

MANITOBA CLEAN ENVIRONMENT COMMISSION

KEEYASK GENERATION PROJECT

PUBLIC HEARING

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1 Monday, December 2, 2013

2 Upon commencing at 9:30 a.m.

3 THE CHAIRMAN: Okay. We'll reconvene.
4 I'm glad to see some of you made it here in spite
5 of my attempts to mislead you at the end of the
6 day on Thursday. There is no truth to the rumour
7 it was deliberate, hoping that we'd have a quiet
8 week this week if you all stayed downstairs for
9 the week.

10 So here we are. We have a full day
11 again. First up this morning on behalf of
12 Manitoba Wildlands, a presentation.

13 Ms. Whelan Enns?

14 MS. WHELAN ENNS: Good morning, panel,
15 Mr. Chair. Dr. Clarke is here this morning, as
16 you can see from the first slide, to inform and
17 advise us all in terms of sustainability and
18 sustainable development with reference to the
19 Keeyask Generation Station.

20 And I'm going to ask Dr. Clarke to
21 start by giving information for you in terms of
22 her background and her expertise and special
23 emphasis on sustainability?

24 Dr. Clarke?

25 DR. CLARKE: Thank you, Gaile.

1 If I may, I'd first like to just thank
2 the chair and thank the panel, it really is my
3 pleasure to be here. I'm glad to be involved in
4 your process.

5 By way of introduction of myself, I am
6 a faculty member at the University of Waterloo.
7 I'm in the school of Environment Enterprise and
8 Development, which is essentially our business
9 school in the Environment Faculty.

10 I direct an Executive Education
11 Program, a masters program in Environment and
12 Business. And my Ph.D. is from McGill University,
13 it's in business management, and my focus is on
14 sustainability.

15 I also have an NGO history, which is
16 how I come to be here on behalf of Manitoba
17 Wildlands. I served on the board of Sierra Club
18 Canada for 10 years, including three years as its
19 president.

20 Also in terms of my NGO history, I
21 founded a national organization in 1996 called the
22 Sierra Youth Coalition.

23 THE CHAIRMAN: Called what?

24 DR. CLARKE: Called Sierra Youth
25 Coalition, so it also focuses on sustainability.

1 I had been working on these topics since 1989,
2 first as an environment focus, and now since about
3 mid '90s on the sustainability focus.

4 That's probably enough. All of my
5 teaching and all of my research focuses on
6 sustainability and sustainable development.

7 MS. WHELAN ENNS: Would you include a
8 little bit about the Institute at Waterloo?

9 DR. CLARKE: Sorry, can you repeat
10 that?

11 MS. WHELAN ENNS: We're having a
12 morning, okay. Would you also include and provide
13 some information in terms of the Institute at
14 Waterloo U?

15 DR. CLARKE: Our school?

16 MS. WHELAN ENNS: Yes.

17 DR. CLARKE: So I'm in the school of
18 Environment Enterprise and Development. It's
19 quite an innovative school, started in 2009, where
20 we have an undergrad environment and business
21 program and also an international development
22 program, about I think 800 undergrad students.
23 And then on the graduate level, which is where
24 most of my work is, we have the masters of
25 environment and business, local economic

1 development, masters of development practice, the
2 social innovation diploma, and now a
3 sustainability management. So the entire school
4 is focused on sustainable development as its
5 mission. And really, how do we achieve
6 sustainable development through business and
7 development?

8 MS. WHELAN ENNS: Is all of your
9 teaching here in Canada?

10 DR. CLARKE: So two of the courses I
11 teach are in the masters program, and one of them
12 is in our undergrad program. And our undergrad
13 program is partnered with China, so I teach in
14 China as well.

15 MS. WHELAN ENNS: Thank you.

16 DR. CLARKE: Shall I begin?

17 Amelia Clarke: Sworn.

18 DR. CLARKE: So today, I'm here to
19 present to you on sustainability and sustainable
20 development. In particular -- let me figure this
21 out -- this presentation holds quite closely to
22 the report, so if you manage to find time to
23 actually look at this report, it will be the same
24 content.

25 It begins with an introduction. I'll

1 explain the focus of my presentation, and then
2 I'll get into some background on what is
3 sustainable development, what is sustainability,
4 so definitions, approaches, topics. And then also
5 I'm going to introduce a sustainable project
6 framework. And the purpose of this framework is
7 so that it can be used to evaluate a project on
8 its achievements of sustainable development.

9 Then I get into the Manitoba
10 regulations and legislation on sustainable
11 development. So very briefly I'll introduce the
12 Act, the principles, the guidelines, strategy,
13 codes of practice, financial management guidelines
14 and procurement guidelines as they relate to
15 sustainable development, and particularly as they
16 relate to this project.

17 And then I will use that same
18 framework to show how the principles and
19 guidelines of sustainable development for the
20 province fit in a larger evolving understanding of
21 sustainable development.

22 Then briefly I'll mention that
23 Manitoba Hydro sustainable development policy.

24 And then the final section looks at
25 the Keeyask Generation Project, in particular how

1 the terms sustainability and sustainable
2 development are used within the EIS, some of the
3 EIS documents. And I highlight from my limited
4 analysis five weaknesses that I have noted. And I
5 end with recommendations and conclusions.

6 So it should take under an hour, it
7 depends on how many tangents I go on. I'm going
8 to try and hold myself to the main presentation.

9 So as a reminder and as an
10 introduction, in the CEC terms of reference set
11 out on November 14th, the following instruction
12 was in there. So I'll just read it word for word.

13 "The Commission's recommendation shall
14 incorporate, where appropriate, the
15 principles of sustainable development
16 and guidelines for sustainable
17 development as contained in the
18 sustainable development strategy for
19 Manitoba."

20 And so I interpret this to mean that
21 the CEC needs to consider both the principles and
22 the guidelines of sustainable development that are
23 in the provincial legislation. And then where
24 appropriate, you'll build it into your
25 recommendations. That's how I interpret that

1 statement.

2 So, also because Manitoba is a Crown
3 corporation and the Act does apply to Crown
4 corporations, I do introduce some of the other
5 legislation as well.

6 In terms of my scope and boundaries,
7 really the report fits Manitoba's sustainable
8 development principles and guidelines into the
9 broader emerging context of sustainable
10 development. It begins to evaluate the
11 proponent's EIS against provincial legislation for
12 sustainable development through a sustainable
13 project framework. It conducts a scan of the EIS
14 and Joint Keeyask Development Agreement documents
15 for the terms sustainability and sustainable
16 development. And in particular, I reviewed
17 chapter nine in the response to EIS guidelines.

18 It's not intended as an evaluation of
19 the EIS as a whole. It's also not intended as a
20 judgment on the merits of project. I really
21 prepared this in hopes that it will be useful to
22 the CEC panel and help you with your
23 deliberations.

24 So now getting into the background.
25 There is a commonly agreed upon definition of

1 sustainable development. It comes from a document
2 produced by the World Commission on Environment
3 and Development called the Brundtland report, also
4 called "Our Common Future." And that definition
5 is development that meets the needs of the present
6 without compromising the ability of future
7 generations to meet their own needs.

8 Inherent in that definition, inherent
9 in that sentence are the concepts of
10 intergenerational equity and intra-generational
11 equity. And I'll just take a moment to explain
12 the difference. Intergenerational equity is about
13 between generations, so between say you and your
14 grandchildren, that your grandchildren would have
15 the same opportunity to meet their needs that you
16 do today. Intra-generational equity is about
17 within the same generation but different groupings
18 of people. So for example, Aboriginal peoples
19 would have the same opportunity to meet their
20 needs as other Manitobans. That's what
21 intra-generational equity means.

22 And then also inherent in this
23 definition is that the present generation must
24 stay within ecological limits in order for future
25 generations to say meet their needs. So I have a

1 future slide on what are ecological limits. I'll
2 leave it there for that. The Brundtland report,
3 it's a report, it's not one sentence, it's a book
4 about yea big and yea thick, and it is all about
5 what is sustainable development. So this one
6 sentence has been extracted as the essence of this
7 report. And it's a very useful sentence, but
8 there's a lot more to it, and a lot more to that
9 report than the sentence, but it does capture the
10 idea. And because it captures the idea I think is
11 why it's used so much, it's used by government, it
12 is used by business. It's a very good definition,
13 but unto itself without more meaning, sometimes
14 you need more to go with it.

15 Anyway, I'll introduce some of that
16 more.

17 Sustainable development is the
18 journey, while sustainability is the goal. So
19 these two words are not the same thing.
20 Sustainable development and sustainability are two
21 different -- they have different meanings. So
22 sustainable development is the actual process, the
23 journey that we're on, whereas sustainability is
24 the state, it's the goal we're aiming to achieve.

25 Generally these terms are explained in

1 terms of three considerations, environment, social
2 and economic. Sometimes you see that social is
3 broken out into cultural as well, or sometimes
4 even broken out into health as well. But there
5 are always these three considerations,
6 environment, social and economic.

7 And you have probably seen these
8 visuals before. This is the visual representation
9 of sustainable development and of sustainability.
10 So on the left-hand side you see the venn diagram
11 with the three circles, one with environment, one
12 with society and one with economy. And
13 sustainable development represents that
14 interaction in the middle. So it's not any one on
15 its own, but the interface of society, economy and
16 environment.

17 Sustainability, on the other hand, is
18 presented as the other vision, the other model
19 here, and where you have three concentric circles
20 with economy being the smallest, then society and
21 then environment. And the idea behind this one is
22 that society functions within the environment.
23 Without water, without air, humans would not
24 exist, we just wouldn't. So without -- you need
25 the environment first, and then you have society

1 within the environment.

2 Without people, you would not have an
3 economy. So economics is a construct created by
4 people. So that's the idea of this representation
5 of economy inside society, inside environment.
6 And the idea of sustainability is you have reached
7 that state where it's a balance.

8 So just a comment on ecological
9 limits, because it's one of those core concepts
10 within both sustainability and sustainable
11 development. For renewable resources what it
12 means is that extraction must be kept to
13 sustainable yields. So if you stay within the
14 sustainable yields of these renewable resources,
15 you are within the ecological limits.

16 For non-renewable resource, it gets a
17 bit more complicated. It depends on the source
18 and how recyclable that material is. So for
19 recyclable materials, they can still be
20 sustainable as long as they are kept in
21 circulation. So, for example, aluminum, as long
22 as we're recycling that aluminum, it can be kept
23 going. On the other hand, for one use resources,
24 for the idea of ecological limits, these should be
25 phased out. So if we're aiming for a sustainable

1 society, then we want to be using renewable
2 resources and recyclable resources.

3 Now, in terms of approaches to
4 sustainable development. Over the years, since
5 1987, when that Brundtland report was written, the
6 term has been used in many, many different
7 contexts. So what we see now are sustainable
8 community plans, sustainable business strategies,
9 even sustainable moose strategies. So it just
10 depends on how it's bound. Is it bound by an
11 animal? Is it bound by an organization? Is it
12 bound by a project? We see the plans for
13 sustainability and sustainable development.

14 And what I have also noticed is that
15 there are different perspectives on it, they are
16 all very complimentary but it tends to be
17 different approaches. So engineers tend to focus
18 on sustainable development in relation to a
19 project. Planners, on the other hand, tend to
20 focus on the process. So when you see a list of
21 criteria that have been developed by a planner,
22 you're going to see a lot of things around, you
23 must engage participants, you must have
24 transparent process, you must think about scale in
25 your decision-making, these types of criteria.

1 That tends to be the planner's perspective on
2 sustainable development, it's about the planning
3 process.

4 Business on the other hand, which is
5 the community I most identify with, we tend to
6 think about it in terms of products and services,
7 and think about it in terms of sustainability of
8 those products and services, and from a lifecycle
9 perspective. What I mean by lifecycle perspective
10 is you think of the product from all of the
11 materials that go into it. So from the extraction
12 stage of taking those materials out of the earth,
13 to they get manufactured into something, and then
14 there's a retail stage, there's a youth stage, and
15 finally you have a waste stage. And ideally at
16 that waste stage, it's recycled back into being
17 remanufactured.

18 So that tends to be how we think about
19 sustainability from this product lifecycle.

20 In terms of that final waste stage
21 there are two options. It might be that the waste
22 is compostable, in other words, it's organic, in
23 which case you want it to go back to nature, or
24 it's not compostable, in which case you want it to
25 be something that can be recycled back. It is

1 quite a closed loop with those materials.

2 And how lifecycle assessment works
3 with products is we think about where the
4 environmental impacts at each stage of that
5 product.

6 For the Keeyask Generation Project, it
7 also has a lifecycle as a project, the creation,
8 the generation of the -- the creation of the
9 actual dam, the generation of the energy, the
10 maintenance of it, the disassembly, et cetera.

11 From a business perspective, we more tend to think
12 about the product, the energy, so we tend to think
13 about the generation of that, the transmission of
14 that, the use of it, and what would the
15 environmental impacts be at each phase of that.

16 That said, the reason I introduced
17 this is just to say different perspectives on the
18 same topic, and you end up with different
19 boundaries on how you view sustainable
20 development.

21 In terms of what topics are typically
22 covered, it actually depends on the context. So
23 what topics are of high interest to a carpet
24 manufacturer are not going to be the same ones
25 that are of interest to a community, for example.

1 So what I have on this slide is showing an example
2 of sustainable community topics. For example, a
3 community such as Gillam, or any community, these
4 might be the topics they would have in their
5 sustainable community plan. So it includes
6 energy, land use, transportation, water, quality
7 and quantity, waste, air quality, food security,
8 ecological diversity, climate change, both
9 mitigation and adaptation, housing, social
10 infrastructure, education, health, employment,
11 environmental governance and local economy.

12 And I didn't just make up this list.
13 This list was based on a study of over 25
14 sustainable community plans in Canada, and what
15 are the topics that are appearing again and again.
16 And we just did a survey of 43, and all of these
17 topics are appearing. Not every plan has all
18 topics, but all topics appear when you look at the
19 43 three different plans. Some of them are in
20 most plans.

21 This is another example of, again,
22 that context. So this is from Manitoba's, it's at
23 the provincial level, and this is from the
24 sustainability report, so these are the indicators
25 Manitoba is using. So, again, you see here the

1 natural environment, economic indicators and
2 social indicators, so the three topics. Under
3 natural environment, biodiversity and habitat,
4 conservation, fish, forests, air, water, climate
5 change. Under the economic indicators, economic
6 performance, agricultural sustainability, mining,
7 energy efficiency, conservation, consumption and
8 waste, employment and education. Under the social
9 indicators, demographics, equity and rights,
10 community and culture, governance, health and
11 justice.

12 From a business perspective, the
13 standard these days is really the global reporting
14 initiative. So they have set out a list of topics
15 that any business, any sector should make sure
16 they cover in their voluntary sustainability
17 reporting. And then they have sector supplements
18 to, say, if you're in mining, make sure you also
19 cover these topics.

20 So, for example, if the Keeyask
21 Hydropower Limited Partnership were to produce
22 sustainability reports, I would recommend they
23 look at the GRI, because it's the standard now for
24 business all over the world.

25 Now, getting closer to what I was

1 asked to do --

2 THE CHAIRMAN: What's GRI?

3 DR. CLARKE: GRI, Global Reporting
4 Initiative.

5 MS. WHELAN ENNS: And the origin then
6 of it is -- how did we arrive at the initiative?

7 DR. CLARKE: It's a good question. I
8 think it started as an NGO, but it's now become
9 the standard. So they have set up, I think they
10 are on version four now, of what are the main
11 indicators of what must be reported on. The banks
12 are using it, the mining sector is using it. It's
13 really cross cutting in terms of who can use this,
14 and it's global. So it's not a Canadian
15 initiative, this is an international initiative on
16 what should be reported in your sustainability
17 report. And then they have different scales of,
18 you know, here's the minimalist version, or if you
19 really want to go for reporting everything, here
20 is the high end version.

21 MS. WHELAN ENNS: Thank you.

22 DR. CLARKE: Pleased to clarify
23 things, I appreciate that.

24 So the sustainable project framework,
25 so I was asked -- this was the main request made

1 of me, was to come here as your expert witness,
2 and in that preparation, develop a framework that
3 might be helpful to you in your work. And so what
4 I did is I thought about how to approach that.
5 And it's very common in the business literature to
6 think about things in terms of a scale, in terms
7 of sustainability initiatives or sustainability in
8 companies in terms of a scale. And so there are
9 probably over a hundred of these scales out there,
10 kind of iterations of it, but they generally have
11 the same features.

12 At the low end of the scale a company
13 is meeting the basic legal requirements, so it's a
14 compliance level.

15 Somewhere in the middle of the scale,
16 and sometimes there's multiple steps, the
17 companies are aiming for continual improvement.
18 So they are aiming to reduce their energy, reduce
19 their water, reduce their impacts, but they are
20 not necessarily aiming for sustainability. The
21 goal is to just get better.

22 At the high end of the scale, this is
23 where you're aiming for sustainability, so this
24 represents sustainable development. And at the
25 high end of the scale companies are involving both

1 internal and external stakeholders. They are
2 considering both short-term and long-term
3 ecological impacts. And some of the examples we
4 see is they are really aiming for zero waste, they
5 are really aiming to have a net positive impact
6 instead of just mitigating the negative impacts.

7 So in terms of these scales, there are
8 two approaches being used to define the high end
9 of the scale. One approach bases it on the
10 leading edge practices in a specific sector.
11 Another approach defines it by what sustainability
12 should look like. And it's really this second
13 approach is that defines true sustainable
14 development.

15 An example of an initiative that's at
16 that second approach would be the Forest
17 Stewardship Council. So you might know FSC. If
18 you see this logo, it's on wood products, it's on
19 paper products, it's an indicator that that
20 product came from a sustainably harvested forest.
21 And when FSC developed their standards, they
22 didn't set one standard for the world. What they
23 did was they looked at forest type by forest type,
24 and they set a standard on what does sustainable
25 harvesting look like in this ecosystem? Because

1 it's not the same, you wouldn't harvest a
2 temperate rain forest the same way you would a
3 boreal forest. So you can't have one standard for
4 the world, it has to be adapted to different
5 ecosystems. And that's how the FSC approached it.
6 So it's a very reputable standard, because if you
7 have their stamp, then you know that it's met
8 that -- whatever ecosystem in the world it came
9 from, it was sustainably harvested.

10 So that's just an example of the high
11 end of the scale and who's using that type of
12 approach, of setting what would sustainability
13 look like?

14 So now building off a lot of other
15 people's work, in particular Nigel Roome, he's one
16 of the earlier authors who authored a scale, and
17 many after him have used this compliance as the
18 low end. And then one of my colleagues, Haiying
19 Lin, has also used a scale that built off of
20 Stuart Hart's work. And Stuart Hart's work uses,
21 it's very environmental in economy, it doesn't
22 have the social element, but it uses pollution
23 prevention, stewardship, cleaner production, and
24 then at the high end, sustainable development.

25 So looking at these other authors and

1 how they have built their scale, and really taking
2 the exact same ideas for each of the boxes, but
3 adapting it to what it would look like for a
4 project is how I built this model. And so let me
5 just take a moment to explain it.

6 Over here at the low end, you have the
7 obeying laws. In other words, doing less harm.
8 Over here at the high end, you have sustainable
9 development, which is doing more good. So down
10 here, the box that goes with that is compliance.
11 In other words, ensuring regulations are met or
12 licence agreements are met, doing what you have to
13 do.

14 The next step up, and this is
15 voluntary, is mitigation. And so it's preventing
16 negative impacts on the environment, society and
17 economy.

18 The step after that is sustainable
19 project design. So that would be ensuring the
20 project has no negative environment, social or
21 economic impacts in its design, and that it has
22 positive impacts for those directly involved. And
23 this is a substantial difference between this one
24 and then the final step, which is sustainable
25 development. This step is focused on that the

1 project, this is focused on not just the direct
2 stakeholders but also the secondary stakeholders,
3 if you will, the external stakeholders, the
4 communities that surround the project, the
5 consumers that might buy the product. So it goes
6 beyond exactly who is immediately involved, and
7 saying how is this benefitting the region, how is
8 it benefitting society? So it's about creating
9 positive social, economic and environmental
10 impacts for internal stakeholders and for external
11 stakeholders, both in the present and in the
12 future. So at this stage you are starting to
13 think multi generational, ensuring that there are
14 no ongoing negative impacts, environment, social
15 or economic impacts.

16 So I used this scale, as I keep going
17 through this presentation, to both classify the
18 provincial legislation and then also the project
19 based on my very limited analysis.

20 Now, getting into the provincial
21 legislation, Manitoba has over 20 years of
22 sustainable development legislation in this
23 province. Some of the initiatives include the
24 Sustainable Development Act, which is where the
25 principles and guidelines can be found, the

1 Sustainable Development Strategy, the Sustainable
2 Development Code of Practice, the Sustainable
3 Development Financial Management Guidelines, and
4 even Sustainable Development Procurement
5 Guidelines.

6 So starting with the Act, this is
7 really the foundation of sustainable development
8 at the provincial level. The purpose of this Act
9 is to create a framework through which sustainable
10 development will be implemented in the provincial
11 public sector and promoted in private industry and
12 in society generally. And then it goes on to say,
13 the Act will be applied to all departments of the
14 Manitoba Government, including agencies, boards,
15 commissions, committees, and also applies to Crown
16 corporations. It goes on from there, others it
17 applies to.

18 Within the Act there are the two
19 schedules that are particularly referenced in the
20 CEC terms of reference, that's the principles, the
21 Manitoba Principles of Sustainable Development and
22 the Guidelines of Sustainable Development.

23 So there are seven principles. I'm
24 just going to mention their names, but under each
25 one is a short paragraph explaining what the

1 principle means. The seven principles are the
2 integration of environment and economic decisions,
3 stewardship, shared responsibility and
4 understanding, prevention, conservation and
5 enhancement, rehabilitation and reclamation, and
6 global responsibility. When I actually look at
7 the blubs underneath each one, you'll see the key
8 criteria from sustainability such as integrated
9 economic environment, human health and social
10 considerations. It mentions both
11 intergenerational equity and intra-generational
12 equity. It talks about a precautionary approach
13 which means -- precaution is kind of a funny one.
14 It means that you don't let uncertainty stop you
15 from taking action to prevent a potential problem.
16 So it's kind of worded in the reverse, but it
17 means you use caution. Ecological integrity is
18 also in these principles, as is scale. So it
19 talks about globally, nationally and locally.

20 In terms of the guidelines, they are a
21 bit more how to. And so there are six guidelines.
22 It's about the efficient use of resources, public
23 participation, access to information, integrated
24 decision-making and planning, waste minimization
25 and substitution, research and innovation. And

1 some of the key content from the blubs underneath
2 that is, they talk about full cost accounting,
3 attention to proper resource pricing and demand
4 management, public participation and transparency,
5 an intergenerational perspective in
6 decision-making, reducing, reusing, recycling and
7 recovering the products of society, and it also
8 talks about innovation.

9 So briefly introducing some of the
10 other sustainable development documents, your
11 terms of reference mentioned the strategy, it
12 mentions the principles and guidelines as
13 mentioned in the strategy, so I thought it would
14 be worth introducing the strategy briefly. It's a
15 four-page letter from the Minister of Conservation
16 from 2000. And in it, it mentions that this COSDI
17 report will be accepted as the first step of the
18 strategy. And this report is much longer.

19 So COSDI stands for consultation on
20 sustainable development implementation. And in
21 this report it was based on a multi stakeholder
22 consultation initiative to create recommendations
23 on how the government could best implement the
24 sustainable development principles and guidelines
25 in decision-making. And it has a lot of very

1 strong recommendations. I have it in my report,
2 but it's 2000 or 2001, it was tabled in your
3 Provincial government and adopted as the plan of
4 your government, this report.

5 So some of the content from this
6 report that is particularly relevant to this
7 Keeyask generation project, I pulled a few
8 different quotations. So, first, it requires that
9 integrated sustainable development planning on a
10 large area basis, such as watersheds. So I have a
11 feeling this wasn't done, but it was the
12 recommendation in 2000 to do these watershed based
13 planning. Also require all municipalities to
14 review and adopt development plans that reflect
15 the components of sustainable development, provide
16 an opportunity for effective and meaningful public
17 participation, and consultation processes at all
18 levels of planning, significant resource
19 allocation and effects assessment and review.

20 Then the fourth one I pulled out on
21 this page is about working in partnership with
22 Aboriginal peoples to develop a cooperative
23 protocol to ensure effective involvement of
24 Aboriginal peoples where land use and resource
25 planning, significant resource allocation,

1 environmental licensing and regulatory mechanisms,
2 including effects assessment affect Aboriginal
3 peoples and their lands or the ability to exercise
4 their Treaty and Aboriginal rights.

5 My understanding of the thinking
6 behind that point is that reserves are federal,
7 but there's a need to involve the people in the
8 effects assessment or the environmental licensing
9 process if it affects them. So if there would be
10 a stakeholder, there's a need to create some kind
11 of other mechanism to ensure that they are
12 involved.

13 Then the final one I pulled out from
14 this COSDI report is about effects assessment, or
15 in other words sustainability assessment. And the
16 wording is:

17 "Broaden the concept of assessment
18 from Environmental Impact Assessment
19 as set out in the Environment Act to
20 an effects assessment to include the
21 assessment and review of all of the
22 sustainability factors of a
23 development. The effects assessment
24 process would culminate in an approval
25 through the issuance of a licence,

1 usually with terms and conditions, or
2 rejection of the proposal. An effects
3 assessment would include the following
4 assessment and review of any
5 combination of the following
6 elements:"

7 And then it goes on to list a number of them but I
8 pulled out three.

9 One is related to alternatives of the
10 project and alternative means of the project,
11 including a do nothing alternative; a description
12 of cumulative and independent effects and also
13 project sustainability. And in that COSDI report
14 they define sustainability factors as environment,
15 economics, social, cultural and human health
16 factors that should be part of the assessment.

17 So, a couple of other key Manitoba
18 sustainable development regulations that I wanted
19 to bring to your attention. One, there's a code
20 of practice. There's also financial management
21 guidelines. And the one in particular that I
22 think is highly relevant is the Manitoba
23 Sustainable Development Procurement Guidelines.
24 And these indicate that decisions for procurement
25 should include promotion of environmental

1 sustainable economic development, conserving
2 resources, conserving energy, promoting pollution
3 prevention, waste reduction and diversion,
4 evaluating value, performance and need. And
5 there's also a policy that goes with this that
6 gives greater detail on how to implement this is
7 procurement policy.

8 The website that goes with this says,
9 it's also for Crown corporations. So it says the
10 procurement policy is also for Manitoba Hydro.

11 So back to that framework, if you
12 remember on the low end it starts with compliance,
13 at the high end is sustainable development. What
14 I did was I took the key words from both the
15 principles and the guidelines, just those two
16 documents, and I mapped them into kind of what the
17 meaning behind them indicates in terms of does it
18 mean compliance, does it mean mitigation, does it
19 mean sustainable development project, or does it
20 mean sustainable development?

21 And what you can see from this mapping
22 is, it goes across the spectrum but there is a
23 considerable amount that's at that high end. Your
24 provincial documents have quite comprehensive
25 content and are really aiming for what I would

1 call true sustainable development.

2 Now, I will say these boxes are not
3 really distinct, one builds upon the other. You
4 wouldn't have sustainable project design without
5 mitigation, without compliance. So it really is
6 more of a stepping stone.

7 Now, just briefly on Manitoba Hydro's
8 sustainable development policy, it was adopted in
9 1993, and it says in the response to EIS
10 guidelines that it will be used for this project
11 as well. So the policy and 13 principles
12 represent a guiding influence for Manitoba Hydro's
13 decisions, actions, and day-to-day operations.
14 The general partner of the Partnership will
15 operate within the Manitoba Hydro principles and
16 guidelines of sustainable development.

17 So it's a list of 13 principles, each
18 which also has an explanation to go with it. So I
19 won't read through them, but they are very similar
20 to the provincial policies and guidelines, but
21 they are not the same. And so there's less
22 emphasis on social in the Manitoba Hydro 1993
23 principles. And to their credit, it's one thing
24 that's changed in 20 years, the business thinking
25 on sustainability has done a much better job of

1 integrating social, environment and economic than
2 it did 20 years ago.

3 So 20 years ago the focus really was
4 environment, economic, but now the current
5 thinking also is this integration of the three.
6 And your provincial documents recognize that.
7 They have the social components in them as well.

8 So now looking at the Keeyask
9 Generation Project, as I mentioned, my main role
10 was to develop that framework that I have
11 presented, but we also did a small task of running
12 key word searches on the term sustainability and
13 on sustainable development in a number of the
14 documents, so the EIS scoping document response to
15 EIS guidelines, the socio-economic supporting
16 volume, project description supporting volume,
17 aquatic environment supporting volume, terrestrial
18 environment supporting volume, physical
19 environment supporting volume, and also on the
20 Joint Keeyask Development Agreement.

21 And so I'll show you the results of
22 that, of how many times the terms showed up and
23 where they turned up. So here's the table
24 presenting that, and I'll just hone in on a couple
25 of things here. So most of the time --

1 sustainable and sustainable development actually,
2 just randomly, both appeared 74 times. It's just
3 random that they are the same. But most of them
4 appear in the response to EIS guidelines. So 82
5 of the 148 appear in the response to EIS
6 guidelines. And then there is a smattering of
7 them everywhere else.

8 What's probably most notable is that
9 they don't appear, not once, in the Joint Keeyask
10 Development Agreement. It wasn't part of my role
11 to read that agreement, to look at why or why not,
12 but it concerns me. Normally, if a business is
13 set up with sustainability at its core, it makes
14 it into the mission, it makes it into its core of
15 what it is. And so the fact that it didn't make
16 it into the development agreement, not once, makes
17 me question whether it's in the EIS documents
18 because it's required, but how core really is it
19 to the project? I don't know. I didn't do that
20 analysis but it raises a flag for me.

21 So Allan Taylor, my co-author, looked
22 at each instance that sustainability or
23 sustainable development was mentioned, and
24 clustered them into topics. So this just gives
25 you an indication of where they show up. Ten of

1 the instances were sign posting or introducing.
2 In other words, they were kind of in that opening
3 sentence that says the following section will talk
4 about sustainable development. So that's what I
5 mean by sign posting. 58 of them were related to
6 environment, 44 of those sustainable wildlife
7 plans, and then 14 about sustainability by
8 assessing, planning for, managing for natural
9 systems resources. 36 related to socio-economic,
10 including 22 on collaboratively assessing and
11 mitigating past, current, future Aboriginal
12 social, cultural, environment, resource and
13 economic effects, and 14 related to the City of
14 Thompson. Particularly, it showed up every time
15 they mentioned the City of Thompson has a
16 sustainability community plan, the word would
17 appear. 31 related specifically to the Keeyask
18 Generation Project, in particular in relation to
19 how it aligns to the principles of sustainable
20 development. And then 13 were specific to
21 Manitoba Hydro's commitment to sustainable
22 development.

23 This probably means more to you than
24 it does to me, frankly.

25 So because most of the appearances

1 were in that response to EIS guidelines, and also
2 because chapter nine was the one chapter that was
3 specifically responding to the principles and
4 guidelines of the province and how this project
5 addresses them, that's the chapter I read. So I
6 read the chapter, chapter nine called sustainable
7 development, and looked at that content really
8 from a high level of what's in this chapter, and
9 how does it explain how this product is addressing
10 the principles and guidelines of sustainable
11 development. I realize it's a very limited
12 analysis. And really, the panel, you know this
13 project inside out by this stage, if not by the
14 end. And so you can tell whether my high level
15 analysis is accurate or not accurate, if it raises
16 red flags for you, or if the content is all
17 somewhere else and they just didn't bother to --
18 they also explain it in the chapter on sustainable
19 development.

20 So I will highlight five points that
21 raise to me as weaknesses. But before I do that,
22 I always like to acknowledge on a positive note
23 first. So there was some really good things in
24 that chapter. It's a long-term project, which
25 fits very well with the concept of sustainable

1 development, it's renewable energy. There's
2 potential positive impacts for northern
3 communities. This partnership with the Keeyask
4 Cree Nations, it's very progressive, it has a lot
5 of really great features in it. That chapter
6 outlines the Cree worldview. And the way it's
7 explained there is about working with nature and
8 having positive impacts, which totally fits with
9 the high end of my scale. It's about having
10 positive impacts. It's about working with nature.

11 So that was nice to see.

12 Also in that chapter are current and
13 future generations mentioned and there are various
14 scales used. So lots of great content.

15 Let me hone in on the five things that
16 I identified as weak in that chapter.

17 The first is around cumulative effects
18 assessment and the Keeyask Generation Project. So
19 as I mentioned earlier, COSDI calls for cumulative
20 effects to be part of environmental impact
21 assessment. In this case, cumulative effects
22 assessment of the Keeyask Generation project would
23 be in relation to previous hydroelectric dams on
24 the Nelson River, and it would probably also
25 include the numerous other projects that are

1 happening simultaneously in the region, to try and
2 cumulatively look at what impact would that have
3 on the region?

4 There is currently no mention of the
5 cumulative effects assessment in that chapter. So
6 the chapter on sustainable development has no
7 mention of it. A cumulative effects assessment,
8 in my opinion, should come first, so it should be
9 part of the process of what you're doing here.
10 You should have that information. And it was
11 brought to my attention that in the Bipole III
12 transmission project, this is one of the
13 recommendations that was in that document.

14 "Manitoba Hydro, in cooperation with
15 Manitoba Government, conduct a
16 regional cumulative effects assessment
17 for all Manitoba Hydro projects and
18 associated infrastructure in the
19 Nelson River sub watershed, and that
20 this be undertaken prior to the
21 licensing of any additional projects
22 in the Nelson River sub watershed
23 after Bipole III project."

24 So obviously it's on the radar, the
25 COSDI document report is being taken seriously.

1 The Bipole III transmission project put it in
2 their official report that it should happen first.
3 I agree with this. I think you need that
4 information to make an informed decision about
5 this project.

6 Second is the assessment of
7 sustainability factors. So it's in your terms of
8 reference to consider sustainability and
9 sustainable development as outlined in the
10 sustainable development principles and guidelines.
11 The COSDI report also asks that the EIA include
12 assessment of sustainability factors. So they
13 define that as environment, economic, social,
14 cultural and human health. And by my assessment,
15 the Provincial principles and guidelines, they are
16 aiming high, so they are aiming for true
17 sustainable development.

18 In the chapter nine, the only chapter
19 I read, there was some content on these topics but
20 it was quite ad hoc. It didn't seem like there
21 was a comprehensive analysis behind it. Maybe it
22 exists elsewhere, as I said, but it didn't seem
23 like it was regional or comprehensive. It seemed
24 ad hoc pieces, I picked this piece of the social
25 aspect, I picked this piece of the cultural

1 aspect, but not comprehensive.

2 And complementary to that is my third
3 point, specifically around the social
4 sustainability considerations. So the chapter
5 nine focuses on sustainability. It's actually
6 really nicely formatted. They indicate each
7 principle, and then how this project addresses it.
8 But in reading through that content, it's almost
9 entirely focused on environmental things. There's
10 a little bit of content on economic, and almost
11 nothing on social considerations.

12 So questions like health or education
13 or housing, infrastructure needs that come from
14 the public system, I didn't see any of that in
15 that chapter. Or if I saw it, it was very ad hoc.
16 It wasn't as inclusive.

17 So my question is, how will the
18 project impact, positively or negatively, on the
19 public health system, existing education
20 institutions, housing challenges, et cetera? I am
21 also told that education on First Nation reserves
22 is highly underfunded compared to off-reserve
23 schools. And so it creates a challenge in terms
24 of having students have the education they need to
25 get to grade 12, and then you need grade 12 to get

1 into certain trades. So there's a systematic
2 challenge there, a systemic challenge there that
3 would be part of a larger assessment on, if this
4 project is to succeed in its training aspirations,
5 then maybe there's some underlying things that
6 also need to be addressed for it to be able to
7 succeed.

8 So, in my opinion, the social
9 assessment would include kind of a regional
10 perspective on this, both positive and negative,
11 and include questions on social infrastructure.

12 So my fourth point, and maybe because
13 a bit part about what I study is community
14 sustainability, but I was looking at the non -- so
15 there are the Keeyask Cree Nations, there's
16 excellent content in there about them, but what I
17 was looking for is what's around them. So they
18 are obviously the direct stakeholders, but what
19 about the indirect stakeholders, the other
20 communities that are in the region that are
21 obviously going to be impacted by this project,
22 the other First Nation communities that are in the
23 region. So there's no mention of the City of
24 Thompson, and almost no mention of Gillam in that
25 chapter, but zero mention of Thompson.

1 There are two short points about
2 Gillam and they are both about increasing the
3 population of Gillam. I looked at the actual
4 community plans for Thompson and for Gillam, and
5 Thompson has identified 11 priorities for itself.
6 So I'm just wondering if this project will help
7 them achieve their priorities? And the Gillam
8 development plan identified three major issues
9 that are impacting it. One was a lack of sense of
10 community for all of its citizens. Second was a
11 lack of choice of housing, and third was a lack of
12 land for development. So, again, will this help
13 address the issues that the community has
14 identified for itself?

15 There's also no mention in the public
16 participation section of chapter nine of
17 consulting with Thompson, consulting with Gillam,
18 consulting with the other First Nation
19 communities.

20 So, sustainable development at the
21 high end of that scale doesn't just include your
22 direct stakeholders. That would be the step below
23 it, that would be sustainable project design.

24 Sustainable development includes the
25 communities, the stakeholders that are impacted by

1 more than the project impacts, or that they --
2 there's two directions there.

3 So those external stakeholders such as
4 Thompson, Gillam, and other communities, should be
5 a part of the analysis. Now, maybe it is, but
6 it's not mentioned in this chapter, which kind of
7 raises flags for me.

8 My final point is around green
9 procurement, green building design and waste
10 management. And this section was particularly
11 weak in the content that was in chapter nine. So
12 the wording is:

13 "While opportunities to recycle wastes
14 in remote northern areas are limited,
15 waste generated by the project will be
16 minimized and waste materials will be
17 recycled to the extent practical, and
18 the remaining waste will be disposed
19 of in accordance with licence and
20 regulatory requirements."

21 This is very low end aspirations, in my opinion.
22 Normally waste is one of the areas thought of in
23 terms of sustainability planning, in terms of
24 particularly for a business. And so I was
25 expecting to see things like, we will aspire

1 towards zero waste. But the caveat of, we're
2 going to depend on existing systems makes me
3 question, does that mean that they are going to
4 use the municipal systems for recycling, for
5 waste. And if so, that's -- usually the private
6 sector puts in their own waste systems when it's
7 doing a project. And so there's an opportunity
8 there to create something better that I really
9 found was missing.

10 And so in the volume, in one of the
11 other volumes is Manitoba Hydro's green
12 procurement practices. They have their own policy
13 on green procurement, it's very good, it has
14 excellent content and it is meant to apply to this
15 project. So what was missing for me was a bit of
16 a disconnect between this language that we're
17 going to -- it's hard to do in the north, we are
18 going to rely on these systems, and then we're
19 going to meet the law. It's very, very weak
20 language compared to -- and we have this wonderful
21 policy on how we're going to deal with green
22 procurement.

23 Procurement and waste are two ends of
24 the same systems. Essentially what you buy, what
25 you bring into the opportunity turns out to be the

1 packaging and the things that you then have to
2 dispose of in the future. So a lot can be done at
3 the procurement end to just completely eliminate
4 any need for waste at the waste end.

5 Let me -- yeah. So also green
6 procurement unto itself has more opportunity, as
7 is written in both the provincial regulation and
8 Manitoba Hydro's policy. It has the opportunity
9 for economic development, and what you do with
10 your procurement, and how it can help create
11 positive benefits.

12 So if I can give another example, I
13 saw a lot of content on food security for the Cree
14 First Nations. I saw nothing on food security for
15 anybody else. So what about all those workers?
16 Where is their food coming from? Are you going to
17 import it all? Because then you're creating,
18 you're importing all the waste that goes with
19 that. So there's a procurement aspect to -- I
20 caught that the local ecosystems probably can't
21 handle feeding additional workers on top of the
22 local communities. So there's a lot of mitigation
23 around making sure that there is enough moose,
24 there's enough fish for the local communities,
25 which means that the intention is to feed the

1 other people by importing food, which is not
2 exactly food security. So when you think about
3 food security, then if you can't harvest it
4 locally, what you do is you either import it or
5 you grow it yourself. Now, growing conditions in
6 the north obviously have challenges, but there are
7 some things that can grow there. And there is a
8 lot of really innovative work happening in Prince
9 George and other northern communities with
10 greenhouses, and how can we grow food in northern
11 communities to ensure food security in these
12 communities?

13 That would be part of your thinking on
14 procurement. Because if you can grow the food
15 locally, not only can you stimulate local
16 business, but you are eliminating the need for
17 waste, because perhaps that food products can be
18 packaged in a way that's reusable packaging, it
19 all just stays there. It cycles back between
20 where it's used, where it's made, where it's used,
21 where it's made. And then you completely
22 eliminate importing all that garbage. Not to
23 mention you're helping the local economy. So
24 there's huge opportunity here to create positive
25 change, both through the -- and the policies are

1 there, the green procurement policy of both
2 Manitoba Hydro and the provincial government's
3 regulations very good. It's just I don't see it
4 reflected in the plans here.

5 So a huge opportunity to add a plan
6 around green, how are you going to address green
7 procurement, how are you going to address waste
8 management? And complementary to that is also
9 around green building design, because the
10 materials you use, do they also create waste? Are
11 they efficient in their use, et cetera? So the
12 three in my mind are complementary, but they are
13 each their own piece. And with these plans could
14 be a lot of potential to not only not rely on the
15 local waste system, but to create a system that's
16 much better.

17 And if you are starting to grow food
18 or other needs are starting to be met locally,
19 then you are also creating a better food security
20 for everybody, not just the worker. So this is
21 just an example of how it can go so much further.
22 And in particular for me, that waste section was
23 really weak.

24 So back to my framework. And the
25 mapping of, as I said, very limited preliminary

1 analysis, but the mapping of what I read in
2 chapter nine, and also the topics that emerged
3 from Allan Taylor's analysis onto that framework.
4 And so very many preliminary, but this is what I
5 found. Is on waste management. I put it with
6 compliance. There's a little bit of language in
7 there about reduce, but when put in all those
8 caveats around we are going to fall back on the
9 law, we are going to fall back on existing
10 recycling systems, it might as well be compliance.
11 So little content on social infrastructure that
12 I'm assuming it's about compliance. And then
13 again, on the sustainable communities for Thompson
14 and Gillam, I classified those there.

15 On mitigation, some of the content
16 around the City of Thompson and the Town of
17 Gillam, the sustainable wildlife plans,
18 sustainability by assessing, planning for and
19 managing natural systems and resources, and also
20 on the collaboratively assessing, mitigating,
21 past, current and future Aboriginal social,
22 cultural, environment, resource and economic
23 effects.

24 Now some of that just might be the
25 language. There's so much language about

1 mitigating adverse effects that, without knowing
2 it in depth, I classify it as mitigating. Some of
3 it actually might have some positive in there that
4 I'm missing in just classifying it kind of by the
5 words.

6 There is some content that I would
7 classify as sustainable project design. Manitoba
8 Hydro's own commitment to sustainable development
9 I would put here. The Keeyask Generation
10 Project's alignment with the principles of
11 sustainable development, I'd put here. And then
12 at the very high end, I would put the actual
13 partnership between Manitoba Hydro and the Keeyask
14 Cree Nations. I think there's something really
15 innovative happening there that has the potential
16 to have positive solutions. It's just there is a
17 lot of other pieces that haven't been brought up
18 as high as they could and should be.

19 So my recommendations and conclusions,
20 based on what I read, the EIS does contain some
21 content that I would classify as true sustainable
22 development thereby meeting the principles and
23 guidelines of the province, but it's inconsistent.

24 And then I had pulled out those five
25 key points around regional cumulative effects,

1 around stability factors, social considerations,
2 the other communities, and also around
3 procurement, green design and waste management.

4 So in my opinion, the goal shouldn't
5 just be sustainable project design, it should be
6 sustainable development. And even so, even if it
7 was sustainable project design, there's a few
8 details, based on my limited analysis, that aren't
9 quite there even.

10 So with that -- just a note, in case
11 you were wondering about these pictures, they come
12 courtesy of Manitoba Wildlands and they are
13 from -- the top two are from the Poplar River. So
14 they are from Northern Manitoba.

15 I think that's enough. So thank you
16 for your attention, and I guess we open it up now
17 to questions.

18 THE CHAIRMAN: Thank you, Dr. Clarke.
19 Ms. Whelan Enns?

20 MS. WHELAN ENNS: I have a few
21 questions for clarification. Thank you.

22 I wanted to, Dr. Clarke, make sure
23 that your comment about 15 minutes ago in terms of
24 the framework was stated perhaps more fully. You
25 were telling the panel that to arrive at the high

1 end in this framework, that all of the steps and
2 stages are fulfilled. It's not jumping around in
3 framework, but rather in terms of the four columns
4 and the stages that you have described, is to get
5 to the high end in sustainable development?

6 DR. CLARKE: Yes.

7 MS. WHELAN ENNS: Thank you.

8 DR. CLARKE: So it's definitely you
9 want to have -- you still need your compliance to
10 then do your mitigation. You still need some
11 mitigation to be able to do a sustainable project
12 design. And you still need your sustainable
13 project design to get to sustainable development.

14 MS. WHELAN ENNS: Thank you.

15 On slide 31, and in terms of your food
16 security comments, could we take your
17 recommendations then as including the first
18 priority, all possible food sources, greenhouse
19 sources, and so on, as close to the Keeyask
20 project location as possible, and perhaps then
21 also add to that that the secondary recommendation
22 might be then Manitoba content and Manitoba
23 sources of food in terms of reducing distance to
24 source of food? And would you also have been
25 including the communities, both directly affected

1 and in the wider regional area, and also the up to
2 2,000 people on sites being fed?

3 DR. CLARKE: Lots of questions.

4 MS. WHELAN ENNS: Yeah.

5 DR. CLARKE: So in terms of food
6 security, it goes hand-in-hand that, you know, if
7 there's a disaster and you have to feed your own
8 community, how many days could you do it? If
9 there was no opportunity to import, how many days
10 food do you have in your local community to feed
11 people, especially in winter? That's the
12 underlying element of food security.

13 And so obviously locally sourced food
14 means that you have more locally sourced food
15 available to feed your local population. And not
16 to mention that's in terms of the economic
17 benefits for the local community, the local
18 sourced food creates opportunity there to
19 stimulate business, stimulate sustainability and
20 business as well.

21 So would I make it a complete policy?
22 Well, I drink coffee. So there's always a reality
23 to -- you are not going to source all your food
24 locally if you also want to drink coffee. On the
25 other hand, food security means that you want to

1 have your basics provided locally. And I think
2 that's well thought through for the Keeyask Cree
3 Nations, where are they getting their food from?
4 Is there an ongoing source of their traditional
5 food? But what about the other communities is
6 where I really saw the gap. So, particularly the
7 workers, because that's direct, those are direct.
8 But indirectly it will definitely have a
9 relationship with other stakeholders as well.

10 Is the goal to make food security for
11 the entire region? Probably not. But even by
12 doing it on a scale for 2,000 people, you're going
13 to stimulate it. On a much larger scale, if you
14 start putting in greenhouses, if you start to
15 think about those questions.

16 And the same on the waste management,
17 if you start to build in a lot more systems that
18 can eliminate the waste before it's created, then
19 that's going to have a spinoff effect on others as
20 well.

21 MS. WHELAN ENNS: Thank you.

22 You commented on the sustainable
23 development principles and guidelines for the
24 Manitoba government and that are in the terms of
25 reference for the proceedings and hearings for the

1 project by the CEC, and you commented on Manitoba
2 Hydro's sustainable development principles and
3 guidelines, and that there are some differences
4 between the two of them.

5 Would you recommend or envision this
6 Keeyask Generation Station, if it's licensed, for
7 the project to basically meet and integrate or
8 combine both sets, principles and guidelines?

9 DR. CLARKE: The terms of reference
10 for the panel is about the provincial principles
11 and guidelines, so I think that's where the focus
12 should be. That said, you know, this is to
13 Manitoba Hydro, I think it's time to update the
14 1993 principles. So they are good for 1993. In
15 fact, they are fantastic for 1993, but -- that's
16 just an aside, it doesn't have to do with this
17 project -- from the project perspective, I think
18 the role here is from the provincial perspective.

19 MS. WHELAN ENNS: Thank you.

20 When you were at slide 15 you made a
21 couple of comments about full cost accounting.
22 Are there methods or model standards available in
23 terms of conducting full cost accounting on a
24 project such as this? Would you have any
25 suggestions or recommendations in terms of how to

1 go about full cost accounting on a generation
2 station project?

3 DR. CLARKE: I know very little about
4 full cost accounting. I do know that it is an
5 area that has developed a lot in the last 20
6 years, and so they are starting to actually train
7 accountants in how to build in some of these
8 non-monetary variables, and how to think about
9 externalities. So, it's actually the accounting
10 profession that's moving this forward. So it
11 wouldn't surprise me if there are tools available,
12 but it's not somewhere I know well.

13 MS. WHELAN ENNS: Thank you.

14 DR. CLARKE: I will say on waste,
15 because I know something about waste, a part of
16 the full cost accounting would be to, if your goal
17 is sustainable development, to build those costs
18 into the project.

19 MS. WHELAN ENNS: Thank you.

20 You told us that the high end, in your
21 framework, in terms of arriving at and fulfilling
22 sustainable development, implicitly includes net
23 zero goals being met, in different areas.

24 Could that then include net zero on
25 greenhouse gases on the carbon inventory in the

1 region, that sort of thing?

2 DR. CLARKE: So, I used as an example
3 of what some of the leading companies are doing.
4 They are setting net zero waste, and they are
5 setting carbon neutrality as part of their goals.
6 So I can come up with a number of businesses,
7 leading businesses that have set these types of
8 goals for themselves. So, yes, it absolutely
9 could relate to carbon action, it could relate to
10 waste.

11 And now some of the language is
12 getting into having net positive impacts. In
13 other words, you're actually reducing the carbon
14 emissions.

15 So the right goals for this particular
16 project, I haven't at all thought about, but
17 definitely it can be applied to multiple topics.

18 MS. WHELAN ENNS: Thanks.

19 And one last quick question, perhaps
20 just a suggestion, and that is the Global
21 Reporting Initiative that you commented on -- and
22 perhaps the Chair will advise here, but I wanted
23 to basically make a request of Dr. Clarke to
24 provide some additional information regarding the
25 Global Reporting Initiative to the panel.

1 THE CHAIRMAN: To what end?

2 It's an interesting concept within
3 this area of sustainable development, but whether
4 we need to know the specifics of the Global
5 Reporting Initiative beyond the generalities that
6 Dr. Clarke gave us in response to my colleague,
7 I'm not sure that we need --

8 MS. WHELAN ENNS: Perhaps I was taking
9 Dr. Clarke's comments as certainly identification
10 of model, but also as a suggestion, among other
11 suggestions she's made in terms of both, you know,
12 community plans, reporting, transparency and so
13 on. We can certainly pass.

14 THE CHAIRMAN: I mean, Dr. Clarke set
15 out at the start of her presentation this morning
16 to say that she wanted to give the panel some
17 information about sustainable development and
18 doing a sustainable development assessment to help
19 us to meet our terms of reference. I am not sure,
20 I mean, I could very well be wrong, but I'm not
21 sure that we need specifics about the Global
22 Reporting Initiative to do that.

23 MS. WHELAN ENNS: Well, fair enough.
24 Thank you. And that was the last question.

25 THE CHAIRMAN: Thank you. Proponent,

1 Mr. Bedford?

2 MR. BEDFORD: Good morning,
3 Dr. Clarke.

4 DR. CLARKE: Hello.

5 MR. BEDFORD: My name is Doug Bedford,
6 and my role here is counsel for the Keeyask
7 Hydropower Limited Partnership. You will know it
8 to be the proponent of the Keeyask project.

9 Rather like you, I showed up here this
10 morning in order to inform the Clean Environment
11 Commission, but I do that through asking you
12 questions. And after six weeks, I think they are
13 on to me, so I only have a few questions for you.

14 Could you look at page 23, please, of
15 the report, not the powerpoint presentation?

16 Just before the heading at the middle
17 of the page, and I'm sure you recall writing this,
18 you advocate for having plans for waste
19 management, green building design and sustainable
20 procurement, in order to ensure that those good
21 things happen in life. And when I read that, it
22 occurred to me that the practical way in which any
23 owner of any project would seek to make
24 sustainable procurement, for example, really
25 happen, is to put terms in tenders; correct?

1 DR. CLARKE: Sorry, I missed a word,
2 terms in?

3 MR. BEDFORD: Tenders.

4 DR. CLARKE: Tenders?

5 MR. BEDFORD: In those public
6 invitations that go out to contractors who are
7 interested in actually doing the work and
8 supplying the goods and services for the
9 construction of a project.

10 DR. CLARKE: Correct. That's one way,
11 and an effective way that a number of places are
12 using.

13 MR. BEDFORD: And I suspect that you
14 probably are not familiar at all with the tenders
15 that will go out for the construction of the
16 Keeyask project?

17 DR. CLARKE: That's correct.

18 MR. BEDFORD: So I'll help you a
19 little bit. The intent is as follows: All
20 tenders sent out will ask for environmentally
21 preferred products and/or services. And all
22 tenders for services go out with an environmental
23 protection plan and a request that the potential
24 vendors adhere to environmental preservation and
25 compliance.

1 That, at least to me, I hope to you as
2 well, sounds like movement in the correct
3 direction toward the high end of sustainability,
4 does it not?

5 DR. CLARKE: Your wording is perfect.
6 It's a movement in the right direction towards the
7 high end of sustainability, yes. I'm pleased to
8 hear it's there. Is it enough is a different
9 question.

10 MR. BEDFORD: Now, in another part of
11 my life, I'll tell you I am also a lawyer employed
12 by Manitoba Hydro, so I was quite delighted as an
13 employee of Manitoba Hydro to hear you commend my
14 employer for its green procurement practices.

15 DR. CLARKE: Policy.

16 MR. BEDFORD: Policy, thank you. And
17 to the extent that that policy is adopted by the
18 Keeyask Hydropower Limited Partnership, I gather
19 you are of the opinion that that's a solid
20 movement in the right direction towards the high
21 end of sustainability?

22 DR. CLARKE: If I can clarify -- to
23 the effect that it's implemented. And usually the
24 step after having a policy is to create a plan, an
25 action plan on how you're going to implement that

1 policy, and that's why I'm calling for plans.

2 MR. BEDFORD: You raised a rhetorical
3 question, both in your paper and in the
4 presentation this morning, regarding your concern
5 about how waste is to be treated at the site, and
6 whether the intent is simply to rely on existing
7 local waste services.

8 Did you have an opportunity, in
9 writing the paper and getting ready for today, to
10 read what we sometimes call the technical volume
11 on project description?

12 DR. CLARKE: No, I haven't -- I've
13 read what I explained in my presentation.

14 MR. BEDFORD: Fair enough.

15 So I'm pleased to tell you that there
16 certainly is described in the technical volume a
17 wastewater treatment plant that the Partnership
18 will have constructed, that will be located right
19 at the site in the power station. And in addition
20 for those who are keen on this particular topic,
21 that volume will provide you as well with
22 technical standards to be achieved for coliform
23 biochemical oxygen demand and that sort of thing.
24 So I know you have told us you didn't read that
25 that, but that's the sort of thing someone in your

1 profession looking at the planning for this
2 project would like to see; correct?

3 DR. CLARKE: Correct. Is there also a
4 waste management piece in that technical?

5 MR. BEDFORD: Indeed, there is. I
6 can't help but noting that although a word search
7 was done, this is obviously one of the limitations
8 of approaching your assignment by relying solely
9 on a word search.

10 DR. CLARKE: I had a very bound task
11 to complete, so I do hope that it's helpful, I do
12 recognize there are limitations. That said, the
13 language about waste management in the chapter I
14 read was very weak. So if it reflects what's
15 elsewhere, then there are concerns there.

16 MR. BEDFORD: I heard your concerns
17 about Gillam, and concluded that you likely are
18 not aware, with the extent of what is known with
19 my other client, Manitoba Hydro, as the Gillam
20 harmonization plan. And that's detailed planning
21 that Manitoba Hydro does within particular members
22 of Fox Lake Cree Nation, and Gillam's particularly
23 important to Fox Lake Cree Nation.

24 So have I guessed again correctly that
25 this was outside the scope of your preparation for

1 your assignment here?

2 DR. CLARKE: Correct. This is the
3 first time I heard of the harmonization plan.

4 MR. BEDFORD: Did you read the Joint
5 Keeyask Development Agreement?

6 DR. CLARKE: No. So we did the
7 keyword search. I would love, actually -- if I
8 had more time, that's exactly the first thing I
9 would do, because it shocks me that there's no
10 content on -- they don't use the word
11 sustainability or sustainable development, not
12 once.

13 MR. BEDFORD: Well, I commend the
14 Joint Keeyask Development Agreement to you. I
15 know that it took roughly six years of intense
16 negotiation, by my recollection, some days in
17 excess of 30 to 40 people in a room working
18 through that. But if I suggest to you that even
19 flipping through the table of contents of the
20 Joint Keeyask Development Agreement, you'll see
21 topics such as issuance of units, sharing of
22 profits, a limited partnership agreement, dispute
23 resolution provisions, lending agreements, those
24 sorts of things, I'll suggest to you, must
25 certainly sound to you to be familiar with the

1 negotiation and writing up of a business deal?

2 DR. CLARKE: That's exactly what it
3 sounds like, a business deal, not a sustainable
4 development initiative.

5 MR. BEDFORD: Exactly.

6 DR. CLARKE: But, as I said,
7 businesses who are on the leading edge of
8 sustainability are building it into their products
9 and services. It's core to what they are doing.
10 So that's why I expected it to be there.

11 MR. BEDFORD: Would not the normal
12 evolution be that if one creates a business that
13 comes into existence in 2009, that incidentally is
14 the date negotiations were concluded, and the
15 Joint Keyask Development Agreement and its many
16 supporting agreements was signed, that the next
17 evolution of a new business is to create policies
18 and principles, and set one's objectives and goals
19 for the projects and operations that the business
20 will in due course carry out?

21 DR. CLARKE: Yes. Again, when you
22 create a new business, the first thing you do is
23 determine your mission and as part of that is your
24 high level objectives.

25 So that's where I expected to see it.

1 So, yes, it could be what we call a bolt on. In
2 other words, it's not core to the organization but
3 they have added it on. They have a policy about
4 it, they are dealing with it in this kind of
5 secondary way. But because this entire project is
6 about a development, it should be core. It
7 shouldn't be a bolt on, it shouldn't just be about
8 procurement. It should be core to what the
9 business is about. That's why I expected to see
10 it there.

11 MR. BEDFORD: And this business will
12 be run -- you may or may not have some background
13 in this -- by a general partner of a limited
14 partnership. Do you follow me?

15 DR. CLARKE: Yeah.

16 MR. BEDFORD: And so a natural and
17 important task of the Board of Directors of that
18 general partner would be to consider at one or
19 more of its meetings precisely this topic and
20 others, this topic being the sustainability
21 policies and principles that should guide this
22 partnership, correct?

23 DR. CLARKE: Absolutely, it should be
24 on the board's agenda.

25 MR. BEDFORD: Now, I probably speak

1 for everyone in the room when I say to you that we
2 are all in our society bent on creating positive
3 impacts through the things we do. So when I saw
4 those words used I think more than once in your
5 paper, I thought I would suggest to you that
6 certainly -- and I think perhaps you have
7 acknowledged this -- that one of the positive
8 economic things being done about this project are
9 the jobs that it will create for people and
10 communities who don't have work today, and
11 revenues that will be generated for a considerable
12 number of years. We use a shorthand reference of
13 a hundred years, maybe more. That's certainly
14 creating a positive impact, is it not?

15 DR. CLARKE: And I do acknowledge
16 that. I agree.

17 Can I comment on that? Because one of
18 the things I struggled with is it was a
19 socio-economic analysis. So by clustering it
20 together means you're only looking at a very small
21 set of social questions. But jobs is a
22 fundamental part of that.

23 MR. BEDFORD: Well, to broaden out
24 what some of us understand when one or other of us
25 refers to social issues and benefits, and without

1 even trying to be exhaustive, one of the ones that
2 personally frankly appeals to me is the focus in
3 the material on how the First Nations plan to use
4 the money, some of it, from the adverse effects
5 agreements, is that each of the First Nations is
6 going to have a Cree language program, which I
7 think almost intuitively we all understand as
8 being integral to the continuing maintenance of
9 traditions and cultural ways of understanding and
10 doing things. So is not that moving towards the
11 very high end of sustainability?

12 DR. CLARKE: Absolutely.

13 And so my challenge is not what's
14 happening on the Keeyask Cree Nations, it's not
15 the four communities that I'm most worried about.
16 It's the others. There's more people that live up
17 there than those four communities. And so there's
18 quite a bit of thinking around what's happening in
19 those four communities. Those are the direct
20 stakeholders. You know, from my limited reading,
21 that's addressed. It's the other stakeholders
22 such as -- and I do think these points I actually
23 do acknowledge.

24 MR. BEDFORD: Did you have a chance to
25 spend some time looking at the map of Northern

1 Manitoba and the Nelson River?

2 DR. CLARKE: Yes.

3 MR. BEDFORD: So you know that these
4 four communities are not purely by coincidence the
5 four partners in the project?

6 DR. CLARKE: Correct.

7 MR. BEDFORD: They have asserted at
8 this hearing, and I don't think anyone takes issue
9 at this hearing with the fact that their members
10 over the decades have been the most affected
11 people by my other client's past projects. You
12 did pick up on that?

13 DR. CLARKE: Direct/indirect
14 stakeholders, right, internal/external, this is
15 why -- I don't disagree with you that they should
16 be there and they are there and that should be
17 addressed too, absolutely. It's just not enough.

18 MR. BEDFORD: Thank you.

19 Turning to the environmental aspect of
20 creating positive impacts, you, of course, don't
21 appear here as an expert in any of the aquatic or
22 terrestrial topics that the commissioners have to
23 think about. But I would suggest to you that the
24 program for the recovery of lake sturgeon in the
25 Nelson River is certainly going beyond simply

1 mitigating environmental impacts of a project, and
2 they set a very high objective, and again I'll
3 suggest to you toward the high end of
4 sustainability. Do you agree?

5 DR. CLARKE: Honestly, I don't know
6 enough about it, but potentially.

7 MR. BEDFORD: Thank you.

8 Now, I didn't see a reference to the
9 Hydro Northern Training and Employment Initiative
10 that in this province ran from the year 2003 to
11 2010, was extended for a year incidentally, but I
12 did see references and concerns and remarks in
13 your paper about the importance of training
14 people.

15 So I concluded that you, once again,
16 didn't have the opportunity or the time to
17 investigate what amounted to seven years and over
18 \$60 million of training in Northern Manitoba of
19 northern Aboriginal people?

20 DR. CLARKE: It wasn't mentioned in
21 chapter nine, no.

22 MR. BEDFORD: Seeing as I'm aware that
23 you actually contributed to the cost of some of
24 that, I am obliged to thank you for that, as we
25 move on. And without leaving you perplexed, over

1 half the funding for that program came from the
2 Federal Government.

3 DR. CLARKE: Ah.

4 MR. BEDFORD: I see that you are a
5 professor at the University of Waterloo. I have
6 knowledge in my own life of the incomes of
7 professors at universities --

8 DR. CLARKE: My tax dollars.

9 MR. BEDFORD: In my life I always
10 heard that the University of Winnipeg had the
11 poorest paid faculty in the country. But having
12 noted that, it's in that sense that I reveal to
13 you that through no doubt some of your tax dollars
14 paid to Ottawa, the money was wisely sent to
15 Manitoba for an initiative and training program.
16 And sadly, it didn't extend beyond 2010. My
17 personal suspicion is that's about when Senator
18 Duffy began siphoning federal taxpayer's dollars
19 to fund his own lifestyle.

20 To return to the topic of housing, can
21 I suggest to you that to improve housing on a
22 First Nation, the First Nation needs money?

23 DR. CLARKE: I don't know how the
24 communities work here. Is it not communal? The
25 reserves I have been involved with, it's the

1 community that builds the houses.

2 MR. BEDFORD: Community builds the
3 houses, and to build houses the community needs
4 money.

5 DR. CLARKE: Um-hum.

6 MR. BEDFORD: And is not a good way to
7 realize the money to become a part owner of a
8 generating station project that will yield
9 significant revenues over a hundred years?

10 DR. CLARKE: I did classify that at
11 the top.

12 MR. BEDFORD: And you see where I'm
13 going. The money the First Nation realizes, at
14 its choice, could certainly go to improving
15 housing, correct?

16 DR. CLARKE: I'm going to tangent for
17 a moment. But I had the opportunity to attend a
18 panel in the last couple of weeks that was -- the
19 question was, should business be making up the
20 shortfalls of the Federal Government? And I think
21 you have just tapped on that same question. Is it
22 the responsibility of business to fill the gap
23 really? And they do it for a hospitals, business
24 donates to hospitals, and they do it for
25 university. Should they also be doing it for the

1 education system on reserves? Should they be
2 doing it for the housing on reserves? You're
3 hitting on a very philosophical question. And
4 absolutely, having generation projects for the
5 reserve itself and for the community itself is a
6 way of creating more financial sustainability.

7 MR. BEDFORD: Now, on the continuing
8 topic of creating positive impacts, or as you,
9 during the presentation, define sustainable
10 development "doing more good," I noticed the
11 absence of comment in your paper and in the
12 presentation. And again, you may be forgiven
13 because you had a limited mandate. But I think
14 personally one of the extremely positive aspects
15 of this proposed project is the commitment of some
16 \$20 million over 20 years to be devoted to the
17 training and education of the members of each of
18 these four First Nations. And in particular, in
19 my opinion, some of it I think ought to and I
20 believe will be used to assist young people, some
21 of whom may not even be born today, to achieve the
22 qualifications that they need in subjects like
23 physics and chemistry, so that they can have
24 secure long-term employment with my other client,
25 Manitoba Hydro. And in addition to devoting the

1 money over 20 years, the target of 182 jobs to be
2 distributed proportionately amongst the
3 communities is included. And I think, I hope you
4 will agree with me that that surely is an aspect
5 of this project that's moving toward the very high
6 end of sustainability?

7 DR. CLARKE: I don't know enough about
8 the details.

9 MR. BEDFORD: Now, with much respect,
10 there's another topic that I have quickly realized
11 you are not familiar with the details. I heard
12 your references to Manitoba Hydro's principles of
13 sustainability, and your polite observation that
14 we ought to update them since they sprang into
15 existence in 1993. Well, it's with some small bit
16 of pleasure that I am able to reveal to you that
17 they have been updated every five years since
18 1993, most recently in October 2013.

19 DR. CLARKE: I'm glad to hear it. It
20 surprises me, because it doesn't reflect the
21 latest thinking.

22 MR. BEDFORD: Well, I'm told you might
23 say that, because I have some helpful people
24 beside me, and they say to really get into where
25 the effective updating has been done, you have to

1 read deeper, beyond just the cited, stated
2 principles, that there is what they call meat and
3 potatoes in the supporting information that goes
4 with the principles.

5 I know that you are familiar with the
6 work of Dr. Robert Gibson because you cite it in
7 the paper. And I couldn't help but note that you
8 teach at the same university as Dr. Gibson, so I
9 conclude that you must also know him personally?

10 DR. CLARKE: We sit on some student
11 committees together.

12 MR. BEDFORD: Dr. Gibson, you may or
13 may not know, testified before this commission and
14 this hearing several weeks ago.

15 DR. CLARKE: I do.

16 MR. BEDFORD: During the course of his
17 testimony, he recklessly identified me as his most
18 devoted student. But during the course of my
19 questioning of Dr. Gibson, I touched on a new book
20 called "Sustainability Assessment, Pluralism,
21 Practice and Progress" published this year 2013,
22 and Dr. Gibson contributed two chapters to the
23 book.

24 Are you familiar with that text?

25 DR. CLARKE: I'm not, no. We have

1 different research areas.

2 MR. BEDFORD: Both Dr. Gibson and I
3 are disappointed that you are not familiar with
4 his text. But there is a message in the text that
5 I have become very fond of in this hearing, so I'm
6 going to conclude by reading two sentences to you.
7 I'll tell you I read the same two sentences to
8 Dr. Gibson. He did not write these words, the
9 editors of the book wrote the words. But I put
10 the same two sentences to him, and my question to
11 him is my question to you, do you agree with the
12 editors of the book?

13 And I quote:

14 "The reality of the modern world is
15 that assessment costs money and takes
16 time, and there will never be enough
17 money or enough time to conduct the
18 level of assessment that might be
19 considered ideal. It is also true
20 that levels of uncertainty in
21 economic, environmental and political
22 realms is going to mean that any
23 specific recommendations about what
24 might be ideal in any given setting
25 will be both hard to pin down and

1 contested by multiple stakeholders."

2 Do you agree?

3 DR. CLARKE: With some of it.

4 Obviously, I'm hearing it for the first time, so
5 let me try and react to something that I took
6 notes on.

7 There will be uncertainty, but I don't
8 necessarily think about this from an assessment,
9 but business makes decisions all the time, and you
10 have to make it based on kind of your ideal amount
11 of information. So ideal is such a subjective
12 term, that's the part of the piece that I find is
13 a little bit -- you know, it might be ideal for
14 some and not others.

15 Will there be contesting? Probably.
16 That's the way our democratic society works. But
17 there is also a recognition in your provincial
18 documents about what topics should be covered, and
19 so this is what I aimed to help the panel with.

20 MR. BEDFORD: Thank you. No further
21 questions.

22 THE CHAIRMAN: Thank you, Mr. Bedford.

23 Just a question, Mr. Bedford. You
24 referred to the JKDA a number of times this
25 morning, as did the witness. And it was mentioned

1 in some of the cross-examining last week. Has the
2 JKDA been filed as evidence for these hearings?

3 MR. BEDFORD: I thought it had, but
4 I'll have to check that for you. It's certainly
5 publicly available and we can certainly get you
6 copies.

7 THE CHAIRMAN: I printed a copy off on
8 Friday actually, but I think that if it hasn't
9 been filed as evidence, it should be.

10 MR. BEDFORD: Very good.

11 THE CHAIRMAN: Thank you.

12 Mr. Madden, does the MMF have any
13 questions for this witness? Thank you.

14 Ms. Pawlowska-Mainville, do you have
15 any questions, and if so, how long might you be?

16 MS. PAWLOWSKA-MAINVILLE: Just two
17 minutes.

18 THE CHAIRMAN: Okay. Thank you.

19 MS. PAWLOWSKA-MAINVILLE: Good
20 morning.

21 Hi, Dr. Clarke. Thank you for your
22 presentation. I only have two questions.

23 My name is Agnes and I'm from the
24 Concerned Fox Lake Grassroots Citizens.

25 And one of the questions I have is,

1 would you say, based on your experience and your
2 work, that Aboriginal people represents a source
3 of sustainable strategies? Are they a source in
4 their activities, subsistence activities?

5 DR. CLARKE: Can I paraphrase to make
6 sure I understood your question? So you're asking
7 me if I think that Aboriginal peoples provide
8 inspiration for sustainability strategies, or are
9 a source of sustainability?

10 MS. PAWLOWSKA-MAINVILLE: I suppose
11 both, but if you can start off with inspiration,
12 for example, are there hunting and trapping
13 activities, so the harvesting activities, a source
14 for sustainable strategies and sustainability?

15 DR. CLARKE: There are many who would
16 say that, yes. So inspiration depends on who is
17 being inspired. But what I read in terms of the
18 worldview was a very good match to my
19 understanding of sustainable development.

20 Does that help?

21 MS. PAWLOWSKA-MAINVILLE: Yep. Thank
22 you.

23 The second question I have is, would
24 you say that hunters and trappers, local
25 communities affected by the project, are perhaps

1 the most directly affected stakeholders of
2 sustainable development in, for example, projects
3 like the Keeyask project in that area?

4 DR. CLARKE: There's no doubt local
5 hunters and trappers are immediate stakeholders.
6 Are they the most? I can't answer that, but they
7 are definitely -- should be considered.

8 MS. PAWLOWSKA-MAINVILLE: Okay, thank
9 you.

10 These are all the questions I have.

11 THE CHAIRMAN: Thank you. Ms. Whelan
12 Enns, any redirect?

13 MS. WHELAN ENNS: A small handful of
14 quick questions.

15 THE CHAIRMAN: There weren't that many
16 questions to redirect on, so be brief, please.

17 MS. WHELAN ENNS: There you go. All
18 right.

19 The first question, Dr. Clarke, has to
20 do with Mr. Bedford's question of you and comments
21 in terms of tender language. And it's a quick, I
22 think a quick one in terms of what you have listed
23 on page 13.

24 So did Mr. Bedford indicate in his
25 explanation to you in terms of tender language for

1 procurement for the Keyask Generation Station
2 project, whether the tender language would, in
3 fact, fulfil and follow the initiatives you have
4 listed on page -- or slide 13, in particular, the
5 financial management guidelines and the
6 procurement guidelines? Did he in his comments in
7 question to you say that their tenders would in
8 fact fulfil these?

9 DR. CLARKE: No, he didn't. And they
10 are purely environmental so...

11 MS. WHELAN ENNS: Thank you.

12 In reference to Mr. Bedford's
13 question, and also the result of the term searches
14 chart on page 24, could you tell from
15 Mr. Bedford's questions of you whether he realized
16 the number of volumes of the EIS that were
17 searched for sustainable development and
18 sustainability terms?

19 THE CHAIRMAN: I think she listed that
20 in her presentation.

21 MS. WHELAN ENNS: Yes.

22 THE CHAIRMAN: She did list every one
23 of the documents she had reviewed.

24 MS. WHELAN ENNS: Yes. Thank you.

25 Okay. We'll go on.

1 Mr. Bedford asked you a question with
2 respect to job creation, and then revenues from
3 the Keeyask project for the Keeyask Cree Nations.

4 He passed over your comment about
5 combining socio-economic analysis. Would you tell
6 us what you meant? It was cut short.

7 DR. CLARKE: Sure.

8 So, my comment was that socio-economic
9 analysis is limited, it doesn't capture all of the
10 different topics that you would expect to see in a
11 social analysis of social sustainability. So it's
12 honing in on certain questions that are related
13 to, as it relates to economies. So as it relates
14 to jobs, as it relates to revenue generation. And
15 so that was my comment that the language in
16 chapter nine talked about socio-economic topics
17 but didn't get to those broader questions.

18 MS. WHELAN ENNS: Did not get to the
19 broader social?

20 DR. CLARKE: Yes, sorry, those broader
21 social questions.

22 MS. WHELAN ENNS: Thank you.

23 Now, Mr. Bedford asked you a question
24 regarding housing, and specifically housing in
25 terms of the Keeyask Cree Nations, and the

1 potential then for revenues from project, the
2 Partnership First Nations or Cree Nations going to
3 housing.

4 Is it correct to assume that he is
5 assuming revenues, and that the housing situation
6 in these Cree Nation communities would be not
7 necessarily, if the revenues are low, not
8 necessarily alleviated this way?

9 THE CHAIRMAN: You are asking the
10 witness to assume what Mr. Bedford might assume.

11 MS. WHELAN ENNS: We'll pass,
12 Mr. Chair.

13 THE CHAIRMAN: I'm not sure whether a
14 double assumption becomes --

15 MS. WHELAN ENNS: I'm sorry, it was
16 too much in the question.

17 Is Mr. Bedford assuming the revenue
18 for housing will be there?

19 DR. CLARKE: It's a good question, but
20 I don't know how to answer it. It's a good
21 question, because in the chapter it says there
22 will be revenue. I have never seen a business
23 agreement that guarantees revenue. So, usually
24 when you engage in a business, you take on some of
25 the risk too. But it says in the language in the

1 chapter I read guaranteed revenue, so I don't know
2 what the agreement is that's going to guarantee
3 revenue if the project is a loss, and how much
4 revenue is guaranteed. I don't know the details.

5 MS. WHELAN ENNS: Thank you.

6 Dr. Clarke, is there any way of
7 knowing whether the \$1 million a year that will go
8 towards training and education in the new program
9 will be sufficient?

10 DR. CLARKE: An analysis could be done
11 on that, absolutely.

12 MS. WHELAN ENNS: Thank you.

13 One last question then, Dr. Clarke.
14 If the Manitoba Hydro Sustainable Development
15 Principles and Guidelines have, in fact, been
16 updated, and this was in Mr. Bedford's question,
17 does that change your advice and comments to the
18 panel regarding sustainable development,
19 sustainability, and your low to high end
20 framework?

21 DR. CLARKE: No.

22 MS. WHELAN ENNS: Thank you.

23 THE CHAIRMAN: I guess I was trying to
24 get to the break a little too quickly and I forgot
25 to ask the panel if they had any questions, and

1 some of them do. And in fairness, Ms. Whelan
2 Enns, if we raise any further doubts, you may have
3 a little further redirect.

4 MS. WHELAN ENNS: Appreciate it.

5 THE CHAIRMAN: Mr. Shaw.

6 MR. SHAW: Good morning, Dr. Clarke.

7 Dr. Clarke, on slide 33, relevance of
8 the sustainable project framework to the Keeyask
9 Generation Project, you placed the Partnership
10 between Manitoba Hydro and the Keeyask Cree
11 Nations at the high end of sustainable
12 development? Correct?

13 DR. CLARKE: Correct.

14 MR. SHAW: But going back to slide 24,
15 when you did your word scan of sustainability and
16 sustainable development, particularly with respect
17 to the Joint Keeyask Development Agreement, you
18 may recall that there were no references to it.
19 And you testified, as I recall, that that raised a
20 flag for you as to whether or not there was a
21 commitment to sustainable development. So perhaps
22 I am missing something, but how do we get from A
23 to B in that?

24 DR. CLARKE: I really appreciate this
25 question. So the chart that I had up that puts

1 sustainable development at the high end was based
2 on the content that was there, not the content
3 that was missing. So I do explain that in my
4 methodology, that I haven't accounted for the --
5 it really is a very preliminary analysis and the
6 panel has, you know, you have the understanding of
7 this project. So based on the content in chapter
8 nine, which has lots of nice language, I placed it
9 there. But you are absolutely right that I also
10 raised the red flag.

11 MR. SHAW: Certainly no disrespect
12 intended whatsoever, but would you agree with me
13 that doing a word scan of sustainability and
14 sustainable development, that first blush appears
15 rather superficial? And I say that in the context
16 of, you know, in fairness to the Partnership, and
17 also bearing in mind that as a panel we have to
18 have a fair and balanced view of everything, that
19 you could very well have those principles embodied
20 in the other documents, you know, in terms of the
21 spirit of them with using different language.
22 Would you agree?

23 DR. CLARKE: I would. And I think I
24 opened my remarks about that section on its
25 superficiality. Though I will say, when it

1 doesn't appear, it raises questions. So the fact
2 that it appeared in all of these different volumes
3 is a good sign.

4 MR. SHAW: Okay.

5 DR. CLARKE: So it's kind of a very
6 high level -- I have actually seen EISs where it
7 never really appears, so it creates, it raises
8 even bigger red flags. So in this one, this
9 presents something that might mean more to you
10 than it does to me.

11 I will say, of course, there are more
12 words than sustainability and sustainable
13 development in those concepts?

14 MR. SHAW: Right.

15 And just one last point, and again I
16 don't mean to sound chippy, but just so that we
17 have a full view of this, did you focus only on
18 chapter nine because that's all you really had
19 time for?

20 DR. CLARKE: That's where I started
21 because that's what I had time for. Also, my main
22 mandate was to build that framework, to give an
23 analysis frame. And chapter nine was the one that
24 most closely answered the terms of reference, as
25 far I could tell, because it directly speaks to

1 the guidelines and principles. So it seemed like
2 the most critical one to focus on. But, yes, I
3 was time bound. There is absolutely no doubt in
4 that.

5 MR. SHAW: Thank you.

6 THE CHAIRMAN: Thank you, Mr. Shaw.
7 Ms. Bradley?

8 MS. BRADLEY: Good morning. I have a
9 question. It's referring to slide six, which is
10 also page 6 in your paper. And my question
11 pertains to the sustainability aspect of this
12 slide and to what you have, you know, provided us
13 this morning as well as in your paper. And what I
14 would like to know is whether or not you include
15 empowering people to become as independent and
16 self-sufficient as possible as part of your
17 definition of sustainability?

18 So I would like to know whether or not
19 that is a focus in your definition, and if you
20 might also comment on what that would look like in
21 practice?

22 DR. CLARKE: It's a very good
23 question. I almost need more thought behind the
24 answer. I could give you a top of mind response
25 because I haven't thought in terms of how

1 empowering people is embedded.

2 It certainly comes up in, from the
3 planner's perspective, on how to engage people in
4 the sustainable development process. It's
5 certainly, when you think about sustainability of
6 a community, the local economy is a fundamental
7 part of that. And democracy is a part of that.
8 So empowering people to be involved in their
9 governance, empowering people to be -- so there's
10 two sides of that, through both the governance
11 structures and their economic opportunity.

12 So it's certainly embedded in the
13 concept of community sustainability.

14 I don't know that you can draw it out,
15 though. It's part of a larger list of topics.
16 You wouldn't look into it just by itself, it has
17 to be that integration.

18 MS. BRADLEY: I'm just going to do a
19 further follow-up and hope not to offend too many
20 people in the room.

21 So would that also include, for
22 example, making sure that training is a next step
23 to further training, so that people are in fact
24 able to be empowered to be able to address needs
25 of their communities, et cetera, in terms of a lot

1 of supports, be they academic, be they
2 professional, and so on?

3 DR. CLARKE: I would agree with your
4 comment, yes.

5 MS. BRADLEY: Thank you.

6 THE CHAIRMAN: Mr. Nepinak, do you
7 have a question?

8 MR. NEPINAK: Good morning. Thank you
9 for being here.

10 On page 25, you have socio-economic,
11 you have 36 identified --

12 DR. CLARKE: Yes.

13 MR. NEPINAK: -- for your search on
14 sustainability and sustainable development. And
15 in there you have the City of Thompson.

16 Were there not any references to any
17 of the four nations that are part of the program,
18 that are part of the KCN?

19 DR. CLARKE: Yes, absolutely.

20 So the first bullet, where the 22 is,
21 on the socio-economic, the first bullet is about
22 cumulatively assessing and mitigating past,
23 current, future Aboriginal social, cultural,
24 environmental resource and economic effects,
25 that's all about those First Nations.

1 MR. NEPINAK: Okay. Thank you.

2 I saw the name Aboriginal, but I
3 didn't think it was specific to those communities.
4 Thank you.

5 THE CHAIRMAN: Mr. Yee?

6 MR. YEE: Yes, thank you,
7 Mr. Chairman.

8 Just a quick question. In your
9 report, and you mentioned again today the Forest
10 Stewardship Council certification, and I was just
11 reading this as I guess an approach to determine
12 what sustainability is.

13 My question is, are there
14 certification programs for this, other than just
15 this one you have mentioned?

16 DR. CLARKE: Are there other
17 certifications that take this approach?

18 MR. YEE: Yes.

19 DR. CLARKE: I believe the Marine
20 Stewardship Council does this as well, although I
21 don't know it well enough. And we see it -- I'm
22 searching my brain, but I'm sure there are. Like
23 it would be around zero waste, or it would be
24 about around carbon neutrality, or it would be
25 around one percent for the planet, those types of

1 initiatives that are -- so, yes, they do exist.

2 I'm kind of scrambling a little bit to name them,
3 but they definitely exist.

4 MR. YEE: Okay, thank you.

5 THE CHAIRMAN: I have a final
6 question, I think it will be a final question.

7 In your introduction on slide four you
8 talk about the emerging context of sustainable
9 development. Where is the assessment or the
10 application of sustainable development principles?
11 Where do you see that?

12 Now, you're talking about it emerging,
13 it's been around not that long. I guess it's been
14 around a lot longer than most of us have known
15 about it, but it really came to the fore in the
16 very late '80s with the Brundtland report. And
17 then it was another number of years, a decade or
18 more before government started adopting
19 sustainable development principles and guidelines.

20 So where do you see emerging, or how
21 would you define the emerging context of
22 sustainable development? Where are we at? Are we
23 moving forward with sufficient speed?

24 DR. CLARKE: So there's been quite an
25 evolution. I'll speak to it from the business

1 side because that's what I know. Initially, it
2 was -- in some ways it's moved through those steps
3 where it was a reaction to compliance, and then we
4 started to get into the mitigation and then the
5 pipe solutions, and then we started to think about
6 whole product design. And now we're thinking
7 about the relationship between both internal and
8 external stakeholders and how to build that all
9 into what a company does. That in many ways
10 reflects that trajectory of where the initial
11 thinking is and where we are now.

12 The other thing I have noticed is in
13 the '90s, it was all about what does it mean and a
14 lot of talk around the definitions. Now we're
15 talking about how to apply it, and what tools do
16 we need and how does lifecycle assessment -- we're
17 really getting into the tools now. The full cost
18 accounting for accountants, the lifecycle
19 assessment tool, there's carbon management tools
20 now. We're really at a very different level of
21 how do we assess this and get real data to make
22 good decisions?

23 So then to speak to, is it sufficient
24 speed? I have to say no. I don't think that our
25 current trajectory is going to bring us into the

1 ecological limits of the planet, if we're speaking
2 of planetary level. And then you can see it on
3 various local scales as well.

4 So it's -- whether you look at the
5 ecological footprint, there's a whole bunch of
6 trajectories that just show us on a lot of
7 different topics that we're not on track.

8 THE CHAIRMAN: Thank you.

9 Now, I can't imagine that we provoked
10 any more questions?

11 MS. WHELAN ENNS: Well, provoked maybe
12 is a good word in the context of the hearing,
13 Mr. Chair. Only one.

14 And this goes to ask Dr. Clarke in
15 relation to -- and excuse the croaky voice here,
16 must be time for a break.

17 Mr. Shaw asked you about the fact that
18 you have entered the Partnership with the Cree,
19 with the Keeyask Cree Nations into your high end
20 area in terms of the framework. We are in the
21 planning stage. This is -- the EIS is a planning
22 stage, we are into the planning stage of the
23 project. So would you tell us then whether the
24 Partnership being at the high end is dependent on
25 and implies that the fulfillment of all of the

1 aspects and the commitments in the Partnership is
2 how to get to that high end?

3 DR. CLARKE: Of course, yes.

4 MS. WHELAN ENNS: Thank you.

5 THE CHAIRMAN: Thank you very much.

6 Thank you, Dr. Clarke, for your
7 participation in our proceedings, and writing your
8 paper and coming here this morning and presenting
9 it.

10 I can't speak for the rest of my
11 panelists, but I think you have achieved your goal
12 a little bit with respect to the Chair, in that I
13 do understand sustainable development a little
14 better than I did when I came in here this
15 morning. So thank you very much.

16 We'll take a break and come back at
17 just before 11:45, so just before quarter to
18 12:00.

19 (Proceedings adjourned at 11:29 a.m.
20 and reconvened at 11.42 a.m.)

21 THE CHAIRMAN: Okay. We'll reconvene,
22 please. Ms. Whelan Enns, your witness.

23 MS. WHELAN ENNS: Thank you,
24 Mr. Chair. Ms. Alyson McHugh is an associate, as
25 you can see from the first slide, of Coldstream

1 Consulting. Her firm is Coldstream Ecology. And
2 that's a reference then to the two experts who
3 were here last week and who in fact were providing
4 and informing in terms of lifecycle assessment.

5 Ms. McHugh's CV is in the room, and
6 I'm going to ask her to describe her experience
7 and her role as a practitioner in matters that are
8 a close link to the Keeyask Generation Project.
9 And I'm also going to ask her now to make sure she
10 includes her role in proprietary products and
11 reports in British Columbia.

12 THE CHAIRMAN: Before we go there.
13 could we have her sworn in, please.

14 Alyson McHugh: sworn

15 MS. MCHUGH: Good morning or close to
16 afternoon. I just wanted to first and foremost
17 thank everybody, thank the Commission for inviting
18 me here to hopefully aid in your decision-making.
19 I do hope the information I provide today is
20 helpful.

21 I just want to say that I have
22 extensive experience in inventory and monitoring
23 programs. I have been working specifically in the
24 field of monitoring and reporting for ecological
25 programs since 2005, so I have nine years of

1 experience.

2 I serve as the ecological monitoring
3 specialist for Coldstream Ecology. And I have
4 worked in terrestrial, aquatic, climate change,
5 agriculture, ecosystem services, effectiveness,
6 biodiversity and sustainable forest management
7 criteria and indicator frameworks.

8 I am a registered professional
9 biologist in British Columbia and an associate
10 wildlife biologist in the U.S. with the Wildlife
11 Society.

12 I'm currently the lead ecologist and
13 project manager for the Lower Bridge River Aquatic
14 Monitoring Program in British Columbia. Now this
15 is a program, a long-term monitoring program that
16 has been collecting data since 1996. It's an
17 adaptive management program studying the effects
18 of the flow regime on the Lower Bridge River which
19 is a dammed and diverted river in B.C. The
20 ultimate goal is to inform the decision-making
21 process on what that flow should look like below
22 the river.

23 As a research scientist in B.C., I was
24 involved in developing a climate change monitoring
25 framework. Specifically we developed indicators

1 for the Province of British Columbia for
2 terrestrial monitoring programs.

3 I also managed and analyzed
4 biodiversity effectiveness monitoring assessments
5 for the Ministry of Forest and Range. I conducted
6 about 30 different assessments for forest
7 districts and regions as a research assistant at
8 the University of British Columbia.

9 I also studied baseline information
10 for my master of science degree. And that was
11 within forest landscapes.

12 Finally, I am a member of the Board of
13 Directors for the Lillooet Regional Invasive
14 Species Society, which is a non-profit in
15 Lillooet.

16 MS. WHELAN ENNS: Thank you. Would
17 you also add your professional experience and
18 project experience with U.S. tribes and/or
19 Canadian First Nations.

20 MS. MCHUGH: Certainly. I reside in
21 the St'at'imc traditional territory. The
22 St'at'imc nation in British Columbia. And I have
23 one of my major contracts for Coldstream Ecology
24 is with the St'at'imc nation. I have also worked
25 within Eskimo communities in Alaska and Tahltan,

1 Tlingit, several First Nation communities across
2 Canada and Alaska.

3 MS. WHELAN ENNS: Thank you. Go
4 ahead.

5 MS. MCHUGH: Okay. So basically this
6 presentation is solely intended to provide
7 information to the CEC to inform decision-making.
8 It is the product of a review of the Keeyask
9 Generation Station Environmental Impact Statement
10 and the proposed monitoring programs with specific
11 regard to water quality and biodiversity and
12 monitoring and reporting on those things. The
13 presentation outlines how development decisions
14 like Keeyask Generation Station at a cumulative
15 level are adversely and significantly affecting
16 ecosystems, despite constant claims of no
17 significant environmental effects.

18 MS. WHELAN ENNS: Ms. McHugh, which
19 slide are we on?

20 MS. MCHUGH: Thank you, Gaile.
21 Consequently, the ability of those ecosystems to
22 continue to provide societal benefits, for
23 example, like human nutrition, is being
24 compromised at local, regional and global scales
25 by ecosystem change. First I discussed these

1 benefits called ecosystem services, the problems
2 arising from degradation of these services. I
3 then discussed this problem and the global call
4 for a paradigm shift in adaptive monitoring and
5 adaptive management explicitly with the goal of
6 sustaining the flow of ecosystem services.

7 Then I present select international,
8 national and provincial laws, guides and
9 directives for data collection that is needed to
10 inform ecological and economic management
11 decisions.

12 Finally I discussed the review that
13 Coldstream Ecology conducted of Keeyask Generation
14 Station EIS and its monitoring programs in
15 relation to water quality and biodiversity.

16 I conclude by presenting our key
17 findings and follow with specific recommendations
18 on how Keeyask Generation Station can immediately
19 start to inventory, monitor, analyze and report
20 information in a way that can better inform local
21 and regional decisions.

22 This presentation is an outline of the
23 report. I'm not going to go into specific detail
24 all of the bullet points, but you will find the
25 additional information in the report as well as

1 all of the references are cited in the report.

2 So what are ecosystem services? Well,
3 they are based on the holistic management of
4 environmental systems. And humans are a part of
5 that system. So both humans and non-humans alike
6 depend on complex interactions of abiotic and
7 biotic ecosystem components. These components
8 contribute to and provide life support for the
9 social and ecological functions we depend on.

10 Ecological functions encompass
11 habitat, biology or systems processes or
12 properties. Functioning ecosystems have been
13 defined as those that deliver specific services in
14 perpetuity that sustain and improve human and
15 non-human life. Human well-being essentially
16 relies on the contributions of these functioning
17 ecological systems. These contributions are
18 called ecosystem services.

19 They are often defined as market and
20 non-market ecosystem benefits, individuals,
21 households in communities and economies receive
22 from ecosystems. They are delivered to society as
23 goods and services such as food, clean water,
24 flood regulation, climate regulation, et cetera.
25 The most basic example is clean water. So

1 everyone here needs a daily supply of clean fresh
2 water to drink and bathe in.

3 Terrestrial and aquatic ecosystems
4 provide services that facilitate that good. We
5 need those services to drink that glass of water.

6 And the local and regional terrestrial
7 and aquatic ecosystem services, in the Keeyask
8 region, they contribute to providing food for
9 local people. So these goods and services are
10 collectively referred to as ecosystem services.

11 So the millenium ecosystem assessment,
12 which I will explain in a few slides, has
13 categorized them as provisioning services,
14 regulating services, cultural services and
15 supporting services. Provisioning services
16 provide goods like food, timber, water, metals,
17 rock, lime, et cetera. Regulating services are
18 things that -- are processes that are naturally
19 regulated and the services provide a habitable
20 environment as the benefit like water regulation,
21 flood regulation, climate regulation, disease
22 regulation, flood control. Cultural services are
23 the non-material benefits obtained from ecosystems
24 such as cultural heritage, sense of place,
25 spiritual, religious, aesthetics, educational, et

1 cetera. These are just examples.

2 Supporting services provide for the
3 production of all the other ecosystem services.
4 So essentially, supporting services sustain all
5 the other services. Biodiversity, in turn,
6 facilitates these services and in surrounding
7 ecosystems by supporting resistance and resilience
8 and ecosystems. So the supporting services are
9 biodiversity, soil formation, nutrients cycling,
10 primary production, et cetera. Biodiversity and
11 ecosystem services are inherently connected. When
12 you have a reduction in services, you have a
13 reduction in biodiversity and vice versa.

14 So again, what are ecosystem services?
15 Well, they provide and sustain human well-being.
16 Economic value of services is essential to the
17 global economy. Without these services, the
18 global economy could not operate as it does today.
19 They are also vital to climate change, adaptation
20 and mitigation. They support social and
21 psychological well-being. A loss of these
22 services are, a degradation contributes to a loss
23 of identity or a loss of sense of place,
24 depression, emotional stress just as a few
25 examples. In the physical realm when we lose

1 ecosystem services, we lose potential food
2 sources, potential sources of medicine, polination
3 services.

4 They also provide and sustain human
5 nutrition. So aquatic and terrestrial wildlife
6 populations are important dietary sources of
7 micro/macro nutrients for Cree First Nations, for
8 example. Research has shown that populations that
9 are dependent on wildlife populations, without the
10 wild meat consumption, children had a higher risk
11 of iron deficiency anemia which is related to
12 sickness and death from infectious disease, a
13 reduction in IQ and learning ability, a reduced
14 capacity for physical activity.

15 Ecosystem services are also directly
16 related to human nutrition, a degradation of these
17 services can cause a nutritional crisis.

18 It's been stated several times in the
19 Environmental Impact Statement and other
20 documents, presentations, et cetera, that the fish
21 just don't taste as good in the Keeyask region.
22 Well, if the fish and the wildlife at some point
23 no longer are sufficient to support the harvest of
24 human nutrition, well then what will be the
25 substitute? How will it be substituted? Does the

1 substitution of the food have the same nutritional
2 value? And what would the cost be?

3 So the contributions of biodiversity
4 and ecosystem services to society are paramount.
5 In 2005, the millenium ecosystem assessment
6 program which was comprised of 1,300 experts from
7 95 countries around the world evaluated the state
8 of the world's ecosystems. Their conclusion was
9 any progress achieved in addressing the millenium
10 development goals of poverty and hunger
11 eradication, improved health and environmental
12 sustainability is unlikely to be sustained if most
13 of the ecosystem services on which humanity relies
14 continue to be degraded.

15 At the same time, the Director General
16 of the World Health Organization was quoted as
17 saying:

18 "Nature's goods and services are the
19 ultimate foundations of life and
20 health."

21 So essentially they had been accepted and are now
22 a global priority.

23 So there is a call, a global call for
24 monitoring and reporting on ecosystem services.
25 There is a critical need to start gathering this

1 data and informing environmental decisions at
2 multiple scales.

3 We need to move away from traditional
4 reductionist approaches and facilitate ecosystem
5 services into adaptive monitoring and management.
6 Indeed, there is a paradigm shift underway. It is
7 happening all over the world. People are starting
8 to use this concept more and more. In fact, it's
9 the most socially and technically acceptable
10 method to conduct environmental risk evaluations.

11 This is a list of a group of
12 international, national, and the United States
13 institutions that have adopted this concept. It
14 includes the UN General Assembly, the Human Rights
15 Council, the Canadian Council of the Ministers of
16 Environment, just to name a few.

17 So why? Why monitor and report on
18 ecosystem services? Well, essentially global
19 ecosystem health and integrity is declining. The
20 current standards of practice for projects and
21 mitigation are not halting decline in
22 biodiversity, ecological integrity and ecosystem
23 health. Consequently the benefits that society
24 depends on are in decline.

25 They are even more pronounced in

1 freshwater ecosystems as water quality is
2 degraded. The Millenium Ecosystem Assessment
3 tells us that biodiversity of freshwater
4 ecosystems has been degraded more than any other
5 system including tropical rain forests. The
6 majority of the world's people live within 50
7 kilometres of a water source that is impounded,
8 diverted, polluted or running dry and has
9 consequently been classified as impaired. By
10 2030, one-half of the global population will be
11 under severe water stress. So will communities in
12 the Keeyask region be a part of the statistic?

13 More than two-thirds of all the fresh
14 water flowing into oceans is obstructed by
15 hydropower. There's over 800,000 dams in the
16 world. Consequently freshwater functional ecology
17 is compromised. Water storage projects have both
18 positive and negative effects but we need to start
19 valuing the ecosystem services, conducting
20 valuations to quantify the cost and the benefits
21 of these projects. Who benefits and depends on
22 these services? Are the services at risk? And
23 what are the costs of losing or degrading the
24 services?

25 Basically ecosystem services are not

1 valued in today's economic paradigm in
2 decision-making frameworks. However the values
3 are real. We need fresh water and food to live.

4 So I'm going to talk a little bit
5 about the valuation of ecosystem goods and
6 services. As I mentioned, they are not currently
7 integrated into today's economic paradigm. Many
8 of the services are not captured in the market
9 economy. They are rarely accounted for in
10 day-to-day decisions and this includes business
11 decisions, personal decisions, national
12 accounting. So essentially, this implies a value
13 of zero or nothing to these benefits that we
14 depend on.

15 The United Nations development program
16 recognizes that methods of accounting for national
17 wealth usually fail to reflect the value of
18 biodiversity and ecosystem services to the economy
19 and the potential cost of replacing these services
20 if they are lost or damaged. Without beginning to
21 incorporate the valuation, we can't begin to
22 achieve the millenium development goals.

23 There's no ability to sustain the
24 services that society and all of life depend on.
25 And at the moment, Keeyask Generation Station is

1 implicated in this compromise.

2 The World Commission on Dams notes
3 that mitigation is the most widely utilized global
4 practice in hydroelectric projects. Unfortunately
5 mitigation, restoration and rehabilitation efforts
6 don't work. They are not effective and they are
7 very costly. Fish passage mitigation fails and
8 only work sporadically and 20 percent of ecosystem
9 impacts are mitigated effectively. What about the
10 other 80 percent? What is the significance of
11 those failed mitigation efforts? What are the
12 cumulative effects of those failed mitigation
13 efforts? It ultimately costs society money.

14 Several studies have recently come out
15 to begin to quantify this ecosystem service loss
16 and they are putting the values in the millions to
17 billions annually. That's a lot of money for
18 citizens like you and I to fork over.

19 A recent report came out that looked
20 at the United Nations program The Economics of
21 Ecosystems and Biodiversity. It was a report
22 commissioned by TEEB. And they did an assessment
23 of the total unpriced costs of global region
24 sectors. And the costs were based on six
25 categories of natural capital consumption. And

1 these are not priced in the market. Water use,
2 greenhouse gas emissions, waste, air pollution,
3 land and water pollution and land use. None of
4 the top 20 industrial sectors would be profitable
5 if environmental costs were actually included.

6 So the conclusion there is that
7 investments in mitigation and infrastructure are
8 only capturing part of the costs. We need to be
9 budgeting these costs in project planning. And
10 unfortunately right know the costs also displaced,
11 they are displaced into the future. And the costs
12 are often permanent and we need to start including
13 them in monitoring, auditing and auditing during
14 construction and operation for project planning.

15 An example of a report that came out a
16 couple of years ago assessed the ecosystem
17 services lost to Manitoba citizens every year from
18 the Lake Winnipeg watershed. And it put the cost
19 between \$500 million and \$3.1 billion every single
20 year. They stated that having the means to value
21 ecosystem services can help justify spending to
22 preserve and restore these natural environments
23 rather than often more expensive hard
24 infrastructure developments like waste treatment
25 plants.

1 Basically nature does a better job of
2 providing these services. It costs society more
3 money to implement hard infrastructure
4 developments. Just this month, the journal
5 "Nature" came out with a publication that
6 discussed the Fisheries Act and how it was
7 essentially gutted and the changes went into
8 effect just recently.

9 And Dr. Taylor, from the University of
10 British Columbia, also touched on costs. He
11 basically said it's going to cost society way more
12 money in the long run. But my main question is
13 how much? And we can't begin to answer that right
14 now because we aren't measuring and reporting
15 environmental costs in projects like Keeyask.

16 I want to talk about international,
17 national and provincial standards laws and
18 regulations for a few minutes. Clean water has,
19 within the last couple of years, been recognized
20 internationally as a legitimate right. People
21 depend on clean water. Now this is a quote from a
22 recent article that came out in October of this
23 year from the journal "Climate Change" and it was
24 an entire issue dedicated to First Nations, and
25 they wrote all of the papers. I'm just going to

1 read this quote.

2 "Water is sacred, this is tradition.
3 In contrast to the non-tribal
4 utilitarian view of water, Native
5 Americans revere water and water is
6 life. It is integral to many Native
7 American practices such as
8 purification and blessing rituals and
9 is used to acknowledge all relations
10 and to establish connection to Mother
11 Earth and Father Sky. Water is a
12 holistic and integrating component
13 connecting continents, humans,
14 animals, and plants through a
15 continuous cycle of liquid, solid and
16 vapour states. Without water, life
17 would not exist as we know it. Water
18 is the one thing we all need, all of
19 us. All of life. As Native
20 Americans, we honour and respect the
21 tradition of water and must protect it
22 always."

23 MS. WHELAN ENNS: Ms. McHugh, sorry,
24 my apologies. Look for this slide. Thank you.
25 My mistake. Go.

1 MS. McHUGH: Oh, okay. This is
2 another quote from the St'at'imc First Nation
3 which I reside and work with. And this is from
4 their land and resources councillor.

5 "Water is the most important element
6 for life. Good quality, good quantity
7 is needed for all forms. Most water
8 resources are known to the St'at'imc,
9 be it springs, streams and lakes.
10 Many food items were found near the
11 water. Plants, food, medicines and
12 technology, fish, animals and used by
13 the people, campsites and trails --
14 all this we incorporated with water."

15 So if you look at these two quotes, they encompass
16 the many ecosystem services that we depend on.

17 It's been recognized internationally,
18 nationally and provincially as a human right. The
19 General Assembly stated in 2010 that they
20 recognize the right to safe and clean drinking
21 water with sanitation. And that is essential for
22 the full enjoyment of life and all of human
23 rights. The Human Rights Council then reaffirmed
24 this commitment. And the World Health
25 Organization followed up by also passing a

1 resolution, confirming drinking water sanitation
2 and health are important and that clean water is a
3 human right.

4 The UN Conference on Sustainable
5 Development that took place last year also
6 included a formal recognition of the human right
7 to clean drinking water and sanitation. The UN
8 development program's mandate to maintain
9 biodiversity ecosystems and the provision of
10 ecosystem services was also recognized.

11 Now moving on to perhaps more relevant
12 standards. The Canadian Council of the Ministers
13 of Environment has also implemented or has set
14 strategic directions from water. They prioritize
15 evaluation of biodiversity and ecosystem services.
16 Two reports recommend monitoring and service
17 valuation to aid in decision-making. One deals
18 with climate change and specifically looks at how
19 monitoring programs can inform climate change,
20 adaptation and decisions. And the report focuses
21 on hydrological systems. So that's directly
22 relevant to Keeyask.

23 The first priority of this report is
24 to conduct basic valuation methods for ecosystem
25 services.

1 The CCME Water Valuation and Guidance
2 document also prioritizes valuing ecosystem
3 services to start to get at some of the costs that
4 society is bearing. The CCME water valuation
5 guidance document is a Canada-wide reference
6 document designed for water resource decision
7 makers to help establish how a valuation can
8 assist in addressing water management issues. In
9 particular, in relation to conservation actions,
10 infrastructure investment, water quality, standard
11 setting, water pricing, water allocation and
12 compensation for use and damage. And it's
13 intended to enable decision makers to determine
14 how and when water valuation might be appropriate,
15 which valuation method should be applied and how
16 to interpret the water valuation evidence.

17 The council of the Federation also has
18 an initiative focused on the value of water. The
19 Water Protection Act stipulates that whereas an
20 abundant supply of high quality water is essential
21 to sustain all ecological processes, life support
22 systems and food production, and is paramount to
23 the environment, economic and social well-being of
24 all Manitobans now and into the future. So this
25 statement alone encompasses many of the ecosystem

1 services that Manitobans depend on.

2 So basically by saying that we need to
3 protect the ecosystems, that means we need to
4 protect the services. So the law actually should
5 apply to ecosystem services.

6 The purpose of Act in section 2 also
7 stipulates the importance of applying scientific
8 information and decision-making processes about
9 water including the establishment of standards,
10 objectives and guidelines. Currently the
11 scientific information says we need to start
12 looking at valuation methods for water and
13 biodiversity.

14 Manitoba also has a water strategy,
15 you know, water policy. It's just that we move
16 into watershed planning framework. And the water
17 policies are a foundation for this.

18 The Manitoba Water Quality Standards
19 objectives is another set of regulations. And
20 there were two particular policies within that
21 that struck me as relevant. One is policy 1.1.
22 The Keeyask region could be designated as high
23 quality or exceptional value because it supports
24 populations of rare or endangered flora fauna,
25 likely sturgeon.

1 And policy 1.2, water quality should
2 be enhanced through management. So these quality
3 standards, objectives and guidelines are now law
4 in the Water Protection Act of 2011.

5 I want to talk about the Manitoba
6 sustainable development act but very briefly
7 because you just had an hour and a half of
8 sustainable development. Schedule "B" of the
9 guidelines for sustainable development require
10 that resources be used effectively. Section 1(b)
11 stipulates the projects must employ full cost
12 accounting to better inform decision makers. This
13 is also in the Clean Environment Commission
14 Keeyask Generation Station terms of reference and
15 section called the Mandate of the Hearings. So
16 basically, to meet the terms of reference, Keeyask
17 must employ full cost accounting.

18 Let's talk about the definition of
19 full cost accounting as defined by the Act.
20 Accounting for the economic environmental land
21 use, human health, social and heritage costs and
22 benefits of a particular decision or action to
23 ensure no cost associated with the decision or
24 action including externalized costs are left
25 unaccounted for.

1 So again, this is going back to the
2 environmental costs that society frequently incurs
3 from these projects.

4 Again, I'll speak to Dr. Robert
5 Gibson. He presented a framework that basically
6 is consistent with the concept of ecosystem
7 services. In fact, in the very first topic, the
8 very first goal and the very first theme, the
9 maintenance of ecological services is stated to be
10 a priority.

11 So basically we need to start
12 incorporating ecosystem services into adaptive
13 monitoring and adaptive management. So at the
14 moment, Keeyask Generation Station may not be
15 fully consistent with the purpose and provisions
16 of the Manitoba water strategies, the Manitoba
17 water policies, the Manitoba Water Quality
18 guidelines, the Manitoba Water Protection Act, the
19 Manitoba Sustainable Development Act, the CEC
20 Terms of Reference, the international resolutions,
21 national guidelines including the CCME, and
22 finally the recommended sustainability assessment
23 criteria and framework.

24 This is a diagram depicting ecosystem
25 services. There are many, they are varied. It

1 basically just shows all of the benefits that we
2 receive from nature. The top diagram focuses
3 specifically on the water related services and the
4 bottom diagram gets into the terrestrial related
5 services.

6 So this is an example of direct
7 drivers of environmental change that may impact
8 ecosystem function and essentially ecosystem
9 services. The left-hand column specifically deals
10 with drivers that are related to Keeyask. So dam
11 generation, station and construction, dike and
12 levee construction, diversions, draining or
13 flooding of wetlands, et cetera. They are all
14 related to Keeyask. And this is just a table to
15 provide examples of some of the services at risk
16 by a project like this.

17 So finally, getting on to what
18 Coldstream Ecology was contracted to do with
19 Keeyask. We essentially set out to determine to
20 what extent ecosystem services were included in
21 the Keeyask Generation Station EIS, again with
22 specific regard to water quality and biodiversity.
23 The documents reviewed include the response to EIS
24 guidelines and the proposed environmental
25 monitoring programs as well as the cumulative

1 effects assessment and subsequent summary document
2 that was released recently.

3 To supplement and to clarify this
4 review, we submitted through Manitoba Wildlands,
5 several information requests. The following lists
6 what we aim to gather. We wanted to know were
7 there ecosystem services identified as being
8 relevant, how were they used to form the
9 conclusions? Did the response to the EIS
10 guidelines prove that the project would not have
11 significant adverse environmental effects on the
12 services relevant to water quality and
13 biodiversity? How are ecosystem services
14 incorporated into monitoring programs now and into
15 the future? Was a cost benefit analysis using
16 ecosystem services or environmental evaluations of
17 any kind conducted or included in the EIS? And
18 which data could be used to inform an ecosystem
19 services assessment of the project, watershed and
20 cumulative effects assessment if one were to be
21 undertaken?

22 This is a table of the responses. I
23 wanted to provide them word for word from the
24 actual responses. I'm not going to read them all,
25 I'm going to read a couple of key sections. In

1 the top row, Manitoba Wildlands 0026A. For the
2 purposes of the EIS, the effective water quality
3 on functions and ecosystem services such as water
4 regulation, water supply, erosion control,
5 sediment retention and waste treatment was not
6 relevant.

7 I want to point out, again focusing on
8 costs, the last row, Manitoba Wildlands 0031. And
9 actually I should clarify that. These were not
10 only my IRs but some IRs were submitted by the CAC
11 that were also requesting information on ecosystem
12 services and economic valuation of services.

13 So again back to the last row. The
14 partnership has not completed a cost benefit
15 analysis or a cost benefit loss analysis for the
16 project. It is possible that the information
17 collected through the monitoring program could
18 inform a valuation, however the programs have not
19 been designed for that purpose.

20 So I have some concerns with the
21 review as well as the response to the information
22 requests. Ecosystem services and the benefits
23 that you and I depend on to live are not
24 specifically considered in the EIS. They are also
25 not considered relevant to the regulatory

1 assessment.

2 Valuation is stated to be not
3 relevant. No cost benefit or cost benefit loss
4 analysis was included or conducted. Valued
5 environmental components don't inherently capture
6 all of the services and they really need to be
7 explicitly linked to the services.

8 There was no mapping of trade-offs
9 that shows trade-offs of services. So based on
10 this, my question is how can the conclusion be
11 supported that there are no significant adverse
12 survival effects?

13 Let's talk a little bit about the
14 cumulative effects assessment. Again, I reviewed
15 the summary document that came out just recently
16 in response to several information requests.
17 Ecosystem services were not in the cumulative
18 effects assessment. A couple of additional
19 concerns about some of the ecosystem services
20 impacted by the cumulative effects of this
21 project, mitigation in particular, struck me as a
22 potential concern within two of the VECs
23 identified, intactness and ecosystem diversity,
24 they claim to use a method or they claim that they
25 will use a method called Go With Nature. Well, to

1 my knowledge, there is no established or
2 documented method called Go With Nature.

3 Offsetting wetlands was also a
4 concern. How can they offset the ecosystem
5 services that the wetlands provide if they haven't
6 been identified or quantified? Also climate
7 change effects on ecosystem services were not
8 assessed.

9 So let's move into the monitoring
10 programs and the review of the monitoring and the
11 programs proposed. An established definition of
12 adaptive monitoring states that the most effective
13 and productive scientific monitoring is adaptive
14 and is based on assessment and points that
15 comprise ecosystem services; in other words, the
16 benefit of nature to human beings. Now this came
17 out just recently by someone who works for Golder
18 and Associates. So they are very much involved
19 with environmental impact statements at the
20 project level. I'm sure you have all heard of
21 Golder.

22 So basically the purpose of monitoring
23 is to ensure that ecosystem goods and services are
24 maintained. Expose a problem if one occurs in
25 project planning construction and operation. So

1 if there is a problem, well, how can we -- what is
2 the solution to that problem? So then there's
3 mitigation, management to minimize or mitigate the
4 environmental effects. Also the purpose of
5 monitoring is to improve planning, construction,
6 operation processes. So it's a feedback loop.

7 The Keeyask Generation Station uses an
8 effects-based monitoring approach. Again, this is
9 a list of the programs, the proposed programs
10 reviewed.

11 So what an effects-based approach
12 looks like with ecosystem services. Here are some
13 of the questions that should be asked. How do
14 human activities or the activities of the proposed
15 Keeyask Generation project affect ecosystem
16 services production in the region as well as
17 larger upstream and downstream areas? How have
18 ecosystem services changed relative to pre Hydro
19 baseline and current conditions? And how will
20 ecosystem services change with the proposed
21 Keeyask project? None of these questions were
22 asked in the EIS.

23 I just want to touch on and introduce
24 the reporting process within the Keeyask
25 Generation Station, terrestrial and aquatic

1 monitoring programs, they will have annual data
2 reports with every so often, every few years, a
3 periodic synthesis.

4 So this is a table that lists
5 potential problems and concerns with the
6 monitoring programs. I'm not going to go over
7 each and every bullet, but there's a lot of
8 questions.

9 So I now want to talk about how the
10 EIS process is not facilitating informed decisions
11 in a larger sense. So the literature basically
12 states that compliance with regulations rather
13 than science or ecology is found to be the driving
14 factor influencing the selection of indicators.
15 So within Keeyask, it's the selection of VECs.
16 They had been found to be not really that useful
17 for informing decisions and they are often not
18 based on ecological principles.

19 So two case studies were conducted
20 that focused on ecosystem services and they
21 concluded that biodiversity, ecosystem functions
22 and services are not being protected by the
23 current EIS process. Thirty-five in one case
24 study, 35 environmental impact statements were
25 reviewed in the South Saskatchewan River

1 watershed. In another study, several
2 environmental impact assessments were reviewed in
3 the United States. They basically came to the
4 same conclusion. So we're talking at least 50
5 environmental impact statements here now. Keeyask
6 is just one but this is a much larger problem.

7 They concluded that indicators do not
8 capture ecosystem services. There's no ability to
9 scale up the information to cumulative or
10 watershed effects assessments. Generally the EIS
11 guidelines do not capture the stress placed on
12 watersheds and rivers. And this lack of
13 information ultimately informs the decision-making
14 process.

15 So these reviews echo the critical
16 need to monitor and report ecosystem services and
17 multiple scales, the project level, the regional
18 level, over space, time. And there's an urgent
19 need for the reporting to be transparent.

20 This list discusses the consideration
21 for monitoring and assessing end points. They
22 need to be relevant. And end points I am
23 referring to, indicators. So in the case of
24 Keeyask VECs, they need to be ecologically
25 relevant, they have to be susceptible to a

1 stressor, have to have clear management relevance
2 and necessity, need to be transparent,
3 technicianly defensible and subject to periodic
4 review, and they need to be integrative. So in
5 other words, linking with other generation
6 projects around the Nelson River or even into the
7 coastal communities of Hudson Bay, because they
8 are also affected by this project.

9 The end points need to be directly
10 linked to ecosystem services. Basically some
11 services will have more of a benefit from projects
12 than others. And essentially that translates into
13 ecosystem service loss and degradation. So we
14 need to start including those losses as part of
15 the trade-off analyses within project planning.

16 Ultimately monitoring programs should
17 aim to provide data that support evaluating
18 trade-offs that affect the flow of ecosystem
19 services that we all depend on.

20 I just want to briefly touch on
21 baseline data. One concern I had is that the
22 baseline data used for a lot of the Keeyask
23 project, they use the already impacted water
24 quality or the current state which everyone knows
25 is impaired from all of the dams and diversions

1 that are already on the Nelson River.

2 So is that appropriate? I'm not
3 really sure, but perhaps, if the project focused
4 on mitigation and restoration, but it doesn't. So
5 baseline conditions should focus on the
6 pre-altered state of aquatic and terrestrial
7 ecosystems as well as the current state.

8 So let's talk about metrics. Is
9 Keeyask collecting the right data? This list goes
10 over suggested metrics. They need to comprise
11 components of nature that are directly enjoyed or
12 consumed. Ecosystem function needs to relate
13 directly to service. They need to be spatially
14 explicit. And this one is really important. They
15 need to be able to map them using GIS and
16 integrated databases. And again, you need to be
17 able to use this information to identify
18 trade-offs for ecosystem service loss.

19 Now, there are several different
20 approaches for doing this. The service shed
21 basically identifies an area where ecosystem
22 services are provided and it allows you to
23 determine who's benefitting and who is essentially
24 losing. There's also service providing units
25 which breaks the services into measurable standard

1 units of account.

2 So again, back to this question. Is
3 Keeyask collecting the right data? It's really
4 hard to say based on the current reporting and the
5 environmental impact statement. The short answer
6 is probably some of the right information is
7 collected, yes. But is it accessible? Is it
8 transparent? Is it scalable? Those are difficult
9 questions. And from what I've gathered at this
10 point, the answer to those are no.

11 And Manitoba Hydro and the Keeyask
12 Limited Partnership also explicitly state that
13 they do have some of these data but the data are
14 not readily available. And again, they also state
15 that the monitoring programs are not specifically
16 designed to collect this information.

17 So let's talk about reporting a little
18 bit. All of this data has to go somewhere. It
19 essentially ends up in annual technical reports
20 and periodic synthesis reports. The whole point
21 of the monitoring programs is to incorporate the
22 information into reporting so that we can take
23 that information and use it to inform decision
24 makers like yourself. We also want to take that
25 information to facilitate adaptive management.

1 So these reports are submitted
2 annually to the regulator for review and I can
3 specifically talk to these annual technical
4 reports and synthesis reports because I write them
5 myself. And I do participate in the synthesis
6 process with the work that I am involved with in
7 British Columbia on the Lower Bridge River
8 project. So they need to be reported in an
9 appropriate manner.

10 The current issues with the reporting
11 framework that Manitoba Hydro uses, BC Hydro uses
12 and others use is that the regulations are often
13 not clearly linked to ecology. And again, the
14 reports are submitted to the regulators for
15 review. That's the primary goal, is to meet
16 regulations. They are not linked to particular
17 ecosystem functions and certainly not linked to
18 services.

19 So what is appropriate? Or what would
20 be an appropriate format? Well, the Keeyask EIS
21 and the monitoring programs don't specifically
22 define that word. They do say that the reporting
23 needs to be appropriate for the program but they
24 don't define it. So I would define appropriate
25 reporting as it should look something like the

1 VECs need to be explicitly linked to relevant
2 ecosystem services. They need to link direct and
3 indirect project effects to relevant ecosystem
4 services. The reporting should facilitate
5 evaluating the change in ecosystem service over
6 time and space. The report should facilitate the
7 effects of ecosystem change. I'm sorry, the
8 cumulative effects of ecosystem change for the
9 Keeyask Generation Project. They need to
10 facilitate adaptive management by incorporating
11 monitoring results into actions and decisions. So
12 not just meeting regulatory requirements, but
13 actually incorporating the information into
14 decisions. And the reporting needs to facilitate
15 integration of Keeyask Generation project data
16 within cumulative watershed assessments. Possible
17 examples could be something like the state of the
18 Nelson Churchill watershed ecosystem or a Nelson
19 River ecosystem's assessment. There is numerous
20 examples of this type of reporting out there.

21 Speaking of examples, the next two
22 slides give examples of tool boxes, guides and
23 methods for incorporating ecosystem services,
24 inventory assessment and valuation techniques into
25 programs. This is international to national, the

1 Canadian Network for Aquatic Ecosystem Services.
2 The CCME again has a couple of guidance documents
3 out there that would facilitate the adoption of
4 this concept.

5 The U.S. EPA also has a health
6 relationship ecosystem browser that shows the
7 relationship between ecosystem services and human
8 health. Again, there's a litany of examples.
9 This is just a snapshot. There is dozens more out
10 there and dozens more are being developed as we
11 speak.

12 So based on the broader literature
13 review that I conducted as well as the Keeyask
14 review, we came to several key findings. The EIS
15 does not prove the project will have no
16 significant adverse environmental effects on
17 ecosystem services relevant to water quality and
18 biodiversity. Baseline information and reference
19 conditions explicitly for ecosystem services in
20 the region are not included. Trade-offs and
21 alternatives for minimizing and mitigating effects
22 to ecosystem services were not considered.
23 Ecosystem services are not explicitly used in any
24 modeling that I have come across.

25 The current project plans and

1 mitigation efforts will affect current water and
2 biodiversity related ecosystem services. That's
3 not debatable. However, the EIS doesn't appear to
4 quantify these effects. So if they are
5 quantified, it's not reported in a way that the
6 information is readily available for
7 decision-making. Therefore, based on these key
8 findings, it is impossible to determine how
9 Keeyask Generation Project will affect changes to
10 ecosystem services over time and space. And I'll
11 remind you again that we depend on these ecosystem
12 services for life.

13 However, we have identified a lot of
14 opportunities, specifically for Manitoba Hydro and
15 the Keeyask Generation Project, based on all of
16 the different hydropower developments on the
17 Nelson Churchill Watershed.

18 Manitoba Hydro and Keeyask Limited
19 Partnership have an excellent opportunity to start
20 conducting cumulative effects assessments on
21 ecosystem services for the Nelson River or the
22 Nelson Churchill Watershed. There's an
23 opportunity to combine and assess all these
24 projects and really lead the way in a new way for
25 informing decisions.

1 Coldstream Ecology stopped short of
2 recommending specific indicators and that was on
3 purpose. We provided a lot of examples of metrics
4 and frameworks for the Partnership to start with.
5 But really these metrics need to be developed at a
6 local level with local participation. They need
7 to be relevant to the local ecology, the people
8 and the management decisions for Keeyask in
9 particular.

10 So based on the key findings, there
11 are specific recommendations to the CEC regarding
12 Keeyask Generation Project. The project should
13 conduct an ecosystem services inventory for the
14 project and the region. They should identify
15 measurable, quantifiable parameter endpoints that
16 comprise the relevant ecosystem services. Keeyask
17 should establish a baseline of information or
18 reference conditions regarding ecosystem services
19 and directly and explicitly link them to the VECs
20 that they are using.

21 Keeyask should assess and predict
22 changes to ecosystem services and service loss
23 within the project region and cumulative effects
24 assessment. It should also establish the true
25 costs of Keeyask Generation Project by conducting

1 an environmental evaluation of ecosystem services.
2 And needs to incorporate ecosystem services into
3 transparent, adaptive long-term monitoring
4 programs by directly linking ecosystem functions
5 into services and service end points and costs to
6 society.

7 Finally, the project should report on
8 the status of the ecosystem services and integrate
9 the information into watershed plans, assessments
10 and cumulative effects assessments. Combining all
11 of the above, they need to incorporate the data
12 from the ecosystem services inventory,
13 assessments, monitoring and reporting into
14 management and policy decisions with the ultimate
15 goal of sustaining and improving the flow of
16 ecosystem services in region.

17 That's it. Thank you. At this point,
18 I expect there will be some questions before
19 lunch.

20 THE CHAIRMAN: Thank you, Ms. McHugh.
21 Your second assumption was more correct. We'll
22 take a break for lunch right now and come back at
23 1:40 with this panel.

24 MS. WHELAN ENNS: Thank you.

25

1 (Proceedings recessed at 12:39 p.m.

2 and reconvenend at 1:40 p.m)

3 THE CHAIRMAN: Okay. We will
4 reconvene now, please, continuing with this expert
5 witness, Ms. Whelan Enns.

6 MS. WHELAN ENNS: Ms. McHugh, are you
7 recommending in your presentation, the information
8 that you have brought to the hearing, that
9 environmental externalities become part of
10 reporting and costing in terms of ecosystem
11 services?

12 MS. MCHUGH: Yes, to clarify, all of
13 the costs that I discussed in my presentation, the
14 environmental costs, I'm referring to
15 environmental externalities, yes.

16 MS. WHELAN ENNS: Thank you.

17 The technical reports that you prepare
18 for B.C. Hydro in the program that you are
19 involved in, that you described for us, what stage
20 then is B.C. Hydro at in terms of including
21 ecosystem services, for instance, in some of your
22 other recommendations in their reporting system?

23 MS. MCHUGH: Well, the program that I
24 am lead ecologist and project manager for, the
25 lower bridge aquatic ecosystem monitoring program,

1 they have been collecting data for 16 years on a
2 dam and diverted river. So, every year we produce
3 an annual technical data report much like the
4 proposed reporting for Keeyask. And we are now
5 entering the synthesis stage. In fact, we just
6 started discussions on a synthesis report and
7 analysis to inform the flow decision, and we will
8 be conducting an ecosystem services assessment in
9 that.

10 MS. WHELAN ENNS: Does the reporting
11 program involve, or include yet the kind of
12 ecosystem services monitoring that you've
13 recommended here?

14 MS. McHUGH: At this point, no, it
15 doesn't. Because the monitoring program, much
16 like Keeyask, has been designed to comply with
17 regulations. And so at this point it does not.
18 However, in the synthesis analysis that is
19 Coldstream's plan to bring this analysis into the
20 assessment so we can start to better inform the
21 decision making process.

22 MS. WHELAN ENNS: A quick question
23 that relates to your slides 23, 24 and 25. Are
24 you recommending that the Manitoba Government
25 should start to include in its planning perhaps

1 terms of reference for EIS and so on, and
2 guidelines for EIS, these tools and guidance
3 documents from the CCME?

4 MS. McHUGH: Yes, I am.

5 MS. WHELAN ENNS: Thank you.

6 I think that's it, Mr. Chairman.

7 THE CHAIRMAN: Thank you, Ms. Whelan
8 Enns. Partnership, Ms. Mayor?

9 MS. MAYOR: Ms. McHugh, perhaps to set
10 the tone for, or to set the context of your
11 review, can you tell us what it is that you
12 reviewed by way of the documentation that's been
13 filed in this matter?

14 MS. McHUGH: Sure.

15 I have been involved in this review
16 process since about May, June. I was involved in
17 some of the information requests. And so during
18 the information request process, both round one
19 and round two, I reviewed several documents within
20 the response to EIS guidelines, the aquatic
21 supporting document, the terrestrial supporting
22 document, the proposed monitoring programs which
23 is within an environmental management plan, as
24 well as the cumulative effects assessment summary
25 document.

1 MS. MAYOR: Okay.

2 I'm going to be referencing your
3 report primarily, so perhaps I will just get you
4 to turn to that?

5 In the summary on, it is the iii page
6 of chapter 1, there is a summary about that
7 particular chapter. And you indicate:

8 "This report assumes that the reader
9 has no prior experience with the
10 principles of ecosystem services or
11 ecological economics."

12 Why did you make that assumption?

13 MS. MCHUGH: Because currently, as
14 pointed out in my presentation, the ecological
15 economics not considered within environmental
16 impact statements.

17 MS. MAYOR: And in fact, there has
18 been no environmental impact assessments done in
19 Canada which include the ecosystem service
20 valuation process?

21 MS. MCHUGH: Well, as I pointed out in
22 the two case studies, there were several, there
23 were cases that reviewed several, probably close
24 to 35 or 40 environmental impact statements in
25 North America. And no -- none of the EIS's

1 support an ecosystem services assessment, which is
2 part of the problem, which is why our ecosystem
3 services are declining.

4 MS. MAYOR: On page 24 of your report,
5 you have laid out a number of examples of
6 frameworks and metrics, is that correct?

7 MS. MCHUGH: That's correct.

8 MS. MAYOR: And on page 25 you refer
9 to one example, which is NSERC, the Canadian
10 Network for Aquatic Ecosystem Services?

11 MS. MCHUGH: That's correct.

12 MS. MAYOR: And I have got just a
13 couple of documents in front of you from their
14 website. And on the first document it says
15 "Welcome to the Network" and it talks about their
16 research network, it says it is supported by the
17 strategic network grants program which encourages
18 large scale multi-disciplinary and collaborative
19 research projects that could improve Canada's
20 economy, society, and environment within the next
21 decade. That's your understanding of that project
22 as well?

23 MS. MCHUGH: Yes. And that's how it
24 is stated here.

25 MS. MAYOR: And turning to the next

1 page, still on their website, it indicates that
2 funding for that particular research project began
3 in 2012, and it is a research project that's going
4 five years into the future?

5 MS. MCHUGH: That seems to be what it
6 says. I'm not -- I see the 2012 -- that sounds
7 right, yes.

8 MS. MAYOR: In the first line it says
9 it is a five year strategic network funded that
10 began in 2012?

11 MS. MCHUGH: Yes.

12 MS. MAYOR: On the third page where it
13 talks about its mission, I'm looking at the very,
14 the third paragraph, and it says that they will
15 develop quantitative tools and knowledge necessary
16 to understand these systems, they will determine
17 the transferability of such tools and knowledge
18 across the diverse series of landscapes and
19 environments within Canada?

20 MS. MCHUGH: Yes, that's what it says.

21 MS. MAYOR: And based on their
22 website's information and the various other
23 articles and initiatives that you cite, you would
24 agree with me that this is a fairly new and
25 emerging concept?

1 MS. McHUGH: No, I would disagree.
2 The concept came about in 1987, and in the last
3 three decades there have been multiple tools and
4 multiple frameworks developed. However, within
5 the last decades, or the last seven, eight years
6 in particular, a number of frameworks have come
7 about that are reducing uncertainty about the use
8 of the ecosystem services concept.

9 MS. MAYOR: And while a number of
10 frameworks have actually been put forward, none of
11 them have been accepted by a Canadian government
12 or regulatory agency as being acceptable as of
13 yet?

14 MS. McHUGH: I'm not quite sure that I
15 agree with that. I mean, the Canadian Council of
16 Ministers of the Environment actually has two
17 guidelines that specifically suggest using
18 evaluation techniques.

19 MS. MAYOR: Those haven't been adopted
20 by Federal regulators or Provincial regulators as
21 across the country as of yet for use in the
22 context of environmental licensing?

23 MS. McHUGH: Not to my knowledge.
24 This is actually part of the problem.

25 MS. MAYOR: And really the purpose

1 behind your report, and I'm quoting from your
2 report, was really to stimulate discussion and to
3 establish some public interest in using this tool
4 in the context of environmental licensing?

5 MS. MCHUGH: I would say it is to
6 establish public interest based on sustaining the
7 services that we require, that you and I require
8 to be healthy and have healthy lives and happy
9 lives. So, we need to do this.

10 MS. MAYOR: Now, you talk about
11 decision makers need this information?

12 MS. MCHUGH: Yes.

13 MS. MAYOR: And the decision makers in
14 a project such as the Keeyask Generating Station
15 are, in fact, the Provincial Government and the
16 Federal Government? Those will be the ones that
17 actually determine whether a licence will issue to
18 this project?

19 MS. MCHUGH: I think the decision
20 makers also include the Keeyask Limited
21 Partnership and the people that are actually going
22 to be managing the ecosystem.

23 MS. MAYOR: One of the decision makers
24 in terms of the licence going forward, though, are
25 the two levels of government?

1 MS. MCHUGH: Sure, yes.

2 MS. MAYOR: And if the government felt
3 that this particular type of tool should be used
4 in the Environmental Impact Assessment, it is
5 likely that they would have put that in the terms
6 of reference, or in their statute, or in the
7 scoping document, or in the EIS guidelines that
8 were issued?

9 MS. MCHUGH: Actually, it is implied
10 in all of those documents. Whenever there is a
11 mention of protecting ecosystems, that essentially
12 implies protecting the services and the benefits
13 that we obtain from ecosystems.

14 MS. MAYOR: One of the rationales that
15 you provide for it being implied is found at page
16 10 of your report.

17 And at page 10 of the report, you
18 reference the Water Protection Act; is that
19 correct?

20 MS. MCHUGH: Actually, no. The Water
21 Protection Act was included in my presentation,
22 but it is not referenced in the report. I
23 reference the -- yes, I'm sorry, that's on page 9.

24 MS. MAYOR: It starts at the bottom of
25 page 9, but the actual quotations that you cite

1 are on page 10 of your report?

2 MS. MCHUGH: Yes.

3 MS. MAYOR: So you first of all
4 indicate the purpose of the Act, and there are
5 some stewardship principles that are outlined
6 under the purpose of the Act?

7 MS. MCHUGH: Yes.

8 MS. MAYOR: Then you go on to say,
9 under section 9, that a Minister may actually
10 refuse to issue a licence. Correct?

11 MS. MCHUGH: That's according to what
12 section 9 says, yes.

13 MS. MAYOR: So you are implying that's
14 another basis upon which this particular tool
15 should be used and is being implied by governments
16 that it should be used?

17 MS. MCHUGH: Sorry, can you rephrase
18 that?

19 MS. MAYOR: Well, you are saying,
20 although the use of an ecosystem service valuation
21 has not been laid out in any of the guidelines, or
22 any of the legislation, or the terms of reference,
23 you are saying that somehow it is implied in the
24 language that's used. And one of the rationale
25 that you use for that statement is this particular

1 Act?

2 MS. MCHUGH: If you could let me
3 clarify? I will just read the top of page 10, the
4 purpose of the Act.

5 "Whereas an abundant supply of high
6 quality water is essential to sustain
7 all ecological processes, life support
8 systems and flood food production, it
9 is paramount to the environment,
10 economic and social well-being of
11 Manitoba now and in the future."

12 So wherever within the Act ecosystems,
13 and essentially the benefits that ecosystems
14 provide to you and I are mentioned, I believe,
15 yes, that that is implying ecosystem services are
16 also needed to be protected, yes.

17 MS. MAYOR: And as further support for
18 that proposition that you are making, you cite
19 section 9 and the possible refusal of a licence?

20 MS. MCHUGH: In section 9.2(a),
21 basically it stipulates that if ground water level
22 or water body level, or in-stream flow is
23 insufficient to assure aquatic ecosystems are
24 protected and maintained, then, yes, a licence
25 could be refused.

1 MS. MAYOR: Are you aware that that
2 section that you have quoted, 9.1 and 9.2, is not
3 in fact even in the Water Protection Act?

4 MS. McHUGH: No, I'm not.

5 MS. MAYOR: That particular section is
6 from an entirely separate Act known as the Water
7 Rights Act, that has no application to the
8 particular project that we are talking about.

9 MS. McHUGH: Well, I obtained all of
10 this information from the Manitoba Water Policy
11 and the Manitoba Water Strategy, it is all
12 compiled, and that is all supported by the
13 government. So it is all coming from the same
14 source.

15 MS. MAYOR: And you didn't yourself
16 review these statutes to ensure they had
17 applicability to the project?

18 MS. McHUGH: In my opinion that is
19 directly applicable, if it is an ecological
20 process that sustains the well-being of
21 Manitobans, it is applicable to Keeyask. No, I
22 did not review all of the separate Acts, I
23 reviewed the Manitoba Water Strategy and Manitoba
24 Water Policies in which it is all compiled on the
25 website.

1 MS. MAYOR: So section 9.1 of the
2 Water Rights Act is part of a statute that
3 requires a licence when water is being consumed.
4 So, for example, if you are building a well or
5 using water in that way. It has no applicability
6 whatsoever to the Keeyask project when it's in
7 operation.

8 MS. McHUGH: Water is consumed by all
9 critters, all animals and all people. So when
10 people eat the food, for example, a moose, well a
11 moose has been drinking that water, so I would
12 argue that it is applicable.

13 MS. MAYOR: Were you aware that both
14 the Provincial and Federal regulators had an
15 opportunity to review and comment on the valued
16 environmental components that were selected, or
17 the VECs?

18 MS. McHUGH: No.

19 MS. MAYOR: So, were you aware then
20 that there were no suggestions made by those
21 entities that ecosystem services should be
22 identified as a valued environmental component?

23 MS. McHUGH: No, I was not aware of
24 that.

25 MS. MAYOR: Now, you were aware that

1 there was an extensive information request process
2 as part of the environmental review over several
3 rounds?

4 MS. MCHUGH: Yes, I was a part of that
5 process.

6 MS. MAYOR: As part of that process,
7 questions could be asked by all relevant
8 departments of both the Provincial and Federal
9 Governments, as well as by the Clean Environment
10 Commission and its participants?

11 MS. MCHUGH: That sounds right.

12 MS. MAYOR: And in terms of the
13 questioning that was done by the Provincial
14 Government representatives and the Federal
15 Government representatives, were you aware that
16 not a single question from those regulatory bodies
17 was asked in relation to the valuation of
18 ecosystem services?

19 MS. MCHUGH: No, I was not aware of
20 that. However, I would say that that is part of
21 the larger problem that global ecosystems face, is
22 this is not part of the current economic paradigm.
23 However, without the value that ecosystems provide
24 to society, our global economy would not be able
25 to function.

1 MS. MAYOR: There is another document
2 in front of you that's the Canadian Council of
3 Ministers of the Environment Water Evaluation
4 Guidance document.

5 MS. MCHUGH: Yes, I see this.

6 MS. MAYOR: If you could also have in
7 front of you your report starting at page 8?

8 MS. MCHUGH: Um-hum.

9 MS. MAYOR: At page 8 of your report
10 you state the purpose of the water valuation
11 document of the CCME is to help establish how
12 water valuation can assist in addressing water
13 management issues, including how and when water
14 valuation might be appropriate. That's correct?

15 MS. MCHUGH: That's correct.

16 MS. MAYOR: If we then turn to section
17 3.3 of the CCME document, we see that there is an
18 entire section devoted to determining the role for
19 water valuation?

20 MS. MCHUGH: That's right.

21 MS. MAYOR: And the first sentence in
22 that particular document is:

23 "A key point to highlight is that
24 water valuation is not a necessary
25 prerequisite for making a decision for

1 any of the water resource management
2 or decision making context set out."

3 Do you see that quote?

4 MS. MCHUGH: I do.

5 MS. MAYOR: Then on the following page
6 the second bullet says:

7 "The usefulness of water valuation in
8 policy or project analysis appraisal
9 or evaluation or prioritization should
10 be viewed relative to other relevant
11 techniques."

12 MS. MCHUGH: I see that, yes.

13 MS. MAYOR: Then box 3.2 at the bottom
14 of that page goes on to list a number of other
15 approaches which may be equally suitable. And do
16 you see that at the bottom?

17 MS. MCHUGH: I do.

18 MS. MAYOR: And at the beginning of
19 that box it says:

20 "Ordinarily water valuation is not a
21 substitute for assessment
22 methodologies such as environmental
23 impact assessment or lifecycle
24 analysis. In fact, valuation is
25 typically the next step on from impact

1 assessment in which either qualitative
2 or quantitative impact measures are
3 converted into a monetary metric for
4 the purposes of decision making."

5 Do you see that as well?

6 MS. MCHUGH: I do.

7 MS. MAYOR: Then it goes on in terms
8 of that box giving a number of common impact
9 assessment methodologies which include life cycle
10 analysis, environmental and social impact
11 assessment, health risk assessment, natural
12 resource damage assessment and multi criteria
13 analysis.

14 MS. MCHUGH: Yes, I see that.

15 MS. MAYOR: You would be aware, of
16 course, from your reading of the materials, that
17 those first three methodologies have already been
18 applied to the Keyask Generation Project through
19 the environmental assessment work done by the
20 Partnership.

21 MS. MCHUGH: Actually, I disagree with
22 that. There was an improper LCA conducted as was
23 established in earlier proceedings. But the main
24 point of including the water valuation guidance
25 document is to provide guidance for the next step,

1 which is doing valuation, there is a global call
2 to do valuations, and you could arguably include
3 valuations in these other assessments as well.

4 MS. MAYOR: Are you a lifecycle
5 analysis expert?

6 MS. MCHUGH: No, I'm not, but my
7 colleagues are.

8 MS. MAYOR: Did you review the
9 lifecycle analysis done by the Pembina Institute
10 on behalf of the Partnership?

11 MS. MCHUGH: No, I did not, but my
12 colleagues did.

13 MS. MAYOR: Are you aware that your
14 colleagues, in fact, indicated they did not do a
15 full critique of that report?

16 MS. MCHUGH: I don't know, no.

17 MS. MAYOR: In your presentation this
18 morning you indicated that you must do a full cost
19 accounting?

20 MS. MCHUGH: Yes.

21 MS. MAYOR: And you would have heard
22 the evidence of Dr. Clarke this morning?

23 MS. MCHUGH: Yes.

24 MS. MAYOR: And do you recall her
25 saying that accountants are just now being trained

1 to do a full cost accounting?

2 MS. MCHUGH: I recall her saying
3 something like that.

4 MS. MAYOR: So, although you are
5 implying that a full cost accounting reference
6 must be done, and you are implying that it is in
7 the guidelines implicitly somewhere, accountants
8 are not even yet fully trained on those particular
9 tools?

10 MS. MCHUGH: No, I disagree with that.
11 There have been multiple valuations conducted
12 across the world. As well, my presentation and my
13 report are intended to provide information for
14 best practices. So this transition is happening,
15 environmental accounting, ecological accounting is
16 occurring. And if Manitoba Hydro and the Keeyask
17 Partnership are to engage in best management
18 practices, then it is in their best interests to
19 go ahead and include ecological costs of
20 environmental degradation in their full cost
21 accounting, yes.

22 MS. MAYOR: But we have already
23 established that neither the Provincial Government
24 nor the Federal Government have accepted that as a
25 best practice as yet in their legislation?

1 MS. MCHUGH: Well, it is in the CEC
2 terms of reference, and environmental costs are
3 included in the definition of full cost
4 accounting, it does state environmental costs.

5 MS. MAYOR: You would agree that the
6 use of valued environmental components is a fairly
7 standard practice in environmental assessment
8 because it focuses on assessment?

9 MS. MCHUGH: Yes, I would agree it is
10 a widely used practice, yes.

11 MS. MAYOR: And it also assists with
12 decision making?

13 MS. MCHUGH: Yes.

14 MS. MAYOR: And I believe you
15 indicated that you have read the EIS guidelines.

16 MS. MCHUGH: Parts of them, yes.

17 MS. MAYOR: And I have got a copy of a
18 page from the EIS guidelines for the Keeyask
19 Generation Project in front of you, it is a
20 one-page document?

21 MS. MCHUGH: Yes.

22 MS. MAYOR: And looking in the second
23 paragraph midway through the paragraph it says:

24 "The greatest time and effort are to
25 be applied to data collection and

1 interpretation related to the valued
2 environmental components, VECs, as
3 identified as by the proponent and
4 through these guidelines."

5 MS. MCHUGH: Yes, that's what it says.

6 MS. MAYOR: At page 22 of your report,
7 the second sentence in section 5.3 says:

8 "Compliance with regulations rather
9 than science or ecology has most often
10 been found to be the driving factor
11 influencing selection of indicators or
12 VECs."

13 MS. MCHUGH: Yes, that's what it says.

14 MS. MAYOR: And your suggestion is
15 also that that is what was done in the Keeyask
16 project?

17 MS. MCHUGH: I'm saying -- I'm
18 suggesting that's -- no, actually that's not quite
19 what I'm suggesting. In the majority of cases
20 indicators are selected largely to comply with
21 regulations.

22 MS. MAYOR: And that wasn't the case
23 in the Keeyask project, was it?

24 MS. MCHUGH: I'm not sure. That's not
25 clear in the reporting.

1 MS. MAYOR: Well, if you looked in
2 the -- you had indicated that you had read the
3 materials, and so I will see if I can refresh your
4 memory, and I apologize, I don't have an actual
5 reference. It is, just for reference of the
6 panel, it is page 5-5 of the response to the EIS
7 guidelines. But there were six factors that were
8 listed as -- six factors were listed that were
9 used for selection of the VECs. The first point
10 was the overall importance and value to people.
11 The second factor was the key for ecosystem
12 function. Third factor was umbrella indicator.
13 Fourth factor was amenability to scientific study.
14 The fifth factor was potential for substantial
15 potential effects. And the last of all of those
16 factors was regulatory requirements.

17 So would you agree with me that if, in
18 fact, those factors were all involved in the
19 selection of VECs, compliance with regulations
20 wasn't the primary driver for selection of VECs in
21 the Keeyask project?

22 MS. MCHUGH: It was one of the
23 factors, maybe it wasn't the primary factor, but
24 that still doesn't change my conclusions that the
25 indicators that are largely used in projects such

1 as Keeyask are not halting global ecosystem
2 decline, ecosystem services decline and the
3 benefits we get from these ecosystems. So the
4 selection of VECs was largely irrelevant to my
5 review, in that I didn't go into all of the
6 details of each and every VEC because they are not
7 explicitly or directly linked to ecosystem
8 services, or they are not reported in a way that
9 explicitly or directly links them to ecosystem
10 services. So it was not relevant to my particular
11 terms of reference.

12 MS. MAYOR: If you can turn to page 17
13 of your report under section 4.3.2, and I'm
14 looking in the first sentence in the second
15 paragraph, you indicate it should be recognized
16 that VECs should be used as proxies or indicators
17 of services?

18 MS. MCHUGH: Yes, I say that.

19 MS. MAYOR: And the example that you
20 provided is that water quality, as it results from
21 or is dependent upon ecological services such as
22 water purification, but is not an ecosystem system
23 service itself, so that's one example that you
24 provided of using a VEC as a proxy?

25 MS. MCHUGH: That's correct.

1 MS. MAYOR: And water quality, in
2 fact, was a key VEC for the Keeyask project?

3 MS. McHUGH: Yes, but it is not
4 explicitly linked to the ecosystem services for
5 Keeyask.

6 MS. MAYOR: Having reviewed the EIS,
7 you are aware of the extensive work done by the
8 Partnership to assess water quality?

9 MS. McHUGH: Yes.

10 MS. MAYOR: And that has included an
11 assessment of erosion and sedimentation processes,
12 both current and predicted for the future that may
13 affect overall water quality?

14 MS. McHUGH: I'm not aware of the
15 specific details, but I believe you.

16 MS. MAYOR: The analysis also
17 integrated a consideration of possible effects to
18 aquatic life, and to mammals, and to humans who
19 rely on the water resources for survival, as well
20 as for traditional pursuits and recreation?

21 MS. McHUGH: Sure, that sounds right.

22 MS. MAYOR: It also considered
23 possible effects to the water quality all the way
24 downstream to the Nelson River estuary?

25 MS. McHUGH: That sounds right. I

1 have not reviewed all of the details of those
2 technical reports.

3 MS. MAYOR: You are aware that the
4 First Nation Partners also undertook their own
5 holistic assessment of the project?

6 MS. MCHUGH: I'm aware of that.

7 MS. MAYOR: And they included changes
8 to the environment that could result from the
9 project and potentially affect their relationship
10 to Aski, which is the term they use to describe
11 the environment, land, water, people and
12 everything in it?

13 MS. MCHUGH: I'm aware of it now, yes,
14 now that you have pointed it out.

15 MS. MAYOR: You didn't have an
16 opportunity to review the Cree evaluation reports
17 that were prepared and filed along with the EIS?

18 MS. MCHUGH: No, I did not.

19 MS. MAYOR: Over the last -- over the
20 course of the last several weeks, which perhaps to
21 the panel appears to be several months, but it
22 only has been several weeks, the First Nation
23 Partners, as well as scientists, engineers,
24 technical experts, have described for us the
25 detailed assessment done over the course of ten

1 years from two different approaches, both the
2 western science approach and the Cree holistic
3 worldview approach. So you haven't read their
4 reports. Would you have read the transcripts of
5 that evidence?

6 MS. MCHUGH: No.

7 MS. MAYOR: Based on what you have
8 read and your understanding of a high level, even
9 of the analysis that has been done, would you
10 agree that there has been a fairly comprehensive
11 analysis of water quality up to the present and
12 into the future for this project?

13 MS. MCHUGH: I would agree that a lot
14 of information has been collected. However, it
15 may not be reported in a way that actually
16 facilitates or informs decisions.

17 MS. MAYOR: However, you haven't had
18 an opportunity to review all of the full reports
19 to make that determination?

20 MS. MCHUGH: No, but I have read
21 hundreds and hundreds of pages of documents from
22 Keeyask. And if those assessments are conducted,
23 and I believe that I state in my report that some
24 of this information has been conducted, some of
25 this information is available, however, the

1 current framework for reporting, including the
2 reporting framework in the EIS, does not
3 facilitate easily extracting this information, or
4 easily interpreting this information. So if you
5 can't extract it and easily interpret it, how can
6 you use it to inform decisions?

7 MS. MAYOR: You would agree that the
8 assessment includes what changes to water quality
9 may mean for humans and non-humans that rely upon
10 and benefit from the services provided by the
11 water?

12 MS. MCHUGH: Yes, there are parameters
13 that are used to provide changes to water quality.

14 MS. MAYOR: You are also aware that
15 there will be ongoing monitoring of water quality?

16 MS. MCHUGH: I'm aware of that.

17 MS. MAYOR: Are you aware of the
18 coordinated aquatic monitoring program known as
19 CAMP?

20 MS. MCHUGH: I'm aware of that.

21 MS. MAYOR: And you are aware that it
22 has been in place since 2008, and is a long-term
23 aquatic monitoring program to study monitoring of
24 water bodies, rivers and lakes, affected by
25 Manitoba Hydro's entire generating system?

1 MS. MCHUGH: I'm surprised to hear
2 that it has been in place since 2008. Because to
3 my understanding, the reporting from the program
4 is supposed to be public and online, but there
5 isn't a single report online.

6 MS. MAYOR: So in front of you, you
7 have a printout from the CAMP website?

8 MS. MCHUGH: Yes.

9 MS. MAYOR: And the first page that we
10 just looked at says "about", so that's a
11 description of the program?

12 MS. MCHUGH: Yes, I see that.

13 MS. MAYOR: And it describes the
14 program and it says:

15 "The design of the CAMP integrates
16 components of existing Manitoba and
17 Manitoba Hydro long-term monitoring
18 programs and develop new components
19 and sites to fill necessary gaps. The
20 geographic scale of CAMP makes it the
21 largest holistic ecosystem based
22 aquatic monitoring program in
23 Manitoba."

24 MS. MCHUGH: I see that, yes.

25 MS. MAYOR: It goes on, there is

1 another page that we have provided to you. It is
2 called program description?

3 MS. McHUGH: Yes, I see this.

4 MS. MAYOR: And the second point in
5 there talks about water quality and it indicates
6 that it will be sampled four times per year during
7 each season and analyzed for more than 50
8 individual parameters?

9 MS. McHUGH: Yes, I see that.

10 MS. MAYOR: So that was information
11 that you were not aware of prior to writing your
12 report?

13 MS. McHUGH: Well, I'm not sure that I
14 agree there, because this particular program, the
15 way it is set up right now, is not necessarily set
16 up to inform an ecosystem services assessment. So
17 that doesn't mean that the program can't inform
18 ecosystem services assessment, or assessments
19 about the benefits that we receive from nature.
20 However, in your response to information requests,
21 it does actually, you actually state, or the
22 Partnership states that the programs are not
23 designed to support these assessments.

24 So I would, first and foremost,
25 commend the Partnership, Manitoba Hydro and the

1 Province for putting together this program.
2 However, I would strongly recommend that the
3 program include ecosystem services assessments and
4 specific state of the environment reporting in a
5 transparent and holistic way.

6 Now, from the last time I looked at
7 the website for this monitoring program -- because
8 it is exciting to me as a monitoring specialist
9 that this type of large scale monitoring program
10 in Manitoba is put together -- I didn't find any
11 technical reports, I didn't find any synthesis
12 reports, I didn't find any data, I didn't find any
13 information publicly available on this website
14 that could inform an ecosystem services
15 assessment.

16 So it almost looked like the program
17 is sort of stagnant, there wasn't any updated
18 information on it, maybe that's just the website,
19 but I look at this as an excellent opportunity to
20 start integrating that into the program.

21 MS. MAYOR: And to be fair, the
22 website is fairly new in coming out, so your
23 search for information may have been partly due to
24 that. But you would agree that the purpose of the
25 monitoring is to attempt to detect any change in

1 water quality, as we just reviewed on the project
2 description, or program description?

3 MS. MCHUGH: I would agree that some
4 of the parameters are focused on water quality.

5 MS. MAYOR: And detecting a change in
6 water quality would also help to detect a possible
7 change in the ecosystem services related to that
8 water quality?

9 MS. MCHUGH: Yes.

10 MS. MAYOR: You indicate, and I'm
11 going back to the beginning of your report on the
12 page with iii again -- sorry, I'm going to flip
13 you first to page 21, I apologize for that.

14 On page 21, there is a box, table 3,
15 and there is one box entitled time frame?

16 MS. MCHUGH: Yes.

17 MS. MAYOR: And you state:

18 "30 years is the stated time frame in
19 EIS, however, current monitoring time
20 frames are short and inconsistent. No
21 long-term mitigation or management
22 interventions is proposed in the
23 program."

24 MS. MCHUGH: Yes, that's what it says.

25 MS. MAYOR: Now, you are aware of the

1 sturgeon stocking program?

2 MS. MCHUGH: Yes, I am.

3 MS. MAYOR: And that there will be
4 extensive monitoring and stocking until sturgeon
5 populations in the reach of the river are
6 self-sustaining?

7 MS. MCHUGH: I'm aware of that, but
8 I'm also aware of the assessment that says only 20
9 per cent of mitigation efforts are effective for
10 hydropower systems. So I would assume that the
11 sturgeon -- I wouldn't assume anything, but I
12 would say that, you know, there is questions
13 whether or not the stocking program will work.

14 MS. MAYOR: Well, you are aware that
15 there is a minimum of a 25 year commitment that's
16 been put in place to continue with that stocking
17 and monitoring?

18 MS. MCHUGH: Yes, it probably should
19 be longer, but, yes, I'm aware of that. I'm not a
20 sturgeon expert, I should clarify that.

21 MS. MAYOR: And that's the minimum
22 commitment that's already been committed to by the
23 Partnership?

24 MS. MCHUGH: Okay.

25 MS. MAYOR: So where you say it may be

1 longer, in fact, that's just the minimum
2 commitment that's been put in place.

3 MS. McHUGH: Okay.

4 MS. MAYOR: You are aware as well of
5 the socio-economic monitoring plan?

6 MS. McHUGH: I glanced through it.

7 MS. MAYOR: And you are aware that
8 there is careful monitoring to be carried out of
9 mercury in fish?

10 MS. McHUGH: Yes.

11 MS. MAYOR: Are you aware as well that
12 every five years a human health risk assessment
13 related to mercury will be carried out?

14 MS. McHUGH: Yes.

15 MS. MAYOR: And both of those programs
16 will continue until stable mercury levels are
17 reached that are comparable to pre-project levels?

18 MS. McHUGH: Okay.

19 MS. MAYOR: And all are expected to be
20 25 to 30 years in duration?

21 MS. McHUGH: So it will take 25 to 30
22 years for the fish to be healthy enough to eat?

23 Sorry, I'm not aware of the details of that.

24 MS. MAYOR: There is going to be
25 monitoring to ensure that levels of mercury return

1 to pre-project conditions, and so if that takes 25
2 to 30 years, that will be done. That's the
3 commitment made by the Partnership.

4 MS. McHUGH: Okay.

5 MS. MAYOR: And are you aware of the
6 many offsetting programs that have been put in
7 place that have associated monitoring programs
8 with them?

9 MS. McHUGH: Of specific offsetting
10 programs, no, I'm not aware.

11 MS. MAYOR: So you would be comforted
12 to know that if there are resource based
13 monitoring associated with those programs, that
14 there is a commitment made to continue those for
15 the life of the project?

16 MS. McHUGH: Well, that's good news.

17 MS. MAYOR: The First Nation Partners
18 are also going to be undertaking their own
19 Aboriginal traditional knowledge monitoring for
20 the life of the project, to assess the effects
21 based on their own Cree worldview. Were you aware
22 of that?

23 MS. McHUGH: I imagine that would be
24 the case, yes.

25 MS. MAYOR: And they will be basing

1 those ATK monitoring on indicators most important
2 to them and developed by them?

3 MS. McHUGH: I see lots of opportunity
4 to integrate the benefits from nature into all of
5 these programs.

6 MS. MAYOR: Would you agree that all
7 of those examples that you and I have just gone
8 through are long-term mitigation or management
9 interventions?

10 MS. McHUGH: No, not necessarily. The
11 project that I manage, the Lower Bridge River, the
12 dam was put in, the first dam was put in, in the
13 '40s, so it has already been close to 80 years
14 since that dam was put into place. So long term
15 is a relative concept. We live in the blink of an
16 eye, so long term could be 100 years, could be 200
17 years.

18 MS. MAYOR: So when we have discussed
19 throughout the evidence given in this hearing that
20 the life of the project could be 100 years, and
21 many of those mitigation measures or monitoring
22 will carry on for the life of the project, that
23 would accord with your definition of long term?

24 MS. McHUGH: Ideally, yes, the
25 monitoring programs should continue to adapt and

1 inform management positions in perpetuity, while
2 focusing on the benefits of nature.

3 MS. MAYOR: Still looking at page 22
4 of your report, at the top in the box under
5 reporting it says:

6 "There is no way to assess the effects
7 of human well-being."

8 Are you aware that the First Nations Partners have
9 in fact done just that in each of their own
10 reports?

11 MS. MCHUGH: No, I'm not.

12 MS. MAYOR: In fact, the Fox Lake Cree
13 Nation has an entire section devoted to health in
14 their report. You are not aware of that?

15 MS. MCHUGH: No, I'm not.

16 MS. MAYOR: Are you aware they have
17 created many offsetting programs to deal with
18 human well-being?

19 MS. MCHUGH: No, I'm not. But my
20 question would be, are they explicitly linking the
21 benefits we receive from nature to human health?
22 For example, they quote multiple times, the fish
23 don't taste as good. Well, maybe there is a
24 nutritional issue there. Who knows what that will
25 look like in 80 years?

1 So, no, I'm not aware of all of the
2 details of the monitoring programs, but, again, I
3 see it as an excellent opportunity to combine
4 their human well-being with ecological benefits.

5 MS. MAYOR: You have no reason to
6 dismiss their work or to take away the fact that
7 they have done a comprehensive assessment, knowing
8 their own issues and their own worldview impacts?

9 MS. MCHUGH: I'm not dismissing their
10 work, I haven't read their work. My scope was
11 limited.

12 MS. MAYOR: Are you also aware that a
13 rigorous assessment of health was done as part of
14 the Environmental Impact Statement?

15 MS. MCHUGH: No, I'm not aware of
16 that. I looked at components specifically with
17 regard to water quality and biodiversity and
18 monitoring.

19 MS. MAYOR: So you are not aware that
20 the work done by the Partnership was actually
21 analyzed by a doctor hired by the Consumers
22 Association?

23 MS. MCHUGH: No, I didn't read
24 anything about that.

25 MS. MAYOR: So when he gave the health

1 impact assessment done by the Partnership team a
2 fairly favorable report, and acknowledged that
3 there were a number of excellent measures put in
4 place to address human well-being, you wouldn't
5 disagree with him?

6 MS. McHUGH: Like I said, I haven't
7 read it.

8 MS. MAYOR: So perhaps your indication
9 that there is no way to assess effects to human
10 well-being is premature, given the fact that you
11 haven't had an opportunity to review all of those
12 reports and assessments done?

13 MS. McHUGH: Well, of course I didn't
14 have an opportunity to review all of the reports
15 and assessments, there are thousands of pages.
16 However, I would still maintain that it is
17 difficult to ascertain whether ecosystem services
18 and the direct links to human health from the
19 ecosystem services are reported on.

20 MS. MAYOR: During your presentation
21 this morning, you referred to a concept known as
22 Go with Nature?

23 MS. McHUGH: Yes, that term is in the
24 cumulative effects assessment summary document.

25 MS. MAYOR: You then went on to say

1 that you know of no such method?

2 MS. MCHUGH: That's correct. That's
3 not a leading method for mitigation.

4 MS. MAYOR: During the course of your
5 review of the materials, did you read the Joint
6 Keeyask Development Agreement?

7 MS. MCHUGH: I did not.

8 MS. MAYOR: So if you can turn, there
9 is one additional document that's in front of you,
10 the top says "Disturbed Site Reclamation"?

11 MS. MCHUGH: Yes, I see it.

12 MS. MAYOR: Section 7.3.1 is entitled
13 "Principles Regarding Respect for the Land."

14 MS. MCHUGH: I see it.

15 MS. MAYOR: It says:

16 "Principles that guide the Keeyask
17 Cree Nations' objectives regarding
18 respect for the land include the
19 following: Adopting measures that
20 increase, to the extent ecologically
21 reasonable, the abundance of species
22 and/or growing conditions for species
23 that have special social or economic
24 importance for the Keeyask Cree
25 Nations; B, employing strategies that

1 go with rather than go against nature
2 as they have a much higher probability
3 of success; C, planting species and
4 promoting site conditions that are
5 widespread in the sub region in which
6 the Keeyask is located, rather than
7 planting species and promoting site
8 conditions that may be popular in more
9 southern areas; and D, being
10 respectful of the Keeyask Cree Nations
11 traditional relationships with the
12 land."

13 MS. MCHUGH: Yes, I see that.

14 MS. MAYOR: In one simple forum, one
15 of the things that they are addressing by going
16 with nature, as opposed to going against nature,
17 is not planting invasive species, ensuring that
18 species are planted which are important to them
19 and which are native to that area.

20 Would you agree with that?

21 MS. MCHUGH: Well, what you say sounds
22 right.

23 MS. MAYOR: And that particular method
24 or concept isn't unknown. In fact, that's fairly
25 good practice?

1 MS. McHUGH: The reason I brought up
2 "Go with Nature" is because that is the method
3 described in the mitigation, in the cumulative
4 effects assessment summary. So within a
5 cumulative effects assessment, one would expect to
6 find actual mitigation measures and proposed
7 measures, but there weren't any details about this
8 technique that they are proposing.

9 MS. MAYOR: And the details weren't
10 included in the document that you read because you
11 read a summary document, you didn't read the full
12 report.

13 MS. McHUGH: So, there was a full
14 cumulative effects assessment?

15 MS. MAYOR: It is certainly described
16 in the report in greater detail, in the response
17 to the EIS guidelines.

18 MS. McHUGH: I'm specifically
19 referring to the cumulative effects assessment, so
20 in the assessment summary document, this is the
21 method that is used for mitigation.

22 MS. MAYOR: Yes, I understand that, it
23 is a summary of what was contained in the response
24 to the EIS guidelines and the various supporting
25 volumes.

1 MS. MCHUGH: From what I can see,
2 there weren't cumulative effects assessments in
3 the EIS.

4 MS. MAYOR: If we go now to iii in
5 your report, the page number iii?

6 MS. MCHUGH: Yes.

7 MS. MAYOR: In the first full
8 paragraph below the bullet, second sentence you
9 say:

10 "The overarching principles of
11 identifying valued ecosystem
12 components or VECs and the protection
13 of the socio-economic environment can
14 only be achieved through the use of
15 metrics for ecosystem services and
16 ecological economics."

17 MS. MCHUGH: Yes.

18 MS. MAYOR: So, essentially, what you
19 are asking is beyond the comprehensive two-track
20 environmental assessment that's been done, you
21 also want the Partnership to put a price or dollar
22 value on the ecosystem services?

23 MS. MCHUGH: Well, that's a
24 complicated question, but I think it is
25 appropriate to include the environmental costs

1 that society will then bear in the future into
2 project assessments, yes.

3 MS. MAYOR: Now, having read the
4 materials, you are aware of the many challenges
5 that have been faced by the Partnership over the
6 last decade, at least during the course of their
7 study? Would you be aware of that?

8 MS. McHUGH: I'm not aware of the
9 particular challenges, but as I am a practitioner
10 in this field, I can certainly assume there are
11 lots of challenges.

12 MS. MAYOR: We have heard over the
13 course of the last several weeks that there has
14 been much debate amongst the Partners, discussion,
15 tears, throughout this study to eventually come to
16 an agreement on what should be filed as part of
17 the Environmental Impact Statement, and how it
18 would appropriately reflect two equal but
19 different worldviews. So based, or put in that
20 context, if the Partnership chose to do an
21 economic valuation of ecosystem services, who
22 would decide how to value these resources from a
23 financial perspective?

24 MS. McHUGH: Well, that would be a
25 process, a locally driven process by stakeholders,

1 by communities, by First Nations, by Manitoba
2 Hydro.

3 MS. MAYOR: And it is fair to say that
4 a significant amount of time and resources and
5 likely considerable debate would be required,
6 given these different worldviews and value
7 systems?

8 MS. McHUGH: I think a considerable
9 amount of time and resources would be spent, but
10 they would be insignificant compared to the
11 environmental costs that we are incurring from not
12 doing an assessment like this.

13 MS. MAYOR: We have heard over the
14 course of the evidence as well that our First
15 Nation Partners do not believe that you can place
16 dollar value on the environment or on project
17 effects, because of how deeply entrenched the
18 environment and its services are in its Cree
19 worldview.

20 So what does one do when those most
21 affected by the project do not believe the value
22 of those services can be summed up by declaring a
23 dollar amount for their worth?

24 MS. McHUGH: I think that's a
25 rhetorical question. I can't answer that

1 question. But by implying zero dollars to things
2 like water purification systems that wetlands
3 provide, we are essentially implying a value of
4 zero. There is a lot of debate on whether or not
5 we should be applying a dollar sign to nature.
6 And I have gone back and forth myself several
7 times on whether we should be applying dollar
8 value to nature. However, it is one thing to put
9 nature, put a dollar sign on, and then trade it on
10 the market as a commodity. But it is another
11 thing to assign a dollar sign to something and
12 then build it into a cost benefit analysis of a
13 project. Even if that's the only goal is to
14 extract the costs, the environmental costs that
15 the project is imposing on the local people. You
16 can't deny that if you take away a fish and the
17 resources to fish, you have to import that food.
18 So what are the costs of importing that food?
19 What are the environmental costs? What are the
20 monetary costs? What are the nutritional costs?
21 There are costs. Whether or not these values
22 should be traded on the market and can modify is a
23 whole other debate. But the conclusion is that if
24 we are ever going to halt the decline in
25 ecological integrity, then we need to start

1 considering the costs to our environment, and the
2 costs to society in building these projects. And
3 if that's, you know, like I said, it is a local
4 process and it has to be locally driven. And so I
5 can't specifically answer that question, but at
6 this point anything is better than a value of
7 zero.

8 MS. MAYOR: Thank you. I have no more
9 further questions.

10 THE CHAIRMAN: Thank you, Ms. Mayor.

11 Checking my list, Manitoba Metis
12 Federation, any questions for this witness? No.
13 Consumers Association? No. Concerned Fox Lake?
14 Perhaps you might let her have the front table.

15 MS. PAWLOWSKA: Good afternoon.

16 Thank you for your presentation. I
17 only have about two questions.

18 The first question I have is in
19 regards to conducting such an ecosystem services
20 study or analysis. So I guess the first question
21 I have is, if you were to conduct an ecosystem
22 services analysis, and if such a study was made,
23 would you also take into account some of the
24 services that the local people in that system
25 provide?

1 MS. MCHUGH: Absolutely.

2 MS. PAWLOWSKA: So would you, for
3 example, take into account the amount of work that
4 a trapper does on his trapline, the furs that he
5 produces and has harvested, the fishing, the
6 creation of products?

7 MS. MCHUGH: Are you talking like man
8 hours or -- because the products are provisioning
9 services, so, yes, they would be included.
10 Cultural services are also included.

11 MS. PAWLOWSKA: Okay, thank you.

12 And then, would you agree that if, for
13 example, the land and the resources are removed
14 from the area, therefore, the services of those
15 local peoples would also diminish?

16 MS. MCHUGH: Yes.

17 MS. PAWLOWSKA: If you removed the
18 people from those traplines, then you also would
19 diminish the creation of such human made services,
20 correct?

21 MS. MCHUGH: Correct. Humans are a
22 part of the system.

23 MS. PAWLOWSKA: Okay. Thank you.

24 And the final question I have is, have
25 you ever heard of First Nations conducting such an

1 ecosystem analysis in Canada?

2 MS. MCHUGH: I know that there are
3 partnerships that do include First Nations, for
4 example, the west coast of Vancouver -- I'm mostly
5 familiar with British Columbia -- the west coast
6 of Vancouver Island there has been an ongoing
7 partnership there the last several years with a
8 First Nation community, and it is actually the
9 First Nation driving the process. They are
10 partnered with a non-profit, I can't remember,
11 but, yes, there are examples of First Nations
12 partnering and conducting these assessments.

13 MS. PAWLOWSKA: There was actually a
14 study done with the International Institute of
15 Sustainable Development on the east side of Lake
16 Winnipeg to see how much money, I guess, could be
17 produced from the natural ecosystem of that area.
18 Do you think that a similar study could be
19 produced for an area like the Northern Manitoba
20 regions that have already had an impact with a dam
21 project, for example?

22 MS. MCHUGH: Absolutely. These types
23 of assessments can be used to inform how to
24 restore ecosystems, how to rehabilitate, and how
25 to do this in a way that benefits local people.

1 MS. PAWLOWSKA: Thank you. That's all
2 the questions that I have.

3 THE CHAIRMAN: Thank you
4 Ms. Pawlowska-Mainville.

5 Pimicikamak? No. Thank you.

6 Panel members? Mr. Yee?

7 MR. YEE: Yes, Ms. McHugh, on slide 16
8 I believe it is, you mentioned the figure, only 20
9 per cent ecosystem impacts mitigated effectively.
10 I'm just wondering, where did this value come
11 from? Is that part of the volume on ecosystem
12 assessment?

13 MS. MCHUGH: It is part of the World
14 Commission on Dams.

15 MR. YEE: Okay. Is this a fairly
16 accurate figure in terms of their -- is there any
17 uncertainty associated with this value? Because I
18 don't know how they came up with this number.

19 MS. MCHUGH: I'm not sure of their
20 exact methodology for coming up with this, but it
21 is a commission such as yourself, so I imagine it
22 was a thorough process. There is always
23 uncertainty in everything.

24 MR. YEE: Okay. Thank you very much.

25 THE CHAIRMAN: Thank you. I think you

1 just sneaked in a compliment to our Commission
2 when you said you assumed it was a thorough
3 process.

4 I have just one question and it is on
5 page 30 of your presentation. And right in the
6 middle of the page you refer to the CEC Keeyask
7 terms of reference and the section "Mandate of
8 hearings." What was point you were trying to make
9 here?

10 MS. MCHUGH: That the Manitoba
11 Sustainable Development Act be a part of the terms
12 of reference for the hearing process.

13 THE CHAIRMAN: You did note that it
14 was modified by "where appropriate"?

15 MS. MCHUGH: I think it is
16 appropriate.

17 THE CHAIRMAN: Okay. Thank you.

18 Ms. Whelan Enns, do you have any
19 re-direct?

20 MS. WHELAN ENNS: I do, Mr. Chair.

21 And my aim in terms of time use and
22 where we are at in the afternoon is to ask
23 Ms. McHugh some questions that are pretty much
24 yes/no in terms of use of time.

25 We are going to avoid preamble, okay,

1 and do our best here in terms of short answers.

2 You are aware -- are you aware that
3 the Canadian Council on Ministers of Environment
4 across Canada includes the Minister for the
5 Environment from each jurisdiction in Canada,
6 including Manitoba?

7 MS. MCHUGH: Yes.

8 THE CHAIRMAN: Ms. Mayor?

9 MS. MAYOR: Mr. Sargeant, that
10 document was raised by Ms. McHugh in her
11 presentation and in her report. It is not
12 appropriate re-direct.

13 THE CHAIRMAN: I agree.

14 MS. WHELAN ENNS: Thank you.

15 Ms. Mayor assisted you today in terms
16 of material you identified as being from the Water
17 Protection Act versus where it is from, which is
18 the Water Rights Act.

19 Does that in any way change your
20 recommendations in terms of how you used those
21 quotes from Manitoba law?

22 MS. MCHUGH: No, it doesn't.

23 MS. WHELAN ENNS: Thank you.

24 Ms. Mayor asked you some questions
25 about the review by the technical advisory

1 committee, which is about 25 or 26 people within
2 the Manitoba Government, and their review of the
3 EIS.

4 Does it seem logical to you that,
5 given the EIS guidelines for the Keeyask
6 Generation Station did not include ecosystem
7 services reporting, that the TAC therefore would
8 not make that kind of recommendation? Would they
9 stay limited to what the EIS guidelines say?

10 MS. MCHUGH: Yes, they would probably
11 follow the EIS guidelines.

12 MS. WHELAN ENNS: Thank you.

13 You've been away in the United States
14 for the last ten days or so, so I wanted to just
15 check with you, are you aware that Coldstream
16 Consulting were not able to do a full Keeyask
17 generation station LCA due to lack of access to
18 data?

19 THE CHAIRMAN: Ms. Mayor?

20 MS. MAYOR: Again, not relevant to
21 this hearing, nor is it appropriate re-direct, nor
22 is it accurate.

23 THE CHAIRMAN: I agree on all counts.

24 MS. WHELAN ENNS: My mistake, perhaps
25 it is because the question was asked by Ms. Mayor.

1 THE CHAIRMAN: Carry on.

2 MS. WHELAN ENNS: Let's see.

3 We have had some question of you
4 regarding the CAMP monitoring program, two
5 questions.

6 Is water sampling four times a year,
7 potentially at a limited number of locations,
8 sufficient in terms of what you would need for
9 monitoring, and include ecosystem services for
10 water quality on a river system that's disturbed
11 and near a reservoir; is it sufficient?

12 MS. MCHUGH: No.

13 MS. WHELAN ENNS: Did we in our office
14 make you aware of our searches in the EIS
15 materials for information about the CAMP program
16 once it was mentioned in the hearings, and that we
17 came up with no content in the EIS, did we inform
18 you of that?

19 MS. MCHUGH: Yes, you did.

20 MS. WHELAN ENNS: Are sturgeon
21 monitoring, or mercury monitoring, or offset
22 programs a substitute for ecosystem services
23 assessment, monitoring and reporting?

24 MS. MCHUGH: No.

25 MS. WHELAN ENNS: Have you had an

1 opportunity to look at the charts in the EIS that
2 lay out the monitoring programs in particular for
3 species and -- you have not? I'm sorry, shouldn't
4 have interrupted you. I will try again.

5 Are you aware that to date the
6 information in terms of those monitoring programs
7 in the EIS show short periods of monitoring, stops
8 and starts and maximums of 30 years?

9 THE CHAIRMAN: Ms. Mayor?

10 MS. MAYOR: Again, it is not
11 appropriate re-direct. And Ms. Whelan Enns is now
12 trying to give evidence.

13 THE CHAIRMAN: I would agree. Carry
14 on, please.

15 MS. WHELAN ENNS: Are mitigation and
16 offset programs -- this is going away from
17 specific species -- are mitigation offset programs
18 a replacement then for ecosystem monitoring,
19 reporting, or adaptive management programs?

20 THE CHAIRMAN: Ms. Mayor?

21 MS. MAYOR: It has already been asked
22 and answered.

23 THE CHAIRMAN: I agree.

24 MS. WHELAN ENNS: Is it feasible, in
25 your experience with First Nations communities and

1 river and hydro dam programs, is it feasible, and
2 could Manitoba Hydro and the Keeyask Cree Nations,
3 during their multi-year, up to ten-year
4 preparation for this EIS, have included ecosystem
5 services on a voluntary basis versus compliance?

6 MS. MCHUGH: Absolutely, that would
7 have been best practices.

8 MS. WHELAN ENNS: That's it. Thank
9 you.

10 THE CHAIRMAN: Thank you, Ms. Whelan
11 Enns.

12 That concludes our examination,
13 Ms. McHugh, so thank you very much for your
14 participation in our proceedings, thank you for
15 your report and for coming here today to present
16 it. Thank you.

17 MS. MCHUGH: Thank you, I hope it is
18 helpful.

19 THE CHAIRMAN: We will be changing
20 panels now, so we will take a 15 minute break and
21 come back at five after 3:00 for the next panel.

22 (Proceedings recessed at 2:51 p.m. and
23 reconvened at 3:05 p.m.)

24 THE CHAIRMAN: We will reconvene. Are
25 you going to take the lead on this?

1 MR. MADDEN: Yes.

2 My name is Jason Madden, I'm legal
3 counsel for the Manitoba Metis Federation in this
4 proceeding. We have tabled a presentation that's
5 about 55 slides. We will not be going through
6 each and every one of them. It is tabled for
7 information purposes.

8 President Chartrand is going to begin
9 and speak to some parts of those slides, but not
10 go through them slide by slide. And I will be
11 using some of them to tweak his memory, although
12 it is better than mine.

13 So I guess we will start off with
14 letting the panel introduce themselves and then
15 swear them in. Okay.

16 MR. PARK: Good afternoon, my name is
17 Jack Park, I'm the Minister of Hydro for the
18 Manitoba Metis Federation.

19 MS. LAGIMODIERE: My name is Julyda
20 Lagimodiere, I'm the vice president for the
21 Manitoba Metis Federation in the Thompson region.
22 I am also the Minister of Justice for the MMF.

23 MR. CHARTRAND: I am David Chartrand,
24 I am president of the Manitoba Metis Federation.

25 MR. BENOIT: I am Al Benoit, senior

1 policy advisor for the Metis Federation.

2 Jack Park: Sworn

3 Julyda Lagimodiere: Sworn

4 David Chartrand: Sworn

5 Al Benoit: Sworn

6 MR. MADDEN: So we are going to start
7 with President Chartrand starting with two quotes
8 to give some context to his presentation today.
9 And he needs to be on a plane to Ottawa later on
10 this evening. So what we were going to do is have
11 him do his presentation, and I'm going to ask a
12 few questions throughout to prompt him, and then
13 have cross-examination, and then see how far we
14 get today as of 4:30.

15 THE CHAIRMAN: Thank you, Mr. Madden.

16 MR. MADDEN: President Chartrand.

17 MR. CHARTRAND: Thank you very much,
18 Jason.

19 I first want to start off on the
20 context of reflecting on some statement made by
21 the founder of Manitoba, basically one of the
22 greatest Metis leaders that ever lived, and it is
23 quite fitting I think it finds itself today in
24 this hearing, because it has relevance on the
25 issues that we are about to speak on or discuss

1 on. And we find ourselves in that same
2 predicament 100 and some years later. So I want
3 to give the wisdom of Riel at trial and a
4 statement, and quote, I will use his words:

5 "There were two societies who treated
6 together. One was small, but in its
7 smallness had its rights. The other
8 was great, but in its greatness had no
9 greater rights than the rights of the
10 small...".

11 So I think that's truly a fitting
12 statement where we find ourselves today as a Metis
13 Federation, as a Metis people, trying to find our
14 rightful place as a minority, and not only a
15 minority at that time, of course, in Canada, but
16 now it is a minority ourselves in the north of our
17 province.

18 So I also want to read a quote from
19 the Supreme Court of Canada, and I want to thank
20 you, Terry, as the chair last time, you made some
21 kind words to the Metis people of Manitoba on our
22 recent victories in the Supreme Court of Canada.
23 But I think there are some fitting words in the
24 statement that comes out of the Supreme Court of
25 Canada that I want to quote here for the record,

1 which now reflects 100 some years later. Here is
2 the quote of the Supreme Court of Canada:

3 "The history of the Metis is one of
4 struggle for recognition of their
5 unique identity as a mixed race,
6 descendants of Europeans and Indians.
7 Caught between two larger identities
8 and cultures, the Metis have struggled
9 for more than two centuries for
10 recognition of their own unique
11 identity, culture and governance. The
12 constitutional amendments of 1982
13 signal that the time has finally come
14 for the recognition of the Metis as a
15 unique and distinct people."

16 So you look at that statement, and
17 that comes from the Cunningham versus Alberta.

18 And where it is very clear again, our
19 time has come is what was referenced out of the
20 Supreme Court of Canada. And, you know, the
21 unfortunate part is that we have to find our time
22 has come in hearings such as this, or in court
23 rooms of our country. And that's not the place we
24 should actually find our time has come. Because
25 obviously I think some of us are recognizing that,

1 but institutions out there are working with us
2 now, so those are the method of -- the statements
3 here are to take a reflection of 100 years later
4 and take a look at today in this new millennium.

5 I think the challenge, you know, last
6 time I was here before a Commission of this
7 nature, the Clean Environment Commission on Bipole
8 III, we went to the whole issue of recognition and
9 the issue of the historic Metis presence, and the
10 use of the regional, the original Keeyask study
11 area. Same thing in Bipole III, we went through
12 the whole challenge of our historic Metis
13 presence. Without a doubt the Metis dominate its
14 impact throughout the Province of Manitoba. And,
15 yes, we may be a minority in the north, based on
16 the population of First Nations, but we still are
17 a member of the entire province. And our
18 existence starts back from 1700s to now and we are
19 still here.

20 So, you know, you look at the Keeyask
21 region, the Treaty area, I made statements I
22 believe, if not at the Clean Environment
23 Commission, prior statements why some of the names
24 have been given in the north like the Burntwood
25 River, Peau Bruler in french, which is burnt skin,

1 which is the colour of our people, they were
2 describing us at that time not knowing what to
3 call us, because Metis doesn't come back until a
4 later time there where the word Metis is finally
5 used. They called us a variety of things,
6 Canadian born, they called us half breeds, mixed
7 blood, and they did call us peau bruler, for
8 Burntwood. So the Burntwood River obviously has a
9 resonance of some significance. And this is the
10 pathways of where our people utilized their
11 trading routes, and York boats, and the fur
12 trading of our people was quite prominent and
13 quite well known throughout history.

14 Metis presence in the Keeyask region
15 is, you see the scrips, and so people can get an
16 ideology of what a scrip is versus the Scrip
17 Commissions of 1908 and 1910. The land grants of
18 1870, which we just won in the Supreme Court of
19 Canada, the scrips follows that, after the land
20 grant of 1.4 million acres of land. And then you
21 can see again on the map where the Scrip
22 Commissions were taking place, where Metis were
23 being recognized and given scrip for releasing
24 themselves of their -- I will call the phrase
25 Indianness and their Indian rights to title.

1 So that was kind of the process of how
2 scrip found itself all the way into Western
3 Canada.

4 MR. MADDEN: Can I ask a question? So
5 scrip, so can you explain to me when scrip was
6 issued up in Northern Manitoba?

7 MR. CHARTRAND: After the -- well,
8 firstly, let's look what people have for a record.
9 After the establishment of the negotiation of the
10 Manitoba Act into confederation, the Province of
11 Manitoba into confederation, the land grant was
12 set aside for 1.4 million acres of land. And
13 after 1870, following that process and time frame,
14 Canada had to come back and try and resolve the
15 rest of the territory where Aboriginal indigenous
16 people were living. And Metis, of course, were
17 living in that particular part of the world, and
18 they decided to start formulating the scrip
19 process to distinguish -- separation from the, as
20 I said, Indian title to that land. And so that
21 was then followed through all the way through
22 Western Canada.

23 MR. MADDEN: Was scrip in the north
24 issued concurrently or at the same time as the
25 Treaties were entered into?

1 MR. CHARTRAND: Yes. In fact, Metis
2 were quite active in lobbying for the support of
3 Treaties take place in First Nations, as we
4 definitely at that time had a relationship and
5 partnership with First Nations. And our trade and
6 commodities, we worked jointly in certain
7 mechanisms, and so Treaties and scrip were
8 happening at the same time.

9 MR. MADDEN: And people were given a
10 choice between Treaty or scrip?

11 MR. CHARTRAND: Yes, they had the
12 option of -- in fact, there is some examples out
13 in Ontario that people can reflect on.

14 MR. MADDEN: Are there some areas
15 where there was no scrip taken because there
16 weren't any Metis there?

17 MR. CHARTRAND: For sure.

18 MR. MADDEN: Okay. So can you talk a
19 bit about the census or about the population
20 that's there today?

21 MR. CHARTRAND: Well, you know, it is
22 always important to recognize the census and the
23 importance of it. I think last time I was here on
24 the Commission, the Environment Commission, myself
25 and my friend had a good discussion on this whole

1 issue of census. But clearly there is a mechanism
2 where some data is collected to try to
3 differentiate the difference between the First
4 Nation population, the Metis population, and just
5 Manitobans in general. So there is a census
6 survey that was done between 2001 and 2011, which
7 gives you an outline of what they project is the
8 amount of Metis people living in that particular
9 area of the north.

10 MR. MADDEN: And what does the MMF
11 estimate the Metis population is in Northern
12 Manitoba?

13 MR. CHARTRAND: Well, using these
14 numbers, it is 2,000; using our numbers it is
15 about 3,000.

16 MR. MADDEN: And did you -- and how do
17 you actually gain membership or apply for
18 membership in the Manitoba Metis Federation?

19 MR. CHARTRAND: Well, you sort of have
20 to look at the length of it first, if you can,
21 Mr. Madden. The issue of collecting of definition
22 in Metis is you have to be of Aboriginal descent,
23 you have to self-declare yourself. That was the
24 constitution of the whole, so we have quite a
25 variety of members who fit that criteria. And it

1 has somewhat changed since the decision of Powley
2 coming down.

3 MR. MADDEN: And what is Powley?

4 MR. CHARTRAND: Powley, some people
5 may not know what it is. Okay. Powley is one of
6 our court cases that was taken by the Metis people
7 in regards to our harvesting rights, as a rights
8 bearing people in Canada. And we were successful
9 in the Supreme Court of Canada. In fact, the case
10 was successful from lower to the top, so it was
11 one of our great victories, and producing evidence
12 that clearly we are rights bearing people in
13 Canada.

14 So the membership process has changed
15 somewhat where there is more vigor now taken by
16 our federation, and in partnership with the
17 Federal Government of Canada, where actually
18 people have to now provide a genealogy. They have
19 to be from traditional homeland territory. There
20 is varying sectors of degrees, of rules that
21 apply.

22 So we are in the midst of reorganizing
23 our entire membership list of 50 something
24 thousand members. We have between 53 and 55,000
25 members. So we are in the midst of reorganizing

1 that whole process with new cards and a new
2 system.

3 MR. MADDEN: And one of the, earlier
4 on one of the chiefs from the partnership
5 indicated, well, I used to be Metis but now I have
6 Treaty. And his point was that there is a lot of
7 people in the north that they used to be Metis,
8 but now they are Treaty.

9 Do you agree with that statement?

10 MR. CHARTRAND: Yes, there was a shift
11 and change that occurred in the position. But I
12 just spoke to one, just outside of this room, who
13 said, I may have taken a Treaty status number he
14 said, but I'm still Metis in my heart, and I have
15 taken it for different reasons.

16 So people, in fact, given the
17 historical prejudicial mechanisms that occurred
18 against the Metis people, discriminatory practices
19 where, for example, our hunting rights were not
20 recognized in this province, our right to feed our
21 families in our cultural ways, our survival, that
22 was not recognized. In fact, our people were
23 punished for harvesting. They were charged and
24 taken to court and given severe penalties for
25 that.

1 So our people then, if they could find
2 a way so they wouldn't be harassed by Natural
3 Resource Officers anymore, took their Treaty. A
4 lot of them want to come back, but they can't.
5 The reason they can't is not because of us. The
6 only thing that precludes them from joining back
7 to the federation is that they have a Treaty
8 number, and if they remove themselves from the
9 Treaty number status, they can join the federation
10 because they are Metis, they have always been
11 Metis. However, Stats Canada -- or Canada has
12 taken the position that once they are Treaty, they
13 stay Treaty. That's the standing position of
14 Canada right now.

15 But there is still an issue that
16 people that -- that Bill C31 cycle that came,
17 which is again where Canada has reflected on how
18 they will record the new Treaty numbers to certain
19 individuals based on their past discriminatory
20 practices, will eventually find themselves where
21 these individuals will find their future
22 generation becoming Metis again, because they will
23 fit the criteria for us. And as time evolves,
24 they will marry themselves out of the process of
25 First Nation, and they will want to come back home

1 to their Metis government, or Metis Nation is a
2 better phrase.

3 MR. MADDEN: Even after -- but the
4 point of the one gentleman was, well, everyone's
5 Treaty up their now, there is no more Metis. Do
6 you agree with that statement?

7 MR. CHARTRAND: No, of course not.
8 There are Metis that are married inside these
9 communities, that live in these communities.
10 There are small little tiny villages of Metis that
11 extend themselves out there. But, again, it goes
12 to my earlier comment, you know, just because you
13 are small doesn't mean you have no rights. It is
14 absolutely absurd.

15 So there are Metis populations that
16 still exist out there. But, clearly, it is a
17 smaller population versus the First Nation. But
18 does that mean when you come to the south it would
19 be a different criteria given to the Metis because
20 we are a dominated population in the south? I
21 don't think so.

22 So, anyways, I just believe there is
23 clearly Metis that live all the way to Churchill.
24 In fact, we have a very strong and very prominent
25 local in Churchill, Manitoba.

1 MR. MADDEN: I guess in the context of
2 Keeyask, and you have testified to this in Bipole
3 III, where does the challenges lie in the
4 relationship with Hydro, which is one of the
5 partners in Keeyask? But can you explain to us
6 where the challenges lie in the existing
7 relationship that Manitoba Metis Federation has
8 with Manitoba Hydro?

9 MR. CHARTRAND: Well, it's straight
10 forward. Manitoba does not, in fact, take the
11 position that they have to directly consult the
12 Metis people. I think that's a standing position
13 that's been existing for some time. It is
14 unfortunate. But in fact in my discussions
15 directly with Hydro, their position is to
16 negotiate village by village by village, that's
17 their philosophy. And I have echoed over and
18 over, that doesn't work for the Metis government,
19 Metis structure is completely different than a
20 band system in Manitoba. So from our perspective,
21 it is unfortunate that they don't want to break
22 the box. That box is the one that's holding back
23 the possibility of good discussions and possible
24 good negotiations.

25 So right now Hydro's position is,

1 again, if I recall our last discussion, myself and
2 Mr. Bedford, we had some good dialogue back and
3 forth on the issue of the recognition of who do
4 they decide to choose to negotiate when it comes
5 to Metis people. And clearly I think there was an
6 echoed statement that we don't represent all of
7 the Metis, so they shouldn't negotiate with us.

8 But aside from that it is -- that's
9 where the struggle lies. I think Hydro has not
10 come to terms in the province, and it is a going
11 situation that they have to come to terms with,
12 the law is the law, the constitution is the
13 constitution in this country and everybody must
14 abide to it, including myself and our people.

15 So my view is Hydro has failed its
16 constitutional obligations in the sense of when
17 they talk about negotiation of recognition for
18 people, we are a constitutionally recognized
19 rights bearing people. And clearly there is no
20 direct understanding of respect of that nature at
21 this point in time that I can say comfortably
22 exists.

23 MR. MADDEN: And I just -- in your
24 presentation you talk a bit about the trajectory
25 that the Metis are on in Manitoba, whether it

1 comes from harvesting rights or land claims. Can
2 you elaborate on where you see the evolution
3 going?

4 MR. CHARTRAND: Well, if you look
5 historically, as I said, unfortunately for the
6 Metis, we are not included in the Northern Flood
7 Agreement. There is a reason for it. The people
8 did not believe that Metis had rights to that
9 degree, and our rights were far lesser than First
10 Nations rights. And that's been proven wrong by
11 the Supreme Court of Canada on that issue, on
12 whose rights have more authority than others.

13 Aside from that, it has been a growing
14 trend and a challenge for us to capture the
15 essence of where the Metis would fit in this
16 process, even though we have gone forward and
17 negotiated, for example, our own hunting laws in
18 this province, the only ones in Canada. You know,
19 it is important to recognize that process, the
20 territorial arrangements that we agreed with the
21 province in the interim, up to a certain point of
22 harvesting up to The Pas area, and the rest will
23 fall all the way to Churchill. And that's been
24 agreed to by the Province of Manitoba.

25 So the segment, however, if you look

1 at Child and Family, we took over Child and Family
2 province wide. We are moving ahead in
3 establishing more of these devolution processes
4 directly to our government. And the trend is not
5 going to stop, it is going to keep on going. And
6 if the governments don't abide with it, the courts
7 will side with us. And that's unfortunate that we
8 always have to go to court to resolve the issues
9 when we can actually sit down at the table and get
10 them done.

11 MR. MADDEN: You spoke briefly, and I
12 just want to turn to slide 32 about harvesting
13 rights and this map that's a part of the MMF
14 harvesting agreement. And so can you explain the
15 MMF harvesting agreement as well as, you know, the
16 areas that are outside the pink area that aren't
17 recognized as of yet?

18 MR. CHARTRAND: Well, you know, the
19 interesting part of it, you look at the win after
20 Powley, the Supreme Court of Canada, even though
21 we won the rights of the Metis be recognized as
22 harvesters and protection under the constitution
23 was valid, the Province of Manitoba still did not
24 recognize that. They still charged our citizens.
25 So we took the position that we are going to court

1 to protect our people, and took on the Goodon case
2 in Brandon. And we were very successful in the
3 Goodon case. And in fact, it is echoed by the
4 judge in this hearing case, but it is clear, it is
5 the international representative of body of the
6 Indian people in Manitoba. So winning the Goodon
7 case, the government came to the conclusion, look,
8 we better sit down and deal with the Metis people,
9 their rights are recognized by the law of the
10 land.

11 So we started negotiations, and our
12 position, of course, is province wide.

13 In the interim the province agreed
14 that this is the area that we can carve out as our
15 recognition of our harvesting rights, with the
16 full agreement and understanding that the rest of
17 it would follow. The province is going to pay for
18 a study from the points that you see, and I can't
19 see that far, 9A, that arrowed point there in the
20 corner, the top of the highest point in the
21 centre, from that point on, from the bottom of 26
22 up, there will be studies done to show the
23 historic connection of the Metis using the
24 traditional lands and harvesting in those areas.
25 And some of the historical references that we have

1 in the work we are doing would prove without a
2 doubt that our people harvested and utilized that
3 land.

4 In the interim, the province gives us
5 to -- not to have discrimination against any of
6 our harvesters outside in the white area. For
7 those sitting on the panel, the pink area is where
8 the Metis harvesters harvested the -- you have a
9 map in front of you -- the pink area is where our
10 people use our harvester cards. And that's where
11 the Metis harvester is actually stopped, the
12 conservation officer will pull out the Metis
13 handbook, not the Provincial handbook. When you
14 are stopped, Terry, hunting, the province will
15 pull out the Provincial handbook of laws that
16 apply to you. When our harvesters are stopped,
17 the conservation officers, the deal negotiated
18 with them is that what they will pull out is the
19 Metis hunting law book that applies to us.

20 So the Provincial laws do not apply to
21 us, our hunting laws apply to us. So we
22 negotiated that with the Province. The Province
23 also was, in the interim, using the harvester
24 card, but we came to a separate arrangement in the
25 interim is that anybody hunting in the white area

1 with a Metis harvest card will pay for a
2 Provincial licence in the interim, while the study
3 is being done, but will be reimbursed for the cost
4 of that licence. So that is what we negotiated
5 with the province. So if I'm hunting in 26, and I
6 have my harvester card, I have to buy a Province
7 licence, but they will give me back my money for
8 that Provincial licence. But that study will no
9 doubt be concluded soon.

10 The last discussion we had with the
11 government is that they are resource short right
12 now, so they are asking, trying to find ways to do
13 it. They asked Canada to step in to give us some
14 money. At this point in time Canada has
15 difficulty with their own budget, so they are
16 trying to find money to finish the study that will
17 deal with all of the way to Churchill and up.

18 MR. MADDEN: So, if someone was, if a
19 Metis MMF member was attempting to hunt in Split
20 Lake or in around Thompson, can you explain the
21 process of how, if they were going moose hunting,
22 how would they -- would they be able to moose
23 hunt?

24 MR. CHARTRAND: Yes, of course. They
25 will hunt with their harvester card, they will

1 have to have a Metis harvester card, but they will
2 have to buy a Provincial licence which they will
3 be reimbursed for. In the interim, as I said, the
4 study being undertaken. As I said, without a
5 doubt, given our work that we have done to date in
6 our strong locals like Churchill, will prove no
7 doubt that the rest of the province will be
8 covered in pink when we are finished with it.

9 MR. MADDEN: And can you, just for the
10 Commission's benefit, outline I guess the general
11 structure of the Manitoba Metis Federation, just
12 so people can understand? You indicated there is
13 differences, if you can explain those differences,
14 and I'm on slide 42?

15 MR. CHARTRAND: Okay. For the people
16 there that can see it, if you look at the map, you
17 will see our region, some regions in our
18 Provincial governance structure is broken in seven
19 regions. In those seven regions you will see
20 dots, and those dots are locals. Our structure is
21 designed, in fact, the number is outdated, we go
22 up to about 140 something locals now in the
23 Province of Manitoba. And each local is duly
24 elected by its citizens, to be the elected
25 collective voice of the community. And they in

1 turn give direction to the regional offices, which
2 are as I said broken into seven different regions
3 which cover the entire province. Our head office
4 is located in Winnipeg, and the southern regions
5 get their guidance from the local collective voice
6 through the executives of those locals. And they
7 in turn bring that to regional assemblies to get
8 guidance. And they also at the same time bring it
9 to general assembly, we have the largest in
10 western Canada, about 3,000 people attend our
11 assembly and give us direction and guidance.

12 As elected officials we have to run, I
13 have to run, campaign province wide. I'm elected
14 from all of the Metis citizens across the
15 province. And for the regions, they are elected
16 within their regional boundaries, and each of them
17 then are brought in to run the Provincial
18 Government in their appointed cabinet positions to
19 lead the nation in negotiations.

20 So on the First Nation side they have
21 a completely different system, how they are
22 designed. They have bands, they have structural
23 electoral processes within their bands, and they
24 have their own governance structures with tribal
25 councils, et cetera, et cetera, all the way up to

1 Provincial bodies.

2 The Grand Chief of Manitoba, or Grand
3 Chief or MKO and others, are not elected by the
4 people, they are elected by delegate systems. I'm
5 elected by the people directly.

6 MR. MADDEN: The MMF's governance
7 structure, how would it be engaged in relation to
8 consultation, or conversation, or engagement from
9 Manitoba Hydro?

10 MR. CHARTRAND: Say again?

11 MR. MADDEN: How does the MMF
12 undertake consultation in order to ensure
13 meaningful engagement in environmental assessment
14 processes, or consultation from the Crown?

15 MR. CHARTRAND: Well, a lot has
16 changed since, as I said -- we will use the
17 Northern Flood Agreement as an example where our
18 people were being excluded from or, in fact, not
19 included at all. It is based again on the
20 principle that others did not recognize that we
21 are rights bearing people. So if you look at
22 locals, our locals used to sit down, and some of
23 them negotiated with proponents, whether it is in
24 the forestry or any other field, and discussed
25 those matters. But it was found by many that

1 there was not -- they didn't have the tools or the
2 proper expertise around them to negotiate these
3 types of arrangements. Again, locals are not paid
4 individuals, they don't have an abundance of
5 offices located everywhere. These people work out
6 of their homes, or facilities that they can either
7 eventually buy or rent.

8 So what we end up doing, as years
9 passed by, our people started making it very
10 clear, in order to advance ahead and to ensure
11 that all of the rights of Metis people are being
12 protected, is that the Metis government must speak
13 on their behalf. So it does speak on its behalf
14 to its local infrastructure, but there was also
15 resolution passed by our assembly which is called
16 resolution 8. Resolution 8 is actually one where
17 the locals, all locals unanimously, I'm saying,
18 and you get that from 140 some locals across the
19 province, 3,000 people, unanimously agreed that
20 the federation would lead the negotiations and
21 discussions with the locals, in partnership with
22 the locals, to make sure that the rights of the
23 people aren't being misappropriated or misused or
24 mistreated.

25 So the resolution 8 now is very clear

1 that if there is any negotiations, it will include
2 the Provincial Metis Government to side and work
3 with the Metis locals and regions.

4 MR. MADDEN: And with respect to the
5 Keeyask project, how has that engagement been
6 undertaken with the Partnership, or has it?

7 MR. CHARTRAND: What partnership is a
8 better question. We have no partnership, in fact,
9 with Hydro. And to the ones who say that -- they
10 brag about, you know, we've struggled quite
11 challengingly with both the Province and with
12 Manitoba Hydro to come to terms with the Metis
13 people rights, and that they have a duty and
14 obligation to consult with our people, and
15 obviously that's not going too good at all.

16 MR. MADDEN: And that hasn't happened
17 in relation to Keeyask?

18 MR. CHARTRAND: No. In fact, there
19 has been no dialogue. If there was, it is just
20 the offshoot of some quick discussion if it did
21 happen somewhere. I know they attempted to
22 disguise it by talking to mayors and councils and
23 Northern Affairs communities and say, well, we
24 spoke to some Metis people somewhere, in some
25 hall, there was Metis people sitting in a room

1 somewhere.

2 But duty to consult is -- I'm sure the
3 Commissioners will take the time to look at the
4 process as to how the duty to consult actually
5 entails itself to the rules that apply to it, is
6 not just by meeting in a phone booth and talking
7 somewhere, you actually have to have some proper
8 dialogue and consultation.

9 So that's clearly not been in the best
10 interests right now for us, because Hydro has
11 completely ignored their responsibility, including
12 with the Province of Manitoba.

13 MR. MADDEN: What has the MMF's
14 experience been as one of the outcomes of the
15 Northern Flood Agreement?

16 MR. CHARTRAND: There has been a
17 complete failure on that side. The position of
18 Hydro has been, clearly from the onset, is that we
19 are not a member of the recognized Northern Flood
20 Agreement, so clearly there is no obligation on
21 their part to negotiate or discuss or come to
22 terms with us.

23 MR. MADDEN: And how does that play
24 out on the ground in communities between First
25 Nations and Metis individuals?

1 MR. CHARTRAND: Well, it is
2 unfortunate, but it is clear discrimination.
3 Because on one side you see some negotiations
4 happening, you see some settlements, you see Hydro
5 attempting to find the ability to find a balance,
6 or compensating in some form or fashion what they
7 are going to be taking from the Aboriginal people,
8 particularly the First Nation people in that area.
9 And our neighboring community, the Metis, nobody
10 is talking to them, no one is consulting with
11 them, nobody is compensating for anything that has
12 been taken away from them for the past or the
13 future. So it is clearly a discriminatory
14 practice, if you ask me. And it is very clear and
15 obvious, by the way it is designed, as I said,
16 there are the haves and have nots, and we are
17 still the have nots in that part.

18 MR. MADDEN: I want to take you to one
19 last quote on page 52. This is -- can you explain
20 what this commitment is?

21 MR. CHARTRAND: Well, this is what I'm
22 showing everybody, including the Commissioners are
23 aware of this. This was a very big statement
24 made, in fact, in the Aboriginal Justice Inquiry
25 that was concluded here in Manitoba, had varying

1 sectors of recommendations. And when the
2 government, or the NDP government got in, one of
3 the first, one the big statements they made
4 politically, and captured some good attention,
5 immediate attention, was that the Justice
6 Inquiry's books were still wrapped in plastic in
7 the Minister of Justice's office, and they were
8 going to unravel and rip off the plastic and let
9 the recommendations come to reality. They also
10 passed an agreement that they would follow through
11 on all recommendations. The AJIC comes from that,
12 and from there, there is a clear statement there.

13 MR. MADDEN: Can you read it out?

14 MR. CHARTRAND: "The current NDP
15 government accepts the recommendations
16 of AJIC that states: Any future major
17 natural resource developments not
18 proceed unless and until agreements or
19 Treaties are reached with the
20 Aboriginal peoples and communities in
21 the region, including the Manitoba
22 Metis Federation and its locals and
23 regions who might be negatively
24 affected by such project, to support
25 and respect their Aboriginal Treaty

1 rights in the territory concerned."
2 So that was a very powerful message. We were very
3 pleased. We thought there, finally, we will be
4 treated with, you know, this clear understanding
5 that we don't have to fight our way in anymore, we
6 don't have to be demanded to be included on the
7 table, that this would be enough hopefully to turn
8 the table and get things done in the right way.
9 But sorry to say, none of that happened.

10 MR. MADDEN: Does the MMF believe that
11 Metis will be impacted by the Keeyask project?

12 MR. CHARTRAND: Without doubt. And in
13 fact, I think Hydro has effect on all of our
14 citizens in Manitoba by all of their work that
15 they do, because there is always a level of water
16 that rises and falls, and the habitat of most
17 species in this province are affected in some form
18 or fashion with the dams that are created in this
19 province. There is not a doubt about that.

20 MR. MADDEN: Do you have any other
21 comments, sir? Closing remarks?

22 MR. CHARTRAND: One of the things I
23 can say -- I am pleased to see Terry back sharing
24 this particular process, given the fact that he
25 heard many stuff in the CEC on the Bipole III.

1 Good to see some other colleagues sitting around
2 the table there.

3 From our perspective, you know, the
4 MMF is not asking for anything great. All we are
5 asking for is respect and to be treated with that
6 respect, and to follow the constitutional law that
7 we all, you know, say we do in this country. And
8 I looked at the CEC findings on the Bipole III,
9 and I saw some reflection of the thoughts and
10 views and some of the things we said around the
11 table. I was, of course, at the utmost hopes that
12 the CEC would make some stern recommendations. I
13 know many of them are non-binding recommendations.
14 I do commend some of the statements and findings
15 of the Commission.

16 When it came to looking at, clearly
17 seeing and recognizing, echoing our statements of
18 being forgotten again and again. And I'm hoping
19 that the CEC will help us to get this thing
20 resolved, and I think it is going to be good for
21 all of Manitoba if we can find a way to tell Hydro
22 that they have to take on the responsibility
23 seriously, but to fill this obligation.

24 I said this openly last time, I had
25 always sought solutions. And I have never changed

1 my way of leadership and my style as a president
2 now for the last 17 years. And we have made some
3 massive headway in our growth as a people. But we
4 are still at the end result of not a very good
5 relationship with one of our senior Crown
6 companies in this province, and it has a great
7 impact on our people given the fact of our
8 people's style of living. And we still find
9 ourselves, we have to fight our way in. And I'm
10 hoping eventually the CEC will assist us, instead
11 of us going to the courts to find our answers,
12 that we can find them within entities and bodies
13 like this.

14 You know, somebody take the lead and
15 tell Hydro to do the right thing, and tell the
16 province to do the right thing.

17 You know, how much more evidence can I
18 bring before the CEC or before these commissions
19 and bodies that are factual and real, and yet they
20 are not being respected or abided to, they are
21 being ignored and overlooked.

22 And there is a clear distinction
23 between First Nation and Metis people, and that's
24 got to be recognized and understood. And
25 definitely from this side of it, we are treated in

1 discriminatory practice, a very openly
2 discriminatory practice. And it is being allowed.
3 And you know, how can we be preached and told that
4 we have to abide to the laws of the land and the
5 constitution of this country when the entities
6 that are preaching it aren't following it?

7 So it is unfortunate that we find
8 ourselves in that, and I'm hoping if there is
9 anything that the CEC can do to help the Metis
10 people find a rightful place, we waited too long.
11 If not, you know, it is not a threat, it is a
12 promise, I will probably find myself in the courts
13 looking for it. I have done it before and I will
14 do it again.

15 I went all the way to the Supreme
16 Court of Canada, it took me 17 years as president
17 for lands claims, it was 32 years overall in
18 fighting in the court. I did the same thing in
19 harvesting, I was not going to back away from
20 mistreatment of our people. And now at least we
21 have some recognition of our laws.

22 So if Hydro continues to ignore its
23 responsibility, lo and behold, we will find
24 ourselves in a courtroom again looking at
25 ourselves across the table.

1 I truly believe it doesn't have to
2 happen that way, and CEC can curb that by putting
3 a solid recommendation. If Hydro doesn't want to
4 abide by it, then we will see each other in court,
5 I will face them in the courtroom and I will not
6 back away.

7 MR. MADDEN: Thank you.
8 Cross-examinations now would be best.

9 THE CHAIRMAN: Thank you, Mr. Madden.
10 So Mr. Chartrand is open, is available
11 now for some cross-examination. Mr. Madden noted
12 earlier, he will not be available in subsequent
13 days, although the others on the panel I believe
14 will be.

15 So the proponent, Mr. Regehr, are you
16 up first?

17 MR. REGEHR: Yes, Mr. Chair.

18 Thanks to the panel for coming. I'm
19 going to try and arrange my cross-examination
20 questions accordingly, we were only provided with
21 this handout less than an hour ago rather than the
22 seven days required by the rules.

23 MR. MADDEN: Mr. Chair, actually, this
24 is a non-expert presentation. It is not that
25 there is two sets of rules with respect to public

1 participation, as well as with respect to experts.

2 So I disagree with that statement.

3 THE CHAIRMAN: I would be inclined to
4 agree with Mr. Madden. This was a citizens' panel
5 presentation, and this is really their powerpoint
6 presentation, which we typically don't require to
7 be submitted seven days ahead.

8 MR. REGEHR: Okay. Well, then
9 hopefully you can give me some patience in terms
10 of rearranging my questions. I was expecting to
11 ask questions of the entire panel today.

12 THE CHAIRMAN: We are always patient,
13 mostly.

14 MR. REGEHR: I will remember that.

15 So, the MMF holds, or states that it
16 is the political representative of the Metis
17 people in Manitoba. Is that correct?

18 MR. CHARTRAND: Yes.

19 MR. REGEHR: And my understanding is
20 the MMF was created in approximately 1967?

21 MR. CHARTRAND: Yes, 1967.

22 MR. REGEHR: So rather than
23 shareholders, it has members?

24 MR. CHARTRAND: It has members, yes.

25 MR. REGEHR: Okay. And currently it

1 has approximately 52,000 members, is that it?

2 MR. CHARTRAND: In that range, 53 to
3 55, yep.

4 MR. REGEHR: Now, does this include
5 associate members and honorary members?

6 MR. CHARTRAND: No.

7 MR. REGEHR: And how many would be in
8 those categories, associate members and --

9 MR. CHARTRAND: In fact, we have
10 removed that segment from our constitution,
11 because that was -- all it was really, associate
12 members, there is a couple of honoraries, I will
13 get to that shortly -- associate members were
14 because of our belief in democracy that -- I don't
15 know if you are Metis or not, I'm just looking
16 across the table and trying to guess -- but if you
17 weren't, and your wife was Metis, all of the
18 associate member would have is the right to speak
19 at a gathering to protect our children, or to have
20 voice over our children. That's really what the
21 main thrust of the associate member would be for,
22 just to ensure that the parents, even not Metis,
23 would have a voice on issues affecting family.

24 Honorary members, we have several in
25 the province, I think there are three or four that

1 were ever given that type of recognition to date.

2 And it requires a lot of commitment and

3 recognition of the working on the issue of the

4 cause of the Metis Nation as a whole, and it is

5 honoured by the Metis people as a Province. It's

6 like the Order of Buffalo, stuff like that.

7 MR. REGEHR: Thank you.

8 Now, my understanding is that as a

9 requirement of membership a person has to now

10 submit a genealogy, including supporting

11 documents?

12 MR. CHARTRAND: Yes.

13 MR. REGEHR: And that is to show that

14 they have historic Metis Nation ancestry, and I

15 think that's a defined term in your constitution?

16 MR. CHARTRAND: Yes.

17 MR. REGEHR: And so this is a

18 requirement of both existing members and new

19 members?

20 MR. CHARTRAND: Yes.

21 MR. REGEHR: So in order to be

22 considered Metis, a person has to self-identify,

23 they have to be of historic Metis ancestry, they

24 have to be distinct from other Aboriginal peoples,

25 and they have to be accepted by the Metis Nation?

1 Is that it?

2 MR. CHARTRAND: Yes.

3 MR. REGEHR: My understanding is that
4 if current members cannot produce the genealogical
5 report by some point in 2014, they will cease to
6 be a member of the MMF?

7 MR. CHARTRAND: No. In fact, what is
8 important to recognize on this, and your colleague
9 Mr. Bedford and I had a discussion on this last
10 time, is that the entire reference of the issue of
11 membership is really an electoral list, because
12 it is all 18 and over. All the listing of those
13 individuals have the right for their name to be
14 attached to an electoral list, they will be
15 publicly showcased for those that want to ensure
16 their right to vote. Our rights to services from
17 our people, from our government is you don't have
18 to be on the membership list for that.

19 MR. REGEHR: I am sorry, I don't have
20 the constitution of the MMF handy -- oh, I do. So
21 my understanding is that in the constitution of
22 the MMF, at section 4(a), that current members had
23 to provide their genealogical report no later than
24 September 1st, 2014.

25 Has that part of the constitution been

1 changed as well?

2 MR. CHARTRAND: Yep.

3 MR. REGEHR: So the constitution that
4 is on the MMF website is not the correct version?

5 MR. CHARTRAND: It is correct.

6 MR. REGEHR: The constitution that's
7 up on the MMF website today is not the correct
8 version of the MMF constitution?

9 MR. CHARTRAND: He is showing me
10 something here and you are showing me something
11 there, so I'm not sure what you are referring to.
12 Are you looking at current members, is what you
13 are looking at?

14 MR. REGEHR: Yes.

15 MR. CHARTRAND: Okay. It says, starts
16 with all and ends with September 1st, 2014?

17 MR. REGEHR: Yes.

18 MR. CHARTRAND: Okay. That's in the
19 constitution, yep.

20 MR. REGEHR: So current members do
21 have to provide a genealogical report?

22 MR. CHARTRAND: Yes.

23 MR. REGEHR: By September 1st, 2014?

24 MR. CHARTRAND: Yes. We selected a
25 time frame to try, in partnership with Canada,

1 Canada and the Metis Nation as a whole negotiated
2 what is called a Powley agreement, and Canada put
3 forth resources to help in the understanding of
4 trying to capture the true population of the Metis
5 people in Western Canada. The funding, in fact,
6 expires 2015, so we chose 2014 as our goal to try
7 to capture the change and shift of the rules that
8 apply to the new definition. But we are not going
9 to get there, I assure you that.

10 MR. REGEHR: It gets back to my
11 earlier question, if a current member fails to
12 provide a genealogical report by September 1st,
13 2014, they will cease to be a member of the MMF?

14 MR. CHARTRAND: No.

15 MR. REGEHR: They won't?

16 MR. CHARTRAND: As I just said in my
17 earlier comment, the statement is that that will
18 also change. That was in partnership with Canada.
19 As I said, Canada says the Powley funds end in
20 2015. It is up for renewal, which in fact is why
21 I'm flying to Ottawa today after I finish here, it
22 is up for discussion with Canada what is going to
23 take place now. If it is going to end, then we
24 will go back to gathering our own data. This is
25 in partnership with Canada.

1 We had our own systems in the past and
2 Canada has decided to work with us in trying to
3 establish that. In fact, they have hired
4 companies now that also work with us in trying to
5 do that. So 2014 was a number chosen some time
6 ago to try to get the people, to drive them to
7 changing their geneology. It is much more
8 complicated than that we find with getting their
9 long form certificates and the rest of the data
10 and the required information, so that date will
11 change.

12 MR. REGEHR: So I guess the
13 constitution would have to be amended at that
14 time --

15 MR. CHARTRAND: Yes.

16 MR. REGEHR: -- so that there would be
17 numerous breaches of the constitution by the
18 members --

19 MR. CHARTRAND: Guaranteed, the
20 constitution will be amended come September.

21 MR. REGEHR: Now, we were just talking
22 about in terms of who qualified to be a Metis.
23 One of the things was being accepted by the Metis
24 Nation, that's one of the parts of the test --

25 MR. CHARTRAND: Yes.

1 MR. REGEHR: -- as it were. That
2 can't mean the entirety of the Metis Nation,
3 because how could you get all of the citizens of
4 the Metis Nation to accept an individual person?
5 That's --

6 MR. CHARTRAND: That's why we have
7 locals. Locals, in fact, in regions go through
8 the process. Locals have meetings, at that time
9 people are then selected, they bring their
10 information. With partnership with Canada we have
11 an enumerator -- what do you call those people --
12 central registry officers that are working across
13 the province, working with the locals and the
14 region to meet those requirements.

15 MR. REGEHR: Now, they are accepted by
16 the Metis local?

17 MR. CHARTRAND: Yes.

18 MR. REGEHR: But their application for
19 membership is submitted to the regional
20 committees, right?

21 MR. CHARTRAND: The regional office,
22 yes.

23 MR. REGEHR: And it is the regional
24 committee that determines whether a person will
25 have membership, if they meet the criteria?

1 If it is easier for Mr. Benoit to
2 answer the question, I am quite happy to have
3 Mr. Benoit --

4 MR. CHARTRAND: Yeah, I think it was
5 simple -- he will answer more because he knows the
6 more technical stuff and I'm not that involved in
7 that kind of stuff. But the issue there, the
8 reference comes from the region and it goes to the
9 central registry officer to make sure that all the
10 data and information and all the evidence as
11 required by the rules will be applied, and then
12 that person will then receive their membership
13 card.

14 MR. REGEHR: Maybe I can direct the
15 question to Mr. Benoit. So it is a data
16 collection officer, or a regional committee who
17 reviews the applications and reviews the
18 genealogical reports?

19 MR. BENOIT: At the local level, the
20 application is taken into the Manitoba Metis
21 Federation, and that's by the executive. And from
22 there it goes to the regional office where they
23 look at the person's application, like it is
24 recommended to the central registry office, which
25 is the home office. And it is at that point where

1 it is accepted or not. And it is based on
2 ensuring that all of the steps of identification
3 and all the materials, the genealogy and the
4 documents are all there.

5 MR. REGEHR: So, by home office you
6 mean the Winnipeg office on Henry Avenue?

7 MR. BENOIT: I say the home office
8 because we actually have two offices in Winnipeg,
9 one is the Winnipeg region office and the other is
10 Manitoba Metis Federation province-wide office,
11 which we call the home office.

12 MR. REGEHR: Okay. So is it the home
13 office who determines whether people are members,
14 or is it the regional?

15 MR. BENOIT: It is a three level
16 process from the local, to the region, and the
17 province-wide part of the Manitoba Metis
18 Federation, to ensure the acceptance has had the
19 grassroots and all different levels of the
20 Manitoba Metis community.

21 MR. REGEHR: Now, I would like to
22 refer you back to slide 42 of your presentation.
23 I also have a copy of that map handy here, because
24 on the handout things are a little bit smudged.
25 I'm not sure how it shows up on the powerpoint.

1 It's hard to read from that distance.

2 And so this map that you have up here
3 is a map entitled Manitoba Metis Federation
4 governance structure. This would be the map on
5 the MMF website, is that correct?

6 Mr. Benoit, maybe you can answer this
7 because --

8 MR. BENOIT: I believe this is the one
9 that's on our website.

10 MR. REGEHR: So this is the map that
11 would pop down if I clicked on locals on the MMF
12 website?

13 MR. BENOIT: I can't answer that,
14 that's at a technical level which I'm not working
15 on a day-to-day basis.

16 MR. REGEHR: Now, I note that there is
17 seven regions for the MMF. I think I'm correct on
18 that. Am I correct on that?

19 MR. CHARTRAND: There are seven
20 regions, yes.

21 MR. REGEHR: And the region boundaries
22 appear to be not based so much on natural features
23 as they are more on political boundaries?

24 MR. CHARTRAND: Say that again?

25 MR. REGEHR: They are not so much on

1 natural features but more based on political
2 boundaries, is that correct?

3 MR. CHARTRAND: I don't personally
4 know what you mean by natural features?

5 MR. REGEHR: Well, there is not a lot
6 of straight lines in the north. For example, The
7 Pas region consists largely of straight lines, not
8 following natural features like rivers or lakes or
9 ecosystems, that type of thing?

10 MR. CHARTRAND: I never thought of it
11 that way, to be honest with you.

12 MR. REGEHR: Now, are these regions
13 based in part on population figures, because they
14 all vary in different size?

15 MR. CHARTRAND: No, they are not based
16 on population features.

17 MR. REGEHR: Okay. Now, my read of
18 the map indicates that there are approximately 16
19 locals in the Thompson region, is that correct,
20 according to this map?

21 MR. CHARTRAND: Correct.

22 MR. REGEHR: Now, Councillor George
23 Neepin of Fox Lake indicated earlier on in these
24 hearings that there is no longer a local in
25 Gillam. Is that true?

1 MR. CHARTRAND: No, it is not true.

2 Unless you have an expert in locals that I'm not
3 aware of?

4 MR. REGEHR: I couldn't speak to that.

5 MR. CHARTRAND: You spoke on it as
6 evidence, so I thought maybe he was an expert on
7 locals that I don't know anything about.

8 MR. REGEHR: Now, my understanding is
9 obviously from your presentation that the MMF has
10 implemented a harvester card system?

11 MR. CHARTRAND: Yes.

12 MR. REGEHR: That was started some
13 time ago, in approximately 2004?

14 MR. CHARTRAND: I don't know when --
15 what was started, the negotiations or the mapping?

16 MR. REGEHR: The MMF started issuing
17 its own harvester cards?

18 MR. CHARTRAND: Yes, September 2004,
19 first card.

20 MR. REGEHR: And it wouldn't be a
21 stretch for me to say that this is related to the
22 Powley case that you referenced in your
23 presentation?

24 MR. CHARTRAND: I bet you so.

25 MR. REGEHR: My understanding is in

1 order to obtain these harvester cards, you must be
2 a member of the MMF; is that correct?

3 MR. CHARTRAND: No.

4 MR. REGEHR: It is not?

5 MR. CHARTRAND: No. And that's why we
6 take the position that we represent our people no
7 matter what. So people can get a harvester card,
8 but you don't have to be a member. If you decide
9 not to vote in the elections, that's their
10 prerogative, as long as democracy is offered to
11 them.

12 MR. REGEHR: You mentioned an
13 agreement reached with the province in September
14 of 2012, which I believe is called the Province of
15 Manitoba, Manitoba Metis Federation Agreement on
16 Metis Natural Resource Harvesting.

17 Is that the approximate title of this
18 agreement that was entered into last year?

19 MR. CHARTRAND: I negotiated them, so
20 I don't even know dates, I just know what was
21 negotiated. I know the framework of what is the
22 important parts for me, not the dates and time,
23 but I'm sure I can get you those if you want.

24 MR. REGEHR: Now, if I can get us back
25 to slide 32 of the presentation? And now there is

1 a map, I'm also going to hand out another map
2 which is virtually identical to this. And it is
3 titled, "Figure 1 Geographic of the Manitoba MMF
4 2012 Agreement on Metis Natural Resource
5 Harvesting." And Ms. Pachal is handing it out
6 right now.

7 MR. CHARTRAND: Same thing except for
8 a couple of misses, okay.

9 MR. REGEHR: And so the map I handed
10 out, the shaded area is pink, and the map on the
11 powerpoint is -- I honestly couldn't tell you what
12 colour that is, but I'm going to say some shade of
13 purple. But the shaded areas on the two maps
14 match up, don't they?

15 MR. CHARTRAND: You lost me, what is
16 purple?

17 MR. REGEHR: The one on the powerpoint
18 presentation.

19 MR. CHARTRAND: Yeah, okay, it is pink
20 here.

21 MR. REGEHR: I was trying to get what
22 colour it is.

23 MR. CHARTRAND: It is pink in front of
24 me.

25 MR. REGEHR: Okay. This is the -- the

1 map I handed out is from page 3 of Manitoba Metis
2 traditional use and the Bipole III project, which
3 was filed in the Bipole hearings. So this area,
4 the one in the powerpoint here, this is the area
5 covered by the 2012 agreement, is that correct?

6 MR. CHARTRAND: This is the one, yep,
7 it must be the same.

8 MR. REGEHR: And Ms. Pat Larcombe
9 prepared that study for Bipole III on behalf of
10 the MMF?

11 MR. CHARTRAND: Who?

12 MR. REGEHR: Ms. Pat Larcombe?

13 MR. CHARTRAND: Yes.

14 MR. REGEHR: So this shaded area on
15 the maps, these are the areas that the MMF and
16 Province of Manitoba agreed would have Metis
17 harvesting rights?

18 MR. CHARTRAND: Yes. In fact, also
19 including the white but a different time frame.

20 MR. REGEHR: So then in the inset map
21 that I handed out, there is a full map of the
22 Province of Manitoba. So generally speaking, the
23 shaded area covers the south and southwest, and
24 some portions of the western part of the Province
25 of Manitoba. Is that a fair statement?

1 MR. CHARTRAND: Yes.

2 MR. REGEHR: So anyone who had a
3 harvester card issued by the MMF could use that
4 card in the areas set out on this map?

5 MR. CHARTRAND: Yes. And also what I
6 echoed to the statement to our lawyers, Madden,
7 there is also arrangements for those that had a
8 harvester card on the white form of the map.

9 MR. REGEHR: Well, the harvester card
10 can't actually be used outside of the shaded area.
11 Perhaps the card can be shown, but it can't be
12 used in and of itself outside of the shaded area.

13 MR. CHARTRAND: That's not true. It
14 has to be used -- if you want to hunt, let's use
15 the hypothetical 17, if I was going to go harvest
16 there, I can take my harvester card, go and get a
17 Provincial licence just in the interim, that's how
18 they agreed to it, just as a temporary so as not
19 to have discrimination against our people with
20 harvester cards, not until the study they
21 committed to pay for, I would harvest resources
22 and then my harvester card would be used in all of
23 the white area.

24 MR. REGEHR: But they have to purchase
25 licences?

1 MR. CHARTRAND: Yes, that they get
2 reimbursed for, this is more of a respectful thing
3 on both sides.

4 MR. REGEHR: And they have to comply
5 with Provincial and Federal legislation in the
6 areas?

7 MR. CHARTRAND: No, that's still in
8 discussion with the province.

9 MR. REGEHR: You say you are having
10 discussions with the province, but as of today,
11 they have to comply with Provincial and Federal
12 legislation?

13 MR. CHARTRAND: These harvester cards
14 will also be in the white areas also. We have not
15 been charged in that area, that what's we use, in
16 the sense of -- as I say the province agreed, the
17 study was supposed to be completed already, they
18 have not yet fulfilled their obligations and
19 that's what we are working on right now.

20 MR. MADDEN: And I want to add, Mr.
21 Chartrand isn't testifying to this, but there is
22 also a Federal policy that applies in relation to
23 Metis harvesting, that harvester cards are
24 recognized under as well, for things that fall
25 within the jurisdiction and there are no lines,

1 they recognize, in the entirety of the province.

2 But we had -- we didn't put that in as evidence.

3 MR. REGEHR: And I will assume Mr.
4 Madden is not giving evidence because he doesn't
5 want to be cross-examined.

6 MR. MADDEN: You are asking him
7 questions that aren't in evidence already about
8 Federal laws, and we didn't put that in as
9 evidence. That's my only point.

10 MR. REGEHR: Well, we will come back
11 to the 2012 agreement in just a few minutes. Now
12 looking at the map I handed out, there is all of
13 these areas with numbers on them, and it is my
14 understanding, for example, you can see sections
15 with number 6, 6A, A10, et cetera, 17, what have
16 you. Now these are game hunting areas?

17 MR. CHARTRAND: These are the
18 province's numbers, not mine.

19 MR. REGEHR: Thank you. Now my
20 understanding is the entire province is divided
21 into various game hunting areas, and they have
22 numbered them. And that they monitor the areas
23 and they sell and monitor the issuance of licences
24 for these various game hunting areas? Is that
25 your understanding as well?

1 MR. CHARTRAND: I think that's what
2 the province does, I'm not here to represent the
3 province, so I really don't know how they do it or
4 what they run.

5 MR. REGEHR: So some of the harvesting
6 maps on, or harvesting numbers on here such as 9,
7 9A, 3A, fall outside of the shaded area on the
8 map, whether the ones from the powerpoint or this
9 one, is that correct?

10 MR. CHARTRAND: Yes, it does.

11 MR. REGEHR: So they fall outside of
12 the Metis harvesting area as defined by the 2012
13 agreement?

14 MR. CHARTRAND: Based on the present
15 arrangement, but still inclusive of the agreement
16 with the Province that there are exceptions in
17 what we will call the non-purple area.

18 MR. REGEHR: I'm going to have a copy
19 of the 2012 agreement between Manitoba and the MMF
20 handed out. If we will wait a minute or so until
21 it is all handed out to everyone.

22 So this is a document entitled
23 Manitoba Government, Manitoba Metis Federation
24 Points for Agreement on Metis Harvesting in
25 Manitoba. And this is the document that was

1 signed on September 29, 2012 between the MMF and
2 the Province of Manitoba, is that correct?

3 MR. CHARTRAND: Yes.

4 MR. REGEHR: And that's your signature
5 on page 406?

6 MR. CHARTRAND: Yep.

7 MR. REGEHR: Now, I note in the
8 handout there was a few provisions that were
9 referenced in there. I noted that section 9 at
10 the bottom of page 2 was not included in the
11 powerpoint, and that section states the area in
12 the province outside of the recognized Metis
13 harvesting area, Metis rights holders will be
14 required to abide by all Provincial and Federal
15 laws concerning harvesting including the purchase,
16 if necessary, of licences. Is that what it says?

17 MR. CHARTRAND: That's what it says,
18 yep.

19 MR. REGEHR: Now, I have been advised
20 that caribou hunting is prohibited in game areas 9
21 and 9A. I have been told that caribou hunting
22 licences are sold for game hunting areas one, two
23 and three. So if a Metis individual is hunting
24 caribou in game area 9 or 9A, for example and they
25 didn't have a licence and were only using their

1 card, wouldn't they be hunting illegally?

2 MR. CHARTRAND: I don't think so, no.

3 MR. REGEHR: But they are required by
4 the 2012 agreement to obtain a hunting licence?

5 MR. CHARTRAND: It doesn't hide here
6 that they are going to get reimbursed for the
7 licence, so there are other negotiations that
8 happened that are not clearly inside of this
9 document.

10 MR. MADDEN: It is at number 10, your
11 point about aggregated amounts and payment of
12 licences.

13 MR. REGEHR: But section 10 doesn't
14 change the fact under section 9 that they still
15 have to obtain a hunting licence outside of the
16 shaded area of the map.

17 MR. CHARTRAND: Yes, we have to get
18 hunting licences and we get reimbursed for it.

19 MR. REGEHR: With regard to the
20 involvement in the Keeyask project, it is my
21 understanding that the MMF had involvement for at
22 least ten years, is that correct?

23 MR. CHARTRAND: Pardon me?

24 MR. REGEHR: With regard to the
25 involvement in the Keeyask project, it is my

1 understanding that the MMF had involvement for at
2 least ten years, is that correct? Do you need a
3 minute?

4 MR. CHARTRAND: Say that again?

5 MR. REGEHR: With regard to
6 involvement in the Keeyask project, it is my
7 understanding that the MMF has had involvement for
8 at least ten years, isn't that correct?

9 MR. CHARTRAND: With who?

10 MR. REGEHR: With the Partnership,
11 Manitoba Hydro.

12 MR. CHARTRAND: Who is the partner? I
13 would love to know.

14 MR. REGEHR: You are aware of the
15 Hydro Northern Training Employment Initiative,
16 also commonly known as HNTEI?

17 MR. CHARTRAND: 60 million Federal
18 dollars, yeah, I remember that.

19 MR. REGEHR: And the MMF was involved
20 in the proposal which was put to Canada and
21 Manitoba for pre-project training for Keeyask and
22 Wuskwatim back in 2003.

23 MR. CHARTRAND: For \$60 million and
24 not for \$30 million.

25 MR. REGEHR: And then after that the

1 MMF was a member of the Wuskwatim and Keeyask
2 training consortium which is also commonly known
3 as WKTC, it started back in 2004?

4 MR. CHARTRAND: That's from the
5 \$60 million partnership from Federal Canada.

6 MR. REGEHR: And the MMF had a board
7 member on the WKTC board?

8 MR. CHARTRAND: Yes, we sat on there,
9 we participated on there. This is all training
10 dollars you are talking about for jobs.

11 MR. REGEHR: And that board member was
12 Oliver Boulet (ph)?

13 MR. CHARTRAND: Oliver Boulet, yes.

14 MR. REGEHR: And he was, I don't know
15 if he is anymore, but he was the executive
16 director of the MMF at the time?

17 MR. CHARTRAND: Yes, he was.

18 MR. REGEHR: And he would have
19 reported directly to the office of the president
20 as executive director?

21 MR. CHARTRAND: And to the board, yes.

22 MR. REGEHR: And the WKTC delivered
23 pre-project training funds to the members of the
24 WKTC, of which the MMF was one?

25 MR. CHARTRAND: Say that again?

1 MR. REGEHR: The WKTC training
2 consortium delivered pre-project training dollars
3 to the various members, which included the MMF?

4 MR. CHARTRAND: Yes, Federal dollars,
5 yes.

6 MR. REGEHR: And that would also
7 include Provincial dollars?

8 MR. CHARTRAND: I don't know if there
9 was any Provincial dollars there. I believe the
10 60 million was all Canada. I would have to double
11 check these numbers. It is a question that I
12 would have to go back and reflect on, but I
13 definitely know that the majority was clearly
14 Federal.

15 MR. REGEHR: Sorry, it appears that
16 everyone is interrupting our discussion.

17 MR. CHARTRAND: More discussions, I'm
18 okay with that.

19 MR. REGEHR: The MMF was able to
20 develop training programs which it determined were
21 best for its members with these dollars; is that
22 correct?

23 MR. CHARTRAND: We definitely had the
24 advantage of sitting there at the table. In fact,
25 it was Canada who questioned why we weren't in

1 there; off the start you check the WKTC we weren't
2 there. Manitoba Hydro did not include us, and we
3 got 8 per cent of the share, which is again I
4 believe completely insufficient in a sense. And
5 it was not only for, if I can echo for your own
6 evidence, the WKTC was not only for that region,
7 it was for the entire province. We got people
8 from all over to train to get jobs there.

9 MR. REGEHR: Subject to check, would
10 it be your understanding of the money received for
11 pre-project training for Keeyask and Wuskwatim,
12 approximately 30 million was received from the
13 Federal government, 10 million from the Provincial
14 Government and \$20 million from the Hydro
15 partnership?

16 MR. CHARTRAND: I can't say yes or no
17 to that because I don't -- I do know we got 8 per
18 cent of it, and that's it.

19 MR. REGEHR: That would have worked
20 out to \$4.8 million?

21 MR. CHARTRAND: Something like that.
22 It was over three years, I believe it was three
23 years of training.

24 MR. REGEHR: And through his
25 involvement in the HNTEI and the training

1 consortium, the MMF was provided with a large
2 amount of information related to the Keeyask
3 project between 2004 and 2011?

4 MR. CHARTRAND: That I can't say.

5 MR. REGEHR: And between 2005 and 2011
6 there were approximately 98 meetings in relation
7 to HNTEI, including board meetings of the
8 consortium, coordinator meetings and stakeholder
9 advisory group meetings?

10 MR. CHARTRAND: What is HNTEI?

11 MR. REGEHR: The Hydro Northern
12 training initiative?

13 MR. CHARTRAND: The WKTC thing you are
14 referencing?

15 MR. REGEHR: Yes.

16 MR. CHARTRAND: I don't know how much
17 they had. I'm not sure.

18 MR. REGEHR: 98 meetings?

19 MR. CHARTRAND: Okay, whatever.

20 MR. REGEHR: Since 2002 MMF has had
21 direct bilateral meetings and discussions with
22 Manitoba Hydro?

23 MR. CHARTRAND: For?

24 MR. REGEHR: Isn't there a
25 MMF/Manitoba Hydro relations task force?

1 MR. CHARTRAND: In fact, I made that
2 very clear to the president, there has not truly
3 been any meetings. We already echoed that it has
4 to be revised or redone, because there is no
5 meeting happening. There is a title, but there is
6 nothing happening under that regime.

7 MR. REGEHR: Hasn't the task force had
8 21 meetings since 2002?

9 MR. CHARTRAND: Not that I know of.
10 If they did, it may have been by a couple of calls
11 or a couple of emails but not anything concrete.

12 MR. REGEHR: In 2009 a MMF Manitoba
13 Hydro protocol agreement was entered into?

14 MR. CHARTRAND: Pardon me?

15 MR. REGEHR: In 2009 a MMF Manitoba
16 Hydro protocol agreement was entered into?

17 MR. CHARTRAND: Which protocol would
18 that be? Just so I know I'm speaking on it.

19 MR. REGEHR: It was entered into in
20 2009.

21 MR. CHARTRAND: What was the protocol?

22 MR. REGEHR: It was developed for the
23 purpose of supporting development in traditional
24 land use work for a variety of hydro projects,
25 including Keeyask.

1 MR. CHARTRAND: The briefing that I'm
2 getting while you are getting briefing yourself,
3 it was about four or five years ago there was
4 discussion or dialogue that was happening, that
5 there was some resources. You have some little
6 TLUKS here, and a little tiny fund here. For
7 example, Bedford and I had a good discussion on
8 CEC last time, that the meeting we had with Hydro
9 for our worker for 100,000, I haven't been paid
10 yet for 11/12, or 12/13, so --

11 MR. REGEHR: Under this --

12 MR. CHARTRAND: That was a long time
13 ago. He is trying to tell me, and I can't even
14 remember that far back so.

15 MR. REGEHR: So you wouldn't remember
16 if I told you there had been five meetings, you
17 wouldn't be able to confirm that?

18 MR. CHARTRAND: Say again?

19 MR. REGEHR: If I told you there had
20 been five meetings under that protocol agreement,
21 would you be able to confirm that?

22 MR. CHARTRAND: When was it signed?
23 2012 you said?

24 MR. REGEHR: 2009.

25 MR. CHARTRAND: And there was only

1 five meetings? I guess so. I know what that is
2 now. In fact, we spoke to the president about it
3 just recently, about the development protocol, it
4 never went no where. So we asked the new
5 president, Mr. Thompson, if we can actually go
6 back and redo it again because we are not going
7 anywhere.

8 MR. REGEHR: In 2011, two years of
9 funding was provided to the MMF by Hydro for an
10 MMF Hydro liaison officer?

11 MR. CHARTRAND: That's the money I'm
12 talking about that I didn't see yet, sir. I would
13 love to see that. 11/12 we haven't seen the
14 money, nor 12/13.

15 MR. REGEHR: And since 2008, MMF and
16 Manitoba Hydro have met some 31 times to develop
17 an agreement for the MMF to undertake a
18 traditional land use study in relation to Keeyask?
19 I understand if you can't answer this question.
20 Perhaps Mr. Benoit can?

21 MR. CHARTRAND: I don't think that
22 Benoit can answer that, because that is a -- you
23 are throwing out numbers. I have some of my
24 workers back there that work with me, and I'm sure
25 they can just send the numbers to us and we can

1 send the evidence of the meetings that we see
2 having taken place. I don't know what you
3 consider a meeting. Is it a phone call? Email?
4 I don't know what a meeting is. If you can give
5 more clarity. Is it people meeting in a room?
6 How many times did they get together around
7 conference room tables? That gives us more ideas.
8 A meeting could be anything. This way my people
9 can tell me yes or no. You are asking me stuff
10 that I clearly don't have the honesty to give you
11 a proper answer at this point in time.

12 MR. REGEHR: My understanding is these
13 are face to face meetings.

14 MR. CHARTRAND: Face to face meetings,
15 well, I will find out. Send us the numbers and I
16 will definitely find out. You are going back many
17 years. Some of this stuff is really old, they
18 don't exist anymore, the protocol, for example,
19 doesn't exist anymore, because it didn't work.

20 MR. REGEHR: Now this past June Hydro
21 provided funds to the MMF to undertake a
22 traditional land use study in relation to Keeyask;
23 is that correct?

24 MR. CHARTRAND: Yeah.

25 MR. REGEHR: And so if I told you that

1 approximately 150 meetings between the MMF and
2 Manitoba Hydro occurred since 2002 in relation to
3 Keeyask, subject to check of course, you would
4 agree with that?

5 MR. CHARTRAND: No.

6 MR. REGEHR: Based on the numbers I
7 gave you?

8 MR. CHARTRAND: For Keeyask alone, 150
9 meetings? Depending -- to be honest with
10 ourselves here, what do you mean by a meeting and
11 what was the agenda, like what is the results is a
12 better thing. What resulted in 150 meetings? You
13 tell me that, and I will answer honestly and
14 fairly every question I know. But tell me the
15 results, and I will tell you what happened,
16 because I will know, because I have to sign
17 agreements. It has to go through my office. I
18 haven't signed any agreement of any advancement in
19 Keeyask with you guys. If you did, I would know
20 right away. You see me looking trying to figure
21 out what you are doing, I don't have a clue
22 because you are trying to show me we did something
23 that we never did.

24 MR. REGEHR: Mr. Benoit, do you know
25 about the meetings?

1 MR. BENOIT: All I do know is that
2 there has been meetings in the past, but whether
3 there is any results from these meetings, I can't
4 tell you. I would think that constructive and
5 successful meetings would have results that would
6 be reflected in agreements.

7 MR. REGEHR: My question was whether
8 meetings occurred, not whether they were
9 successful or not?

10 MR. BENOIT: I can't tell you whether
11 more than a dozen meetings occurred. I do not
12 know.

13 MR. REGEHR: Now, you are also aware
14 that the partnership was required and did conduct
15 public involvement process as part of the
16 environmental assessment? You are aware of that
17 fact?

18 MR. CHARTRAND: Is that the EPP that
19 you are talking about?

20 MR. REGEHR: PIP, public involvement
21 process.

22 MR. CHARTRAND: Can I ask, Mr. Chair,
23 can I ask one of my people to come and whisper in
24 my ear? They are using acronyms and stuff, I'm
25 not at that level at all. I'm at a different

1 level, I am sitting with the president and the
2 minister. But they are asking some very detailed
3 questions which I have no clue of. And I don't
4 think it is fair for me not to give you an answer.
5 I don't know what the acronyms that you are using
6 there. She will whisper in my ear as you get
7 yours whispered.

8 Okay, now I get a better understanding
9 on this. Go ahead, so ask please again.

10 MR. REGEHR: Could I ask who the
11 person is who joined you at the table?

12 MR. CHARTRAND: I don't know her last
13 name. She works for me but --

14 MR. REGEHR: I have the same problem
15 in my office.

16 MS. RIEL: My last name is Riel
17 actually.

18 MR. CHARTRAND: Riel, that should be
19 an easy one, yes.

20 MR. REGEHR: And what position do you
21 hold?

22 MS. RIEL: I'm the hydro liaison
23 officer.

24 MR. REGEHR: Are you the hydro liaison
25 officer whose funding was provided in 2011?

1 MR. CHARTRAND: What funding? That is
2 the question.

3 MR. REGEHR: I am sorry, we are at the
4 point where if she is giving evidence she should
5 be sworn in.

6 THE CHAIRMAN: Exactly. We didn't
7 anticipate she would be giving evidence that's why
8 we didn't swear her in, but she appears to be, so
9 Madam secretary.

10 Marci Riel: Sworn

11 MR. MADDEN: Can I ask a point of
12 clarification? For the 150 meetings that you are
13 referring to, are you rolling in those 86 that
14 were part of the training? I can't follow you.
15 So that those 86 meetings that were part of the
16 training fund, are you rolling all of these
17 together?

18 MR. REGEHR: Yes.

19 THE CHAIRMAN: Carry on, Mr. Regehr.

20 MR. REGEHR: So, perhaps, Ms. Riel,
21 you can answer this question. My question is the
22 Partnership conducted a public involvement process
23 as part of the environmental assessment; you were
24 aware, or the MMF was aware of this?

25 MR. CHARTRAND: Let me answer that

1 because that's an issue that comes in my territory
2 regarding our position when it comes to duty to
3 consult and consultations. Public meetings of any
4 sort that you are meeting in a public listing that
5 you give out of a gathering somewhere in some town
6 or village, just because there happened to be a
7 Metis person in that room does not mean that you
8 consulted with the Metis people of Manitoba.

9 MR. REGEHR: And in round one of the
10 public involvement process, the MMF participated
11 in a meeting at the MMF Winnipeg office on June 4,
12 2008, is that correct?

13 MR. CHARTRAND: Yes, one meeting I
14 believe where Al and Will was there.

15 MR. REGEHR: In round two of the
16 public involvement process the MMF declined to
17 participate?

18 MR. CHARTRAND: In the public
19 gatherings?

20 MR. REGEHR: In round number two?

21 MR. CHARTRAND: In the public
22 gatherings?

23 MR. REGEHR: In the public involvement
24 process.

25 MR. CHARTRAND: Okay. Just to get

1 clarity, so it goes hand in hand that clearly we
2 do not -- we didn't participate at all in the
3 first one, only one time, in fact some of our
4 people that did show up made it very clear on
5 record, I hope you guys kept that record, because
6 some of my ministers who actually attended made it
7 very clear they are not there to represent the
8 Metis Federation, nor are they there, or any Metis
9 citizen there to be recognized that you consulted
10 with Metis people. Those were publicly stated
11 comments by our ministers.

12 The other reference there in your
13 comment, it was very clear that we gave notice to
14 Manitoba Hydro on a continuous basis that public
15 meetings are not consultations with the Metis
16 people. So we had no reason or rhyme to
17 participate in those processes, because then if
18 not, you would be recorded that you actually
19 consulted with me right now.

20 MR. REGEHR: In round three of the
21 public involvement process, the MMF also declined
22 to participate; is that correct?

23 MR. CHARTRAND: Yes, based on what we
24 stated in my comments earlier, that is not duty to
25 consult with the Metis people by just getting us

1 in the room.

2 MR. REGEHR: So I'm just going to turn
3 back -- sorry, I had to jump forward because I had
4 some questions for Mr. Park, but we have to -- we
5 don't have a lot of time left today and you have
6 to catch a plane.

7 So I want to turn briefly back to the
8 June 21, 2012 agreement between MMF and Hydro and
9 this was the funding that was provided to do a
10 study in relation to Keeyask.

11 This past June the agreement was
12 signed between MMF and Manitoba Hydro to conduct a
13 study in relation to traditional land use,
14 socio-economic impact assessment and a historical
15 narrative; is that correct?

16 MR. CHARTRAND: Yes, they gave us, in
17 fact, total amount you gave us was \$300,000 to
18 conduct both the TLUKS environment study in three
19 months. We also made it very clear to Hydro, as
20 we seen tens of millions of dollars given to First
21 Nations in ten years to do the work that you are
22 talking about, you gave us six months to do what
23 you gave everyone else ten years to do.

24 MR. REGEHR: The MMF had professional
25 legal advice in negotiating this agreement?

1 MR. CHARTRAND: I guess so.

2 MR. REGEHR: And the June 21st
3 agreement requires numerous deliverables to be
4 provided by certain dates?

5 MR. CHARTRAND: Probably. I don't
6 have the agreement in front of me. December 31.

7 MR. REGEHR: And the MMF agreed to
8 those deliverables and dates?

9 MR. CHARTRAND: Yes. I'm sure if they
10 signed it, yep.

11 MR. REGEHR: And it was agreed that
12 time was of the essence in completing the
13 objectives of the agreement?

14 MR. CHARTRAND: You only gave us six
15 months, so I'm sure we were going as fast as we
16 can.

17 MR. REGEHR: And the key date for
18 delivering the final report and a work plan
19 attached as a schedule was mid October; correct?

20 MR. CHARTRAND: Yes, the first initial
21 time frame was mid October, then given the issues
22 and challenges and difficulties in the north, they
23 extended it.

24 MR. REGEHR: So on October 18th the
25 MMF requested and was provided an extension by

1 Hydro for the completion of the study?

2 MR. CHARTRAND: If you knew that, why
3 did you ask me the question? Yes. You have it in
4 front of you.

5 MR. REGEHR: Because it is the way our
6 legal system works.

7 MR. CHARTRAND: Okay.

8 MR. REGEHR: When the extension was
9 provided, the MMF stated that the study would be
10 completed by mid November?

11 MR. CHARTRAND: Yes. It is complete,
12 in fact.

13 MR. REGEHR: It is completed?

14 MR. CHARTRAND: The TLUKs, yes.

15 MR. REGEHR: And the reason given for
16 the extension was that, as you said, there was
17 problems with the north, additional interviewees
18 were located and there was a delay in delivery of
19 equipment to Churchill to conduct interviews; is
20 that correct?

21 MR. CHARTRAND: Yes.

22 MR. REGEHR: I have no more questions.
23 However, counsel for the other First Nations, Mr.
24 London or Mr. Roddick, may have questions.

25 THE CHAIRMAN: Thank you, Mr. Regehr.

1 MR. RODDICK: Thank you, Mr. Chair, I
2 have a few questions. Mr. President, you referred
3 to an agreement with Canada with regard to Metis
4 hunting rights and you made some comment about it
5 applying to all of Manitoba; am I correct about
6 that?

7 MR. CHARTRAND: Yes.

8 MR. RODDICK: What agreement is that?

9 MR. CHARTRAND: He will give you a
10 quick snapshot on that.

11 MR. BENOIT: They are followed after
12 the Powley decision, the interim guidelines from
13 the Federal cabinet, and those guidelines,
14 obviously none of us are privy to the actual
15 cabinet document, but it does -- the subsequent
16 documents say that the Metis will be treated the
17 same as First Nations in all of those areas and
18 all of those resources that are under Federal
19 jurisdiction, and that would include Wapiskin (ph)
20 and other parts where hunting is allowed.

21 MR. RODDICK: So there is not in fact
22 an agreement? You use -- the term agreement was
23 used.

24 MR. BENOIT: If the term agreement was
25 used, there is the actual Powley funding

1 agreements where the Federal government, they
2 provided funding to assist in identifying the
3 community, as well as to work on the harvester --
4 the harvester card and all of the other parts of
5 the Metis harvesting initiative.

6 MR. RODDICK: And that harvester card
7 came to fruition with the agreement that was
8 signed with the province in 2012?

9 MR. CHARTRAND: Yes.

10 MR. RODDICK: And if I might, when you
11 were answering questions before, you indicated
12 that the first harvester licence was issued in
13 2004. And I wondered if you misspoke because this
14 agreement, recognizing the harvester cards, is
15 signed in 2012. If cards were issued in 2004 I
16 would ask under what authority they were issued
17 and under what agreement they were issued?

18 MR. CHARTRAND: Under the Manitoba
19 Metis government. We issued those cards in 2004
20 under our government to our citizens. And that
21 was in fact recognized by Canada, that the RCMP
22 would not charge us for any of these offences.
23 And there was a discussion that we had with the
24 Government of Canada, and that's why in fact as
25 you will reflect, the Powley agreements were put

1 into place. In fact, the first objective of the
2 Powley agreements were to identify the Metis
3 harvesters so that the government can ensure these
4 were truly Metis harvesters harvesting in the
5 Crown lands that you are entitled to, or private
6 lands if ownership was abided by it.

7 MR. RODDICK: What agreement are you
8 referring to when you use the term Powley
9 agreement? I am not familiar with that agreement.
10 Who signed that agreement and when was it signed?

11 MR. CHARTRAND: It was signed by
12 ourselves and the Metis National Council with the
13 Federal Government of Canada.

14 MR. RODDICK: Can you produce a copy
15 of that?

16 MR. CHARTRAND: Sure, if you want one.

17 MR. RODDICK: Would you please
18 undertake to produce a copy of that, and forward
19 it to the Commission?

20 (UNDERTAKING # 13: Produce Powley agreement
21 signed by Manitoba Metis and the Metis national
22 council with the Federal Government of Canada)

23 MR. RODDICK: In addition, you have
24 made this statement a number of times that you
25 have agreed that in the white area of the map, you

1 have to have a licence, a Provincial licence, but
2 that you will get refunded that licence. You made
3 that statement a number of times. Do I have it
4 correct?

5 MR. CHARTRAND: Yes.

6 MR. RODDICK: I'm looking -- and
7 you've indicated as well to this Commission that
8 that licence is, to use the word, I got the
9 impression you think it is automatic that there
10 will be that licence, that licence will come into
11 effect in the rest of the province; is that
12 correct?

13 MR. CHARTRAND: I have no doubt once
14 the study is done, knowing our historical research
15 we did that should easily fall into place.

16 MR. RODDICK: But the obligation of
17 Manitoba under the agreement is only to consider
18 obtaining additional research, is it not? Under
19 E11, there is no commitment there to even get the
20 research, let alone have a licence that extends to
21 the rest of the province, is that correct?

22 MR. CHARTRAND: Let me put it this way
23 to you; harvesting laws, handbooks, harvesting
24 handbooks would probably not be something that you
25 believe in would ever have existed, but it existed

1 in law that our people use the harvester handbook
2 that the conservation officers applied in the
3 partnership because of our agreement. In certain
4 sections which are not on this map, which we are
5 allowed to hunt in the meantime, which we
6 negotiated with the Province of Manitoba. There
7 are different arrangements, agreements that are
8 not particularly to every I and T dotted in this
9 document before, but there is without a doubt in
10 our mind that our people will have the right to
11 harvest and we will continue to harvest in the
12 north. And if somebody wants to take us to court
13 to prove us wrong, then we will see them in court.

14 MR. RODDICK: I'm not disputing what
15 your rights are, or what your rights might be in
16 the future, I'm just trying to understand what in
17 fact the agreements say today. We are looking at
18 an eight year period from the time you issued your
19 first Metis hunting licence, if I can use that
20 term, until you had an agreement with the
21 province. So, it is not unreasonable to expect it
22 could be eight or more years before the changes
23 you have spoken about in fact take place. That's
24 all I'm getting at. We unfortunately have to deal
25 with today, not what might happen some place down

1 the road. So today you have to have a Provincial
2 licence and you have to obey Provincial law.

3 MR. CHARTRAND: Today in fact, as I
4 told you, a point very clearly, today we have to
5 buy a Provincial licence in the white area, but we
6 get reimbursed, so if that tells you there is no
7 recognition of some kind of respect or rights to
8 the process, then I believe you should read the
9 handbook a little bit more. Secondly, if you look
10 at the concept of the process of the Government of
11 Manitoba, until they defy their own commitment,
12 they have committed to fulfilling their
13 obligation, but let's make something more clear in
14 law; I don't need the Provincial Government to
15 authorize my rights to the people, and my rights
16 actually as you see there, is my Metis handbook
17 law book for rules and rights. So the Provincial
18 jurisdiction that they have over me as they have
19 over First Nations is very limited. So when it
20 comes to matters of this nature, we have a special
21 arrangement with the Crown Federally, that is
22 something that we pursue very rigorously, we have
23 to protect.

24 MR. RODDICK: What I understand then,
25 Mr. Chartrand, that this agreement of September 29

1 of 2012 you signed just to humour the Provincial
2 government?

3 MR. CHARTRAND: No, you said
4 hypothetical it might take eight years or ten
5 years. So I don't think that the Provincial
6 Government is going to pull back on an agreement
7 they made with us, and this thing will be
8 fulfilled in a short time. In my view, as pointed
9 out, we do not need their authority to harvest.
10 And I'm sure you are representing the First Nation
11 government, that you can check with your
12 colleagues here, First Nations individuals, they
13 too will take the same position as us, the
14 province has not jurisdiction over our natural
15 resource harvesting.

16 MR. RODDICK: You always have the
17 right to bring another action, a Powley type
18 action, from up in that area if you want to test
19 what the situation is up there. That's a right
20 you have, isn't it?

21 MR. CHARTRAND: The best way to
22 describe it is the Goodon case that we won in the
23 south and the southwest was conceded by the
24 Province. They did not bother to appeal. They
25 gave up their rights on the premise that the

1 harvesting rights of Metis people are true and
2 will be recognized in this province. They have
3 now commenced negotiation in fulfilling their
4 obligation, and we anticipate will fulfill the
5 rest of it very soon.

6 MR. RODDICK: The arrangement that you
7 have with the Government of Manitoba in article 11
8 says they will consider potential existence of
9 rights in other areas. It doesn't anywhere say
10 that it is all the province, that I can read. And
11 all I'm asking is that you confirm that today your
12 rights are as per the coloured area, and other
13 than that it is the provincial law that applies?

14 MR. CHARTRAND: No, in fact I don't
15 know how many times I have to heckle back and
16 forth. Provincial law does not apply to the Metis
17 harvesting agreement. The arrangements we made
18 with the Province of Manitoba is where we are
19 establishing a partnership, relationship from
20 government to government, aspect of both of us
21 looking at conservation as one of our ultimate
22 objectives. So we agreed to partner with the
23 province from an equal standpoint where we as a
24 representative government of our people protect
25 our people, citizens and their rights. So from my

1 perspective, as I said, I do not need a provincial
2 government to authorize or give me the right to
3 harvest, I have that right in the constitution of
4 Canada. Let me also add on to you, that under
5 section E12, in two years -- you say eight
6 years -- in two years the study will be completed,
7 so just to correct you on that. You may not have
8 read E12.

9 MR. RODDICK: If we are going to get
10 into corrections, that's not what it says at all.
11 It says that the agreement -- they are going to do
12 the best efforts to do it in two years.

13 MR. CHARTRAND: Well, if you can call
14 this government a liar, go ahead and do that, but
15 I think from my perspective they are going to
16 finish it off, they made a commitment to me and
17 they agreed to it.

18 MR. RODDICK: With respect to you, Mr.
19 Chartrand, I can't find that commitment in the
20 agreement, but I don't think there is a lot of
21 sense debating it any further.

22 The last area that I wanted to talk to
23 you about is I'm trying to figure out membership.
24 You have you indicated 52 to 54,000 members. Have
25 all of those members filled out application forms

1 to be members of the Manitoba Metis Federation?

2 MR. CHARTRAND: 53 to 55,000, yes.

3 MR. RODDICK: You have that many
4 applications?

5 MR. CHARTRAND: Yes.

6 MR. RODDICK: And the harvester card
7 requires a genealogy with it. Have you obtained
8 genealogies with all of the harvester cards?

9 MR. CHARTRAND: Yes.

10 MR. RODDICK: Is that the same type of
11 genealogy that's required by the rest of the Metis
12 by 2014? You indicated that date can't be met,
13 but is it the same type of information?

14 MR. CHARTRAND: Genealogy, yes.

15 MR. RODDICK: So you have it with all
16 of the harvester cards that have been issued to
17 date?

18 MR. CHARTRAND: Yes.

19 MR. RODDICK: How many members are
20 there in the Thompson, I don't know whether local
21 is the right word or not, how many members are
22 there today in the Thompson local?

23 MR. CHARTRAND: In the Thompson --
24 like in the local community of Thompson or just
25 the region as a whole?

1 MR. RODDICK: Well, you have a dot on
2 the map that says Thompson, and I assume that's a
3 local, there are dots on the map. How many
4 members do you have in Thompson?

5 MR. CHARTRAND: According to census
6 Canada there is 1300. But the region may have a
7 better knowledge. We have probably about 13 to
8 1500 in our data base for Thompson, but those are
9 adults, they are not children.

10 MR. RODDICK: But you just told me you
11 have an application from 52 to 54,000 people in
12 this province, and I'm asking how many of those
13 are in Thompson of those 52 to 54,000? How many
14 applications do you have in Thompson? I'm not
15 interested in what census say.

16 MR. CHARTRAND: You asked me for the
17 population, sir, that's why I was giving you the
18 number. You asked me how many Metis people live
19 there, that's what you asked me and that's what I
20 answered.

21 MR. RODDICK: No, I asked you how many
22 members there are in the local, not how many
23 people live there, how many people are members of
24 the local?

25 MR. CHARTRAND: I just told you,

1 probably 13, 1500.

2 MR. RODDICK: Is that how many
3 applications you have from individuals there?

4 MR. CHARTRAND: Yes. Going back to
5 1967.

6 MR. RODDICK: How about let's try
7 2013. How many members does the local have in
8 2013, Mr. Chartrand?

9 MR. CHARTRAND: There is two forms of
10 that data. One is the form which was the old data
11 of collecting membership lists from 1967, and the
12 new one since Powley. And since Powley, and
13 advising we have a partnership with Canada, and we
14 have a long way to go yet to transfer all of those
15 names and genealogy, the work load is tremendous,
16 so it is going to take some time.

17 MR. RODDICK: I understand that. How
18 many members does the Thompson local have now in
19 2013?

20 MR. CHARTRAND: Under the new regime
21 or the old?

22 MR. RODDICK: Both.

23 MR. CHARTRAND: I can get you the
24 number quickly, I guess. I don't have it off the
25 top of my head. I gave you an estimation. I

1 don't have the exact number in front of me. And
2 you are talking adults or children?

3 MR. RODDICK: I'm talking members.

4 MR. CHARTRAND: Okay, it is adults
5 only. We only collect adults.

6 MR. RODDICK: My final question,
7 Mr. Chairman. Mr. Chartrand, you have as an
8 organization pursued lawsuits, Goodon being the
9 one you mentioned to establish your rights, and
10 you went to court and you established Metis
11 hunting rights through that decision; is that
12 correct?

13 MR. CHARTRAND: As a government, yes.

14 MR. RODDICK: And as a government you
15 negotiated with the Government of Manitoba and you
16 came up with this agreement which was signed by
17 you and the Premier on the 29th of September of
18 2012.

19 MR. CHARTRAND: Yes.

20 MR. RODDICK: And with those two
21 remedies in hand, and the discussions you've told
22 us about with Canada, you are here asking the
23 Clean Environment Commission, who is put in charge
24 of looking at the merits of a Keeyask project,
25 hydroelectric project, to become involved in this

1 dispute that you have with the levels of
2 government about your Metis rights?

3 MR. CHARTRAND: I think it is
4 basically -- I'm not asking them, I'm asking them
5 to follow the law. And the law is very clear,
6 when matters pertaining to Aboriginal people to
7 which is treated different distinct people in this
8 country, Metis, First Nations, Inuit, when their
9 rights are being affected, it is the obligation
10 that the duty to consult will kick itself inside
11 there, and the Crown and province have an
12 obligation to follow the law of the country, the
13 constitution. So that's all I'm asking the CEC to
14 look at.

15 MR. RODDICK: And that's your view of
16 the law Mr. Chartrand?

17 MR. CHARTRAND: As far as I know
18 that's how the law works.

19 MR. RODDICK: And that's your view of
20 the law?

21 MR. CHARTRAND: That's my view of the
22 law, yes.

23 MR. RODDICK: And if the law is in
24 fact something else, then the responsibilities of
25 the Commission may well be something else?

1 MR. CHARTRAND: Well, the
2 responsibility of the Commission may be something
3 else, but at the end of the day, the Commission
4 has an obligation to look upon did Hydro or the
5 proponents fulfill their obligations as set out in
6 the requirement to get a licence. In my view they
7 did not, they did not fill all of the obligations.

8 MR. RODDICK: I understand in your
9 view they did not, but that's a decision that the
10 Commission has to make.

11 MR. CHARTRAND: That's a decision they
12 have to make.

13 MR. RODDICK: No further questions,
14 Mr. Chairman.

15 THE CHAIRMAN: Thank you, Mr. Roddick.
16 Are there any other questions from the proponent?
17 Thank you. Participants? Consumers Association?
18 Thank you. Concerned Fox Lake? Pimicikamak?
19 Thank you. Manitoba Wildlands? Peguis, any
20 questions? Any questions, these are just of Mr.
21 Chartrand, panelists?

22 Thank you. So there is no further
23 cross-examination. Do you have any re-direct of
24 Mr. Chartrand?

25 MR. MADDEN: I have two short

1 redirects. Can we just go to the agreement at
2 section 10 of the harvesting agreement, and can
3 you read that section out?

4 MR. CHARTRAND: As part of the
5 implementing these points of agreement and while
6 the process set out in section E is ongoing, the
7 Minister of Conservation and Water Stewardship
8 will recommend a grant to the MMF equal to the
9 aggregate amount of Provincial licence fees
10 related to harvesting collected from Metis rights
11 holders who reside outside of the recognized Metis
12 harvesting area, and produce a valid harvester
13 card at the time of purchase of a Provincial
14 licence.

15 MR. MADDEN: And to your knowledge,
16 does the Government of Manitoba do that with
17 non-Aboriginal people in the province?

18 MR. CHARTRAND: No, they don't.

19 MR. MADDEN: And to your knowledge
20 do -- the purpose of collecting licences is that,
21 or the fees from the licence, is that it is a
22 privilege for some as opposed to others who may
23 have a right?

24 MR. CHARTRAND: Yes. In fact, that
25 was the premise of why that was being done.

1 MR. MADDEN: And just one last
2 question. That pink area that's up there,
3 building on the counsel's premise, previously that
4 entire pink area was all white as well from the
5 Province's perspective, that there were no rights
6 there?

7 MR. CHARTRAND: There wasn't a drop of
8 pink anywhere on this map until we sat down at the
9 table.

10 MR. MADDEN: And the issue for the MMF
11 is with respect to that, as opposed to going to
12 court, you are negotiating with the province?

13 MR. CHARTRAND: Two-fold. One is in
14 fact instead of going to court we are actually
15 negotiating. Second is that we are both, as I
16 stated, in recognition of the Metis rights,
17 sitting down and working together to look at the
18 future of conservation as a whole when it comes to
19 natural habitat. And that's some of the reasons
20 why we have the relationship that we have created
21 today. And we set forth a process to make sure
22 that we work together and at the same time that
23 the Metis rights are going to be respected as they
24 hold itself in the constitution of Canada.

25 MR. MADDEN: And in contrary to my

1 friend's point, that's what the courts urge
2 Aboriginal peoples and governments to do, is to
3 negotiate, correct?

4 MR. CHARTRAND: In fact, it is not
5 only a recommendation from the courts of Manitoba,
6 it is also a recommendation from the Courts of
7 Ontario where it has been laid out very clear by
8 the judges themselves that the government sit down
9 at the table and negotiate these things and quit
10 bringing them to the court to do their job.
11 That's been outlined very clearly from many of the
12 judiciaries sitting across many parts of Western
13 Canada.

14 MR. MADDEN: I just want to go back
15 to -- there was one question in relation to MMF
16 had previously participated in a training program,
17 and that currently there is no training
18 opportunities, employment opportunities provided
19 for Manitoba Metis through the Partnership, is
20 there?

21 MR. CHARTRAND: No, there is none. In
22 fact, that was only a one time effort. In fact,
23 as I referenced earlier, we weren't even included
24 in the process with Hydro. The reason we got
25 included was Canada was going to give up, I think

1 the lawyer from Hydro was referencing the amount
2 of money, before Canada would put their 30 million
3 in they asked the question, where is the Metis?
4 And that's how we came on to the framework of the
5 Partnership. Canada was not going to give its
6 \$30 million unless the partnership of the Metis
7 was included. It was proven after the fact that
8 when Hydro approached again for the second round
9 of training, the Metis did not support it and
10 neither did the First Nation, and it failed in
11 application for Canada for more money.

12 MR. MADDEN: Aside from the 300,000 in
13 funds that were -- have been not given but
14 allocated for a TLUKs, as well as a
15 socio-economic, there is no other agreement or
16 arrangement in place with the Partnership between
17 the MMF and Hydro?

18 MR. CHARTRAND: No, there is the
19 position that Marci holds, but we haven't gotten
20 paid since 2011, so we are still waiting for
21 payment on that. We are actually funding it
22 ourselves right now until Hydro actually pays up
23 its bills. But the arrangement of TLUKs, it is
24 important that I reference this for CEC, Terry and
25 the rest of you, that if you look at the attempts

1 of Hydro to play out the amounts of meetings and
2 meetings that took place, but the outcomes is
3 something that I would like to have somebody
4 describe to me. What was that meeting? I
5 understand that Marci has been to a lot of
6 meetings recently discussing the resources that
7 have not been paid to us, some of them going back
8 five years. So if they include the 86 meetings
9 that they all attended, the WKCT training there,
10 it had nothing to do with the premise that we are
11 talking here in larger form. So there is vast
12 numbers thrown out there of meetings upon
13 meetings, and we have not actually had any --
14 produced any kind of solid foundation that we can
15 say is happening between ourselves and Hydro. In
16 fact, the six months that they are giving us,
17 Mr. Chair and colleagues around the Commission,
18 ask the question to Hydro, how long and how much
19 money did they spend on First Nations on this part
20 of it, and then you will get your answer, versus
21 what they gave us. They gave us 300,000 to finish
22 something in six months that should have taken us
23 several years to produce all of the expertise that
24 we needed to produce a proper document for you and
25 the rest of Manitoba. So we are scrambling in the

1 eleventh hour as Hydro has given us the last six
2 months to finish something that they sat with
3 First Nations upon, you want to count those
4 meetings, count those meetings, and I will tell
5 you how much they have done and how much money
6 they have given, let's look at apples to apples
7 and really see.

8 MR. MADDEN: You would agree with me
9 that that's the proponent's obligation to complete
10 the EIS, it is not the Manitoba Metis Federation?

11 MR. CHARTRAND: Yes, it is theirs,
12 they are responsible for that obligation, not me.
13 I'm just there to finish off my --

14 THE CHAIRMAN: Mr. Roddick?

15 MR. RODDICK: If he is finished, I
16 won't object.

17 THE CHAIRMAN: Are you finished, Mr.
18 Madden?

19 MR. MADDEN: I have nothing further.

20 THE CHAIRMAN: Thank you. Just before
21 we excuse the panel, so what is happening tomorrow
22 now? Will there be more introductory
23 presentations from the other members of this panel
24 or is this it?

25 MR. MADDEN: No, there will be

1 presentations from the leadership from Thompson
2 region as well as the Minister for Hydro, and then
3 we have a panel of harvesters.

4 THE CHAIRMAN: Okay. And then
5 following that we have the expert witnesses?

6 MR. MADDEN: Right.

7 THE CHAIRMAN: Okay. Thank you.
8 Thank you, President Chartrand, and the rest of
9 your panel this afternoon. Thank you for your
10 participation and safe travels, President
11 Chartrand.

12 Documents to register, I think there
13 is quite a few today.

14 MS. JOHNSON: Yes we do. We have
15 Dr. Clark's paper on sustainability as MWL008.
16 Her presentation is MWL009. Ms. McHugh's paper is
17 MWL010. Her presentation is number 11. We also
18 have the NSERC paper is KHLP071. CCME paper is
19 KHLP072. The EIS, Federal EIS guidelines, is
20 KHLP073. The CAMP, excerpts from the camp website
21 is KHLP074. And the second camp paper is KHLP075.
22 The excerpt from the JKDA is KHLP076. The
23 agreement between the Manitoba Government and
24 Manitoba Metis Federation is KHLP077. The
25 submission from October 7 from MMF is MFF002. And

1 their presentation today is 003.

2 (EXHIBIT MWL008: Dr. Clarke's paper

3 on sustainability)

4 (EXHIBIT MWL009: Dr. Clarke's

5 presentation)

6 (EXHIBIT MWL010: Ms. McHugh's paper)

7 (EXHIBIT MWL011: Ms. McHugh's

8 presentation)

9 (EXHIBIT KHL071: NSERC paper)

10 (EXHIBIT KHL072: CCME paper)

11 (EXHIBIT KHL073: Federal EIS

12 guidelines)

13 (EXHIBIT KHL074: Excerpts from the

14 camp website)

15 (EXHIBIT KHL075: Second camp paper)

16 (EXHIBIT KHL076: Excerpt from the

17 JKDA)

18 (EXHIBIT KHL077: Agreement between

19 the Manitoba Government and Manitoba

20 Metis Federation)

21 (EXHIBIT MMF002: Submission from MMF

22 October 7)

23 (EXHIBIT MMF003: Presentation by MMF)

24

25 THE CHAIRMAN: Thank you. So we will

1 adjourn until 9:30 tomorrow morning.

2 (Adjourned at 4:55 p.m.)

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Cecelia Reid and Debra Kot, duly appointed
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