

MANITOBA CLEAN ENVIRONMENT COMMISSION

KEEYASK GENERATION PROJECT

PUBLIC HEARING

Volume 21

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Transcript of Proceedings  
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Winnipeg, Manitoba

TUESDAY, DECEMBER 3, 2013

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Judy Bradley - Member  
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KAWEECHIWASIIHK KAY-TAY-A-TI-SUK  
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No Undertakings given

1 Tuesday, December 3, 2013

2 Upon commencing at 9:30 a.m.

3 THE CHAIRMAN: Good morning. We'll  
4 reconvene the hearing.

5 First off I would like to note that  
6 there were one or two people in the room yesterday  
7 who obviously didn't get the cell phone message.  
8 We're not very patient of cell phones going off  
9 during our hearings. I think on the opening day,  
10 I had made some threats such as putting the cell  
11 phones through our special cell phone shredder.  
12 However, I had a better alternative that was posed  
13 to me yesterday as I was leaving the building,  
14 that anybody whose cell phone goes off during the  
15 hearing will have to contribute \$20 to the  
16 Christmas Cheer Fund. So if you don't want to  
17 lighten your wallet, please make sure that your  
18 cell phones are turned off.

19 We're now returning to Manitoba Metis  
20 Federation, Mr. Madden.

21 MR. MADDEN: Thank you, Mr. Chair.

22 I want to start off this morning,  
23 though, I want to make a submission on an  
24 important point, and in order to also set some  
25 context and some parameters for the presentations

1 today. Because I found, and I want to make this  
2 point, these panels today are Metis people from  
3 the north coming and testifying. They are not  
4 politicians, they are not constitutional law  
5 experts and they -- and so while President  
6 Chartrand provided historical context about rights  
7 assertions yesterday, and I think that's needed.  
8 And I also like to say a lot of respect has been  
9 shown to the Cree worldview in these proceedings,  
10 and rightfully so. I think a lot of statements  
11 have been made by Cree politicians and Cree elders  
12 and others about what they believe their rights  
13 are. And others have not attacked those  
14 assertions of, whether it be that Northern Flood  
15 Agreement being a Treaty, or how they view their  
16 rights and title or their existence.

17 And so I find it a little offensive  
18 and upsetting that lawyers would challenge those  
19 things. As we all know, Aboriginal rights  
20 recognition, which are not the subject of this  
21 hearing, have a trajectory that continues to  
22 evolve. And I think that the same way that no one  
23 on this side of the room has been sitting there  
24 denouncing the rights or perspectives of the Cree,  
25 I think that that same respect should be shown to

1 the other side. Metis may be running about 15 and  
2 20 years behind in courts of where their First  
3 Nations brothers and sisters have got, but they  
4 are going to get there. And so I find it -- so  
5 diminishing the MMF and its representative  
6 governance structures, or diminishing rights  
7 claims of Metis that, you know, if we had this  
8 hearing in Wuskwatim, there was no recognition of  
9 any Metis rights anywhere within this Province.

10 So I want to set that context for  
11 today, and I also want to say, I hope that these  
12 hearings are -- these are public hearings and we  
13 want to encourage the public to participate in  
14 them. And if they are going to have veiled  
15 threats about, well, your hunting may be illegal  
16 or that, well, we don't really think there's Metis  
17 there, I think that that will deter common  
18 grassroots community people from participating.  
19 And I want to say that before today. Because I  
20 allowed, and did not object because I think we  
21 opened the door yesterday, because we did have to  
22 provide some context about rights and some context  
23 about the MMF's governance. And the same way that  
24 I don't think anyone got up and questioned the  
25 Cree's perspective on that, that same respect

1 wasn't shown back. And if this panel, which is  
2 not the topic of what this panel is going to have  
3 to decide, has, you know, needs an understanding  
4 of why there isn't anything in place with the  
5 Manitoba Metis, I think the performances yesterday  
6 kind of illustrate why. And it's part of that  
7 narrative. And I don't want to talk about that  
8 anymore, because I think that we put in enough so  
9 the panel has a sense of who the Metis are, what  
10 the governance structures are. And today is  
11 focused about their use of the land, the  
12 environment, and their concerns about the project.

13                   And I'm going to be a little bit more  
14 aggressive on not allowing questions, or saying  
15 that I don't think that -- these individuals are  
16 trappers, hunters, community members, they are not  
17 constitutional law experts or here to defend the  
18 governance structures of the Manitoba Metis.

19                   And from a personal perspective of a  
20 Metis person who practices in this area of law, I  
21 find it deeply offensive that -- and I just also  
22 find it ironic that, there is a wonderful story  
23 that you are hearing about a chapter, a new  
24 chapter being written with one of the Aboriginal  
25 peoples in this Province and the Crown

1 corporation. And that's wonderful. I just don't  
2 understand why, in writing that new chapter, going  
3 through the door, they are trying to attempt to  
4 make sure that it slams behind them so no one else  
5 can have that evolution. And I just think it's  
6 ironic. And I would hope that people can  
7 understand that that same narrative of -- the  
8 poignant story, we saw the smoke down the road,  
9 and no one had talked to us about it, that that  
10 smoke can be to other people who are just down the  
11 road as well.

12                   And so I want to give that context  
13 today, because I think that where yesterday was  
14 not pleasant, from my perspective, of the types of  
15 questions that were being asked. And I also think  
16 that, you know, the Supreme Court of Canada has  
17 recognized the Manitoba Metis Federation as  
18 representing Metis people in this Province, the  
19 Manitoba Provincial Court has. I think it's a  
20 little, you know, unacceptable for non-Aboriginal  
21 lawyers for First Nation governments to be  
22 questioning the veracity or legitimacy of the  
23 Manitoba Metis Federation as being able to  
24 represent Metis people within this Province. But  
25 that's my own perspective, and I just want to

1 provide that context for this morning, because I  
2 don't want to see a repeat of the pile-on that  
3 was -- the questions to President Chartrand.

4 So I'm going to invite the harvesters  
5 panel up next. And they are, if they can take  
6 their seats up here? So can you introduce  
7 yourselves starting with Anita and going down,  
8 your first and last name and where you live?

9 MS. CAMPBELL: Anita Campbell,  
10 Thompson.

11 MS. LAGIMODIERE: Julyda Lagimodiere,  
12 Thompson.

13 MR. HEAD: Walter Head, Thicket  
14 Portage.

15 MR. CAMPBELL: Norman Campbell, Metis  
16 harvester, Wabowden.

17 MR. PARENTEAU: Solomon Parenteau,  
18 Thompson.

19 MR. CHORNOBY: Len Chornoby, Split  
20 Lake.

21 MR. CLEVELAND: Robert Cleveland,  
22 Thompson.

23 Anita Campbell: Sworn.

24 Julyda Lagimodiere: Sworn.

25 Walter Head: Sworn.

1 Norman Campbell: Sworn.

2 Solomon Parenteau: Sworn.

3 Len Chornoby: Sworn.

4 Robert Cleveland: Sworn.

5 MR. MADDEN: Good morning.

6 Anita, I'll start with you. And where  
7 do you live?

8 MS. CAMPBELL: Sorry?

9 MR. MADDEN: Where do you live?

10 MS. CAMPBELL: In Thompson.

11 MR. MADDEN: And what do you do in  
12 Thompson?

13 MS. CAMPBELL: I'm the executive  
14 director for Ma-Mow-We-Tak, the Friendship Centre.

15 MR. MADDEN: How long have you lived  
16 in Thompson for?

17 MS. CAMPBELL: Thirty-two and a half  
18 years.

19 MR. MADDEN: And have you, in the past  
20 Hydro projects of Wuskwatim, did you see effects  
21 from those projects in Thompson?

22 MS. CAMPBELL: Where do I start?

23 Unfortunately, I have the, I guess,  
24 the experience of working with people at a ground  
25 level right in the City of Thompson. We also do

1 some programming and provide services outside of  
2 Thompson, Wabowden, Thicket Portage, Pikwitonei,  
3 and we are now going into Leaf Rapids. We have  
4 been providing programs and services for quite a  
5 number of years. And the effects that we have  
6 seen from Wuskwatim have not only affected our  
7 young people with many new children being born,  
8 but there has also been sexual exploitation.  
9 There is affected employment, it's affected  
10 housing, it's affected the safety of our  
11 community, it's affected feeling secure and having  
12 that ability to walk within your own  
13 neighbourhoods. So it pretty much has had a  
14 lasting effect. I always put it this way in my  
15 mind, that money, when there's an influx of money,  
16 and there was, it brings in gangs, which brings in  
17 drugs, which brings in an increase in crime. So,  
18 in my mind, that's the formula that we had been  
19 living for many years now.

20                   There is a bit of a wait and see  
21 that's going on in Thompson right now. Because we  
22 have experienced Wuskwatim and we knew that we are  
23 going to have a lot of contractors going through  
24 the city, it was affecting -- and we knew that  
25 there was going to be what we called a boom. And

1 I know that everybody has read, you know, what's  
2 been going on in Thompson. But the amount of  
3 people that have gone through Thompson to reach  
4 Wuskwatim and to develop that dam will always have  
5 an effect on Thompson in terms of, there was new  
6 generations being born. And living there for that  
7 many years, you no longer have that safety and  
8 security anymore. We have never had drive-bys, we  
9 had never had those kind of terms for Thompson.

10 And so we are now in a wait and see  
11 position. We know Keeyask was coming, we know  
12 that Conawapa is coming, we know that Bipole III  
13 is coming. And to get to all those places you  
14 need to go through Thompson. And there's no way  
15 that you are going to get, unless you build a new  
16 road outside of Thompson and around it, there is  
17 no other way to get to those locations.

18 And so in our mind, we are in a wait  
19 and see place to -- because we know what's going  
20 to happen. And so our concern is now what happens  
21 with our young people that are in that community,  
22 what happens in terms of any kind of programs and  
23 services that we offer them?

24 We have limited resources to be able  
25 to provide these services for these people. And

1 yet we are still in that place of wait and see.

2 MR. MADDEN: And so you mentioned  
3 effects in relation to housing. Can you elaborate  
4 on that, of some practical examples?

5 MS. CAMPBELL: One of my staff, who is  
6 the community liaison, deals with housing in  
7 Thompson. For the longest time. And still  
8 somewhat today, we have what we term as a zero  
9 percent occupancy rate. In other words, there was  
10 nowhere to live. Hotels were very scarce and few  
11 and far between in terms of vacancy in their own  
12 rooms. We have had individuals where rents were  
13 increased, where they have had to move out. We  
14 have had people trying to figure out whether or  
15 not they have to move back home. We have tried to  
16 hire individuals. The first question now we ask  
17 is, do you have a place to stay? Because if you  
18 don't have a place to stay, you can't work in  
19 Thompson. And so it wasn't so much that you were  
20 trying to match skill-set anymore to what you're  
21 looking for, for qualifications, it was, do you  
22 have a place to stay?

23 A lot of people which -- we started  
24 using the term couch surfing, because people were  
25 surfing from couch to couch. Not only young

1 people, but people that were looking for places to  
2 live because they had a job in Wuskwatim, but they  
3 had no place to live.

4 I think people thought they were going  
5 to live in Wuskwatim all the time, but they had to  
6 come out of Wuskwatim. So where were they living  
7 for the seven days they might have been off or the  
8 two weeks in the cycles that they were going  
9 through?

10 So a lot of new terminology came out  
11 as we were going through and experiencing  
12 Wuskwatim. And so it wasn't a matter of, you  
13 know, that there was abundance of places for  
14 people to live. It was the amount of money that  
15 people were going to be able to charge for that  
16 couch. You know, one bedroom, if you were lucky  
17 to get a one bedroom apartment, it ranged up to  
18 \$1,500. You could charge a couch in your  
19 living-room anywhere between five and a thousand  
20 dollars, depending on how long that individual is  
21 going to stay there.

22 So, I mean, it has affected our  
23 housing. We have no real house building growth.  
24 There's no growth in terms of the amount of houses  
25 that are being built. There is some, but those

1 are higher priced houses. You're looking at the  
2 three to \$400,000 range and more. So try to find  
3 a house in Thompson.

4 It also increased the real estate. So  
5 real estate went a little bit crazy in Thompson.  
6 It still is a little bit today. It has come down  
7 somewhat. But here's the kicker. People are now  
8 waiting to see what Keeyask is going to do with  
9 the housing in Thompson, because it will do  
10 something. Because it's done something through  
11 Wuskwatim. People think that Vale is what  
12 controls a housing in Thompson. Don't forget  
13 Vale, previously INCO, was there for a long time.  
14 It also now affects what Hydro is doing up north.  
15 And so housing prices have kind of, I'll call it a  
16 roller coaster. Sometimes they are up, sometimes  
17 they are down, depending on which announcement is  
18 coming out when. And now people are waiting for  
19 announcements to hear what's going on.

20 MR. MADDEN: And why do you think, you  
21 know, up on the map, why do you think that what  
22 happens, you know, in Split Lake -- sorry, the  
23 map -- on Split Lake has any relevance to what's  
24 going down or what's going to happen down in  
25 Thompson, or where the Keeyask is being built? In

1 particular, if they, you know, build camps for  
2 workers to be in, are there still effects even if  
3 housing isn't as much in demand from workers in  
4 Thompson?

5 MS. CAMPBELL: They built camps in  
6 Wuskwatim. They built like what people were  
7 terming as a little town. They had a church, or a  
8 little Sunday service. They had a store. They  
9 had a mini bar, I think is what is called a mini  
10 bar. They had housing in those trailers. So they  
11 built a little town. They even had a cultural  
12 centre in Wuskwatim. But people still came from  
13 Wuskwatim. Because where do you go when you're  
14 off? You still need to go somewhere. And so  
15 Split Lake, Split Lake -- Thompson is called the  
16 hub of the north for a reason. We are the hub.  
17 People need to come there, whether it's for  
18 medical, whether it's for your banking, whether  
19 it's for your shopping, whether it's for legal,  
20 whether it's for any other necessity, you need to  
21 come to Thompson. Because there is no other place  
22 you are going to be able to go. For people to  
23 think you're going to stay in Gillam is not going  
24 to happen.

25 And now the Town of Gillam has to

1 figure out how it's going to manage what it's  
2 going to go through. Housing, same thing there.  
3 So you look into Thompson, we get Split Lake  
4 people all the time. We have people from Split  
5 Lake, Fox Lake, from York, from Gillam.

6 We also run a hostel in our friendship  
7 centre. It's temporary room and meals that we  
8 provide to people that are coming in, mostly for  
9 medical reasons. And they all come from the  
10 outlying communities. So we know when people are  
11 moving around. There are taxis that come from  
12 Split Lake that bring people in from there, from  
13 Nelson House, from Leaf, from all the surrounding  
14 communities, from Norway House, Cross Lake, they  
15 all come from around those because they have taxi  
16 services. So if people are thinking that people  
17 are not going to come in, they are going to come  
18 in, and it is going to affect Thompson.

19 MR. MADDEN: And specific to the  
20 Metis, what do you see, what did you see as  
21 impacts flowing from Wuskwatim?

22 MS. CAMPBELL: Sorry?

23 MR. MADDEN: What impacts or effects  
24 do you see on the Metis? One, do you think there  
25 is a Metis community in Thompson?

1 MS. CAMPBELL: I live there. I always  
2 say this, because people tend to think that  
3 there's not a lot of us up there, for whatever  
4 reason. The hard part up there in Thompson, and I  
5 had been there for 32 and a half years, 33  
6 actually come February, is that a lot of the Metis  
7 people that are there don't know that they are  
8 Metis. And so they have been going through this  
9 learning stage. And so now my staff, I have about  
10 60 staff, my staff, the large majority of them are  
11 Metis people. So I have a high Aboriginal  
12 population of staff.

13 If I live in Thompson, do I not count  
14 as a Metis person? And I know several people,  
15 whether it's family, friends, associates,  
16 acquaintances that live in Thompson, the hard part  
17 for us was we weren't identifying, a lot of people  
18 didn't identify themselves. And a lot of you know  
19 this, that a lot of people didn't identify,  
20 especially if you can visibly not be Metis, you  
21 wouldn't count yourself, or Aboriginal, you  
22 wouldn't count yourself as anyone, you would count  
23 yourself as a non-Aboriginal person.

24 And so with the slow change of  
25 acceptance and recognition and identity, people

1 then started trying to figure out who they were.

2 And so for Thompson and the north,  
3 there are a lot of Metis people that live up  
4 there. The difficulty is that we're not properly  
5 enumerated in the sense of identification. That  
6 just started not that long ago, trying to identify  
7 who you were.

8 There are people who thought they were  
9 non-status because they didn't know who they were.  
10 Once they started digging into their genealogy and  
11 finding out who they were are Metis.

12 And so for me, if I live up there,  
13 then there is a Metis population up there, because  
14 my kids are there, my family is there. So does  
15 that not count?

16 It goes to your comment yesterday  
17 about the small. Do we have to have 50,000 people  
18 in order to be counted, or does the five not  
19 count?

20 MR. MADDEN: And from Wuskwatim, did  
21 you see specific effects that happen in particular  
22 to the Metis in Thompson and in the north?

23 MS. CAMPBELL: I had the opportunity  
24 to be really involved with Wuskwatim, because it  
25 was part of my responsibilities in another

1 volunteer position that I carry. And the  
2 difficulty that we had was not only in the hiring,  
3 but in terms of identifying or having our Metis  
4 members go through, or Metis people go through the  
5 process that was incorporated with the Provincial  
6 Government on how people got hired.

7                   So the training was another issue,  
8 trying to get agreement on hiring and training  
9 people, Metis people to be employed through  
10 Wuskwatim. It was kind of where you sat on a  
11 level. So if you were this, you were here. If  
12 you were that, you were here. If you were this,  
13 you were here. It was kind of that we were at the  
14 bottom of that ladder, I'll say, in a sense that  
15 these people had to get hired first, then came  
16 these other people, and then you guys could get  
17 hired next. And so there was a wait for that.

18                   So that was the agreement that was  
19 made as part of the implementation of Wuskwatim.

20                   The impact that it made on there, no  
21 different than, you know, people coming from  
22 smaller communities and those kind of things, was  
23 where did people go after? So if you had  
24 individuals that were off their work cycle, and  
25 now on, you know, four on, four off, or three in,

1 one out, or whatever, two in, two out kind of  
2 schedule it was on, they needed to go somewhere,  
3 because they couldn't go back to their home  
4 community. So, again, it did play an effect on  
5 housing.

6 But trying to hire Metis people was  
7 quite difficult because you had to wait.

8 MR. MADDEN: And in the north, do you  
9 see effects on Metis by virtue of the difference  
10 of how the relationship is with Manitoba Hydro  
11 versus in the First Nations, versus how it is with  
12 Manitoba Hydro and Metis, that there are effects  
13 that flow from that?

14 MS. CAMPBELL: I'm trying to recall if  
15 there is a relationship, I'm sorry, I'm trying to  
16 recall if there is a relationship that Metis have  
17 with Hydro in the north. I don't personally nor  
18 professionally see it. It's kind of like, again,  
19 we're at the bottom of the ladder in trying to get  
20 our way into the door, or even to that table, to  
21 talk about some of the issues that are coming out.

22 I'm not sure if -- I'm not sure if  
23 there's even a spot at the table, never mind the  
24 room. And so for us it's -- I'm not even sure if  
25 we're recognized or identified as such as a

1 people. I know we have had issues with, you know,  
2 the community councils and those kind of things up  
3 in Thompson, or in the north, and trying to get  
4 average people, I'll say, because I consider  
5 myself an average person, but just to get our own  
6 people hired was quite difficult. Is it a matter  
7 of being able to -- First Nations people, because  
8 they are land based, and this is my own personal  
9 thing, but First Nations people are land based, so  
10 they will be able to go there.

11 But because as Metis people we are  
12 kind of spread out. We live in different places,  
13 and we live sometimes beside a First Nations band,  
14 or live in our own communities or we live in towns  
15 and cities, we're a little bit more spread out.  
16 So what tends to happen is they are able to  
17 negotiate and identify, I guess, what those  
18 people, those First Nations groups, because they  
19 are on that land base.

20 So the difficulty becomes for us, it's  
21 almost like they don't know how to work with us  
22 and they don't know how to get us all together.  
23 But yet we're waiting, we're waiting for somebody  
24 to talk to us and say, you know, what impact if  
25 anything is this going to have, not only on us but

1 on our kids and on our grandchildren, because they  
2 are still there?

3 MR. MADDEN: And the agreements and  
4 benefits that are negotiated or in place between  
5 Hydro and First Nations, and then there not being  
6 any with Metis, what effect does that play out on  
7 the ground?

8 MS. CAMPBELL: One thing that comes to  
9 mind for me is, in my family I have people trying  
10 to decide whether or not they should become Bill  
11 C-31s. Some have become -- because then there is  
12 what I term as bonuses that some bands will get  
13 and some band members will get. And it's pretty  
14 evident in Thompson when the bonuses are paid out  
15 because -- and I'm not kidding when I say this --  
16 literally the shelves of Wal-Mart are empty. I  
17 mean, we have tried, we have taken pictures of it,  
18 they are literally empty because of the amount of  
19 shopping that's being done when these bonuses are  
20 issued.

21 And I don't begrudge them, I don't --  
22 you know, that's their negotiation skill and  
23 that's what they have been able to get for their  
24 families, and more power to them. But on the flip  
25 side, it kind of makes some of our younger

1 people -- as the check mark, if you will, for them  
2 to decide whether or not to become a Bill C-31,  
3 has nothing to do with their culture, has nothing  
4 to do with their identity or how they grew up, but  
5 it's a financial decision. Because if they become  
6 members of that band, they now are able to get  
7 that bonus. And unfortunately, there are many  
8 people, even within a family, that are having to  
9 experience this division of the have and have  
10 nots.

11 Thompson has always been a community  
12 of have and have nots, but it was always with Vale  
13 or INCO. It has now become a have and have nots  
14 amongst even just Aboriginal people, because there  
15 is such a huge disparity of income between Metis  
16 people and First Nations. There is such a huge  
17 difference of what Metis people are able to live  
18 on or get in comparison to their First Nations  
19 brothers and sisters.

20 So, I mean, the have and have nots is  
21 not only just, you know, between who works at Vale  
22 or who doesn't, it's now moved into a different  
23 realm of our own Aboriginal people.

24 MR. MADDEN: And do you think that  
25 Keeyask will have impacts on the Metis community?

1 MS. CAMPBELL: Again, we're waiting.  
2 We know it's going to happen, we know what's going  
3 to happen.

4 I used to drive home -- so where the  
5 friendship centre was, I used to have to go around  
6 the block and then drive through Trappers, which  
7 is a bar. And I have to drive by there. And  
8 you'd see these big trucks, there would be like  
9 five of them sitting there, because they are  
10 hauling stuff through Thompson. And so you knew  
11 the contractors were in town. And so when the  
12 contractors were in town, we started watching what  
13 was happening. We would see a lot of, I'll say  
14 influences being placed on our younger Aboriginal  
15 women. And so what happened is that a lot of them  
16 would be influenced by, whether it was drinking  
17 and whatnot, but they would be influenced by the  
18 amount of money that was coming through Thompson.

19 And so, do I think Wuskwatim, or  
20 Keeyask is going to have an effect on us? Yes, I  
21 do. I also think that Conawapa is going to have  
22 an effect on us. Like I said before, you can't  
23 get to those places until you go through Thompson.  
24 And people always stop in Thompson, and they will  
25 continue to stop in Thompson. The contractors

1 that did it before, the companies that did it  
2 before, they will stop there. Why? Because  
3 Keeyask is further away. Wuskwatim was an hour.  
4 So if people are coming up from Winnipeg, or  
5 wherever they are coming up from, they are going  
6 to stop in Thompson before they continue on.

7 Same thing on the way back, they will  
8 stop in Thompson on the way back.

9 So do I think it's going to have an  
10 impact? Yes, I do. Do I think it's going to be  
11 as bad as it was with Wuskwatim? I think it's  
12 going to be worse.

13 And I say this because with that money  
14 came the gangs. They are waiting too. They know  
15 what's going to happen. They know that there's  
16 going to be an influx of money that comes into  
17 that community. And so now what happens is you  
18 have the gangs come in, now the drugs come.

19 We are already dealing with the  
20 leftovers of Wuskwatim. We haven't even finished  
21 dealing with the leftovers of Wuskwatim. Now  
22 we're going to start dealing with the new  
23 influences that are going to come from Keeyask.  
24 No different than the new influences that are  
25 going to come with Conawapa and Bipole III.

1                   The thing I can't understand is why  
2     there are no resources being allocated for those  
3     of us that need to pick up the pieces, so to  
4     speak.

5                   MR. MADDEN:    So, you see Thompson as  
6     connected to what's going to happen in Keeyask?

7                   MS. CAMPBELL:   In my mind, Thompson is  
8     the pivot, Thompson is the central place.   It's  
9     like saying that, you know, people come to  
10    Winnipeg to fly off to somewhere else.   Try flying  
11    from somewhere else to go to where your  
12    destination is.   You can't get there.

13                   Thompson is going to feel the effects.  
14    And some people might think it's a positive thing.  
15    But with money always comes the gangs.   And the  
16    violence is getting, it's increasing, it's not  
17    what it was before.   I mean, the amount of  
18    homeless people that we have is increasing, the  
19    amount of violence is increasing.   We have become,  
20    you know, it's not even something to be proud of,  
21    but we have become basically the violent capital  
22    of Canada.   We rate second for non-violent.   I  
23    mean, in terms of all other violent crimes.   But  
24    when you experience it on a day-to-day basis, and  
25    you can't even sit your house without your doors

1 being locked now, you can't walk at night, whether  
2 it's summer, you cannot walk at night, not by  
3 yourself and not with two. Because it wasn't even  
4 just the male gangs that were happening, it was  
5 the female gangs that were happening.

6 And so you kind of left, you feel like  
7 you have had this boom happen in your city that  
8 wasn't there before. It's changed the dynamics of  
9 the city. It's changed -- people are even  
10 thinking of not retiring there anymore, and then  
11 some of them used to, not so much anymore.

12 So people that think it's not going to  
13 have a negative effect on Thompson and the people  
14 that live there, it is.

15 MR. MADDEN: Do you have anything else  
16 you wanted to add?

17 MS. CAMPBELL: I guess the final point  
18 for me is that -- and I just forgot my glasses so  
19 I might not be able to read it properly, but there  
20 was -- I guess for me one of the things is this.  
21 If you're going to invest in something, try to  
22 invest with everybody that's around there.  
23 Because there's no way that you can make, you  
24 know, a change to the landscape, to the people  
25 that are in there and then leave. Because that's

1    how we feel like in Thompson is that people came  
2    in there, made all these changes, and then left us  
3    to now pick up the pieces of a lot of kids and a  
4    lot of parents who initially don't even have  
5    parenting skills to begin with.  And so you are  
6    then scrambling, trying to figure out how do you  
7    pick up these pieces?

8                   And in that Free Press article,  
9    because Free Press came up there this summer and  
10   did a series of articles on Thompson.  And it's  
11   unfortunate that, you know, you have the headings  
12   of what they put there.  And there was one that I  
13   want to read, I might have to squint, but there  
14   was one that I wanted to read just real quick.  
15   Because, I mean, one of them said "Thompson,  
16   Violence in a Northern Town," but there was one  
17   that kind of stuck out for me that -- sorry, this  
18   one.  And it says that -- see, I can't see --  
19   sorry, my apologies, I left my glasses there when  
20   everybody was introducing themselves, and I wanted  
21   to go and -- I don't know the rules, my apologies,  
22   so I didn't want to get up and go get them.

23                   But it does say in here, it is a dark  
24   chapter in this city's recent -- oh, that's okay,  
25   Marcy, I'm squinting.  It's okay, thank you.

1                   It is a dark chapter in the city's  
2 recent history and they are going, there are  
3 ongoing fears -- oh, and there are ongoing fears a  
4 sequel could be in the works.

5                   That's what I mean. We're just  
6 waiting. We're waiting for it to happen again,  
7 except we're not finished picking up the pieces  
8 from the last time.

9                   MR. MADDEN: Okay. Julyda, and so  
10 what do you do in Thompson?

11                   MS. LAGIMODIERE: Well, excuse me if  
12 I'm really nervous, but I'm going to try and sound  
13 coherent here.

14                   First of all, I live in Thompson now  
15 for the last 47 years. I have raised my family,  
16 my whole family there. I moved there with my  
17 parents. I went to school in Thompson, with the  
18 exception of going to University in Winnipeg  
19 because we didn't have a university there at that  
20 time. Just a little bit aged there. And I have  
21 lived all of my adult life in Thompson.

22                   I have grandchildren and I have great  
23 grandchildren as well, who live in Thompson, with  
24 the exception of my oldest grandson who was  
25 murdered as a result of what I call the aftermath

1 of Wuskwatim and gang activity. You know, it  
2 takes a lot of money to -- and there is a lot of  
3 money flowing, a lot of disposable income. And  
4 when you have, you know, you are flashing money in  
5 front of youth, it's difficult for them to make  
6 good choices or healthy choices, regardless of how  
7 good a background or upbringing they have had.

8 My grandson was also blind in one eye,  
9 so he had challenges working. He couldn't work at  
10 the dam site. But he ended up, for lack of a  
11 better way of putting it, working for the gangs  
12 and ended up being murdered when there was some  
13 gang war.

14 So I also had many family members that  
15 worked in the dams in Wuskwatim, and before that,  
16 Limestone projects, and now with the camps that  
17 are being set up with Keeyask.

18 And I witnessed how much pressure it  
19 put on Thompson. Trying to get a flight out of  
20 Thompson would be very, very difficult, because  
21 you would see the bus loads -- buses waiting there  
22 to pick up workers that were -- there was a lot of  
23 out-of-province workers that were coming, that do  
24 come to Thompson through contractors. And so  
25 they'd fill up the -- you know, they'd take the

1 plane seats, and you'd be lucky to be able to get  
2 a flight in or out. And it would be the same  
3 problem with trying to get hotel rooms. It  
4 really, really stressed the services and resources  
5 available in the community.

6 I'm not one that also frequents bars,  
7 by any means, but I do have, like as I said,  
8 grandchildren and nieces and nephews who live in  
9 Thompson, and they were witness to -- and I would  
10 hear about it, about how busy those places were.  
11 While it may be good for the hotel owners, it  
12 certainly was challenging for the people.

13 You know, as my friend and colleague  
14 Anita mentioned, you know, it's very hard on  
15 especially the young people. And there would be  
16 sexual exploitation that I was aware of. And I  
17 know we don't see women, I'll say women, it's not  
18 just women, though, it's men and women prostitutes  
19 standing on the street corner, but it goes on.  
20 And I was aware of that.

21 And of course, with more gang activity  
22 and as a result of this, what I believe to be as a  
23 result of the income, the large incomes that are  
24 disposable income that's available in Thompson,  
25 and from people that don't belong there -- well, I

1 don't want to say they don't -- they are not like  
2 me where I live there, and I contribute to the  
3 community, and I want the community to be well.  
4 But if I'm just a visitor and I'm just there for a  
5 short time, you know, I don't, you know, I might  
6 not care. I mean, that's not my personality. But  
7 I know contractors would bring in people that did  
8 have that mentality, and took advantage of our  
9 youth and our women, our young men.

10                   Sorry, I'm just kind of rattled here.  
11 It's difficult for me to think about what happened  
12 with the murder and trying to, you know, put  
13 myself back together.

14                   I have also, I also, I run an office  
15 in Thompson and I have staff, I have 10 staff.  
16 And I have had great difficulty filling some of  
17 the positions. I have lost staff because they  
18 haven't been able to find affordable housing.  
19 Since last summer, I lost three staff because  
20 their rents went up so high. And this is the more  
21 recent stuff.

22                   And it's just, I mean, to pay a  
23 thousand dollars a month for a one bedroom  
24 apartment is just too much for, you know, for the  
25 staff. And then there were Metis staff that I

1 had, and they have had to move -- one of them had  
2 to move in, for instance, with her grandparents  
3 because there was no other place to stay, and she  
4 has a child. So, again, it adds stresses to the  
5 family and to that housing, because now it's not  
6 just one family, it's two families. And in fact,  
7 you know, another family had moved into the same  
8 unit, because it's basically zero percent vacancy.  
9 And of the other two that I'm thinking of, they  
10 had to move back home. They had to give up their  
11 job and move back home, because there was no other  
12 place, there was already -- the family or friends  
13 that they had, they were already overflowing. You  
14 know, you can only take so many shifts on bed, you  
15 know, and bedrooms would have -- it reminded me of  
16 what I witnessed when I first moved to Thompson in  
17 the '60s. And literally, you'd rent a bedroom and  
18 there would be a family to that bedroom. And then  
19 if you had a basement, you would divide your  
20 basement, and you would create one common kitchen,  
21 one common bathroom. And if you could create  
22 three or four bedrooms down there, there was  
23 families -- you know, it's getting back to that,  
24 and I think it's only going to get worse. I don't  
25 see it getting any better.

1 I try and work with the municipality,  
2 with the City of Thompson, and I know that they  
3 are strapped in terms of trying to find, you know,  
4 more lots because of, you know, the terrain, just  
5 because of the permafrost and that. So it's not a  
6 matter of just saying, okay, we'll open up this  
7 area and develop it for housing. So there's those  
8 challenges that it faces.

9 MR. MADDEN: Do you think there's a  
10 Metis community in Thompson, in the region?

11 MS. LAGIMODIERE: Oh, absolutely. I  
12 have annual meetings with the Metis people in  
13 Thompson. I also bring Metis people from the  
14 northern region. And the one gentleman was  
15 referencing yesterday the 16 locals on the map, we  
16 bring people from those communities and we meet in  
17 Thompson, and we also meet in Brandon.

18 MR. MADDEN: And so where are some of  
19 those locations of where there are Metis that come  
20 into those meetings? Where do some of them live  
21 in the Thompson area?

22 MS. LAGIMODIERE: All of those areas  
23 that were identified on the map, we bring in  
24 people from those areas.

25 MR. MADDEN: Do you have members in

1 Gillam?

2 MS. LAGIMODIERE: Yes, we do.

3 MR. MADDEN: Do you have members in  
4 Split Lake?

5 MS. LAGIMODIERE: Yes.

6 MR. MADDEN: Do you have members in  
7 Thicket Portage?

8 MS. LAGIMODIERE: Thicket Portage,  
9 Pikwitonei, Cross Lake, Norway House, the Island  
10 Lake areas, Nelson House, Brochet, South Indian  
11 Lake, Leaf Rapids, Churchill, Ilford, I'm not  
12 thinking of all of them, but I'm just trying to  
13 vision it on the map.

14 MR. MADDEN: Do you consider that one  
15 community?

16 MS. LAGIMODIERE: Well, for me I think  
17 of it as a community, yes, I don't see it as  
18 ground based.

19 MR. MADDEN: And where is the most  
20 significant population in that region?

21 MS. LAGIMODIERE: In Thompson itself.

22 MR. MADDEN: And do you hunt?

23 MS. LAGIMODIERE: Yes, as a matter of  
24 fact, I do. I'm married to a Metis man, but he  
25 doesn't hunt because of his training in the army

1 and that, so I do the hunting. And I don't do as  
2 much of it now, but I have harvested also with,  
3 you know, where I have taken my children out to go  
4 when they were kids. And now with the  
5 grandchildren, I have taken them out to go and  
6 harvest wood, berries, medicines, as well as  
7 hunting game. And I have a harvester card, so...

8 MR. MADDEN: And have you seen changes  
9 from Thompson from when you were a child to where  
10 it is today?

11 MS. LAGIMODIERE: Oh, absolutely. I  
12 raise my great granddaughter, and it was her dad  
13 that was murdered, and I would not for a moment  
14 today, in this day and age, allow her to go play  
15 outside by herself without being supervised. That  
16 is a very totally different perspective from when  
17 my first family, my own children, I'd let them go  
18 to the park. That wasn't an issue. That was --  
19 now, was I naive? I don't think so. But it just  
20 was safe. Now it isn't.

21 If my son, my youngest son who was  
22 born in '89, all the way through school, when he  
23 was in the elementary school, I mean, he just  
24 walked to school from my house, that wasn't a big  
25 deal. But by the time he got to high school,

1 things already changed, the gang activity had  
2 really picked up, and a lot of recruitment. He  
3 happens to be a big guy so, you know, they like  
4 big guys like that, as enforcers I guess. So I  
5 would drive him to school every day and I'd pick  
6 him up every day. Because if I didn't do that, I  
7 would have probably lost him to that world as  
8 well. But it's changed a lot.

9 MR. MADDEN: Do you have any family  
10 that are First Nations?

11 MS. LAGIMODIERE: Yes, two of my  
12 grandchildren are members of the York Factory band  
13 and I have, you know, many First Nations relatives  
14 throughout Northern Manitoba.

15 MR. MADDEN: And are there lots of  
16 kinship or family relationships between Metis and  
17 First Nations in the north?

18 MS. LAGIMODIERE: Sorry, I didn't hear  
19 that?

20 MR. MADDEN: Are there lots of kinship  
21 or family relationships between Metis and First  
22 Nations in the north?

23 MS. LAGIMODIERE: Oh, absolutely,  
24 without a doubt. Like I said, I have a lot of  
25 family, and it's not just me, there's many others.

1 I think it's a common -- just to give you an  
2 example -- it's a common way for Metis people,  
3 Aboriginal people, maybe it's true for other  
4 groups too, I don't know, but for Aboriginal  
5 people to figure out, well, who is who by asking  
6 who are your grandparents and, you know, we find  
7 that we're connected. Oh, I didn't, you know, so  
8 and so from Nelson House, hey, my mom was a Flett,  
9 you know. And Split Lake, I have family that  
10 don't know I'm related to them, but I have done my  
11 geneology and I have family connections. Because  
12 we're from the Flett clan as well.

13 MR. MADDEN: And in the region, do you  
14 have a relationship with Manitoba Hydro or the  
15 Partnership?

16 MS. LAGIMODIERE: No, just my Hydro  
17 bill.

18 MR. MADDEN: And what do you see the  
19 effects of there being no relationship being on  
20 the Metis in the region?

21 MS. LAGIMODIERE: Well, I'm  
22 embarrassed to say it, but I feel like I don't  
23 exist. I feel like my people don't exist, my  
24 Metis family doesn't exist. I feel like we're  
25 invisible to them. And yet we're there and we're,

1 you know, we're valuable people, we're valuable,  
2 we contribute, we contribute to the economy. We  
3 have lived there, my dad was there before -- I  
4 mean, he only moved us there 47 years ago but he  
5 was there before, you know. And many other family  
6 members were there in Norway House and York  
7 Landing, York Factory, Churchill. You know, it's  
8 just -- I just, you know, I don't understand it.  
9 I don't understand it because I think we have  
10 valuable contributions to make.

11 MR. MADDEN: And going back to Anita's  
12 point, do you see have and have nots emerging?

13 MS. LAGIMODIERE: Yeah, absolutely,  
14 it's there. And I see families struggling to, you  
15 know, to make ends meet that are, you know, living  
16 in very crowded conditions because they really  
17 can't afford their own place. And you know, it's  
18 not healthy, of course, to live like that.  
19 There's many other problems that result when you  
20 have overcrowding and no employment. It's just a  
21 vicious circle, it leads to poverty and it leads  
22 to the gang life, it leads to dependencies. And  
23 who is involved in that? It's mostly the ones  
24 that don't have it. But the ones that have the  
25 money too are, you know, I mean, I have known them

1 to be involved with cocaine and heroin addictions  
2 like that, because they can afford it.

3 MR. MADDEN: Do you have anything else  
4 that you wanted to add or contribute?

5 MS. LAGIMODIERE: If I could maybe add  
6 it later, I need to just settle down first.

7 MR. MADDEN: Okay.

8 Walter, so what do you do?

9 MR. HEAD: I'm a commercial fisherman.  
10 I've been fishing for about 14 years, but I  
11 started helping Robert Parenteau, I started  
12 helping him with trapping and fishing since I was  
13 12.

14 MR. MADDEN: Do you identify as Metis?

15 MR. HEAD: Yes, I do.

16 MR. MADDEN: And where did you grow  
17 up?

18 MR. HEAD: I grew up in Thicket  
19 Portage, but I was born in Flin Flon, Manitoba,  
20 and I lived in Sherridon with my birth mom and  
21 birth father until I was about three. Then I  
22 moved to Thicket and my grandparents adopted me.

23 MR. MADDEN: Why did you move to  
24 Thicket?

25 MR. HEAD: Because --

1 MR. MADDEN: Were your grandparents  
2 there?

3 MR. HEAD: Yeah, my grandparents were  
4 living in Thicket, and it was -- my family was  
5 probably having a hard time, I don't know.

6 MR. MADDEN: Okay.

7 MR. HEAD: But I just know that I  
8 ended up living with them and I stayed with them  
9 till I was --

10 MR. MADDEN: Were your grandparents  
11 commercial fishermen too?

12 MR. HEAD: Yes, they were.

13 MR. MADDEN: Where do you fish?

14 MR. HEAD: I fish on Landing Lake.

15 MR. MADDEN: And on the map, where  
16 is -- I think there is a pointer up there.

17 MR. HEAD: Well, I fish right from  
18 here all the way down up to here, around here  
19 somewhere. I fish this whole lake now.

20 MR. MADDEN: And that's where you  
21 fish?

22 MR. HEAD: Yeah.

23 MR. MADDEN: Are those lakes connected  
24 to the Nelson River?

25 MR. HEAD: I believe so somehow. I'm

1 not very good, but I believe they are connected to  
2 the Nelson River. This one goes right through  
3 from here, this goes right into the Nelson River  
4 here by Landing River.

5 MR. MADDEN: Okay. And how do you --  
6 have you seen effects on the rivers and lakes over  
7 the years?

8 MR. HEAD: Yes, I see the lakes going  
9 up and down. And so we have a new species of fish  
10 that's there, we call it sun fish, but the book  
11 is -- I don't know the name of it again, the  
12 original name, but we just call it a sun fish.

13 MR. MADDEN: What other changes have  
14 you seen on the lakes and rivers?

15 MR. HEAD: Just there's still water  
16 going up and down and some -- we're losing a  
17 little bit of land along the shores and that.

18 MR. MADDEN: And do you hunt?

19 MR. HEAD: Yes, I do.

20 MR. MADDEN: And where do you hunt?

21 MR. HEAD: Well, I mostly just hunt  
22 close around Thicket, because the gas and that,  
23 it's getting expensive. And I do take my children  
24 out with me, so I don't go very far.

25 MR. MADDEN: And do you go into

1 Thompson?

2 MR. HEAD: Yeah, that's where we do  
3 our shopping and get our clothes, our food, our  
4 medicine.

5 MR. MADDEN: And do you have family  
6 throughout the region?

7 MR. HEAD: Yes, I do.

8 MR. MADDEN: Where?

9 MR. HEAD: I got family a lot of  
10 places, Split Lake, Pikwitonei, practically all  
11 over I guess.

12 MR. MADDEN: Okay.

13 MR. HEAD: I come from a big family.

14 MR. MADDEN: And who is your  
15 grandfather?

16 MR. HEAD: My grandfather is late  
17 Senator Head, and my other grandfather is Robert  
18 Parenteau senior, the late Robert Parenteau  
19 senior.

20 MR. MADDEN: And from the Hydro  
21 development in the north and from Keeyask, do you  
22 think that there's going to be effects in the  
23 region?

24 MR. HEAD: Yes, I do.

25 MR. MADDEN: And why?

1 MR. HEAD: Because, I don't know why,  
2 I just know there's going to be effects.

3 MR. MADDEN: Okay. Do you have  
4 anything else you wanted to add?

5 MR. HEAD: Not that I can think of.

6 MR. MADDEN: Okay.

7 Norman, what do you do?

8 MR. CAMPBELL: I'm a commercial  
9 fisherman on the Nelson River system, but I also  
10 use it for recreation, like for picking berries.  
11 And I know my kid at my fish camp, they go  
12 swimming lots in there. But I do make my living  
13 off the land.

14 MR. MADDEN: And how long have you  
15 been fishing for?

16 MR. CAMPBELL: Well, I first started  
17 out in '65 with my dad on Sipiwesk Lake and Duck  
18 Lake. And that was before Jenpeg came along.

19 I'm not from the north, I was born in  
20 Winnipegosis, Manitoba. But my parents separated  
21 in 1953, I guess. After my dad came home from the  
22 army he drank quite a bit, and I guess it caused a  
23 lot of problems. In 1953, he came up north and  
24 left my mother and my siblings at home.

25 And when I was 15, I quit school. I

1 knew he was in Wabowden, commercial fishing, and I  
2 came up north looking for him. But he was fishing  
3 at Yudick (ph) Lake, and I ended up in Ilford.  
4 And I ran into Kip Thompson there who took care of  
5 me until I could get out to the fish camp with my  
6 dad. And I fished with him there for the winter.  
7 And then in the spring, we came to Wabowden where  
8 he fished during the summer. And I stayed there  
9 and I fished with him and got to know him, and I  
10 liked it, and I'm still there. I left a couple of  
11 times but I always came back there.

12 My dad passed away in 1968, and I got  
13 out of fishing. And I worked on some of the Hydro  
14 projects like Jenpeg, and I was up in South Bay,  
15 Missi Falls, and stuff like that. And in the  
16 '80s, I got back up to Sipiwesk, just to run  
17 another person's, look after another person's  
18 fishing outfit for a couple of weeks, because he  
19 had a problem and he got busy with something else,  
20 and asked me to look after it. And I went out and  
21 looked after it and I haven't left. I guess I was  
22 meant to always be a fisherman, and I'm still  
23 doing it.

24 MR. MADDEN: And so you saw the lake  
25 before Kelsey and after Kelsey?

1 MR. CAMPBELL: Well, Kelsey was done,  
2 because I believe Kelsey was completed in the '50s  
3 I believe. But Jenpeg wasn't there. And I guess  
4 Kelsey had a minor effect on the lake, but it  
5 wasn't that noticeable like -- because I can  
6 remember in the '60s when I was on there, like  
7 there was no fluctuation of water, like that.

8 MR. MADDEN: And is there fluctuation  
9 now?

10 MR. CAMPBELL: Oh, yes, there is a lot  
11 of fluctuation on Sipiwesk. On Sipiwesk, it  
12 isn't, you know, when you speak of landing in  
13 that --

14 MR. MADDEN: Do you want to take that?

15 MR. CAMPBELL: Landing Lakes.

16 MR. MADDEN: Where is Sipiwesk on the  
17 map?

18 MR. CAMPBELL: Sipiwesk isn't on this  
19 map. You have to go down more to get Sipiwesk on  
20 there. But the Nelson River flows right through  
21 Sipiwesk, right through the lake.

22 MR. MADDEN: And what type of  
23 fluctuations do you see?

24 MR. CAMPBELL: Well, with Hydro  
25 there's agreement on there, I believe it's 603 for

1 low and 619.6 for high. So in feet that would be  
2 13, 14 feet. And I have seen it fluctuate, go  
3 over that, and I have seen it go below that. So,  
4 you know, that's quite a -- and it can happen fast  
5 at times.

6 MR. MADDEN: And do you think that  
7 it's getting better or worse?

8 MR. CAMPBELL: Well, it's getting  
9 worse because -- well, up until, I'd say up until  
10 about the '90s, maybe the getting on into the  
11 later '90s, it wasn't that bad like, you know,  
12 because I never did have a floating dock. I just  
13 had -- and you know, sometimes the water would  
14 just go up, come up six, seven inches up to -- but  
15 you could have a solid dock. But now you have to  
16 have a floating dock because the water might come  
17 up 10 feet on you. If you had a solid dock right  
18 in, you know, it would be over top. So we all  
19 have floating docks now because they have to go up  
20 and down with the water.

21 And it just seemed that since like the  
22 early 2000s and that, I don't know, it just  
23 seems -- and I think you could look at the records  
24 and see, like the water, the fluctuation, it  
25 really goes high now. Like it's almost like they

1 just don't care anymore. And I think it might be  
2 because the old-timers used to put a lot of  
3 pressure on them not to, you know, try and destroy  
4 anything too much. Especially when the first  
5 Northern Flood Agreement, I believe, like they  
6 said after seven years there would be no more land  
7 erosion. But like that isn't true. The land  
8 erosion is worse now than it was before, than it  
9 ever was.

10 And I think that in the 2000s, it's  
11 almost like they don't care now, like how high the  
12 water goes.

13 MR. MADDEN: And what effect does that  
14 have on you personally and other commercial  
15 fishermen?

16 MR. CAMPBELL: Well, like for the  
17 commercial fishing, like we catch logs in our  
18 nets. Like it's almost like now, you're almost a  
19 logger and a fisherman at the same time. And we  
20 lose a lot of nets, because when the water goes  
21 up, all the wood comes back, all the trees fall  
22 off and they all go into -- like you probably  
23 wouldn't believe it, but I can honestly say that  
24 just on Sipiwesk lake, that millions and millions  
25 and millions of cords of wood have gone into the

1 lake. And you know, like before Jenpeg, we all  
2 know the bigger trees are right at the edge of the  
3 water. Like right around my camp there's trees  
4 there that, when I first built my camp there, you  
5 couldn't even get your arms around them. All that  
6 wood is gone, you know, and it continues. Like,  
7 you know, it just, every year it's just a cycle.

8                   And who knows? Lake Winnipeg might  
9 not end up being the largest lake in Manitoba,  
10 like we might have a bigger one down there.  
11 Because it is, it gets wider every year.

12                   I think Hydro knows that, they know  
13 exactly how much shoreline they eat up every year.  
14 I think they have done studies on it and I think  
15 they know.

16                   MR. MADDEN: And what are some of the  
17 things that you have seen from that? Are you  
18 seeing new waterways?

19                   MR. CAMPBELL: Yeah. Well, like  
20 Walter mentioned, there's new species in there.  
21 We never used to catch catfish up there, and I  
22 think after, I don't know if it was the one of  
23 '05, the big flood, I think that's when the  
24 catfish started coming on.

25                   And now we have silver bass, that's

1 another new species of fish, and they are getting  
2 more and more like onto our Sipiwesk Lake.

3 And also another fish that Resources  
4 was quite worried about, rainbow smelts, because  
5 they are a small fish and they are very toxic, I  
6 guess they have a lot of acid in them. But one of  
7 the things they do is they live off fish spawn,  
8 and I guess one of the ones that they attack the  
9 most is pickerel.

10 And, you know, about the erosion,  
11 there's another lake that is just off Sipiwesk,  
12 it's called Duck Lake. And the water flows out of  
13 there through a rapids and it's called Duck  
14 Rapids. And there's no other water that flows  
15 out. And because I fished in that lake in the  
16 '60s with my father, like that used to be his  
17 commercial fishing lake, I knew where the Duck  
18 Falls, and it was kind of a bad place with the  
19 smaller boats in the '60s, like because no one had  
20 big commercial fishing boats like we have now,  
21 like 22 footers and 25 footers, they were all  
22 small boats. And I know we used to use a canoe  
23 there for commercial fishing, and paddle, and they  
24 used to portage everything. But now with the  
25 bigger boats, you could shoot those rapids. So

1 when they go up in there to fish, they go through  
2 the rapids.

3           And what happened last year was a new  
4 river broke through, like the bank where it broke  
5 through was almost as high as here, like the bank  
6 was straight up. But the water came through  
7 there. Like it took quite a while, I guess it  
8 took over 30 years. Now there's a new river that  
9 you can go into to Duck Lake, to get to Duck Lake,  
10 you don't have to worry about those dangerous  
11 falls or anything.

12           And the commercial fishermen from  
13 Wabowden was fishing there. And he started  
14 because it's a shortcut, he started using that  
15 river, going through there. But it was brand new.  
16 It just happened.

17           And this one morning last fall, not  
18 this fall that just passed but the fall before,  
19 they were going to the lake to go lift their nets,  
20 and not knowing what, hit a sand bar. And he flew  
21 out of the boat. There was three or four  
22 fishermen in the boat. They managed to get him  
23 back in, but I guess because of the cold water and  
24 that, like he passed away before they could get  
25 him to the hospital or anything. And he was, you

1 know, one of our real good fishermen, experienced,  
2 caught a lot of fish all the time, really was a  
3 dedicated commercial fisherman, and knew lots, but  
4 just didn't know that in that new place that the  
5 sand bar was there. And I guess it could have  
6 happened to anyone that was on the water.

7 MR. MADDEN: And so you used the  
8 Nelson River, you go up and down the Nelson River?

9 MR. CAMPBELL: I moved off Sipiwesk  
10 Lake, because ever since '05, '06, I don't know  
11 what happened, but even between us, there was only  
12 five licensed on Sipiwesk Lake. And I don't know  
13 what happened, but we just seemed to get a rift in  
14 between us because -- like I was a late comer to  
15 get a licence on there, and I don't know, it just  
16 put a lot of stress on me. I couldn't get my --  
17 although my camp was up, my fish camp was up for  
18 almost 20 years, I still couldn't get a permit on  
19 it. And I'd go in, talk with Resources, but it  
20 was all Northern Flood Agreement. And when -- I  
21 guess when a land hold came on, I guess they  
22 included Sipiwesk in there. And because of that,  
23 like they even started a little argument, just  
24 between -- we used to be a fishing family on  
25 there, all five outfits and it just -- So I got

1 off, I left there and I now fish the Nelson River.

2 I have a licence on the Nelson River.

3 I fish from the mouth of Sipiwesk, where the

4 Nelson starts, and I fish up to the Kelsey dam.

5 And my camp is 35 miles, it's in the middle of the

6 river. The river is 71 miles long. I built my

7 camp in the middle. And now for me to get my

8 fish -- I still deliver my fish to Wabowden, and

9 for me to deliver my fish, like it's 95 miles one

10 way by water. But, I mean, here I'm not in

11 anybody's area or anything and, you know, like I'm

12 happy, I'm still fishing. It's what I like to do

13 and I'm still doing that.

14 But it's not just the fishing. Like I

15 have always used, you know, for hunting, I have

16 sons and daughters and I always -- I have always

17 used Sipiwesk because of my fish camp there, I

18 have always used it for our hunting, our

19 recreation, picking berries and all that other --

20 we live off the land, we lived off the land as

21 much as we can.

22 MR. MADDEN: And for people from

23 Southern Manitoba, what would you want them to

24 know about Hydro power up in the north?

25 MR. CAMPBELL: Well, one of the

1 things, like especially like, you know, when we  
2 have a panel like this here, I'm sure some of them  
3 on the other side have probably seen, but I'd like  
4 you to come for a boat ride with me through  
5 Sipiwesk Lake and just really see for yourself  
6 what it's like. You wouldn't believe it.

7 A friend of mine from Boggy Creek, I  
8 met him at a meeting somewhere, four, five years  
9 ago. He's a Metis, but he's never really seen the  
10 commercial fishing side of it, hey. So this fall  
11 he came down, he came and stayed with me for a  
12 week, and he was all excited because we were going  
13 on a 95-mile boat ride to get to the camp, and we  
14 are going through Sipiwesk, through the Nelson  
15 River. And he knew something about Hydro, he knew  
16 that there was some dams on there and that. And  
17 when I took him through the lake there, like he  
18 couldn't believe it. Like, honestly, some of the  
19 banks are as high as this here, just straight like  
20 that. And the water doesn't have to go that high.  
21 The water just has to soften it up 10 feet in and  
22 everything -- but, you know, he couldn't believe  
23 it. And he always thought that Hydro, I guess  
24 what he thought was, how you seen in the old days  
25 how, you know, the wheel would go around in the

1 water, but you didn't need to bring the water way  
2 up to -- and you know, he honestly couldn't  
3 believe it, because he thought because -- and I  
4 see the same advertisements -- clean energy.  
5 Like, you know, it doesn't hurt anything. But I  
6 think now he knows.

7                   And I just told him, when you get back  
8 down south, like let the people know, and maybe  
9 then there will be people who will get concerned  
10 about it.

11                   Like, I guess we do need Hydro. I  
12 don't think we need Hydro -- I don't think we need  
13 oil to live, a lot of that stuff, because I could  
14 live in the bush, you know. I don't really need  
15 television or all that. But I guess over the  
16 years they have trained us to believe that we need  
17 all this in order to live. I think all this is  
18 going to kill us, really. But, you know, I'm  
19 pretty sure that we could do it in a better way,  
20 that we don't have to destroy our land, our water,  
21 our air, or anything else like that.

22                   You know, I grew up, I'm getting older  
23 now, and I grew up, taught to respect my elders,  
24 and I have respected them all the time. And now I  
25 noticed young people, they have no respect for

1 elders anymore. And you know why it is? Because  
2 when I grew up, I was taught to play in the sun  
3 because it's the most healthy thing for you. Our  
4 air was fresh, clean, our water we could drink  
5 anywhere, out of any lake. But now we can't  
6 breathe the air -- we can here, it's not affecting  
7 us that much yet. But we can't drink the water.  
8 Our kids can't play in the sun without putting  
9 more chemicals on them because there's a chance  
10 they may get cancer. You know, we do have to move  
11 ahead, there's a lot of people, but do we really  
12 have to destroy everything doing it? Like I don't  
13 think we do.

14 MR. MADDEN: And do you identify as  
15 Metis?

16 MR. CAMPBELL: Pardon?

17 MR. MADDEN: Do you identify as Metis?

18 MR. CAMPBELL: I am Metis. I am  
19 Metis. Half of my ancestors on both my mother's  
20 side and my father's side came from the Orkney  
21 Islands in Scotland, both of them. But the other  
22 side of my family has been here forever. They had  
23 been here before the Europeans came here. And I  
24 don't play the bagpipes or wear a kilt, but I do  
25 wear feathers in my hat when I'm out in the bush.

1 I have moccasins, and I do live like an  
2 Aboriginal, I am Aboriginal person. But it just,  
3 I'm a Metis.

4 MR. MADDEN: And are your children  
5 Metis?

6 MR. CAMPBELL: Well, I have six  
7 children and I have a lot of grandchildren. And  
8 my wife is from Split Lake, and she comes from a  
9 large family. All her 11 brothers and sisters,  
10 they all got their Treaty. And my wife lived with  
11 me as Metis, she didn't get her Treaty. We lived  
12 as a Metis family. We didn't get our medicine  
13 when the kids got sick, we didn't get it free. We  
14 looked after our family. We looked after them.  
15 We paid for everything that we need. We have six  
16 kids.

17 And I got charged with five ducks in  
18 the early 2000s, and I went to court for it, but  
19 luckily nothing happened. They did throw it out.  
20 But after that my wife joined her family, brothers  
21 and sisters, and got her Treaty. And all my kids  
22 could be Treaty, all of them. They could all get  
23 their Treaty, and they are not a Bill C-31 or a  
24 Bill, whatever the other new one is, they could be  
25 regular Treaties, they could pass it on to their

1 kid, but my kid chose to stay Metis with me.

2 But the other day my girl told me, my  
3 youngest girl, that she applied and has her Treaty  
4 from the Split Lake band, so now she's Treaty.

5 But the rest, my sons, my three sons and my other  
6 two daughters, they are still Metis. They are  
7 staying Metis because I keep telling them that,  
8 you know, we'll get our rights. You know, we've  
9 got to keep -- but I really, I'm getting older,  
10 but I'm not going to run and hide anymore like  
11 with my hunting and that. I don't -- I live in  
12 Wabowden and I have been there for a long time,  
13 but I'm not -- I'm tired of running and hiding.

14 Even with my harvester card, I got it  
15 when they first came out, and I had a moose seized  
16 on me four years ago, I shot a bull moose in the  
17 fall. And the game warden, I must say they were  
18 polite, when they first came upon it, they didn't  
19 do anything, they didn't take it right away. They  
20 come back and they got it the next day, because he  
21 wanted to phone Winnipeg to make sure, because he  
22 thought he didn't have a right to take it.  
23 Because he knows me, he knows I'm Aboriginal, he  
24 knows what kind of person I am. And he didn't  
25 think that he should take it, but I guess his

1 bosses told him, yes, you have to take it.

2 I had my harvester tags on it and  
3 everything. In my eyes, I was legal, but they  
4 took it. And up to now I never got my moose back,  
5 but I got my tags back just this past, just this  
6 year. But they never charged me, so they must  
7 have thought I had some kind of rights or  
8 something. They didn't charge me.

9 And about those ducks, like you know,  
10 I already had them plucked and cleaned, I was on  
11 my way home with my three young sons. And the  
12 game warden stopped me from Wabowden, but this was  
13 a different game warden. And after he took my  
14 ducks and I went to court in Thompson -- wanted me  
15 to go in front of a JP in Wabowden and plead  
16 guilty, and I refused. And they set my court date  
17 for June 20th.

18 And he even came and told me, you're  
19 going to be busy commercial fishing, you're not  
20 going to want to take time off to go to -- and I  
21 said yes, I am, because I'm not going to plead  
22 guilty, I'm going to let them know I'm an  
23 Aboriginal person but I just don't have a number.  
24 That's all. But I am an Aboriginal person.

25 But in the end they dismissed it. I

1 asked if I could have my ducks back, and the  
2 lady --

3 MR. MADDEN: I was looking forward to  
4 that test case, but we lost it.

5 MR. CAMPBELL: But she said, can you  
6 give Mr. Campbell back his ducks? And he said  
7 they spoiled, we had to throw them out. And I  
8 said, you should be charged because those were a  
9 meal for me. And then I had my six kids at home,  
10 I only had part-time work, and that was food, and  
11 that was a meal and it got wasted, but not by me.

12 MR. MADDEN: And are First Nations and  
13 Metis fishermen treated different up in the north  
14 with respect to damage to boats, et cetera?

15 MR. CAMPBELL: Yes, yes, I think. But  
16 it's not because of the, it's not because of the  
17 Treaty or anything like that, I think it's just  
18 directly with Hydro. Because I have a right to be  
19 on there, I'm a resource user. If I hit a rock  
20 and smash my boat, they don't help me. If I hit a  
21 rock, if I break a prop like or do damage to your  
22 lower end, they don't help you, no. They help  
23 some but they --

24 MR. MADDEN: Do you have anything else  
25 you wanted to add?

1 MR. CAMPBELL: Just that I'd sure like  
2 to be recognized as an Aboriginal person. You  
3 know, it says in the constitution, it says who  
4 Aboriginal people are, and we are one of them.  
5 And you know, I don't want anything from -- I just  
6 want to be recognized as Aboriginal Treaty status,  
7 like as the same. I'm the same.

8 My ancestors suffered the same as  
9 Treaty, anything else like that and, you know, I  
10 would just like to be recognized that I have  
11 rights too. And just because I am Metis, you  
12 know, you don't. But I do, I do have rights.

13 MR. MADDEN: Thanks, Norman.

14 I'm not sure if you want to take a  
15 morning break?

16 THE CHAIRMAN: We'll keep going.

17 MR. MADDEN: Next, Mr. Parenteau. And  
18 what do you do? Sorry, maybe repeat your name,  
19 because people may have forgotten?

20 MR. PARENTEAU: My name is Solomon  
21 Parenteau. I was born in Thicket Portage. I left  
22 home in '71 for work. I moved to Thompson and was  
23 employed with CF Thompson for 34 years. Retired  
24 in '05 under disability.

25 After retirement, I got a call from

1 Julyda, I got involved with the Metis Federation,  
2 I am Metis. I got a call from Julyda after  
3 retirement to ask me to put a program together on  
4 trapping. So I got a staff. We done a weekend  
5 presentation on trapping.

6 After that the school got a hold of  
7 our, what we done with the Metis Federation, got  
8 in touch with us. Since then we have been working  
9 with the schools, been working with my family on  
10 harvesting and trapping.

11 MR. MADDEN: And where do you hunt?

12 MR. PARENTEAU: Do you have a light?

13 Okay.

14 I usually use, myself and with the  
15 schools, also with my children, my grandchildren,  
16 usually all this part. Right now I'm quite active  
17 in this area, because with my age and my  
18 disability.

19 We do a lot of the harvesting,  
20 berries, medicine, and usually we get into this  
21 area too for medicines. We also harvest our  
22 moose, fish. We also do the same when we work  
23 with the schools, we get them involved with the  
24 same, what I do with the family.

25 MR. MADDEN: And where is your

1 trapline?

2 MR. PARENTEAU: Usually right in here.  
3 Right now with this line coming through, I'm going  
4 to be, I see probably affected hundred percent.

5 MR. MADDEN: Sorry, and what line are  
6 you referring to? Bipole III?

7 MR. PARENTEAU: Pardon?

8 MR. MADDEN: You're referring to the  
9 Bipole III transmission line?

10 MR. PARENTEAU: Yeah, where it's  
11 coming through, it's coming right down the middle  
12 where I do all my work with the school, and my  
13 grandchildren and my sons. The schools, after  
14 July the schools brought us in, I work with all  
15 the schools. We have a staff. We teach, we do a  
16 demonstration with all the schools. And one of  
17 the schools usually brings us in for -- actually  
18 they usually want six weeks, but we cut it  
19 shorter. We do, we get, the kids get involved  
20 with us, we teach them the use of the land,  
21 fishing, hunting and how to prepare for different  
22 stuff, for survival.

23 MR. MADDEN: And do you think there's  
24 a Metis community in the north?

25 MR. PARENTEAU: Yeah. Usually with my

1 staff too, my staff is all Metis. When we go into  
2 schools, we do a demonstration with furs.  
3 Dancing, dancing is quite huge with the kids, they  
4 really get into it -- fishing.

5           Like I said, we do all the schools.  
6 And when we get into the high school, we also,  
7 like I said, we have a staff that we work with,  
8 and usually the school has a staff too. And we  
9 usually take the kids onto the land. We usually,  
10 from Thompson to this end, which is a big area,  
11 but right now we're working this area quite --  
12 pretty busy in this area.

13           And we have taken kids out for moose  
14 hunting, bird hunting. We usually take them out  
15 for five days. I usually take a couple, two  
16 grandsons that are involved with me right now. I  
17 have one grandson that's 12 years old. He's been  
18 with me for five years, going on five years now.  
19 He's learned a lot. When I take the kids out from  
20 the high school, he's only 12 and he wants to  
21 teach.

22           MR. MADDEN: And do you rely on  
23 Thompson from Thicket?

24           MR. PARENTEAU: Usually, yeah, this  
25 part here. And right now we build a new camp up

1 here, just up in this lake here, because it's  
2 close to home. At one time I used to use -- my  
3 brother has a camp, we used to use his camp, but  
4 it's getting too far and too expensive, so we  
5 moved into this area.

6 MR. MADDEN: And have you seen  
7 flooding?

8 MR. PARENTEAU: Yeah, the lakes flood  
9 quite bad. We have to -- that's another part.  
10 When we work with the kids, the lakes, we get  
11 quite a bit of water on this lake here. Actually,  
12 one lake, because we get water that comes in  
13 from -- this is the Nelson River right here.  
14 There's creeks that come into these lakes. And so  
15 the water levels change. This one area here, we  
16 get quite a pressure ridge. Sometimes it will  
17 push up to about eight feet.

18 Actually, a few years ago my brother  
19 was going up to his camp and ran into it with his  
20 kid. He got hurt quite bad. After his injury, he  
21 was never the same. So stuff like that.

22 When I take out the kids, especially  
23 from the school, my grandchildren, we also have to  
24 teach them all this stuff with the water levels  
25 and the dangers that come with it.

1 MR. MADDEN: Is there a Metis  
2 population up there?

3 MR. PARENTEAU: Yeah, we work right  
4 into Thicket, there's quite a few. Because I know  
5 I come from a big family, and we were a Metis  
6 family ourselves, but there's also -- I have  
7 friends that are Metis, we have quite a population  
8 of Metis.

9 MR. MADDEN: Is there anything else  
10 you wanted to add?

11 MR. PARENTEAU: Yeah. I was going to  
12 mention too that the kids we work with, with the  
13 schools, when you get into the high school, the  
14 kids are selected. There is 12 kids that are  
15 selected every year. They are given 150 hours  
16 that they have to put in with us. We have a  
17 staff. Usually we do the survival, like I  
18 mentioned, we do the survival. We take them out  
19 to the land, show them how to trap, fish. With  
20 the six weeks that we are given, the 150 hours  
21 that we are given, they can't be missing school.  
22 If they miss any school, they will be replaced  
23 because there are other kids that would like to  
24 get into the program.

25 A couple of years we had to do a

1 presentation with the school. When we started the  
2 program, the kids that were selected, their  
3 attendance were 53 percent at the schools. When  
4 we finished our program, we had to do a  
5 presentation with the school board. And they  
6 brought their school attendance up to 97 percent,  
7 and there was one kid that never missed a class.

8 MR. MADDEN: That's great.

9 MR. PARENTEAU: So we thought that was  
10 pretty good.

11 And we still, I'm still quite involved  
12 with the schools. This year I have been so busy  
13 with my grandchildren, and I was supposed to take  
14 them out this fall, they are still calling me, I  
15 still have to meet with them when I get home. I'm  
16 retired, I go seven days a week. I don't know why  
17 they call it retirement.

18 MR. MADDEN: Thanks, Solomon.

19 MR. PARENTEAU: One more thing. This  
20 part here, like I said, it's going to affect us  
21 100 percent. My grandson that's 12 years old,  
22 after looking at the map, I told him I don't know  
23 what we're going to do after the transmission line  
24 comes in, because we're going to be affected 100  
25 percent. Usually when I take them, we work with

1 the schools, we go to question period, and usually  
2 we can give answers like 100 percent. Like 100  
3 percent, we can answer all the questions that are  
4 asked when we do the schools. But this year my  
5 grandson, after looking at the map, I told him we  
6 were going to be affected 100 percent. And he  
7 asked me if we're going to be affected 100  
8 percent, where are we going to trap? You know,  
9 where are we going to go? I couldn't give him an  
10 answer.

11 MR. MADDEN: Thank you.

12 THE CHAIRMAN: Mr. Madden, maybe we'll  
13 take a break now and come back just a bit after  
14 11:15.

15 (Proceedings recessed at 11:04 a.m. and  
16 reconvened at 11:15 a.m.)

17 THE CHAIRMAN: We will reconvene,  
18 please.

19 Just before you commence, Mr. Madden,  
20 I'd just like to note, and I should have noted at  
21 the outset, that we treat panels of this sort as  
22 citizen presenters. Therefore, there will be no  
23 cross-examination from participants. The  
24 proponent may ask questions of clarification with  
25 the permission of the Chair and panel members may

1 also ask questions of clarification.

2 Mr. Madden, back to you.

3 MR. MADDEN: Leonard, where do you  
4 live?

5 MR. CHORNOBY: I live in Split Lake.

6 MR. MADDEN: Do you identify as Metis?

7 MR. CHORNOBY: Yes. I am Metis  
8 myself.

9 MR. MADDEN: And where do you hunt?

10 MR. CHORNOBY: I hunt close to Split  
11 Lake, about 10 miles down river from Split. I had  
12 been up almost all the way up into Cross Lake  
13 through the Nelson River. I am up by Ilford,  
14 Silsby lake. I am up by the Little Churchill  
15 River.

16 MR. MADDEN: And what do you do for a  
17 living?

18 MR. CHORNOBY: Again?

19 MR. MADDEN: What do you do for a  
20 living?

21 MR. CHORNOBY: I work in the  
22 construction industry as a foreman or supervisor.

23 MR. MADDEN: And is your family Metis  
24 or --

25 MR. CHORNOBY: No. My wife is Bill

1 C-31, my kids are also Bill C-31 and my 18  
2 grandchildren are Bill C-31.

3 MR. MADDEN: Did you say 18  
4 grandchildren? Well 19. One is Metis.

5 MR. MADDEN: And what else do you do  
6 other than harvesting in and around Split Lake?

7 MR. CHORNOBY: I go out with the  
8 family lots and we go out and do hunting and  
9 fishing and berry picking, just traditional  
10 gatherings.

11 MR. MADDEN: Have you always lived in  
12 Split Lake?

13 MR. CHORNOBY: No. I was born in The  
14 Pas and I lived in Ilford from 1960 to 1973 and we  
15 moved on to -- I lived in Garden Hill. And then  
16 from 1978, I moved back to Ilford until 1980 when  
17 I got married in Split Lake. And then I moved  
18 from Split Lake in 1985 back to Island Lake Garden  
19 Hill, and then moved back to Split Lake. And I  
20 had been in Split Lake ever since.

21 MR. MADDEN: And do you have lots of  
22 family in the region?

23 MR. CHORNOBY: Yes, I do. I have  
24 family in Churchill, Shamattawa, Gillam, Ilford,  
25 Thompson, Wabowden.

1 MR. MADDEN: Have you seen changes on  
2 the lake over the years?

3 MR. CHORNOBY: Yes, I have.

4 MR. MADDEN: What type?

5 MR. CHORNOBY: I see that there's a  
6 lot more erosion of the trees and I seen where  
7 the -- I seen small islands of moss with trees on  
8 them floating down the river. I had only seen it  
9 twice but I had seen it. It's very hard to get  
10 into the shoreline because of all the debris along  
11 the shorelines. There is trees that are literally  
12 floating logs and stuff. With the boats, you have  
13 to be very careful when you're travelling with  
14 your family.

15 MR. MADDEN: And are Metis treated the  
16 same way as First Nations up there?

17 MR. CHORNOBY: In what way? In what  
18 respect?

19 MR. MADDEN: Well, in relation to  
20 damage to boats.

21 MR. CHORNOBY: If I was to damage my  
22 own boat, I wouldn't be compensated anything for  
23 it. So that's why I would put it underneath my  
24 wife's name.

25 MR. MADDEN: And do you think that

1 there's going to be changes because of Keeyask?

2 MR. CHORNOBY: Yeah, there's lots of  
3 changes already. I'm seeing highway 280, it's a  
4 lot busier than it's ever been. I noticed that in  
5 Thompson. When you want to go shopping, the  
6 line-ups are longer, or at the bank, at the tills.  
7 Even the bars are fuller. It's very hard to get a  
8 hotel room in Thompson unless you book ahead.  
9 There's more people around.

10 MR. MADDEN: And do you trap?

11 MR. CHORNOBY: Yes. I trap whenever I  
12 have time. Yes, I try and do it as much as I can  
13 when I'm not working.

14 MR. MADDEN: And sorry, where do you  
15 trap?

16 MR. CHORNOBY: Up and around the Split  
17 Lake area or I go into one of my -- ask one of my  
18 friends if I can go trap with him within the Split  
19 Lake resource area.

20 MR. MADDEN: Do you have anything else  
21 you wanted to add?

22 MR. CHORNOBY: No.

23 MR. MADDEN: Okay. Last but not  
24 least. And where do you live, Rob?

25 MR. CLEVELAND: My name is Robert

1 Cleveland. I live in Thompson, Manitoba.

2 MR. MADDEN: Do you identify as Metis?

3 MR. CLEVELAND: Yes, I do.

4 MR. MADDEN: And what do you do for a  
5 living?

6 MR. CLEVELAND: I'm an Aboriginal  
7 community constable with the RCMP in Thompson. I  
8 work in the police community relations office  
9 there.

10 MR. MADDEN: Are there other Metis in  
11 Thompson?

12 MR. CLEVELAND: There certainly are.  
13 There's lots. They come out of the woodwork at  
14 night. There are many Metis people. And when I  
15 was growing up, many of my friends were Metis as  
16 well. And those were the people I hung out with.

17 MR. MADDEN: And after Wuskwatim, did  
18 you see changes in Thompson?

19 MR. CLEVELAND: Not so much Wuskwatim  
20 but mostly where I go over towards Thicket Portage  
21 and stuff like that, I would notice the difference  
22 in water levels. Even around Thompson, the  
23 Burntwood River, when you travel north, you'd see  
24 it in the spring. The water would be really low  
25 or the water would be really high. And you see

1 those kind of changes. Or when you travel down  
2 the river to go moose hunting, we'd see the  
3 differences.

4 Like Mr. Chornoby was saying, the  
5 water, there are trees sticking out of the water  
6 and you've got to be aware of those things and  
7 stuff. And just the rise and fall of the water is  
8 mostly what I see.

9 MR. MADDEN: And have you seen changes  
10 in Thompson, the city?

11 MR. CLEVELAND: Yeah. I went to -- I  
12 actually was born in Fort Churchill, Manitoba and  
13 lived in Thompson since 1969. So I had seen lots  
14 of changes, and changes to laws and many many  
15 other things. But yeah, just the culture of  
16 Thompson has changed, populations come and go,  
17 lots of transient people come and go.

18 And I remember when just growing up as  
19 a kid, we never locked our doors. You have your  
20 door open any time of the day. And now you don't  
21 dare do that. You put a deadbolt or you buy  
22 yourself a big dog.

23 MR. MADDEN: And where do you hunt?

24 MR. CLEVELAND: Anywhere I like.  
25 Mostly north. Mostly just above Moak Lake area.

1 And I had been as far as Stephens Lake to go  
2 caribou hunting and then fishing, and bird hunting  
3 down near Thicket Portage, between Thicket Portage  
4 and Pikwitonei.

5 MR. MADDEN: Do you think there's  
6 going to be effects from Keeyask in Thompson?

7 MR. CLEVELAND: Definitely Thompson is  
8 a transient city and it is the hub of the north.  
9 So people will come and go throughout different  
10 shifts and different times of the weeks and  
11 months. So things will definitely expand. I know  
12 at one point when people were receiving flood  
13 money in Thompson, I was talking to the manager of  
14 WalMart. He said it took 64 semies to restock the  
15 shelves in Thompson after that, so.

16 MR. MADDEN: And are your children  
17 Metis?

18 MR. CLEVELAND: None of my children  
19 are Metis. They are all Treaty. There is no  
20 benefits to being Metis when my kids were growing  
21 up. So they just took their mom's Treaty number.  
22 And my two daughters in Pukatawagan and my  
23 grandchildren in Pukatawagan receive no benefits  
24 other than living on the reserve and crowded  
25 housing. And my three children that come from

1 Split Lake, we were talking earlier about the  
2 haves and have nots. So around Christmastime,  
3 they would get flood money. Two of my children,  
4 my daughters in Pukatawagan would receive  
5 something, and my three boys would receive  
6 something. My wife will receive something. And  
7 as a Metis person, I would just watch.

8 MR. MADDEN: And do you see -- what do  
9 you think are going to be some of the impacts from  
10 Keeyask in Thompson?

11 MR. CLEVELAND: I think there's going  
12 to be pros and cons to the economy. But always  
13 after that, there's always cons. I think as my  
14 current day job, we definitely see when there's an  
15 influx of money, disposable income, there will be  
16 many many changes. And crime rates would normally  
17 go up. It's my personal opinion when I see some  
18 of the spills of Wuskwatim that happened, I mean  
19 Wuskwatim wasn't very far away, 45 minutes,  
20 Keeyask and Conawapa aren't that far away either.  
21 I mean people from Split Lake travel an hour and a  
22 half to come to Thompson to get their essential  
23 needs met. People living in the bush camps will  
24 also do the same.

25 MR. MADDEN: So for your kids who took

1 Treaty or Bill C-31, why did they make that  
2 choice?

3 MR. CLEVELAND: Just because of the  
4 benefits and perks of being Treaty versus being  
5 Metis. I think in terms of survival, I mean you  
6 know, in terms of education and medication and  
7 housing, they have that option. Whereas Metis is  
8 very limited. So I guess anybody in order to  
9 survive would maybe potentially jump ship.

10 I know my boy asked me one time, dad,  
11 I'm Metis. No, sorry. You're on the other side  
12 of the fence. But no, he took it under his mom's  
13 Treaty card. And my two daughters as well and all  
14 my grandchildren are Treaty as well, so.

15 MR. MADDEN: Do you have anything else  
16 you wanted to add?

17 MR. CLEVELAND: Not really, no.

18 MR. MADDEN: Okay. I have nothing  
19 further.

20 THE CHAIRMAN: Thank you, Mr. Madden.

21 MR. MADDEN: Sorry, do any of you have  
22 anything that you wanted to add after the panel?  
23 I know some of you were nervous.

24 MS. CAMPBELL: I just wanted to add I  
25 got my glasses. So I got to read some of the

1 little points that I made. Just a couple of  
2 things that I really need to get off my chest so  
3 to speak.

4           You know, we had been working with  
5 Vale for a couple of years now and trying to meet  
6 some of their hiring restrictions and their hiring  
7 needs that they had. So right now, their hiring  
8 quota in Thompson is about 600 people that they  
9 are looking to hire.

10           So we sat down with them and we made  
11 some adjustments in terms of changing some of  
12 their hiring practices and whatnot. And we see  
13 Vale as making attempts, as sitting down at the  
14 table with us to talk about what kind of  
15 investments should they be making?

16           When I look at that map, one of the  
17 things that Vale has also done is gone outside of  
18 Thompson. They have not only just looked at the  
19 City of Thompson, but they have gone outside of it  
20 in terms of looking at potential sources of people  
21 to hire from. And so when I looked at the map,  
22 that's exactly what it reminded me from. It's the  
23 same area, almost identical to what they are  
24 looking at except theirs goes a little bit more  
25 into Leaf Rapids and that area. But they had been

1 looking at trying to make attempts to invest in  
2 the City of Thompson and in the north.

3           And the words "good corporate  
4 citizenship" came into my head, because that's  
5 what they are trying to do. And I was sitting  
6 here trying to remember when that term was  
7 relative to Hydro, that Hydro became or is a good  
8 corporate citizen. And I honestly couldn't  
9 remember any time that I have sat at a table with  
10 Hydro asking what is it that we could do, whether  
11 it's resource-based or providing some resources to  
12 help address some of the issues that we have  
13 caused in the City of Thompson, and in the north?  
14 I don't remember that ever happening where they  
15 have come and said to us how do we partner on  
16 addressing some of the social economic conditions  
17 that have blossomed or have grown in the north.  
18 That has never happened.

19           The other point I wanted to make, we  
20 went from a population of 15,000 plus people. We  
21 have now dropped to 13. In that span when  
22 Wuskwatim was going through its height, we were  
23 sitting at 18,000 plus. So if you are a city that  
24 normally accommodates 15,000 and now you have  
25 added a few more thousand people, where did those

1 people live? Where do they shop? Where do they  
2 access medical attention? Where do they access  
3 entertainment, whether it was the bars?

4           There was a huge amount of people that  
5 the City of Thompson wasn't prepared to handle.  
6 Is it now? Sure, we have built a couple more  
7 hotels, but that's it. We have a rec centre  
8 that's almost finished. It's still not quite. Is  
9 it going to accommodate it? Probably not. Our  
10 medical facilities are pretty much the same. We  
11 have a harder time to get a doctor, trying to get  
12 in to see anybody for medical attention.

13           But if you look at the effect of the  
14 number of people that came through a city that we  
15 weren't prepared to handle, it did leave an effect  
16 and it's still there.

17           One of the points that I wanted to --  
18 my late husband -- and I just was mentioning it  
19 over there when I seen the map -- he used to fish  
20 around Partridge, Partridge Crop and Wintering.  
21 And he was an avid fisherman. It didn't matter  
22 whether it was raining, snowing, it didn't matter.  
23 But he became a Bill C-31 so he could fish  
24 whenever he wanted without getting their  
25 harassment. And he always said to me that, no

1 matter if he became a Bill C-31, in his heart he  
2 will always be Metis. Because that is what he  
3 grew up in that culture, he grew up in the Metis  
4 culture. And that just reminded me of how people  
5 have had to change who they were to be able to  
6 enjoy what they rightly should have been able to  
7 enjoy in the first place.

8 So I just wanted to add those points.  
9 So thank you very much for listening.

10 MR. MADDEN: Julyda?

11 MS. LAGIMODIERE: Thanks for giving me  
12 the opportunity to speak. I think I've got my  
13 head a little bit better together. It's always  
14 very difficult and I kind of derail when I -- I  
15 derailed myself when I thought about my grandson's  
16 murder. It's something I live with everyday. It  
17 happened in 2008, but I live with it everyday. I  
18 have this little girl, so I'm constantly reminded.

19 And I want to share a couple of things  
20 because, again, as I had a chance to regroup  
21 myself and reflect a little bit, I thought, I  
22 think it's important for the panel to also hear  
23 this part. You know, you have heard a lot of us  
24 talk a lot about Bill C-31.

25 I have great grandparents, I have

1 their Treaty number. I know their Treaty number.  
2 I chose not to follow that. I am a very proud  
3 Metis woman, very proud of who I am. I don't care  
4 if I was the only one standing in a room, you  
5 know, waving my banner with the Metis. I would do  
6 it because that's how proud I am. It is who I am.

7 And I remember my oldest daughter, I  
8 have two daughters, and the oldest daughter saying  
9 to me, mom, why don't you apply for bill C-31?  
10 And I said to her, I can't do that, how do you  
11 stop being Metis? And I hear that over and over  
12 again from people who have taken Bill C-31, and  
13 they'll say, I'm Metis at heart. And I know what  
14 they mean and I believe them.

15 And I think back to the exodus of Red  
16 River. I also, I worked in the University College  
17 where I was teaching, I was teaching in a program  
18 called Tradition and Change. That was just one  
19 part of what I was doing there. I was a  
20 counsellor.

21 I started off, just to give a little  
22 background, I was hired to work for the Limestone  
23 employment and training agency, and to work with  
24 the civil technology program. It was very  
25 interesting because they were preparing those

1 students then for Conawapa, that was the talk back  
2 then. It ended up at Red River College.

3           Anyhow, I didn't move, I stayed, and  
4 the job changed. I was taken in by Northern  
5 Nursing Program, which was an offshoot of the  
6 Northern Flood Agreement. And eventually Keewatin  
7 Community College took over that program. And  
8 from there it evolved into the University College.  
9 So I worked there for over 25 years, initially as  
10 a counselor, and then as a learning assistant  
11 centre coordinator and education -- like where I  
12 was mainly tutoring.

13           I'm retired from there now, but I  
14 still participate, and UCN still calls me to come  
15 in and participate in the Tradition and Change  
16 course that is mandatory for their students to  
17 take, and I talk about Metis history and culture.

18           Anyhow, I lost my train of thought,  
19 I'm sorry. I have to think back to the point I  
20 was going to make.

21           My daughter had asked me about taking  
22 Bill C-31, and I choose not to, because I don't  
23 know how people stop being Metis?

24           I know where I was going now. The  
25 Tradition and Change course almost without fail,

1 almost without fail, every time I speak and  
2 address the students, there is always somebody  
3 that will come up and say, you know, I think I'm  
4 Metis, I think I have roots in the Metis Nation.  
5 And so I give them the information on what to do  
6 to make their connection and say, if you have  
7 problems, call me and I'll see what I can do to  
8 help. I rarely get calls back. But it's  
9 interesting and it's -- and I don't know the  
10 answer because I don't think you can stop being  
11 Metis.

12 My great granddaughter that I'm  
13 telling you that I'm raising, I'm making a choice  
14 for her. She could be a member of the  
15 Nisichawayasihk Cree Nation or York Factory. I  
16 have legal custody and I'm not allowing her to do  
17 that. She is a Metis girl and she's going to grow  
18 up Metis. The family will take care of her.  
19 We're not going anywhere, we're staying in the  
20 north and that's our home.

21 The other thing I wanted to allude to  
22 or make reference to, my friend Anita mentioned  
23 the Winnipeg Free Press had done a series of  
24 articles where they featured Thompson, and was  
25 really looking at why Thompson perpetually was

1 leading in the country to be the per capita  
2 violent crime rates and, in fact, was number one  
3 out of 239 Canadian cities. I mean, that was  
4 public information that was, you know, that's  
5 available.

6 So, Thompson, when I was talking  
7 earlier about, you know, the gang activity and the  
8 crime, I mean, it's no secret. I don't think the  
9 panel thinks it's a secret, but it's public  
10 information. And Thompson is going to be affected  
11 again by these big projects coming because of  
12 disposable income, because it's there.

13 I hear over and over again, not just  
14 from Metis citizens, but from Thompson and  
15 Northern Manitoba citizens, that they refer to  
16 this next project as the Fort McMurray project.  
17 Thompson's going to become equivalent to a Fort  
18 McMurray situation, meaning that, you know -- I  
19 don't know if that's really true or not but, you  
20 know, they make reference that it's, you know,  
21 there's a lot of drugs, a lot of gang activity  
22 there. That scares me, that really scares me.

23 I have family and I have, you know,  
24 grandchildren, great grandchild. And, you know,  
25 so my brother is there, his family, my aunt and

1 uncles are up there. I have relatives throughout  
2 Northern Manitoba. I'm afraid for them. I really  
3 am. I am very much afraid for them, because it's  
4 not just Metis people that are affected in the  
5 negative way.

6 And yes, there's a lot of positive  
7 spin-offs, but that's the other part of it,  
8 that's the other reality. Just like I'm saying to  
9 you, even though when my grandson died in 2008, I  
10 live with that everyday. Miigwech.

11 MR. MADDEN: Thanks, Julyda.

12 THE CHAIRMAN: Thank you.

13 Mr. Bedford, did you, the proponent,  
14 have any questions?

15 MR. BEDFORD: Thank you. I have just  
16 a few.

17 Good morning, Ms. Campbell.

18 MS. CAMPBELL: Good morning.

19 MR. BEDFORD: My name is Doug Bedford  
20 and my role at this hearing is counsel to the  
21 Keeyask Hydropower Limited Partnership.

22 In the last 50 years, one of the  
23 things that I have observed and learned is that if  
24 my neighbours and the citizens who live in the  
25 community where I live believe that a proposed

1 project is going to interfere with their lives,  
2 their enjoyment of their property, or if they  
3 believe that the project may cause an increase of  
4 crime in their community, they show up in droves  
5 at public meetings to voice their concerns.

6 Now, I imagine that people who live in  
7 Thompson where you have lived for 32 years are  
8 also not shy about coming forward and voicing  
9 concerns about crime and housing at public  
10 meetings. Would I be correct?

11 MR. MADDEN: Sorry, how is this a  
12 clarification? These are -- you know, I'm not, I  
13 don't necessarily believe that community witnesses  
14 are tested, so if there's a clarification of,  
15 okay, I didn't quite, you said this, I'm not quite  
16 understanding what that was. I'm just not quite  
17 sure where these questions are going?

18 THE CHAIRMAN: Ms. Campbell and others  
19 on this panel did make a number of comments about  
20 the impacts of, or the potential impacts of this  
21 project and the impacts of past projects on the  
22 City of Thompson. I think it's a fair question  
23 that he's trying to elicit how much the community  
24 has been involved in addressing those concerns.

25 MR. MADDEN: I guess --

1 THE CHAIRMAN: And for the benefit of  
2 this type of a panel, my definition of  
3 clarification is reasonably broad, as long as it's  
4 not direct and argumentative or attacking.

5 MR. MADDEN: I guess the point that I  
6 just want to make is, one of the things that Hydro  
7 will continue to say is, we did the public  
8 participation, the Metis weren't there, why  
9 weren't you there? The reality is that there  
10 hasn't been an engagement process with them.

11 THE CHAIRMAN: That's fair. And you  
12 can make that point in argument. And you made it  
13 again right now, but you are certainly welcome to  
14 make that point in argument.

15 MR. MADDEN: Okay.

16 MR. BEDFORD: Ms. Campbell, to pick up  
17 where we left off, I think I heard you confirm  
18 that, yes, people in Thompson where you live are  
19 not shy about coming forward to public meetings  
20 when they have concerns about crime and housing,  
21 especially when they link some of those concerns  
22 to a Hydro project. Am I correct?

23 MS. CAMPBELL: Actually, I didn't even  
24 say a word.

25 MR. BEDFORD: Okay. Well, I'm sorry

1 then, we were interrupted too quickly before you  
2 could reply.

3 MS. CAMPBELL: Can I just answer your  
4 question?

5 MR. BEDFORD: Yes, please.

6 MS. CAMPBELL: Okay.

7 So there's a bunch of things rolling  
8 around in my head right now, and I'm trying to  
9 make sure that I listen to this thing that says  
10 speak slowly and speak clearly. Because there's  
11 probably about three items that I want to mention  
12 in response to your question.

13 One would think that a project of this  
14 magnitude, both with Wuskwatim and now with  
15 Keeyask and the oncoming Conawapa and Bipole III,  
16 one would think that there would be a lot of  
17 presence, a lot of feedback from individuals that  
18 it's going to affect, that live in those areas.  
19 One would think that. No different than I would  
20 think that -- I'll give you a couple of examples.  
21 As an organization, as a person that's part of  
22 this organization, we have tried to address --  
23 this was after the fact -- we have tried to  
24 address the issue of community safety. So we  
25 negotiated with the Federal Government to put in a

1 community safety plan. It seems plausible, it  
2 seems like you're going to have a lot of people  
3 come out because there's been so much expression  
4 of community safety in the City of Thompson.

5 We held probably about three different  
6 consultation times, days, events, to try to get as  
7 much feedback. On my fingers I could tell you how  
8 many people showed up. If people don't -- if  
9 people are not -- if there's no benefit, if  
10 there's no immediate benefit that they could see,  
11 we even threw food in thinking that would be a  
12 benefit, because most people would come for food.  
13 It didn't work, because there was a storm that  
14 day. So there are factors that kind of play into  
15 whether people are going to come out of their warm  
16 house and go and speak. So we keep trying.

17 The City of Thompson, mayor and  
18 council, no different than these mayor and  
19 councils, or any other mayor and council, hold  
20 consultation meetings. I went to two of them, me  
21 and about four other people. Again, it was about  
22 different issues. If it doesn't affect you  
23 directly and if it's not something of interest to  
24 you directly, and you're not going to benefit  
25 immediately, people tend to not go.

1                   The other area was the consultations.  
2     So if myself, as an Aboriginal person, I'm invited  
3     to go somewhere and speak to how this is going to  
4     affect me, and the dates and times are there, and  
5     I'm available, because we all lead busy lives,  
6     it's always the same people attending the same  
7     events at the same time. Right? Because those  
8     are the people that are either interested or want  
9     to play a part in. Always the same people, you  
10    see the same people at the same community meeting,  
11    the same people all the time.

12                  So, unfortunately, even if Hydro had  
13    had consultation meetings in Thompson, it doesn't  
14    necessarily mean that the people were in Thompson  
15    or available to meet, or that there was any other  
16    way, form of consulting. And people get busy.

17                  So have I been affected? Have I been  
18    consulted? Has anybody that I know of been? No.

19                  MR. BEDFORD: Last month I was in  
20    Thompson for the better part of two days at a  
21    public session devoted solely to the Keeyask  
22    project. And aside from, as I recall, one  
23    gentleman associated with actually Fox Lake Cree  
24    Nation, no one, not four people, not even one  
25    person from Thompson showed up to voice any

1 concerns, let alone the concerns you have  
2 identified today.

3           So I have concluded, with the greatest  
4 of respect to you, that while you clearly have a  
5 wide variety of concerns, they are not widely  
6 shared by your neighbours and fellow citizens in  
7 Thompson?

8           MS. CAMPBELL: Or -- because my  
9 question would have been, why was mayor and  
10 council not there? Why was any other elected  
11 officials not there? Why was the MLA not there?  
12 Why was the MP not there? Why was anybody not  
13 there, beside that one individual from Fox Lake?

14           So my question would have been, how  
15 did the invitations go out? How was it publicly  
16 announced? Why didn't you hold your event at the  
17 friendship centre? We have a hall, we could have  
18 brought people there, we could have let people  
19 know. There's different ways that you can engage  
20 us. There are different ways that you can consult  
21 with us besides holding a meeting at a hall on a  
22 wintery day. There's just different ways you  
23 could do it.

24           MR. BEDFORD: The second thing I have  
25 learned over 50 years is that if one seeks to have

1 a relationship with another person, or another  
2 group of persons, that one must begin by meeting  
3 that person, preferably face-to-face, perhaps over  
4 a cup of coffee or a meal, and ask the other  
5 person what she or he does, and share what you may  
6 do. And in Manitoba, over 50 years, I have found  
7 that quite often it develops that the two people  
8 who are meeting for the first time have common  
9 acquaintances that they didn't know that they had.  
10 But the essence is, one has to meet people where  
11 they live and talk to them.

12 Have you experienced that in your  
13 life? Have I correctly described how one starts a  
14 relationship?

15 MS. CAMPBELL: In my culture, we call  
16 that the Metis round table, or the Metis table.  
17 Basically you're going into someone's house and  
18 you're talking, and/or you're building your  
19 network.

20 So myself, I consider myself having a  
21 really huge circle of people. I know a lot of  
22 people, I sit on a lot of boards. There's a lot  
23 of networking that I have to do, because I'm  
24 always trying to talk about the north. I'm always  
25 talking about the City of Thompson. I sit on

1 other councils where I get to hear different  
2 things that are happening in the Province of  
3 Manitoba. So, I mean, in our world, in my world,  
4 we refer to that as a Metis round table.

5 MR. BEDFORD: So, I have certainly  
6 heard you this morning. Something that I heard at  
7 past hearings regarding your concern, I think the  
8 words you used was there is no relationship in the  
9 north between the Metis and Manitoba Hydro. So,  
10 based on my personal experience, which I  
11 summarized ever so briefly about how in my life I  
12 have tried to build relationships with other human  
13 beings, I have firmly concluded that the time has  
14 come for me to urge my other client, Manitoba  
15 Hydro, to go forward into the world and seek out  
16 Metis people where they live, in their  
17 communities, in Thompson, in the north, and to  
18 engage them in conversation about what they do,  
19 where they hunt, where they fish, where they do  
20 their resource gathering. And in the same  
21 conversations, perhaps over coffee or over a meal,  
22 to describe what it is my colleagues at Manitoba  
23 Hydro do when they plan these projects, these  
24 dams, and when they operate these dams.

25 Would you agree with me that the time

1 has come for someone like me to urge my colleagues  
2 at Manitoba Hydro to get out and to meet Metis  
3 people where Metis people live?

4 MS. CAMPBELL: When I'm down in the  
5 city, I always tell people to be careful of their  
6 "perimeteritus" because there are things, people  
7 that exist outside of the perimeter. People are  
8 so amazed when they come up north, not only of how  
9 beautiful it is up there, but how we lack in so  
10 many resources.

11 With Vale, we have such a good  
12 relationship with Vale that we can call on  
13 individuals in there and have that coffee, have  
14 that conversation, have that working relationship  
15 with them and say, here is why you're not getting  
16 what you're getting. Here is why you're not  
17 attracting the people that you should be  
18 attracting.

19 I have never once sat down with  
20 anybody from Hydro in that capacity to say to  
21 them, here are some of the things you might be  
22 wanting to change, in terms of whether it's  
23 hiring, whether it's retaining, whether it's  
24 keeping people, whether it's doing business  
25 differently. Not once have I had that opportunity

1 to sit down.

2                   Is it time? It's way past time. The  
3 time was there a long time ago. And if that's the  
4 direction that Hydro is seeking to go, and I'm  
5 hoping that's the direction your current president  
6 is going in, but they need to start sitting down  
7 not only with First Nations, but other Aboriginal  
8 people that exist.

9                   MR. BEDFORD: I think each of us in  
10 this room has on many occasions experienced  
11 reading generally in a local paper about an event,  
12 or about a project with which we have no inside  
13 knowledge, no direct experience of the event or  
14 the project, because we weren't participating in  
15 it, or we weren't present when the event took  
16 place. But it may be a concerning event or a  
17 concerning project, and we struggle, each of us,  
18 to sort out the facts of what happened against  
19 what we individually fear may have taken place.

20                   So when I listen to the fears and  
21 concerns you expressed about what you believe has  
22 happened on the Wuskwatim project and employment,  
23 I thought to myself, well, unlike Ms. Campbell, I  
24 am in a position where I do have inside access and  
25 knowledge to the facts of what occurred.

1                   So I suspect, and you can confirm for  
2 me, that you are not aware that on the Wuskwatim  
3 project 512 Metis persons were employed, which  
4 translates, for those who care about statistics,  
5 to 8.5 percent of the persons hired on the  
6 project.

7                   Were you aware of that?

8                   MS. CAMPBELL: Actually, in my other  
9 life I was the Minister of Hydro for the Manitoba  
10 Metis Federation. So I had intimate knowledge of  
11 Wuskwatim and all that played out. The difficulty  
12 that came from Wuskwatim for us was this, how many  
13 of them are still currently employed? Why did  
14 some of them leave? And what were the resources  
15 that were supplied to them in order for them to  
16 stay?

17                   And honestly, it almost felt like --  
18 it almost felt like they were a token. They were  
19 a token people that were hired to fill some kind  
20 of quota that somebody came across and said, okay,  
21 we have an agreement with Manitoba Metis  
22 Federation to hire a hundred people. At the  
23 beginning they tried to count some of those people  
24 as part of that hundred people that Manitoba Hydro  
25 was supposed to hire. We said no, no, that was a

1 separate agreement. So Wuskwatim and the group  
2 that was there, there was things that we tried to  
3 do in order to have our people identified so that  
4 it wasn't you are hiring 10 of those people and  
5 one Metis person.

6 Do I know to this day how many are  
7 still there? I could tell you that the people  
8 that we put through the drawing programs, whether  
9 it was the cooks, whether it was the general  
10 labourers, whether it was the carpenters, that a  
11 lot of those people left.

12 MR. BEDFORD: Well, we all know, of  
13 course, that Wuskwatim, like Keeyask, was the  
14 construction of a hydro generating station, and we  
15 all know that the construction of Wuskwatim has  
16 been completed. So we all know that most of the  
17 workers, of course, have left because the project  
18 has been built, right?

19 MS. CAMPBELL: So how many of them  
20 that are still there that are Metis?

21 MR. BEDFORD: Well, I would suspect  
22 that what's left now are those charged with  
23 decommissioning camp and surrounding area. And in  
24 due course that work is done as well. And so  
25 what's left are those persons who are employed to

1 operate the generating station. But the 512 Metis  
2 persons who were there compares, does it not,  
3 rather well, with the fact that it was 650  
4 Nisichawayasihk Cree Nation members who also were  
5 employed at the Wuskwatim site.

6 MS. CAMPBELL: So then one would think  
7 that those 512 people who have already been  
8 trained and put through the process should also be  
9 first in line, or at least second in line to  
10 getting hired, as opposed to third or fourth. One  
11 would think that.

12 MR. BEDFORD: And of course, they are  
13 first in line for jobs on Keeyask, are they not?  
14 Because being Metis, they qualify as northern  
15 Aboriginal. They fit in the first class of the  
16 preference.

17 MS. CAMPBELL: One would think that.  
18 It's not true.

19 MR. BEDFORD: Well, with the greatest  
20 of respect, it's of course unseemly to argue in  
21 public. And as Mr. Sargeant has noted, you  
22 weren't brought forward today for this purpose.  
23 But I know they qualify as first preference, but  
24 let's leave it at that.

25 Ms. Lagimodiere, I would like to say

1 on behalf of everyone here, we are all sorry for  
2 your loss. I personally, throughout my life, have  
3 thought that the death of any young man and any  
4 young woman, regardless of the reason why,  
5 diminishes us all. And so, again, we share your  
6 loss. We can never share the amount of your  
7 grief, but we can certainly, each of us,  
8 sympathize and share in the loss.

9 Mr. Sargeant, that completes my  
10 questions for these witnesses, but I am left with  
11 one remaining question and it is for you.

12 Yesterday, you asked at the end of the  
13 day, so what happens tomorrow? And we were told  
14 and we understood that the current Minister of  
15 Hydro and other executives of the Manitoba Metis  
16 Federation would be returning, because some of my  
17 colleagues have questions for them. And I believe  
18 they made it clear yesterday that they want to  
19 pose those questions. They may not be suitable,  
20 of course, for this particular panel of witnesses.  
21 But I reiterate, I'm well aware of the fact that  
22 they wish to ask questions arising out of some of  
23 the material that was presented yesterday. So I  
24 now reiterate your question of yesterday, in a  
25 slightly different context, so what happens now?

1 THE CHAIRMAN: It would be my  
2 expectation that we will see those witnesses on  
3 the panel perhaps immediately after this or --

4 MR. MADDEN: Well, none of them  
5 actually testified other than President Chartrand.  
6 President Chartrand -- yesterday, we were supposed  
7 to start at 1:30 and that did not happen. And  
8 President Chartrand had to leave, and we are not  
9 going to continue that panel without President  
10 Chartrand. So we can have that panel at a later  
11 date. But the Minister of Hydro, and I also  
12 think, you know, the tone of the questions  
13 yesterday were -- this is what the MMF has put  
14 forward, and the presentation that they put  
15 forward, there were questions on that. No one  
16 else spoke on any other material. So I don't  
17 know --

18 THE CHAIRMAN: I don't understand what  
19 the tone of questioning yesterday. You mean the  
20 fact that you may not have liked it, you are  
21 certainly entitled to that opinion, but I don't  
22 see what that has to do with the other people on  
23 the panel being available for cross-examination.  
24 My understanding was --

25 MR. MADDEN: They didn't testify to

1 anything.

2 THE CHAIRMAN: They didn't testify,  
3 but they were part of the panel that made a  
4 presentation that -- we didn't go through every  
5 slide but it's a fairly significant presentation.  
6 My impression, and you know, perhaps, maybe I got  
7 the wrong impression, my impression was we were  
8 going to deal with President Chartrand only  
9 because he had to leave, that he would not be  
10 available after yesterday late afternoon. My  
11 impression was that we were going to see more  
12 people from that panel today and that we would  
13 continue perhaps with some of the presentation,  
14 but at least with cross-examination.

15 MR. MADDEN: Well, I think we'll want  
16 to reconvene that, if that's the case, we'll want  
17 to reconvene the panel also when President  
18 Chartrand is available, because some of his  
19 testimony is key to that. And he is also going to  
20 have the answers for some of the issues that are  
21 in that deck, so...

22 THE CHAIRMAN: We do have a problem  
23 with that in that our scheduling is getting very  
24 tight. You have known when you would be, when  
25 your panel would be available for some time now,

1 or when it would be on the stand for some time  
2 now. President Chartrand, the fact that he had to  
3 go to Ottawa was not really our issue. I realize  
4 that we started late yesterday afternoon, but we  
5 have been running late throughout these hearings.  
6 In fact, as you probably know, we have been adding  
7 any number of days simply because we are running  
8 behind schedule.

9 We're at a limit now as to how many  
10 days additionally we can add. And unless  
11 Mr. Chartrand is available, I don't know, perhaps  
12 this afternoon, which I very much doubt, I think  
13 we need to go ahead with the rest of that panel.

14 MR. MADDEN: But the rest of the panel  
15 can't speak to those issues. So I don't think you  
16 can compel people who were put up as a panel, who  
17 can't speak to the issues, some of the issues that  
18 these individual may have questions for.

19 THE CHAIRMAN: When will President  
20 Chartrand be available?

21 MR. MADDEN: I don't have his schedule  
22 but I can give you some dates. Of course, he  
23 lives in Winnipeg. So if there is an opening in  
24 the CEC's schedule of where we can be slotted in  
25 again, we can arrange for that.

1 THE CHAIRMAN: My colleague has raised  
2 a point. If they can't answer the questions, why  
3 were they on the panel yesterday afternoon?

4 MR. MADDEN: As the level of support.  
5 I'm sure that there were a lot of people on  
6 various panels that couldn't speak to every issue.  
7 They were there as the Minister of Hydro for  
8 Manitoba Metis Federation, as well as the Minister  
9 for -- or the vice-president for the Thompson  
10 region. But the panel was lead by President  
11 Chartrand.

12 THE CHAIRMAN: But you were involved  
13 almost daily through the Bipole III proceedings,  
14 you haven't been as involved in these hearings,  
15 but you will recall from the Bipole hearings that  
16 essentially whoever is at the front table is part  
17 of the presentation and may or may not respond to  
18 specific questions. People who have just been  
19 giving advice or whispering in the ear of the main  
20 presenter have been sitting at the back table.  
21 It's just a process that we followed. We assume  
22 that if they are at the front table they are part  
23 of the presentation.

24 MR. MADDEN: Well, the presentation  
25 was given by President Chartrand.

1                   THE CHAIRMAN: Well, we'll have to  
2 consider this as a panel. We'll also have to, at  
3 some point, perhaps later today, get into a  
4 discussion between you and the proponent and some  
5 representatives of the Commission to see if we can  
6 deal with this and how we might deal with it. But  
7 clearly, there are questions remaining of the MMF  
8 leadership panel that was at the table yesterday  
9 afternoon.

10                  MR. MADDEN: And sorry, I thought that  
11 the questions had been completed with the  
12 president.

13                  THE CHAIRMAN: The questions of, I  
14 mean we were lead to believe, and I got the  
15 impression when your panel came up yesterday  
16 afternoon that we were going to deal with  
17 President Chartrand first, and ask questions of  
18 him immediately after he made his presentation  
19 because he had to leave to fly to Ottawa, but that  
20 the others would be available subsequent to that,  
21 either yesterday afternoon, but as it turned out  
22 we went over time anyway, I thought they'd be  
23 available this morning.

24                  MR. MADDEN: And we just had, I guess  
25 it was misunderstood, but we just had President

1 Chartrand undertake the entire presentation. And  
2 the others did not speak to anything. So I think  
3 that probably the best answer is, if we can  
4 reschedule a short period of time where the MMF  
5 can come back and clear up any questions. I also  
6 think that, you know, we'll want to file some  
7 materials.

8           Because one of the things that I think  
9 you saw play out yesterday is Hydro continues to  
10 refer to agreements, work plans, et cetera. I  
11 think it would be helpful to actually see that,  
12 and to also see the chronology of why only six  
13 months ago an agreement to finally get the  
14 information they need for the environmental  
15 assessment was arrived at.

16           So we didn't think that that was going  
17 to be the subject of yesterday's panel. What we  
18 put in, if you actually look at the deck, what the  
19 four points were that President Chartrand spoke to  
20 was to give a context to Metis historic use in the  
21 area, or that there's a Metis community there, the  
22 historic and legal context of where we are today;  
23 understanding the MMF's governance structure; and  
24 project impacts on Metis and MMF concerns. Those  
25 were spoken to.

1                   We didn't get into, well, why is the  
2 EIS deficient? President Chartrand wasn't  
3 speaking to that, or all of the other technical  
4 details. And that were the elements of the  
5 presentation that were set out. And all of the  
6 remaining parts of the deck refer back to those.

7                   So I'm not sure -- I know that my  
8 friends are wanting to have that debate. But the  
9 evidence to have that debate wasn't put forward  
10 through this panel. If that is to be done then --  
11 but we didn't put that evidence in. What can be  
12 spoken to is what's in the deck. But the deck  
13 didn't speak to work plans, you know,  
14 representation issues, what exact membership is in  
15 exact locations.

16                   So I think that your second, your  
17 suggestion of having a discussion about when we  
18 could put up a panel to have further presentation  
19 by President Chartrand and others on those issues,  
20 I think the MMF would be amicable to that.

21                   THE CHAIRMAN: Well, I think we're  
22 going to have to talk about this off the record,  
23 Mr. Madden.

24                   Mr. Regehr, you seem anxious to enter  
25 this debate or are you just --

1 MR. REGEHR: No, I would like for it  
2 to be on the record that it was clearly our  
3 understanding yesterday that we accommodated  
4 President Chartrand because of his travel  
5 schedule. I am on the record yesterday stating  
6 that I would be amending my questions in order to  
7 accommodate him specifically, and that I had  
8 questions for Mr. Park and Ms. Lagimodiere. I am  
9 on the record stating that.

10 And so I am of the expectation that I  
11 will be allowed to cross-examine them. They were  
12 sworn in. And including, much to her surprise I  
13 think, Ms. Riel was sworn in, but I don't have any  
14 questions that I know of for her.

15 MR. MADDEN: They didn't --

16 MR. REGEHR: My expectation is that  
17 I'm going to be able to cross-examine these  
18 people.

19 And I'm also not aware that I somehow  
20 have to project the topics that I will be  
21 cross-examining on. I do understand the rules of  
22 civil procedure in administered tribunals, but I  
23 think I'm given some leeway in what I'm allowed to  
24 cross-examine on as long as it relates to what was  
25 spoken to yesterday.

1                   MR. MADDEN: I guess my point is,  
2 there wasn't anything spoken to. Those  
3 individuals didn't testify.

4                   THE CHAIRMAN: Mr. Madden, again, you  
5 will recall from the Bipole process, and it was  
6 clear from the process we have been following here  
7 for the last many weeks, that many of the panel  
8 presentations, there might be four, five, six  
9 people up at the front table, one person makes a  
10 presentation, the others are available to answer  
11 specific questions that may arise out of that  
12 presentation, whether they presented or not.

13                   I assumed, Mr. Regehr has just said  
14 that he assumed, I'm getting a sense from  
15 mutterings from my colleagues on this panel -- I  
16 shouldn't say mutterings -- but whispered comments  
17 that they were under the same impression that  
18 Mr. Park and Ms. Lagimodiere would be up, would be  
19 available for cross-examination today.

20                   MR. MADDEN: Well, I think that what  
21 we need to do is schedule another time where  
22 Mr. Benoit, as well as President Chartrand are  
23 available as well, because some of the questions  
24 will have to be dealt with by those technical  
25 people as well.

1 THE CHAIRMAN: There's also one other,  
2 Mr. Benoit, who was on the panel as well yesterday  
3 afternoon.

4 MR. MADDEN: Yes, and Mr. Benoit is  
5 not in town either today.

6 THE CHAIRMAN: Well, I mean, we have  
7 to resolve this somehow or other, otherwise we  
8 strike out all of that from the record, if we're  
9 not available to complete the cross-examination of  
10 yesterday's witnesses. It's going to be extremely  
11 difficult to schedule given the time limits that  
12 we have, but we will consider this off the record  
13 and we'll advise in due course.

14 MR. MADDEN: Okay.

15 THE CHAIRMAN: So I think there's not  
16 much point in starting a new presentation at this  
17 time. We'll break for lunch. We'll come back at  
18 1:30, and we will have your three expert witness  
19 presentations this afternoon.

20 MR. MADDEN: Yes.

21 THE CHAIRMAN: Thank you.

22 (Proceedings recessed at 12:13 p.m.  
23 and reconvened at 1:30 p.m.)

24 THE CHAIRMAN: Okay, we will resume  
25 the hearings.

1 I would just like to make a few  
2 comments on the matter that that we were  
3 discussing before lunch break.

4 And Mr. Madden, during the lunch break  
5 we reviewed the transcripts from yesterday's  
6 meeting, and I would like to read a couple of  
7 quotes. At the end of the panel's presentation  
8 yesterday you said:

9 "Thank you. Cross-examinations now  
10 would be best."

11 Then I went on:

12 "So Mr. Chartrand is open, is  
13 available now for some  
14 cross-examination. Mr. Madden noted  
15 earlier he will not be available in  
16 subsequent days, although the others  
17 on the panel I believe will be."

18 Then I turned it over to Mr. Regehr, who said:

19 "Thanks to the panel for coming. I'm  
20 going to try and arrange my  
21 cross-examination questions  
22 accordingly."

23 A moment or two later Mr. Regehr said:

24 "Well, then hopefully you can give me  
25 some patience in terms of rearranging

1                   my questions. I was expecting to ask  
2                   questions of the entire panel today."

3                   I haven't gone to the end of the day,  
4                   so I'm not certain what my comments were at the  
5                   end of the day, but it was quite clear to me, to  
6                   the proponent and to my fellow panel members that  
7                   we fully expected that at least Mr. Park and  
8                   Ms. Lagimodiere would be available today for  
9                   cross-examination.

10                   MR. MADDEN: Well, we have had some  
11                   discussions, Mr. Park had to go, I think  
12                   Ms. Lagimodiere is still here, and Mr. Benoit is  
13                   not here, he is with President Chartrand.

14                   So I made some calls over lunch, if we  
15                   can suggest, I don't know what the time period is,  
16                   an hour or two, we can bring back the entire panel  
17                   so the remainder can be finished, and the  
18                   proponents can have their fair opportunity, as  
19                   well as other participants.

20                   Mr. Chartrand and Mr. Benoit are in  
21                   Ottawa until Friday, but they are available all  
22                   next week. I consulted with some participants and  
23                   they were open to setting aside an evening session  
24                   if need be. The MMF would clearly make itself  
25                   available for that as well, or if there is some

1 small window, I'm not -- if maybe the participants  
2 can estimate how long they are thinking they would  
3 need for cross-examination or for questions, and  
4 then we can slot in a time for that.

5 THE CHAIRMAN: I'm disappointed in  
6 this turn of events, Mr. Madden. You know, we  
7 have standard rules that we adhere to fairly  
8 strictly. We do bend once in a while. But this  
9 is clearly not in accordance with our practice  
10 throughout these proceedings and what we were lead  
11 to believe yesterday afternoon.

12 MR. MADDEN: Mr. Chair, all I can say  
13 is that we had been booked in to start at 1:30,  
14 that clearly didn't happen. I'm not sure exactly  
15 what time the panel finally began at, which was  
16 3:00 or 3:30.

17 THE CHAIRMAN: It was a bit after  
18 3:00.

19 MR. MADDEN: And we fully intended  
20 that the entire panel would be on for that period  
21 of time. We had come prepared to do that. It was  
22 not -- my assumption wasn't that it was supposed  
23 to be carried over to the next day. So I  
24 apologize, I offer my regrets, and we will make  
25 the panel available.

1 THE CHAIRMAN: It stills remains,  
2 though, that we were lead to believe yesterday  
3 afternoon that after President Chartrand left,  
4 that the other panel members would be available.  
5 That's where the problem arises.

6 MR. MADDEN: Well, that is my mistake,  
7 I take ownership for that. And what we want to  
8 ensure is that all participants have an  
9 opportunity to cross-examine the panel, and we  
10 will make that panel available to be reconstituted  
11 whenever it is convenient for the CEC.

12 THE CHAIRMAN: Mr. Regehr?

13 MR. REGEHR: Just as a further note in  
14 terms of dealing with this, I went through my  
15 questions again, I won't be having any questions  
16 for Mr. Benoit. My remaining questions were for  
17 Ms. Lagimodiere and Mr. Park.

18 THE CHAIRMAN: Thank you.

19 Mr. Williams, I see you anxiously  
20 approaching a mic. Did you have some comment on  
21 this?

22 MR. WILLIAMS: Good afternoon members  
23 of the panel. I'm not sure I was that anxious,  
24 Mr. Chair. But certainly from our client's  
25 perspective, we may have a couple of questions for

1 members of the MMF panel. We are not sure whether  
2 they would go to Mr. Benoit or other members of  
3 the panel. Our client's major concern is just to  
4 make sure that an opportunity is heard for this  
5 panel to be completed. And so certainly we would  
6 be supportive of whether it requires an evening  
7 sitting or something to that effect.

8           And we have some sympathy for the MMF  
9 in wishing for their entire panel to be able to be  
10 presented. One never knows, Mr. Regehr might  
11 quite properly think he has a question for a  
12 certain member of the panel, but it may be more  
13 appropriate for another member of the panel.

14           So, like the Clean Environment  
15 Commission, we had misunderstood the dialogue  
16 yesterday and had thought that it would be resumed  
17 this morning. But certainly from our client's  
18 perspective, we believe these are important  
19 witnesses, and we are strongly supportive of the  
20 right of the MMF to present them as a panel, if  
21 that is possible.

22           THE CHAIRMAN: Even though they  
23 mislead us yesterday?

24           MR. WILLIAMS: Well, I just heard,  
25 even the quote that you read, Mr. Chair, you know,

1 I believe they will all be available. Well,  
2 clearly Mr. Benoit wasn't available. So I'm not  
3 going to offer judgment in terms of that.

4 THE CHAIRMAN: Thank you,  
5 Mr. Williams. Do you have --

6 MR. REGEHR: Mr. Chair, given the back  
7 and forth on this, I didn't want to read this in,  
8 but I feel it is necessary to read in the  
9 statements from the end of the day yesterday so  
10 that we are clear in terms of what occurred. I  
11 know you read in some other quotes, but you didn't  
12 look at the end of the transcript, so from page  
13 4646 of the transcript beginning at line 20:

14 "THE CHAIRMAN: Thank you. Just  
15 before we excuse the panel, so what is  
16 happening tomorrow now, will there be  
17 more introductory presentations from  
18 the other members of this panel or is  
19 this it?

20 MR. MADDEN: No, there will be  
21 presentations from the leadership from  
22 Thompson region, as well as the  
23 Minister for Hydro, and then we will  
24 have a panel of harvesters.

25 THE CHAIRMAN: Okay. Then following

1                   that we will have the expert  
2                   witnesses?

3                   MR. MADDEN: Right."

4                   THE CHAIRMAN: Thank you, Mr. Regehr.

5    I will give you one final chance to comment on  
6    what Mr. Regehr just read into the -- I mean, it  
7    further underlines the position that we were  
8    correctly of the belief that they would be  
9    available for today.

10                  MR. MADDEN: I offer my apologies for  
11    that. The one thing that I will say is, from the  
12    presentation, and this is what I spoke of earlier,  
13    the presentation was completed by Mr. Chartrand.  
14    And Mr. Park and others had nothing more to add as  
15    far as going back to the deck and making  
16    additional interventions. So the questioning  
17    would be on, it is not as if we brought the panel  
18    back there would be additional presentations, it  
19    would be just to answer those questions. Because  
20    we went through them last night, and essentially  
21    the deck, or what was in the deck was presented.

22                  THE CHAIRMAN: Thank you, Mr. Madden.  
23    We will terminate this discussion and  
24    consideration now. We will get back to you in due  
25    course.

1 Your witnesses.

2 MR. MADDEN: We have our panel,  
3 Ms. Patt Larcombe, Ms. Meghan -- recent name  
4 change, I know her as Meghan Bernie.

5 MS. BIRNIE: We can go by Birnie.

6 MR. MADDEN: Okay. And Abbie Stewart,  
7 and I will have them introduce themselves in  
8 further detail when they make their presentations.

9 Patt Larcombe: Sworn.

10 Meghan Birnie: Sworn.

11 Abbie Stewart: Sworn.

12 MR. MADDEN: We are going to start  
13 with Ms. Stewart, and that is -- there are two  
14 documents, the document that was filed November 26  
15 with the Commission, Ungulate Information gaps in  
16 the Keeyask Generation Project, and the cover page  
17 is MSES, Management Solutions and Environmental  
18 Science. And that's the longer report. And then  
19 there is also an accompanying presentation that  
20 will be used today, if that can be put up on the  
21 screen, entitled Ungulate Information Gaps,  
22 Keeyask Generation Project Presentation to the CEC  
23 on behalf of Abbie Stewart.

24 MS. STEWART: Good afternoon, panel  
25 members, Mr. Chair. Thank you for having me here

1 today.

2                   As you know, my name is Abbie Stewart  
3 and I'm a wildlife ecologist with MSES based out  
4 of Calgary. I have a Bachelor of Science in  
5 Biology and a Master of Science in Landscape  
6 Ecology. My expertise relative to these  
7 proceedings today is ungulate in the landscape  
8 ecology, and specifically my graduate research was  
9 focused on changes in habitat amount in the  
10 landscape with human disturbance, and  
11 fragmentation of habitat using moose as a case  
12 study. My work has been published in peer  
13 reviewed journals and conference proceedings.

14                   In Alberta I'm involved in the  
15 production of impact assessments, I should say  
16 both in Alberta and the Northwest Territories,  
17 including all stages from baseline data collection  
18 to data analysis and model development, impact  
19 prediction and development of mitigation measures.

20                   I have also reviewed and made  
21 recommendations to boards with respect to  
22 follow-up programs. One in particular was for  
23 EMAB, the environmental monitoring advisory board  
24 for the Diavik Diamond Mines in the Northwest  
25 Territories. And annually I have reviewed the

1 wildlife effects monitoring program results, and  
2 assessed how and if data addressed objectives and  
3 predictions. I have reviewed numerous  
4 environmental impact assessments on behalf of  
5 First Nations in Alberta and British Columbia as  
6 well.

7           Today I'm here on behalf of the  
8 Manitoba Metis Federation. And I have reviewed  
9 and assessed the analysis and results of the  
10 Keeyask Generating Station Environmental Impact  
11 Statement. So in my technical review, I have  
12 tried to evaluate what data there are to support  
13 the conclusions that were made and what data there  
14 are to support the mitigation measures proposed.  
15 And I also looked at the scoping documents and  
16 compared what was outlined in those scoping  
17 documents to the Environmental Impact Statement.

18           And I should clarify, I have reviewed  
19 the biophysical disciplines with respect to  
20 caribou and moose only in the impact statement.

21           So today I will be presenting some  
22 issues with respect to caribou and moose after the  
23 two rounds of information requests.

24           This is an overview of the topics I  
25 will be covering today. I will talk about the

1 definitions used by the Partnership to determine  
2 regulatory significance, and also the use of a  
3 more modern significance determination process.

4 I will present my conclusions with  
5 respect to summer resident caribou and coastal and  
6 barren ground caribou after I have reviewed all of  
7 the information. And I will also outline some  
8 gaps with respect to the proposed mitigation for  
9 the impacts on moose.

10 Finally, I will just talk a little bit  
11 about the information that's currently available  
12 to us to understand the effectiveness of  
13 mitigation that's being proposed, prior to making  
14 a decision about the project's impacts on moose  
15 and caribou.

16 My first topic here is significance of  
17 impact. Now, government regulatory environmental  
18 assessment process requires a determination of  
19 whether residual adverse effects of the project,  
20 so those effects after mitigation, whether those  
21 effects on each VEC, or valued ecosystem  
22 component, are significant. And where this is the  
23 case, whether those effects are likely.

24 The Partnership has determined  
25 regulatory significance of impacts. And I asked

1 in the IRs what exactly regulatory significance  
2 was. And the response was that regulatory  
3 significance is in accordance with the EIS  
4 guidelines, and it doesn't indicate that the  
5 regulator should read in advance what was  
6 submitted.

7 So it immediately made me think, well,  
8 do the Metis agree in advance with the criteria  
9 that were used for determining significance? And  
10 I would say that we don't know if the Metis agree,  
11 because I couldn't see that they were adequately  
12 addressed, at least within those documents that I  
13 reviewed.

14 Now, the Government of Canada has  
15 produced a document, and it is a framework for the  
16 application of precaution in science-based  
17 decision making about risk. And this particular  
18 document is referenced in the CEEA guidelines for  
19 this project. And in it, it says that there is an  
20 implicit need to identify, where possible, both  
21 the level of society's tolerance for risks and  
22 potential risk mitigating measures.

23 In accordance with the Government of  
24 Canada then, I feel that there is a need to  
25 understand the Metis' tolerance of risk. And,

1 therefore, a Metis perception of impact  
2 significance should be considered by the  
3 Partnership and decision makers.

4           Significance should incorporate  
5 uncertainty, and that would be risk from a Metis  
6 perspective, when determining whether an effect is  
7 likely.

8           A more modern significance  
9 determination process may well be more helpful in  
10 understanding environmental consequences to  
11 traditional resources. And a modern process would  
12 involve local communities in developing those  
13 significance criteria so as to understand and  
14 prepare for the project impacts to those  
15 communities.

16           Now, the Cree Nations have done this,  
17 and we have seen that they have produced their own  
18 impact assessments, but I can't see that the Metis  
19 have also had a similar opportunity.

20           The Partnership has concluded that  
21 effects are within what they perceive as  
22 acceptable, and the Keeyask Cree Nations as well,  
23 as far as I can tell -- or at least impacts have  
24 been offset. However, what about other concerned  
25 parties? Should they be exempt from this process

1 as well? And I ask, what is considered a  
2 significant impact based on the Metis point of  
3 view?

4 So, I concluded that regulatory  
5 significance may not present a transparent picture  
6 of potential impacts, and that significance should  
7 be determined with Metis input.

8 I will outline now, just after my  
9 evaluation of the data and the information  
10 presented in the impact assessment as it relates  
11 to caribou and moose, I will add some of my, what  
12 I think are some gaps and some recommendations to  
13 fill those gaps.

14 Here are some results that were  
15 provided to me by Ms. Larcombe, and this is Metis  
16 caribou harvesting. The Keeyask project is the  
17 little red dot in the middle, just for a frame of  
18 reference, and all of the purple polygons or  
19 shapes there are where the Metis members have  
20 indicated that they have participated in caribou  
21 harvesting. And my understanding is this is from  
22 1990 to 2013.

23 The first topic or the species herd I  
24 will talk about is the summer resident caribou.  
25 Now, there is a lot of uncertainties surrounding

1 this particular herd. Uncertainty if they are  
2 coastal or boreal woodland caribou, or perhaps a  
3 mixture of the two. And I think we heard this in  
4 the transcripts before. And also uncertainty as  
5 to the exact core range for this particular herd.

6 And reading through the documents,  
7 I've noticed that the Keeyask Cree Nation has  
8 indicated that these animals are in the study  
9 area.

10 Now, I was provided the report  
11 entitled "Habitat Relationships and Wildlife  
12 Habitat Quality Models for the Keeyask Region."  
13 And I was provided this in September, so I would  
14 like to clarify that was after the two rounds of  
15 information requests, so I haven't had the  
16 opportunity to ask some questions that I would  
17 have liked to on this document. So you will see  
18 those results here. So Manitoba Hydro hasn't had  
19 an opportunity to respond to those to me, or I  
20 wasn't able to ask them.

21 And what I found after reviewing the  
22 information there was that the calving and rearing  
23 habitat model development and validation was  
24 unclear, and I was left with the question of  
25 whether island size was actually important or not.

1 There was a statistical test that the Partnership  
2 produced, a logistic regression, and it found that  
3 island size was not a significant indicator of  
4 island use. And this could be because island size  
5 is not important, or perhaps there wasn't enough  
6 data to detect that relationship.

7 But then later on the report concluded  
8 that island and peat land island use increased  
9 with island size. The analysis for that  
10 conclusion wasn't clear. I believe it was based  
11 on probability of occupancy figures, but my  
12 understanding is that that conclusion was based on  
13 a non-significant trend.

14 And then further on in the report it  
15 goes on to validate this model they have produced  
16 with island size being important, and the model  
17 validation left a little wanting. It looked to me  
18 to be a subjective comparison of observe versus  
19 expected. And it was validated with tracking and  
20 trail camera studies, but there were no formal  
21 statistics that I could see. And looking at some  
22 of the numbers, I wouldn't necessarily have come  
23 to the same conclusions.

24 Basically, these conflicting  
25 conclusions for caribou calving and rearing

1 habitat model, it casts some doubt on the  
2 reliability of that model. And as such, I  
3 couldn't be sure that the model worked as  
4 intended, which resulted in uncertainty in the  
5 Partnership's claims that there is likely more  
6 habitat available than caribou are currently  
7 using.

8                   This may be the case, or there could  
9 be some qualities of those islands that make the  
10 unused islands less preferred and the Partnership  
11 simply doesn't have the data to say what those  
12 qualities are.

13                   And my concern with this is that  
14 habitat, if habitat availability is overestimated,  
15 then correspondingly impacts could be  
16 underestimated. So we have some uncertainty in  
17 the impact predictions, particularly relating to  
18 this habitat. And then, therefore, uncertainty in  
19 the mitigation that was proposed that is reliant  
20 on this model. As I understand it, there is some  
21 design mitigation, so where a certain project  
22 infrastructure is located that is reliant on the  
23 output of this model. And the point is, if the  
24 model doesn't accurately predict where habitat is,  
25 perhaps project infrastructure isn't located in

1 the best place. Maybe it hasn't avoided that  
2 caribou habitat.

3           Essentially, we need some  
4 clarification on those analysis, because right now  
5 there is a lot of uncertainty. There is  
6 uncertainty with the herd association, uncertainty  
7 with the core range, and uncertainty with the  
8 model that was developed and the validation of  
9 that model. So all of that uncertainty is built  
10 into that prediction we have.

11           Further on the topic of the data for  
12 summer resident caribou, the Partnership produced  
13 a power analysis. And a power analysis  
14 essentially tells you if you have enough data to  
15 make an accurate prediction, and it is an  
16 evaluation of the strength of the data.

17           The power analysis shows that data may  
18 be insufficient for monitoring calving and rearing  
19 habitat use. From the results of that analysis,  
20 significant changes in habitat use would not be  
21 detected one-third of the time. So there is a  
22 risk that some project impacts will not be  
23 detected. And a consequence of that is that  
24 adaptive management may not be triggered, and in  
25 that case impacts would go unmitigated.

1                   Now, the Partnership was conservative  
2    in their power analysis. They assumed a low  
3    effect size. They could increase that power by  
4    increasing the number of islands surveyed, if  
5    possible. Otherwise caution most definitely has  
6    to be used when interpreting monitoring results.

7                   So I do recommend that additional  
8    baseline data be collected in light of the power  
9    analysis, also in light of the non-significant  
10   relationship I highlighted earlier.

11                  And the Metis also need to -- and the  
12   panel needs to be aware of the uncertainty that's  
13   currently associated with that impact prediction  
14   right now. And you will see that this is a common  
15   thread that I do want to highlight the uncertainty  
16   here, because I don't think that it was  
17   necessarily highlighted as well as it could have  
18   been in the impact assessment.

19                  Okay. For summer resident caribou, I  
20   found that the population, or my conclusion was  
21   that the population may or may not have stable or  
22   positive growth with the project based on the  
23   intactness measure that was used. So the  
24   Partnership used intactness. It was one of  
25   several measures they used to inform their impact

1 prediction. And intactness is, it is the degree  
2 to which a geographic area has not been subdivided  
3 into smaller areas by human features. And to  
4 calculate intactness, they did follow methods from  
5 the Environment Canada Recovery Strategy. That  
6 measure of intactness for caribou includes fire as  
7 a disturbance for caribou, with a 500 metre  
8 buffer, and human disturbance, any human  
9 disturbance that can be identified at a 1 to  
10 50,000 scale image.

11                   What I found with this particular  
12 measure, again, was that there was high  
13 uncertainty in the impact prediction, and as a  
14 consequence, a need to understand Metis tolerance  
15 of risk.

16                   Now, to explain that a little bit,  
17 I've taken the liberty of using this figure which  
18 is directly from the Environment Canada Woodland  
19 Caribou Recovery Strategy. And this expresses the  
20 relationship between the probability of a  
21 population being stable or increasing at varying  
22 levels of total range disturbance. So that  
23 probability is on the vertical axis, which is just  
24 on the left, and that present total disturbance is  
25 the horizontal here.

1                   This is the Environment Canada  
2    threshold of 35 per cent total disturbance. So at  
3    35 per cent disturbed, Environment Canada says  
4    that there is a 40 per cent risk that the  
5    population is not self-sustaining. This is a  
6    significant risk according to Environment Canada.  
7    And the actual definition of the threshold is that  
8    it marks the point below which -- so at lower  
9    levels of disturbance -- range conditions are  
10   likely to meet the recovery goal at an acceptable  
11   level of risk. So here it is acceptable.

12                   This is the zone 5 calculation for  
13    intactness for summer resident caribou. And you  
14    can see that we are just above that threshold.  
15    And I'm just going to bound that other end of the  
16    range that Environment Canada has highlighted.  
17    And my key message here is that this is where  
18    uncertainty is greatest. And that's where we are  
19    sitting with the Keeyask project in the landscape.  
20    So, uncertainty is greatest, and this is  
21    Environment Canada's conclusion, these are their  
22    words and their definitions, and this is where we  
23    are as likely not to see a sustainable population,  
24    and there is a moderate level of risk according to  
25    Environment Canada.

1                   Now, this is in line with the  
2   significance criteria used by the Partnership.  
3   They concluded a moderate magnitude, and their  
4   definition of moderate magnitude is it is only  
5   marginally beyond guidelines or established  
6   thresholds. And I think we can agree it is  
7   marginally beyond that line. But I'm highlighting  
8   the uncertainty and what this threshold means for  
9   caribou. How can there be so much certainty -- or  
10   uncertainty, yet such a sound conclusion?

11                   I don't agree that there is a moderate  
12   to high degree of certainty in the assessment,  
13   which was in the terrestrial effects supplemental  
14   volume. That's what the Partnership concluded.  
15   At least there is certainly not with respect to  
16   summer resident caribou.

17                   So we have passed a threshold here, an  
18   Environment Canada threshold, and now we are into  
19   a transition zone. And this transition zone, once  
20   we have passed the threshold -- the definition of  
21   a threshold is where we have small changes in the  
22   landscape, we can have disproportionately large  
23   responses from a population. And so anywhere in  
24   the zone, even an incremental impact could result  
25   in a much larger response than one would expect.

1 It is not that one to one ratio.

2 On top of this, when I asked some  
3 probing questions in the IRs, the Partnership  
4 responded that they are unclear what the summer  
5 resident caribou population can tolerate in terms  
6 of mortality. So we actually don't know what a  
7 population level effect is on this particular  
8 herd, so we don't know what an incremental change  
9 in the landscape, how the herd would respond to  
10 that. So that's contributing more uncertainty  
11 here.

12 And I noticed in the CEAA guidelines  
13 that they will be considering the Keeyask  
14 generation project and the Keeyask transmission  
15 project as a single project. And it made me  
16 wonder how an intactness measure might change when  
17 those two projects are considered together. So  
18 where will we fall now on this figure? Will we  
19 remain within that uncertainty is greatest area,  
20 between 35 and 45 per cent disturbance? Probably,  
21 but we are inching along in that uncertainty zone.

22 So, again, the Metis need to consider  
23 the significance of the impact based on their view  
24 of resource use and what level of uncertainty they  
25 are willing to accept.

1                   So, are the Metis satisfied with a  
2   summer resident population that may or may not  
3   have stable population growth with the project?

4                   Right now we don't have the knowledge  
5   available for us to develop some effective  
6   mitigation measures. And I make this conclusion  
7   just based on what I read in the EIS. And there  
8   are some assumptions that caribou will cross  
9   transmission lines. And I believe this was with  
10   respect to woodland caribou, but I think there has  
11   been a lot of discussion about what summer  
12   resident caribou were -- I won't venture into that  
13   not being a caribou biologist specifically. But I  
14   think to be conservative, I think we can apply our  
15   understanding of woodland responses to the summer  
16   resident caribou. So if we are assuming that  
17   caribou will cross transmission lines, in the next  
18   statement how can we acknowledge that avoidance is  
19   poorly understood? They don't seem to go hand in  
20   hand.

21                   Now, Scurrah and Schindler in 2012,  
22   this particular report summarizes the results of  
23   an expert workshop on boreal woodland caribou.  
24   This was attended by Manitoba Hydro staff and  
25   Manitoba Hydro consultants and independent caribou

1 experts. They recommended long-term monitoring of  
2 populations to understand the cumulative effects  
3 of linear development on caribou recruitment and  
4 mortality.

5 Right now we don't know the status of  
6 those long-term studies, or at least I didn't see  
7 it in the EIS. I'm not aware of what the status  
8 of those programs are.

9 It was a question in my IRs in round  
10 two, but I think it was just inadvertently missed,  
11 so I would still appreciate some clarification on  
12 the status of the long-term monitoring programs.

13 In the caribou mitigation for  
14 operations, the Partnership states that it intends  
15 to coordinate caribou mitigation and monitoring  
16 activities and manage northern developments, along  
17 with government and existing committees and  
18 boards.

19 This is a bit of a black hole of  
20 caribou management for me. It seems that the  
21 issue of regional caribou management is deferred  
22 to these other programs, but there is no detailed  
23 information on these programs in the EIS that I  
24 could find. So I kind of have to cross my fingers  
25 and hope that these boards have it under control.

1 And I'm not saying that they don't, but there is  
2 just no information available for me to say  
3 whether or not -- what the status of those  
4 programs are. So an update as to what those  
5 current initiatives are would be appreciated as  
6 well.

7                   So the regional issue, it isn't just a  
8 responsibility of all of the other players up  
9 there, it is the responsibility of every single  
10 player. And we need to understand project  
11 contribution to those regional effects and how  
12 that contribution will be mitigated. Presumably,  
13 there will be initiatives -- or mitigation as an  
14 outcome of these initiatives, but I would  
15 certainly like more details.

16                   So I have to question if too much  
17 confidence is being placed on long-term studies to  
18 mitigate and manage impacts to caribou. Of  
19 course, we would all like the information now, but  
20 unfortunately we are in a position where some  
21 decisions have to be made in lieu of that  
22 information, or in the hopes that that information  
23 is going to be coming soon.

24                   The Partnership doesn't provide any  
25 information on how it will use the resource

1 results from the government and resource boards to  
2 guide its own operations. And so, again, I wanted  
3 to highlight that uncertainty.

4           And the risk that the Metis would be  
5 willing to accept, we don't know what that level  
6 of risk is. The Metis should consider that the  
7 EIS may underestimate the cumulative effect of  
8 increased linear feature density on summer  
9 resident caribou populations.

10           This slide is a recap of the issues  
11 I've highlighted for summer resident caribou. In  
12 the left-hand column we have EIS benchmarks that  
13 were used. They used a few others, these are just  
14 the ones that I spoke about today.

15           With respect to the calving and  
16 rearing habitat model for summer resident caribou,  
17 I highlighted the baseline data may be  
18 insufficient, and model development and validation  
19 is unclear. And as a consequence to this, if  
20 baseline data are insufficient and the model isn't  
21 quite accurate, then mitigation measures reliant  
22 on that model output may not be accurate. So we  
23 don't have a good understanding of the  
24 effectiveness of that mitigation.

25           With respect to linear features, I

1 highlighted that the extent of a caribou avoidance  
2 of those linear features is not well understood.  
3 And with intactness, we may or may not have a  
4 sustainable population. And on top of that,  
5 mortality tolerance of the population isn't known.

6 So the amount of uncertainty I think  
7 really needs to be highlighted and acknowledged in  
8 the impact assessment.

9 That Government of Canada document  
10 that I referred to earlier says that guidance and  
11 assurance are particularly needed in circumstances  
12 when scientific uncertainty is high.

13 Now, the assessment was to use a  
14 precautionary approach, according to the CEAA  
15 guidelines. And the precautionary approach means  
16 that the burden of proof that a project is not  
17 harmful falls on those taking the action. So it  
18 is up to the Partnership to convince us that the  
19 project will not be harmful.

20 Furthermore, in that precautionary  
21 approach, the Partnership must present public  
22 views on the acceptability of things such as the  
23 project implementation, or assumptions used to  
24 predict effects, strategies that avoid adverse  
25 effects, and follow up and monitoring strategies.

1 This hasn't been done for the Metis. I think this  
2 further highlights the potential inadequacy of  
3 using a regulatory significance. It may be a fine  
4 line to be walking, depending on the resource use  
5 in the region.

6 We need to identify the amount of  
7 uncertainty the Metis are willing to accept. The  
8 Partnership needs to communicate with the Metis  
9 and understand their perspective. And decision  
10 makers need to be aware of the uncertainty in the  
11 data and the assessment.

12 The decision making process requires  
13 sound scientific evidence, which is generally  
14 interpreted as either definitive or compelling  
15 evidence. And I think my table here highlights  
16 where compelling evidence of no impact is not  
17 necessarily available for summer resident caribou.

18 Now, this slide includes all of the  
19 caribou that fall into the Keeyask study area in  
20 general. Sometimes no distinction was made in  
21 some of the document that I reviewed. So there  
22 seems to be uncertainty if the local caribou  
23 distribution and abundance has returned to pre  
24 disturbance conditions in the project area.

25 The Keeyask Cree Nations talk about a

1 reduction in caribou post hydroelectric  
2 development, for example, Kettle, the Kettle  
3 project, the caribou are only starting to return  
4 now. The Partnership talks about a substantial  
5 amount of caribou around Stephens Lake, but this  
6 isn't quantified in any way. They also indicated  
7 that historical numbers on caribou in the RSA are  
8 lacking, so there is an absence of quantitative  
9 information on caribou numbers.

10 Their expectation is that caribou will  
11 return to the project area in the long term, but I  
12 can't see that these are well supported. The  
13 Partnership does acknowledge that the level of  
14 disturbance expected during the construction could  
15 change animal distributions and influence  
16 migration routes.

17 Mahoney and Schaefer concluded that  
18 hydroelectric development caused a disruption of  
19 migration during construction, and in the longer  
20 term diminished caribou use of the range  
21 surrounding the site.

22 Unfortunately, we have no long-term  
23 generating station monitoring studies available  
24 for Manitoba Hydro.

25 Now, the Government of Canada says

1 that follow-up activities, including research and  
2 monitoring, are key to reducing scientific  
3 uncertainty, and allow improved decisions to be  
4 made in the future.

5 So, unfortunately, we can't actually  
6 reduce uncertainty yet in this case. We are quite  
7 reliant on that future monitoring. And I think it  
8 is an unenviable position to be in, to have to  
9 make decisions with such uncertainty.

10 So I do recommend caution in accepting  
11 negligible, the predicted negligible to small  
12 impacts of project related disturbance on caribou,  
13 particularly over the long term. In this case we  
14 are reliant on those future monitoring program  
15 results and adaptive management actions should  
16 they be necessary.

17 A switch of topic, we move on to  
18 moose, and here another figure provided by  
19 Ms. Larcombe on Metis moose harvesting. And,  
20 again, the Keeyask project is just in the middle.  
21 And we have the purple polygon showing where moose  
22 hunting activity has taken place from 1990 to  
23 2013.

24 And moose harvest, this moose  
25 harvesting is also occurring in the Split Lake

1 regional management area, which the Keeyask  
2 project falls into. And this is the Split Lake  
3 regional management area. So that unit seven is  
4 where the Keeyask project falls.

5 Now, showing this particular area,  
6 because one primary mitigation measure or offset  
7 program that was presented is the moose harvest  
8 sustainability plan. And they have divided the  
9 Split Lake regional management area into these  
10 seven units, and within each unit the Partnership  
11 has identified the trajectory of the moose  
12 population based on quantitative models. So they  
13 have incorporated mortality factors, predation,  
14 hunting, weather. They have also looked at  
15 reproduction, licensed hunting and First Nation  
16 hunting.

17 I'm assuming that, I don't know the  
18 details of the offset program that well, I'm  
19 assuming that the units with positive moose  
20 population trend would be where harvesters are  
21 relocated for hunting. So there wouldn't be  
22 hunting in zone 7, which is apparently already at  
23 a maximum sustainability without the project, and  
24 any additional hunting in zone 7 would have  
25 negative effects on the moose population.

1                   Now, I think that there is good  
2 potential for this plan to mitigate hunting  
3 impacts. However, it is reliant on reporting of  
4 all harvested moose and a good understanding of  
5 hunting pressure.

6                   This information has been gathered  
7 from the Keeyask Cree Nations, but the Metis  
8 information has not been incorporated.

9                   Now, the Metis baseline has just been  
10 developed. My concern -- so my concern is that it  
11 is not apparent that all parties using this land  
12 area have had the opportunity to contribute  
13 information feeding into the offset program,  
14 particularly if this is the primary mitigation  
15 measure. For this mitigation to be effective, all  
16 parties using the Split Lake regional management  
17 area need to contribute information.

18                  And now the CEAA guidelines state that  
19 with respect to consultation that the proponent  
20 will actively solicit Aboriginal concerns from  
21 groups other than the Keeyask Cree Nations during  
22 the course of the EA.

23                  Now, we have an EIS that's submitted  
24 already, and we have a mitigation plan here that's  
25 been developed. We have some Metis baseline, but

1 we have no impact assessment yet. And this  
2 baseline hasn't been incorporated yet. So, the  
3 Metis are a little bit behind the eight ball here  
4 in terms of opportunity.

5           The other issue I had with the moose  
6 mitigation was with respect to the off-system  
7 marsh. I have highlighted the off-system marsh  
8 with a red rectangle in this slide. My concern  
9 with this marsh, I think it is very likely, first  
10 of all, that moose will use this marsh,  
11 particularly since statistical analysis that the  
12 Partnership provided indicated that moose prefer  
13 these off-system riparian rivulets as compared to  
14 the river. My concern, though, is that south  
15 access road runs right through the marsh, and  
16 there is likely a high potential for road  
17 crossings near the off-system marsh.

18           I asked for support of the mitigation  
19 of a 100 metre buffer between the marsh and the  
20 road, but none was provided. I think in light of  
21 not understanding the effectiveness of a 100 metre  
22 buffer, and in light of literature that shows that  
23 moose are affected by roads, that moose specific  
24 mitigation measures could be implemented at this  
25 location, and also in other areas with high

1 quality moose habitat adjacent to roads.

2                   Signage at this location could be used  
3 to warn road users of moose crossing and there  
4 could also be lower nighttime speed limits.

5 Signage has been proposed for caribou, but I think  
6 an equivalent measure would be appropriate for  
7 moose.

8                   Of course I have monitoring here to  
9 monitor the success of mitigation at this location  
10 and also along with the north access road which  
11 runs through primary moose habitat.

12                   These mitigation measures are based on  
13 literature, which is why I have come up with those  
14 particular ones. But monitoring is always useful  
15 to make sure it is actually effective.

16                   So overall for ungulates, there are a  
17 few regional concerns. There is intactness  
18 measures that indicate a threshold has been passed  
19 for summer resident caribou. We don't have a good  
20 understanding of the response of caribou to linear  
21 features, and there is going to be a cumulative  
22 increase in linear features. Moose harvest  
23 information for the Split Lake regional management  
24 area may not be incorporating information from all  
25 resource users. And there is uncertainty whether

1 caribou distribution and abundance has returned to  
2 pre disturbance conditions.

3 I think with all of these concerns and  
4 the amount of uncertainty associated with impact  
5 predictions, that it would be prudent that the CEC  
6 recommendation from the Bipole III hearings be  
7 satisfied.

8 So, Manitoba Hydro, in cooperation  
9 with the Manitoba Government, conduct a regional  
10 cumulative effect assessment for all Manitoba  
11 Hydro projects and associated infrastructure in  
12 the Nelson River sub watershed, and that this be  
13 undertaken prior to the licensing of any  
14 additional projects in the Nelson River sub  
15 watershed after the Bipole III project.

16 It is my understanding that in  
17 addition to licence requirements, it is the intent  
18 of the Minister of Conservation and Water  
19 Stewardship to ensure that all non-licensing  
20 recommendations in the CEC report be implemented.  
21 A regional cumulative effects assessment may  
22 address concerns about the regional management of  
23 caribou and moose, and a regional cumulative  
24 effects assessment certainly would improve  
25 transparency and accountability, and perhaps even

1 reduce the public's concerns.

2                   This is my final topic, by the way,  
3 follow-up from monitoring. In some cases I found  
4 there is not enough information to understand the  
5 effectiveness of mitigation prior to making a  
6 decision about the projects impacts. So some  
7 mitigation and monitoring strategies seem to be  
8 undetermined as of yet.

9                   Not available yet are two plans, the  
10 terrestrial mitigation plan and the Keeyask  
11 vegetation rehabilitation plan, and these won't be  
12 available until after construction, and so that's  
13 after the licence is granted.

14                   It is my understanding that the  
15 rehabilitation plan may contain site specific  
16 target vegetation types and times frames. So we  
17 don't have that information now, and we don't have  
18 examples of successful rehabilitation. So it is  
19 not clear what the landscape is going to look like  
20 after rehabilitation. There is no information  
21 that would allow me or land users to understand  
22 what the landscape will look like, how it will  
23 change.

24                   So the Partnership hasn't provided  
25 clear and detailed information on how mitigation

1 measure success will be determined. For example,  
2 they talk about improved wetlands for moose, but I  
3 don't actually know what would constitute an  
4 improved wetland. Also within what time frame is  
5 caribou use of calving islands expected to reflect  
6 baseline conditions? So that would be another  
7 target that hasn't been identified. We need some  
8 of these targets and these definitions of success  
9 to understand what the Partnership will be  
10 monitoring and looking for.

11           The Metis need to understand also  
12 Manitoba Conservation and Water Stewardship's  
13 approach to ungulate impact mitigation. When  
14 asked about some mitigation measures, the  
15 Partnership responded that it was within Manitoba  
16 Conservation's mandate. So it wasn't actually  
17 described though, so we don't know what is going  
18 to happen with respect to roads during operations  
19 because this now falls under Manitoba  
20 Conservation's mandate. And we don't know what  
21 their strategies will be with respect to the  
22 removal of animals, or how to manage animals at  
23 all that are present in the area during reservoir  
24 clearing or during blasting. So we need some  
25 clarification on some of these issues.

1                   Now, the Keeyask Cree Nations are  
2 working with Manitoba Hydro to develop community  
3 specific Aboriginal traditional knowledge  
4 monitoring programs for the project. It is not  
5 apparent if a similar opportunity will be  
6 available for the Metis.

7                   I asked the Partnership how the Metis  
8 would be involved in follow-up and monitoring  
9 programs and adaptive management, and they  
10 responded that they don't anticipate any role for  
11 the Manitoba Metis Federation in the development  
12 or implementation of these programs. However,  
13 according to the CEAA operational policies on  
14 adaptive management, the Metis should be involved  
15 in the design and implementation of follow-up  
16 program, and the Metis should contribute to the  
17 planning, design, implementation of adaptive  
18 management. It is important to understand the  
19 community's interest in this case.

20                   It is critical to Metis involvement  
21 and follow-up to have Metis baseline data, which  
22 the Partnership has not collected and the Metis  
23 are working on. Currently the Metis have  
24 collected baseline data, but they are rushing to  
25 play catch-up with the Partnership, who has

1 already submitted an Environmental Impact  
2 Statement.

3 A process needs to be developed for  
4 Metis collaboration with the Partnership to  
5 determine Metis involvement for the purpose of  
6 determining and mitigating project impacts to  
7 caribou and moose, which are traditional resources  
8 of the Metis, and also for monitoring those  
9 effects and measuring mitigation success.

10 And that's everything. Thank you very  
11 much.

12 THE CHAIRMAN: Thank you. I would  
13 just like to interrupt for a moment.

14 There were a couple of conversations  
15 in the room going on during the last presentation.  
16 I would like to ask that if you feel compelled to  
17 engage in conversations, please step outside the  
18 room. Even if you are quite near the back of the  
19 room, murmurings do carry forward in this room.

20 Now, turning back to -- do you propose  
21 to cross-examine each witness in turn or after all  
22 three presentations?

23 MR. MADDEN: After all three  
24 presentations.

25 THE CHAIRMAN: That's fine.

1 MS. BIRNIE: Good afternoon panel  
2 members, ladies and gentlemen. My name is Meghan  
3 Birnie. I will be presenting on behalf of the  
4 Manitoba Metis Federation, the socio-economic  
5 aspects of the technical review that I conducted  
6 for the application for the Keeyask generation  
7 project.

8 THE CHAIRMAN: Pull the mic in closer,  
9 please?

10 MS. BIRNIE: Is that better?

11 THE CHAIRMAN: Yes, it is. Thank you.

12 MS. BIRNIE: The purpose of the  
13 technical review is to examine the sufficiency of  
14 the environmental assessment relative to the terms  
15 of reference or scoping document for the project,  
16 as well as the CEAA guidelines. In doing so we  
17 look to see whether there are any information gaps  
18 in the application.

19 I will begin by providing an overview  
20 of the factors that have contributed to or caused  
21 some of the information gaps in the socio-economic  
22 impact assessment. I will then describe the main  
23 information gaps, and follow this up with a  
24 discussion of some of the specific information  
25 gaps in the socio-economic impact assessment.

1                   For the purposes of the Environmental  
2   Impact Assessment of the Keeyask generation  
3   project, there are gaps in the socio-economic  
4   impact assessment that stem from two main factors.  
5   The first factor is that the Metis in the local  
6   study area were not identified as a distinct and  
7   separate Aboriginal group, one which may  
8   experience project effects distinctly from other  
9   Aboriginal groups and from the general population.

10                   In the socio-economic impact  
11   assessment, the local study area consists of the  
12   Town of Gillam, the City of Thompson, and four  
13   communities which are the home communities of the  
14   four Keeyask Cree Nations, or KCNs. The four KCNs  
15   are identified as in vicinity First Nations. The  
16   local study area identifies separate in vicinity  
17   First Nations, but not distinct and separate in  
18   vicinity Aboriginal groups. If it had, it would  
19   have included the Metis as a separate and distinct  
20   in vicinity Aboriginal group, along with the KCNs.

21                   We asked the Partnership to explain  
22   why the Metis were not identified as a distinct in  
23   vicinity Aboriginal group. The Partnership  
24   responded that the local study area includes, and  
25   I quote:

1 "The people and communities in the  
2 immediate vicinity of the project that  
3 have the greatest potential to  
4 experience socio-economic effects as a  
5 result of the development and  
6 operation of the Keeyask generation  
7 project."

8 The Partnership does not actually explain why the  
9 Metis were not identified as a distinct Aboriginal  
10 group in the local study area for the purposes of  
11 the socio-economic impact assessment.

12 The second factor contributing to gaps  
13 in the socio-economic impact assessment is that  
14 the Metis were not provided opportunities or  
15 involvement in the assessment process equivalent  
16 or similar to those provided to the Keeyask Cree  
17 Nations. By contrast each of the KCNs were  
18 provided their own assessment and evaluation  
19 process, in addition to the government process.  
20 The KCN process has been underway for more than a  
21 decade. Each of the KCNs defined and presented  
22 their own evaluations of the project based on  
23 their own worldview of the environmental effects  
24 on their communities. Each of the KCNs made an  
25 independent decision to support the project.

1                   The Partnership explained that the  
2 Metis were provided opportunities to participate  
3 through the public involvement program, which  
4 included all residents in the study area,  
5 including the in vicinity First Nations. However,  
6 the public involvement plan is described in the  
7 EIS as applying to potentially affected Aboriginal  
8 people beyond the in vicinity First Nations who  
9 may be affected by the project.

10                   This two-tiered approach to  
11 involvement and assessment that is based on the in  
12 vicinity distinction between First Nation and  
13 Aboriginal is concerning. A public involvement  
14 program alone is insufficient to identify,  
15 document, assess and mitigate potential Metis  
16 specific project effects.

17                   There are two main information gaps in  
18 the socio-economic impact assessment. The first  
19 is that there has been no identification or  
20 assessment of Metis specific project effects.

21                   We asked the Partnership to explain  
22 why Metis specific effects were not identified and  
23 assessed and why the Metis were not provided an  
24 evaluation process equivalent to that provided to  
25 the KCNs.

1                   The Partnership responded with their  
2 often repeated statement that to the extent that  
3 there are Metis or other Aboriginal residents in  
4 the local and regional study areas, they will be  
5 included in the assessment of project effects on  
6 people in the local and regional study areas. And  
7 also, and I quote:

8                   "...captured in the total and  
9                   Aboriginal populations where available  
10                  for the local study area communities  
11                  and the regional study area."

12                 There remains no consideration in the  
13 assessment, therefore, of how project effects  
14 might be experienced by the Metis as a distinct  
15 Aboriginal group in the local and regional study  
16 areas.

17                 As Metis specific effects have not  
18 been identified and assessed, it is anticipated  
19 that they will go unmitigated. This is the second  
20 main information gap. By contrast, as partners in  
21 the project, the KCNs have established mechanisms  
22 for the mitigation and offsetting of project  
23 effects, including the Joint Keeyask Development  
24 Agreement, which addressed KCNs potential income  
25 opportunities, training, employment, business

1 opportunities, as well as involvement in the  
2 Partnership's environmental and regulatory  
3 affairs -- adverse effects agreements as well.

4           The specific mitigation and offsetting  
5 measures contained in each of the adverse effects  
6 agreements, or AEAs, are not available to the  
7 Metis. We asked the Partnership to explain how  
8 impacts on the Metis as a distinct Aboriginal  
9 group in the local study area will be effectively  
10 mitigated without being assessed and without the  
11 equivalent mitigation measures and offsets.

12           The Partnership responded, and again  
13 here I quote, that it does not -- sorry, okay, I  
14 will back up. The Partnership responded that it,  
15 and I quote:

16           "...does not currently have any  
17 knowledge of how the Metis, as a  
18 distinct group of people in the study  
19 area, would be affected any  
20 differently by the Keeyask project  
21 than the general population."

22           There are, therefore, outstanding  
23 concerns regarding how project impacts on the  
24 Metis will be effectively mitigated and managed.

25           In conducting the technical review, we

1 see specific information gaps in the following  
2 areas of the impact assessment: The economy,  
3 population, infrastructure and services, personal,  
4 family and community life, and the resource  
5 economy.

6 So on the specific topic of economy,  
7 we will be looking at the sub topics of education  
8 and training, employment and business  
9 opportunities.

10 In terms of educational attainment,  
11 the EIS distinguishes between and compares the  
12 educational attainment of the KCNs to northern  
13 Aboriginal residents, the regional study area, and  
14 Manitoba. It also compares the educational  
15 attainment in communities of Gillam and Thompson  
16 to northern Aboriginal residents, the northern  
17 region and Manitoba.

18 By contrast baseline information on  
19 educational attainment of the Metis population is  
20 not provided.

21 The Partnership was asked to provide  
22 information on the current levels of educational  
23 attainment of the Metis population in the local  
24 and regional study area communities.

25 Again, the Partnership provided their

1 often repeated response, and here I paraphrase,  
2 that to the extent that there are Metis in the  
3 study areas communities, they will be included in  
4 the assessment of effects of the project on people  
5 in the study areas and captured in the total and  
6 Aboriginal populations for the study areas.

7           This baseline information is  
8 necessary, however, if we are going to understand  
9 the potential Metis labour force, and it would be  
10 necessary if the Partnership or the Metis intended  
11 to monitor and measure changes in the levels of  
12 educational attainment for the Metis, particularly  
13 if these changes are to be attributed to the  
14 project.

15           The EIS presents information on the  
16 estimates of the number of KCNs members with  
17 relevant skills for project construction. The  
18 estimates are for 2014 when construction is  
19 planned to begin, and 2021 when construction is  
20 approaching completion.

21           Information is also provided for  
22 skills by occupational category for the  
23 communities of Gillam and Thompson, with each of  
24 these compared to northern Aboriginal residents,  
25 the regional study area and Manitoba.

1                   Baseline information or estimates  
2 regarding the levels of skills by occupational  
3 category for the Metis population is not provided.

4                   The Partnership was asked to provide  
5 equivalent information for the Metis on the  
6 current levels of skills by occupational category,  
7 as well as the estimated levels of skills at the  
8 start and end of construction.

9                   Again, the Partnership repeated that  
10 to the extent that there are Metis in the study  
11 area communities, they will be included in the  
12 assessment of effects of the project on people,  
13 and captured in the total and Aboriginal  
14 populations for the study areas.

15                   This baseline information is necessary  
16 if we are going to understand the potential Metis  
17 labour force, and it would be necessary if the  
18 Partnership or the Metis wanted to monitor and  
19 measure changes in the levels of skills and  
20 employability of the Metis, particularly if we are  
21 going to attribute any of these changes to the  
22 project.

23                   The Partnership was asked to provide  
24 baseline information on the potential labour force  
25 of the Metis in the local study area communities,

1 equivalent to the potential labour force  
2 information that was documented and presented for  
3 the KCNs, Gillam and Thompson.

4           Again, the Partnership repeated that  
5 to extent that there are Metis in the local study  
6 area communities, they were going to be included  
7 in the assessment of the effects of the project on  
8 people and captured in the total and Aboriginal  
9 populations.

10           Metis specific work force information  
11 is not provided. Without this baseline  
12 information there is lack of understanding, first  
13 of the potential benefit to Metis employment and  
14 employability, and second, regarding how these  
15 effects will be monitored and measured.

16           The EIS provides estimates of project  
17 construction employment for the KCNs. In  
18 addition, the Joint Keeyask Development Agreement  
19 includes targets for KCN employment during  
20 construction and operations.

21           We requested that the Partnership  
22 provide estimates of project employment during  
23 construction and operations for Metis residing in  
24 both the local and regional study areas. Again  
25 the Partnership repeated that the Metis will be

1 included in the assessment of effects of the  
2 project on people in the study areas and captured  
3 in the total and Aboriginal populations for the  
4 study areas.

5           The Partnership referred to sections  
6 of the EIS that provide estimates of Aboriginal  
7 participation in project employment, but estimated  
8 levels of Metis participation in project  
9 employment during construction and operations is  
10 not provided.

11           Without this baseline information,  
12 there is a lack of understanding regarding the  
13 potential benefit to Metis employment and  
14 employability, and how these effects will be  
15 monitored and measured.

16           So in the next topic of population  
17 infrastructure and services, we will look at  
18 population first. Using Statistics Canada 2006  
19 census data, the EIS provides the populations of,  
20 firstly, the KCNs combined, including on and off  
21 reserve members, secondly Gillam, and third  
22 Thompson. The EIS provides percentages of the  
23 self-identified Aboriginal population in each of  
24 Gillam and Thompson, but it does not provide  
25 baseline information regarding the Metis

1 population in the local study area communities, or  
2 the distribution of the Metis population in the  
3 local and regional study areas.

4           We requested that the Partnership  
5 provide estimates of the Metis population in the  
6 local and regional study area communities, but  
7 this information has not been provided. Again,  
8 the Partnership repeated that the Metis will be  
9 included in the assessment of effects of the  
10 project on people in the study areas and captured  
11 in the total and Aboriginal populations.

12           As population is a supporting topic  
13 that leads to an understanding of changes to  
14 housing, infrastructure and services, baseline  
15 information on the Metis population would  
16 contribute to a better understanding of how the  
17 Metis residing in the local study area communities  
18 might experience impacts as a result of changes in  
19 the general population.

20           The EIS assesses the effects of  
21 project construction on housing in the KCN  
22 communities, Gillam and Thompson. It predicts  
23 these effects to be adverse in terms of the demand  
24 that will be created for housing, particularly  
25 temporary housing during construction, and in the

1 context of current levels of housing availability.

2 As there are Metis residing in the  
3 local study area, it is necessary to understand  
4 how adverse impacts on housing during construction  
5 might be experienced by the Metis. To understand  
6 the magnitude of this impact, it is also necessary  
7 to understand the size of the Metis population.

8 But that I described on the previous slide, that  
9 the Partnership has not provided this information.

10 We asked the Partnership to predict  
11 how the Metis population in the local study area  
12 communities could be anticipated to experience  
13 adverse effects on the cost and availability of  
14 housing during the construction.

15 The Partnership responded that  
16 increased demand for housing in Gillam and  
17 Thompson would be limited to short-term demand by  
18 the project labour force requiring temporary  
19 accommodation. Again, they repeated that to the  
20 extent that there are Metis or other Aboriginal  
21 residents in the local study area, they will be  
22 included in the assessment of effects of the  
23 project on people in the local study area.

24 As there are Metis residing in these  
25 communities, there is still outstanding concern

1 that they will directly experience the predicted  
2 adverse effects on housing, both cost and  
3 availability. There is concern these effects will  
4 go unmitigated and will not be captured in  
5 follow-up programs as these are presently planned.

6           The EIS describes infrastructure and  
7 service delivery in the KCN communities, Gillam  
8 and Thompson, and predicts adverse residual  
9 effects on local study area communities. To  
10 address adverse effects, mitigation measures are  
11 provided for local study area communities and are  
12 included in the adverse effects agreements  
13 negotiated between each of the Keeyask Cree  
14 Nations and Manitoba Hydro.

15           We asked the Partnership to predict  
16 how the Metis in the local study area communities  
17 might be anticipated to experience adverse effects  
18 on infrastructure and services during  
19 construction, and for the Partnership to identify  
20 measures to address these effects. Again, the  
21 Partnership repeated that to the extent that there  
22 are Metis in the local study area, they will be  
23 included in the assessment of effects of the  
24 project on people in the local study area.

25           As there are Metis residing in the

1 communities in the study area, in Thompson and  
2 Gillam, there are still outstanding concerns that  
3 they will directly experience adverse effects as a  
4 result of increased demand on existing  
5 infrastructure and services. Further, the lack of  
6 Metis specific effects assessment results in the  
7 concerns that these effects will go unmitigated  
8 and will not be captured in follow-up programs as  
9 presently planned.

10           The third specific information gap is  
11 personal family and community wellness. In the  
12 socio-economic impact assessment, some of the  
13 valued components that were used to assess the  
14 effects of the project on personal, family and  
15 community life in the local study area include,  
16 number one, governance goals and plans, number  
17 two, community health, and three, mercury and  
18 human health.

19           Many of the mitigation measures for  
20 effects to these VECs are included as measures and  
21 offsets in the adverse effects agreements. In the  
22 discussion in the EIS for each of these VECs,  
23 there is no identification or description of these  
24 project effects on the Metis in the study area  
25 communities. In terms of the management of

1 effects, we know that the measures and offsets in  
2 the adverse effects agreements are not available  
3 to the Metis. Further, the Partnership confirmed  
4 that there are no mitigation or offsetting  
5 programs that apply only to the Metis. But all  
6 people, including Metis, resident in the local  
7 study area are:

8           "...included in mitigation programs  
9           that are not restricted to specific  
10           groups."

11           And the fourth specific information  
12 gap, the resource economy. The EIS evaluates the  
13 effects of the project on the cash and in kind  
14 income and livelihood of KCN resource users, and  
15 concludes that these are expected to be neutral  
16 during construction and operations because of the  
17 mitigation measures and offsets provided to the  
18 KCNs through the adverse effects agreements.

19           The EIS states that losses of in kind  
20 income from reduced domestic resource use in the  
21 vicinity of the project are expected to be  
22 mitigated by the AEA offsetting programs that  
23 provide access to resource harvesting at  
24 alternative and unaffected locations, as well as  
25 to healthy fish for consumption in communities.

1                   The EIS does not include an assessment  
2 of the impacts of the project on the resource  
3 economy of the Metis. Further, the Partnership is  
4 relying on the adverse effects agreements to  
5 mitigate impacts to the KCNs. As such, no  
6 mitigation is in place to address the adverse  
7 economic effects on the Metis as a result of  
8 changes in their resource use.

9                   In summary, the EIS is deficient in  
10 identifying, assessing and mitigating project  
11 impacts on the Metis. In terms of the costs and  
12 benefits of the project, there is concern that the  
13 Metis will experience a disproportionate share of  
14 costs of the project impacts and adverse effects,  
15 and fewer of the project benefits. Further, the  
16 information is not there to understand what these  
17 will be.

18                   In the report that you have, we state  
19 that the Partnership must assess effects on the  
20 Manitoba Metis as a distinct Aboriginal group in  
21 the local study area, as they have done for the  
22 Keeyask Cree Nations. This must be done in  
23 collaboration with the Metis community as a  
24 collective in order to fully understand their  
25 perspective in relation to significance of

1 impacts, similar to what was done for the Keeyask  
2 Cree Nations.

3 These collective impacts cannot be  
4 addressed through mitigation measures designed for  
5 non KCN Aboriginal and non-Aboriginal individuals  
6 living in the Keeyask study area.

7 Thank you.

8 MR. MADDEN: Thank you.

9 Did you want an afternoon break or did  
10 you want her to continue? Go ahead.

11 MS. LARCOMBE: Good afternoon panel,  
12 ladies and gentlemen, my name is Patt Larcombe.

13 MR. MADDEN: We are having some  
14 technical difficulties.

15 THE CHAIRMAN: We will take the  
16 afternoon break -- oops, here we go. Let's go  
17 with it.

18 MS. LARCOMBE: Okay.

19 Mr. Chairman, I'm going to -- my  
20 presentation is going to be about an hour, so does  
21 that influence your decision to take a break or  
22 not?

23 THE CHAIRMAN: It is also going to  
24 influence how long we sit and whether -- can these  
25 witnesses be back in the morning?

1 MR. MADDEN: Ms. Larcombe can be back,  
2 and Ms. Birnie can. I don't think that  
3 Ms. Stewart can. Do we want to do cross  
4 examination on the two of them them just in case?

5 THE CHAIRMAN: I think we better do it  
6 that way. We will do the cross-examination on the  
7 first two, and if we get through that quickly, and  
8 that may be a big if, then we can at least start  
9 Ms. Larcombe's presentation. Sound fair?

10 MR. MADDEN: Fair.

11 THE CHAIRMAN: Are you ready to go or  
12 would you rather have a break first?

13 MR. REGEHR: I think we would prefer a  
14 break.

15 THE CHAIRMAN: We will come back at 5  
16 after 3:00.

17 (Proceeding recessed at 2:49 p.m. and  
18 reconvened at 3:05 p.m.)

19 THE CHAIRMAN: We are a couple minutes  
20 early, but it looks like we are ready to go, so  
21 perhaps we can reconvene. Mr. Regehr?

22 MR. REGEHR: Thank you, Mr. Chair. I  
23 would just like for the record, because I didn't  
24 do this yesterday, and I apologize, I would like  
25 to clarify that I'm legal counsel for the York

1 Factory First Nation. I think there was a  
2 misunderstanding where it was believed that I was  
3 counsel for Manitoba Hydro, so I would just like  
4 to clarify that.

5 I'm going to start by -- I'm going to  
6 do my cross-examination first of you, Ms. Stewart.  
7 So thank you for coming today. And I only have a  
8 few questions for you. I don't have that many, so  
9 I guess you get off easy today.

10 My first question has to do with your  
11 presentation, and in particular on slides 5 and I  
12 believe it is 16. The slide 5 is entitled Metis  
13 Caribou Harvesting slide. Slide 16 is entitled  
14 Metis Moose Harvesting. Is that correct, that's  
15 in your presentation?

16 MS. STEWART: Yes, that's correct.

17 MR. REGEHR: And I've -- I'm assuming  
18 you got these maps from Ms. Larcombe, is that  
19 correct?

20 MS. STEWART: Yes, that's correct.

21 MR. REGEHR: And I have gone through  
22 your report, and I don't see these slides in your  
23 report anywhere, and I don't see them referenced  
24 in your bibliography either; is that correct?

25 MS. STEWART: That's correct these are

1 not in my report.

2 MR. REGEHR: Are you relying upon  
3 these slides for your report?

4 MS. STEWART: No, no, my report was  
5 done prior to seeing these. My evaluation of the  
6 EIS would remain the same. This was really to  
7 give everyone an idea of Metis use, and you will  
8 be seeing these again in Ms. Larcombe's  
9 presentation today.

10 MR. REGEHR: And so are you attesting  
11 to the reliability of these maps, by relying upon  
12 them in your presentation?

13 MS. STEWART: I'm going to defer any  
14 questions about these maps to Ms. Larcombe.

15 MR. REGEHR: The reason I'm asking you  
16 is because you have included them in your  
17 presentation.

18 MS. STEWART: Well, the issues that I  
19 highlighted with respect to moose and caribou will  
20 still remain the same.

21 MR. REGEHR: Now, as I stated, I have  
22 had a chance to review your report. And I see  
23 that you have gone through certain areas in the  
24 response to EIS guidelines, the supporting  
25 volumes, and some of the IRs; is that correct?

1 MS. STEWART: Yes.

2 MR. REGEHR: And then you provided  
3 recommendations regarding what you feel the  
4 information gaps are, is that correct?

5 MS. STEWART: Yes.

6 MR. REGEHR: Now, if I understand your  
7 recommendations correctly, you don't take much  
8 issue with the response to EIS guidelines or the  
9 supporting volumes, but you have a key  
10 recommendation that you take the position that the  
11 MMF should have been consulted regarding the  
12 impact on Metis people; is that fair?

13 MS. STEWART: I looked at the CEA  
14 guidelines and it indicated to me that the Metis  
15 should have been incorporated. I saw Keeyask Cree  
16 Nations mentioned throughout the biophysical  
17 discipline, and I would have expected to see some  
18 mention of the Metis.

19 MR. REGEHR: Now, can you give me five  
20 examples of Metis specific project effects for  
21 this project? And Metis specific project effects,  
22 that's a term you use in your report.

23 MS. STEWART: I can't answer that  
24 question and that's definitely for the Metis to  
25 answer. There could certainly be recommendations

1 from the Metis regarding how, when and where  
2 impacts could occur and should be mitigated.

3 MR. REGEHR: I'm putting the question  
4 to you because you were put on this panel as an  
5 expert, as someone who is knowledgeable in the  
6 area and you certainly have a lot more credentials  
7 than I have in this area. So what you are telling  
8 me is you are unable to provide me with five  
9 examples of Metis specific project effects, even  
10 though you use that terminology in your report?

11 MS. STEWART: What I'm telling you is  
12 that I reviewed the EIS with respect to moose and  
13 caribou, having been told that these are  
14 traditional resources for the Metis. I didn't  
15 necessarily have these details of -- these maps  
16 available at the time, but Metis were using moose  
17 and caribou, and so my assessment is simply to do  
18 with moose and caribou.

19 MR. REGEHR: Now, you would agree that  
20 the impacts of any project, regardless of how much  
21 data has been collected and how detailed the  
22 predictions are, that the impacts of any project  
23 can only truly be ascertained by monitoring and  
24 follow-up programs? You agree with that?

25 MS. STEWART: I would agree that there

1 are different sources of information, literature,  
2 peer reviewed literature can also be used, and I  
3 do agree monitoring information is quite key, but  
4 I would also like to add that monitoring from  
5 previous studies could also feed into the  
6 improvement of impact predictions. So not just  
7 monitoring associated with the single project.

8 MR. REGEHR: You would agree that  
9 using monitoring and follow-up programs will  
10 assist the Partnership in determining whether  
11 mitigation efforts are working?

12 MS. STEWART: Yes, I do agree that  
13 monitoring can provide you with some of that  
14 information.

15 MR. REGEHR: And would you also agree  
16 that it is important for the Partnership to keep  
17 an open mind, and be willing to consider new  
18 information as it becomes available that may help  
19 to better the mitigation programs?

20 MS. STEWART: Yes, always  
21 incorporating new information is beneficial. I  
22 think it is preferable to have the baseline data  
23 prior to, as much information as possible prior to  
24 project implementation.

25 MR. REGEHR: And would you agree that

1 the partnership has repeatedly indicated that new  
2 information that becomes available, including  
3 information from the MMF, would be taken into  
4 consideration in relation to mitigation efforts?

5 MS. STEWART: I do agree, but I also  
6 think that the timing needs to be put into  
7 question as well. The whole process would be more  
8 transparent and efficient if information and data,  
9 whether it is baseline, biophysical information,  
10 or baseline traditional resource use information  
11 from Metis, it would be preferable to collect it  
12 early on in the process. Because right now we  
13 don't have an impact assessment with respect to  
14 Metis use of these traditional resources. We have  
15 an impact assessment on moose and caribou, but I  
16 don't see any information on how this would feed  
17 back into traditional resource use for Metis.

18 MR. REGEHR: I don't have any more  
19 questions for Ms. Stewart, but Mr. Bedford does.

20 MR. BEDFORD: Thank you. Good  
21 afternoon, Ms. Stewart.

22 MS. STEWART: Hello, Mr. Bedford.

23 MR. BEDFORD: To draw upon a response  
24 you just gave to Mr. Regehr about the use of  
25 monitoring from other projects, I heard you list

1 as one of the concerns you have regarding caribou  
2 is the willingness of the caribou to cross linear  
3 features such as roads and transmission lines; did  
4 I hear correctly?

5 MS. STEWART: Yes, that's correct.

6 MR. BEDFORD: And would you agree with  
7 me that some of the uncertainty that people in  
8 your field have about that topic, in the case of  
9 the Keeyask project, has been reduced through the  
10 use and knowledge gained on a particular study on  
11 the Wuskwatim project for caribou crossing a  
12 transmission line, and some assistance was gleaned  
13 for the Keeyask project from the radio collaring  
14 that was done of summer resident animals by the  
15 province, my understanding being that the radio  
16 collaring helps us as humans to determine where  
17 the caribou roam. Correct?

18 MS. STEWART: I'm familiar with the  
19 construction phase monitoring for Wuskwatim. I'm  
20 not familiar with the results of any longer term  
21 monitoring or Provincial monitoring results.

22 MR. BEDFORD: Do you have handy the  
23 report that you filed for this proceeding?

24 MS. STEWART: Yes.

25 MR. BEDFORD: I noticed when I got

1 towards the end of your report, bottom, very  
2 bottom of page 31, and leading into page 32, that  
3 you found it worth noting that the incremental  
4 effects of the Keeyask infrastructure project, the  
5 Keeyask generation station project and the Keeyask  
6 transmission project should have been assessed  
7 together. And when I read that I wrote a little  
8 note to myself because, like many people, I have  
9 had to read all of this material, and I want to  
10 remind you that indeed Mr. Ehnes, when he did his  
11 work on the intactness VEC, did consider as a  
12 combination the Keeyask infrastructure project,  
13 the Keeyask transmission project and the Keeyask  
14 generation project; the last one of course being  
15 the one that's the subject of this hearing?

16 MS. STEWART: Sorry, I didn't hear  
17 part of that statement after Mr. Who?

18 MR. BEDFORD: Mr. Ehnes.

19 MS. STEWART: And what did he do,  
20 sorry?

21 MR. BEDFORD: Mr. Ehnes did a lot of  
22 the, I think it is the same field that you have a  
23 Masters of science in, landscape ecology work, and  
24 in particular I referenced his work on the VEC  
25 intactness. And my reading, and frankly more my

1 listening to Mr. Ehnes, has educated me that in  
2 fact he did take into account the combined effects  
3 of all three of the projects that I've listed.  
4 And I can't tell whether that escaped your notice  
5 or whether you did notice it, but forgot it?

6 MS. STEWART: And so that was for a  
7 project specific effects or in the cumulative  
8 effects assessment?

9 MR. BEDFORD: Well, it sounds to me it  
10 was cumulative effects assessment.

11 MS. STEWART: Right. And I understood  
12 that those were all taken into consideration in  
13 the cumulative effects assessment. This was more  
14 about just as a single project, what the total  
15 linear effect would be.

16 MR. BEDFORD: Now I sometimes too  
17 don't hear exactly what the witness says from up  
18 there, so help me out. You did touch in your  
19 presentation on the topic wetlands and the subject  
20 of a buffer. Is your concern that you believe  
21 there is no buffer?

22 MS. STEWART: No, my concern is that  
23 there could -- that there will be an increased  
24 number of road crossings, therefore moose having  
25 high quality habitat on either side of the road

1 and whether a 100 metre buffer would minimize or  
2 deter road crossings.

3 MR. BEDFORD: Thank you. And one  
4 final tip or observation from me, you've asked  
5 through the medium of a presentation to the Clean  
6 Environment Commission a number of questions which  
7 essentially today have to be left as rhetorical.  
8 And the tipper advice would be that in future  
9 hearings, you and your client would be well  
10 advised and well motivated to put those good  
11 questions to the people that did all of this work.  
12 And they of course testified here weeks ago. So  
13 there is much value to being recognized as a  
14 participant and coming forward and putting, I  
15 repeat, some of the very good rhetorical questions  
16 that you raised this afternoon.

17 But my job for better or for worse is  
18 to ask questions like you did, but not to provide  
19 the answers. So, thank you.

20 MS. STEWART: Thank you.

21 MR. REGEHR: I will move on to  
22 questions to Ms. Birnie unless you would rather  
23 have the participants --

24 THE CHAIRMAN: No, go ahead, Mr.  
25 Regehr.

1 MR. REGEHR: Ms. Birnie, thank you for  
2 being here today. I have a few more questions for  
3 you than I did for Ms. Stewart, so you don't get  
4 off quite as easy today. I apologize for that  
5 now.

6 You are aware that the Partnership and  
7 the MMF had meetings between 2008 and this past  
8 June in an effort to engage the MMF in research  
9 regarding the Metis, their resource use,  
10 socio-economic circumstances, including culture  
11 and effects on them. You are aware of those  
12 meetings?

13 MS. BIRNIE: I learned yesterday that  
14 there were meetings. I was aware that there were  
15 meetings on these topics between 2012 and 2013 of  
16 this year, June. I was not privy to those  
17 meetings and was not tasked in any way to be, so.

18 MR. REGEHR: You are aware that on  
19 June 21, 2013 the MMF and Manitoba actually  
20 reached an agreement and signed an agreement for  
21 those -- for that study?

22 MS. BIRNIE: To conduct the studies  
23 that you have referred to, yes.

24 MR. REGEHR: And that this was going  
25 to provide a single report in relation to

1 traditional land use, socio-economic impact  
2 assessment and a historical narrative; were you  
3 aware of that?

4 MS. BIRNIE: Recently.

5 MR. REGEHR: And that report was  
6 agreed to be completed by mid October; are you  
7 aware of that?

8 MS. BIRNIE: More recently. Again the  
9 topic that I presented on today was a review of  
10 the socio-economic aspects of the application.  
11 That information wasn't in the application and  
12 that the report that I prepared and left with you  
13 was prepared based on the information in the  
14 application, and the matters of the different  
15 agreements for when these studies would be done,  
16 and the gaps that they would fill, or were -- the  
17 gaps I believe that they would begin to fill, that  
18 information wasn't in the application.

19 MR. REGEHR: You are aware that this  
20 report that was contemplated by the June agreement  
21 has not yet been delivered by the MMF to Manitoba  
22 Hydro on behalf of the Partnership, even though  
23 yesterday President Chartrand testified that the  
24 study was complete?

25 MS. BIRNIE: My recollection of

1 President Chartrand's statements yesterday was  
2 that the content of the TLUKS study was done. I  
3 don't recall that he said that any of the other  
4 aspects of the studies that you are speaking  
5 about, or the separate studies that were to be  
6 packaged into one, were complete, I don't recall  
7 him saying that.

8 MR. REGEHR: You are aware of the  
9 Hydro Northern Training Employment Initiative?

10 MS. BIRNIE: It was mentioned in the  
11 application and described.

12 MR. REGEHR: So if I said HNTEI, you  
13 would know what I was talking about?

14 MS. BIRNIE: Yes, I would.

15 MR. REGEHR: You are aware that the  
16 MMF was involved in the Aboriginal skill and  
17 employment program proposal which was put to  
18 Canada and Manitoba for pre-project training on  
19 Keeyask and Wuskwatim back in 2003?

20 MS. BIRNIE: Yes, that was described  
21 in the application. And while that could be seen  
22 to be MMF involvement for the past decade, it  
23 certainly isn't in my mind equivalent to some of  
24 the Keeyask Cree Nations beginning their  
25 environmental evaluations of the project in 1999.

1 MR. REGEHR: You are also then aware  
2 that the MMF was a member of the Wuskwatim and  
3 Keeyask training consortium, also known as WKTC,  
4 and that they were one of the seven Aboriginal  
5 groups who were members of that organization?

6 MS. BIRNIE: Sorry, can you repeat the  
7 second part of that?

8 MR. REGEHR: That they were one of the  
9 seven Aboriginal groups that were members of that  
10 organization?

11 MS. BIRNIE: That committee was  
12 described in the EIS.

13 MR. REGEHR: And that the MMF had a  
14 board member on the board of WKTC; were you aware  
15 of that?

16 MS. BIRNIE: I recall reviewing the  
17 information in the application that described the  
18 HNTEI, and could you please repeat the -- I don't  
19 have my notes.

20 MR. REGEHR: WKTC.

21 MS. BIRNIE: WKTC, thank you. Some of  
22 the MMF involvement in that, but the particular  
23 that you are speaking about right now, I wouldn't  
24 be able to recite.

25 MR. REGEHR: And you are aware that

1 the MMF was available to develop and deliver  
2 training programs with the money received through  
3 the WKTC which they determined were best for their  
4 members?

5 MS. BIRNIE: I know that they received  
6 funding and that they participated, but not that  
7 they did the programs to the best of their members  
8 good.

9 MR. REGEHR: Were you aware that since  
10 2002 the MMF has had direct bilateral meetings and  
11 discussions with Manitoba Hydro on a variety of  
12 topics?

13 MS. BIRNIE: No.

14 MR. REGEHR: Were you aware there was  
15 a MMF/Manitoba Hydro relations task force in place  
16 since 2002?

17 MS. BIRNIE: It wasn't described in  
18 the application, the sections that I read, so no.

19 MR. REGEHR: And in 2009 MMF/Manitoba  
20 Hydro protocol agreement was entered into; were  
21 you aware of that?

22 MS. BIRNIE: It wasn't described in  
23 the sections of the application that I recall  
24 reviewing, and so no.

25 MR. REGEHR: And that agreement was

1 for the purpose of supporting development of  
2 traditional land use work for a variety of hydro  
3 projects, including Keeyask; you weren't aware of  
4 that?

5 MS. BIRNIE: No.

6 MR. REGEHR: Were you aware that there  
7 was an agreement to provide two years of funding  
8 to the MMF for a hydro liaison worker?

9 MS. BIRNIE: Are you able to tell me  
10 where that would be described in the application?

11 MR. REGEHR: I'm just asking if you  
12 are aware of these facts. If you are not, that's  
13 fine.

14 MS. BIRNIE: I'm asking you that  
15 because I think that maybe some of these  
16 questions, if I could look at the section of the  
17 application where they are described, it might  
18 trigger my recollection of reading them.

19 MR. REGEHR: I don't have a section of  
20 the application for you.

21 MS. BIRNIE: Then no.

22 MR. REGEHR: You are also aware that  
23 the partnership conducted a public involvement  
24 process?

25 MS. BIRNIE: Yes.

1 MR. REGEHR: As part of the  
2 environmental assessment?

3 MS. BIRNIE: Yes.

4 MR. REGEHR: And that in the public  
5 involvement process, the MMF was clearly  
6 identified as a distinct Aboriginal group and  
7 efforts were made to meet with them?

8 MS. BIRNIE: I'm sorry, when you look  
9 down at your notes I can't hear your words when  
10 you are looking down. Can you please repeat that?

11 MR. REGEHR: That in the public  
12 involvement process, the MMF was clearly  
13 identified as a distinct Aboriginal group and  
14 efforts were made to meet with them; were you  
15 aware of that?

16 MS. BIRNIE: I was aware that they  
17 were provided opportunities to participate in the  
18 public involvement program. I was aware of that  
19 through the information that was provided in the  
20 application only that states that they were  
21 included in it. It does list some meetings.

22 MR. REGEHR: So you are aware that in  
23 round one of the public involvement process the  
24 MMF did participate?

25 MS. BIRNIE: I'm aware that they

1 participated in a program, that it was extended to  
2 them, and they were invited to participate.

3 MR. REGEHR: So you weren't aware that  
4 in round two of the public involvement process the  
5 MMF declined to participate; are you aware of  
6 that?

7 MS. BIRNIE: No.

8 MR. REGEHR: Now given the efforts  
9 which I've described to you now, the efforts made  
10 to engage the MMF, your assertion that the Metis  
11 were not involved in the environmental assessment  
12 is simply incorrect; isn't that true?

13 MS. BIRNIE: I wouldn't agree that  
14 that's true. I think there are many ways that  
15 Aboriginal populations can be involved in  
16 assessments. When we look, certainly the IAP2 or  
17 the International Association for Public  
18 Participation, describes a continuum of  
19 involvement. Notifying and informing being one,  
20 and then public involvement and through those  
21 processes being another. To actually be involved  
22 in decision making in assessments, being the  
23 greatest extent. And I know that through the  
24 information provided in the environmental  
25 assessment, the Metis were not provided that.

1 They were provided opportunities to attend to be  
2 involved in the public participation program. But  
3 to my mind, these aren't -- these are information  
4 provisions, these are gathering concerns, these  
5 aren't assessment and evaluation and mitigation  
6 exercises.

7 MR. REGEHR: Now, in your report which  
8 you filed with the Commission, you indicate that  
9 you had read a portion of the EIS guidelines. The  
10 project description supporting volume, and the  
11 socio-economics environment volume, as well as  
12 having prepared various IRs on behalf of the MMF  
13 in both round one and round two of the IR process,  
14 is that correct?

15 MS. BIRNIE: Yes.

16 MR. REGEHR: So you were aware that  
17 the Partnership thoroughly canvassed all available  
18 resources with respect to land and resource uses  
19 by the Metis as required by the EIS guidelines and  
20 as set out in response to TAC, public round 2,  
21 CEAA 14?

22 MS. BIRNIE: Sorry, I need you to  
23 repeat that, and perhaps break it up. Start with  
24 I'm aware of --

25 MR. REGEHR: So you are aware that the

1 Partnership thoroughly canvassed all available  
2 resources with respect to the land and resource  
3 uses by the Metis, as required by the EIS  
4 guidelines and as set out in the IR response which  
5 I quoted to you before?

6 MS. BIRNIE: That's what the  
7 partnership told me they did, whether they did or  
8 not, I can't determine.

9 MR. REGEHR: And you are aware that  
10 the socio-economic assessment specifically  
11 considered the potential effects in Thompson and  
12 related mitigation measures?

13 MS. BIRNIE: In Thompson, the general  
14 population.

15 MR. REGEHR: And this assessment  
16 included a detailed key person interview program  
17 in Thompson with community leaders and social  
18 service providers?

19 MS. BIRNIE: Yes.

20 MR. REGEHR: And this assessment  
21 considered all residents in Thompson?

22 MS. BIRNIE: As a general population,  
23 yes.

24 MR. REGEHR: Including Aboriginal  
25 residents?

1 MS. BIRNIE: Yes.

2 MR. REGEHR: Including Metis  
3 residents?

4 MS. BIRNIE: It would include Metis  
5 residents, but it didn't include Metis residents  
6 distinctly.

7 MR. REGEHR: And that the Partnership  
8 is working directly with the RCMP and with the  
9 Northern Regional Health Authority to address  
10 possible effects?

11 MS. BIRNIE: Yes. I think in my IR  
12 questioning along these lines it was that  
13 information on specific effects that the KCNs  
14 would experience, there was an effort to assess  
15 KCN specific project effects, and not Metis  
16 specific effects. So, yes, while there was an  
17 effort to include the Metis as members of the  
18 general population, there was not an effort to  
19 distinguish Metis specific effects.

20 MR. REGEHR: Now as part of your  
21 research for your report, you didn't read the  
22 Burntwood/Nelson collective agreement, did you?

23 MS. BIRNIE: I did not.

24 MR. REGEHR: So you are not aware of  
25 the employment preferences set out in the

1 Burntwood/Nelson agreement which are provided to  
2 all northern Aboriginal peoples, including the  
3 Metis?

4 MS. BIRNIE: That was described in the  
5 EIS. So, yes, I was aware that there are those  
6 employment preferences, but I did not read them as  
7 they are written in that agreement.

8 MR. REGEHR: So you are aware that job  
9 qualified northern Aboriginal people, including  
10 the Metis, are to be given preference on jobs for  
11 open tendered contracts on the Keeyask project?

12 MS. BIRNIE: Yes.

13 MR. REGEHR: Now, I put this question  
14 to Ms. Stewart and I'm going to put it to you as  
15 well. Can you give me five examples of Metis  
16 specific project effects for this project?

17 MS. BIRNIE: For the information that  
18 I presented to you today on the technical review,  
19 and my role and what I was tasked with, was to  
20 undertake a technical review of the application  
21 that was presented and submitted by the  
22 proponent -- sorry, the Partnership. My role and  
23 my task on this in this capacity was not to  
24 undertake an assessment, not to undertake an  
25 assessment of project specific effects on the

1 Metis. That was I believe the job of the  
2 Partnership.

3 MR. REGEHR: Now in reviewing your  
4 report, I note that a large part of your report is  
5 simply a repetition of the wording in the  
6 information requests which were submitted to the  
7 Partnership and replied to by the Partnership;  
8 isn't that correct?

9 MS. BIRNIE: Replied to by the  
10 Partnership. And the final report was an  
11 opportunity for me to comment on those responses,  
12 most of which were repetitive in nature.

13 MR. REGEHR: Now I'm going to read to  
14 you an excerpt that someone pointed out to me in  
15 regard to socio-impacts assessment.

16 MS. BIRNIE: Can you tell me where you  
17 are reading from?

18 MR. REGEHR: I will tell you in just a  
19 second. A Metis socio-economic impact assessment,  
20 based on the interviews funded by this work plan,  
21 the outcomes of the traditional land use and  
22 knowledge study and a review of existing  
23 literature and statistical information that  
24 documents the socio-economic characteristics of  
25 and determines the potential effects of Keeyask on

1 the Metis community that live within and rely on  
2 the local, regional and Manitoba socio-economic  
3 study areas identified in the Keeyask  
4 environmental impact statement, including  
5 information on the Metis labour force and  
6 businesses, role of the area affected by the  
7 project in the economy of the Metis people, the  
8 traditional land use and knowledge study, Metis  
9 culture and cultural sites of importance,  
10 infrastructure and services.

11           You would agree that these are all key  
12 components of a socio-economic impact assessment,  
13 wouldn't you?

14           MS. BIRNIE: I would agree that they  
15 are key components of one. Maybe not the entire  
16 set of key components, but key components.

17           MR. REGEHR: Are you aware that what I  
18 just read to you was from section 2.1(a)(2) of the  
19 June 21, 2013, contribution agreement between  
20 Manitoba Hydro and the Manitoba Metis Federation?

21           MS. BIRNIE: I can comment on the  
22 information in my report. And my report was  
23 conducted based on the information that was  
24 provided in the application and two rounds of IRs,  
25 and that agreement wasn't referred to in any of

1 those documents. So I'm -- I can't comment on  
2 that.

3 MR. REGEHR: And so you weren't aware  
4 that it was the MMF who was to provide a single  
5 report which includes a socio-economic baseline  
6 and an effects assessment of the potential effects  
7 of Keeyask on the Metis in the area?

8 MS. BIRNIE: I have become recently  
9 aware of that. But that was certainly not what I  
10 was tasked to know or understand or review as part  
11 of my capacity here. And that was not part of the  
12 information provided to me and I presented in my  
13 report, or that the proponent partnership provided  
14 in the information that we are commenting on  
15 today.

16 MR. REGEHR: Thank you.

17 MS. BIRNIE: If I can also reply to,  
18 and perhaps review something from my report about  
19 those studies, the proponent repeated in two  
20 sections of the -- sorry, in numerous responses to  
21 the round two IRs, when we asked -- when MMF asked  
22 in the round two IRs for specific information for  
23 the proponent to provide it to fill and to address  
24 some of the information gaps, the proponent  
25 responded again with that statement I repeated

1 throughout my presentation, that the Metis were  
2 included in the assessments of this, whatever  
3 component, for the general population in the local  
4 and regional study areas. And then in a number of  
5 responses they referred to those forthcoming  
6 studies.

7           In my report I write the following.  
8 The Partnership referred to the forthcoming  
9 studies in a number of locations, saying that  
10 these studies, it was hoped that they would  
11 provide some of this information. In round two  
12 IRs, the Partnership was then asked if the MMF  
13 lead TLUKs, socio-economic impact assessment and  
14 historical narrative would be used to gather and  
15 document Metis specific baseline data, including  
16 information on the labour force, employment,  
17 employability and any of the factors that I  
18 discussed in my presentation, to identify  
19 potential adverse and positive Metis specific  
20 effects, and whether the Partnership would develop  
21 new or adjust existing mitigation as necessary to  
22 address such effects.

23           The Partnership responded that it is  
24 committed to considering any additional  
25 information provided through these studies, and is

1 committed to further dialogue with the MMF so that  
2 it can determine how best to incorporate this new  
3 information into planning and development  
4 processes for the Keeyask generation project, once  
5 it is available.

6 I noted in the final report that those  
7 commitments were to consider the information and  
8 to consider dialogue with the MMF. And that they  
9 weren't -- they weren't commitments to consider  
10 that information as an effects assessment  
11 necessarily, and that's an important distinction.  
12 Those studies -- if you will forgive me, I don't  
13 remember your name.

14 MR. REGEHR: Brad Regehr.

15 MS. BIRNIE: Thank you. Referred  
16 to -- need to be seen more than documentation  
17 exercises to consider and to move sort of the  
18 process along. They are still not -- well, there  
19 still has not been at the time that I wrote this  
20 report an assessment and mitigation of Metis  
21 specific project effects.

22 The other thing I noted in my final  
23 report was that even with the efforts to sign  
24 these agreements with the Metis to undertake these  
25 studies, and I will read from my report.

1 "Even with the recently agreed upon  
2 work plan and budget for the Metis  
3 specific studies, these efforts are  
4 not comparable to the assessment and  
5 evaluation processes provided to the  
6 KCNs. As a result, it is anticipated  
7 that the outcomes of the Metis  
8 specific studies will understandably  
9 be limited in scope and depth in  
10 comparison to the assessment  
11 opportunities and studies undertaken  
12 by the KCNs."

13 MR. REGEHR: I have no more questions.  
14 I know Mr. Bedford does.

15 MR. BEDFORD: Good afternoon, Ms.  
16 Birnie.

17 MS. BIRNIE: Good afternoon, Mr.  
18 Bedford.

19 MR. BEDFORD: I have only one question  
20 for you, and as you ponder what that question  
21 might be, I realized that I overlooked asking one  
22 question of Ms. Stewart about moose.

23 MS. BIRNIE: You are welcome to ask  
24 that first.

25 MR. BEDFORD: Thank you. Ms. Stewart,

1 you referenced in your slide presentation that the  
2 moose harvest sustainability plan you believe  
3 lacks Metis moose harvest information and that  
4 that information ought to be gathered and  
5 incorporated into the plan. I'm reminded that the  
6 moose harvest sustainability plan related to the  
7 Keeyask project was largely developed by  
8 Tataskweyak Cree Nation, and I'm assured that in  
9 developing the plan, they did capture all Metis  
10 moose harvest information pertinent to the area  
11 covered by the plan. Because you wrote exactly  
12 the opposite, I conclude you were unaware of what  
13 I've just told you?

14 MS. STEWART: I don't think that was a  
15 question.

16 MR. BEDFORD: You were unaware of what  
17 I just said to you?

18 MS. STEWART: That the First Nations  
19 wrote that --

20 MR. BEDFORD: No, that they included  
21 in the work they did to develop the plan, Metis  
22 harvest data for the area?

23 MS. STEWART: Is it possible that you  
24 could provide me with a reference for that?

25 MR. BEDFORD: Yes, I can. I'm told

1 that they gathered that information from Manitoba  
2 Conservation and Water Stewardship, which provided  
3 them with the data for all hunting licences issued  
4 for the area. And that in this area, all Metis  
5 hunters, as opposed to First Nation hunters, must  
6 acquire a licence. But I can in due course  
7 respond to your request and provide you with the  
8 actual numbers.

9 MS. STEWART: Thank you. I would  
10 appreciate that.

11 MR. BEDFORD: Ms. Birnie, I read the  
12 paper that you filed in this proceeding, and I  
13 pick up with your parting comment to Mr. Regehr,  
14 I'm sure I read at least 18 times your expressed  
15 concern that whatever efforts have been made to  
16 engage the Metis people with respect to the  
17 Keeyask project are, "not comparable to the  
18 processes provided to," the four First Nations who  
19 are partners in the Keeyask project. And I simply  
20 suggest to you that is not the plain and simple  
21 explanation for that, that the Metis people, the  
22 Manitoba Metis Federation was not called upon as  
23 were the members of these four First Nations to  
24 cope with the difficult choice of whether or not  
25 to support this project, and the complex and very

1 difficult choice to enter into a partnership to  
2 develop this project?

3 MS. BIRNIE: Can I ask what the  
4 question is?

5 MR. BEDFORD: You say about 18 times  
6 in your paper, do you not, that you are concerned  
7 that the efforts to engage the Metis people are,  
8 "not comparable to the processes provided to the  
9 four KCNs." You do write and say that, over and  
10 over in your paper, do you not?

11 MS. BIRNIE: I do.

12 MR. BEDFORD: And so I suggest to you  
13 that the reason for that is that the Metis people  
14 were not called upon to deal with the very  
15 difficult choices of whether or not to support  
16 this project, and they were not called upon to  
17 deal with the complex and difficult choices of  
18 entering into a partnership to develop the  
19 project. And accordingly, it is entirely  
20 appropriate and entirely understandable that the  
21 processes provided to the four First Nations  
22 definitely were not and ought not to have been  
23 comparable to what is provided to other entities  
24 and citizens in the Province of Manitoba?

25 MS. BIRNIE: Thank you for the

1 suggestion. I, in writing my report, and  
2 certainly some of the comments made yesterday, one  
3 of the areas that I started my presentation on was  
4 noting that the assessment makes a distinction  
5 between in vicinity First Nations and other  
6 population in the local study area. But as we  
7 heard yesterday in the panel and today by the  
8 community members, the Metis in the area are an  
9 Aboriginal group. And if the application had  
10 considered in vicinity Aboriginal groups, the  
11 Metis would have been considered as a distinct and  
12 separate Aboriginal group.

13               Would the effects on the Metis have  
14 been identical to those of the KCNs? Well, we  
15 know that each of the KCNs were provided their own  
16 evaluation process so that distinct impacts could  
17 be identified for each of them, and it wouldn't  
18 even be identical between the KCNs. So I don't  
19 know that -- I can't comment, I didn't conduct the  
20 assessment. I don't believe that the Metis  
21 specific effects would have been identical to any  
22 of the KCNs, just as the KCNs weren't identical to  
23 each other. The point I did make is that the  
24 Metis as an Aboriginal group were not assessed and  
25 the effects on the Metis have not been mitigated.

1 It hasn't been demonstrated how they will be  
2 mitigated as a distinct Aboriginal group, such as  
3 the four KCNs are identified as.

4 And that's the overarching information  
5 gap in the EIS. I have concerns. I have not  
6 conducted the assessment. I have concerns that  
7 Metis specific project effects remain invisible  
8 and will not be detected, so I can't comment.  
9 Because that assessment was not conducted, I can't  
10 comment on your suggestion and the appropriateness  
11 of what you have said more than I just have.

12 MR. BEDFORD: No further questions.

13 THE CHAIRMAN: Thank you. Mr.  
14 Bedford, I will direct this to you since you  
15 represent both the Partnership and Manitoba Hydro,  
16 but yesterday and today there have been a number  
17 of references to this, I believe it was June 2013  
18 agreement between Manitoba Hydro and the MMF.

19 MR. BEDFORD: Yes, June 21, 2013.

20 THE CHAIRMAN: It is now part of our  
21 record. Would it be possible to have that  
22 agreement filed as evidence?

23 MR. BEDFORD: Yes.

24 THE CHAIRMAN: Thank you. Turning to  
25 cross-examination. Who is left? Consumers. Mr.

1 Madden, typically the witness counsel moves to the  
2 table behind and we let -- Ms. Whelan Enns, I was  
3 looking for you and you were getting coffee. Mr.  
4 Williams can go and you can go after him. We  
5 won't ignore you.

6 MR. WILLIAMS: Good afternoon, members  
7 of the panel and also the MMF witnesses. My  
8 questions will be directed to Ms. Stewart.  
9 Certainly you can feel free to chip in, but I  
10 think they primarily relate to her. And if we  
11 could just -- there should be, you should have in  
12 front of you, CAC exhibit dated December 3rd. And  
13 if you wanted to turn to, it is about three pages  
14 in, it is the response to CEC/MMF 46A, page 2 of  
15 3.

16 And Ms. Stewart, I would also ask you  
17 to open and have open your written report, not the  
18 powerpoint, but the written report, and starting  
19 at page 6, and I do have a few questions that go  
20 through your written report. So page 6 of the  
21 written report, and then the answer from the  
22 response to second round MMF 46A.

23 Ms. Stewart, directing your  
24 attention -- just one second please, page 6.  
25 Ms. Stewart, directing your attention to page 6 of

1 your written report, the second bullet at the top,  
2 and the second sentence there; you state that the  
3 Partnership cannot speak with high certainty with  
4 regard to what might constitute a population level  
5 effect on these caribou. Do you see that  
6 statement, Ms. Stewart?

7 MS. STEWART: Yes.

8 MR. WILLIAMS: And in terms of these  
9 caribou you are referring to the summer resident  
10 caribou?

11 MS. STEWART: That's correct.

12 MR. WILLIAMS: In support of that  
13 statement, among the information requests you  
14 reference is the response to MMF second round 46.  
15 Agreed?

16 MS. STEWART: Yes.

17 MR. WILLIAMS: Now, just turning your  
18 attention to MMF second round information request  
19 46A, when we seek to understand what you mean by a  
20 population level effect, can we agree -- it is  
21 line 42 of the response, if you are looking for  
22 it -- that a population effect is defined as an  
23 effect that increases mortality to a sufficiently  
24 high level that exceeds reproduction and  
25 immigration and over time may result in a

1 population that is no longer self-sustaining?

2 MS. STEWART: That's correct.

3 MR. WILLIAMS: Now, just directing  
4 your attention to lines 49 through 51 of that  
5 response -- excuse me, lines 52 to 54 of that  
6 response. You see the statement by the Keeyask  
7 Partners, that given the uncertainty regarding the  
8 affiliation of herd status of summer resident  
9 caribou, it is not possible to speak with high  
10 certainty with regard to population effects on  
11 these animals. Do you see that response?

12 MS. STEWART: Yes, I see that.

13 MR. WILLIAMS: And Ms. Stewart, our  
14 client's question to you is, given this  
15 uncertainty in terms of population level effects  
16 on these animals, is it legitimate to expect that  
17 uncertainty to have an effect on confidence in the  
18 ability to mitigate and manage effects on summer  
19 resident caribou?

20 MS. STEWART: Yes, it certainly  
21 contributes to that uncertainty. With mitigating  
22 we need data, you know, and we need to be able to  
23 measure that the mitigation is effective, and also  
24 have some thresholds and triggers to understand  
25 when we have reached a point that we are going to

1 see that negative response in wildlife. And so in  
2 this case, we don't really know what that trigger  
3 is. We could pass it, and we wouldn't, we just  
4 simply wouldn't know. We don't have the  
5 understanding, and so we wouldn't really be able  
6 to evaluate mitigation that well.

7 MR. WILLIAMS: And this, of course,  
8 contributes to the uncertainty that you have with  
9 regard to conclusions as to the effects remaining  
10 after mitigation?

11 MS. STEWART: Yeah, the type of  
12 information, the data, the knowledge, it all  
13 contributes first to the impact assessment itself,  
14 and then of course to mitigation to address those  
15 impacts. And if we don't have the data and we  
16 have this much uncertainty, we have uncertainty in  
17 that impact prediction and uncertainty in the  
18 mitigation, yes.

19 MR. WILLIAMS: And to a degree in both  
20 your written report and in your powerpoint today,  
21 you are expressing some discomfort with the  
22 dissonance between the confidence expressed by the  
23 Partnership in terms of the effects on summer  
24 resident caribou, given the data limitations?

25 MS. STEWART: Certainly, yeah. And

1 the final summary for caribou, I believe they  
2 concluded a moderate to high confidence or  
3 certainty, I don't have the exact wording in front  
4 of me, but I think here we can safely say there is  
5 high uncertainty.

6 MR. WILLIAMS: Thank you.

7 If I could direct your attention in  
8 your written report to page 9, and the second  
9 paragraph from the bottom?

10 And I have to admit, Ms. Stewart, that  
11 I wasn't really that familiar with the term power  
12 until I had the fortune or misfortune to attend a  
13 recent seminar or two. But, generally, when you  
14 use the word term power, you are referring to the  
15 probability that a statistical test will find a  
16 statistically significant difference when such a  
17 difference actually exists. Agreed?

18 MS. STEWART: Yes.

19 MR. WILLIAMS: And one of the points  
20 you make with regard to the ability of Manitoba  
21 Hydro in the future to detect significant  
22 differences is that they would, their information  
23 is that they would be able to detect a significant  
24 difference 68 per cent of the time for lake  
25 islands, and 65 per cent of the time for peat land

1 complexes?

2 MS. STEWART: Yes, that's correct.

3 MR. WILLIAMS: And the concern that  
4 you are expressing, as I understand it -- and if  
5 you can confirm it, that would be great -- is that  
6 generally, it is generally accepted that the power  
7 should be 80 per cent or -- correct?

8 MS. STEWART: Yes, that's a standard,  
9 we generally work with, that's correct.

10 MR. WILLIAMS: And the authority you  
11 cite for that is the Ellis report from 2010. Is  
12 that correct?

13 MS. STEWART: That's right.

14 MR. WILLIAMS: Would it be possible by  
15 way of undertaking to get an electronic version of  
16 that report?

17 MS. STEWART: I have -- it is a book,  
18 I have a page copied out of it. I can certainly  
19 provide -- well, we could scan it and that could  
20 be provided today.

21 MR. WILLIAMS: Or a paper copy, that  
22 would be fine. If it is only page, I don't think  
23 that the Clean Environment Commission would  
24 chastise me too much for just a page. So the page  
25 would be appreciated.

1 MS. STEWART: Okay.

2 THE CHAIRMAN: I'm not sure what the  
3 board might do.

4 MR. WILLIAMS: Well, Ms. Stewart, just  
5 if you could direct your attention to the top of  
6 page 12 of your written report? And at the top of  
7 page 12 you are recommending that additional  
8 baseline data for caribou use at the lake islands  
9 and peat land complexes be collected to inform the  
10 caribou calving and rearing habitat model;  
11 correct?

12 MS. STEWART: Yes, that's correct.

13 MR. WILLIAMS: Could you elaborate in  
14 terms of what type of information you think should  
15 be collected?

16 MS. STEWART: So, I believe the model,  
17 and I don't have my notes in front of me, was  
18 based on presence, absence on the different  
19 islands, being actual lake islands or the peat  
20 land islands that they are talking about. And so  
21 if it is possible, and I have that "if possible"  
22 in there, that more islands could be sampled, and  
23 I know that they sampled quite a few there, and I  
24 think there is some what they call proxy sites in  
25 Stephens Lake, and some other islands just west of

1 where the actual generating station would be that  
2 were sampled, but not all of them. So if there  
3 are some additional islands there that could be  
4 sampled actually in reservoir and the river, I  
5 think that would be wonderful. And also, I'm not  
6 sure of the extent of peat land island sample site  
7 availability, but if more presence, absence  
8 information from those islands could be collected.

9 MR. WILLIAMS: Why would it be  
10 wonderful? What is the insight that we are going  
11 to get from this?

12 MS. STEWART: Well, it gives you a  
13 larger sample size and it would increase that  
14 power. So, the larger your sample, it just  
15 improves the likelihood that you are going to  
16 detect that effect. You know, I said one-third of  
17 the time you won't detect it, maybe we can knock  
18 that number down to 20 per cent, which would be in  
19 line with that power of 80 per cent that you  
20 mentioned before.

21 MR. WILLIAMS: Okay. Thank you. And  
22 thank you members of the panel.

23 THE CHAIRMAN: Thank you,  
24 Mr. Williams. Ms. Whelan Enns.

25 MS. WHELAN ENNS: Mr. Chair, I have

1 about eight questions I believe, and I think they  
2 should be quick.

3 THE CHAIRMAN: Should I keep count?  
4 Go ahead.

5 MS. WHELAN ENNS: I know there is  
6 concerns about timing.

7 THE CHAIRMAN: Go ahead.

8 MS. WHELAN ENNS: Yes, you might want  
9 to keep count to tell me whether it is seven or  
10 nine.

11 I wanted to ask some questions of  
12 Ms. Stewart first.

13 You mentioned a report at the  
14 beginning of your comments, you mentioned a report  
15 that you received after the IRs period?

16 MS. STEWART: That's right. It was a  
17 report outlining the analysis that were performed  
18 by the Partnership, like habitat models.

19 MS. WHELAN ENNS: 500 pages?

20 MS. STEWART: I think it was about 400  
21 pages of information.

22 MS. WHELAN ENNS: Are we talking about  
23 the same report, Dr. Ehnes' report?

24 MS. STEWART: I actually couldn't  
25 confirm that for you.

1 MS. WHELAN ENNS: Well, then we will  
2 leave it. Thank you.

3 Also, Ms. Stewart, and you may have of  
4 course not be reading the transcripts day to day,  
5 but I wanted to ask you whether or not you are  
6 aware that Dr. Schaefer, in his presentation to  
7 the hearings of the panel, identified -- and this  
8 is to ask your opinion on this matter, okay --  
9 identified that presence and absence, you know,  
10 identification in terms of data and in this case  
11 ungulates, is not the full information. This is  
12 my understanding of what he told us, and that  
13 presence and not detected is the starting place in  
14 terms of monitoring species, again, ungulates, and  
15 that not detected does not always equal absence?

16 MS. STEWART: Yeah, I believe his  
17 statement, and it is also in his paper, is absence  
18 of evidence is not evidence of absence. And you  
19 are asking if I agree with that?

20 MS. WHELAN ENNS: Um-hum?

21 MS. STEWART: Indeed, I do.

22 MS. WHELAN ENNS: Thank you.

23 You also made reference in page 13 to  
24 work by Dr. Schindler and Scurrah, if I'm saying  
25 that name correctly. In your work, and in your

1 work then for the MMF, do you have a preference or  
2 an opinion using telemetry methods and collaring  
3 for the monitoring, again of ungulates, or some of  
4 the new work being undertaken where DNA is used?

5 MS. STEWART: Well, I'm not sure it is  
6 a matter of preference. I think it entirely  
7 depends on the question being asked. Some types  
8 of data are preferable for certain questions and  
9 others are, you know -- so collaring could be  
10 quite useful for certain questions about  
11 distribution, for example. And DNA is a different  
12 subject entirely, it is definitely about the  
13 composition of a population. So I would say it  
14 depends on the question.

15 MS. WHELAN ENNS: All right. Thank  
16 you.

17 Again, this is in relation to slide  
18 50, okay, in terms of your presentation content.  
19 I want to ask you whether you have knowledge of a  
20 project where woodland caribou, in fact, did  
21 return to the pre-project area in the same numbers  
22 and thrived?

23 MS. STEWART: I don't have knowledge  
24 at my fingertips of a -- so let me clarify first,  
25 You are asking if I know of a study or some

1 research that's been done that shows a return to  
2 pre-disturbance conditions?

3 MS. WHELAN ENNS: Location.

4 MS. STEWART: Location?

5 MS. WHELAN ENNS: And numbers and  
6 health?

7 MS. STEWART: No, I don't have  
8 anything at the tip of my tongue.

9 MS. WHELAN ENNS: Thank you.

10 There is a reference, and this goes to  
11 the contents in the IR responses we all received,  
12 but again to ask your opinion, or whether you  
13 formed an opinion whether the summer caribou that  
14 we have been discussing and that you have informed  
15 us about, could be a sub set of the Pen Island  
16 herd?

17 MS. STEWART: I don't have an opinion  
18 on that. I simply don't feel that I have enough  
19 information to really understand what the  
20 composition of that particular herd is.

21 MS. WHELAN ENNS: Thank you.

22 On page 22, this is not strictly on  
23 the page, but it is the stage that we are at in  
24 your presentation. You've identified the two  
25 implementation and rehabilitation plans that are

1 not available yet. What would, or would have been  
2 the ideal in terms of having these plans, and what  
3 would your recommendation be in terms of their  
4 availability?

5 MS. STEWART: Well, ideal for me is,  
6 as always, having data and information in front of  
7 me now, and ideally, before making a decision,  
8 really understanding what mitigation is proposed  
9 and what the expected outcome of the mitigation  
10 is.

11 My recommendation, while I don't know  
12 if it is feasible or not, would be to have that  
13 information available as early as possible,  
14 ideally before a licence is granted.

15 MS. WHELAN ENNS: Thank you.

16 The Keeyask construction site,  
17 assuming a licence will go forward for this  
18 generation station project, will be a fairly large  
19 closed location for a lot of obvious reasons,  
20 including safety, for instance, during  
21 construction, for a fairly, again, noticeable  
22 number of years, somewhere between five and eight.  
23 Okay.

24 I would like to ask you then whether  
25 you would consider this closed site, because we

1 are talking the dykes, the new roads, the  
2 cofferdam, the cement station, all aggregate  
3 collection, the living quarters, it's all of that  
4 in, presumably also, but maybe not, all of the  
5 lake to become a reservoir. The question is  
6 whether you would consider that has a potential  
7 effect in terms of the ability for the MMF to  
8 monitor, to collect data, to finish studies?

9 MS. STEWART: So assuming -- so the  
10 site would be closed for access, and you are  
11 asking whether the Metis would be impacted in  
12 terms of monitoring? Maybe or maybe not. Again,  
13 that depends on the type of monitoring that's  
14 happening and where the monitoring is occurring.  
15 For instance, if it was a zone of influence  
16 question, Metis would certainly be able to monitor  
17 outside of the closed area.

18 MS. WHELAN ENNS: Thank you.

19 I wanted to ask one, I think it looks  
20 like one question for Ms. Birnie.

21 Does the MMF and, again, this goes to  
22 your work for them, assume that an answer received  
23 on a round one or round two IR is correct? Do you  
24 assume that an answer received on a round one IR  
25 that the MMF files is correct? Same question for

1 the answer on a round two IR?

2 MS. BIRNIE: The answer filed by the  
3 Partnership --

4 MS. WHELAN ENNS: Yes?

5 MS. BIRNIE: -- is correct?

6 MS. WHELAN ENNS: Yes?

7 MS. BIRNIE: I have to assume it is.

8 MS. WHELAN ENNS: So in both instances  
9 then, round one or a subsequent question the MMF  
10 would ask in round two?

11 MS. BIRNIE: That the question is  
12 correct or that the response is?

13 MS. WHELAN ENNS: The response is?

14 MS. BIRNIE: Could you provide me a  
15 little bit more context?

16 MR. MADDEN: It is difficult for  
17 Ms. Birnie to speak for the Partnership.

18 MS. BIRNIE: Can I clarify my answer  
19 where I say I would have to assume it is? I would  
20 like to assume in the process that everybody is  
21 answering and providing information honestly.  
22 There could be, in a number of cases, very  
23 different interpretations of statements,  
24 information provided. So while they might say  
25 something in their round two, or round one

1 responses that is considered to be factual by  
2 them, it could be argued as factual by any other  
3 party subject to how that information is  
4 interpreted. It is that --

5 MS. WHELAN ENNS: Thank you. Thank  
6 you for your patience with the question.

7 I'm done, Mr. Chair.

8 THE CHAIRMAN: Thank you Ms. Whelan  
9 Enns. For the record, Mr. Madden, I was going to  
10 agree with your objection but the question got  
11 answered anyway.

12 Ms. Pawlowska-Mainville?

13 MS. PAWLOWSKA: The Concerned Fox Lake  
14 Grassroots Citizens doesn't have any questions at  
15 this time, but we thank you for your  
16 presentations.

17 THE CHAIRMAN: Thank you.

18 I think that's it for participants.  
19 Panel members?

20 Just, I'm not sure if I -- I had a  
21 question here that may have been answered, just  
22 let me check quickly. They have indeed been  
23 answered. So thank you very much.

24 Mr. Madden, any re-direct?

25 MR. MADDEN: No.

1 THE CHAIRMAN: Thank you.

2 Thank you, Ms. Stewart, Ms. Birnie,  
3 thank you for your reports and your presentations  
4 here today, and your responses to questions.

5 Now, it is 10 after 4:00. Do you want  
6 to have Ms. Larcombe start her presentation now,  
7 or in the morning? And do it all in one.

8 MR. MADDEN: I would defer to the --

9 THE CHAIRMAN: Ms. Larcombe, what  
10 would you prefer? Would it be inconvenient if we  
11 broke it up? You might get a third of it out  
12 before the end of the day today.

13 MS. LARCOMBE: No, I'm fine with  
14 getting part of it done today.

15 THE CHAIRMAN: Okay. So let's turn to  
16 your presentation then and begin that. Thank you.

17 If there is a convenient spot about  
18 4:30, shortly before, shortly afterwards, you can  
19 choose when to break.

20 MS. LARCOMBE: I will start as though  
21 I'm fresh for the day -- that's a joke.

22 So it is no longer good morning, it is  
23 good afternoon panel members, ladies and  
24 gentlemen.

25 I have been sworn in. My name is Patt

1 Larcombe. I'm a principle in a Winnipeg based  
2 company called Symbion Consultants. Just for the  
3 record, I'm an independent consultant, I have no  
4 other association with the Manitoba Metis  
5 Federation other than a contracted consultant.

6 I understand my resume has been filed  
7 with the panel, as well as all intervenors, so I'm  
8 not going to waste -- I'm not going to take up  
9 time today tooting my own horn. If anybody has  
10 any questions about my credentials, I would be  
11 happy to answer them later on.

12 You will have to bear with me.

13 So the main purpose of my presentation  
14 today is to advise this panel about what is known  
15 to date about Manitoba Metis traditional use in  
16 the Keeyask area.

17 I think whether it is biophysical or  
18 socio-economic, everybody has a good understanding  
19 that you need to have baseline to understand the  
20 potential effects of any particular project.

21 At the time that the EIS was prepared,  
22 apart from some interviews that had been done in  
23 connection with the Bipole III project, which  
24 coincidentally part of that study area overlaps  
25 the Keeyask study area, that was the sole source

1 of information at that time about Manitoba Metis  
2 traditional use in the Keeyask area.

3           So, it is my understanding that the  
4 Clean Environment Commission's panel, your terms  
5 of reference dated November 14, 2012, refer to a  
6 scoping document prepared by the proponent. When  
7 I say proponent, I mean the Partnership. The only  
8 version of this document that I've been able to  
9 discover was a draft that was dated December 11th.  
10 My understanding is that draft was subject to  
11 public and government review, and there were  
12 comments made, but I have not been able to  
13 actually locate a final version of the scoping  
14 document.

15           I did however discover, looking at the  
16 Canadian Environmental Assessment Agency registry,  
17 that there was in fact a final scoping document.  
18 It is not on that registry.

19           But having said all of that, it is my  
20 understanding that the guidelines that were issued  
21 by the Canadian Environmental Assessment Agency  
22 are largely the same as the final version of the  
23 scoping document prepared by the proponent. And I  
24 rely on that, based on a statement made by Tracey  
25 Braun with the Manitoba Conservation and Water

1 Stewardship when she gave evidence to this panel  
2 on October 21st.

3 It is an exhibit, MCWS 001, where she  
4 is says:

5 "The scoping document was deemed  
6 equivalent to the guidelines for the  
7 preparation of the Environmental  
8 Impact Statement because it had the  
9 same content and review process."

10 So, therefore, based on her statement,  
11 I believe that the final scoping document and the  
12 CEAA guidelines were similar, if not identical,  
13 and that the EIS that was filed by the proponent  
14 on July 6th of last year was directed by the  
15 guidelines, which would be a.k.a. the scoping  
16 document.

17 So why I made that sort of long-winded  
18 preface is that the guidelines, as they relate to  
19 Manitoba Metis traditional use, is that the  
20 guidelines said that the Environmental Impact  
21 Statement, at guideline number 8.34, was that  
22 current and proposed uses of lands and resources  
23 by each Aboriginal group for traditional purposes  
24 was to be considered in the environmental  
25 assessment.

1                   This slide has a number of other  
2 points that are in the guidelines. So that would  
3 be your baseline information.

4                   The guidelines then also say that the  
5 Environmental Impact Statement guideline number  
6 1.13, was to address the effects that the project  
7 may have on current use of land and resources for  
8 traditional purposes by Aboriginal people. And it  
9 goes on to other factors that were to be assessed.

10                  So, as I said at the start of when I  
11 was speaking today, is that when the Environmental  
12 Impact Statement was filed, it is actually very  
13 clear that the proponent did not describe Manitoba  
14 Metis traditional use of lands and resources. And  
15 in fact, they say at volume 2, section 1.2.2.1 on  
16 page 1-7, the EIS says:

17                  "The project effects on domestic  
18 resource use...",  
19 and I assume that the phrase domestic resource use  
20 is synonymous with the language in the guidelines,  
21                  "...are predicted for the KCN  
22 communities only. Use of the local  
23 study area by other Aboriginal groups  
24 has not been identified through the  
25 public involvement program or through

1 direct consultation with Aboriginal  
2 groups and communities. Therefore, no  
3 effects to other Aboriginal groups  
4 have been identified."

5 And then that same paragraph continues on to say  
6 that there was discussions going on with the  
7 Manitoba Metis Federation, as well as other  
8 Aboriginal groups.

9 So it was a very up-front statement in  
10 the EIS that project effects on Manitoba Metis  
11 traditional use of lands and resources was not  
12 identified and it was not assessed.

13 As I'm going to explain later in this  
14 presentation, the arrangement between the Manitoba  
15 Metis Federation to begin to conduct that baseline  
16 research did not occur until June of this year or  
17 a year after the proponent submitted the  
18 Environmental Impact Statement.

19 That gap, the gap of not having the  
20 Manitoba Metis traditional use information is  
21 noted throughout the various rounds of information  
22 requests by the Clean Environment Commission, by  
23 the Canadian Environmental Assessment Agency, and  
24 by the MMF itself.

25 So the rest of my presentation today,

1 I would say, is a start to filling the gap, the  
2 gap in the EIS in terms of what kind of Manitoba  
3 Metis traditional use there is. And then by  
4 having some of that gap filled, it presents the  
5 opportunity to actually assess the effects, and  
6 whether the mitigation measures proposed would be  
7 actually, you know, adequate, and if there would  
8 be any residual impacts after mitigation.

9 So, in terms of a step towards filling  
10 this gap, what I'm going to be presenting on is  
11 some work that I have done, along with a staff  
12 member from the Manitoba Metis Federation, on  
13 discovering what kind of Manitoba Metis  
14 traditional use exists in the Keeyask area.

15 I'm going to be describing what we've  
16 learned based on -- the slide I believe says 30  
17 harvesters, and in a second I will explain how  
18 that number jumps to 35.

19 So we did new interviews in August  
20 through November of this year. And as I mentioned  
21 earlier, we also had done some interviews for  
22 Bipole where those interviewees had traditional  
23 use in an area that overlapped into the Keeyask  
24 area, so their information is added into the pot,  
25 so to speak.

1                   So the big caveat, it is in red text  
2    on the slide, and I apologize for what I'm about  
3    to say, but sometimes life happens. I need to  
4    inform the panel that it was really a matter of  
5    hours before the powerpoint had to be filed by the  
6    deadline last week, I discovered that the data  
7    that I had been analyzing and summarizing so I  
8    could put it into this powerpoint was missing some  
9    interview information. It was not missing  
10   information from the interviews that we had done  
11   this year, but it was missing some information  
12   from the Bipole interviews that were relevant to  
13   this study area. There wasn't enough time to  
14   actually re-analyze all of the data, but  
15   fortunately the staff person with the Manitoba  
16   Metis Federation was able to actually add that  
17   information and print corrected maps for me.

18                   So having said that, the maps that are  
19   in the powerpoint presentation reflect the full  
20   data set of 35 interviews. And the rest of the  
21   information in terms of, you know, the gender, age  
22   brackets, some of the other quantitative  
23   information that's not on the maps represents  
24   information from 30 and not 35 interviews.

25                   Having said that, if the panel wishes

1 at a later date or during the closing, I could  
2 actually update those numbers and provide them.

3 So you heard a bit yesterday from the  
4 MMF's panel some discussion about census data, how  
5 many Metis people there may be up in the Keeyask  
6 area. When I say Keeyask area, I mean the Keeyask  
7 nations, Cree Nations, Gillam, Thompson. We also  
8 have some communities, we call the Bayline  
9 communities that are along the rail line that are  
10 also, I would consider part of that local study  
11 area.

12 So I believe that, depending on  
13 whether you look at the 2006 census data or the  
14 2011 national household survey data, that local  
15 study area has somewhere between 1,600 and 1,900  
16 Metis identified. Assuming a third of those are  
17 older than 15 years of age, the 21 harvesters  
18 that -- the 21 out of the 30 that live in the  
19 local study area would represent a sampling of  
20 about two per cent of the adult Metis population.  
21 And I say that to give you an idea just how small  
22 a sample the information is based on.

23 Having said that, so what I'm  
24 presenting today and the maps that you are going  
25 to be seeing, either today or tomorrow morning,

1 depending on how fast I talk, should be reviewed  
2 with a lot of caution. It is a very small sample  
3 and so by no means can be considered a  
4 comprehensive description of Manitoba Metis  
5 traditional use in the Keeyask study area.

6           The method that was used by me to  
7 document Manitoba Metis traditional use is the  
8 same as we did for the Bipole III study. It was  
9 also the same system that was employed for the  
10 Berens River all-weather road study, and to some  
11 extent for the Pointe Du Bois Hydro project.

12           There is only one member on this  
13 current panel that's heard my dog and pony show  
14 from the Bipole III. So in the interest of time,  
15 I didn't want to go into all of the detail of how  
16 that system was developed and what it does. And  
17 so I submitted some other documents, along with  
18 the powerpoint, that have some of the information,  
19 the background on how the, we call it TLUKS for  
20 short, but it is the traditional land use and  
21 knowledge study system. So I know that there is,  
22 the three documents that are on the slide were  
23 submitted. I also had prepared a fourth document  
24 that was just a summary of the TLUKS system, and  
25 I'm not sure if it was actually accepted by the

1 panel because of the time at which it came in.

2 So maybe at the end of my  
3 presentation, if the panel could confirm whether  
4 they actually received that document or not?

5 So this slide number 6 is a quick  
6 overview, and summarizes the phases and time line  
7 that I went through in terms of the design,  
8 initially the design of the MMF TLUKS system and  
9 some previous implementation.

10 The methodology and tools that are  
11 part of the TLUKS system were created in 2010 and  
12 implemented that year and the following year on  
13 Bipole III and the Berens River road.

14 The bottom of the slide in the brown  
15 or beige text boxes, and it is a subject that's  
16 been discussed a lot over the last two days, was  
17 that the Manitoba Metis Federation commenced their  
18 work on the Keeyask related TLUKS just recently.  
19 The arrangements for that work to be done came  
20 into fruition in June this year, six months ago.  
21 So the detailed interviews concerning traditional  
22 use were only just conducted in August and  
23 November of this year, and the results synthesized  
24 in time to present to this panel.

25 This next slide, number 7, shows the

1 study area that we used for the Keeyask TLUKS  
2 study. You will note that this, and I'm talking  
3 about the red ellipse circle on the map, but that  
4 study area boundary doesn't look like the local or  
5 regional study area boundaries that are in the  
6 Environmental Impact Statement filed by the  
7 proponent. However, what we called a RKS study  
8 area, it does encompass the entirety of the  
9 proponent's local study area and the majority of  
10 what they identified as their regional study area.

11 The rationale for this study area  
12 versus the ones chosen by the proponent is that,  
13 in our view, my view, it better reflects the  
14 spatial area where socio-economic influence of the  
15 proposed Keeyask might be expected to occur. It  
16 includes the landscape between Thompson and the  
17 project site, where there will be a lot of traffic  
18 going back and forth, and it is an area that we  
19 anticipated would be an area that facilitated  
20 access for traditional use activities.

21 Our study area also includes what we  
22 call the Bayline communities, which I think a map  
23 was submitted with the presentation yesterday that  
24 shows -- but for the record, when I say Bayline  
25 communities, I'm referring to Ilford, Pikwitonei,

1 Thicket Portage and Wabowden.

2 So those communities are included in  
3 our study area because those are communities that  
4 rely on the resources in that general area, and  
5 they are also reliant on Thompson for goods and  
6 services.

7 This slide number 8 is more or less  
8 for educational purposes. I know there has been a  
9 discussion about MMF regions, and this slide I  
10 think is a repeat of a slide that may have been in  
11 yesterday's presentation, showing the seven  
12 regional boundaries, administrative governance  
13 boundaries for the Manitoba Metis Federation. The  
14 Keeyask project is situated in the Thompson  
15 region.

16 So, Mr. Chairman, it has just gone  
17 4:30, I could stop here, it is convenient for me.

18 THE CHAIRMAN: Why don't we go another  
19 five or ten minutes, or is this a convenient place  
20 to break? You start to get into a bit of detail  
21 now, so perhaps it might be --

22 MS. LARCOMBE: I'm going to go through  
23 a few more slides.

24 THE CHAIRMAN: Okay.

25 MS. LARCOMBE: So this slide number 9,

1 the box on the left is illustrating the criteria  
2 that the Manitoba Metis Federation considers for a  
3 member, or to be an MMF member. And the box on  
4 the right are the criteria to obtain a harvesters  
5 card from the Manitoba Metis Federation.

6 The criteria are essentially the same,  
7 with the exception that you have to be 18 to be a  
8 full MMF member, because that's a voting right,  
9 whereas the harvester card right is 15 years and  
10 older.

11 I'm not going to go into detail. I  
12 think there was quite a bit of discussion in the  
13 panel yesterday about the issue of membership and  
14 the harvesters card. The only reason I took the  
15 time to put this slide in is to inform the panel  
16 that the individuals that were interviewed and  
17 whose information, the traditional use information  
18 is based on, have met this criteria. So they are,  
19 you know, they are bona fide Metis individuals.  
20 Half of them already have their membership, new  
21 membership card and/or a harvesters card, and the  
22 other half are in the application stage for one or  
23 both of those instruments.

24 So I just want to confirm that the  
25 traditional land use information that is presented

1 in the powerpoint and in my speaking today and  
2 tomorrow, are individuals that are not, they are  
3 not Treaty, they are not KCN members, they are not  
4 members of First Nations anywhere else in Manitoba  
5 or anywhere else in Canada. They are people who  
6 are self-identified as Metis and meet the criteria  
7 that are mentioned on this slide.

8 I am on slide number 10. The  
9 arrangement between the Manitoba Metis Federation  
10 and Manitoba Hydro, as I understand it, was that  
11 the work would involve a sample of 30 harvesters.  
12 I personally don't know how this number was  
13 arrived at or why it was arrived at. I wasn't  
14 involved in those discussions. I just wanted to  
15 put on the record that it wasn't a statistically  
16 valid number that was arrived at for how many  
17 interviews would be done.

18 As I indicate, there were 21 new  
19 interviews that were done this year and added to  
20 existing interview data from interviews that had  
21 been done for the Bipole III study. Half of the  
22 30 interviewees were identified from the 2010  
23 screening survey that was done by the MMF, and the  
24 other half were done through consultation with the  
25 MMF's Thompson regional office.

1                   The newer interviews of this year were  
2 done between August 7th and November 8th. Each  
3 interview takes approximately one to three hours.  
4 We did 21 new interviews, and 20 of those  
5 individuals had traditional use in the Keeyask  
6 study area.

7                   I would like to point out that these  
8 interviews are voluntary. No one is compelled to  
9 participate in an interview. An interviewee can  
10 decide to terminate an interview if they feel like  
11 it. And lastly, that the interviews are  
12 confidential. I'm under confidentiality  
13 arrangements with the Manitoba Metis Federation to  
14 do the type of work that I do, and I also sign and  
15 witness, before I do every interview, a promise,  
16 legal promise to the interviewees that I will  
17 never divulge their personal information.

18                  So the MMF and the work that I've been  
19 doing with them, we call it the TLUKS. It is a  
20 type of approach or methodology that documents  
21 traditional land use, but it differs from some of  
22 the other types of studies or titles of studies  
23 that people may be aware of. One of the most  
24 common ones is called a use and occupancy study.  
25 Sometimes you will get harvest studies or

1 consumption studies.

2                   So use and occupancy studies have  
3 primarily been used for purpose of assembling  
4 information relevant to Aboriginal title and  
5 rights, legal cases. The criteria and type of  
6 information used in litigation or negotiation of  
7 title and rights cases are quite different than  
8 what is necessary to do a traditional land use  
9 study for an Environmental Impact Assessment  
10 setting.

11                   Use and occupancy studies rely heavily  
12 on oral history, because they are trying to  
13 document existence and occupation on the land  
14 since the time of European contact. So, obviously  
15 you have to go through oral history, because  
16 people don't live that long, so that type of study  
17 accepts evidence, second-hand evidence and  
18 third-hand evidence, which an example would be an  
19 elder today sharing information about where their  
20 parents or their grandparents had been on the  
21 land, which as I said, is second or third-hand  
22 information, but it is -- oral history has been  
23 recognized by the courts.

24                   Harvest studies document the quantity  
25 of traditional resources that are harvested. An

1 example would be how many moose by the community,  
2 how many moose per family, how many moose per  
3 harvester. And this type of harvest study  
4 information gives a perspective on the total  
5 amount of resources that are relied upon, either  
6 by the family or by a community.

7 Consumption studies are similar,  
8 except they document the quantities of traditional  
9 resources that are consumed. So they are less  
10 concerned with the number of moose as they are  
11 with the number of kilograms of moose consumed per  
12 capita. It gives a better perspective on the  
13 contribution of traditional resources to the  
14 nutrition and diet of a community.

15 The TLUKS system is designed as a  
16 systematic approach to documenting traditional use  
17 for the purposes of environmental assessment. It  
18 is not been designed to generate information for  
19 litigation, or for title or rights cases, although  
20 it could be useful.

21 The language of the guidelines says:  
22 "The current use of lands and  
23 resources for traditional purposes."  
24 And this is a phrase that I'm seeing across  
25 Canada. I'm seeing it in guidelines from Labrador

1 to the west coast of British Columbia. And  
2 interestingly, it hasn't actually been defined  
3 legally or policy wise. However, the panels that  
4 I'm aware of that have been charged with reviewing  
5 projects generally accept that the phrase  
6 traditional use means within the experience of the  
7 living generation or living memory. This was the  
8 decision that was made by the Voisey Bay panel,  
9 and the Federal panel that has now heard twice the  
10 Taseko Prosperity Gold project also adopted that  
11 understanding that traditional uses within the  
12 lifetime of the generation today, living today.

13 So it is for that reason that the  
14 TLUKS system focuses on documenting only  
15 first-hand information, only the direct experience  
16 of the person who is being interviewed. So, for  
17 example, when I interview a person, even though  
18 there may be other family members that are with  
19 them, a parent, a grandparent, a child, I'm not  
20 documenting what the rest of the family is doing,  
21 I'm only documenting what that particular  
22 individual has told me about their experience.

23 So, the method that we use for  
24 documenting Manitoba Metis traditional use does a  
25 number of things. There is a mapping or spatial

1 component to it. There is a temporal component in  
2 terms of decades and seasons, that uses are being  
3 carried out. It documents what species are  
4 harvested, whether it is harvested for food,  
5 medicine, arts, crafts, fuel wood, all of the  
6 above. It also documents trapping, but does not  
7 document commercial or other cash based, land  
8 based traditional activities.

9           Many of the people that I do interview  
10 have been involved in commercial fishing, but the  
11 TLUKS has not documented that -- doesn't document  
12 that use.

13           The system also documents cultural and  
14 social patterns associated with the activity of  
15 traditional use. For example, we record how a  
16 person learned about doing that particular  
17 traditional activity in that location. Did they  
18 learn it on their own? Were they taught by a  
19 parent or grandparent, or did they learn from a  
20 friend? We also asked who they are participating  
21 in that activity with, in each decade that they  
22 have actually been active in an area. It gives us  
23 an idea of, especially if it is an older  
24 interviewee, you get the time line of in the '40s  
25 they were there with their grandparents or their

1 parents, and you are into the present and they now  
2 have their grandchildren with them. So it helps  
3 you understand the social and cultural aspect of  
4 family involved in traditional use.

5           Lastly, there is just very general  
6 profile information that is also obtained during  
7 the time of the interview, basic demographic data,  
8 age, gender, education, employment, residency  
9 patterns, place of birth. We also document the  
10 place of birth of the interviewee's parents. We  
11 ask how frequently they have consumed country food  
12 or traditional foods in the previous year, and  
13 what types of equipment they own that is often  
14 used in traditional use activities.

15           When there is time and the interviewee  
16 is willing to share, if they have information,  
17 traditional knowledge, including ecological  
18 knowledge, we will document that at the same time.

19           And so that, Mr. Chairman, I think is  
20 a good breaking point.

21           THE CHAIRMAN: Okay. Thank you,  
22 Ms. Larcombe.

23           So we will adjourn in a moment or two.  
24 We have some documents to register.

25           MS. JOHNSON: Yes, we do.

1 Ms. Stewart's report will be MMF 004,  
2 her presentation will be MMF 005. Ms. Birnie's  
3 report will be 006, and her presentation will 007.  
4 Ms. Larcombe's presentation will be MMF 008. And  
5 the Partnership has also filed a JKDA which will  
6 be KHLP 078, and the TLUKS agreement with MMF will  
7 be KHLP 079.

8 (EXHIBIT MMF 004: Ms. Stewart's  
9 report)

10 (EXHIBIT MMF 005: Ms. Stewart's  
11 presentation)

12 (EXHIBIT MMF 006: Ms. Birnie's  
13 report)

14 (EXHIBIT MMF 007: Ms. Birnie's  
15 presentation)

16 (EXHIBIT MMF 008: Ms. Larcombe's  
17 presentation)

18 (EXHIBIT KHLP 078: JKDA)

19 (EXHIBIT KHLP 079: TLUKS agreement  
20 with MMF)

21 THE CHAIRMAN: Thank you. Again,  
22 thank you to Ms. Stewart and Ms. Birnie.

23 Ms. Larcombe, we will see you tomorrow  
24 morning. So we are adjourned until 9:30 tomorrow  
25 morning. See you all then.

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(Adjourned at 4:45 p.m.)

## OFFICIAL EXAMINER'S CERTIFICATE

Cecelia Reid and Debra Kot, duly appointed  
Official Examiners in the Province of Manitoba, do  
hereby certify the foregoing pages are a true and  
correct transcript of my Stenotype notes as taken  
by us at the time and place hereinbefore stated to  
the best of our skill and ability.

-----  
Cecelia Reid  
Official Examiner, Q.B.

-----  
Debra Kot  
Official Examiner Q.B.

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