



Justice

Civil Legal Services SOA
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In reply, please refer to:
Aaron Berg
General Counsel

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File No: EN0100(27)

September 29, 2006

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

Mr. Greg McIvor
Trap Line 18
c/o P.O. Box 166
Wabowden MB R0B 1S0

Attention: Gaile Whelan Enns

Dear Sir/Madame:

Re: Wuskwatim (Generating Station) – Appeal to Cabinet

Please be advised that I have been asked to act as counsel to Cabinet for the purposes of your appeals of the license issued by the Minister of Conservation for the Wuskwatim Generating Station under *The Environment Act*. I am writing to you to explain the process that will be followed for this appeal to Cabinet.

We will be preparing an "Appeal Book" containing relevant materials considered by the Minister in granting the license. We will be providing you with a copy of the Appeal Book and, while I understand that you have already made submissions in your appeal letters, we will be giving you the opportunity to make any additional comments or submissions you wish following receipt of the Appeal Book.


The Appeal Book and any additional submissions you have, will be provided to the Respondents (Manitoba Hydro and Nisichawayasihk Cree Nation) as well as the Department of Conservation. These parties will be given the opportunity to respond to your submissions in writing. Their responses will then be provided to you so that you may make written submission on any *new* and *relevant* matters raised, if you see the need to do so.

In order to ensure that the appeal proceeds expeditiously, we will be setting timelines for the steps outlined above. Once all submissions have been completed they will be provided to Cabinet along with your appeal letters and the Appeal Book so Cabinet may consider your appeals.

I should also advise that Minister Struthers will not be sitting with Cabinet when it considers this appeal given that he is the person whose decision is being appealed. Other Ministers whose direct responsibilities include departments or agencies who are parties to the appeal, or who otherwise are in a position of conflict, will similarly be excluded from the process.

If you have any questions about the appeal process, please do not hesitate to contact me at the above address or phone number. You will be receiving a copy of the Appeal Book shortly and will be advised of the timeline for providing your submissions at that time.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Aaron Berg', is written over the typed name and title.

Aaron Berg
General Counsel

ALB/tlv

cc. Don Cook, Department of Conservation
Bob Adkins/Sheryl Rosenberg, Thompson Dorfman Sweatman LLP
Elliott Leven, Cherniack Smith LLP