

MANITOBA CLEAN ENVIRONMENT COMMISSION

MANITOBA-MINNESOTA TRANSMISSION PROJECT

VOLUME 2

* * * * *

Transcript of Proceedings
Held at RBC Convention Centre
Winnipeg, Manitoba
TUESDAY, MAY 9, 2017

* * * * *

CLEAN ENVIRONMENT COMMISSION

Serge Scrafield - Chairman
Laurie Streich - Commissioner
Reg Nepinak - Commissioner
Ian Gillies - Commissioner
Cathy Johnson - Commission Secretary
Cheyenne Halcrow - Administrative Assistant
Mike Green - Counsel

DEPARTMENT OF SUSTAINABLE DEVELOPMENT

Elise Dagdick
Tracey Braun

MANITOBA HYDRO

Doug Bedford - Counsel
Janet Mayor - Counsel
Shannon Johnson
Maggie Bratland
Glen Penner
Shane Mailey
Jennifer Moroz

PARTICIPANTS

CONSUMERS ASSOCIATION OF CANADA (Manitoba chapter)

Gloria DeSorcy - Executive Director
Joelle Pastora Sala - Counsel
Max Griffin-Rill

SOUTHERN CHIEFS' ORGANIZATION

James Beddome - Counsel
Grand Chief Daniels

PEGUIS FIRST NATION

Jared Whelan
Wade Sutherland
Den Valdron - Counsel

MANITOBA METIS FEDERATION

Jason Madden - Counsel
Megan Strachan
Marci Riel

MANITOBA WILDLANDS

Gaile Whelan Enns

PARTICIPANTS

SOUTHEAST STAKEHOLDERS COALITION

Kevin Toyne - Counsel

Monique Bedard

Jim Teleglow

DAKOTA PLAINS WAHPETON OYATE

Warren Mills

John Stockwell

Craig Blacksmith

INDEX OF PROCEEDINGS

Hydro Project Description Panel presentation: Ms. S. Johnson Mr. S. Mailey Mr. J. Matthewson Mr. D. Swatek	
Questions by Mr. Mills	249
Hydro Engagement Panel presentation: Sarah Coughlin Trevor Joyal Lindsay Thompson Deirdre Zebrowski	262
Questions by Mr. Beddome	297
Questions by Mr. Valdron	329
Questions by Ms. Strachan	357
Questions by Ms. Whelan Enns	365
Questions by Mr. Mills	379
Questions by Mr. Toyne	393
Questions by Ms. Pastora Sala	454
Questions by the CEC Panel	479

INDEX OF EXHIBITS

MH-024 Part 1 of Engagement Panel presentation	481
MH-025 Part 2 of Engagement Panel presentation	481

INDEX OF UNDERTAKINGS

NO UNDERTAKINGS

1 TUESDAY, MAY 9, 2017,

2 UPON COMMENCING AT 9:30 A.M.

3 THE CHAIRMAN: Good morning everyone,
4 and welcome to our second day of hearings into the
5 Manitoba-Minnesota Transmission Project.

6 Before we move onto the next item on
7 the agenda, it's my understanding that Manitoba
8 Hydro has some follow up to questions from
9 yesterday.

10 MS. MAYOR: Good morning Mr. Chairman,
11 thank you.

12 The last question I believe that was
13 asked yesterday by Mr. Blacksmith was in relation
14 to agreements between Manitoba Hydro and Minnesota
15 Power, and we wanted to -- that was left with us
16 to answer. So we wanted to advise that there is a
17 transmission to transmission interconnection
18 agreement for the Dorsey to Iron Range
19 International Power Line between Manitoba Hydro
20 and Minnesota Power. It was filed in Manitoba
21 Hydro's application to the National Energy Board,
22 which was filed on December 16, 2016. And it's
23 found as appendix 26 -- pardon me, appendix 24 to
24 that agreement. So that is publicly available.
25 There are other agreements that have been filed

1 with FERC, which is the Federal Energy Regulatory
2 Commission, but those are only in relation to the
3 Great Northern Transmission Line in Minnesota.
4 But those can also be found on their website. So
5 we wanted to clarify that and answer that.

6 As well, during Mr. Mill's
7 questioning, he had indicated that he wanted to
8 discuss some issues in relation to the width of
9 right-of-ways, as well as other U.S.
10 interconnections, and the right-of-ways, tower
11 heights and tower spacings of those
12 interconnections. He didn't particularly ask any
13 questions but he did indicate that those issues
14 would be raised with a later construction panel.

15 I have indicated this morning to
16 Mr. Mills and to Ms. Johnson that those questions
17 are appropriately for this panel. So before we
18 dismiss this panel, we wanted to indicate that to
19 Mr. Mills and afford him the opportunity to
20 question this panel before it's dismissed on those
21 specific items. Thank you.

22 THE CHAIRMAN: Okay. Thank you very
23 much. I'll start then with Mr. Blacksmith. Do
24 you have any follow-up to that response?

25 MR. BLACKSMITH: Could she give that

1 information again?

2 THE CHAIRMAN: Yes, I wonder if you
3 could repeat the information a second time? Sorry
4 about that. Thanks.

5 MS. MAYOR: Yes, there is an agreement
6 in place, it's entitled the Transmission to
7 Transmission Interconnection Agreement for the
8 Dorsey/Iron Range International Power Line. It is
9 an agreement between Manitoba Hydro and Minnesota
10 Power. It is filed with Manitoba Hydro's
11 application to the National Energy Board. That
12 was filed on December 16th, 2016. It is on the
13 National Energy Board website and is found as
14 appendix 24 to Manitoba Hydro's filing.

15 THE CHAIRMAN: Thanks.
16 Mr. Blacksmith, does that answer your question?

17 MR. BLACKSMITH: Thank you.

18 THE CHAIRMAN: Mr. Mills, any
19 follow-up to that issue of the right-of-ways? It
20 appears the correct place for that is from
21 yesterday's panel and, well, today's panel, as
22 opposed to a later one.

23 MR. MILLS: Thank you, Mr. Chairman.
24 I'll try and cooperate. This does take me as a
25 bit of a surprise and I wasn't prepared for this,

1 and I would have appreciated that. I will attempt
2 to hack through it, but if I miss points I will be
3 coming back to it during construction, if that's
4 all right with you? I will attempt to cover it
5 now, but what I'm saying is, not having had any
6 advance notice or prep time for this, if there are
7 points that I recognize that I have missed, I'm
8 going to ask that I be able to bring those forward
9 in the future and not be cut off that this issue
10 has been covered.

11 THE CHAIRMAN: Let me just take a
12 minute here then to ask Hydro, will there be
13 anyone able to answer any questions that might
14 arise later on this issue? Is that a possibility,
15 if there's advance notification?

16 MS. MAYOR: Well, certainly if the
17 construction panel isn't able to answer the
18 questions, and of course it will depend on what
19 the questions are, Manitoba Hydro can always
20 provide the answers by way of undertaking.

21 THE CHAIRMAN: Okay, thanks.

22 MR. MILLS: Great. Then let's do it.

23 Good morning, Mr. Chairman, thank you
24 again. Good morning, panel. I may hop around a
25 bit, as I just indicated, I wasn't really prepared

1 for this.

2 Dakota Plains is concerned for Mother
3 Earth, and we've been asked to look at what you
4 are doing and how you are doing it. And we've
5 been asked to challenge your process and technique
6 and see if there are any less intrusive, less
7 significant approaches to this work. So we look
8 at your desire for an 80 and 100 metre
9 right-of-way. And I'm neither an engineer nor a
10 scientist, I'll use plain language. We just don't
11 get it. We look at the fact that this 80 and 100
12 metre wide right-of-way will connect at the border
13 to, I believe, a 50 or 60 metre right-of-way,
14 identical construction, identical load, identical
15 current flow, identical use, probably close to
16 identical construction technique, certainly a
17 North American standard safety style. Yet you
18 folks seem to need a 40 per cent greater cut
19 through Manitoba than you're connecting to.
20 We go on and look around. We look at the Labrador
21 Muskrat Dam project. We went looking for a larger
22 more significant load, and we find I believe a 75
23 or 100 kVa line running through a similar mixed
24 use that seems to be able to do this in the 33 per
25 cent less right-of-way width than you seem to

1 require.

2 Then we look at Bipole III, all be it a DC line,
3 and we acknowledge that, but similar load,
4 probably near identical tower structures. And
5 that work apparently is successfully proceeding
6 with a 66 metre wide right-of-way.

7 Then we go to British Columbia and we ask them
8 what their 500 kVa right-of-way typical width it
9 is, and they tell us it's 50 metres.

10 We look into Saskatchewan at kVa right-of-ways,
11 and we find 50 metres.

12 And I ask you, Manitoba Hydro has an existing 500
13 kVa connection to the United States. What is the
14 width of that right-of-way?

15 MR. SWATEK: Thank you very much for
16 your question, Mr. Mills.

17 MR. MILLS: It's a very simple answer.
18 What is the width of the existing?

19 MR. SWATEK: The width of the existing
20 right-of-way is 76.2 metres.

21 MR. MILLS: I see. So I would
22 anticipate that there are great reasons that you
23 can provide us with why you need such a width.
24 But at a time when we have farmers upset, we have
25 such angst surrounding the capital cost of

1 Manitoba Hydro projects, for so many reasons, the
2 environment, I understand that project cost is
3 probably off scope having been reviewed by PUB,
4 but is it at all possible that this width is
5 really just too many engineers in the room
6 multiplying too many safety factors and arriving
7 at an arguably absurd conclusion that does not
8 respect the reality of constituencies north,
9 south, east and west of Manitoba?

10 MR. SWATEK: I can speak to the
11 right-of-way width for our existing 500 kV line
12 and the proposed MMTP.

13 The right-of-way width is governed by
14 the conductor blowout. We need to contain the
15 conductor within the right-of-way. The conductor
16 blowout is determined by the span length and
17 conductor height, as well as conductor properties.
18 Now, the existing right-of-way is 76.2 metres
19 wide. The proposed MMTP right-of-way will be four
20 metres more. This additional width is to allow
21 for a wider -- is to allow for a wider crossarm
22 width within the tower. Here, just to give you
23 some numbers, the crossarm width for the existing
24 M602I is 13.4 metres. The crossarm width for MMTP
25 will be 16.7 metres. The reason for the increase

1 is to allow additional safe working clearances
2 within the tower head. We do require to perform
3 live line maintenance on these lines. Currently
4 on the existing M602I tower we are able to perform
5 live line maintenance on the two exterior phases.
6 These are the conductors that are suspended from
7 the ends of the crossarm. But we are prohibited
8 from performing live line work within the tower
9 window. There is just not enough room to perform
10 that work safely. So we have allowed additional
11 width to perform safe live line work within the
12 tower window. And the additional four metres that
13 we have added translates directly to the
14 additional width of the right-of-way.

15 MR. MILLS: Thank you.

16 I understand what you said, but it
17 seems to me that still the width is driven by your
18 decisions. And we have existing -- the existing
19 500 kVa line that you refer to, have you had any
20 live line or safety incidents, or have you had any
21 issues or concerns over the, I believe, over 40
22 years of its operation?

23 MR. SWATEK: Yes.

24 MR. MILLS: You have?

25 MR. SWATEK: We have had two live line

1 accidents while performing live line work. Both
2 accidents occurred within the tower window. One
3 was in 1997 and the other in 2002. Now, following
4 those accidents, live line work was suspended
5 while we carried out exhaustive investigations.
6 We eventually went back to work, went back to
7 performing live line work on the exterior phases,
8 but it was determined we simply do not have safe
9 clearance to work safely within the tower window.

10 And when I'm speaking about the tower
11 window, it's very convenient that we have this
12 slide on the screen. By the tower window, that's
13 well -- this is what I refer to by the tower
14 window. We can safely -- oh, okay. We are able
15 to safely perform live line work in this space
16 here but we cannot work in this space. So for the
17 new MMTP line, we have allowed additional
18 clearance, additional safe working clearance
19 within the tower window.

20 MR. MILLS: Thank you. I understand
21 what you say, but I still have illogical issues
22 coming to me.

23 First of all, if there have been
24 accidents, I pray that no one was hurt and I am
25 sincerely sorry to hear that. I noted that as

1 James gave us the fly-over, there's an area of the
2 project where you're swapping an existing --
3 you're going to take this on to an existing
4 right-of-way for quite some period of time. Are
5 you going to be widening that right-of-way to
6 include and allow for the concerns that you seem
7 to have that require this 80 or 100 metre width?

8 MR. SWATEK: We are using the existing
9 right-of-way --

10 MR. MILLS: Yes.

11 MR. SWATEK: -- in the Riel/Vivian
12 corridor, and that right-of-way is wide enough to
13 accommodate these concerns.

14 MR. MILLS: I see. Do you have these
15 concerns for Bipole III where you're 500 kVa DC
16 but on a 66 metre wide right-of-way?

17 MR. SWATEK: The right-of-way does not
18 factor into the HVDC live line work. That work is
19 done from the tower to the conductors on the
20 suspended crossarms. We have not had -- we have
21 not had a live line accident on the HVDC line, but
22 of course as a result of our experience on 500 kV
23 AC, we have also spent a lot of effort looking at
24 the safe work procedures for live line work on
25 HVDC.

1 MR. MILLS: Thank you, David.

2 If it was a condition of the licence
3 that you may ultimately receive for this project
4 that you re-examine the width of the right-of-way,
5 in light of what have other surrounding
6 constituencies seem to be able to do this work in,
7 would you ever see a possibility of Hydro finding
8 a crossarm width or a safe operating procedure
9 that would allow the cut through Manitoba to be
10 reduced by 10 or 20 or 30 per cent?

11 MR. SWATEK: I don't see that, no.

12 MR. MILLS: So what everyone else does
13 at 50 and 60, Manitoba Hydro must have 80 and 100?
14 That's your position?

15 MR. SWATEK: I'm not sure if that's
16 a -- is that a question?

17 MR. MILLS: That's fine.

18 MR. SWATEK: Are you asking about the
19 Great Northern Transmission Line in the U.S.?

20 MR. MILLS: Yes. You connect to, I
21 believe, a 56 metre right-of-way at the 49th
22 parallel.

23 MR. SWATEK: We connect to a 60 metre
24 right-of-way. In fact, it is -- the Great
25 Northern Transmission Line, the right-of-way is 61

1 metres wide within the right-of-way, and they
2 allow for 91.5 metres around their towers.

3 MR. MILLS: Okay. Could you work to
4 that?

5 MR. SWATEK: The 91.5 metres around
6 the towers is remarkably similar. In fact, I
7 thought it was closer to -- it is very similar to
8 the right-of-way widths that we have. There were
9 different design approaches taken. It is my
10 understanding that for the Great Northern
11 Transmission Line, they used a probabilistic
12 approach to the right-of-way width, which means
13 they allow for the potential that they might be
14 violating criteria on the edge of the
15 right-of-way. And when that is found to be the
16 case, they would go back out and acquire more
17 right-of-way.

18 Manitoba Hydro uses a more robust
19 approach, where we go for what we consider to be
20 the right-of-way required, so that we avoid having
21 to go back out and take more.

22 MR. MILLS: David, I'm hearing you
23 telling me that 80 and 100 is remarkably similar
24 to 60 and 80?

25 MR. SWATEK: I'm saying that --

1 MR. MILLS: I would disagree.

2 MR. SWATEK: -- 91.5 is remarkably
3 similar to the 100 that we have around our guyed
4 towers. It's certainly much more than the numbers
5 you began with.

6 MR. MILLS: You have two right-of-way
7 widths, 80 and 100. What percentage of the line
8 is built to 80 and what percentage of the line is
9 built to 100?

10 MR. SWATEK: About 25 per cent of the
11 line would be built to 100.

12 MR. MILLS: You know, sir, with
13 respect, I hear your answers. We're just simple
14 folk, but we don't understand how this can connect
15 to something of a reasonably narrower
16 right-of-way. And it seems to us to speak to not
17 only the concern to Mother Earth, but the concern
18 for the cost of the project, and the concern for
19 the physical scar left on the environment. But I
20 have heard your answers and we can agree to
21 disagree.

22 MR. SWATEK: Well, I do have more -- I
23 did say at the onset of my response that the
24 right-of-way width is governed by the conductor
25 blowout. In Manitoba, we design for a maximum

1 span length of 500 metres. This allows for the
2 minimum number of towers on the right-of-way. It
3 is my understanding that a shorter span length is
4 used on the Great Northern Transmission Line
5 portion. This would result in less conductor
6 blowout, but more towers on the right-of-way.

7 MR. MILLS: Well, that's new
8 information, and you don't provide that decision
9 matrix in your EIS anywhere. You give it to us as
10 a decision made.

11 MR. SWATEK: The EIS refers to the
12 MMTP line in Manitoba.

13 MR. MILLS: Yes. And the EIS
14 indicates that 80 and 100 are givens, and we have
15 always had the sense that 80 and 100 are variables
16 that are arrived from other matters. And I'd
17 suggest you have confirmed that, and I'm not here
18 to debate or get rhetorical with you, but from the
19 perspective of Mother Earth, we just want to be
20 clear that we think that there's work that could
21 be done to reduce the width of the right-of-way.
22 We're going to talk about work that could be done
23 to leave the right-of-way in a more natural
24 vegetative state. I take it that that is for the
25 construction panel?

1 MR. SWATEK: Yes, that is.

2 MR. MILLS: Okay, great. Thank you.

3 We had some other concerns, is this
4 the panel -- or was just right-of-way widths a
5 matter to be discussed here? I realize we have a
6 schedule and I wasn't expecting to consume this
7 time.

8 I guess all we can say then, David, is
9 thank you for Hydro's opinion as to why you need a
10 larger right-of-way width than any other
11 constituency I can find in Canada or the northern
12 United States to do this type of work. And if you
13 can find a 100 metre right-of-way on a 500 kVa
14 line through analogous land cover, I'd love you to
15 tell me about it, because we don't think it
16 exists. But I'll leave that to you, and I'll be
17 around, so if you find that right-of-way, let us
18 know.

19 Thank you, Mr. Chairman.

20 MR. SWATEK: All right. And thank you
21 for your questions.

22 THE CHAIRMAN: Thank you. Thank you
23 both.

24 From Manitoba Hydro then, does that
25 conclude the additional information you wanted to

1 present in follow-up to yesterday?

2 MS. S. JOHNSON: Yes, it does.

3 THE CHAIRMAN: Okay. Thank you. That
4 brings us then to part two of the Hydro
5 presentation engagement, and I'll turn it over to
6 you.

7 Are you ready to go? Go ahead.

8 MS. JOHNSON: Could you please state
9 your names for the record?

10 MR. JOYAL: Trevor Joyal.

11 MS. THOMPSON: Lindsay Thompson.

12 MS. COUGHLIN: Sarah Coughlin.

13 MS. ZEBROWSKI: Deirdre Zebrowski.

14 (Panel sworn or affirmed)

15 MR. JOYAL: Good morning everybody.

16 Today we will be speaking about public engagement
17 and the First Nation engagement process. I am
18 Trevor Joyal with the licensing and environmental
19 assessment group at Manitoba Hydro, and I will be
20 focused on the public engagement process. I am
21 sitting here with Ms. Lindsay Thompson, Ms. Sarah
22 Coughlin and Ms. Deirdre Zebrowski, who will be
23 speaking on behalf of the First Nation and Metis
24 engagement process.

25 So we have two processes that we

1 undertake in the environmental assessment process,
2 focusing both on public and on First Nation and
3 Metis.

4 Throughout the development of the
5 engagement process, these guiding principles
6 listed here were always at the front of our minds.
7 These principles allowed us to develop a process
8 that built relationships and gathered information
9 to be incorporated into the project at various
10 stages. As outlined in section 3.2 and 3.3, we
11 aimed to develop a process that considered
12 regulatory guidelines and industry standards. The
13 guiding principles listed here are reflective of
14 the Canadian Environmental Assessment Act
15 Guidelines and National Energy Board Electricity
16 Filing Manual. These principles are reflected
17 through the various feedback and engagement
18 mechanisms utilized throughout the process. We
19 aim to be responsive to concerns, respectful to
20 communities, adaptive in our process and to
21 include and make the process available to as many
22 people as possible.

23 The International Association of
24 Public Participation and the International
25 Association of Impact Assessment have developed

1 best practices, core values of public
2 participation, and a code of ethics for engagement
3 practitioners. These industry standards,
4 regulatory documents, best practices, and lessons
5 learned from previous projects, lead to the
6 development of the ongoing engagement process.

7 As listed here, we develop goals for
8 the process to drive the development and
9 utilization of different mechanisms for collecting
10 and sharing information. We aim to meet these
11 goals by involving the public throughout the route
12 selection and environmental assessment stages,
13 providing clear, timely and relevant information
14 and responses, delivering an engagement process
15 that was both adaptive and inclusive; informing
16 the public as to how their information and
17 feedback was used and to document and report on
18 the feedback we received.

19 The CEC report for the Bipole III
20 Transmission Project outlined some key concerns
21 and criticisms of the engagement process, and we
22 aim to address these concerns in the development
23 of the process for this project and other projects
24 within Manitoba Hydro. As this transmission line
25 was potentially going to affect the farming

1 community, engagement activities aim to avoid
2 harvest and seeding times. In addition, we
3 understood the difficulty in attending venues,
4 therefore, we added more venues, added weekends
5 and added more time to our events to accommodate
6 participant schedules. We aimed to notify and
7 involve as many individuals as possible, early in
8 the process, by using broad notification and we
9 always had information readily accessible.

10 We developed numerous pieces of material in plain
11 language that assisted in learning not only about
12 the project, but the environmental assessment and
13 regulatory process. We continue to maintain the
14 project information line and e-mail address, and
15 it wasn't viewed as a complaint line but as a
16 means for interested individuals to speak with a
17 Manitoba Hydro representative. We have worked
18 with potentially affected landowners one on one
19 throughout the preferred route phase and have
20 continued our ongoing engagement process.

21 Tied to the CEC report, clause 8 was
22 part of the Environment Act licence provided to
23 the Bipole III Transmission Project. This clause
24 was developed based on recommendation 9.3 of the
25 CEC report for the same project. This

1 recommendation required us to revisit and discuss
2 with landowners in agricultural areas where a half
3 mile alignment was not utilized. It was presented
4 through the hearing that the half mile alignment
5 was the least intrusive alignment in agricultural
6 activities. We worked with landowners among seven
7 sites and our results showed that four of the
8 seven preferred the half mile alignment, whereas
9 the other three preferred the towers to be offset
10 in the field. This demonstrated to us that
11 routing preferences within agricultural areas will
12 vary from landowner to landowner. And they will
13 view potential impacts to their operations
14 differently.

15 We aim to develop a process where we
16 could work with potentially affected landowners
17 earlier in the process to understand each
18 landowner and their land holding. We continue to
19 learn lessons from this process as well from other
20 Manitoba Hydro projects, such as providing
21 participants with more frequent notification,
22 providing more online options to gather
23 information and to provide feedback.

24 The process developed contains
25 multiple rounds of engagement closely tied to

1 milestones within the route selection process.

2 I'll walk you through each step from our
3 pre-engagement strategies through to our ongoing
4 engagement process that's currently being
5 undertaken.

6 Beginning in July 2013, we prepared to
7 present alternative routes to the project and we
8 began by casting the net wide to the public and
9 stakeholder groups to initiate dialogue about the
10 project. Over 100 groups from government
11 agencies, agricultural groups, recreation groups
12 and environmental groups were identified and
13 subsequently contacted. This stage aimed to
14 understand the level of interest of each group
15 regarding the project and its components. A
16 letter, a subsequent phone call and a brief survey
17 assisted in developing a process for each group as
18 to how they wished to participate. At this stage
19 we also launched the project website, sent out
20 over 25,000 postcards in southeastern Manitoba.
21 An e-mail sign-up option was provided and the
22 project e-mail and phone line were readily
23 available.

24 From October 2013 to April 2014,
25 thousands of postcards and letters were sent out

1 to individuals, to inform them of the potential
2 alternative routes and to describe the project in
3 more detail. We began by identifying primary
4 concerns and preferences from participants, and
5 began developing route modifications to be
6 considered in our route evaluation process.
7 Through many discussions, we learned more about
8 how participants wished to see the transmission
9 line developed and how they wished to be notified.
10 Feedback received from a stakeholder group lead us
11 to begin working directly with a local outfitter
12 in the area. Many participants shared their
13 stories with us and we gained an appreciation of
14 various elements on their landscape and, in
15 particular, the importance of the ability of
16 subdividing landholdings.

17 From April to August 2014, options
18 were narrowed and we saw more local involvement of
19 those along the alternative routes and the
20 preferred border crossing. Throughout this round
21 we continued with broad notification and sent
22 thousands of letters, and we received the largest
23 amount of feedback and saw the highest number of
24 participants at this time. We received over 400
25 completed forms and over 650 people signed in at

1 our public events.

2 The closer route options at this stage
3 assisted in getting to know local community
4 members more personally and assisted in creating
5 relationships. The feedback we received
6 throughout the process lead to adjustments in the
7 engagement process as we continued into round
8 three and assisted in the development of various
9 mitigative segments to address concerns raised by
10 local landowners.

11 During October and November of 2014,
12 there was a need to relocate the border crossing
13 location due to concerns raised with the Piney
14 Pine Creek Airport. We worked closely with the RM
15 of Piney, and notified stakeholder groups and sent
16 letters to landowners in the area under
17 consideration. These letters invited individuals
18 to attend an open house, or to contact us to
19 discuss this change. We met with the predominant
20 landowner and they outlined on site where their
21 future development would be potentially developed.
22 This predominant landowner also developed an
23 alternative option that was presented and remained
24 completely on their property. Through these
25 discussions, the modification developed was

1 accepted as part of the preferred route.

2 Subsequently in round three, a slight
3 adjustment was made to the alignment by the
4 primary landowner to accept the transmission line
5 on their property, to minimize the potential
6 effects on their neighbour's smaller 40-acre
7 parcel.

8 From January 2015 to the filing of the
9 EIS, we took the learnings from round two and we
10 adjusted the PEP to include more frequent e-mail
11 notices, more one-on-one discussions through
12 landowner information centres and meetings, and
13 the utilization of registered and express post
14 letters to ensure landowner receipt.

15 For round three we utilized broad
16 notification to notify the route planning area
17 where the preferred route had been determined.
18 For this round we sent thousands of letters out to
19 landowners who were potentially affected and to
20 those who had a metre within one mile of the
21 transmission line. These letters invited
22 landowners to discuss their landholdings in person
23 with us. To accommodate schedules in the two
24 larger communities, being LaBroquerie and
25 Ste. Anne, we held events over four days in each

1 community. We also added an additional hour to
2 our public events in the evening, and weekend
3 events to allow more time and options for
4 individuals to discuss the project with Manitoba
5 Hydro. The feedback received assisted in the
6 development of numerous mitigative segments to
7 address the concerns of participants, such as the
8 use of Fire Guard 13.

9 So, what did we do with all this
10 information? As outlined in figure 3-2, our
11 process aimed to identify interested individuals,
12 notify the best to our ability, engage with as
13 many people as we could, and to collect their
14 feedback. I'll walk you through each stage of the
15 process that was undertaken for each round of
16 engagement.

17 The goal at this stage in any round
18 and at the onset is to identify who may have an
19 interest or potentially have a direct effect from
20 the project. Landowners from across southeastern
21 Manitoba were potentially affected and, therefore,
22 we identified them early and different mechanisms
23 were used to reach out. Groups identified
24 included a wide range of interests on the
25 landscape.

1 In this pre-engagement stage of the
2 project, interested parties were identified and
3 subsequently contacted, to understand their level
4 of interest. Some indicated they had no interest.
5 Others wanted to participate in any event we were
6 to hold. Some noted other potential interest
7 groups, and others indicated they would like to
8 just be kept informed. Groups were able to inform
9 us whether they wished to have more or less
10 involvement as the project progressed, and were
11 able to provide us with insight as to who else in
12 the area may have an interest or be able to
13 disseminate information to their membership.

14 For those we were unable to contact
15 throughout the process, we continued to keep them
16 informed as we moved forward and encouraged them
17 to become more involved if they wished.

18 We offered various engagement
19 mechanisms for the public to share their concerns
20 and feedback with us. We held 39 open houses and
21 landowner information centres and held numerous
22 meetings. The engagement mechanisms aim to
23 provide participants with in person discussions,
24 the ability for them to share information through
25 not only materials, but mapping, and to have their

1 questions answered. These mechanisms allowed us
2 to know more about the landowner and stakeholder
3 groups, to understand their values and what was
4 important to them.

5 The maps shown here shows the 39 open
6 houses and landowner information centres that were
7 held in 15 different communities from southwest of
8 Winnipeg, in Headingley, along the Riel to Vivian
9 corridor, in Anola and Dugald, down to the border
10 crossing near Piney.

11 Notification was key in informing the
12 public and potential interest groups of the
13 project. Utilizing broad notices early in the
14 process, as well as different formats, allowed us
15 to reach many individuals in southeastern
16 Manitoba. Thousands of letters were sent out each
17 round, tens of thousands of postcards sent
18 throughout the process, over 13,000 e-mails sent
19 through e-mail campaign that now notify over 775
20 individuals who wish to be kept informed of the
21 project.

22 The PEP aimed to provide participants
23 with multiple ways for Manitoba Hydro to collect
24 information. These multiple methods were treated
25 and categorized in the same manner to be

1 considered in various stages. The forms were
2 available online, as a hard copy, or as an
3 electronic submission. The project e-mail address
4 and phone line served as a valuable tool in
5 addressing concerns and documenting information
6 provided by individuals.

7 We developed a project business card
8 and provided it to each participant to public
9 events, to serve as a wallet size reminder of the
10 website, e-mail address, and phone number to
11 contact us, as there's always a question that
12 comes to mind once they have left the venue.

13 Once we received information and
14 feedback, it was documented and then was
15 categorized to assist and render the feedback
16 accessible for various team members to utilize.

17 Categorization -- and then the public
18 concerns database as outlined in section 3.4.7
19 began as indicating whether the comment was, say a
20 concern, something site specific, a preference, a
21 route modification request. Following this
22 initial categorization, there were 22
23 subcategories for feedback to be coded, and
24 included things such as wildlife, infrastructure
25 and services, public engagement process, access

1 concerns. This categorization allowed EA
2 specialists on the project, and the PEP team, in
3 easily maneuvering through the data to address or
4 to consider the comments received through the
5 various engagement mechanisms.

6 Once categorized, information could be
7 sorted for use by team members. This included the
8 environmental assessment information, such as
9 wildlife locations or cultural practices,
10 including routing considerations for multiple
11 mitigative segments to address local concerns, or
12 allowed the PEP team to consider positive and
13 negative comments of the process to adapt as we
14 moved forward.

15 Concerns and questions we heard that
16 we would consider out of scope, such as concerns
17 with distribution, were provided to our local
18 service centres or the appropriate departments to
19 assist in getting responses or having action taken
20 for the landowner.

21 In addition, tower placement was
22 discussed with landowners throughout round three
23 of the process. The locations of tower preference
24 locations were provided to the design team to
25 consider when spawning each structure.

1 Information about their property, the contact
2 information, access concerns or bio-security
3 issues were also documented and shared with land
4 agents and will be shared with construction crews
5 as we progress through various stages of the
6 process. We aim to be responsive to questions
7 provided by the public, and categorize questions
8 found in comment sheets or landowner forms.
9 Responses were sought from the appropriate
10 departments or specialists in response, and
11 responses were sent by the preferred method of the
12 participant, whether being by phone, e-mail or by
13 letter.

14 In order to understand various aspects
15 of the project, over 60 informational pieces were
16 used. This included posters, newsletters, story
17 boards and handouts, and were also offered in
18 French if they were requested. The material aimed
19 to be comprehensive and in plain language to
20 assist in the understanding of not just the
21 project, but of the routing, the environmental
22 assessment, and the regulatory processes.

23 During round two the level of concern
24 was asked of participants on various aspects of
25 the environment. From this we developed the

1 valued component handouts. These single sheet
2 handouts provided background of the importance of
3 the valued component that we anticipated, what
4 concerns or impacts may occur, and what potential
5 mitigation measures could be put forward. These
6 were developed to help individuals understand the
7 terminology and process of an environmental
8 assessment, to assist in their review of the
9 Environmental Impact Statement.

10 Following submission, a plain language
11 summary of the EIS was provided to landowners and
12 placed on the website to assist in the navigation
13 of the EIS.

14 In addition, material was developed
15 directly from the concerns heard from
16 participants. A website called Safe Space, a
17 website that was providing us information
18 regarding electromagnetic fields, was widely
19 shared with community members. We requested that
20 Exponent Inc. provide a review and a response,
21 that was subsequently provided to participants and
22 placed on the project website.

23 The project website continues to house
24 each piece of material, including regulatory
25 filings, to make the project accessible to any

1 individual at any time. Updated geo-spatial
2 files, an interactive map viewer and plain
3 language documents were housed and will continue
4 to be housed in the document library of the
5 project website.

6 We started our processes early to
7 understand individuals and groups and have them
8 share their priorities and concerns. Each
9 individual is different and everyone has their
10 story. We aim to build trust and develop
11 personalized communication.

12 The process began in 2013 and will
13 continue for years if the project is approved, and
14 we will continue to build these relationships as
15 we move through the next stages of the project.
16 This process aims to build trust and understanding
17 on both sides and how to best address the
18 potential effects of this project.

19 Throughout the engagement process,
20 numerous concerns come forward and the process
21 aims to be responsive, adaptive, timely,
22 accommodating, and respectful. I'd like to share
23 with you the example of Ridgeland Cemetery, where
24 a cultural practice of Provody (ph), the
25 celebration of those who have passed, is

1 celebrated in the RM of Stuartburn. The community
2 raised concerns with the location of the
3 transmission line early in the process, and
4 believed the line was in too close a proximity to
5 the cemetery. The alignment would have removed
6 the treed boundary, and participants believed it
7 could change the way the cemetery was used for
8 this cultural practice. Manitoba Hydro was
9 invited to a meeting to present the project in
10 Sundown, Manitoba, where additional concerns were
11 heard and documented. Additional meetings and
12 discussions were held with landowners and the RM
13 council as the engagement process progressed.

14 In response to this concern, we
15 developed a mitigative segment to gain separation
16 from the cemetery. This segment garnered much
17 discussion between other interests on the
18 landscape, such as Loam Sand Lake, to a modified
19 mitigative segment that has become part of the
20 final preferred route.

21 The separation was only one step. A
22 survey was undertaken outside of the cemetery and
23 it was determined there were no additional
24 burials. We worked with our tower design team in
25 utilizing self-supporting structures in the area

1 where guyed structures were to be used, to
2 minimize the right-of-way clearing requirements
3 around the site. To share this information with
4 the community, a handout with site photographs and
5 the modification was developed.

6 Due to the importance of this site,
7 the site was flagged as a priority location for
8 the visual impact assessment. We continue to work
9 with the RM of Stuartburn regarding the process,
10 and our timelines have indicated to them that if
11 Manitoba Hydro is made aware of activities being
12 undertaken on the site, Manitoba Hydro will not
13 undertake construction or repairs during these
14 times unless there is an immediate requirement.

15 Routing feedback was asked for early
16 in the process, and we asked participants to
17 imagine a project outside of Manitoba-Minnesota.
18 If routing was in your control, what would be your
19 priorities? The feedback here is representative
20 of the concerns and preferences heard throughout
21 the subsequent rounds of the public engagement
22 process. Overarching preferences collected
23 through our engagement process included avoiding
24 homes in the urban areas, avoiding agricultural
25 lands, and to parallel existing infrastructure

1 where possible.

2 This did not mean that the other
3 considerations were not important in understanding
4 the views of the public in relation to routing and
5 their personal priorities. For example, Ridgeland
6 Cemetery was a significant concern to local
7 residents, whereas separation from heritage and
8 cultural sites was not viewed as an important
9 criteria in comparison to others. The feedback we
10 received through mechanisms such as this provided
11 us with overarching themes with regarding
12 landscape values. As the process progressed and
13 the routes become more refined, individual sites
14 become the focus of the engagement process.

15 Following the filing of the EIS, we
16 have continued to communicate and engage with
17 landowners and other interested parties. Manitoba
18 Hydro has assigned each landowner along the new
19 right-of-way a project liaison to be their
20 information hub for the project. Calls, e-mails
21 and discussions have and will continue to occur
22 with these landowners. The liaison role aims to
23 be a conduit directly to Manitoba Hydro to provide
24 information, to be accessible, and allows us to
25 share information with them while developing and

1 strengthening relationships as we progress.

2 A data base of past forms and
3 submissions, as well as information collected is
4 being stored to continue sharing information with
5 internal staff. Landowner concerns such as the
6 best time of day to call, the preferred method of
7 contact, the method in which to access their
8 property and so forth, is being documented. As we
9 progress, we will continue to send out project
10 e-mail campaigns, monitor the project information
11 line and e-mail address. The process will
12 continue to allow accessible, timely and relevant
13 information to be shared between both Manitoba
14 Hydro and interested groups.

15 With that I will pass it over to my
16 colleague, Sarah Coughlin, who will provide you
17 with an overview of First Nation and Metis
18 engagement process.

19 MS. COUGHLIN: Thank you, Trevor.

20 My name is Sarah Coughlin and I'm the
21 senior environmental specialist in the licensing
22 and environmental assessment department at
23 Manitoba Hydro. And I'm going to be presenting on
24 the First Nations and Metis engagement process, an
25 overview of that process. Details of that process

1 can be found in chapter 4 of the Environmental
2 Assessment.

3 So I'm going to first start with a
4 discussion on terminology. So Manitoba Hydro uses
5 specific terminology when referring to First
6 Nations or Metis. So while it might have been
7 simpler to use the term Aboriginal or Indigenous,
8 we have heard a preference from some of those
9 First Nations engaged in the project to use the
10 term First Nation, when describing or sharing
11 concerns of First Nations. And so we did that.

12 So the picture or the image you see on
13 the screen is a group of the ATKS management team.
14 This is a group that includes Long Plain First
15 Nation, Swan Lake First Nation and Black River
16 First Nation. And some of those preferences were
17 heard from that group.

18 So the First Nation and Metis
19 engagement process is a phrase that's used to
20 describe the communication that took place between
21 Manitoba Hydro and First Nations, Metis and
22 Aboriginal organizations from August of 2013 to
23 present. And that generally includes the meetings
24 or field tours or workshops or community events or
25 e-mails or phone calls that we had between that

1 time and now.

2 So the First Nation and Metis
3 engagement process began in August of 2013 and
4 will extend to project operation, if approved.

5 So we also used the term engagement
6 and not consultation, as what we do is different
7 and separate from the Crown lead consultation
8 process.

9 So before the First Nation and Metis
10 engagement process was initiated, lessons from
11 past projects and relationships were considered.
12 So similar to what Trevor just described from his
13 learnings of the Bipole III and CEC hearing
14 report, the panel also commented on
15 characteristics of an effective engagement
16 process, describing them as: Providing
17 information that's comprehensive but not
18 overwhelming, offering a dependable and rationale
19 methodology, effectively summarizing technical
20 details, and fairly synthesizing information from
21 other sources such as ATK, involving stakeholders
22 earlier rather than in a reactive way, being
23 inclusive of all views and communities, and
24 integrating different kinds of knowledge rather
25 than fragmenting information into discipline

1 defined silos, and having a process that achieves
2 goals, and having clear norms of respect in all
3 interactions. So I hope this presentation
4 demonstrates how we worked to meet the advice
5 shared in this statement.

6 So in addition to the goals that
7 Trevor shared about the public engagement process,
8 the First Nation and Metis engagement process had
9 their own specific goals. That was to continue to
10 build and strengthen working relationships with
11 First Nations and Metis in Manitoba, and provide
12 opportunities for First Nation and Metis to have
13 meaningful input and contributions to the project.

14 So why have two processes with very
15 similar goals? We wanted to be respectful of
16 participants, and we wanted to tailor processes to
17 meet their needs and their interests. And within
18 the First Nation and Metis engagement process,
19 different communities share different preferences,
20 so we tailored our approach within communities as
21 well.

22 So the First Nation and Metis
23 engagement process also included principles of
24 engagement to help guide our process. So the
25 diversity of First Nations and Metis cultures and

1 worldviews should be understood and appreciated.
2 And Manitoba Hydro should work with First Nations
3 and Metis to better understand perspectives in
4 determining mutual approaches to address concerns
5 and build relationships. The First Nation and
6 Metis should be provided opportunities to
7 communicate on an ongoing basis and early on in
8 the process.

9 So this project is located within
10 Treaty 1 territory and the traditional territories
11 of the Anishinaabe, Cree and Dakota people, and is
12 within the homeland of the Metis nation. So the
13 project is located in an area of the province that
14 is of historical and current day interest to many
15 communities and organizations.

16 So Manitoba Hydro sought broad
17 inclusive engagement. And although we used these
18 defined criteria for when inviting communities and
19 organizations to participate, we also included
20 interest in the project as a criteria for
21 involvement. So those we heard interest from in
22 the beginning or throughout the process were
23 invited to partake in the process.

24 So this is a map of Southern Manitoba.
25 So based on these factors that you saw previously,

1 Manitoba Hydro included the following First
2 Nations and Aboriginal organizations to the
3 process. So Black River -- I wonder if I should
4 point to them? Black River First Nation and
5 Brokenhead Ojibway First Nation, and Buffalo Point
6 First Nation, and the Dakota people who were part
7 of the Dakota Plains Wahpeton and Dakota Tipi
8 First Nations, Long Plain First Nation, Peguis
9 First Nation, Roseau River Anishinaabe First
10 Nation, and Sagkeeng First Nation, and Sandy Bay
11 Ojibway First Nation, and Swan Lake First Nation.

12 So as stated at the opening statements
13 yesterday, it's important to recognize that many
14 of those engaged in the project conduct
15 traditional activities in territory that extends
16 well beyond the boundaries of their communities,
17 or even the area around their communities. So
18 although some communities are hundreds of
19 kilometres away from the project area, their
20 members have indicated use of the area and
21 historical importance of the region to their
22 community.

23 So Manitoba Hydro also welcomed
24 communities who may not have initially been
25 included in the engagement process, but later

1 demonstrated interest or changed their minds.
2 After hearing that there may have been interest in
3 the project through Swan Lake First Nation, we
4 included both Shoal Lake number 40 First Nation,
5 and Iskatewazaagegan number 39 independent First
6 Nation, as well as the following Aboriginal
7 organizations; Aboriginal Chamber of Commerce, the
8 Assembly of Manitoba Chiefs, the Dakota Ojibway
9 Tribal Council, and Southern Chiefs' Organization.

10 We also recognized we're working in
11 the Treaty area, Treaty 1, and some of those
12 included were members of or signatories to Treaty
13 1 and some were not signatory to Treaty 1. And
14 some who were invited were outside of the Treaty 1
15 boundaries, because of the understanding of
16 traditional use in the area.

17 Early in the engagement process,
18 Manitoba Hydro representatives asked how
19 communities wanted to be engaged in the process,
20 and asked about any preferences that they may
21 have. So some of the things we heard included
22 having a longer schedule or timeline for the
23 process. And this is different than what Trevor
24 heard in the public engagement process, where
25 people preferred a shorter schedule.

1 They preferred re-initiating early
2 engagement steps after leadership changes within
3 the community, working collaboratively, involving
4 youth and elders and resource users in the
5 process. They asked for more interesting
6 presentations and more field trips and events.
7 Yeah, guilty of that.

8 So some communities wanted to develop
9 Aboriginal traditional knowledge studies or land
10 use and occupancy studies, or self-directed study
11 of their own design, and some did not. So
12 Manitoba Hydro offered First Nations and the MMF
13 the opportunity to conduct self-directed studies
14 by providing funding for that work, and that
15 includes Black River First Nation, Swan Lake First
16 Nation and Long Plain First Nation, who work
17 together and call themselves the ATKS management
18 team; Dakota Plains Wahpeton First Nation and
19 Dakota Tipi First Nation, Peguis First Nation,
20 Sagkeeng First Nation, and Roseau River
21 Anishinaabe First Nation, and the MMF, who we have
22 put a location on the City of Winnipeg, but of
23 course we recognize that Metis people extend
24 across Manitoba and beyond.

25 So out of 11 First Nations initially

1 participating in the project, Manitoba Hydro
2 offered nine First Nations funding to hire
3 part-time community coordinators. For the other
4 two First Nations, Peguis and Roseau River
5 Anishinaabe, community coordinators were already
6 funded through public projects, so that work was
7 extended for this project. And Manitoba Hydro
8 also funded a Manitoba Hydro liaison officer
9 position at the MMF. So the MMF and First Nations
10 that indicated an interest in undertaking a study
11 were invited to submit a proposal, and an ATK
12 proposal template was developed and shared with
13 those who requested assistance with the
14 development of a proposal for a study. Many of
15 those involved didn't need that assistance but
16 some did, and so we shared, if requested.

17 So I'll provide a quick overview for
18 the process. Details of this process can be found
19 on appendix of the chapter. I'm going to share
20 some pictures, so the pictures on the right don't
21 necessarily exactly match up with the date in the
22 circle on the left. So although, as noted
23 earlier, communities were not all on a similar
24 timeline and not all steps I mentioned occurred
25 with all communities or organizations. So for

1 example, a contribution to develop a land use and
2 occupancy study was not signed until January of
3 2016 with the MMF. So, yeah, this is just a
4 snapshot of some of the well over a hundred
5 meetings we've had, or lunches or field tours.

6 So we began with pre-engagement in the
7 summer of 2013, where we introduced the project
8 with leadership and where we discussed and asked
9 if there was any preferences. Through the fall of
10 2013 to 2016, we developed and signed contribution
11 agreements for ATK and community coordinators.
12 And from fall of 2013 to April 2014, we partake in
13 round one and round two community meetings, and we
14 shared information about the project and shared
15 information about the routing process in
16 particular. And we continued to have tours and
17 meetings and answer questions and ask questions.

18 January of 2015 was round three, and
19 we sought feedback on the preferred route. And in
20 September of 2015, the EIS was submitted with ATK,
21 provided by the ATKS management team that I
22 described earlier, a draft report from Peguis
23 First Nation, final report from Roseau River
24 Anishinaabe First Nation, and part one of the
25 report from Sagkeeng First Nation.

1 And then in January of 2016,
2 environmental protection planning meetings were
3 initiated and they continue to this day.

4 And then in November of 2016, the
5 first community monitoring meeting was held, and
6 then late in March of 2017, a second meeting was
7 held.

8 So going back to that initial
9 statement about wanting to learn from past
10 projects and relationships, we wanted to provide
11 information that's comprehensive but not
12 overwhelming. So we included some of the handouts
13 that Trevor had included in his presentation. So
14 summaries of valued components in the process. We
15 created a plain language summary document of the
16 process, and we had Google Earth tours that were
17 much simpler than the big video that you saw
18 yesterday, but just fly-overs of the route, trying
19 to be more interesting.

20 We wanted to be inclusive of all views
21 and communities, and integrate different kinds of
22 knowledge, rather than fragmenting information
23 into discipline specific silos.

24 So we did this through -- in the past,
25 I think the Bipole III EIS had something like 67

1 valued components, and this assessment had 12, and
2 they were a higher level value components. We
3 also looked at higher level metrics that were more
4 in line with the concerns that we heard from those
5 engaged with, and how feedback was considered.

6 So the ATK reports provided by
7 communities prior to filing of the EIS were
8 reviewed by Manitoba Hydro and they informed the
9 Environmental Assessment. And those that were
10 filed afterwards will inform the Environmental
11 Protection Plan. So in addition to those reports,
12 following any discussions with communities where
13 preferences were shared, or site specific
14 knowledge enhanced value component understanding,
15 or provided context to the EIS, Manitoba Hydro
16 shared this information with the assessment team,
17 and feedback was received in a variety of formats
18 and manners.

19 So we listened during meetings and
20 field tours and discussions, and we asked
21 questions. We looked at maps, we conducted
22 mapping together, and we looked at draft TK
23 reports as well as final TK reports. So each
24 chapter of the EIS notes the ATK study or other
25 reference it draws upon when it references that

1 information, and more detail on the specific
2 feedback heard will be shared by discipline leads
3 as they share their presentations.

4 Manitoba Hydro also provided
5 communities with the summary of feedback prior to
6 filing the EIS and asked if we had captured
7 concerns correctly.

8 So some of the feedback heard; we
9 heard concerns about herbicide use, we heard
10 concerns about the ability to continue to access
11 Crown lands to conduct rights based activities.
12 We heard a lot of concern about plants. We heard
13 concerns about hunting and gathering, and wanting
14 to continue to conduct activities after the line
15 was constructed. We heard concerns about Mother
16 Earth, much like you have heard earlier today and
17 yesterday. And we heard concerns about employment
18 and training, and jobs for the project, lots of
19 requests for employment for the project.

20 So having a process that achieves
21 goals and having clear norms of respect in all
22 interactions -- so, in summary, we believe we have
23 a process that continues to work to achieve these
24 goals, that's aimed at strengthening relationships
25 and providing opportunities for meaningful input.

1 And this is a long path for many, and we recognize
2 the need to continue to work on relationship
3 building.

4 So for the MMTP, we have asked First
5 Nations and the MMF how and if they want to be
6 engaged in the project early, and asked how they
7 wanted to participate. We provided opportunities
8 for multiple re-entry points for those that
9 decided to participate later on, or those that
10 participated and then chose to not participate and
11 then wanted to participate again; we invited that.
12 We delivered a First Nation and Metis engagement
13 process that was tailored and adaptive and
14 inclusive to respective First Nations and the MMF
15 and Aboriginal organizations, informed
16 participants that shared concerns how their
17 feedback influenced the project, and we designed a
18 plan that continues engagement activities
19 throughout the regulatory process, as well as into
20 construction and operation phases of the project,
21 if approved. Thank you.

22 THE CHAIRMAN: Does that conclude
23 Manitoba Hydro's presentation then? It does?
24 Okay. Let's take 10 minutes now before we start
25 the questioning, rather than starting.

1 I do have one announcement to make.
2 There has been a form created for news and
3 information about this project, not from us but
4 I'm going to give you the hash tag. So it's
5 #CECMMTP2017. I'll repeat that, I'll do it one
6 more time #CECMMTP2017. All right. See you in
7 ten minutes. That will be at 10 to 11:00. Thank
8 you.

9 (PROCEEDINGS RECESSED AT 10:41 A.M.
10 AND RECONVENED AT 10:56 A.M.)

11 THE CHAIRMAN: All right, we're ready
12 to go.

13 MR. JOYAL: My apologies for the small
14 text, it was just meant to be a place holder. The
15 incorporation of feedback slide is found on 3-10
16 and it's figure 3.2. I do understand it is very
17 small, and I apologize for that, but it is
18 available in chapter 3 as figure 3-2. Thank you.

19 THE CHAIRMAN: All right. Thank you.

20 All right. The order today for
21 questioning starts at number 2 on the list, and I
22 would like to remind all questioners that we stick
23 to the questions. There will be plenty of time
24 for stating positions or taking positions on
25 issues during your own presentations and, of

1 course, later in concluding statements. So with
2 that word of advice, the Southern Chiefs'
3 Organization and Mr. Beddome will be up first.
4 Thank you.

5 MR. BEDDOME: Thank you very much,
6 Mr. Chair. If I may just provide one comment, and
7 I don't know if it's possible for future planning,
8 perhaps we may be able to get a bigger screen for
9 some of the powerpoint presentations, just for
10 further to the comment of Mr. Joyal that at times
11 some of the presentations have been hard to read.
12 So thank you.

13 THE CHAIRMAN: Okay. We'll have some
14 discussion with the technical people on it.
15 Thanks.

16 MR. BEDDOME: All right. Good
17 morning. I imagine a lot of my questions will be
18 directed to Ms. Coughlin, but also Mr. Joyal as
19 well.

20 I think, I suppose the first one --
21 once again, if other panelists wish to respond,
22 then I'm happy to have them respond -- but the
23 first one I think is fairly easy.

24 Would the panel agree, yes or no, that
25 indigenous communities have extensive knowledge

1 and expertise of the land. And would they accept
2 that?

3 MS. COUGHLIN: Yes.

4 MR. BEDDOME: These questions are
5 going to be fairly easy, at least to start with.
6 And you were aware of the value of indigenous
7 knowledge before the project began?

8 MS. COUGHLIN: Yes.

9 MR. BEDDOME: Okay. And you feel that
10 the indigenous knowledge you received from the key
11 person interviews, the community meetings, and the
12 self-directed studies, it added value to the
13 project?

14 MS. COUGHLIN: We didn't conduct any
15 key person interviews directly with First Nations
16 or Metis, that was done through consultants that
17 worked for the First Nations.

18 MR. BEDDOME: Which consultants was
19 that done by?

20 THE CHAIRMAN: Excuse me, I wonder if
21 I can interrupt for a moment and ask the Hydro
22 panel if they can move the mics a little closer to
23 them. I know these mics sometimes are difficult
24 with the papers in front of you to do that. Okay,
25 thanks.

1 MR. BEDDOME: Thank you, Mr. Chair,
2 and if I am too loud you can do the opposite.

3 MS. COUGHLIN: No, that's my fault.

4 So key person interviews were
5 conducted by the communities themselves. And some
6 of them chose to hire consultants and some didn't,
7 so...

8 MR. BEDDOME: And what would be the
9 approximate time frame the key person interviews
10 would have been done?

11 MS. COUGHLIN: That could have been
12 done any time from when a contribution agreement
13 was signed up to --

14 MR. BEDDOME: Okay. So you don't
15 have -- like even roughly, would that have been
16 2012, 2013, 2014, 2015?

17 MS. COUGHLIN: Well, between 2013 and
18 2016.

19 MR. BEDDOME: 2013 and 2016?

20 MS. COUGHLIN: We have an IR on key
21 person interviews if you'd like me to go through
22 that. It's PFN003. So Key person interviews or
23 KPIs were conducted with representatives
24 identified from various organizations, agencies
25 and stakeholders, involved in agriculture,

1 environment, recreation, business and industry and
2 resource use, health and emergency services to
3 supplement secondary baseline information. The
4 records were kept for KPIs. And then I'll skip
5 down to line 10 here. So, no, Manitoba Hydro did
6 not conduct KPIs with First Nations or Metis
7 representatives.

8 "It's Manitoba Hydro's understanding
9 that the MMF and First Nations
10 generally prefer to conduct interviews
11 with their members directly, rather
12 than have Manitoba Hydro staff conduct
13 interviews with their members. So as
14 such, key person interviews undertaken
15 with members of First Nations or the
16 MMF were undertaken at the discretion
17 of the MMF or First Nations through
18 self-directed studies."

19 And it continues.

20 MR. BEDDOME: Okay. Thank you for
21 that, and thank you for the reference to the IR
22 response.

23 So when did the engagement process
24 start? 2012, 2013, that's when your team was
25 convened to start engagement?

1 MS. COUGHLIN: The First Nation
2 engagement process began in August of 2013.

3 MR. BEDDOME: As part of the
4 engagement team, yesterday we heard that this at
5 least has been conceptually planned since 2007,
6 but engagement didn't start until 2012, 2013. Do
7 you feel there would be any value perhaps in being
8 able to, you know, you mentioned First Nation
9 communities asked for a longer timeline, so do you
10 think there would be value in that engagement
11 process in future projects starting at an even
12 earlier point?

13 MS. COUGHLIN: Shannon gave a really
14 good answer to that yesterday, so we can pull that
15 from yesterday.

16 MR. BEDDOME: I was here yesterday.
17 I'm just trying to remember Shannon's really good
18 answer. Perhaps you can paraphrase.

19 MS. THOMPSON: So we wanted to have
20 meaningful information to share with the
21 communities, and back in 2007 we didn't have that
22 level of detail. We wanted to make sure that our
23 process with communities provided key information.
24 In the past we have heard feedback from
25 communities that they'd prefer not to share

1 information that's too broad in scope until we
2 have an identified route on the map, routing
3 options.

4 MR. BEDDOME: You already acknowledged
5 that there was a value of what you heard and what
6 the indigenous knowledge added.

7 Now, at slide 48, and you don't need
8 to go to it, but you referenced a lot of feedback
9 that you heard. So I'm just looking at what I
10 wrote down for notes. Herbicide use and
11 harvesting of Crown lands. So I'm going to go
12 through them one by one. And my question would
13 be, from that feedback, how was that feedback then
14 incorporated into the EIS? So on herbicide use
15 and harvesting on Crown land, what changes were
16 made to the EIS, or how was the EIS changed to
17 reflect that?

18 MS. COUGHLIN: So, one of the things
19 we asked is if there were specific sites that
20 could be identified where gathering activities
21 occur. And that would create an area where we
22 would create a buffer around those sites, and
23 those sites would be protected from herbicide
24 application. And that would be included in the
25 Environmental Protection Plan, and more details on

1 that particular process will be covered in the
2 environmental monitoring and follow-up
3 presentation.

4 MR. BEDDOME: Okay. I'll save further
5 questions for them, and you can wipe the sweat off
6 your forehead there.

7 What about access to the Crown lands
8 and harvesting rights, et cetera?

9 MS. COUGHLIN: So access will continue
10 on the project once it's constructed, if approved.
11 And so there will be a short period of time during
12 construction where access will not be allowed, and
13 also during maintenance activities. And that was
14 assessed in the traditional land and resource use
15 chapter.

16 MR. BEDDOME: And there was concerns
17 about plants. And I take it from the IR
18 responses, you're not willing to relocate
19 traditional or medicinal plants, despite that
20 being a feedback that you heard?

21 MS. COUGHLIN: If we heard of specific
22 sites that were important, they would be
23 identified as an environmentally sensitive site.
24 We also heard of plants that were quite common in
25 the area, so they would be available in areas in

1 close proximity to the study area. But sites of
2 gathering importance will be identified on the
3 right-of-way and could be considered an
4 environmentally sensitive site.

5 MR. BEDDOME: And they will be
6 identified through the environmental protection
7 plan process?

8 MS. COUGHLIN: That's right.

9 MR. BEDDOME: Okay. So that actually
10 just tweaks a side question, if I may just jump
11 off on that, which is: So is this engagement
12 going to continue not only through the
13 construction of the project, but even beyond
14 through the entire life cycle of the project?

15 MS. COUGHLIN: We have indicated that
16 the First Nation and Metis engagement process will
17 continue through to operation of the project.

18 MR. BEDDOME: To operation, so to the
19 end of construction, but once it's operating,
20 you're not going to continue engaging with First
21 Nations?

22 MS. COUGHLIN: Manitoba Hydro is
23 always open to listening and hearing concerns from
24 communities involved in projects, and otherwise.

25 MR. BEDDOME: But there's no

1 formalized process for that?

2 MS. COUGHLIN: Yeah. It's the First
3 Nations and Metis engagement process, so we do
4 anticipate continuing this project into operation.

5 MR. BEDDOME: But, I'm sorry, maybe I
6 misheard you. Are you saying that your
7 understanding is the engagement process was going
8 to continue until the end of construction? And my
9 question was, well, then if some concerns come up
10 in operation, saying there's some traditional
11 harvesting or some plant concerns in an area
12 through the life cycle of the project, what would
13 be the process. And you indicated that concerns
14 could be raised, but it didn't sound like there
15 was a formalized process for that?

16 MS. COUGHLIN: Sorry, did I say
17 construction? It would extend into operation of
18 the project.

19 MR. BEDDOME: It would extend into
20 operation. So going out a hundred years into the
21 future, presuming it's still putting power into
22 the States a hundred years from now?

23 MS. COUGHLIN: I presume so, yes.

24 MR. BEDDOME: Okay. Thank you.

25 Moving back to 48, there was I mean

1 it's a general one but certainly I think
2 incorporates with indigenous values, which is a
3 concern about Mother Earth, how do you feel that
4 that was reflected in the EIS?

5 MS. COUGHLIN: What we did is when we
6 heard concerns about the environment, either
7 specific or general, and we wanted to include them
8 in the environmental assessment, they were
9 included alongside text in the assessment that
10 discussed that topic. So some of them were
11 broader comments, like about the concern for
12 Mother Earth, and cumulative effects were included
13 in narrative discussions in, some of it was in the
14 vegetation chapter, the vegetation wetlands
15 chapter, some in the conclusion chapter, some in
16 the traditional land and resource use chapter, so
17 broader comments about connectivity of the land.
18 It was also included, of course, in the ATK
19 reports and those are included as part of the
20 environmental.

21 MR. BEDDOME: Yeah, chapter 20,
22 appendix A or something like that. I have it with
23 me tagged for you. My citation may be off. If I
24 am, please forgive me and correct me.

25 Employment and training; how are those

1 concerns that you heard incorporated into the EIS?

2 MS. COUGHLIN: So we have a chapter on
3 that -- what was the chapter title for employment
4 and training?

5 MR. BEDDOME: Directed at the social
6 and economic panel, is that --

7 MS. COUGHLIN: Call it employment and
8 economy, I forget the chapter number, though,
9 employment and economy.

10 MR. BEDDOME: So I'll have future
11 opportunities to question that panel, but I'm
12 wondering how you raise those concerns, you know,
13 from your engagement end, and then obviously you
14 have to send them off to someone else to be
15 incorporated into the EIS.

16 MS. COUGHLIN: So in the same fashion,
17 so if we heard concerns on those topics, they
18 would be included. And they are also conveyed
19 amongst Hydro employees, of that concern. And
20 you're going to hear a little bit more of that as
21 well in the construction presentation as well.

22 MR. BEDDOME: Okay. Thank you.

23 I'm just wondering if anyone on the
24 panel, and I would note MMF IR 007, I'm not saying
25 it needs to be reread in entirety, right now

1 anyway, but I think it's helpful if any of the
2 panelists were able to comment on how they feel, a
3 specific example, how they feel that they learned,
4 how they feel that First Nation knowledge really
5 added to the project? I think it's just important
6 to get on the record here and would appreciate if
7 you'd be able to enlighten us with some of those
8 examples.

9 MS. THOMPSON: Sorry, this is what I'm
10 hearing your question was; you wanted us to
11 explain what we learned from the knowledge that
12 was shared with us?

13 MR. BEDDOME: Yeah. You know, it's a
14 fairly open-ended easy question. If the answer is
15 you don't have any examples, I suppose I'll take
16 that. But my hope would be that each of you, as
17 part of the project team, might have an
18 interesting example of what you learned from the
19 First Nations people that you engaged with.

20 MS. THOMPSON: I think we can answer
21 that. One of the things that I learned was really
22 the importance and the value of eastern Manitoba
23 to a lot of the communities, and the importance
24 and the number of sensitive sites in the area.
25 That's one of the key things that I learned.

1 MS. COUGHLIN: One of the key things I
2 learned is that the process is just as important
3 as the outcome. And so involving youth and elders
4 and resource users, and engaging broadly, was as
5 important as the written documents that we
6 produced. So the way or the manner in which we
7 engage is very important.

8 MS. ZEBROWSKI: If I could add to
9 that? I think one of the things that we learned
10 was some of the new ways in which communities wish
11 to be involved in the environmental assessment
12 process itself. For example, when we worked with
13 the Manitoba Metis Federation, they had a new
14 concept for how they wanted to undertake their
15 study, and that was certainly a learning
16 experience for Manitoba Hydro.

17 MR. BEDDOME: Thank you. I really do
18 appreciate all those answers.

19 Now, you've indicated in your
20 presentation that you wanted to learn from past
21 projects, so you reviewed past projects. That
22 would be correct?

23 MS. COUGHLIN: That's correct.

24 MR. BEDDOME: Okay. And those past
25 projects, I'm assuming, include Wuskwatim

1 Generation Transmission?

2 MS. COUGHLIN: Yeah, I guess broadly.

3 MR. BEDDOME: Broadly, okay. Bipole

4 III?

5 MS. COUGHLIN: Yes, more specifically.

6 MR. BEDDOME: Okay. Any others?

7 MS. COUGHLIN: Keeyask.

8 MR. BEDDOME: Keeyask transmission, or

9 the entire project itself?

10 MS. COUGHLIN: Both.

11 MR. BEDDOME: Any others?

12 MS. COUGHLIN: St. Vital, Lake

13 Winnipeg East, Pointe Du Bois transmission

14 project, projects in B.C., projects -- I guess

15 also in relationships, we were learning from

16 relationships that we had been working on in the

17 past.

18 MR. BEDDOME: And in particular, did

19 you review the Clean Environment Commission's 2013

20 report on Bipole III?

21 MS. COUGHLIN: Yes, we did.

22 MR. BEDDOME: Okay. So you would be

23 familiar with a couple of the recommendations in

24 there, if I was to reference them?

25 MS. COUGHLIN: Yes.

1 MR. BEDDOME: Okay. I just wanted to
2 reference a couple of them.

3 First I'll maybe start with the easier
4 one, which is -- and obviously this one was more
5 in the context of Bipole III, but recommendation
6 13.2 highlights the need for a regional community
7 effects assessment in the Bipole III report?

8 MS. COUGHLIN: Yes, I'm familiar with
9 that.

10 MR. BEDDOME: Now, wouldn't you argue
11 that there's a similar need for some sort of
12 regional cumulative effects assessment in
13 Manitoba, when you give the longstanding history
14 of substantial industrial development and perhaps
15 the connection of other Hydro projects to say
16 communities like Sagkeeng? And I would note that
17 it's referenced in their ATK report of not just
18 transmission projects, but other Hydro projects.
19 In fact, they are one of the first Hydro impacted
20 First Nations in this province. So, do you think
21 there's a need for a broader regional community
22 effects assessment for Southern Manitoba?

23 MS. ZEBROWSKI: I think there was a
24 cumulative effects assessment done as part of this
25 environmental assessment, which my colleagues can

1 speak to a bit more in detail.

2 In terms of a regional effects
3 assessment for Southern Manitoba, I think that
4 that would be something that would be more along
5 the purview of the Provincial Government that
6 would have to look into that and provide guidance
7 on whether they felt that was appropriate or not,
8 given that they are the entity, at the end of the
9 day in many cases, that are approving the various
10 projects that are taking place in that area.

11 MR. BEDDOME: And I understand that.
12 And if Manitoba was to give directions on that
13 type of regional cumulative effects assessment, do
14 you think it would improve Manitoba's processes
15 for future projects?

16 MS. ZEBROWSKI: It's hard to say.
17 Depending without knowing specifically what
18 information may or may not be included or what the
19 scope of such an assessment might be, and without
20 necessarily knowing what the availability of
21 information is related to that right now.

22 MR. BEDDOME: Okay. Now, I want to
23 move to non-licensing recommendation 6.1 and 6.2.
24 Are you familiar with those?

25 And I'm going to start with 6.2, and

1 I'll read it for the record for the benefit of the
2 rest of the room, if that's okay.

3 "The Manitoba Government with Manitoba
4 Hydro investigate the feasibility of
5 developing an Aboriginal traditional
6 knowledge database that can be used in
7 the assessment of potential impacts of
8 future projects related to Manitoba's
9 natural resources."

10 You see that, right?

11 I guess what I'm getting at, and I
12 know you provided an IR response indicating, and
13 you already addressed this, that some communities
14 want to only, you know, want to work with their
15 own community members and their own harvesters. I
16 guess what I'm getting at is a similar type of
17 question, that if Manitoba had an appropriate
18 database, and I think this could be done in
19 partnership and in consultation with First
20 Nations, wouldn't there be value in trying to
21 acquire that broad data set so that it can be
22 properly incorporated into planning?

23 MS. THOMPSON: I can answer that. As
24 you indicated, we answered a similar question in
25 SCO IR 001. And so when we're considering doing

1 environmental assessment engagement for a
2 transmission project, it's important for us that
3 the nature, scope, scale, and geographic location
4 of the project is often different. And we
5 recognize that communities have concerns that
6 might be unique to each project. So we have
7 preferred in the past to work with communities on
8 a project by project basis. We have also heard
9 concerns in the past about sharing, communities
10 sharing ATK information that's over a broad region
11 and might be used on multiple occasions.

12 MR. BEDDOME: In response to that
13 response, wouldn't it be possible to have that
14 data set to work with indigenous communities, to
15 effectively fund the studies so they can create
16 this data set, and each time on a project by
17 project basis you go back to them to try to
18 collect that data? The reason I'm raising that is
19 it's clear in the ATK reports, and I can pull some
20 of the qualifications that they said we didn't
21 have enough time, we couldn't collect all the
22 data, it's difficult to find spiritual places. So
23 there needs some work, I would argue, done at
24 collecting that data. And I recognize it's
25 probably a dual responsibility of Manitoba Hydro

1 and the government. But I guess what I'm trying
2 to get at is, don't you think that would help to
3 improve your planning?

4 MS. THOMPSON: We would prefer if the
5 communities kept ownership of their TK data, and
6 they are allowed to use it as they wish after,
7 from project to project.

8 MR. BEDDOME: Sure. Okay. And maybe
9 that will jump me forward before I jump back then.

10 I notice, if you look at SCO IR -- I
11 apologize here. It's in the second round. So in
12 the second round, SCO IR number 28, you give a
13 response. And there's a number of A, B, C, where
14 we try to ask about how many ATK and land use and
15 occupancy proposals from First Nations were funded
16 and the dollar value of that. And we go on to put
17 it into context of the updated total project cost
18 estimate. And so I just want to know if you agree
19 with my math. I was kind of roughly playing
20 around with the math. And I guess you're not the
21 panel of engineers, so maybe I'm asking the wrong
22 people. But by my math, if you take 1.8 million
23 and you divide it by 453.2 million, it's about 0.4
24 per cent of the funding. Would you agree with my
25 math?

1 MS. COUGHLIN: You're right, none of
2 us on this panel are that great at math.

3 MR. BEDDOME: It is fairly easy, but I
4 think my math is right. But do you understand,
5 though, so the amount spend on ATK was 0.4 per
6 cent of the project funding? That would be fair?

7 MS. COUGHLIN: I guess if that's your
8 number, yeah.

9 MR. BEDDOME: Okay. I stand to be
10 corrected.

11 Now, jumping back -- sorry to keep
12 jumping you around -- but going back to 6.1, a
13 recommendation in the Bipole III CEC Commission
14 hearing. It says:

15 "Manitoba Hydro improved its
16 consultation process by seeking input
17 from experts, many available in
18 Manitoba, in the field of
19 participatory consultation processes
20 as well as from representatives of
21 Aboriginal organizations."

22 Do you see that?

23 MS. COUGHLIN: Yes, we do.

24 MR. BEDDOME: Okay. Now if we go to
25 the EIS 4.3.1 at 4-7, and you address this in your

1 presentation, there were three rough factors that
2 you used in seeking out to engage with different
3 First Nations. One was if they are on Treaty 1
4 territory -- I'll let you get to the section.

5 MS. COUGHLIN: I think we are there.
6 4.3.1?

7 MR. BEDDOME: Yes.

8 So you list a number of factors. So
9 one is a Treaty 1 signatory. Also addressed is
10 located within Treaty 1 area but not a signatory
11 to the numbered Treaties. So you were aware that
12 in many cases sometimes First Nations' home
13 reserve is not actually located in their Treaty
14 territory?

15 MS. THOMPSON: That's correct.

16 MR. BEDDOME: And you were also aware
17 that people can exercise their Treaty rights
18 irrespective of Treaty territory?

19 MS. THOMPSON: That's correct.

20 MR. BEDDOME: Now, one of the other
21 factors that you use is proximity to the study
22 area, and you use 40 kilometres. And I got an
23 information response on Friday, just before the
24 hearings commenced. And there were a couple of
25 things.

1 Firstly, in response to the question
2 of whether you consulted with any experts or any
3 indigenous people about what would be an
4 appropriate proximity factor, the answer was no;
5 that's correct?

6 MS. THOMPSON: That's correct.

7 MR. BEDDOME: So how is that in line
8 with the lessons learned from Bipole III, and
9 particularly the recommendation 6.1 from the Clean
10 Environment Commission?

11 MS. THOMPSON: I think if that had
12 been our only criteria, but we also included
13 broader criteria such as interest in the project,
14 and we welcomed communities that had an interest.
15 We didn't limit participation based on that 40
16 kilometre proximity.

17 MR. BEDDOME: And you welcomed them,
18 but if they weren't in Treaty 1 territory and if
19 they weren't within 40 kilometres from the study
20 area, you didn't send them an initial letter then?

21 MS. THOMPSON: We also engaged broader
22 indigenous organizations as well.

23 MR. BEDDOME: Okay. Now, let's just
24 imagine you're from a Treaty 4 First Nation that's
25 located on Treaty 2 lands. You're from

1 Waywayseecappo or maybe Pine Creek, I don't know
2 if any of our panelists might be able to relate,
3 and you reside in Winnipeg. Where do you think
4 you're going to go to exercise your traditional
5 rights?

6 MS. THOMPSON: I think that would
7 depend on the member, where they chose to exercise
8 their rights.

9 MR. BEDDOME: Is it fair to say they
10 are likely going to access usable Crown lands that
11 are close to Winnipeg; right? They're not going
12 to unnecessarily drive perhaps farther than they
13 need to? Is that a fair assumption, do you think?

14 MS. THOMPSON: Well, as we recognized
15 before, community members travel throughout
16 Manitoba to exercise their rights.

17 MR. BEDDOME: Indeed they do, they do.
18 Thank you for that. But you don't think that any
19 of the factors that might take a play for people
20 is they might access what's close to them. That's
21 why you would include a proximity factor; right?

22 MS. THOMPSON: Yes.

23 MR. BEDDOME: While also recognizing
24 that traditionally indigenous people travel vast
25 territories based on, you know, numerous patterns,

1 seasonal, weather, changes in game and other plant
2 species, et cetera. That would be a fair
3 statement?

4 MS. THOMPSON: We also used broad
5 notifications to make sure that community members
6 are notified of the project, such as the Free
7 Press.

8 MR. BEDDOME: So broad notifications
9 such as the Free Press. Any others?

10 MR. JOYAL: Yeah. We use the Winnipeg
11 Sun, we also used The Drum. Those are outlined in
12 chapter 3, as well NCI radio. There are broad
13 notices. And the sign-up for e-mail campaigns is
14 available to any individual with an e-mail
15 address.

16 MS. ZEBROWSKI: I would also just like
17 to point out that Manitoba Hydro does have
18 engagement with the different communities
19 throughout the province on a variety of topics.
20 So where communities may have a concern or
21 question about some other aspect of Manitoba
22 Hydro's work, certainly those questions and
23 queries and information is shared through those
24 forums as well.

25 MR. BEDDOME: Mr. Joyal, I'm going to

1 jump to you because I really don't think I have
2 too too many questions for you, unless you jumped
3 in. But one was really -- quickly, on slide 23,
4 you indicated that in material development, it was
5 available in French, if requested. Was it
6 available in any indigenous languages, if
7 requested?

8 MR. JOYAL: To my knowledge the
9 request was never made or asked for.

10 MS. COUGHLIN: Neither Lindsay or I
11 heard a request for that.

12 MR. BEDDOME: Okay. So you don't
13 think there would have been any value in providing
14 this information in an indigenous language?

15 MS. COUGHLIN: We hadn't heard a
16 request and so we didn't move forward and do a
17 translation.

18 MR. BEDDOME: Did you get requests to
19 have it in French?

20 MR. JOYAL: We did not. We had one
21 woman who attended an open house who did request,
22 and I spoke with her as we progressed.

23 MR. BEDDOME: Thank you.

24 MR. JOYAL: Sorry, just to add to
25 that, we do have a policy to translate materials

1 into French within Manitoba Hydro, if there is a
2 postal code that is traversed that is considered a
3 French community. In this situation we would have
4 crossed through the community of the RM of
5 La Broquerie and Ste. Anne, which are
6 predominantly a French community.

7 MR. BEDDOME: Just forgive me, I don't
8 think I have too many more questions. I just need
9 a moment to look over my notes and make sure I
10 don't have any further questions.

11 MS. COUGHLIN: I just wanted to add
12 that we offered to pay for translations, if
13 required. So we didn't disregard that.

14 MR. BEDDOME: So just to clarify, if
15 it had been requested to be translated, you would
16 have taken care of translating it into
17 Anishinaabe, Dakota or Cree, as the case may be
18 required?

19 MS. COUGHLIN: Or Michif, yes.

20 MR. BEDDOME: Now, this may be even a
21 better question for the routing panel, and if it
22 is, that's fine. But you noticed I was sort of
23 getting at recommendation 6.2 and the need for a
24 database. The reason I acknowledge this is that
25 when it comes to other heritage resources, farms,

1 et cetera, that's information that you can readily
2 access and that you can incorporate into planning.
3 Would that be a fair comment?

4 MS. COUGHLIN: That's a fair comment.

5 MR. BEDDOME: And one of the
6 challenges for the First Nations, and I'm just
7 going to read from -- I thought it was a good
8 qualification here -- from Sagkeeng's discussion,
9 which you can find at page 9 of their ATK report.
10 And I won't read it all, but I don't even know if
11 you need to consult it, but the point that they
12 made is:

13 "We were not able to determine exact
14 locations of sites considered
15 important and what the impacts may be.
16 We attempted to define what
17 Anishinaabe heritage, historical,
18 cultural and sacred sites are and the
19 values we place on them. We attempted
20 to locate areas of concern using the
21 terms and definitions noted above.
22 Then some changes were made to the
23 route and it was understood that we
24 would not be able to make any
25 determinations in those new lands.

1 Without proper on the ground field
2 work, there can only be a preliminary
3 identification of interest at this
4 time."

5 And what that quote really shows to me is, there's
6 a need for indigenous on the ground field work,
7 isn't there?

8 MS. COUGHLIN: It sounds like you're
9 referencing the ATK management team and not the
10 Sagkeeng report. Is that correct?

11 MR. BEDDOME: Sorry, you're right,
12 that is the one by Black River First Nation, Long
13 Plain and Swan Lake First Nation. My mistake, I
14 apologize for the incorrect reference.

15 MS. COUGHLIN: Can you restate your
16 question? Sorry?

17 MR. BEDDOME: Well, from the quotation
18 that I read, I simply said it seems like there's a
19 real need for on the ground indigenous or ATK
20 field work. Would you agree?

21 MS. COUGHLIN: And we have funded that
22 field work and all those studies.

23 MR. BEDDOME: Sure. And you have
24 funded some field work. Do you think that enough
25 is done, that you've got enough field work,

1 there's not a need for more?

2 MS. COUGHLIN: I think if you asked
3 any specialist in any field, they will always say
4 there's not enough done. We have limited
5 resources to work with in general across any
6 project in Canada.

7 MR. BEDDOME: But you will agree that
8 Manitoba Hydro has a role to play in funding these
9 studies?

10 MS. COUGHLIN: Sorry, can you restate
11 that?

12 MR. BEDDOME: You would agree that
13 Manitoba Hydro has a role to play in funding these
14 on the ground ATK studies?

15 MS. COUGHLIN: Yes, which we did.

16 MR. BEDDOME: And you would agree that
17 having more information, and I think you have
18 already stated this, would improve the planning
19 and the routing? Would improve the planning,
20 routing, et cetera, process; right? If you have
21 more information, you can do a better job of an
22 Environmental Impact Statement? I think that's
23 what I'm saying. Yes or no; would that be fair?

24 MS. ZEBROWSKI: I think the more
25 information one has, the better you can always do

1 in your project. However, I think that the type
2 of database that you are suggesting is something
3 that, depending on how it was going to be used --
4 there's a lot of, I think, questions that would be
5 raised by communities about how that data may be
6 used and who holds ownership of it, who has access
7 to it, and when it may or may not be shared, and
8 if there's confidential aspects to that data, how
9 it may be shared. And because of those types of
10 questions, I think that database would be
11 something that would be best worked out on a
12 nation to nation basis between the province and
13 between communities that are interested in having
14 that type of database available.

15 MR. BEDDOME: And I completely agree
16 with you and thank you for referencing the
17 confidentiality concerns, the project by project
18 concerns. And I do agree with you, it would have
19 to be negotiated on a nation by nation basis. But
20 my point is, that type of information would be
21 hugely valuable to Hydro, though?

22 MS. ZEBROWSKI: I think when Manitoba
23 Hydro has projects that are happening, then in
24 those contexts, that information is helpful for
25 Manitoba Hydro in those project contexts, yes.

1 MR. BEDDOME: Okay. Just a quick
2 follow-up question. It's fair to say that
3 Manitoba Hydro has many projects at various levels
4 of conception. I mean, the reality is over time
5 we're likely going to build more and more power
6 lines, more international power lines as the
7 network expands. That's been the previous history
8 and is likely going to be the continued history.
9 Would you not agree with that?

10 MS. ZEBROWSKI: Well, I think our
11 current capital expenditures are probably not
12 going to be significant in the near future. But
13 to your point, I do think that we have, you know,
14 projects that happen. And as my colleagues have
15 already referenced, when we do have those
16 projects, especially when they are smaller
17 projects, that would properly be more detailed in
18 scope than a broader database, for example, might
19 cover. We would definitely continue to work with
20 communities that have interests or concerns in
21 relation to those specific projects.

22 MR. BEDDOME: And I think this will be
23 my last question, but that's a lawyer's famous
24 last words.

25 None of the Interlake Regional Tribal

1 Council, or none of those First Nations except for
2 Peguis, which is in the room here today, provided
3 any information through the ATK process; correct?

4 MS. THOMPSON: That's correct. We did
5 not hear an interest in the project from any other
6 Interlake First Nations.

7 MR. BEDDOME: Did you ask those First
8 Nations directly in any form or fashion?

9 MS. COUGHLIN: We included Aboriginal
10 organizations that had those groups within their
11 membership.

12 MR. BEDDOME: And I warned you, I was
13 going to be a lying lawyer. I've got one last
14 question, and I think this one's clearly indicated
15 in the EIS, so it should be easy to answer.

16 Of the seven ATK studies that you
17 funded, how many of them were completed, or even
18 you received a draft before the EIS was concluded?

19 MS. COUGHLIN: Six.

20 MR. BEDDOME: Six.

21 MS. COUGHLIN: So the ATKS management
22 team, which included Black River and Long Plain
23 and Swan Lake First Nations, so that's three, but
24 we call it one name in the report because they
25 worked collaboratively together. And then the

1 Roseau River Anishinaabe First Nation report, and
2 the draft from Peguis, and Sagkeeng provided the
3 first part of their report.

4 MR. BEDDOME: Actually, just a quick
5 point really worth addressing. In all the ATK
6 studies, the area east of the Watson Wildlife
7 Management Area was identified as a particular
8 area of concern for traditional practices. That
9 would be fair?

10 MS. COUGHLIN: That's fair.

11 MR. BEDDOME: Thank you. I think
12 that's all the questions I have, and I very much
13 appreciate your patience. I think I said one last
14 question three times.

15 THE CHAIRMAN: Thank you, Mr. Beddome.

16 All right. We'll move on now to
17 Peguis First Nation.

18 MR. VALDRON: Good morning to the
19 Commission and good morning to Trevor and Sarah.
20 Excuse my formality. For the monitor once again,
21 my name is Den Valdron representing Peguis. And
22 you will be pleased to know I have only got very
23 few questions.

24 So let's see. I want to thank you for
25 your presentation. It was very good, very

1 informative. There was a lot of information there
2 and I had trouble keeping up, so that's probably a
3 good thing.

4 I guess my first questions would
5 relate to the public engagement process. And I
6 was interested in that because, I mean, public
7 engagement is distinguished from First Nation
8 engagement, and I'm interested in how they
9 overlapped a bit. So when you were doing public
10 engagement and having these community meetings,
11 were First Nations people involved in that at all?
12 Did First Nations people, for instance, attend
13 your public engagement meetings?

14 MR. JOYAL: The public engagement
15 process is inclusive to any individual who wishes
16 to participate, and interests were brought forward
17 from indigenous participants through that process
18 as well.

19 MR. VALDRON: Okay. And how was that
20 dealt with? Was that just set aside, or was that
21 streamed into First Nation engagement, or was that
22 just included in your public engagement?

23 MR. JOYAL: One example I can use is a
24 landowner who brought forward their concerns
25 primarily in the public engagement process. But

1 later was confirmed through the ATKS -- no, it's
2 Aboriginal Traditional Knowledge provided by
3 Roseau River. They shared both -- interest was
4 brought forward in both ways and they were treated
5 accordingly.

6 MR. VALDRON: Okay. When you were
7 doing this, for instance, 25,000 postcards went
8 out, were postcards sent to First Nations people
9 as well?

10 MR. JOYAL: The postal codes
11 determined to be sent were the route planning
12 area, and I do not believe there is a First Nation
13 located within the route planning area.

14 MR. VALDRON: Okay. So it was the
15 postal codes that determined the postcards.

16 What about Winnipeg? Was there much
17 in the way of public consultation centering around
18 Winnipeg?

19 MR. JOYAL: Engagement activities were
20 undertaken here in Winnipeg, and utilized local
21 advertisements throughout each round of
22 engagement.

23 MR. VALDRON: Okay. With respect to
24 the information that was provided during the
25 public engagement process, was this essentially

1 the same information that was provided with First
2 Nations engagement, or were there differences in
3 presentation?

4 MR. JOYAL: We work together in
5 developing materials and they're available through
6 both processes.

7 MS. COUGHLIN: We tailored our process
8 to meet the community needs, and so we listened to
9 what people requested, and so we did things like
10 had more field tours, had more lunches, had more
11 in-person conversations, and leadership and
12 council meetings.

13 MR. VALDRON: But in terms of
14 information that you were presenting, was this
15 essentially the same description of the project?

16 MR. JOYAL: Yes.

17 MR. VALDRON: Okay. Now, with respect
18 to First Nations' engagement, I noticed that when
19 you were talking about public engagement, for
20 instance, you were cognizant of farming and you
21 didn't want to, you know, engage during harvest or
22 seeding times because obviously people were
23 otherwise engaged. Were you cognizant of these
24 sorts of issues for First Nations? Because I
25 think resource harvesting, for instance, is highly

1 seasonal.

2 MS. THOMPSON: So, yes, we were also
3 aware and tried to work with communities to find
4 dates that were most appropriate for each
5 community. And we were aware of things that might
6 be happening, such as leadership changes. And we
7 were also aware, some communities requested
8 specific meetings for off-reserve members, so we
9 also worked to accommodate that.

10 MR. VALDRON: Okay. But what about
11 seasonality of resource use? I can, for instance,
12 say that people going out on the land in the
13 winter are going out for very different purposes
14 and reasons than they are going out in the middle
15 of summer. There may be seasons, for instance,
16 for wild migratory waterfowl harvesting, there may
17 be particular seasons for gathering. Was any of
18 this incorporated into the First Nation's
19 engagement?

20 MS. COUGHLIN: We were responsive to
21 when the communities wanted to meet or
22 organizations wanted to meet, so we met their
23 needs.

24 MR. VALDRON: All right. And so was
25 this a year round thing or just as requested?

1 MS. COUGHLIN: Well, the process began
2 in August of 2013, and we had different phases
3 throughout that process. And at each new phase,
4 we'd begin a round of communications and a new set
5 of meetings. So it was an evolving process.

6 MR. VALDRON: Okay. I get the
7 impression your public engagement was very
8 grassroots oriented, in terms of trying to
9 basically hold public meetings, open meetings,
10 sending out postcards. Was the First Nations'
11 engagement similarly public oriented or was it
12 more leadership oriented? Were you reaching out
13 to leadership?

14 MS. COUGHLIN: We reached out to those
15 who were identified as the key contacts for
16 communities. So one community may have preferred
17 communication with leadership directly, other
18 communities may have preferred to work through a
19 consultant, and other communities, other
20 mechanisms. So we were, again, we tailored our
21 approach to how the community wanted to
22 communicate with Manitoba Hydro.

23 MR. VALDRON: Okay. How did you
24 initiate contact with communities? Did you just
25 send them a letter or phone up the chief? I mean,

1 was there a standard protocol for that?

2 MS. COUGHLIN: Yeah, we initially deal
3 with leadership, talk to leadership, and then we
4 take their direction and follow suit.

5 MR. VALDRON: All right. Did you try
6 and reach out to or deal directly with resource
7 users? Did you try to identify where these
8 resource users were?

9 MS. COUGHLIN: If that was the will of
10 the community, then we did. I guess Lindsay just
11 mentioned that we had community open houses as
12 well. So at community open houses, they're of
13 course welcome to anybody who wanted to attend,
14 and we shared information in those sessions.

15 MR. VALDRON: When you say community
16 open houses, these are Metis and First Nation
17 communities?

18 MS. COUGHLIN: No, just First Nation
19 communities.

20 MR. VALDRON: Just First Nations,
21 okay. How many of these open houses were held?

22 MS. COUGHLIN: They're identified in
23 the chapter 4 of the EIS. I don't have the number
24 off the top of my head, but we could search it up
25 for you, if you'd like.

1 MR. VALDRON: Oh, okay. And were any
2 First Nations based open houses held off reserve?

3 MS. COUGHLIN: Yes, they were. So,
4 for example, Roseau River, we had meetings in
5 Winnipeg. Peguis, we had meetings off reserve as
6 well.

7 MR. VALDRON: Okay. You had meetings
8 for Peguis in Winnipeg?

9 MS. COUGHLIN: In Selkirk.

10 MR. VALDRON: In Selkirk, okay. With
11 respect to -- here's one thing. You identified, I
12 think Trevor referred to heritage cultural sites,
13 but I didn't hear that being defined. Can you
14 tell us how heritage cultural sites were defined
15 for the public consultation, or public engagement?

16 MR. JOYAL: The individuals who were
17 identifying the heritage and cultural sites would
18 be the ones to define heritage and culture, not
19 myself or our team.

20 MR. VALDRON: Okay. So it was
21 basically grass, or ground based identification of
22 heritage and culture?

23 MS. COUGHLIN: One of the ATK studies
24 also defined a heritage site. So the group of
25 three, Long Plain, Swan and Black River have a

1 definition for heritage site. It is described as:

2 "An area of past land use by...",

3 these are their words,

4 "...Indians for survival purposes such

5 as camps, travel routes, gardens,

6 events, and areas where Indian people

7 gathered for trade. This is not a

8 complete list of activities."

9 That's a quote from the ATKS management report.

10 MR. VALDRON: Okay. But that was a
11 definition that was provided to you?

12 MS. COUGHLIN: Yeah.

13 MR. VALDRON: All right. So
14 essentially you were fairly passive in terms of
15 receiving heritage and cultural sites. If
16 somebody came to you at a First Nations'
17 engagement, or a public engagement and said, you
18 know, this is an important cultural site, you just
19 took it?

20 MS. COUGHLIN: We also have a heritage
21 expert who is going to talk on the socio-economic
22 panel, and he has extensive background and
23 understandings of various definitions of sites.
24 So yeah.

25 MR. VALDRON: So then what was

1 happening was, you were just receiving this
2 information and then it would be evaluated by your
3 heritage expert?

4 MS. COUGHLIN: Which information are
5 you referring to specifically?

6 MR. VALDRON: The reference to
7 heritage and cultural sites?

8 MS. COUGHLIN: In where?

9 MR. VALDRON: That was in Trevor's
10 initial presentation.

11 MS. COUGHLIN: Oh, okay. Sorry.

12 MR. VALDRON: All right. When you
13 were looking at First Nation engagement, and I can
14 certainly respect that, you know, you looked at
15 Treaty number 1, and you looked at First Nations
16 that had traditional use in the area, and
17 geographical boundary. Did you make any effort to
18 determine what First Nation peoples were actually
19 using these areas? For instance, did you contact
20 Natural Resources and say, do you have any
21 information on First Nations peoples, or which
22 First Nations' groups are moving in and out of
23 this area for harvesting?

24 MS. COUGHLIN: We contacted those
25 included in the First Nations and Metis engagement

1 process, and asked them directly.

2 MR. VALDRON: So you contacted the
3 First Nations that you had already identified?

4 MS. COUGHLIN: Yes.

5 MR. VALDRON: Okay. But there was no
6 other -- there was no other effort to identify who
7 was in the area?

8 MS. COUGHLIN: So the Crown has their
9 own process, the Crown consultation process, and
10 they submitted -- they had their own process that
11 they undertook where they invited communities to
12 let them know if they had interest in the project.

13 MR. VALDRON: Okay. And were you
14 making use of this Crown consultation process?
15 Was there information crossover?

16 MS. ZEBROWSKI: Not as such. But what
17 I did want to mention was that, you know, in
18 talking to the communities that we had already
19 identified, in some cases those communities were
20 sharing with us others who were using the area
21 that they were aware of. And so, for example, the
22 two communities that Sarah had mentioned in her
23 presentation, Shoal Lake 40 and the other
24 independent First Nation were brought into the
25 process through information that we had received

1 through the initial communities that we spoke to.
2 Because often those that were out using the land
3 will be aware of who else is out there using the
4 land.

5 MR. VALDRON: Okay. So you got some
6 information that way, but that was more or less
7 passive, it had to be identified to you?

8 MS. COUGHLIN: Yes, we heard through
9 Swan Lake that other communities might be
10 interested in participating.

11 MR. VALDRON: All right.

12 MR. JOYAL: To jump back to the
13 heritage question you had, it is defined in
14 chapter 12 on page 12-X. And as well in the
15 presentation that I have, we had requested this
16 just generally on routing preferences from the
17 public. There was no real definition of heritage
18 or cultural sites, it was up to the user to define
19 what that meant and what priority it was to them.

20 MR. VALDRON: Thank you. All right.

21 I guess one of the things I wonder
22 about, looking at this, is how all of this
23 information or this engagement is integrated
24 together. So you have public engagement and you
25 have First Nations' engagement, and then you have

1 some First Nations' participation in the public
2 engagement. How was First Nations' engagement in
3 the public engagement treated? I mean, how do
4 you -- was this part of your conclusions with
5 respect to public engagement, or were you feeding
6 some of that information into your First Nations'
7 engagement? Were you keeping it separate or was
8 it all just being mixed together?

9 MS. COUGHLIN: Sometimes the nature of
10 the information shared is different. So for
11 example, we had Aboriginal Traditional Knowledge
12 studies or self-directed studies of some sort
13 shared with First Nations, and those are reviewed
14 in a certain way.

15 MR. JOYAL: Feedback that we received
16 through the public engagement process is also
17 supplied and -- provided to our specialists who
18 incorporate it to consider into their
19 environmental assessments, and both the feedback
20 from public engagement and First Nation and Metis
21 engagement process is represented as community in
22 the route selection process.

23 MR. VALDRON: Now, focusing a little
24 bit more on the First Nation engagement process,
25 one of the things I wondered about, as I looked at

1 this, was there was a lot of diversity and that
2 can be very good. Different First Nations took
3 different approaches. But when it comes to the
4 end product, it seemed to me there was some risk
5 of apples and oranges. How did Hydro deal with
6 this? For instance, like were you providing any
7 kind of basic principles or guidelines? I mean
8 when you were engaged with different First
9 Nations, what information were you providing to
10 them? Was it the same information each time?
11 Were you just providing them with a package and
12 then saying, tell us what you think? How did that
13 work?

14 MS. COUGHLIN: Well, we tailored
15 engagement, like we said earlier, to each
16 community, and to the step in the process of the
17 environmental assessment. So when we first began,
18 the kind of information that we shared was really,
19 we're starting a project, we'd like to know how or
20 if you'd like to engage. And then as we move
21 forward, we'd like to ask questions about what you
22 value and what you consider important. And then
23 as information about the routing process continued
24 and we went through different rounds of routing,
25 we shared information about potential routes, and

1 we asked for input on those routes. We continued
2 to ask about concerns and values throughout the
3 process.

4 And then as the final preferred route
5 was arrived at, we asked people what they thought
6 of the final preferred route, and we shared
7 information on the final preferred route through
8 various documents, like we showed in the
9 presentation, like the video. And then we
10 summarized information of what we heard, and then
11 we shared what we heard information back with the
12 community and asked if we had captured it
13 correctly. And then that information was provided
14 in an Environmental Impact Statement. And then we
15 continued to talk to First Nations and the MMF and
16 Aboriginal organizations who wanted to hold
17 environmental protection planning meetings, and
18 were continuing discussions potentially through
19 community monitoring meetings.

20 So basically the type of information
21 shared matched the stage of the process that we
22 were in, and varied throughout, and included
23 different documents and paperwork and
24 conversations, topics, as we move forward.

25 MR. VALDRON: Okay. So essentially

1 you provided them with information, and from time
2 to time that information had to be revised as
3 Hydro was revising and updating and adjusting its
4 planning. Is that correct?

5 MS. COUGHLIN: Like we went in and
6 revised the document and then resubmitted that.
7 Is that what you mean by revised?

8 MR. VALDRON: Well, no, revised as in
9 you are developing your routes, you are refining
10 your route choices, you are continuing to engage
11 in planning for the project.

12 MS. COUGHLIN: Yeah, we continued to
13 engage in planning for the process, and the nature
14 of the material shared matched the stage that we
15 were at. So, you saw handouts on the screen, so
16 those are handouts of potential valued components,
17 and they were provided at early meetings when we
18 were trying to figure out which valued components
19 to include in the assessment.

20 MR. VALDRON: Okay. But in terms of
21 the actual physics of the project, when that
22 changed, you'd be updating the community; correct?

23 MS. COUGHLIN: Yes.

24 MR. VALDRON: So, for instance, if you
25 were planning to upgrade or update the

1 converters -- well, if at some point you realized
2 you were planning to update or upgrade the
3 converters, then that would be information that
4 would change, you'd have to notify the community
5 of that?

6 MS. COUGHLIN: Update the converters,
7 do you mean like a new part of the project?

8 MR. VALDRON: Yes.

9 MS. COUGHLIN: We shared the
10 components of the project at the beginning, and
11 throughout the process we continued to ask
12 questions about the nature of their concerns with
13 respect to the project presented. And as the
14 route was defined, throughout the process, we
15 continued to seek information and understanding.
16 And we worked together to provide communications
17 on a very similar timeline. We may have been a
18 day or two out on a few instances, but we work
19 about 8 feet apart from each other, so we're
20 generally hand in hand.

21 MR. VALDRON: Right. All right. So
22 as you were getting feedback from communities,
23 this feedback, this engagement was happening in
24 different ways in different communities; correct?

25 MS. COUGHLIN: Correct.

1 MR. VALDRON: Okay. So in terms of
2 dealing with this engagement, were you providing
3 or using any particular protocols for engaging
4 with communities? Were you, for instance,
5 employing Tri-Council standards for interviews, or
6 advising communities, or advising community
7 representatives of any kind of standards for
8 interviews, or was it just you went out and said,
9 tell us something, and then you just took whatever
10 came back to you?

11 MS. THOMPSON: So, as we had
12 previously indicated, we actually didn't do any
13 key person interviews with First Nations. We are
14 aware of Tri-Council standards and we encourage
15 communities to have informed consent as part of
16 their TK studies.

17 MR. VALDRON: But did you discuss with
18 the communities any standards for interviews? Did
19 you try and establish any baselines or ground
20 rules in terms of information? Because otherwise,
21 I don't know how you weighed the information from
22 one community against another.

23 MS. THOMPSON: No, we didn't ask
24 communities to follow certain standards.

25 MS. COUGHLIN: And we don't weight

1 information from one community against another.

2 MR. VALDRON: Perhaps that's the wrong
3 phrase, I think. I keep coming back to apples and
4 oranges. How do you incorporate information from
5 different communities if this information comes
6 about in very different ways? Was the information
7 fairly uniform that you were getting back? Were
8 the concerns recurrent?

9 MS. COUGHLIN: In some cases it was.
10 So concern for maintaining access to conduct
11 traditional activities, that's something that we
12 heard fairly broadly. In other cases it was
13 specific. So, for example, Peguis, we heard
14 concerns about water, a lot of concerns about
15 water. And so we provided a lot of input to the
16 fish and fish habitat chapter about concerns for
17 fish and water in general. We heard specific
18 concerns from Long Plain about botanicals. So,
19 yeah, we heard both generic kind of topics that
20 were similar across different communities, and
21 specific ones.

22 MR. VALDRON: If a particular
23 community flagged information, did you raise that
24 information with any of the other communities, or
25 did you just keep it separate?

1 MS. COUGHLIN: We filed all the TK
2 studies with the environmental assessment. So
3 anybody who wanted to read those could review
4 them. And of course, some of the First Nations
5 worked together.

6 MR. VALDRON: But there was no overall
7 pattern of trying to get the most information by
8 canvassing every issue raised, or canvassing as
9 many issues raised in different communities?

10 MS. COUGHLIN: Some information that
11 shared is sensitive and we want to be respectful
12 to communities who have ownership of that
13 information.

14 MR. VALDRON: Right. What about -- I
15 think you have touched a little bit in terms of
16 off reserve. I guess one of my concerns is that
17 for Peguis, for instance, 5,000 of our members are
18 residing in or around Winnipeg, so there's a
19 substantial interest there in that community. Was
20 there an attempt then to reach out to First
21 Nations, or to in and around Winnipeg, like First
22 Nation members who were resident in Winnipeg?
23 Because I know that there's a lot more than just
24 Peguis in Winnipeg. I think Winnipeg has an
25 Aboriginal population of about 50,000 or so.

1 MS. COUGHLIN: Peguis had indicated
2 sort of a request to have off-reserve meetings,
3 and we held one in Selkirk. And I think we had
4 started discussions about having something in
5 Winnipeg. And should there be interest to have an
6 environmental protection plan meeting in Winnipeg,
7 we would certainly invite that opportunity. We
8 demonstrated that willingness. We had a meeting
9 in Winnipeg for Roseau River Anishinaabe First
10 Nation. So, we're of course open to that.

11 MR. VALDRON: Okay. The information
12 that you have received from these communities, you
13 said that it's basically the data is owned by the
14 First Nations themselves. But I assume that if
15 information is provided to you, are you able to
16 make use of it in other forums?

17 MS. COUGHLIN: No, not necessarily.

18 MR. VALDRON: Not necessarily. That's
19 kind of a yes and no answer. In terms of the
20 information that's come to you from say Peguis, is
21 there any record kept of where this information is
22 used or how this information is used? Is there a
23 log kept?

24 MS. ZEBROWSKI: Are you speaking more
25 generally or specifically in relation to the

1 project?

2 MR. VALDRON: I'm speaking in respect
3 of information from Peguis with respect to this
4 process.

5 MS. COUGHLIN: We're familiar with the
6 letter that Peguis sent requesting to keep a log
7 of anytime the information is used.

8 MR. VALDRON: And is Hydro prepared to
9 keep that log and share that information with
10 Peguis?

11 MS. COUGHLIN: I don't see why not.

12 MR. VALDRON: Okay.

13 MS. ZEBROWSKI: I just wanted to add
14 to that. Most of the communities where we have
15 agreements with them to undertake studies,
16 generally speaking the information is utilized for
17 the purpose for which it's collected. However, if
18 the information is made public, then we may use it
19 for other processes. If the information is not
20 made public, we generally don't use it for other
21 processes unless we have the permission of the
22 community in question.

23 MR. VALDRON: Okay. And so with
24 respect to the information that Peguis has
25 provided you so far, that will come through in

1 this hearing, then I assume that that may be used
2 for other purposes, and I believe that Peguis has
3 asked for a record to be kept and to be provided
4 with notice as to where that information is used.

5 MS. COUGHLIN: I believe they asked
6 for monthly updates.

7 MR. VALDRON: If information is used
8 on a monthly basis, then I don't think that's
9 unreasonable, but I'm not arguing.

10 All right. Now, one of the things I'm
11 interested in, and my learned friends also touched
12 on that, was with respect to current and ongoing
13 monitoring and engagement. Can you tell us what
14 the current status of engagement is? Are there
15 meetings being held? I believe you mentioned a
16 meeting held in March?

17 MS. COUGHLIN: Yeah, there are still
18 some communities with whom we still haven't had an
19 environmental protection planning meeting with,
20 and we're open to having those meetings. And we
21 had discussed earlier a few initial meetings to
22 discuss community monitoring.

23 MR. VALDRON: Okay. And is the
24 community monitoring process essentially similar
25 to the engagement process?

1 MS. COUGHLIN: We're open to what that
2 process might be. So we have asked communities if
3 they want to participate.

4 MR. VALDRON: So it doesn't sound like
5 it's very advanced at this point in time?

6 MS. COUGHLIN: That's correct.

7 MR. VALDRON: Okay. Is there any
8 particular plan to go forward? What's the -- is
9 there a schedule of meetings? Is there proposals
10 for ongoing monitoring and for ongoing engagement?

11 MS. COUGHLIN: There is not a schedule
12 right at this time, no.

13 MR. VALDRON: Okay.

14 MS. COUGHLIN: Communities have --
15 we're waiting to hear what the communities might
16 want to do.

17 MR. VALDRON: Okay. And would it be
18 safe to say that it would probably take place in
19 the same manner and with the same sorts of
20 protocols as current First Nation's engagement, or
21 are we planning to do something different?

22 MS. COUGHLIN: I think the current
23 norms and respect that we pay to communities
24 would, of course, be carried into the future, yes.

25 MR. VALDRON: Is there another meeting

1 that you are attempting to schedule following from
2 March?

3 MS. ZEBROWSKI: At the March meeting
4 there was some concerns that were raised by some
5 communities, and they requested that there be some
6 more senior level discussions with respect to the
7 issues raised which were outside of monitoring
8 concerns. And they asked that some of those
9 meetings take place before the monitoring
10 discussions continue. So senior executive at
11 Manitoba Hydro have reached, have begun reaching
12 out to different leadership to have some of those
13 discussions. And I believe the intent is to also
14 follow up at the most technical staff level with
15 the different communities to continue on with the
16 monitoring meetings, or to see when those can
17 begin again, as soon as these other issues are
18 resolved.

19 MR. VALDRON: Okay. But I guess from
20 what you're describing, it seems to have stalled
21 out a little?

22 MS. ZEBROWSKI: Yes -- if stalled out
23 is the right word, but I would say on hold for the
24 time being, but there was an IR related to this,
25 SSCIR 398.

1 MR. VALDRON: Well, thank you.

2 Now, in terms of this monitoring going
3 forward, I understand that there is a process in
4 Bipole III which is going on right now. Would
5 what we're contemplating for ongoing monitoring
6 and engagement be similar to what's being done on
7 Bipole III right now?

8 MS. COUGHLIN: We're not sure. We're
9 open to suggestions what the group may want to be
10 involved with or may want to monitor. So we have
11 an open mind at this point.

12 MR. VALDRON: Okay. In terms of
13 ongoing engagement and monitoring, one of the
14 things that's been brought to my attention, of
15 course, is seasonality. For instance, if you're
16 using the land and proposing to monitor and
17 engage, it's a highly seasonal thing. So, for
18 instance, calving for elk is one time of the year,
19 migratory birds, another time of the year, running
20 for elk is at a different time, medicines are
21 gathered at different times of the year. And so
22 it's highly seasonal. And the perceptions, you
23 know, that people engage with may be very
24 different depending on what time of the year, and
25 where you are asking them. So would this ongoing

1 monitoring and ongoing engagement be seasonal in
2 nature? Would it respond to and reflect that
3 seasonal reality?

4 MS. COUGHLIN: Again, we want the
5 group to be making decisions about the schedule of
6 when monitoring may occur. I think the general
7 statement that you have made, we would agree with.
8 There is a seasonality that we want to be
9 cognizant of. And if I was to predict, I would
10 think that the group might want to monitor
11 seasonally.

12 MR. VALDRON: All right. In terms of
13 this current engagement, and current engagement
14 and future engagement and monitoring, what
15 resources are available for this? I think that's
16 something that comes up again and again in any
17 forum. First Nations don't have a lot of
18 resources to put into these things on their own,
19 and so there has to be some degree of support.

20 MS. COUGHLIN: We don't even know for
21 sure if the group wants to continue having a
22 community monitoring group, so we haven't gone to
23 the next stage of resources yet at this point.

24 MR. VALDRON: So even something as
25 simple as funding is up in the air at this point?

1 MS. COUGHLIN: Yes. We, of course,
2 have a budget for regulatory monitoring. But,
3 yeah, we're not really sure what the group wants
4 to do yet, so we haven't budgeted it out.

5 MR. VALDRON: If you'll just give me a
6 second, I am going to go through my notes and see
7 if anything has been missed.

8 All right. Just one last little
9 question, it's just a little technical follow-up
10 on my part. There was discussion with respect to
11 MMTP public open house locations. And this was on
12 PFN IR 003, the answer. And there is a cute
13 little map here -- oh, there it is. There's a
14 cute little map there. I take it that all of
15 those orange dots are where you held open houses?

16 MR. JOYAL: That's correct.

17 MR. VALDRON: Okay. I just wanted to
18 confirm that.

19 All right. I think that covers it for
20 me. So thank you very much. I appreciate you
21 taking the time. And my thanks to the committee.

22 MS. COUGHLIN: Thank you.

23 THE CHAIRMAN: Thank you, Mr. Valdron.

24 All right. We'll turn next to the
25 Manitoba Metis Federation. I do want to advise

1 everyone that at 12:30, we will take a break no
2 matter where we are in the proceedings, if that's
3 acceptable to everyone, thanks.

4 MS. STRACHAN: Good afternoon to the
5 Commission and also to the panel. My name is
6 Megan Strachan, and I'm counsel to the Manitoba
7 Metis Federation or the MMF, as I'll be referring
8 to them. So I welcome any member on the panel to
9 answer these questions, but I expect they will
10 mostly be directed to Ms. Coughlin.

11 So my understanding is that the
12 content in the EIS was guided by the final scoping
13 document and was designed to meet the regulatory
14 requirements, including Manitoba's Environment
15 Act; is that right?

16 MS. COUGHLIN: Yes, and the NEB
17 Electricity Filing Manual.

18 MS. STRACHAN: And so I understand
19 that under the Environment Act here in Manitoba,
20 the EIS has to include a description of the
21 potential impacts of the development on the
22 environment. Is that also right?

23 MS. COUGHLIN: Yes.

24 MS. STRACHAN: And Manitoba's
25 Environment Act includes humans as part of the

1 environment. Is that correct?

2 MS. COUGHLIN: Yeah.

3 MS. STRACHAN: So it would follow that
4 the EIS needs to assess the impacts of the project
5 on people such as the Manitoba Metis community.
6 Would that be a fair statement?

7 MS. COUGHLIN: Yes.

8 MS. STRACHAN: And further, the final
9 scoping document provides that the EIS must assess
10 traditional and local knowledge. That's also
11 correct?

12 MS. COUGHLIN: That's correct.

13 MS. STRACHAN: And also in the final
14 scoping document, it includes a specific
15 requirement for the EIS to address the effects of
16 the project on the Metis and their traditional
17 land uses?

18 MS. COUGHLIN: You're reading from the
19 scoping document?

20 MS. STRACHAN: Um-hum.

21 MS. COUGHLIN: Okay, yes.

22 MS. STRACHAN: And so I understand
23 that Manitoba Hydro submitted their EIS to the
24 Commission in September of 2015?

25 MS. COUGHLIN: Yes.

1 MS. STRACHAN: And I think this was
2 mentioned in your presentation earlier this
3 morning, that it was in January of 2016 that a
4 contribution agreement was signed with the MMF,
5 and this contribution agreement related to a work
6 plan for engagement on the MMTP with the MMF. Is
7 that right?

8 MS. COUGHLIN: Yeah, that's right. I
9 think, and ideally we would have preferred to have
10 information earlier and negotiations settled
11 earlier with the MMF, prior to filing of the EIS.
12 So yeah.

13 MS. STRACHAN: So my understanding of
14 the work plan objectives is that it was designed
15 to address Metis interests and potential impacts
16 to those interests that weren't captured in the
17 EIS as it was filed. Is that a fair statement?

18 MS. COUGHLIN: You are asking if the
19 objectives were to understand activities that the
20 Metis people might conduct on the land should be
21 included in the EIS in general? Is that what
22 you're asking?

23 MS. STRACHAN: Almost. So my reading
24 of the objectives in the engagement work plan
25 between Hydro and the MMF is that it was designed

1 to try to capture Metis interests and potential
2 impacts of the project on those interests that
3 weren't represented or captured by the EIS that
4 was filed in September of 2015?

5 MS. COUGHLIN: Yeah, I don't have the
6 work plan in front of me but that sounds right,
7 yeah.

8 MS. STRACHAN: And so one of the
9 delivers in the work plan was the production of a
10 Metis land use and occupancy study. Is that
11 right?

12 MS. COUGHLIN: That's correct.

13 MS. STRACHAN: And this study was
14 filed with the CEC on April 19, 2017; is that
15 right?

16 MS. COUGHLIN: That's right.

17 MS. STRACHAN: So given this timeline,
18 the information in that land use and occupancy
19 study could not inform the routing or assessment
20 of the effects, or mitigation measures, that was
21 contained in the EIS; is that correct?

22 MS. COUGHLIN: That's correct, but it
23 can inform the Environmental Protection Program,
24 and much of the information in the report were
25 some of the things that were assessed in the

1 assessment, because there was information that we
2 were able to understand through the process.

3 MS. STRACHAN: I'm sorry, just to
4 clarify, your answer was that there was some
5 information from the MMF that you received prior
6 to the study being filed, that you were able to
7 include in your assessment?

8 MS. COUGHLIN: Yeah, a general
9 understanding of a preference to maintain open
10 Crown lands for practising traditional land user
11 activities.

12 MS. STRACHAN: So Manitoba Hydro filed
13 a supplemental report, also on April 19, 2017,
14 that stated how in Manitoba Hydro's opinion the
15 MMF's Metis land use and occupancy study
16 influenced the project. Is that right?

17 MS. COUGHLIN: That's correct.

18 MS. STRACHAN: My understanding from
19 reading that supplemental report is that the MMF
20 study didn't warrant any changes to Manitoba
21 Hydro's conclusions in the EIS regarding potential
22 effects on traditional land and resource use. Is
23 that a fair reading?

24 MS. COUGHLIN: That's correct. We
25 presumed use of the area.

1 MS. STRACHAN: And similarly, the
2 supplemental report also concluded that the MMF
3 study did not warrant any change to the assessment
4 of potential effects on wildlife and wildlife
5 habitat. Is that also correct?

6 MS. COUGHLIN: Yes.

7 MS. STRACHAN: And similarly, the MMF
8 study also did not warrant any changes to routing
9 or the final preferred route. Is that correct?

10 MS. COUGHLIN: That's correct.

11 MS. STRACHAN: I would just like to
12 return to the MMF Hydro engagement work plan for a
13 moment. And so the production of the MMF land use
14 and occupancy study was not the only deliverable
15 that was set out in that work plan; is that right?

16 MS. COUGHLIN: Yeah, that's correct.

17 MS. STRACHAN: So among other things,
18 the work plan contemplated reaching appropriate
19 mitigation measures for identified effects on
20 Metis specific interests?

21 MS. COUGHLIN: Yes, correct.

22 MS. STRACHAN: And to date, my
23 understanding is that the work on mitigation
24 measures is still ongoing?

25 MS. COUGHLIN: That's correct.

1 MS. STRACHAN: So engagement with the
2 MMF, as set out in that work plan, hasn't been
3 completed to date?

4 MS. COUGHLIN: That's correct. That's
5 my understanding.

6 MS. STRACHAN: So in reading the EIS,
7 I note that Treaty Land Entitlement concerns are
8 repeatedly noted. And as I'm sure you're aware,
9 in 2013 the Supreme Court of Canada made a
10 declaration that the honour of the Crown was
11 breached through Canada's failure in implementing
12 Section 31 of the Manitoba Act, 1870, which had
13 promised 1.4 million acres of land to Metis
14 children in Manitoba. So given the treatment of
15 Treaty Land Entitlement in the EIS, I wonder, was
16 the MMF's outstanding claims ever considered or
17 discussed in the EIS?

18 MS. ZEBROWSKI: They were not dealt
19 with in the EIS in the same manner. Manitoba
20 Hydro was certainly aware of that important
21 Supreme Court decision, and is understanding that
22 the Manitoba Metis Federation and the Federal
23 Government are under discussions to find a way
24 forward and to discuss what the outcomes of that
25 would be of their relationship and in light of

1 that Supreme Court decision.

2 MS. STRACHAN: And so did this
3 understanding -- did Hydro's understanding of this
4 declaration and those discussions inform their
5 engagement with the MMF in any way?

6 MS. ZEBROWSKI: Certainly Manitoba
7 Hydro has a previous agreement with the Manitoba
8 Metis Federation called Turning the Page
9 Agreement. Through that agreement, the Manitoba
10 Metis Federation and Manitoba Hydro, as well as
11 the Province of Manitoba, have from time to time
12 steering committee meetings where information of
13 mutual interest is shared and discussed and, you
14 know, to reach better understandings and to
15 improve relationships and build relationships.
16 And through that process, we were aware of some of
17 the discussions that the Manitoba Metis Federation
18 is having at the federal level and some of their
19 thoughts on that.

20 MS. STRACHAN: Thank you. Those are
21 all my questions.

22 THE CHAIRMAN: Thank you. Well, given
23 the time, I think we'll take the break now and so
24 we will be back here at 1:25. Thanks.

25

1 (PROCEEDINGS RECESSED AT 12:23 P.M.
2 AND RECONVENED AT 1:25 P.M.)

3 THE CHAIRMAN: Okay, everybody, it's
4 1:25, so we are going to start. I did see the
5 representative for Manitoba Wildlands, Ms. Whelan
6 Enns in the room. She seems to have stepped out.
7 We'll give her a minute or two, and if necessary
8 move onto the next questioner.

9 Is Manitoba Wildlands in the room?
10 I'd like to remind everyone that we will be
11 starting every session on time, and in order to
12 keep the process moving and to ensure that it's
13 efficient, we will not be giving much leeway
14 around that time. Thank you.

15 Ms. Whelan Enns.

16 MS. WHELAN ENNS: Thank you,
17 Mr. Chair. I was watching my time, and my phone
18 may be two minutes late. I was doing my best.

19 First question has to do with Slide 4,
20 and it's for Mr. Joyal. And it's about the
21 principles, then, on that, the guiding principles,
22 then, on that slide. And straightforward, I
23 believe, and that is: Does Manitoba Hydro use the
24 same guiding principles in its engaging with
25 Aboriginal communities as with its engagement with

1 stakeholders and dominant society communities?

2 MR. JOYAL: Yes.

3 MS. WHELAN ENNS: Thank you.

4 In terms of Slide 9, I heard you say something I
5 didn't quite catch in terms of keeping up
6 note-taking. But you have on Slide 9 a reference
7 to identifying stakeholders. So my question goes
8 to how Manitoba Hydro handles self-identification
9 of stakeholders and/or affected communities or
10 affected individuals.

11 MR. JOYAL: Just one moment, please.

12 As outlined in 3.4.2, stakeholder identification,
13 there are some criteria that we do look at when
14 identifying stakeholders, such as having feedback
15 to provide, affected by the potential decisions,
16 having a specific interest or mandate in the
17 project planning area, have potential data to
18 share with us, have an ability to disseminate
19 information or possess a general interest in the
20 project area.

21 MS. WHELAN ENNS: Thank you for that.

22 It wasn't my question, okay? So my question was
23 what Manitoba Hydro's approach is in terms of
24 self-identification. So it is a serious question.
25 This is a pan-Canadian value that's built into

1 many of our institutions; it's built into
2 everything that Stats Canada does. And so let's
3 try again.

4 Your identification here is about
5 Manitoba Hydro identifying stakeholders, and I am
6 asking a fairly basic question, and that is how
7 Manitoba Hydro responds to self-identification, a
8 stakeholder in an affected community.

9 MR. JOYAL: As outlined in the guiding
10 principle inclusivity is something that we aim to
11 have in our project. Any group that comes
12 forward -- which they had; coalition groups came
13 forward and were involved in the process. We also
14 used broad notification, as I outlined in my
15 presentation, to cast that net wide, to make sure
16 that if there is an interest that we overlooked,
17 that they could come and participate in that
18 process.

19 MS. WHELAN ENNS: Thank you.

20 The next question I have in front of
21 me looks like it has a 34 and 35 in front of it.
22 I jumped over a group of questions that I'll come
23 back to. And I wanted to ask about -- I think the
24 question is the comment Ms. Coughlin made in
25 answer to a question where you were talking about

1 engagement. We'll continue to project operation.

2 Now, I believe in cross-examination
3 previous to what I'm asking right now that you
4 have sort of clarified that, that engagement with
5 communities and stakeholders will continue after
6 operation begins. Am I hearing correctly?

7 MS. COUGHLIN: That's correct.

8 MS. WHELAN ENNS: Great. And so that
9 would mean perhaps that Manitoba Hydro may start
10 to embrace the new standard and expectation that
11 the National Energy Board has with respect to
12 projects they have jurisdiction or responsibility
13 for, where engagement continues through the life
14 of the project.

15 MS. COUGHLIN: I think we'd have to
16 take a good look at that.

17 MR. JOYAL: It is outlined in our
18 documents. Ongoing engagement is something that
19 our process does accept, and that would include
20 operations.

21 MS. WHELAN ENNS: Fair enough. Thank
22 you both.

23 Now, I may not have a slide number on
24 this, but I think it will be straightforward, and
25 it's from other cross, okay. So I believe it was

1 Ms. Coughlin again, but correct me, or decide
2 among yourselves who is best to answer, okay.

3 You were in fact identifying the --
4 let's call them elements, okay, that came forward
5 that were most noteworthy, most relevant in the
6 EIS, from some of the traditional use and
7 occupancy studies.

8 And again, there's been
9 cross-examination since; there's been lots more
10 content on this. But at the time, I wanted to ask
11 you whether or not medicinal plants and land
12 selection, which is in fact a modern-day exercise
13 of rights, and wetlands were also examples of what
14 you were hearing from these affected communities.

15 MS. COUGHLIN: I think in my statement
16 I identified that plants are what we heard were
17 important, and so that includes medicinal plants.
18 I think it would be fair to characterize the
19 statement that not all groups recognize the
20 importance of wetlands; the communities that we
21 spoke to, they didn't bring up the term wetlands
22 specifically, but rather the land, and spoke of
23 Mother Earth and the integrity of that.

24 MS. WHELAN ENNS: Thank you.

25 Now, the other participants, I think

1 it was legal counsel for SCO, asked about a
2 regional cumulative effects assessment, and the
3 answers were, you know, were adequate for now.
4 What I'd rather like to do is add to that question
5 in terms of what Manitoba Hydro identifies as the
6 region for the MMTP project.

7 When you have two converter stations
8 and a lot of transmission involved in a very large
9 region of the province, and then you have the PDA,
10 the project development area itself. So when you
11 were answering the questions about a regional
12 cumulative effects assessment, what region were
13 you thinking?

14 MS. COUGHLIN: I think this kind of
15 thing -- and I think Deirdre commented on it
16 earlier -- this kind of study would be something
17 that it would be up to the Province's
18 jurisdiction, so it would be up to their decision
19 to figure out what region, if they were to do
20 such a -- undertake such an endeavour.

21 If you -- I think that we have a
22 regional study area defined in the EIS as a place
23 to start.

24 MS. WHELAN ENNS: The question from
25 Manitoba Wildlands has to do with the steps that

1 had been taken in CEC hearings through
2 recommendations from the CEC regarding regional
3 cumulative effects assessment, and then also what
4 is going on nationally right now, when regional
5 cumulative effects assessment or regional plans
6 are being recommended, where we all get to wait
7 and see, in terms of assessments and projects with
8 this federal responsibility and federal regulatory
9 context. So we'll stop right there, okay. Thank
10 you.

11 There's not as many questions as there
12 are tags, because many of them have been dealt
13 with.

14 Does Manitoba Hydro enter into data
15 agreements with affected communities? Let's take
16 an example that isn't indigenous or Aboriginal.
17 If you are in discussions with a couple of
18 municipalities that are contiguous, and they want
19 to in fact have fairly thorough conversations with
20 their landowners in terms of options for a
21 pipeline or a transmission line, and so on, and
22 then the discussion expands to Manitoba Hydro
23 using that data, does Manitoba Hydro enter into a
24 contract or agreement at that time in terms of how
25 you obtain and use and how you would and would not

1 use that data?

2 MS. COUGHLIN: We enter into
3 agreements with First Nations and the MMF, and as
4 part of those contribution agreements, there's
5 typically a section that refers to information
6 sharing.

7 MS. WHELAN ENNS: And information
8 sharing, then, would include spatial data?

9 MS. COUGHLIN: It does, yeah, in most
10 cases, yes.

11 MS. WHELAN ENNS: Thank you.

12 There was an exchange in
13 cross-examination about standards for interviews,
14 and then that exchange also included a question
15 regarding the tri-council standards. So I thought
16 that it would be helpful today to point out that
17 we're actually talking back and forth about
18 Canada's tri-council standards for research. And
19 of course we've got more than one tri-council in
20 Canada, and then specifically about the
21 tri-council standards for interviews with
22 Aboriginal persons in Canada.

23 And they are, you know, arrived at,
24 and they have been recently updated after a great
25 deal of consideration across the country.

1 The question I wanted to ask, then, is
2 whether or not this panel is aware of the
3 confirmation during the Keeyask hearings from
4 Manitoba Hydro experts that Manitoba Hydro does in
5 fact agree with the tri-council standards.

6 MS. THOMPSON: I can answer that. We
7 actually had that in an IR, PFN IR 037, and so in
8 that IR we acknowledge that Manitoba Hydro
9 supports standards that are respectful of the
10 persons with whom interviews are being sought, and
11 that during the Keeyask hearing it was a
12 consultant for Manitoba Hydro that confirmed that
13 tri-council standards were included as part of
14 that consultant's methodology for the interview of
15 Aboriginal persons for the Keeyask project. The
16 work was referred to by a consultant was separate
17 from the work undertaken by communities on the
18 Keeyask project.

19 MS. WHELAN ENNS: Thank you,
20 Ms. Thompson. And we'll take it as no.

21 I'd like to ask any of the four
22 individuals on this panel whether you have read
23 the book "Maps and Dreams" by Dr. Hugh Brody?

24 MS. COUGHLIN: No, we have not.

25 MS. WHELAN ENNS: Thank you. It's the

1 original made-in-Canada seasonal rounds and
2 Aboriginal interview standard publication. And it
3 is 34 years old today, and it's Cree. And I have
4 recommended it before to some of the people before
5 me, so that's why I wanted to ask. Thank you.

6 MS. COUGHLIN: We leave it to
7 communities to make decisions on how they would
8 like to conduct their study approach, and style
9 and standards that they would like to adopt.

10 MS. WHELAN ENNS: Thank you again. I
11 certainly heard you before.

12 Take a look at the transcript. I do
13 have a tendency to check in terms of background
14 that panel members are working from.

15 I heard the -- I think it was one of
16 the last two people on the panel, it was in that
17 direction, confirm that the aim was for the EIS to
18 fulfil the requirements of the Manitoba
19 Environment Act. Again, it was a
20 cross-examination question from a different
21 participant. Did I hear correctly?

22 MS. COUGHLIN: Yes.

23 MS. WHELAN ENNS: Good. Thank you.

24 I was looking at the map for Slide 39.
25 It doesn't have 39 on it, but it's below 38. And

1 I was a little bit struck by the geography. So
2 I'd like to -- and I think this was Mr. Joyal
3 speaking to this sequence of slides, I believe.
4 It's on page 13, bottom of the column.

5 Did Manitoba Hydro determine that the
6 Interlake Tribal Council members were not relevant
7 with respect to the MMTP project?

8 MS. COUGHLIN: No, we didn't make that
9 determination.

10 MS. WHELAN ENNS: Did you engage any
11 of these First Nations?

12 MS. COUGHLIN: We engaged with Peguis
13 First Nation.

14 MS. WHELAN ENNS: Thank you. And they
15 are one of the five.

16 MS. COUGHLIN: (Witness nodding).

17 MS. WHELAN ENNS: Did you have any
18 inquiries from these First Nations?

19 MS. COUGHLIN: We had many inquiries
20 from Peguis First Nation.

21 MS. WHELAN ENNS: Right. I'm not
22 asking a Peguis First Nation question; I'm asking
23 a Manitoba Wildlands question. And I was struck
24 by the map and the hole between the lakes. So it
25 is a curiosity, but it's a straightforward

1 question. So I'm taking the answer as no.

2 MS. COUGHLIN: So I think we have an
3 IR on this question, so it's SCO 021. So Manitoba
4 Hydro has remained open and flexible throughout
5 the First Nation and Metis engagement process, and
6 has reached out to other communities where it was
7 subsequently understood there might be an interest
8 or concern related to the project area. Manitoba
9 Hydro has not, to date, received any information
10 that an additional community from the Interlake
11 has had interest in the project area.

12 MS. WHELAN ENNS: Fair enough. And
13 thank you very much for that. I'm going to stay
14 with what you said earlier, that you didn't
15 specifically reach out, but you also didn't have
16 inquiries.

17 MS. COUGHLIN: That's correct. And we
18 also included four indigenous organizations in the
19 process, which included many First Nations within
20 their membership.

21 MS. WHELAN ENNS: But the IRTC Council
22 wasn't one of those organizations?

23 MS. COUGHLIN: No, but many of the
24 communities within their Council were.

25 MS. WHELAN ENNS: Thank you.

1 So what I was doing where I sit in the
2 room, while this panel was presenting, was trying
3 to hear, and it sounds much better up here. And I
4 was advised -- I had a short conversation also
5 with the sound staff person, and also to see and
6 read. So there's been a little bit of
7 conversation -- this is just my phone winding
8 down. I'll put it under here, where it's quieter.
9 Nothing else going on.

10 So I appreciate the comment from the
11 Chair before we broke at lunch.

12 The back pages in your material are
13 not cross-referenced to which slides they pertain
14 to, okay. And I have a long list of the slides.
15 I was moving around the room, which is not the
16 best, but I was trying to see, okay, trying to
17 read.

18 So I have a long list here, which
19 there's no point in asking questions about,
20 Mr. Chair, of the slides that were not readable.

21 MS. COUGHLIN: We're sorry if there
22 was any convenience.

23 MS. WHELAN ENNS: I appreciate that,
24 and I heard Mr. Joyal's apology about one slide.
25 There's a lot of content that's important in your

1 presentation, and you had a handicap, and that
2 affects the rest of us also. So that's basically
3 the main thing to say.

4 But I can't remember -- I think the
5 last time in a Manitoba Hydro CEC hearing where I
6 had this difficulty was in the Bipole III hearing,
7 okay. And I really encourage the CEC to consider
8 the fact that there's much larger screens
9 available here in the conference centre, and in
10 use today -- in the Convention Centre, rather. So
11 again, my sympathies, but it affects us all, and
12 there's a lot of very important content in what
13 you are presenting.

14 So, Mr. Joyal.

15 MR. JOYAL: Okay.

16 MS. WHELAN ENNS: Okay. Thank you.

17 Thank you, Mr. Chair. And I will adjust my phone
18 by two minutes.

19 THE CHAIRMAN: Thank you.

20 MS. COUGHLIN: Thank you.

21 THE CHAIRMAN: All right. That brings
22 us to our next participant, the Southeast
23 Stakeholders Coalition.

24 MR. TOYNE: One minute, Mr. Chair.

25 Mr. Chair, the Coalition and the

1 Dakota are going to switch for this panel, so my
2 colleague will question, and then I will follow.

3 THE CHAIRMAN: That will be fine, but
4 I would ask in the future -- I think I did mention
5 this once already -- if you could just advise the
6 secretary beforehand that you are going to do
7 that, just so we know before we get into it.

8 MR. TOYNE: We only decided a couple
9 of minutes ago, which is why I was running back
10 and forth.

11 THE CHAIRMAN: All right. Thanks.
12 We'll move on to Dakota Plains

13 MR. MILLS: Thank you, Mr. Chair. My
14 friend Mr. Toyne didn't want to corner me as he
15 did yesterday, so he offered me the ability to be
16 full and complete today.

17 MR. MILLS: Panel, good afternoon.
18 Some old familiar faces and some friends. We
19 thank you for the work you have done, and we
20 acknowledge that we are all learning, and we
21 appreciate the information you provide us with.

22 We have a few points and concerns, and
23 I don't know who to address them to, so, Trevor,
24 perhaps I'll address to you, and you can hand off
25 as required.

1 Trevor, we barely recognized you, the
2 new look. Congratulations.

3 MR. JOYAL: It comes naturally.

4 MR. MILLS: Well, we're both headed in
5 opposite directions, so I respect what you're
6 doing.

7 I guess Dakota Plains' most unique
8 characteristic, and I'd like you to explain to us
9 how you manage it, is the fact that unlike their
10 Treaty friends who have ceded, surrendered, and
11 turned over this land to the Crown, and unlike the
12 Metis, who are working on other agreements with
13 the Crown, the Dakota's position is they have
14 never really given up their claim and first right
15 to this land.

16 Do you, in your process, view the
17 non-Treaty -- I think they are the only non-Treaty
18 band in this project that's participating. Do you
19 view them in a different manner?

20 MS. COUGHLIN: I should -- I'll take
21 this.

22 MR. MILLS: Dakota Tipi, I guess.

23 MS. COUGHLIN: I was going to correct
24 the record --

25 MR. MILLS: Okay. Thank you.

1 MS. COUGHLIN: -- yeah, and
2 include ...

3 Both Dakota nation were included as
4 other First Nations or the MMF were included; they
5 had the same materials provided, the same
6 questions asked, and participated in the same
7 fashion.

8 MR. MILLS: As a result of their never
9 having surrendered these lands, do you view them
10 as having a prior or greater claim participation
11 in this process?

12 MS. ZEBROWSKI: Hi.

13 From Manitoba Hydro's perspective,
14 when we're working with communities, we are
15 engaging with communities to understand concerns,
16 understand interests. And I think some of the
17 topics that you are raising, we certainly
18 recognize that those communities have not signed a
19 Treaty.

20 What that might mean in terms of
21 rights or other considerations related to the land
22 base would be a nation-to-nation discussion with
23 the Crown. And so from Hydro's perspective, you
24 know, determining what may or may not be a right
25 or a title, or any of those kinds of things, is a

1 bit beyond Hydro's mandate and expertise. So we
2 would certainly leave that determination for the
3 Crown consultation process.

4 But we would certainly want, as my
5 colleague has referenced, to work with both
6 communities at Dakota Tipi and Dakota Plains to
7 ensure that we understand their concerns and work
8 with them for -- you know, determine mitigation
9 measures to the extent that we are able in our
10 process.

11 MR. MILLS: Thank you.

12 So, for instance, you recently
13 circulated a community benefits document,
14 Shannon's signature on April 21st, in which
15 Manitoba Hydro says that in addition to the MMTP
16 engagement process, Hydro is seeking to enter into
17 community-specific agreements with the Indigenous
18 communities who Manitoba Hydro understands have
19 interests in the project area.

20 I guess this is sort of a smaller
21 version of the Bipole CDI fund; is that fair to
22 say?

23 MS. ZEBROWSKI: We're taking a
24 slightly different approach in this project.
25 Certainly we learned some lessons in Bipole III,

1 and so for MMTP, we're seeking individual
2 agreements with Indigenous communities, and we're
3 having -- you know, conversations with each
4 individual community about those.

5 MR. MILLS: Thank you, Deirdre.

6 Is it fair to say that the agreement
7 that -- well, I can't speak for other First
8 Nations, but it appeared to us that the community
9 benefit agreement that you seemed to take some
10 great pride in sharing with the Chairman on the
11 21st of April, isn't it in fact a for-cash, full
12 and complete release of any claims that the First
13 Nations might have against Hydro for this
14 development?

15 MS. ZEBROWSKI: I don't want to get
16 into too much detail on these specifics of the
17 agreement, specifically for the reason that while
18 we have sent invitations to different communities
19 to have conversations about these agreements, for
20 a variety of reasons we haven't yet had the
21 opportunity to sit down with each community. So I
22 would prefer to have that opportunity to discuss
23 those with those communities individually before
24 we start discussing details in a public forum.

25 But I will confirm, in reference to

1 your question, that the agreements that Manitoba
2 Hydro is proposing do not include a release.

3 MR. MILLS: Well, you have sat down
4 with Dakota Plains. I was present for the
5 discussion, and the document that you presented to
6 us appeared to be a release. If you're going to
7 share with the CEC the sketch of the community
8 benefits agreement, and take it as a quality of
9 the relationship work you are doing with First
10 Nations, wouldn't it be -- that "transparent" word
11 that we've been hearing a lot from Hydro lately,
12 Deirdre -- wouldn't it be transparent for you to
13 publicly share that with La Broquerie and Dakota
14 Plains?

15 The sense that we often get is that
16 Manitoba Hydro doesn't have, in fact, an
17 established protocol for this process, and those
18 of us who were here for Bipole witnessed numbers
19 that staggered us in a wide range. We found the
20 number that was offered to us under community
21 benefits by Manitoba Hydro recently as being --
22 what I heard at the band office was "missing a few
23 zeros."

24 Is it not part of this Clean
25 Environment Commission process to openly and

1 transparently review the relationships and how you
2 are solving and working through the completion of
3 this project?

4 MS. ZEBROWSKI: When Manitoba Hydro is
5 looking to seek agreements with communities,
6 generally speaking, we want to have those
7 conversations directly with communities and not
8 through a public forum. So if there are concerns
9 that Dakota Plains has about the initial
10 discussion that Manitoba Hydro had, we would
11 certainly be willing to meet again and have some
12 further discussions. But in the interest and
13 fairness to the communities with whom we have not
14 yet been able to have the conversation, we'd like
15 to have the conversation there first.

16 MR. MILLS: Okay. Thank you.

17 The ATK study that you graciously
18 funded, and we thank you, was prepared by Golder &
19 Associates. Do you have it handy?

20 MS. COUGHLIN: Yeah, we've got it
21 here.

22 MR. MILLS: Okay. I just have a
23 digital copy. Could you provide that to the CEC
24 as a document that's been referenced?

25 MS. COUGHLIN: I thought it was

1 referenced.

2 MR. MILLS: Is it? We don't need to?

3 All right, thank you.

4 5.6, project-specific concerns, which
5 is really the conclusion of the ATK report,
6 indicates that the members stated a number of
7 concerns related to the project. And
8 interestingly enough, the concerns weren't routing
9 concerns; they were either process or context
10 concerns.

11 And I understand fully -- thank you
12 for the tremendous routing explanations we have
13 received -- and I understand how you translate
14 routing information into the path you choose. But
15 as an example, Dakota Plains raised -- their
16 summary concern was they are concerned -- they
17 want environmental projects to purify the air.

18 That seemed to be their strongest
19 statement and greatest concern. Yet we observe
20 that Manitoba Hydro may well burn the slash.
21 Hydro, unlike other agencies, doesn't have a
22 no-idling policy. Hydro will burn through the
23 night, when it's illegal for others to do that.

24 Does your department or your division
25 or your process take the information you receive

1 and attempt to translate it to your construction
2 people and explain to them -- you know, we heard
3 routing concerns around graveyards; we heard
4 routing concerns around historical sites; but we
5 heard process concerns. And can you assure me
6 that you take that information and you boil it
7 down and give it to Mr. Penner's team and make
8 sure they understand?

9 MS. COUGHLIN: I think you've got a
10 few questions in there.

11 You know, over the three years that we
12 met with Chief Smoke and the rest of the
13 community, one of the key things we heard over and
14 over again was the importance of the extent of the
15 traditional territory of the Dakota people, and
16 how it extended well beyond the boundaries of not
17 just Manitoba, but the country. And we heard of
18 the importance of how that traditional territory
19 was, and continue to tell that story and that
20 importance in the documents that we prepare.

21 And understanding that they haven't
22 ceded land to the Crown was another important
23 message that we heard repeatedly from Chief Smoke.
24 And we also heard the importance of travel routes
25 in the area, and we heard that through meetings

1 and through lunches and through conversations we
2 had over a long time.

3 And then of course we have this
4 information that you have summarized, and I think
5 you are identifying the clean air and burning as
6 the top priority issue. I don't think this report
7 actually says that, and I don't think it's
8 something that we heard continually throughout the
9 engagement process. It has been summarized as a
10 concern; I don't think it's the top concern,
11 though.

12 But needless to say, we have conveyed
13 the information that's provided in these reports
14 to others at Manitoba Hydro, including the
15 construction team.

16 MR. MILLS: I'm not sure we're hearing
17 the same questions, but I appreciate the answer to
18 whatever the question that was.

19 Traditional land and resource use,
20 5.6.1, concludes by saying:

21 "Dakota Plains Wahpeton Nation members
22 recommend that project activities do
23 not compromise water and soil quality
24 and that mitigation measures are
25 included to purify the water and the

1 soil."

2 You are correct, it doesn't say "air."

3 So my question was -- and I'll try and
4 ask it more directly: How does your team
5 translate process concerns to your construction
6 division?

7 MS. COUGHLIN: And when you say
8 "process concerns," what do you mean,
9 specifically?

10 MR. MILLS: Whether or not you are
11 going to mulch or burn the biomass. When you hear
12 concerns about air and water quality, do you take
13 that information from the First Nation, and do you
14 team with construction and say, "We've heard these
15 concerns"?

16 And do they say, "Well, wait a minute;
17 we're planning on burning all of that junk"?

18 And do you advise them that you are
19 encountering resistance on items like that? To
20 give you a specific example.

21 MS. COUGHLIN: Yeah, we have shared
22 information, specifically what you are referring
23 to, with the folks who developed the integrated
24 vegetation management plan. So that information
25 has been shared.

1 MR. MILLS: Okay. When you hear
2 concerns about air quality from First Nations, do
3 you share them -- in this case, did you share them
4 with either Stantec or the Pembina Institute in
5 their preparation of reports on air quality and
6 greenhouse gas life cycle analysis?

7 MS. COUGHLIN: We didn't share
8 concerns about air quality from Dakota Plains with
9 the Pembina Institute, because this information
10 that we received in this report came later than
11 when the Pembina Institute report was developed.

12 MR. MILLS: Do you share concerns by
13 any First Nation when they raise them with regards
14 to Mother Earth? Do you share those concerns and
15 add any emphasis to what Pembina Institute or
16 Stantec's reports concluded?

17 MS. COUGHLIN: Absolutely. We share
18 information about what we understand our concerns
19 from meetings that we have with communities, with
20 the Stantec team, so that includes discipline
21 leads who wrote chapters in the EIS and technical
22 data reports.

23 MR. MILLS: Okay. Last point, and
24 perhaps it's an undertaking. Your First Nation
25 and Metis engagement process, appendix 4A, summary

1 of engagement activities, seems to end about two
2 years ago. Would it be possible for you to
3 provide us with an updated engagement summary?

4 MS. COUGHLIN: We have an IR that
5 provided an update on engagement since the filing
6 of the EIS. And we'll rustle papers here for a
7 bit to find it for you.

8 MR. MILLS: I agree with Shannon,
9 there were too many of them. I might have missed
10 that one. Can you tell me which number it was?

11 MS. COUGHLIN: Sure. Just a moment,
12 please.

13 I believe it's CEC 79. Did you want
14 me to read it?

15 MR. MILLS: No, that's fine. I'll
16 look it up.

17 MS. COUGHLIN: Okay.

18 MR. MILLS: And just one moment.

19 It's a number that was offered to me
20 in passing, and it's probably not a question, but
21 I'd like to put it to you at this time anyway.

22 In all of the work that you do, do you
23 understand what the potential is for resource
24 management in assisting First Nations in dealing
25 with their very, very significant issues?

1 MS. COUGHLIN: Could you repeat that
2 again? Sorry.

3 MR. MILLS: Well I'll start with the
4 statement. When I go to Manitoba Hydro PUB
5 review, and I observe what Hydro has confirmed is
6 the dollar value of committed sales to date,
7 revenue on this project we're talking about, would
8 your team have any sense of the fact that 1/100 of
9 1 per cent of the sales that Manitoba Hydro has
10 committed to date on this project would wipe out
11 all of the housing issues on Dakota Plains? Does
12 that statistic raise anything with you?

13 MS. COUGHLIN: We have been to Dakota
14 Plains frequently, and we recognize the financial
15 shortages that they have. So if that's what
16 you're getting at.

17 MR. MILLS: Do you understand that
18 those financial shortages are significantly as a
19 result of them not having surrendered these lands
20 that you are now attempting to process through for
21 substantive revenue source?

22 MS. COUGHLIN: I think there's many
23 reasons that contribute to their current
24 condition. I think it's very complicated.

25 MR. MILLS: Chief Smoke would

1 disagree. They don't have any money.

2 All right, that's all. Thank you.

3 THE CHAIRMAN: Thank you, Mr. Mills.

4 All right. Back, then, to the
5 previous participant. We'll now hear from the
6 Southeast Stakeholders Coalition. Mr. Toyne.

7 MR. TOYNE: All right. Thank you,
8 Mr. Chair. And just for Madam Reporter, again, my
9 name is Kevin Toyne.

10 Just so everybody knows where I'll be
11 headed, I'm planning to start off asking some
12 questions directed primarily to Mr. Joyal, and
13 then I'll have some questions directed to other
14 members of the panel. Then we'll talk a little
15 bit about your personal involvement in the Round 2
16 workshop to select what eventually became the
17 final preferred route. And then I will go back to
18 picking on Mr. Joyal at the end.

19 All right. So if we could pull up
20 Slide 17. It's the public event location slide.
21 Thank you.

22 Now, I notice that there's a number of
23 communities that are not listed on there, and I'm
24 just going to ask if there was a principal basis
25 for them being excluded, or if there was some

1 other reason that they weren't included.

2 So, for example, just a little bit
3 east of Anola, along Highway 15, there's a town
4 called Vivian; a little bit southeast of that,
5 there's a town called Ross. Is there a reason why
6 some sort of an open house or public event didn't
7 take place in one or both of those communities?

8 MR. JOYAL: In determining locations
9 for open house, we do look at major centres that
10 do actually have a community centre, or something
11 that can have a large group attend. We also look
12 at it based on whether or not there's more of a
13 30-minute driving area to that site. Therefore
14 those are the criteria we use when determining
15 locations for open houses.

16 MR. TOYNE: So, then, people who
17 reside in, say, Vivian or Ross, they would be able
18 to go to Dugald, Anola, or Richer for one of the
19 meetings there? That's the general idea?

20 MR. JOYAL: If a landowner was in
21 Vivian, they could be in Anola within 10 minutes.

22 MR. TOYNE: All right.

23 I also note that there were no
24 meetings held in the communities of, say,
25 Sandilands or Woodridge. Same reason that those

1 communities didn't get meetings?

2 MR. JOYAL: As I said, 30 minutes of
3 driving is something that we do look at. The
4 communities that we look at, like Sandilands or
5 Saint Labre, are smaller communities. It does not
6 mean that they do not have the same opportunities
7 to share information with Hydro representatives
8 through the e-mail or phone line.

9 MR. TOYNE: I was going to ask about
10 Saint Labre next. But what about Hadashville,
11 which doesn't even warrant a reference on your
12 slide?

13 MR. JOYAL: Based on the route
14 planning area where we were looking at,
15 Hadashville is further out. And we did have a
16 meeting with the RM of Reynolds in Hadashville.

17 But an open house was not held, no,
18 you're correct.

19 MR. TOYNE: For the next question, if
20 you could pull up two documents. One of them
21 would be Slide Number 26. And then if one of the
22 folks behind you would be kind enough to pull up
23 Manitoba Hydro's response to the Coalition IR 76.
24 It's the one that's got the criteria being
25 compared between St. Vital, Letellier, and MMTP.

1 All right, so as I understood it,
2 what's up on Slide 26 is a sample of some of the
3 feedback that you had received in either the
4 pre-engagement or Round 1 or Round 2 process. Is
5 that accurate?

6 MR. JOYAL: It was asked on a comment
7 form that we had provided in Round 1.

8 MR. TOYNE: And in the routing
9 criteria concerns category, the top concern, it
10 looks to me, by far, would be separation from
11 residences in urban areas. Is that an accurate
12 statement?

13 MR. JOYAL: That is accurate.

14 MR. TOYNE: And as I understand it,
15 this type of feedback is intended to influence the
16 routing decisions that are made by Manitoba Hydro
17 as the process goes on, correct?

18 MR. JOYAL: This question was asked to
19 understand the participants' views and what their
20 priorities were earlier in the process. This did
21 not make a determination of where the route would
22 go, but to gain an understanding for when those
23 discussions were to occur.

24 We do hear lots on the landscape. And
25 as I outlined in my presentation, heritage sites

1 were not as important as an overall, but were very
2 important at the local level.

3 MR. TOYNE: All right. So maybe if
4 you could turn up the Hydro response to Coalition
5 IR 76.

6 So this is a document that's comparing
7 certain criteria between St. Vital and Letellier
8 and Manitoba-Minnesota Transmission Project. So
9 the very first criteria that's listed is relocated
10 residences.

11 I take it you've got that there in
12 front of you, Mr. Joyal?

13 MR. JOYAL: Yes, I do.

14 MR. TOYNE: So for the St. Vital to
15 Letellier project, that particular criteria is
16 weighted at 43.4 per cent. And you'd agree with
17 me that that particular criteria would have been
18 set before you received this feedback?

19 MR. JOYAL: From this particular
20 comment form that we did, correct, whereas we do
21 still receive this type of information in other
22 projects that we do undertake.

23 MR. TOYNE: Right. So is it fair to
24 say that this type of feedback here is consistent
25 with feedback you had received at other times

1 during this project, and even in other projects,
2 like Bipole III?

3 MR. JOYAL: Sorry about the delay.

4 With regards to relocated residence
5 through other projects, it is one of the main
6 concerns that we hear. But as well, as I outlined
7 in my presentation, the understanding of the
8 importance of subdividing parcels in proposed
9 development was key, and was given a percentage
10 that St. Vital did not have, as that was not a
11 primary concern of that project in particular.

12 We did end up giving it a weight, but
13 still maintaining that relocated residence was the
14 most important criteria in the built category.

15 MR. TOYNE: Just so it's clear for
16 those who do not have that exact same chart in
17 front of them at this minute, what you're
18 referring to is the weighting that's given to that
19 relocated residence for the MMTP project, correct?

20 MR. JOYAL: That's correct.

21 MR. TOYNE: For St. Vital-Letellier,
22 Manitoba Hydro weights that particular criteria,
23 relocated residences, at 43.4 per cent. You then
24 receive feedback about how important it is. And
25 Manitoba Hydro's response is to reduce the weight

1 of that criteria to 27.1 per cent, correct?

2 MR. JOYAL: I'd have to say you are
3 incorrect. The relocated residences is still
4 weighted the highest, and the percentage is
5 relocated based on additional feedback that we
6 receive for MMTP.

7 As I said, there's various different
8 interests on the landscape, and the proposed
9 development criteria did not exist for St. Vital
10 and was allocated 15.5 per cent, but is still in
11 relation to the 27.1 that relocated residences did
12 receive in the MMTP evaluation model.

13 MR. TOYNE: All right. Let's go to
14 the next criteria on IR response 76, potential
15 relocated residences. So for St. Vital to
16 Letellier, it's listed at 23.5 per cent, right?

17 MR. JOYAL: Correct.

18 MR. TOYNE: And in response to
19 feedback received, like the feedback we're looking
20 up at Slide 26 there, Hydro's response is to
21 reduce the importance of that particular criteria
22 down to 17.1 per cent; is that accurate?

23 MR. JOYAL: The number itself is
24 decreased, but the relationship between the
25 criteria is still there. We still only have

1 100 per cent to allocate in this process, and
2 because of additional information and the way
3 agricultural lands were viewed through St. Vital,
4 we did modify it, but it is still considered a
5 very important category in the built. And
6 therefore relocated residences and potentially
7 relocated residences still receive 44 per cent of
8 the overall built criteria.

9 MR. TOYNE: And that's roughly what
10 just relocated residences were worth in
11 St. Vital-Letellier, if my math is accurate.

12 MR. JOYAL: As I said, proposed
13 developments were something that we now wanted to
14 consider in our route selection process.

15 MR. TOYNE: All right. So let's move
16 to the next criteria.

17 We have got proximity to residences.
18 So for St. Vital-Letellier, it's listed at
19 7.9 per cent weighting. And again, after
20 receiving additional feedback for this project,
21 including the feedback that's referred to up on
22 Slide 26, Hydro cuts that criteria down in
23 importance to 6.4 per cent. Is that correct?

24 MS. COUGHLIN: I wonder if these
25 questions are better asked of the routing panel.

1 They are pretty specific, detailed questions, and
2 it might make more sense to ask them of the
3 routing panel.

4 MR. TOYNE: If Mr. Joyal is not
5 comfortable answering questions about the feedback
6 he received, I can ask them tomorrow.

7 Mr. Joyal?

8 MR. JOYAL: I do disagree that as --
9 though it is lower in number, it is not -- it is
10 still a very important criteria in built, just as
11 every other criteria. And the information that we
12 do collect, although sometimes conflicting, and
13 sometimes there are various perspectives, we aim
14 to incorporate these pieces and these perspectives
15 into our processes. And this activity here that
16 you're looking at is one that we undertook at
17 early stages and did not define where the route
18 would go.

19 MR. TOYNE: All right. To reflect
20 your colleague's concerns, why don't I move on to
21 my next set of questions.

22 So with respect to the First Nations
23 and Metis engagement process, my understanding
24 from what the panel had to say today and what's
25 contained in the EIS is that there were two types

1 of concerns that you received.

2 I'll call one of them more general
3 concerns. So, for example, a transmission line
4 going over land makes it less desirable for a TLE
5 selection. Please avoid Crown lands if you can.

6 Those I would characterize as more
7 general concerns. But then you also received more
8 site-specific concerns about a particular area or
9 a particular zone where there might be certain
10 activities that are going on, or certain sites of
11 significance. Is that a fair way to characterize
12 the concerns that you received during your
13 process?

14 MS. THOMPSON: Yes, that's correct.

15 MR. TOYNE: Okay. Now, it also struck
16 me that the -- I'll try it a different way.

17 It struck me that a lot of routing
18 decisions were being made before the process that
19 you were engaged in had really started to get off
20 the ground. Is that a fair statement?

21 MS. COUGHLIN: No, I don't think
22 that's a fair statement. We had initiated
23 engagement activities in 2013, before rounds of
24 routing began.

25 MR. TOYNE: All right. And when did

1 you start entering into agreements with different
2 organizations to fund ATK studies?

3 MS. COUGHLIN: I think I could get the
4 exact date, but I think beginning in 2014,
5 extending to 2016. But of course the First
6 Nations and Metis engagement process includes the
7 outcomes of ATK studies as well as the
8 conversations and understandings that we received
9 through meeting and working with First Nations and
10 Metis and MMF.

11 MR. TOYNE: Right, I understand that.
12 But maybe I'll try to ask it a different way.

13 So, for example, the outcomes of the
14 ATK studies were unknown during the first --
15 definitely the first round, but also for most of
16 the second round of the routing decision. Is that
17 an accurate statement?

18 MS. THOMPSON: During the first round,
19 we held routing workshops with some of the First
20 Nations, which is detailed in chapter 4.

21 MR. TOYNE: Right. And my question
22 was, is that the results of the ATK studies were
23 unknown during Round 1 and also for all of
24 Round 2?

25 MS. THOMPSON: The results of the ATK

1 study were unknown. However, we did have
2 preliminary information from that time about
3 specific site concerns from First Nations.

4 MR. TOYNE: Is there a reason why so
5 many routing decisions would be made before the
6 ATK process was complete?

7 MS. COUGHLIN: I think your premise is
8 that we're making decisions before having any
9 information, and that's simply not the case. We
10 had information, concerns from First Nation shared
11 throughout the process as well as through the ATK
12 studies.

13 MR. TOYNE: I think the point I'm
14 trying to make is not that you didn't have any
15 information; it's just that you had incomplete
16 information. Would you agree with that?

17 MS. COUGHLIN: No, I don't think I
18 would agree with that.

19 MR. TOYNE: Okay. So then let's talk
20 about the information that you had. Let's talk
21 about Round 1.

22 So during the Round 1 process, that's
23 when the border crossing was being selected,
24 right?

25 MR. JOYAL: Correct.

1 MR. TOYNE: And to go back to my
2 general and specific dichotomy, you were receiving
3 both general and specific concerns from the First
4 Nations that you were engaged with and also from
5 the MMF at that time?

6 MS. THOMPSON: At that time we were
7 receiving general and specific concerns primarily
8 from First Nations.

9 MR. TOYNE: All right. So if we can
10 go back -- you know what, we can't go back,
11 because it's not on the particular set of slides
12 from today.

13 So there were a number of routes that
14 were eliminated during the first round. A number
15 of them travelled further east from the current
16 final preferred route: Routes FWZ, DKT, and DZG.
17 Are you guys familiar with those routes?

18 MR. JOYAL: Yes, we are.

19 MR. TOYNE: So could you tell me what
20 the general and the more specific concerns that
21 you might have heard about those three routes as
22 they travelled east from Anola down towards the
23 Ross area?

24 MS. THOMPSON: Yes, if you can -- if
25 you have Map 11.3 in the EIS, it details a lot of

1 the site-specific information that helped inform
2 our decision-making.

3 MR. TOYNE: Which map?

4 MS. THOMPSON: 11.3 in the EIS.

5 MR. TOYNE: All right. Let me grab
6 it; one sec.

7 So Map 11-3. All right. Then if I'm
8 understanding this particular map, there is a
9 large -- what do you say that is, pink or red,
10 box?

11 MS. THOMPSON: Ah, mauve?

12 MR. TOYNE: Okay, let's go with mauve;
13 I'll take mauve.

14 And it's to the east of M602F, and it
15 says "Site of Potential Treaty Land Entitlement"?

16 MS. THOMPSON: Yes, there is that area
17 identified on the map. What was key for us was
18 Area 3, which is in the bottom east side of the
19 map, which was a key site identified by multiple
20 First Nations as being an area of interest with
21 potential for hundreds of relevant sites for First
22 Nations in the area.

23 MR. TOYNE: All right. So the
24 question I had asked, though, was up around the
25 Vivian and Ross area. And as far as I can tell,

1 there is nothing that's identified on this map
2 west of the M602F in that particular area. Is
3 that a true statement?

4 MS. THOMPSON: That's a true -- Peguis
5 has a TLE selection just south of there that you
6 can't quite see on the map, just with the scale.

7 MR. TOYNE: All right. But south of
8 Ste. Genevieve, or south of Ross?

9 MS. THOMPSON: Yeah, it's within that
10 box.

11 MR. TOYNE: Oh, so it's within the
12 mauve box?

13 MS. THOMPSON: Yes.

14 MR. TOYNE: Okay. So, then, leaving
15 that box aside, and it's to the east of M602F,
16 there's nothing on this particular map which you
17 indicated would reflect the site-specific concerns
18 you heard in the Vivian and Ross area?

19 MS. THOMPSON: At the time, during
20 Round 1, the information that we had received from
21 the communities was at that time, they had more
22 concerns about the southeastern Area 3. However,
23 as the routing process progressed, we heard more
24 concerns as well about overall study area.

25 MR. TOYNE: Right. But right now

1 we're just in Round 1, so we'll come back to the
2 next round in a few minutes.

3 You had also talked about concerns in
4 Area 3, and that looks like it's an area that's
5 primarily to the east of M602F. Not entirely, but
6 primarily to the east?

7 MS. THOMPSON: Yeah, it appears to
8 include M602F as well.

9 MR. TOYNE: All right. And the part
10 of the line that goes along the west side of the
11 Watson Davidson Wildlife Management Area, and the
12 subsequently eliminated route that goes to the
13 east of that wildlife management area, those fall
14 outside of Area 3, which you had indicated was the
15 area of the most concern?

16 MS. THOMPSON: It appears that the one
17 box around Marchand, the very corner goes into
18 Area 3.

19 MR. TOYNE: And we're talking about
20 the mauve box?

21 MS. THOMPSON: Yes -- would you call
22 it mauve? Hot pink, mauve.

23 That was identified as Heritage Area
24 Number 1.

25 MR. TOYNE: So the hot pink box around

1 Marchand, that is Heritage Area Number 1?

2 MS. THOMPSON: Yes, that's correct.

3 MR. TOYNE: All right. And the final
4 preferred route travels through that area?

5 MS. THOMPSON: Yes. It travels to the
6 west of that area, in that area.

7 MR. TOYNE: Now, in response to one of
8 the questions that was asked earlier, I think by
9 Mr. Beddome, there were concerns that were
10 expressed about the area east of that wildlife
11 management area?

12 MS. THOMPSON: Yes, that is correct.

13 MR. TOYNE: Now, are we talking the
14 area to the immediate east, or a certain distance
15 east? Like, can you be a little bit more
16 specific?

17 MS. THOMPSON: We're talking about the
18 area between Sandilands -- between Watson P.
19 Davidson and Pocock Lake, as well as further east.

20 MR. TOYNE: And can you see that lake
21 on the map?

22 MS. THOMPSON: Yeah. It's hard to
23 see, just with the scale of the map, but Pocock is
24 right beside Watson P. Davidson.

25 MR. TOYNE: All right. How close is

1 it to the railway tracks in that area? Maybe that
2 will help. Do you know?

3 MS. THOMPSON: I can't tell you the
4 distance, but it appears to be just southeast of
5 the railroad tracks.

6 MR. TOYNE: We are approaching the
7 break. Maybe we can independently wander over to
8 the large map behind us, and we can come back to
9 it after the break.

10 All right. So other than the mauve
11 box up in the northeast quadrant, and the Heritage
12 Area Number 1 around Marchand, were there any
13 other real zones of intense specific concerns that
14 were raised during Round 1?

15 MR. JOYAL: Feedback received through
16 both process, the public engagement First Nation
17 and Metis engagement process, did share concerns
18 along that area. Concerns raised by municipal
19 council, proximity to residences in the area of
20 Marchand, the sensitivity of the ridge in the
21 area, were all things that were brought forward
22 through both of these processes and were
23 considered and reflected in route decision-making.

24 MR. TOYNE: All right. So I'll take
25 that as a qualified no, and move on.

1 MS. THOMPSON: Sorry, can you explain
2 your comment? You'll take it as a no that there
3 were no concerns, or that there were general
4 concerns?

5 MR. TOYNE: That there were no other
6 concerns.

7 MS. THOMPSON: Oh, yes, there were
8 other concerns. If you look, there is half a
9 pentagon near Piney, and that was Heritage Area 2,
10 which was also a significant concern. And there's
11 also a sacred and traditional practices area just
12 at the bottom of the map.

13 MR. TOYNE: Okay. So those four
14 areas, those are the four big concerns that were
15 raised? Is that --

16 MR. JOYAL: In regards to the concerns
17 in the area, there's concerns raised through
18 multiple different people and multiple different
19 stakeholder groups, and not just the First Nation
20 engagement process. This map was a tool used in
21 routing decisions, whereas information that we
22 collected through the public engagement process
23 and stakeholder groups was also included in this
24 process. And this map is not the be-all and
25 end-all of our route decision-making process.

1 MR. TOYNE: All right. The only
2 reason we are on this map is one of your
3 colleagues suggested it. Why don't we move on.

4 Is there another map in chapter 11
5 that would be a useful reference point for Round 2
6 concerns?

7 MR. JOYAL: The routes that are on the
8 map that you were just looking at are Round 2
9 routes.

10 MS. THOMPSON: The map also includes
11 feedback that we heard during Round 1.

12 MR. TOYNE: Oh, okay. Sorry. The
13 questions I had been asking were, I thought, about
14 Round 1, but I guess this map is Round 1 and
15 Round 2.

16 MS. THOMPSON: That's correct.

17 MR. TOYNE: All right. So I just want
18 to make sure that I haven't missed it.

19 So the area along the Riel-St. Vital
20 transmission corridor from Anola to Vivian, and
21 then south down towards Ross, were there any other
22 site-specific concerns that were identified,
23 either in Round 1 or Round 2, during the FN MEP
24 process?

25 MS. THOMPSON: The concerns in that

1 area that were raised were primarily more general
2 in that area during Round 2.

3 MR. TOYNE: Okay. And just so it's
4 clear, and ties back to the position that the
5 Coalition is taking, this is part of the area
6 where eliminated route AY would have travelled
7 through? Just so we're all on the same page.

8 MR. JOYAL: AY stayed completely west
9 of M602F, the existing 500 kV. Ross is to the
10 east -- no, sorry. Sorry, my bad. Ross is to the
11 west.

12 But through that box, we didn't have
13 any routes in it. That's where I'm going with
14 that.

15 MR. TOYNE: Right, okay. So to go
16 back to the AY route, which we'll talk a fair bit
17 more about later this afternoon, based on what you
18 have said so far today and what this map is
19 reflecting, that part of the route that goes east
20 from Anola to Vivian and then starts to track down
21 south towards Ross, there aren't really any
22 site-specific concerns that were identified during
23 the FN ME process?

24 MS. THOMPSON: So when we had gone out
25 with Round 2, we hadn't had any routes identified

1 in the area. And at the point of that routing
2 decision, as referenced in IR -- SSC IR 143, we
3 had just received -- we had just done the border
4 change, and we had heard significant concerns from
5 the group of three First Nations about the change
6 in the route at that time.

7 So we had considered, if we had
8 presented Route AY, that there would be the same
9 concerns.

10 MR. TOYNE: Right. So we'll come back
11 to that point in a little bit, in painful detail.

12 But maybe just to start -- Route AY,
13 so it was one of the routes that at least three of
14 the four of you were involved in eliminating
15 during the Round 2 workshop. Do you know when it
16 was first introduced into the process? Is that a
17 question that you know the answer to, or is that
18 something I should ask tomorrow?

19 MR. JOYAL: The routing panel will
20 have more discussion on AY, whereas the public
21 engagement process and our involvement with the
22 municipality of Tache and local landowners led to
23 the development of this route that was then driven
24 and considered and then brought forward into the
25 route evaluation process.

1 MR. TOYNE: So do you know when that
2 route was introduced? I don't need the same level
3 of precision as when the video was finalized.

4 MR. JOYAL: I will have to go back and
5 look at the date, whereas it was just shortly
6 after it was brought forward by what was then
7 called the Tache Coalition, which is now referred
8 to the Southeast Stakeholders Coalition.

9 MR. TOYNE: Okay. Maybe we can come
10 back to that in a little bit. I can ask my folks
11 as well.

12 So the area of, say, from -- hang on;
13 let's get the direction right.

14 So west of the M602F, near Ross, down
15 towards the Town of Richer, I'm not seeing any
16 site-specific concerns that are being flagged on
17 this particular map. And I take your point that
18 this map is not the end-all of the be-all.

19 Were there any site-specific concerns
20 that were identified during the First Nation-Metis
21 engagement process in that particular area?

22 MS. THOMPSON: So as I previously
23 indicated, we actually didn't have a route in that
24 area, so we didn't ask communities to consider and
25 share their concerns in that specific area. Often

1 communities are, we have heard in the past,
2 hesitant to share information that's sensitive if
3 there's no routing near that area.

4 MR. TOYNE: Just so I've got it, so
5 this is part of the -- and I can't remember the
6 exact acronym, but this is part of the potential
7 zone where this line is going to go, right, that
8 little northeast part?

9 MS. THOMPSON: Yes, this is part of
10 Zone 3. And we did hear from communities that
11 there were concerns the further east the route
12 went. So I assume that would also apply for that
13 area.

14 MR. TOYNE: All right. And just to
15 make sure I've got it, the reason that at this
16 stage you say you were unaware of site-specific
17 concerns is because you just didn't ask?

18 MS. THOMPSON: The ATK studies that
19 were ongoing at that time were not focused on that
20 area as there was no route through that area.

21 MR. TOYNE: All right. And after
22 Manitoba Hydro began to consider a potential route
23 in that area, at some time in 2014 -- and maybe we
24 can figure that out over the break -- I take it,
25 then, your team contacted all of the different

1 First Nations that were involved in ATK studies to
2 alert them to that fact, so you could obtain their
3 views on that potential route?

4 MS. THOMPSON: No. First we evaluated
5 the route, and it wasn't the preferred route that
6 was selected, so we did not take it out to the
7 First Nations. And we can provide more detail on
8 that in the routing presentation.

9 MR. TOYNE: I don't doubt it.

10 All right. So I guess for now, we're
11 still early in Round 2, so Hydro's operating blind
12 between Ross and Richer. What about down -- from
13 Richer down towards Marchand, sort of following
14 that -- what eventually becomes eliminated route
15 segment 207. Were you hearing site-specific
16 concerns in that particular area at this point?
17 Assuming you had actually taken the time to ask at
18 this point.

19 MR. JOYAL: During Round 2, we did
20 have segment 207, and we did ask individuals in
21 the vicinity of concerns. There were
22 site-specific concerns raised from individuals, as
23 well as from First Nation communities, in regards
24 to the area around Marchand and Sandilands.

25 MR. TOYNE: All right. But north of

1 that, say between Richer down to Marchand, were
2 there any site-specific concerns in that
3 particular area, or were they primarily or
4 exclusively between Marchand and Sandilands?

5 MS. THOMPSON: The ATF community
6 report, which was filed as Appendix A of the EIS,
7 has a map that has Zone 3, which indicates some of
8 the concerns in the area.

9 MR. TOYNE: So that's in the team
10 report?

11 MS. THOMPSON: It is.

12 MR. TOYNE: Yeah.

13 Okay, so beyond those specific
14 concerns, and where they are marked on that
15 particular map, were there other site-specific
16 concerns that you were aware of in that particular
17 area? Or is that the sum total?

18 MS. THOMPSON: Both Roseau River
19 Anishinabe First Nation and Peguis First Nation
20 also indicated areas of interest in the area as
21 well.

22 MR. JOYAL: And from a public
23 engagement perspective, we did have feedback in
24 the area, but I would have to go back and look at
25 mapping for site-specifics, as we do receive quite

1 a bit of information.

2 MR. TOYNE: All right.

3 Now, a couple of questions about the
4 area around the wildlife management area. So were
5 there concerns expressed about the line going
6 along the west side of the management area, or
7 just about the east side?

8 MS. THOMPSON: We heard concerns about
9 both. However, there were much more concerns
10 about going through the east side.

11 MR. TOYNE: And can you provide a bit
12 of detail as to why there were more concerns on
13 the east as opposed to the west side?

14 MS. THOMPSON: So again, if you can
15 refer back to Map 11.3.

16 MR. TOYNE: Yeah, I've got it.

17 MS. THOMPSON: Okay. So we had heard
18 that Area 3 would traverse large tracts of intact
19 forest and wetlands, which would require extensive
20 historical, archeological, and botanical research
21 in the area. We also heard that there was a
22 potential great effect on Aboriginal and Treaty
23 rights in the area, because there are sites that
24 are very sensitive for First Nations. We heard
25 that there was also potential for gathering places

1 and burial sites in the area.

2 MR. TOYNE: I may have misheard you.
3 You may have misspoke, or -- I guess maybe there's
4 other options.

5 You are referring to concerns raised
6 about Area 3, or about the area immediately to the
7 east of the wildlife management area?

8 MS. THOMPSON: Area 3. Oh, sorry,
9 I'll correct that. For the Marchand area, there
10 was also concerns in that area.

11 MR. TOYNE: So in the Marchand area
12 specifically?

13 MS. THOMPSON: Specifically we heard
14 concerns around Pocock Lake, Watson P. Davidson
15 Wildlife Management Area, and the Sandilands
16 Provincial Park area. We heard there was a high
17 potential for impacting heritage, historical,
18 cultural, and sacred sites.

19 MR. TOYNE: And during the process
20 that was engaged in, some steps were taken to
21 begin to identify some of those sites, if I recall
22 the contents of the reports correctly.

23 MS. THOMPSON: So it's my
24 understanding that the group of three have a
25 three-step verification process, where they review

1 and conduct oral interviews, and they also
2 ground-truth those interviews by looking at
3 possible secondary sources.

4 MR. TOYNE: So if a power line was to
5 travel, say, south from Vivian, down around Ross,
6 past -- east of Marchand and immediately east of
7 the Watson Davidson Wildlife Management Area, what
8 other steps, from your perspective, would be
9 required to appropriately identify concerns in
10 those parts of the province?

11 MS. COUGHLIN: We need to conduct
12 additional studies of First Nations, and MMF would
13 need to conduct additional studies, I'm sure.

14 MR. JOYAL: The question would be a
15 hypothetical; it was not picked, therefore nothing
16 at this point.

17 MR. TOYNE: All right. So let's move
18 on to at least some of your personal involvement
19 in the Round 2 routing workshop.

20 I take it that three of the four of
21 you on the front of the panel were participants in
22 that workshop?

23 MR. JOYAL: Yes.

24 MR. TOYNE: All right. And that
25 workshop, at least at the outset, resulted in four

1 particular routes being identified as moving on to
2 the preference of termination model, routes AY,
3 URV, URQ, and SGZ?

4 MR. JOYAL: As well as SIL.

5 MR. TOYNE: Well, at the outset, SIL
6 was eliminated, wasn't it?

7 MR. JOYAL: No, it was not.

8 MR. TOYNE: If you could pull up
9 appendix 5D to chapter 5 of the EIS.

10 Unfortunately the meeting notes here
11 aren't page-numbered, but it would be 10 pages in,
12 the one that starts at the top "Route AY, Best for
13 Built."

14 Have you got that there?

15 MR. JOYAL: Yes, we do.

16 MR. TOYNE: All right. And you'll see
17 that the second-last sentence, or second-last
18 paragraph, says "Routes URQ, URV, AY, and SGZ will
19 move on to expert judgment."

20 Do you see that there?

21 MR. JOYAL: Yes, I do see it there.

22 MR. TOYNE: All right. And
23 immediately above that, there's a list of the
24 current top four, and those four routes are listed
25 there?

1 MR. JOYAL: Sorry, can you repeat
2 that?

3 MR. TOYNE: Immediately above that
4 line that says "Decision", all caps, in bold, it
5 says: "Current Top 4, URQ, AY, URV, SGZ." I
6 don't see the route SIL at that point.

7 MR. JOYAL: As you move to the next
8 page -- I guess it would be page 11, at the top --
9 would state:

10 "A recommendation was made to add a
11 route within northern paralleling
12 V602F and western, west of the WMA
13 combination. And it was agreed to add
14 route SIL to the final list of routes
15 moving forward to expert judgment."

16 MR. TOYNE: Right. And the reason
17 that SIL had to be added back in is because it had
18 just been eliminated; am I right?

19 MR. JOYAL: No, I disagree. The
20 screening process for this allows us to bring
21 routes forward, because we consider the statistics
22 that are there and the feedback that we have from
23 participants.

24 THE CHAIRMAN: Mr. Toyne, it's the
25 Chair here. I understand asking this panel

1 questions about the routing where it's related to
2 input from one of the engagement processes into
3 the routing. I think maybe here we're getting a
4 little beyond that, I think so, unless you are
5 trying to establish that the reason for adding or
6 deleting was related to their work.

7 MR. TOYNE: The next question I was
8 going to ask, Mr. Chair, regardless of how much
9 they fight admitting that that route was
10 eliminated, was who suggested putting it back in.
11 And then, if it was one of them, I would ask them
12 some questions, if they were the ones that did it.
13 And if not, then I'm going to move on to the
14 workshop that they all participated in, where they
15 then started assigning some of those scores that I
16 talked about on Monday to these different routes.

17 THE CHAIRMAN: Yeah, that's fair.

18 MR. TOYNE: Okay. All right.

19 So now that you know the question I'm
20 going to ask, I'll ask it a second time: Did any
21 of you suggest reviving eliminated route SIL at
22 this point?

23 MR. JOYAL: As I said, it's part of
24 the screening process, and the team, the project
25 team decided to bring SIL into preferred judgment,

1 based on considering the feedback and the
2 statistics presented.

3 MR. TOYNE: And which member of the
4 team made that suggestion?

5 MR. JOYAL: You have a list of the
6 participants in one of the IRs in that workshop.

7 MR. TOYNE: Right.

8 MR. JOYAL: It was a team decision.

9 MR. TOYNE: So everybody in the room,
10 at the exact same time, said "Let's introduce
11 SIL"? Or was it one individual who raised it?

12 MR. JOYAL: The meeting notes that you
13 are referencing are to document the notes of the
14 team. Who said what is somewhat irrelevant. It's
15 us, as a team, bringing it forward and deciding to
16 bring it forward to preference determination.

17 MR. TOYNE: Do any of you remember the
18 name of the person that suggested putting
19 eliminated route SIL back in?

20 MR. JOYAL: We may not remember who
21 brought it back, but we do agree that it should
22 have been brought to preference determination.

23 MR. TOYNE: Right. Is there any way
24 for you to find out who suggested bringing it back
25 in?

1 MR. JOYAL: The answer will still be
2 the team brought it forward, and we agree it
3 should be in preference determination.

4 MR. TOYNE: Why is Hydro so reluctant
5 to identify the individual who suggested bringing
6 it back in?

7 MS. COUGHLIN: We don't know. It's
8 not like we are reluctant.

9 THE CHAIRMAN: Mr. Toyne, it's the
10 Chair here again. I think that's a question for
11 tomorrow. The question is who on the team, and
12 you want to get more into -- or what reasons it
13 was brought back in; I think that's a question for
14 tomorrow, unless there's specific questions to
15 this panel related to the work they did which was
16 on the engagement side.

17 MR. TOYNE: So I think we are
18 approaching the break, so maybe I'll just ask one
19 more question, Mr. Chair, and then we can take our
20 break.

21 Did any of the three of you suggest
22 that it should be re-added?

23 MR. JOYAL: We don't remember. As I
24 said, we agreed as a team at that time to bring it
25 in, and we still stand behind that SIL should have

1 been brought forward to preference determination.

2 THE CHAIRMAN: That's the end of that
3 question, I take it, so we'll take a break and
4 reconvene at 3:15. Thanks.

5 (RECESSED AT 2:57 P.M. to 3:16 P.M.)

6 THE CHAIRMAN: All right, everyone,
7 we're ready to go again. So I guess we'll turn it
8 back to Mr. Toyne to continue his questioning.
9 Thanks.

10 MR. TOYNE: All right. Thank you,
11 Mr. Chair.

12 So if we could now turn to the meeting
13 notes that reflect the community breakout group
14 from the Round 2 routing workshop. It's another
15 eight or nine pages past where we just were.
16 Again, my apologies; it's not page-numbered.

17 MR. JOYAL: All right. We have it
18 here.

19 MR. TOYNE: All right.

20 And so, broadly stated, these notes
21 reflect that the community breakout group, which
22 consisted of you and your colleagues plus some
23 others, had selected route SIL out of the five
24 routes that were presented. And you assigned
25 scores of either 2 or 3 to the other four routes,

1 right?

2 MR. JOYAL: That's correct.

3 MR. TOYNE: Okay. So if we could talk
4 about route AY, which is on the third page of this
5 particular subset of the meeting notes. It says
6 AY belt score, 2, if you've got that there in
7 front of you.

8 MR. JOYAL: Just digging it up.

9 MR. TOYNE: Yep.

10 MR. JOYAL: Okay. Go ahead.

11 MR. TOYNE: All right. So I've got a
12 couple of questions about the first column, the
13 one that begins with "Five First Nations have
14 identified cultural, spiritual, and resource
15 issues or uses along this route."

16 Those would be the different First
17 Nations and the different uses that we talked
18 about earlier; is that an accurate statement?

19 MS. THOMPSON: Yes, that's correct.

20 MR. TOYNE: And then there's use of a
21 phrase, "pristine wilderness". Now, I appreciate
22 that these are notes taken by a note-taker, and
23 they may summarize the discussion that's taking
24 place, but can one or more of you tell me what the
25 reference to this area not being pristine

1 wilderness is? Are you referring to the fact that
2 a lot of it's been clear-cut and regrown, or is
3 there some other reference there, if you remember?

4 MS. THOMPSON: So just to clarify,
5 you're asking about the slide, although this area
6 is not pristine wilderness, are you asking where
7 the source is, or -- sorry, can you repeat your
8 question?

9 MR. TOYNE: I'm just trying to figure
10 out what's meant by "Although this area is not
11 pristine wilderness." My personal understanding
12 is that a lot of this area has been clear-cut.
13 But I wasn't at the meeting; I suspect I wouldn't
14 have been allowed into the meeting, even if I was
15 aware of it. So, just wondering if any of you
16 remember what's being referred to there, whether
17 it's clear-cutting or something else? I believe
18 that quote is referring to -- from the preliminary
19 ATS community report, where they say:

20 "An area in the Watson P. Davidson
21 Wildlife Management Area is identified
22 as an area that the elders wish to
23 protect, and that although some
24 disturbance has occurred by logging,
25 they feel should be left as such. The

1 route is on the east route between
2 Sandilands Provincial Park and Watson
3 P. Davidson Wildlife Management Area."

4 MR. TOYNE: All right. So to the best
5 of your recollection, that's where that statement
6 is coming from, or that's what's being referred to
7 there?

8 MS. THOMPSON: Yes, to the best of my
9 recollection, that's what it's referring to.

10 MR. TOYNE: The fifth point down, it
11 says: "This area has not been studied."

12 I take it that's referring to the
13 discussion we had earlier about how parts of the
14 route up in the northeast corner, around Anola,
15 Vivian, Ross, that had not been the subject of
16 particularly in-depth engagement on either of the
17 two processes? Is that a fair statement?

18 MS. THOMPSON: That is fair. However,
19 Manitoba Hydro was aware of general concerns in
20 the area about use of Crown lands and potential
21 for sacred sites in the area, because it was
22 further east.

23 MR. TOYNE: And then the next point
24 down, that's the reference that you made earlier
25 to having received a preliminary report from the

1 ATKS team, I think actually that morning; is that
2 true?

3 MS. THOMPSON: Yes, that's correct.

4 MR. TOYNE: All right. And as I
5 understand it, one of the concerns with choosing
6 Route AY on the same day that you had just
7 received that preliminary report is that it would
8 be seen as disrespectful to all of the work that
9 you were just being provided with a preliminary
10 update of.

11 MS. THOMPSON: We had felt that since
12 the group of three had just recently expressed
13 frustrations about the change in the border
14 crossing, that they might share the same
15 frustrations with the selection of this route, as
16 their report that they had recently completed did
17 not focus on the area traversed by the AY segment.

18 MR. TOYNE: Now if we can go over the
19 page, to where it says "Schedule delays associated
20 with First Nations," if you've got that there in
21 front of you. So there's then in the very first
22 point a reference to an anticipated lack of
23 further buy-in for the remainder of the project,
24 delaying future deliverables and EIS review.

25 Are you referring to the three members

1 of the team there, or are you referring to all of
2 the First Nations that were engaged in this
3 process if Route AY was selected, or to some other
4 subset of them?

5 MS. THOMPSON: It's my understanding
6 that it was from the three, but also that other
7 communities might have concerns in the area as
8 well.

9 MR. TOYNE: All right. So just so
10 I've got it, the general concern was if Route AY
11 is selected, then that would undermine the First
12 Nation-Metis engagement process?

13 MS. COUGHLIN: So we're just trying to
14 make sure that our role is characterized properly.
15 We shared our concerns as a group called
16 "Community," so we weren't trying to position
17 forward something to the group where we said if we
18 didn't do what we said, it would undermine our
19 relationship with communities. I don't think
20 that's a fair way to characterize it.

21 I'm supposed to use this mic, because
22 people can't hear me. So if you could restate
23 that.

24 MR. TOYNE: Well, maybe what I'll do
25 is I'll give you a chance to just explain what

1 you'd like to explain there, but just let me ask a
2 question first.

3 The sense I get from some of the
4 materials in the EIS is that during these
5 breakouts, the community criteria which the four
6 engineers weighted at 30 per cent, it sort of
7 split equally between, say, the process that
8 Trevor and his colleagues were doing and the
9 process that you and your colleagues were doing;
10 is that a fair way to characterize it or not?

11 MR. JOYAL: We represent community,
12 it's not a 15-15 per cent split. We are
13 community, to represent all the interests that are
14 brought forward in our processes.

15 MS. COUGHLIN: I think I could share a
16 good example of how that 15-15 doesn't work. What
17 we heard from some First Nation communities is
18 they have a concern about transmission lines going
19 near homes, so ...

20 MR. TOYNE: All right. And then just
21 to go back to the point that you were making about
22 how -- the lack of further buy-in for the
23 remainder of the project, and the way I had
24 characterized a concern about undermining the
25 process. Could you just explain in your own words

1 what the concern you and your group were
2 articulating if Route AY was selected the day that
3 you got that preliminary report?

4 MS. COUGHLIN: Just a moment, please.

5 MR. TOYNE: I could try to ask the
6 question a little more clearly, but I don't know
7 if that's actually possible.

8 MS. THOMPSON: So as is indicated in
9 SSC IR 143, we had thought that based on the
10 recent frustrations that we had heard by
11 communities regarding the border crossing, that
12 they might have similar frustrations if new routes
13 were introduced to the process at this stage of
14 the project planning. This new route segment
15 might cause a lack of buy-in and potentially delay
16 further engagement activities for the remainder of
17 the project.

18 MR. TOYNE: All right. And just so
19 I've got it, that was the sum total of the concern
20 that's been reflected in these notes and in that
21 IR, that if this route was selected, that's what
22 the concern was?

23 MR. JOYAL: Not at all. There is
24 numerous other concerns that we look at from a
25 full route perspective, and not just one area. AY

1 was one of five that we had to consider as
2 community, and we did have a lot of feedback and
3 information that sometimes is contradictory or
4 different, and we have to try to make one voice
5 for community.

6 But that is not just the only problem
7 that Mr. Toyne is bringing forward.

8 MR. TOYNE: So one of the other issues
9 that's reflected here -- and again, it must be
10 important, because it's in bold -- are the
11 schedule delays associated with First Nations.
12 And I take it that the delays that are being
13 referred to there, those would be what I would
14 call pre-licensing delays associated with the
15 Crown consultation process?

16 MS. THOMPSON: Sorry, can you repeat
17 your question, please?

18 MR. TOYNE: The reference to schedule
19 delays in this context is to pre-licensing delays
20 arising from the Crown consultation process?

21 MS. THOMPSON: So as indicated in
22 SSC IR 116, the scheduling delays, there is
23 different reasons for scheduling delays, not
24 necessarily Crown consultation, but there is other
25 approvals that are also required when using Crown

1 lands.

2 MR. TOYNE: Right. And the words that
3 were used by whoever the note-taker was -- oh,
4 that's actually blank here. Maybe it's the same
5 person that put SIL back in.

6 Were scheduled delays, and that's in
7 bold, associated with First Nations. So my
8 question wasn't about what sort of delays can
9 affect the project, although we'll get to that in
10 a minute; it was if the scheduled delays that
11 Hydro is attributing to First Nations are related
12 to the Crown consultation process or some other
13 delay.

14 MS. COUGHLIN: There is an IR that
15 says -- talks about all the different schedule
16 delays that are possible. Lindsay referenced part
17 of it. It's SSC IR 102, and 116.

18 Do you want us to go through them? We
19 could recite the IR if you want, talk about the
20 different facets of schedule risks.

21 MR. TOYNE: No, I'm sure I'll get some
22 of that tomorrow. I'm just trying to find out
23 what's being referred to in these notes here. You
24 know what, rather than just running the clock, why
25 don't we see if we can agree on this.

1 The delay that was of concern if a
2 route like AY was selected was about the increased
3 time that might result in -- or that might be
4 required to complete Crown consultations. Will
5 you agree on that? That's a pretty easy, simple
6 one.

7 MS. THOMPSON: I think the concern was
8 more about routing somewhere where we had heard
9 existing concerns in the area, and introducing a
10 new route that communities hadn't heard of before.

11 MR. TOYNE: Okay. So there might be
12 some delays arising from the fact that that area
13 hadn't really been assessed or studied or engaged
14 in through your two processes. Were there also
15 concerns about delays arising from a Crown
16 consultation process?

17 MS. COUGHLIN: That was one of many.
18 And at the end of the day, we've got to remember
19 that schedule risk is only 5 per cent of the
20 process. So we'll keep that in mind.

21 MR. TOYNE: Right, but this particular
22 breakout session is for the community factor, not
23 the schedule risk factor, right?

24 MS. COUGHLIN: That's correct, but you
25 were asking about schedule delays.

1 MR. TOYNE: Right. I'm asking about
2 the schedule delays that were discussed in the
3 community breakout group held -- the date's wrong,
4 but eventually got corrected -- in November 2014.

5 So you're talking about schedule
6 delays in the community breakout group. But delay
7 is also considered in a separate criteria, right?
8 Schedule risks?

9 MR. JOYAL: Yes, schedule risk is one
10 of the criteria.

11 MR. TOYNE: All right. So why is it
12 that you are also taking delay into account -- I
13 guess for the second time -- in this criteria?

14 MR. JOYAL: Although it is marked in
15 our meeting notes, community talks about
16 community; schedule risk is represented by
17 schedule risk. We represent community, and we
18 discuss many things. But it is documented in
19 meeting notes that have been provided.

20 MR. TOYNE: So the potential delays
21 associated with, say, the Crown consultation
22 process, they are actually counted twice in this
23 process: once in the community criteria, and once
24 in the schedule risk criteria?

25 MS. ZEBROWSKI: If I could just add to

1 that, as I wasn't at those meetings, but one thing
2 that I could potentially add to the conversation,
3 to help with the understanding, is that as
4 Ms. Thompson referenced, you know, these were
5 areas that had not been assessed by some of the
6 communities, and so we knew that there had been
7 some concerns related to introducing a route
8 related to that.

9 Our understanding of the Crown
10 consultation is that they do rely on some of the
11 materials or the engagement process that Manitoba
12 Hydro does. And so if there are areas that
13 haven't been assessed through our process, going
14 through the Crown consultation, that necessarily
15 adds time and effort and additional work that
16 needs to happen there, which could further --
17 require a process that takes more time.

18 MR. JOYAL: But I would like to say
19 that schedule risk is considered only once. We do
20 discuss all of this as a team, and the weighting
21 of schedule risk is discussed under schedule risk,
22 not under community.

23 MR. TOYNE: So if it wasn't discussed,
24 why is there such a large amount of text about
25 schedule delays in the community breakout group?

1 MR. JOYAL: It would be notes from a
2 discussion that we had eventually, as a larger
3 group, of what potential concerns there may be in
4 relation to schedule risk. But it's not
5 represented in community, the ranking in
6 community.

7 MR. TOYNE: To what extent did the
8 community breakout group consider potential delays
9 that could arise if landowners affected by the
10 proposed route exercised some of the options that
11 they may have going forward?

12 MR. JOYAL: Once again, it's
13 represented in schedule risk. We may have
14 discussed the possibility of expropriation or
15 working with landowners, but it's represented in
16 schedule risk and not under community.

17 MR. TOYNE: All right. So for the
18 community breakout, then, just so there's no
19 confusion going forward, if there were challenges
20 to any attempt to take away the rights of
21 landowners to object to expropriation, you didn't
22 consider any delay that would arise from that
23 during this particular breakout session?

24 MR. JOYAL: That are documented and
25 brought forward in this schedule risk section. We

1 did discuss it, but it's not represented in this
2 ranking that we gave for community at this stage.

3 MR. TOYNE: All right. The length of
4 time that it takes to have expropriation inquiries
5 involving objecting landowners, were the delays
6 that arise from that, were they considered during
7 the community breakout group session?

8 MR. JOYAL: Once again, under schedule
9 risk, we do discuss what potential feedback we
10 have. And from there, only counted once at any
11 scheduling. It is not represented in the
12 community ranking.

13 MR. TOYNE: If there is a challenge to
14 any accepted expropriation after one of these
15 inquiries, did the community breakout group take
16 any of those delays into account?

17 MR. JOYAL: As community, we look at
18 all the feedback that we receive, not -- we may
19 have had landowners that had stated that there
20 would be expropriation; we had discussion that
21 there would be a Crown consultation process.
22 Those are represented in the schedule risk, not
23 under community.

24 We're looking at other concerns that
25 are brought forward, such as use of Crown and

1 private lands, the feedback and individual
2 site-specific. Delay is something we discuss; it
3 does not mean that it's reflected in the community
4 weighting. It's reflected in risk to schedule.

5 MR. TOYNE: All right. Just two more
6 things, I just want to make sure that they weren't
7 considered here, and to get confirmation that they
8 are considered elsewhere, so that I can ask
9 questions about it tomorrow.

10 If a landowner appeals the Minister's
11 decision to grant a licence to the Provincial
12 Cabinet, did the community breakout group take the
13 delays that would arise from that particular
14 process into account?

15 MR. JOYAL: No.

16 MR. TOYNE: And finally, if a
17 landowner appeals the Provincial Cabinet's
18 decision to endorse the Minister of Sustainable
19 Development's licensing decision, did the
20 community breakout group take into account any of
21 the delay that would arise from Court of Queen's
22 Bench and Court of Appeal proceedings?

23 MR. JOYAL: No delay was captured in
24 ranking of community.

25 MR. TOYNE: All right. And just so

1 it's clear, all of that type of delay is something
2 that's taken into account in the schedule risk
3 criteria, and that I should be asking questions
4 about that tomorrow?

5 MR. JOYAL: As I've been saying, yes.

6 MR. TOYNE: So I'm going to ask you a
7 hypothetical. Given your response to one I asked
8 earlier, it's obvious you've been told not to
9 answer it. But at least let me ask it, and then
10 tell me you're not going to answer.

11 If SIL hadn't been put back in after
12 it was eliminated for the first time, which of the
13 four routes, AY, URQ, URV, and SGZ, which of those
14 four would the community group have endorsed as
15 their first choice?

16 MR. JOYAL: There was no bringing back
17 in of an excluded route. SIL was brought forward
18 in a team discussion, and it's part of the
19 screening process. It is not a zombie; it did not
20 come back to life.

21 MR. TOYNE: Well, we'll get back to
22 the second time it came back to life momentarily.
23 But let's just assume that it didn't come forward,
24 to use Hydro's new terminology, and that just
25 those four routes were being discussed at the

1 community breakout group. Can you tell me which
2 of those four would have received your endorsement
3 and the score of 1?

4 MR. JOYAL: No.

5 MR. TOYNE: And that's because it's a
6 hypothetical?

7 MR. JOYAL: Yes.

8 MR. TOYNE: Okay. All right.

9 So now, once we're out of the breakout
10 group and we're all back together, the discussion
11 on schedule risk, do you remember the extent to
12 which it took into account all of the potential
13 delay that would arise from landowners exercising
14 their rights?

15 MR. JOYAL: Many of the discussion --
16 many of the topics that had been brought forward,
17 such as expropriation or Crown consultation, were
18 discussed at length, as a group and a team, and
19 represented in risk to schedule.

20 MR. TOYNE: And my understanding is
21 that when expropriation is taken into account by
22 Hydro, and schedule risk, there is an assumption
23 that the Province will prevent landowners from
24 exercising their rights to object to
25 expropriation, and then it then gets discounted as

1 a factor; you don't really take that into account
2 for delay purposes? Is that your understanding,
3 given your involvement in the process?

4 MR. JOYAL: Being involved in previous
5 projects, expropriation and the timelines
6 associated with it are considered as a delay to
7 any project.

8 MR. TOYNE: So once you are back from
9 the breakout, the five routes are all assigned
10 different scores, and SIL comes in third. Is that
11 consistent with your recollection and the notes in
12 front of you?

13 MR. JOYAL: Definitely not. AY was
14 placed third in the overall ranking. SIL was
15 first.

16 MR. TOYNE: So splitting the
17 difference between the place where we left off, so
18 the first time SIL is eliminated to where the
19 community breakout group notes are, there's a page
20 that says "Expert judgment for routes URV, URQ,
21 SIL, AY, and SGZ."

22 I think it's about page 13 or 14. Up
23 at the top, it says "Engineering Reliability."

24 MR. JOYAL: We just wanted to make it
25 clear that the table that's presented as 5-29 in

1 the EIS is the final decision in preference
2 determination, where SIL does place first.

3 MR. TOYNE: We'll get to the second
4 time you ran the scores, but let's talk for a few
5 minutes about the first time you ran the scores.

6 So I think it's page 15 or 16 of the
7 meeting notes, and again, it says "Engineering
8 Reliability" at the top. Have you got there yet?

9 MR. JOYAL: You'll have to give me a
10 minute.

11 All right, I have it here.

12 MR. TOYNE: All right. So there's a
13 table here, and it says "Expert judgment for
14 routes URV, URQ, AY, and SGZ." And following the
15 criteria and weightings set by the four engineers,
16 we get scores for each of these five routes.

17 So Route URV gets a score of 1.465,
18 Route AY gets a score of 1.55, and Route SIL gets
19 a score of 1.6675. So would you agree with me
20 that based on those three scores in this
21 particular table, SIL came in third?

22 MR. JOYAL: Sorry about that. This
23 table that you are referring to is a working table
24 that was used, and not reflective of the entire
25 team's perspective.

1 MR. TOYNE: All right. So we'll come
2 back to that in a second. All I asked you to do
3 was confirm that once the numbers were run the
4 first time, SIL came third.

5 MR. JOYAL: There was no running of
6 the numbers first time. This is, like I said, a
7 working table, and does not represent the final
8 decision as outlined in Table 5-29.

9 MR. TOYNE: All right. So just so
10 it's clear, Manitoba Hydro, as represented by this
11 current panel, is not prepared to concede that the
12 first time the scoring was done on these five
13 routes, SIL came third?

14 MR. JOYAL: As indicated, the final
15 scoring is in 5-29. There was no second run.
16 This is a working table and meeting notes.

17 MR. TOYNE: All right. So underneath
18 the -- as you put it, "working table" -- there's a
19 statement: "Based on the inputs to the expert
20 judgment model, URV is the preferred route."

21 And then if you go up to the next
22 page, it looks like again someone suggests
23 changing how the scores are calculated, and the
24 scores are run a second time. And this time SIL
25 comes out on top. Is that an accurate way to

1 describe what the next page of notes is doing?

2 MR. JOYAL: Those are not relevant to
3 the community rankings.

4 MR. TOYNE: Right. It wasn't the
5 community rankings that were rescored; this would
6 be a rescoring of the cost criteria that occurred
7 while you were present in the room.

8 MR. JOYAL: But once again does not
9 factor into the community ranking.

10 MR. TOYNE: Right. Well, you didn't
11 have to rejig that one for SIL to win; all you had
12 to do was rejig the cost one to get them to win.

13 Do you know who suggested redoing the
14 costs of the routes so that SIL would come out on
15 top?

16 THE CHAIRMAN: I'd like to interrupt
17 here for a second. I think I'm back to the point
18 I made before the break, was once we're
19 wandering -- maybe that's the wrong term. Once we
20 are directing the questioning beyond the community
21 engagement, both First Nation and community
22 engagement, which this group is responsible for, I
23 think we're into an area that would be better left
24 for tomorrow's group.

25 MR. TOYNE: Mr. Chair, then maybe what

1 I'll do is I'll just ask if it was one of the
2 three of the four on the front panel, if they were
3 the ones who suggested redoing the cost. And if
4 it's not, then I'll move on. I've only got a few
5 more questions.

6 THE CHAIRMAN: Yeah. If you're
7 focusing on the community side, that's fine.

8 MR. TOYNE: Yeah.

9 THE CHAIRMAN: All right.

10 MR. TOYNE: Just on that, were any of
11 you the ones that suggested that the cost scores
12 be redone so that SIL would be the winner?

13 MR. JOYAL: As community, we only
14 represent community, and do not influence the
15 other factors.

16 MS. COUGHLIN: No.

17 MR. JOYAL: So therefore it was none
18 of us, yeah.

19 MR. TOYNE: All right. So I'll take
20 that as three no's, and I'll come back to -- I
21 guess I'll come back to that tomorrow.

22 Just a couple of final questions to
23 Mr. Joyal, and then my time will be up.

24 So, earlier, you had talked about some
25 of the more recent engagement efforts. There's

1 one in particular I'd like to ask you a couple of
2 questions about.

3 And Mr. Chair, I will have additional
4 questions for another panel about it.

5 It's my understanding, Mr. Joyal, that
6 you had been involved in some discussions with
7 landowners along the final preferred route with
8 respect to entering into easement agreements. Is
9 that true?

10 MR. JOYAL: As outlined in my
11 presentation, ongoing engagement is an important
12 part of our process. We are out talking with
13 landowners, not just about an easement, but for
14 information about the processes, so that they are
15 armed with the information to make balanced
16 decisions and understand. And for those
17 landowners that wish to talk about easements can
18 talk about easements.

19 MR. TOYNE: And the landowners that
20 you are talking to about easements, are those
21 individuals who have previously indicated an
22 interest in discussing easements, or are you --
23 and I don't mean anything negative with the
24 phrase, but are you blanketing the route with
25 information about easements, and then having

1 people contact you about it? Or is there some
2 other thing going on?

3 MR. JOYAL: At the beginning of this
4 year, we did release just a general letter
5 assigning each landowner along the new
6 right-of-way a project liaison. The project
7 liaison acts as a conduit into Hydro and building
8 relationships between us and them to understand
9 their concerns and their interests, we did
10 indicate that if there is a desire to continue
11 discussions on compensation, there is the want to
12 talk about an easement agreement.

13 At the end when we did not hear from
14 certain landowners, we wanted to ensure that all
15 landowners were treated equally and had the
16 information in hand of what that value may be so
17 every individual that crosses new right-of-way had
18 the new information in front of them to make an
19 informed decision on how they'd like to proceed.

20 MR. TOYNE: And just so I have got it;
21 the landowners that you are speaking to about
22 these easement agreements, the information that
23 you are conveying to them is that if they enter
24 into an easement agreement now, they will receive
25 a certain amount of money. And that at some

1 future date, they will receive another sum of
2 money. Is that a fair way to describe the
3 information that you are conveying to them?

4 MR. JOYAL: As I'll outline in more
5 detail in the property presentation later this
6 week, 50 per cent is being paid to the landowner
7 at signing of an agreement, and then the remainder
8 is provided to the landowner once it's registered
9 with the Land Titles office.

10 MR. TOYNE: All right. And then
11 landowners are also being told that if, for
12 whatever reason, the final preferred route is
13 altered, or if say the project doesn't proceed for
14 some reason, that they will be able to keep the
15 funds. Is that information that you are conveying
16 to them?

17 MR. JOYAL: We have indicated that if
18 signed an easement agreement with the landowner
19 they can retain the payment if there is a change
20 that is brought forward through either the
21 provincial or the federal process.

22 MR. TOYNE: If the easement agreement
23 isn't registered with Land Titles and a landowner
24 has already received some of the funds that had
25 been promised to them by Manitoba Hydro, and the

1 project doesn't proceed or proceeds elsewhere, is
2 the landowner required to give the funds back or
3 do they get to keep them?

4 MR. JOYAL: Once again as property
5 we'll outline in further detail, the 50 per cent
6 of the land value is provided at time of signing,
7 it's not at some future date, it is the day of
8 signature on the agreement. Once we end up having
9 a surveyor on the property ensuring that it can be
10 registered with a plan, at that point when it's
11 registered it is then paid the remaining amount
12 once it's done with Land Titles.

13 MR. TOYNE: I'll ask one more question
14 and I'm not trying to get to the specifics of the
15 plan, I'm just trying to get to the information
16 that you are conveying to landowners. So that
17 first 50 per cent, so is there any circumstance
18 under which a landowner may have to pay that money
19 back to Manitoba Hydro?

20 MR. JOYAL: To my knowledge, no. But
21 it would be a question for the property panel.

22 MR. TOYNE: Okay. And when you are
23 speaking with landowners or communicating with
24 them, you are telling them that once they get
25 those funds they don't have to give them back?

1 MR. JOYAL: At this point there has
2 been a decision with Hydro that there is no reason
3 to return a 50 per cent down payment at time of
4 signing.

5 MR. TOYNE: I don't have any further
6 questions for this panel, Mr. Chair. Thank you
7 all very much.

8 THE CHAIRMAN: Thank you, Mr. Toyne.
9 Well, that brings us to the Consumers Association
10 of Canada next for questioning.

11 MS. PASTORA SALA: Thank you,
12 Mr. Chair, and good afternoon, members of the
13 panel. Good afternoon to the members of the Hydro
14 panel as well.

15 The good news is I think I'll only be
16 approximately half an hour, so I think we'll be
17 able to get out of here by 4:30. I'll be -- as
18 the panel will already know, I think I'll probably
19 be referencing sections 3-93, 3-5, 3-1 of the EIS,
20 if the CEC panel wants to follow along as well,
21 and potentially also CEC IR 008 and CEC IR 011.

22 My questions will primarily be for
23 Mr. Joyal, but I also will have some questions
24 later for Ms. Zebrowski. I'm sorry if I'm not
25 saying your name properly.

1 Good afternoon, Mr. Joyal. It's my
2 understanding that you are an environmental
3 specialist with Hydro, and that you are the public
4 engagement lead for the MMTP project; is that
5 correct?

6 MR. JOYAL: That is correct.

7 MS. PASTORA SALA: And you are
8 currently also the president for the Prairies
9 Chapter of the International Association of Public
10 Participation?

11 MR. JOYAL: That's also correct.

12 MS. PASTORA SALA: And you have been
13 working in the area of public participation -- or
14 as the cool kids call it, P2 -- for approximately
15 seven years now?

16 MR. JOYAL: Seven years last Thursday.

17 MS. PASTORA SALA: Congratulations.

18 And so, given your role as public
19 engagement lead, as well as president of the
20 Prairies Chapter of the IAP2, it's fair to say
21 that you are familiar with the ongoing dialogue
22 and key elements of P2, or public participation,
23 and public engagement?

24 MR. JOYAL: I would say yes. It's a
25 constantly evolving field of techniques and work.

1 MS. PASTORA SALA: And you would be
2 familiar with some of the key literature and
3 leading practitioners in this area?

4 MR. JOYAL: Yes.

5 MS. PASTORA SALA: And one of those
6 individuals would be Manitoba's own Dr. John
7 Sinclair?

8 MR. JOYAL: I'm aware of John
9 Sinclair.

10 MS. PASTORA SALA: Would you agree
11 that meaningful public participation and public
12 engagement are key elements of any environmental
13 assessment process?

14 MR. JOYAL: Of course, yes.

15 MS. PASTORA SALA: And effective
16 participation can increase transparency and
17 legitimacy in environmental assessment?

18 MR. JOYAL: That sounds great, yes.

19 MS. PASTORA SALA: And assist in
20 repairing, maintaining, and building relationships
21 with participants?

22 MR. JOYAL: As outlined through my
23 presentation, it's a key aspect of our processes.

24 MS. PASTORA SALA: I'd like to move a
25 little bit more specifically to the MMTP, or the

1 engagement process in the MMTP, and take you to
2 3-5 of the EIS.

3 So Manitoba Hydro's public engagement
4 plan, it says, "... was developed in consideration
5 of the International Association for Public
6 Participation, IAP2; the Canadian Environmental
7 Assessment Agency, Key Elements of Meaningful
8 Participation; and the International Association
9 for Impact Assessment, Principles of Best
10 Practices."

11 Do you see that?

12 MR. JOYAL: I do.

13 MS. PASTORA SALA: Would it be
14 accurate to say that while public participation,
15 or P2, is defined in the EIS, the term "public
16 engagement" is not?

17 MR. JOYAL: Our process engagement,
18 participation involvement, are all similar words
19 that different practitioners use to represent the
20 processes. Public participation, in my mind, is
21 public engagement as well.

22 MS. PASTORA SALA: Okay. So in the
23 EIS, public engagement and public participation
24 were used interchangeably, as synonyms?

25 MR. JOYAL: Yes.

1 MS. PASTORA SALA: Okay. Are you
2 familiar with the IAP2 spectrum of public
3 participation?

4 MR. JOYAL: Yes, I am.

5 MS. PASTORA SALA: I would assume, as
6 the president of the Prairie Chapter, you would
7 be.

8 MR. JOYAL: I would hope so, yeah.

9 MS. PASTORA SALA: And the elements of
10 the spectrum are inform, consult, involve,
11 collaborate, and empower?

12 MR. JOYAL: Yes, you are right.

13 MS. PASTORA SALA: And based on your
14 familiarity with these elements of public
15 participation, would you agree that they are
16 project-specific?

17 MR. JOYAL: At the beginning of any
18 engagement process from any practitioner, you do
19 reference the spectrum to understand where the
20 public can have a role in the decision-making and
21 the process. Different projects require different
22 feedback, have different outcomes and different
23 needs, so it is a project-by-project basis, and
24 you determine your engagement process based on
25 where it potentially falls, as one tool in

1 developing your process.

2 MS. PASTORA SALA: You indicated
3 earlier that you were familiar with the literature
4 on public engagement and public participation,
5 correct?

6 MR. JOYAL: There is a significant
7 amount of literature out there, so yes and no.

8 MS. PASTORA SALA: Okay, that's fair.
9 According to some recent literature -- and you can
10 tell me if you are aware of it -- improving and
11 building long-term relationships is an important
12 element of public engagement.

13 MR. JOYAL: That phrase is correct in
14 something we strive to do.

15 MS. PASTORA SALA: And earlier, when I
16 asked you if you were familiar with the
17 literature, you said you were familiar with
18 Dr. Sinclair; would you be aware of the paper by
19 Drs. Jennifer Stewart and John Sinclair entitled
20 "Meaningful public participation in Environmental
21 Assessment: Perspectives from Canadian
22 participants, proponents, and government", from
23 2007?

24 MR. JOYAL: I would have to go back to
25 my reference books, but I do know the name "John

1 Sinclair." Whether I have read that specific
2 piece, I cannot say yes or no.

3 MS. PASTORA SALA: For the purpose of
4 my question, then, I think it will be general
5 enough that you won't need to go to the paper;
6 otherwise I would have put it before you.

7 But it's my understanding that while
8 the paper is approximately ten years old, it's
9 still relevant for practitioners. So I'm going to
10 list some of the key elements that were identified
11 in this paper, and I'm asking you to tell us
12 whether you agree they are essential elements.

13 So I'm going to start. Are you ready?

14 MR. JOYAL: Yes, I am.

15 MS. PASTORA SALA: Integrity and
16 accountability.

17 MR. JOYAL: Yes.

18 MS. PASTORA SALA: Transparency.

19 MR. JOYAL: Yes.

20 MS. PASTORA SALA: Having clear
21 process intentions.

22 MR. JOYAL: Yes.

23 MS. PASTORA SALA: Fair and open
24 dialogue.

25 MR. JOYAL: Of course.

1 MS. PASTORA SALA: Multiple and
2 appropriate methods.

3 MR. JOYAL: Oh, yes.

4 MS. PASTORA SALA: Informed
5 participation.

6 MR. JOYAL: Yes.

7 MS. PASTORA SALA: Would it be
8 accurate to say that the PEP aimed to be
9 inclusive, adaptive, comprehensive, and responsive
10 to participants?

11 MR. JOYAL: As outlined on the screen
12 behind me, those are part of the guiding
13 principles that helped us develop this process.

14 MS. PASTORA SALA: Yes, and it was
15 also referred to on page 3-1.

16 And that industry guidelines and
17 standards which Manitoba Hydro relied upon also
18 refer to the importance of being proactive with
19 public participation?

20 MR. JOYAL: That was that piece of
21 feedback that was provided by the CEC for the
22 Bipole III project, but it was our goal to go and
23 be proactive to -- searching out potential
24 effective individuals.

25 MS. PASTORA SALA: Sorry, I'm

1 referring to just the guiding principle of being
2 proactive, which is part of the IAP, and not
3 necessarily in terms of a specific going out to --

4 MR. JOYAL: Yes, you are correct.

5 MS. PASTORA SALA: Okay. Thank you.

6 So focusing on the proactive and
7 adaptive nature of PEP, would you agree that part
8 of a proponent's responsibility is to be familiar
9 with relevant expert documents and reports which
10 outline industry standards or best practice for
11 public participation/engagement?

12 MR. JOYAL: As a practitioner, I
13 utilize many different aspects from literature to
14 ongoing discussions through communities of past
15 practice that I am part of. Whether or not I have
16 read every piece of information, I have not, and I
17 can admit that. Whereas I do believe that many of
18 the guiding principles from the NEB filing manual
19 to IAP2, to the International Association of
20 Impact Assessment, are all represented --
21 represent the good core to develop an engagement
22 process, as there is no cookie-cutter approach, or
23 I don't believe that there should be, to any
24 project or any public engagement process.

25 MS. PASTORA SALA: That's fair.

1 Are you aware that there was an expert
2 panel at the federal level conducting a review of
3 the environmental process, of the federal
4 environmental assessment process?

5 MR. JOYAL: I remember the Provincial
6 Environment Act. It was CEAA, yes.

7 MS. PASTORA SALA: So you are aware
8 that there was a recent environmental assessment
9 review at the federal level?

10 MR. JOYAL: Are you talking CEAA 2012?

11 MS. PASTORA SALA: Yes.

12 MR. JOYAL: Okay, yes.

13 MS. PASTORA SALA: Have you had the
14 opportunity to read through the expert panel
15 report?

16 MR. JOYAL: It's been a while, but
17 yes, I have read this.

18 MS. PASTORA SALA: Would you agree
19 that the information provided in this report
20 relating to engagement, specifically, is relevant
21 to the public engagement process for MMTP?

22 MR. JOYAL: Sorry, I've got my
23 documents confused here.

24 MS. PASTORA SALA: I'll give you a
25 moment.

1 MR. JOYAL: Sorry, what was your
2 question?

3 MS. PASTORA SALA: Which one?

4 MR. JOYAL: The most recent. Sorry.
5 This one here, I haven't seen it in
6 bound copy; I have read it on here. Sorry, I'm
7 getting my materials mixed up. I apologize.

8 MS. PASTORA SALA: So have you read
9 it?

10 MR. JOYAL: I'd have to go back and
11 look through. No, I don't -- I don't know.
12 Sorry. I don't know.

13 MS. PASTORA SALA: That's okay. Maybe
14 I'll give you a little bit of information about
15 the report.

16 MR. JOYAL: Thanks.

17 MS. PASTORA SALA: It was just
18 released on April 5, 2017, if that helps.

19 MR. JOYAL: Sorry, then no, I have not
20 read this piece. Sorry, I got my pieces confused.
21 I apologize.

22 MS. PASTORA SALA: Okay. So given
23 that the expert report was just released on
24 April 5th, and that the EIS, the engagement
25 portion that is publicly available was completed

1 on September -- in September of 2015, is it fair
2 to say that the findings and recommendations of
3 the expert panel were not integrated in the EIS
4 for MMTP?

5 MR. JOYAL: It's fair.

6 MS. PASTORA SALA: And as part of
7 Manitoba Hydro's responsibility to have an
8 adaptable public participation process, would you
9 agree that it is necessary to continuously adapt
10 its engagement plan, and to ensure that the most
11 relevant and up-to-date expectations are
12 integrated in its approach?

13 MR. JOYAL: Yes, that would be
14 something that we can always adapt to change our
15 processes to accommodate new information. And
16 this being very new, yes, it could be. I haven't
17 read it, so I'd have to get back to you.

18 MS. PASTORA SALA: Okay. I'd like to
19 take you to Manitoba Hydro's response to
20 CAC IR 008.

21 MR. JOYAL: Go ahead.

22 MS. PASTORA SALA: Manitoba Hydro
23 stated, in response to CAC Manitoba's question,
24 that it will update the website with the latest
25 version of the environmental management plan.

1 Do you see that?

2 MR. JOYAL: Yes, I do.

3 MS. PASTORA SALA: The latest
4 environmental management plan was provided to us
5 in the second round of information requests on
6 April 12, 2017. Correct?

7 MR. JOYAL: Sorry, what was that
8 number?

9 MS. PASTORA SALA: That you provided
10 us the environmental management plan in our IR
11 responses on April 12th.

12 MR. JOYAL: I'd have to check the
13 filing date, sorry. I assume yes.

14 MS. PASTORA SALA: Subject to check?

15 MR. JOYAL: Subject to check, yes.

16 MS. PASTORA SALA: Would it be fair to
17 say that members of the public cannot access the
18 most recent version of the monitoring plan, as it
19 has not been posted on the project website?

20 MR. JOYAL: That may be a better
21 question suited for the monitoring panel that will
22 be on next week. It was -- I'd have to check if
23 it was a draft document or not. We'll have to
24 find out if it was final or draft.

25 MS. PASTORA SALA: So as part of your

1 responsibilities as the engagement team, you
2 indicated earlier that the website was one of the
3 ways that you were getting information to
4 consumers or individuals. And so what I'm asking
5 you is about ensuring that up-to-date information,
6 such as the environmental management plan, is on
7 the website.

8 MS. COUGHLIN: Our intention is to
9 include information like that on the website, and
10 if what we filed is not, I think we'll endeavour
11 to make that available as soon as possible.
12 So ...

13 MS. PASTORA SALA: Does Manitoba Hydro
14 have some sort of standard process to ensure that
15 the information is available on its project
16 website as soon as possible?

17 MR. JOYAL: As it's finalized and cut
18 into pieces, which is required for our public
19 affairs team to upload it, as soon as we have the
20 information, we do upload it when we can.

21 I'm sorry, I don't have the exact date
22 that we may or may not have done that. If it has
23 been filed with an IR, we do provide links to both
24 provincial and federal regulatory bodies that do
25 have some of this material.

1 So as we have been discussing here, we
2 believe it is draft, and it is available on the
3 public registry.

4 MS. PASTORA SALA: A draft is
5 available on the public registry, but not the most
6 updated draft. But I think it's okay; I'll move
7 on. I think you have endeavoured to make it
8 available if it is not, so for now, I'll move on.

9 Earlier this morning, there was a
10 discussion about community liaisons.

11 MR. JOYAL: That's correct.

12 MS. PASTORA SALA: And I'm aware of
13 CAC IR 011. I won't specifically be referring to
14 it, but you can grab it if you'd like.

15 I believe I heard you say, Mr. Joyal,
16 that community liaisons are assigned by region --
17 and I'm paraphrasing -- but that there are
18 community liaisons in different regions. I'm
19 hoping you can help me and clarify, so as
20 consumers living in rural communities, how would
21 one know who their community liaison person is?

22 MR. JOYAL: You are getting two types
23 of liaisons confused. The liaison that I would
24 have spoke of is a project liaison, which is a
25 Manitoba Hydro representative, who we have

1 notified the landowner and stated, "This
2 individual is your liaison."

3 As for a community liaison would fall
4 under some of the agreements with First Nation
5 communities and have been agreed upon since Bipole
6 III -- or for Bipole III.

7 MS. COUGHLIN: A community liaison
8 happens to be the same term that we use for a
9 position hired for the Bipole III project, so I
10 can see how it would be confusing.

11 MS. PASTORA SALA: I am confused, but
12 I'm wondering, if I am a consumer living in a
13 rural area, how do I know who my -- one of those
14 community liaisons -- how do I know who to go to,
15 is my question.

16 MR. JOYAL: Yeah. So as of an
17 affected landowner on the new right-of-way, or
18 landowners within -- that have a mile -- a metre
19 within a mile, have been notified by letter,
20 either who their liaison is or who to contact.

21 Outside of that region, we used broad
22 notification earlier in the process, as well as
23 the e-mail signup that now notifies 775 people.

24 Therefore, those in the rural region
25 may not have a specific liaison, but has access to

1 the same information as everyone else.

2 MS. PASTORA SALA: And those e-mails
3 and postcards and information that you provide,
4 does that have a contact person or a liaison, an
5 individual that people can get in contact with?

6 MR. JOYAL: It's a 1-877 number, or a
7 specific project e-mail address, known as
8 mmtp@hydro.mb.ca.

9 MS. PASTORA SALA: And then through --
10 that individual would be referred to a person?

11 MR. JOYAL: They both go to my desk.
12 The phone line and the e-mail address is checked
13 by me.

14 MS. PASTORA SALA: So you are the
15 community liaison?

16 MR. JOYAL: Generally, yes, they go to
17 my phone.

18 MS. PASTORA SALA: Those are my
19 questions for you, Mr. Joyal. Thank you.

20 And now I have a few questions for
21 you, Ms. Zebrowski. And please can you correct me
22 if I'm not saying your name properly.

23 MS. ZEBROWSKI: You're saying it
24 correctly.

25 MS. PASTORA SALA: So good afternoon.

1 You are the manager of Policy and
2 Strategic Initiatives Department in the Indigenous
3 Relations Department of Manitoba Hydro; correct?

4 MS. ZEBROWSKI: That's correct.

5 MS. PASTORA SALA: And you have been
6 in this position now since 2012?

7 MS. ZEBROWSKI: That is correct.

8 MS. PASTORA SALA: And you would agree
9 with Mr. Joyal that public engagement is an
10 essential element of environmental assessment?

11 MS. ZEBROWSKI: Yes.

12 MS. PASTORA SALA: Are you aware --
13 you are aware that the Clean Environment
14 Commission has repeatedly recommended that
15 Manitoba Hydro use a centralized environmental
16 assessment process to set standards and guide,
17 manage, and coordinate all environmental
18 assessment and monitoring processes?

19 MS. ZEBROWSKI: At a high level, I'm
20 aware of that. That doesn't -- that type of thing
21 doesn't fall within my specific responsibility.

22 MS. PASTORA SALA: So if I recall
23 correctly, you also were involved in the
24 Bipole III project, and you testified in the
25 Bipole III project?

1 MS. ZEBROWSKI: That is correct.

2 MS. PASTORA SALA: And this
3 recommendation was made both in Keeyask Generation
4 Project and Bipole III?

5 MS. ZEBROWSKI: Correct.

6 MS. PASTORA SALA: Has Manitoba Hydro
7 implemented a centralized standard for involving
8 the Indigenous Relations Department with other
9 departments, such as a Transmission Department?

10 MS. ZEBROWSKI: We have, in that we
11 have staff people that are specifically assigned
12 to support the Transmission Department for those
13 processes. We also internally undertake a number
14 of database processes, where information is
15 collected and maintained, so that there is common
16 understanding of the engagement that's taken place
17 to date.

18 MS. PASTORA SALA: Is it something
19 that would have changed since Bipole or Keeyask?

20 MS. ZEBROWSKI: Sorry, say that again?

21 MS. PASTORA SALA: Is this something
22 new, since Keeyask or Bipole?

23 MS. ZEBROWSKI: Yes.

24 MS. PASTORA SALA: We heard yesterday
25 from Mr. Mailey, in response to Mr. Toyne's

1 question, or one of his questions, that the team
2 who selected the criteria and determined the
3 weighing of criteria for route selection was made
4 up of two civil engineers and two electrical
5 engineers. Does that sound familiar?

6 MS. ZEBROWSKI: Sounds familiar. I
7 wasn't here for all of that testimony, so I
8 can't ...

9 MS. PASTORA SALA: But you believe me?

10 MS. ZEBROWSKI: I believe you.

11 MS. PASTORA SALA: Does this mean that
12 neither you or anyone else from the Indigenous
13 Relations Department was involved in this process?

14 MS. ZEBROWSKI: I was not involved in
15 the -- yeah, that's correct, yeah.

16 MS. PASTORA SALA: Is the Indigenous
17 Relations Department usually involved in VC
18 selection?

19 MS. ZEBROWSKI: In which selection?
20 Sorry.

21 MS. PASTORA SALA: VC, valued
22 component.

23 MS. ZEBROWSKI: Not specifically, but
24 I'll let Sarah speak a bit to how those happened.

25 MS. PASTORA SALA: Ms. Coughlin, are

1 you in the Indigenous Relations Department?

2 MS. COUGHLIN: No, I work in the
3 Transmission Department, and in licensing and
4 environmental assessment.

5 MS. PASTORA SALA: Right. So I'm
6 specifically asking about the Indigenous Relations
7 Department.

8 MS. ZEBROWSKI: Sorry. We're not
9 specifically involved in the VC selection.

10 MS. PASTORA SALA: Has the Indigenous
11 Relations Department previously heard concerns
12 about VC selection from First Nations?

13 MS. ZEBROWSKI: I think,
14 specifically -- you know, it's been a while since
15 I recall back to Bipole and the specific concerns
16 that we heard at that time, but I don't recall
17 hearing a specific concern about VC selection from
18 a First Nation. Generally speaking, right now,
19 when we do go out and do engagement, there is an
20 Indigenous Relations Department staff person,
21 and -- for example, on this project, that went out
22 to communities with individuals from the
23 Transmission Department. So we operate as a team.

24 MS. PASTORA SALA: So during Keeyask,
25 for example, just basing the information -- sorry,

1 let me rephrase that.

2 Recalling that the EIS indicates that
3 Manitoba Hydro has learned from past processes,
4 and during Keeyask, there were a number of
5 concerns raised by the participants relating to
6 their challenges with the VC selection process
7 directly to the Indigenous Relations Department,
8 for example, from Pimicikamak; does that sound
9 familiar?

10 MS. ZEBROWSKI: It's challenging for
11 me to speak to the Keeyask process, because I was
12 not directly involved in that process, and a
13 significant portion of that process would have
14 taken place prior to my involvement in the
15 department in my current role.

16 MS. PASTORA SALA: Before 2012?

17 MS. ZEBROWSKI: Well, in terms of a
18 lot of the engagement, correct. And because the
19 process started well before 2012, I was not
20 involved in that process.

21 MS. PASTORA SALA: Would you agree in
22 principle that there are challenges within First
23 Nation communities and Metis Nation with the
24 process of VC selection?

25 MS. ZEBROWSKI: I think we have heard

1 some concerns from the Manitoba Metis Federation
2 about VC selection. Having said that, I think
3 that our VC selection is fairly high level, and
4 that it was done in a way to I think take into
5 consideration some of the concerns that we have
6 previously heard from communities.

7 But again, in terms of how the VCs are
8 selected, Ms. Coughlin is the better person to
9 answer those questions.

10 MS. COUGHLIN: I think it's sometimes
11 challenging when VCs essentially divide up the
12 world into different component parts. And when we
13 are talking about other world views, which is a
14 lot of what was discussed in Keeyask, I think
15 there's sometimes challenges with breaking up
16 Mother Earth into component parts. I think that
17 might be what you are referring to with issues
18 with Pimicikamak. But you can clarify me.

19 MS. PASTORA SALA: Just give me a
20 moment.

21 MS. COUGHLIN: Okay.

22 MS. PASTORA SALA: So the Indigenous
23 Relations Department within Manitoba Hydro
24 presumably is your department that has the most
25 knowledge relating to Indigenous relations,

1 correct?

2 MS. ZEBROWSKI: I think that certainly
3 we hold a body of knowledge, but there are many
4 staff throughout Manitoba Hydro who work with
5 Indigenous communities and certainly have
6 knowledge about Indigenous relations. If you can
7 clarify, maybe, perhaps, exactly what you're
8 speaking to --

9 MS. PASTORA SALA: I guess I'm just
10 surprised that -- the acknowledgment that there
11 are challenges -- that the Indigenous Relations
12 Department has never heard challenges relating to
13 VC selection is --

14 MS. ZEBROWSKI: In part, that's
15 because of how we're organized. So certainly
16 Indigenous Relations, we have currently had a
17 restructuring, so now we are a separate group.
18 Prior to this, we fit under the title of Corporate
19 Relations. And so when it comes to specifically
20 designing environmental assessment and undertaking
21 specific projects, those are generally undertaken
22 by other parts of the company. And Indigenous
23 Relations would intersect with those processes in
24 different ways. Sometimes it would be assisting
25 in the engagement; sometimes it would be in more

1 specific conversations.

2 But in terms of the practice of
3 environmental assessment and the selection of VCs,
4 those are generally done by the environmental
5 assessment practitioners within Manitoba Hydro.

6 And so again, so some of this very
7 specific feedback that may have been heard in
8 relation to those was not always directly in
9 conversations with Indigenous Relations portion of
10 Manitoba Hydro; it may have been much more
11 specific to the team that was working with that
12 specific community or on that specific project.

13 MS. PASTORA SALA: And so sharing some
14 of these concerns, for example, relating to this
15 selection of VC, would that have been something
16 that -- earlier you referred to a process which
17 departments share information; would that be
18 something that normally could be shared within
19 different departments?

20 MS. ZEBROWSKI: It could be shared
21 through that process. And part of the problem is
22 that not all of the projects were organized the
23 same way, so it's hard to take this as a common
24 across all projects. I think that's the crux of
25 where we're having some challenges in responding

1 to your questions.

2 So, for example, on the
3 Manitoba-Minnesota Transmission Project, staff
4 from Indigenous Relations worked very closely with
5 the transmission group, and would go to meetings
6 together, and throughout the engagement process
7 work together. So in that case, certainly
8 concerns that were coming up through that would
9 have been known, and staff from Indigenous
10 Relations would have been part of that.

11 Under the Keeyask project, it was
12 organized a little bit differently.

13 MS. PASTORA SALA: Okay. Those are my
14 questions. Thank you.

15 MS. ZEBROWSKI: Okay.

16 THE CHAIRMAN: Thank you very much.

17 Well, we have gone through all seven
18 participant groups. Does the panel have any
19 questions?

20 MR. GILLIES: Hello. Ian Gillies.
21 Question for the participation team.

22 We have heard over the course of today
23 that early engagement in the EIS is important, as
24 is the length of time available for engagement,
25 whether it's the broad public or First Nations and

1 Metis groups.

2 So the question really is, we'd like
3 to hear Manitoba Hydro reflect on the process up
4 to now. You have been at it for about two and a
5 half years or so, and what you have learned that
6 may have helped secure earlier engagement and a
7 longer period of engagement.

8 And you don't have to answer this
9 question right off the cuff; this might be
10 something to reflect on and provide an answer at a
11 later time in the process. Do you understand what
12 I'm getting at?

13 MS. COUGHLIN: I do. And I think that
14 response merits some fulsome thought, and we can
15 put our heads together and pull together a
16 response, and I think we'll provide a more
17 informed response to the Commission.

18 MR. GILLIES: Thank you.

19 THE CHAIRMAN: Okay, thank you.

20 Before we close, are there documents
21 to file today?

22 MS. JOHNSON: Just a couple. It's
23 been a short day as far as paper is concerned.
24 MH 024 is Part 1 of the presentation we saw today,
25 and MH 025 is the second part.

1 (EXHIBIT MH 024: Part 1 of Engagement
2 Panel presentation)

3 (EXHIBIT MH-025: Part 2 of Engagement
4 Panel presentation)

5 THE CHAIRMAN: That's it. Any other
6 housekeeping matters? Good.

7 Well, that concludes our hearings for
8 today, and we'll start tomorrow morning at 9:30.

9 Thank you.

10 (Adjourned at 4:28 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 our 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.

This document was created with Win2PDF available at <http://www.win2pdf.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.
This page will not be added after purchasing Win2PDF.