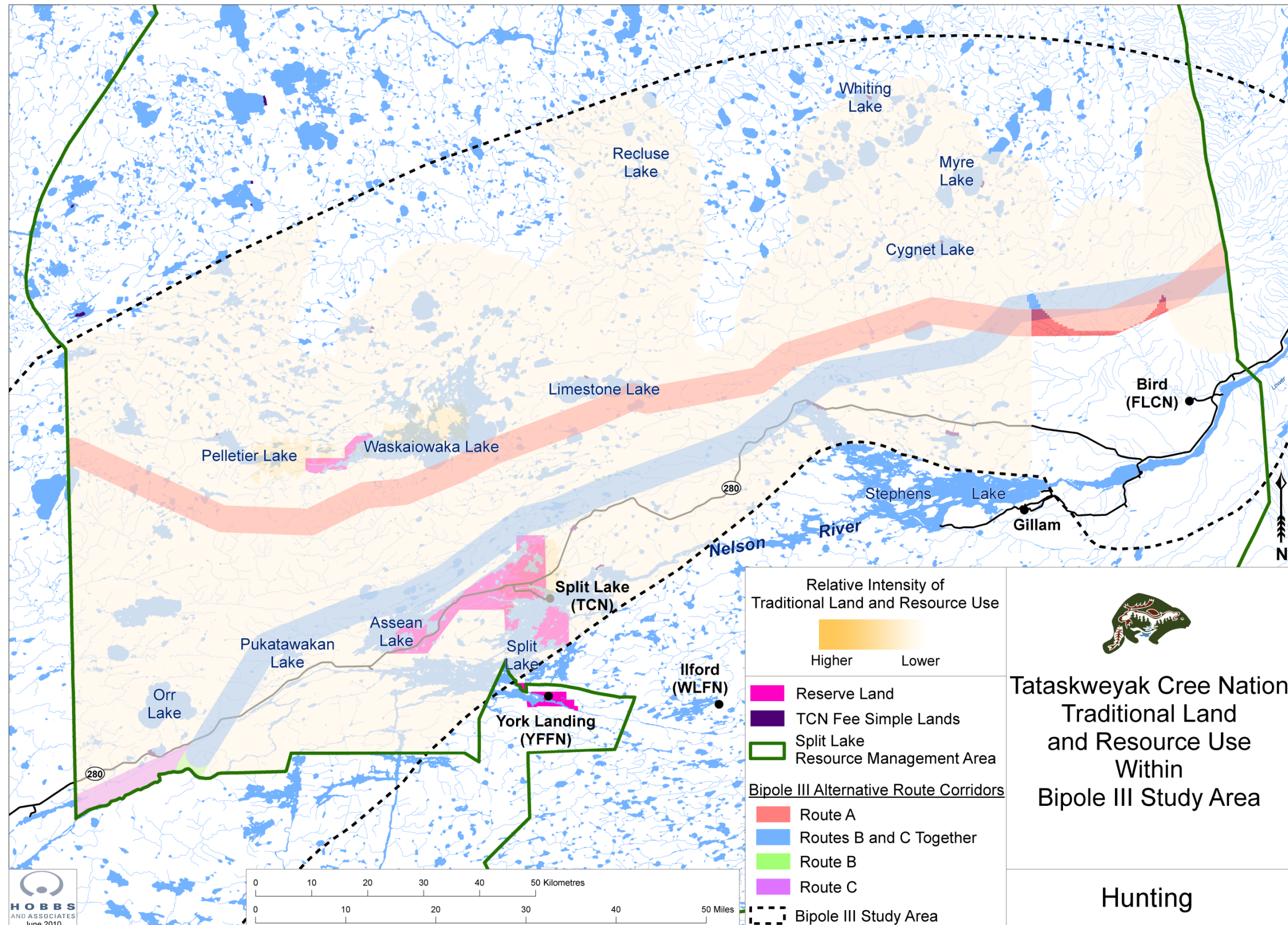


Figure 10: Data collected as referring to hunting.

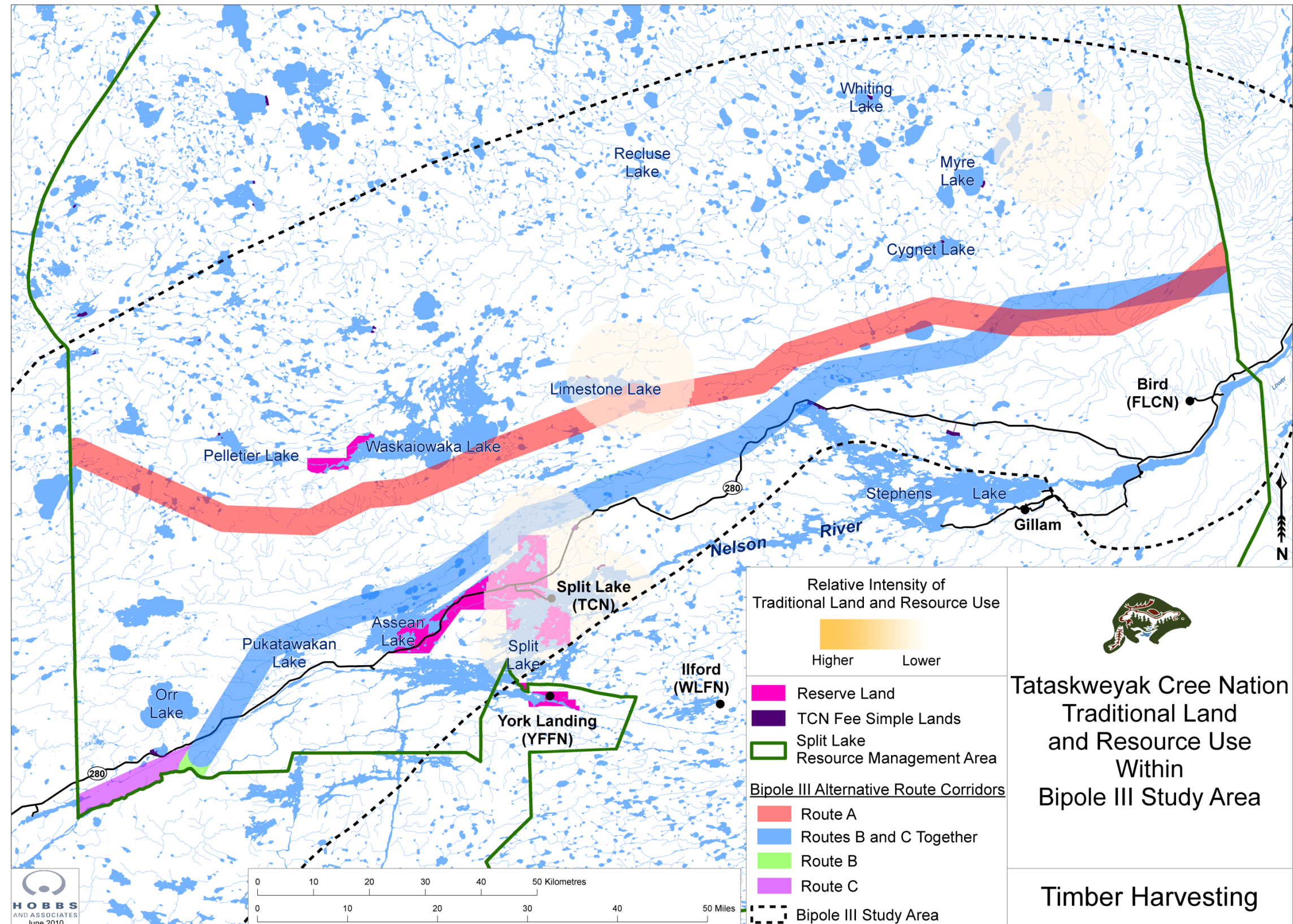


Figure 11: Data collected as referring to timber.