

Richard B. Salter

March 12, 2013

Jean Teillet, IPC

VIA EMAIL ONLY

Colin Jesse Salter

Clean Environment Commission
305 – 155 Carlton Street
Winnipeg, MB, R3C 3H8

Alex Monem

Jason T. Madden

Attention: Cathy Johnston, Secretary

Nuri Frame

Dear Ms. Johnson:

Paul Bachand

Re: Bipole III Transmission Project

Honourary Counsel:

We are legal counsel for the Manitoba Métis Federation (“MMF”) in relation to the Bipole III Transmission Project (the “Project”). We ask that you place this letter before the Panel hearing the Clean Environmental Commission (“CEC”).

Arthur C. Pape
(1942 – 2012)

Yesterday, in Manitoba Hydro’s cross-examination of MMF President David Chartrand, the corporation’s legal counsel, Mr. Bedford, suggested that President Chartrand had given contradictory testimony to his affidavit sworn and filed with the CEC in November 2012. Specifically, Mr. Bedford suggested that President Chartrand’s viva voce evidence, where he testified that the MMF currently has around 52,000 members, contradicted his previously sworn affidavit that indicated the MMF has 40,000 members.

Jennie Jack
(Non-Practicing)

Unfortunately, given time constraints and the fact that President Chartrand was not given the opportunity to review what part of his affidavit Mr. Bedford was referring to, the impression was left that there was a contradiction or mistake between President Chartrand’s testimony and his affidavit. This is simply not the case. We have now had an opportunity to review the relevant paragraph from Mr. Chartrand’s affidavit and we write to the CEC to provide clarification on these issues, since Mr. Bedford was challenging President Chartrand’s credibility on an illogical and erroneous reading of the sworn affidavit.

More specifically, Mr. Bedford was referring to paragraph 18 of President Chartrand’s November 2012 affidavit. This paragraph reads as follows:

“Based on *Powley*, governments were supposed to negotiate with Métis in order to recognize Métis rights, similar to what has been done with First Nations and Inuit peoples. This was not the case in Manitoba. We had to turn to the courts for justice. In 2009, in a case called *R. v. Goodon*, the Manitoba courts affirmed what we had always known:

[46] The Metis community of Western Canada has its own distinctive identity. As the Metis of this region were a creature of the fur trade and as they were compelled to be mobile in order to maintain their collective livelihood, the Metis "community" was more extensive than, for instance, the Metis community described at Sault Ste. Marie in *Powley*. The Metis created a large inter-related community that included numerous settlements located in present-day southwestern Manitoba, into Saskatchewan and including the northern Midwest United States.

[52] The Metis community today in Manitoba is a well organized and vibrant community. Evidence was presented that the governing body of Metis people in Manitoba, the Manitoba Metis Federation, has a membership of approximately 40,000, most of which reside in southwestern Manitoba.”

It should be readily apparent to anyone reading the affidavit that the statement with respect to the MMF having a membership of 40,000 is a quotation from the Manitoba Provincial Court’s 2009 decision in *R. v. Goodon*. The paragraphs are indented and the specific paragraph numbers from the decision precede each paragraph.

The *Goodon* trial was conducted in Brandon between 2006 and 2008. As the CEC is aware, I was legal counsel for Mr. Goodon in that case. During the trial, testimony was provided about the MMF’s membership numbers at the time. The findings in the Court’s decision are based on that evidence. President Chartrand’s testimony in 2012 is based on the MMF’s current membership numbers. Clearly, there is no contradiction between President Chartrand’s affidavit and testimony, if the affidavit is read correctly and put in its proper context. We write because President Chartrand was not provided the opportunity to have the relevant paragraph from his affidavit put to him during Mr. Bedford’s cross-examination in order to explain this.

Thank you for your attention to this matter.

Yours very truly,



Jason Madden

c.c. Participants in the Bipole III Hearing
David Chartrand, MMF President