

Swan Lake First Nation

Clean Environment Commission Hearing

November 8, 2012

EXHIBIT NUMBER: WPG - 006  
File Name: BIPOLÉ III  
Date: NOV. 8, 2012  
Received by: [Signature]  
(Commission Secretary)

### Background

- Swan Lake First Nation has studied the proposed crossing area north of our land known as Indian Gardens, including a few studies funded by Manitoba Hydro and a review of the Environmental Impact Statement funded by the Province of Manitoba.
- All studies were undertaken with very short time-frames, small budgets, and narrow geographical scopes and with lack of cooperation from nature.
- In addition, Swan Lake First Nation has undertaken and funded additional research and funded and or participated in a number of other studies.
- Swan Lake First Nation submitted our *Review of Manitoba Hydro's Bipole III Environmental Impact Statement* in March 2012.
- We have continued to conduct additional research into the proposed crossing and other lands within Swan Lake First Nation's traditional territory since that time.
- As Identified in our EIS Review Report, we have determined this specific area as rich in cultural and natural resources and important to the people of Swan Lake First Nation as well as to other First Nations.
- We also believe that this area should be of some heritage/historical value to the people of this Province and to the people of Canada.
- An area with potential for Additional Heritage Values was determined from existing information and is shown on Map 3 of our EIS review as well as the memory map also attached.
- The additional research we have undertaken since our EIS Review Report has confirmed the cultural, spiritual and heritage significance of this specific crossing location.
- Additional research since our EIS Review Report also suggests that crossing the Assiniboine River at other locations within our traditional territory would not impact another significant cluster of natural and cultural resources such as this.

### Result

- Given the significant concentration of cultural, spiritual, heritage and natural values at the proposed crossing and the availability of other crossings within our traditional territory that would not have the same adverse effects, **Swan Lake First Nation cannot approve the line crossing the Assiniboine River at this location.**
- The line must be moved outside of the "Area with Potential for Additional Heritage Values" as shown on Map 3 of our EIS Review Report.

## Consultation and Accommodation

- The people of Swan Lake First Nation have been consulted- however:
  - Consultations have been limited,
  - The time-frames have been very short,
  - The scope of funded research and review has been limited.
- Swan Lake First Nation has **NOT** yet been reasonably accommodated.
- **Reasonable accommodation is to find an alternative location to cross the Assiniboine River.**

## Manitoba Hydro Discussions

In January 2010, Swan Lake First Nation officials informed Manitoba Hydro officials of the gravity of the location they had chosen. In the same meeting Manitoba Hydro officials were asked what it would take to move the line to the west and south of the Indian Gardens.

We have not yet been given reasons as to the choice or reasons as to why another location could not work in the plans for Bipole III.

Manitoba Hydro has not yet committed to abandoning this alignment and looking for another location. Manitoba Hydro has made every effort to avoid Provincial Heritage sites, this area is a First Nation heritage site, of great importance to the people of Swan Lake First Nation, we recognize that it is not a structure it is a place on the ground as most First Nation Heritage sites are.

I would like to direct your attention to the map of the preferred routes out of the north, all those lines converge in the area known as Indian Gardens, and we have not been given an explanation as to the determination made to locate this line in this area.

We have made every reasonable effort at great financial cost to our community to work with Manitoba Hydro to address our concerns, we have both failed.

Swan Lake First Nation has had numerous discussions with Mb Hydro regarding Environmental Protection Plans, mitigation etc.

- It is important for Swan Lake First Nation to be involved in the Environmental Protection Plans at any location within our traditional territory.
- However, it has become clear that the proposed crossing area is not an acceptable location.

Swan Lake First Nation has advised Manitoba Hydro that we are prepared to accommodate a line at an alternative location, removed from the proposed alignment.

## **Swan Lake First Nation Comments**

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Swan Lake First Nation has not seen a cost benefit analysis with which we are to measure the infringement of our Constitutionally Protected Rights.

It saddens us to hear the citizens of this province come before this commission to attempt to articulate the protection of their way of life.

We have not been convinced that the Bipole III line is for the benefit of the citizens of Manitoba, this information would be very important in our decision to relinquish or allow an infringement of our rights as we are being asked to do, once again.

We as citizens of this province are being asked to place our trust in the proponent and the regulators without the benefit of the necessary expertise to make such a decision.

We cannot and we will not comment on the issue of whether or not the Bipole III line should go on the east or west side of the Province, this issue is not for us to determine it is your responsibilities as commissioners to determine that.

Commissioners I have before me on this table a small portion of the research work that Swan Lake First Nation has conducted since 1971 about our history and territorial land use as evidence that the presentation I am making to the commission is not a flight of fantasy on our part, and that we take the infringement of our rights very seriously, however, I do not have the financial resources to cover the cost of coping all the documents. We have thousands of more papers back in my office if you wish.

### **Summary – Swan Lake First Nation’s Request of the Commission**

- Swan Lake First Nation requests that the Clean Environment Commission ask the Minister to:
  - Compel Manitoba Hydro to realign the crossing of the Assiniboine River to a location outside of the “Area with Potential for Additional Heritage Values” shown on Map 3 of our EIS Review Report.
  - Compel Manitoba Hydro to work with Swan Lake First Nation to help find an alternative location within our traditional territory.
  - To not issue a license to Manitoba Hydro for Bipole III unless the Crossing of the Assiniboine River is moved.
  - Wherever the line crosses the Assiniboine River, compel Manitoba Hydro to continue to involve Swan Lake First Nation in the Environmental Protection Plan and mitigation measures.
  - Address the comments and expectations identified in Swan Lake First Nation’s *Review of Manitoba Hydro’s Bipole III Environmental Impact Statement*.