

**Consultations
on the Proposed Wuskwatim Generation
and Transmission Projects**

**CONSULTATION PROTOCOL
GUIDELINE**

EXHIBIT # OTH-1026
WUSKWATIM GENERATION
& TRANSMISSION PROJECT
CLEAN ENVIRONMENT COMMISSION

This document is intended to provide a framework for the development of a Consultation Protocol with individual First Nations and aboriginal communities that will guide us in our consultations.

1. Objective of Government Consultations

Manitoba Conservation and the federal Department of Fisheries and Oceans (DFO) have initiated consultations with First Nations and aboriginal communities who may be affected by the proposed Wuskwatim Generation and Transmission Projects.

Manitoba Conservation and DFO acknowledge that they have a responsibility to consult in a meaningful way with First Nations and aboriginal communities when the granting of licences and permits might result in an infringement of Treaty or aboriginal rights.

The Wuskwatim Projects will require licences and permits for the use of Crown lands, waters and water powers before construction and operation of the projects. The projects require provincial approvals under *The Crown Lands Act*, *The Water Power Act*, and associated Regulations; and federal approvals under the *Fisheries Act* and the *Navigable Waters Protection Act*.

The objective of the consultation is to hear and understand the concerns of First Nations and aboriginal communities about how their traditional use of resources, lands and waterways might be affected by the proposed Wuskwatim Projects.

2. Consultation Principles

Manitoba Conservation and DFO will conduct consultations in good faith.

Manitoba Conservation and DFO will share all relevant information during the consultation and ensure that information is in a manageable and understandable format.

Manitoba Conservation and DFO have an obligation to make it a reasonable and workable consultation.

Manitoba Conservation and DFO want to hear and understand concerns.

Manitoba Conservation and DFO will document all concerns and consider them.

Manitoba Conservation and DFO intend to substantially address the concerns of the First Nations and aboriginal communities whose Treaty or aboriginal rights may be infringed.

Manitoba Conservation and DFO will report back to the First Nations and aboriginal communities with the outcome of the consultation.

3. Consultation Facilitator

The Consultation Facilitator will liaise with First Nations and aboriginal communities to develop a consultation process.

4. Consultation Process

Manitoba Conservation and DFO will undertake consultations in the community in accordance with the wishes of the elected First Nation and aboriginal community officials. Plans and schedules will be developed jointly with the Consultation Facilitator.

5. Timing of Consultation

The consultations will be undertaken during the fall and winter of 2003/2004.

6. Consultation Support Costs

A Consultation Support Costs Guidelines document provides a set of guidelines related to consultation support costs.

7. Involvement of Project Proponents

The involvement of the project proponents in the consultations in each community will be at the request of each First Nation and aboriginal community.

8. Reporting

Manitoba Conservation and DFO will review the consultation information with each First Nation and aboriginal community, consider how concerns may be addressed, and document the consultation. Manitoba Conservation and DFO will report back on how concerns were addressed.

9. Contacts

Contacts from the First Nations and aboriginal communities will be identified to liaise with the Consultation Facilitator to plan and organize the consultations.