



**Justice**

Civil Legal Services SOA  
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In reply, please refer to:

**Sean Boyd**  
**Crown Counsel**

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File No: EN0100(27)

March 26, 2007

Manitoba Wildlands  
1000 – 191 Lombard Avenue  
Winnipeg MB R3B 0X1

Attention: Gaile Whelan Enns

Dear Madame:

**Re: Wuskwatim (Generating Station) – Appeal to Cabinet**

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I am writing in response to your March 18, 2007 request to provide us with additional material concerning this appeal. You provided a the letter from Thomas Monias of Pimicikamak Okimawin dated March 9, 2007 to yourself which was received at our office on March 21, 2007.

On reviewing this material I can indicate that we are not prepared to provide it to Cabinet as part of your appeal submissions. This is partly because it was received by you and submitted to us beyond the extended March 2, 2007 deadline. Additionally, this material relates to an apparent dissatisfaction by a group of First Nations with government consultations regarding the Wuskwatim project generally. Pimicikamak did not appeal the license in question and is not a party to this appeal. As Mr. Monias alludes to in his March 9, 2007 letter, Pimicikamak has or had whatever legal options and remedies that would normally be available in situations where it is not satisfied with the Crown's efforts at consultation.

That being said, given that you raised the issue of consultation in your initial submissions, and given the broad public policy considerations that can inform an appeal of this nature, it will be open to members of Cabinet to inquire further into the consultation issue. We will make Cabinet aware that you provided further material on this issue, albeit at a late date.

You also asked that we provide a copy of the *Old St. Boniface Residents Assn. Inc. v. Winnipeg (City)*, [1990] 3 S.C.R. 1170 case. We will bring this case to Cabinet's attention.

This letter is being copied to the other parties with Mr. Monias' letter enclosed.

Yours truly,



Sean Boyd  
Crown Counsel

SDB/tlv/bss  
Enc.

cc. Don Cook, Department of Conservation  
Sheryl Rosenberg, Thompson Dorfman Sweatman LLP  
Elliott Leven/Valerie Matthews Lemieux, Cherniack Smith LLP  
Joy Kovnats, Wuskwatim Power Limited Partnership  
Doug Bedford, Manitoba Hydro  
David Newman, Q.C.