

**Appendix 3-3 – Response to Post-Review Period Comments from Ktunaxa Nation
Council, Received September 22, 2006**

[The following document was prepared by the Proponent]

**Reviewer Reference: Ktunaxa Nation Council –
B. Green Letter of September 12, 2006**

COMMENT REF. #	POST-REVIEW PERIOD COMMENT	WEPC RESPONSE
EACA Section Reference: 3.3.1 – First Nations Traditional Use and Resource Use		
a.	<p>The anthropological perspective “Plateau Culture” could be used for people that had permanent structures and settled in an area because a resource could sustain the people for extended periods. There is a question as to how long the salmon in the Columbia River System could sustain an economy of a group to allow them to settle permanently in an area as is the way of coastal first nations.</p> <p>The Ktunaxa are better described as a Mountain Culture going where the resources were, hunting, fishing, and gathering roots taking on a more nomadic life style.</p>	<p>The term “Plateau Culture Area” in EACA Section 3.3.1 refers anthropologically to the patterns and lifestyle of the peoples historically occupying and utilizing the project area. Use of the classification system that identifies a “Culture Area” is consistent with standards adopted by North American anthropologists.</p> <p>The “Plateau Area” has been recognized as a distinct Culture Area since the early 1900s, as is discussed in Volume 12 of the Smithsonian Institution’s Handbook of North American Indians. The distinguishing features of the Plateau include a reliance on a diverse subsistence base and riverine (linear) settlement patterns. These features are consistent with ethnographic descriptions of the individual tribes classified as Plateau, including the Kutenai, as set out in the Handbook.</p>
b.	<p>The word ‘regalia’ should be substituted for ‘costume’ in the description of the winter dances.</p>	<p>The fashion of dress is specific to the individual and is often representative of a private spiritual power. It is therefore, in our opinion, most respectfully described as a costume, and not regalia, which would suggest a greater uniformity and formality.</p>
c.	<p>The section quotes only Bouchard and Kennedy, other materials that need to be referenced are Turney/High, Olga Johnson and Claude Schaeffer among others.</p>	<p>EACA Background Report #7 (prepared by Bouchard and Kennedy) is a review of known and available background information, which includes numerous references to Turney/High, Olga Johnson, Claude Schaeffer and many others.</p>
d.	<p>The recording of 10 archaeology sites in the area shows that insufficient archaeological research has been done in the area.</p>	<p>The 10 archaeological sites in the general area are the only archaeological sites on record. In addition, WEPC’s archaeological investigations and field reconnaissance did not locate any additional sites in the specific project area.</p> <p>There have, in fact, been several detailed archaeological studies in the immediate vicinity of the Waneta project but none have found [any] sites as outlined in EACA Background Report #8. The absence of archaeological sites in this area could be attributed a number of factors including low historical use by First Nations;</p>

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		sites destroyed by past development and/or natural forces.
e.	<p>Furthermore, most of the hydro (and other) development occurred in the area before the Heritage Conservation Act came into force.</p> <p>Archaeology is only done when it may affect someone's development and not as research projects to answer questions and gather useful information.</p>	<p>This is correct. The first such Act came into force in 1960. However, there has been a considerable amount of archaeology carried out other than in the context of proposed or ongoing development. Nevertheless, no pure research archaeology has been carried out in the Waneta Project area.</p>
EACA Section Reference: 3.3.3 – First Nations Interests		
f.	<p>Water is essential for life making this resource valuable for survival and should be a benefit to the people and wildlife of the area and not only certain developments.</p>	<p>Comment acknowledged.</p>
g.	<p>Ktunaxa or other First Nations are not in an area for one specific resource but for other things such as berry picking, gathering medicines, fishing and hunting. The Columbia River was an important travel corridor for the Ktunaxa and other First Nations.</p>	<p>WEPC has recognized that the Ktunaxa may have traditionally exploited more than one resource in an area and would travel between resource areas. However, WEPC has received no specific evidence of the Columbia corridor adjacent to Waneta being used by the Ktunaxa.</p>
EACA Section Reference: 6.7 – Effects on Archaeology Resources		
h.	<p>Have any archaeological investigations been completed in the reservoir area when the water was at the lowest?</p>	<p>Yes, there was a comprehensive archaeological impact assessment project carried out within the Waneta pondage in conjunction with studies carried out in response to a proposed raising of the Waneta Dam a few years ago. At that time, the pondage was drawn down to normal pre-Waneta Dam levels in order to expose the original shorelines. This was done to accommodate the archaeological examination of these now inundated areas.</p> <p>WEP will not further impact the Waneta reservoir level.</p>
EACA Section Reference: 6.8.1 - Impact Analysis		
i.	<p>When the Waneta Dam was first built was Aboriginal Title and Rights considered or an archaeological study done? I think not, the construction of the dam could have destroyed archaeology sites and traditional use sites.</p>	<p>WEPC was not involved in building Waneta Dam in the 1950s and has no direct knowledge of whether aboriginal title and rights were considered or if any archaeological investigations were undertaken at that time.</p>
j.	<p>All dams have some affects on the fisheries and will continue as long as the dams are there (where are the salmon?).</p>	<p>Salmon were not present at Waneta Dam when it was originally built. Construction of WEP will not preclude installing fish passage at Waneta</p>

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		should salmon some day return.
k.	<p>As mentioned before when dealing with traditional harvesting and use of plants or wildlife and current use we can not be site- or resource-specific; First Nations traditional use is following the resources (no boundaries). The resource may be plentiful in one area one year and sparse the next so a group may have to travel to other places.</p> <p>There are certain conditions that affect First Nations, including the abundances of various fish and wildlife populations, in turn affected by factors like weather and dams.</p>	<p>During the course of consultation with First Nations, no evidence was presented regarding specific resource use in the project area. However, as outlined in EACA Section 6.8.1, WEPC has concluded that the protective and mitigative measures presented will ensure there are no uncompensated residual effects of the project on any resources identified as being of general traditional interest to First Nations.</p>
Fish Entrainment Mortality		
I.	<p>Non sport fish are species just as important to the eco-system as sport fish and should not be written off because fisherman don't fish them. The study suggests bigger rainbow trout will survive the entrainment, what does this do for the age structure of the population?</p>	<p>The issue of fish entrainment was addressed in Section 7.3.2 of the EACA and the conclusion of the analysis provided was that for a given total flow, post-project fish entrainment mortality would be lower than pre-project entrainment mortality due to reallocation of the flows through the new powerhouse. Rainbow trout was used as an example to illustrate that the project would not result in an incremental increase in entrainment mortality. The species that would be most affected by entrainment are introduced exotics and entrainment of these species may have benefits as a food source to downstream fish species such as white sturgeon. On the basis of this information, the Fisheries Working Group, which consisted of representatives from the provincial and federal agencies and First Nations (including CCRIFC, the technical representatives of the KNC), reached consensus that entrainment from the project was not an issue that would require compensation.</p> <p>Information provided in EACA Background Report #1 indicates that Waneta headpond does not support a self-reproducing resident population of rainbow trout. Rainbow trout that are present in the headpond are either entrained from Seven Mile Reservoir or are members of the stocked population in Cedar Creek. In most years, these fish must leave the headpond in the summer since water temperatures at that time can exceed the upper lethal temperature limit for the species. Therefore, the age structure of the population that resides in the headpond on a seasonal</p>

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		basis is determined by summer water temperatures, which will not be affected by the WEP.
m.	Is there an age gap that could be detrimental to the survival of the rainbow?	See Comment Ref "l" above.
n.	If only the older ones are surviving what is replacing the dead fish?	See Comment Ref "l" above.