

**YFPLP Interrogatories to WTC**

**Yellow Falls Power Limited Partnership  
Application for Leave to Construct a Transmission Line**

**YFPLP Interrogatory No. 1:**

**Reference:** WTC Written Evidence Statement August 25, 2009 (“WTC Evidence”), and covering letter of John Edmonds dated August 27, 2009 (“Edmonds Cover Letter”).

**Preamble**

The Edmonds Cover Letter states that the Memorandum of August 25, 2009, from Mr. McKay summarizes his findings respecting the scope of the traditional territory of the Mattagami First Nation.

**Questions**

- (a) Describe Mr. McKay’s qualifications to provide evidence in this proceeding, and provide a *curriculum vitae* or resume for him.
- (b) Does Wabun Tribal Council (WTC) take the position that Mr. McKay is an expert witness? If so what is he an expert in, and provide the information necessary to qualify him as an expert.

**YFPLP Interrogatory No. 2:**

**Reference:** Wabun Territory 4 map attached to WTC Evidence.

**Preamble**

The Edmonds Cover Letter states that W.C. McKay Consulting Service prepared the Wabun Territory 4 map and that the shaded portion indicates the traditional territory of the member First Nations of the WTC.

**Questions**

- (a) Please describe the process by which Mr. McKay obtained the information necessary to create the Wabun Territory 4 map, and the process by which he created the map.
- (b) When did Mr. McKay create Wabun Territory 4 map.
- (c) To what extent has the territory mapping on the Wabun Territory 4 map been discussed with other First Nations, such as Taykwa Tagamou Nation (TTN), that are not part of the WTC.
- (d) Has the extent of the traditional territory of the member First Nations of the WTC as indicated on the Wabun Territory 4 map been recognized or agreed to by any government agency or court. If so, please provide details.
- (e) Has WTC provided the Wabun Territory 4 map, or the information/data sources used to support the creation of the Wabun Territory 4 map, to the Ministry of Natural Resources or the Ministry of the Environment as part of the consultation relating to the Yellow Falls project? If so, when? If not, why not?
- (f) Do the member nations of the WTC assert treaty rights over some or all of the shaded area shown on the Wabun Territory 4 map. If so, please identify the relevant treaty and provide a copy of the treaty with the relevant excerpts highlighted, and explain the basis for the asserted treaty rights.
- (g) Are the WTC and/or Mr. McKay aware of any other First Nations asserting similar treaty rights over some or all of the shaded area shown on the Wabun Territory 4 map. If so, please identify those other First Nations and explain to the best of WTC and/or Mr. McKay's knowledge the extent of the rights being asserted by those other First Nations.

**YFPLP Interrogatory No. 3:**

**Reference:** MATTAGFN map attached to WTC Evidence.

**Preamble**

The Edmonds Cover Letter states that W.C. McKay Consulting Service prepared the MATTAGFN map and that the shaded portion indicates the traditional territory of the Mattagami First Nation.

**Questions**

- (a) Please describe the process by which Mr. McKay obtained the information necessary to create the MATTAGFN map, and the process by which he created the map.
- (b) When did Mr. McKay create the MATTAGFN map.
- (c) To what extent has the territory mapping on the MATTAGFN map been discussed with other First Nations, such as TTN, that are not part of the WTC.
- (d) Has the extent of the traditional territory of the Mattagami First Nation as indicated on the MATTAGFN map been recognized or agreed to by any government agency or court. If so, please provide details.
- (e) Has WTC provided the MATTAGFN map, or the information/data used to create the map, to the Ministry of Natural Resources or the Ministry of the Environment as part of the consultation relating to the Yellow Falls project? If so, when? If not, why not?
- (f) Does Mattagami First Nation assert treaty rights over some or all of the shaded area shown on the MATTAGFN map. If so, please identify the relevant treaty and provide a copy of the treaty with the relevant excerpts highlighted, and explain the basis for the asserted treaty rights.
- (g) Are the WTC and/or Mr. McKay aware of any other First Nations asserting similar treaty rights over some or all of the shaded area shown on the MATTAGFN map. If so, please identify those other First Nations and explain to the best of WTC and/or Mr. McKay's knowledge the extent of the rights being asserted by those other First Nations.
- (h) Are WTC and/or Mr. McKay aware that the TTN also assert that they have traditional rights over portions of the shaded area shown on the MATTAGFN map.

**YFPLP Interrogatory No. 4:**

**Reference:** The Edmonds Cover Letter, p. 2 and tab 11 of YFPLP's Pre-Filed Evidence.

**Preamble**

The Edmonds Cover Letter states:

It is to be noted that the Taykwa Tagamou Nation, which apparently also asserts some claim to the territory in question, moved to its current main location, Reserve "New Post 69A," some 14 km southeast of Cochrane, in 1984, their original but never occupied reserve being 88 km northwest of Cochrane and 4 km east of the Abitibi River (please see IAND and TTN websites). TTN was and remains an Abitibi River community, with cultural affiliations, as Cree people, to the northeast, in the direction of James Bay. The Mattagami First Nation, on the other hand, an Ojibway Nation, is situated on and dependent upon the Mattagami River, on which Yellow Falls is located.

Tab 11 of YFPLP's Pre-Filed Evidence is a map showing the location of the New Post Indian Reserve (TTN) and the Mattagami Indian Reserve No. 71.

**Questions**

- (a) Do WTC and/or Mr. McKay agree that the map at Tab 11 of YFPLP's Pre-Filed Evidence accurately shows the current location of the New Post Indian Reserve (TTN) and the Mattagami Indian Reserve No. 71. If not, please explain and provide a map showing any corrections that you think are needed.
- (b) In what year did the Mattagami First Nation begin occupying the Mattagami Indian Reserve No. 71? Was the reserve in its same location then as it is today?
- (c) Does WTC agree that the Mattagami River flows in a northerly direction?
- (d) Does WTC agree that the Mattagami Indian Reserve No. 71 is approximately 175 km upstream (i.e. south) of the proposed Yellow Falls generating station.
- (e) Please explain in what ways the Mattagami First Nation are "dependent" upon the Mattagami River.

**YFPLP Interrogatory No. 5:**

**Reference:** The Edmonds Cover Letter.

**Preamble**

The Edmonds Cover Letter states that the traditional territory of the Mattagami First Nation “may be taken to include territory used for hunting, fishing and trapping”.

**Questions**

- (a)
  - i) Explain in what ways the WTC thinks the Yellow Falls transmission line will impact on the fishing rights of the members of the WTC communities and/or the Mattagami First Nation,
  - (ii) explain why WTC expects these impacts on fishing rights, and the basis for WTC’s concerns, and
  - (iii) explain how WTC thinks any negative impacts on fishing rights can be mitigated.
- (b)
  - (i) Explain in what ways the WTC thinks the Yellow Falls transmission line will impact on the hunting rights of the members of the WTC communities and/or the Mattagami First Nation,
  - (ii) explain why WTC expects these impacts on hunting rights, and the basis for WTC’s concerns, and
  - (iii) explain how WTC thinks any negative impacts on hunting rights can be mitigated.
- (c)
  - (i) Explain in what ways does WTC thinks the Yellow Falls transmission line will impact on the trapping rights of the members of the WTC communities and/or the Mattagami First Nation,
  - (ii) explain why WTC expects these impacts on trapping rights, and the basis for WTC’s concerns, and
  - (iii) explain how WTC thinks any negative impacts on trapping rights can be mitigated.
- (d)
  - (i) Explain in what ways does WTC thinks the Yellow Falls transmission line will impact on the any other rights of the members of the WTC communities and/or the Mattagami First Nation,

(ii) explain why WTC expects these other impacts, and the basis for WTC's concerns, and

(iii) explain how WTC thinks any such other negative impacts can be mitigated.