
MANITOBA METIS FEDERATION

BIPOLE III TRANSMISSION PROJECT UPDATE

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SEPTEMBER 2012



Background on Bipole III

Manitoba Hydro is proposing to build a new 500 kilovolt transmission line from northern Manitoba (northeast of Gillam) to Winnipeg (see figure 1). The line is called “Bipole III”. Manitoba Hydro states that the line is required for the reliability of Manitoba’s energy system as well as future energy needs within Manitoba.

In 2007, the Manitoba Government agreed that Bipole III should be built and decided it would go down the west side of Manitoba --- instead of the east side. In arriving at this decision, the Manitoba Government did not consult with the MMF or consider Metis rights, interests or way of life on the west side of the province in any way. It is the MMF’s position that this decision breached the Crown’s constitutional duties owing to the Manitoba Metis community.

Because of the Manitoba Government’s decision, Bipole III will now be over 1,300 kilometers long and cost approximately \$3.1 billion to build. It will be much bigger in length and more expensive than if the line went down the east side of the province. Many Manitobans are concerned about the additional costs of the line. Some believe that the line is not being built for “system reliability” or the “actual needs” of ordinary Manitobans, but is mainly being built to export power to the United States --- at great expense to Manitoban taxpayers.

The MMF and Bipole III

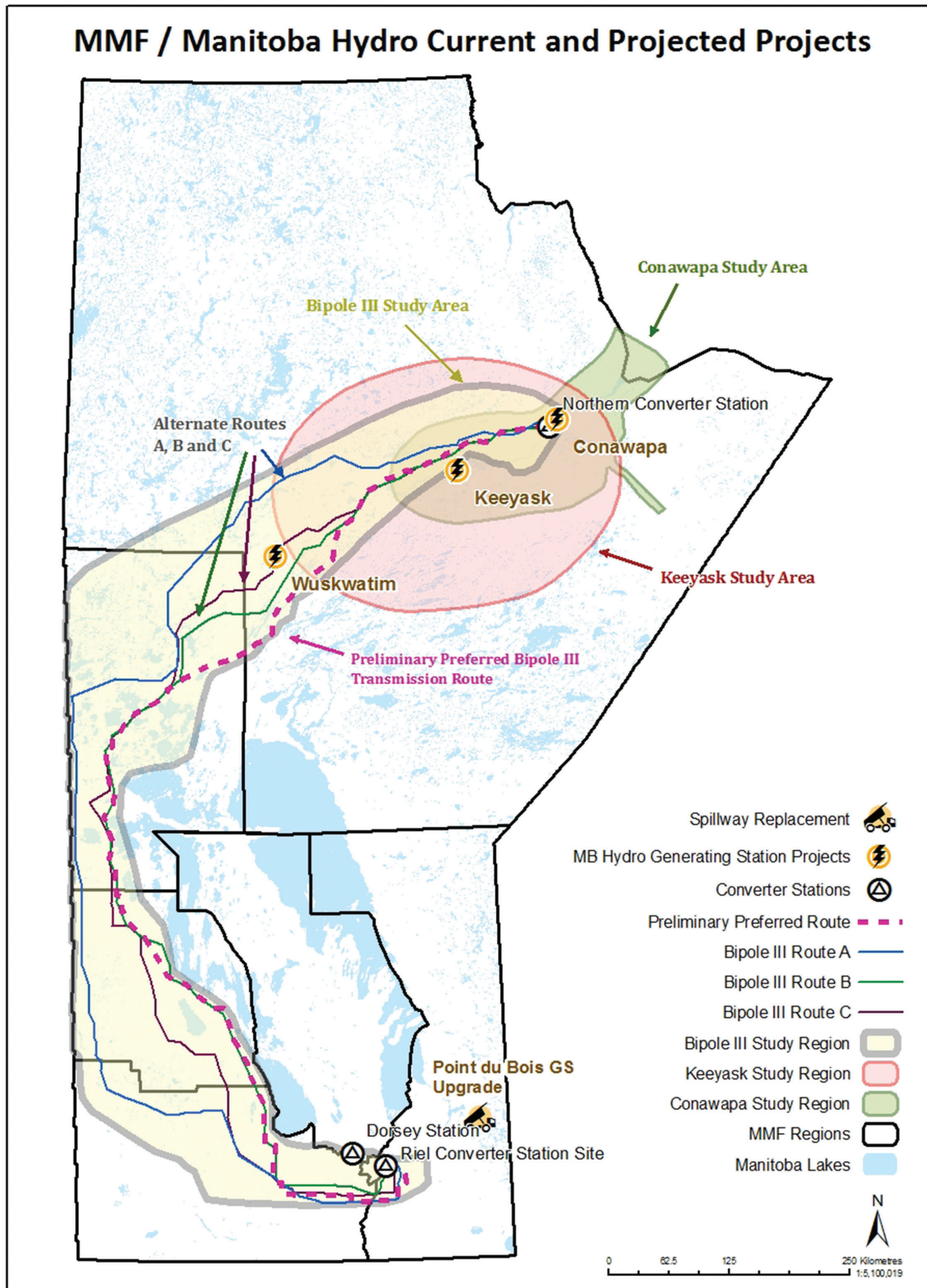
While the MMF has been closely watching the ongoing political controversies about Bipole III, its main focus has been on understanding and stopping the significant impacts this project could have on Metis rights, interests and way of life for generations to come. Protecting Metis rights is the responsibility of the MMF --- as your Metis Government. Pursuant to Resolution #8, the MMF is tasked with ensuring the Manitoba Metis community is meaningfully consulted.

In order to make sure Metis rights and interests are respected and protected, the MMF hired well-known Metis rights lawyers – Jean Teillet and Jason Madden – to represent the Manitoba Metis Community in relation to this project. It has hired well-respected experts to undertake Metis-specific environmental work in relation to the project, including, a Metis Traditional Land Use and Knowledge Study (“TLUKS”).¹ It has also been aggressively engaging both Manitoba Hydro and the Manitoba Government in order to make sure the Manitoba Metis community’s concerns are known.

The MMF has made it abundantly clear that it will not allow another major infrastructure project to be pushed through by the Manitoba Government, and its agent Manitoba Hydro, without respecting and dealing with Metis rights and interests. Canada’s Constitution is clear: the Crown cannot simply do whatever it wants to our traditional territory without consulting and accommodating Manitoba Metis. Put simply, if the Manitoba Government and Manitoba Hydro think they can continue to treat the Manitoba Metis as second class Manitobans and aboriginal peoples – as has been the historic practice – they have another thing coming.

¹ A copy of the MMF’s TLUKS as a part of Manitoba Hydro’s environmental assessment for Bipole III is at: www.hydro.mb.ca/projects/bipoleIII/eis/BPIII_Aboriginal_Traditional_Knowledge_Technical_%20Report%20November%202011_Appendix_E.pdf.

FIGURE 1



The MMF has been preparing to do whatever it has to in order to ensure Metis rights and interests are not ignored or brushed aside – yet again – by the Manitoba Government. Bipole III's current route goes through the heart of the Manitoba Metis community's traditional territory. The MMF has significant concerns about the impact of this project on Metis rights, interests and way of life. At this time, it believes the Crown has not meaningfully consulted in order to address our rights and interests. The MMF has made it clear that it will not be silent or ignored with respect to this project.

MMF Consultations on Bipole III

As a result of the MMF's ongoing efforts, funding was secured in order to undertake community consultations on Bipole III. Specifically, community meetings were held in Dauphin, Swan River, Brandon, Binscarth, St. Ambrose, Thompson, Gillam, Cranberry Portage, The Pas, Mafeking, Thicket Portage and Pikwitonei. MMF members in Winnipeg, Portage la Prairie, Langruth, Selkirk and The Pas were also engaged as a part of the MMF's TLUKS process.

Based on these consultations, the following general relationship concerns were repeatedly identified in relation to how the Manitoba Government and Manitoba Hydro treat the Metis:

- Manitoba Hydro still has not dealt with the “historic injustices” and damages Metis suffered as a result of past projects. These harms are still in memories and have lingering negative effects amongst Metis today. The Northern Flood Agreement essentially denies the reality that there was and remains another distinct aboriginal group who were harmed and need to be compensated --- the Metis. This remains unfinished business and needs to be dealt with in some manner in order to “turn a new page” and begin reconciliation.
- The Manitoba Government's agent (Manitoba Hydro) has developed its billion dollar strategic plan called the “Decade of Investment” without any engagement, consultation or consideration of Metis rights, interests and way of life. As a result, Metis have no ability to really influence or change “what is coming down the pipe” from the company and the government. Metis feel it is a “done deal” that will get pushed through regardless of what they say. This causes anger and stress because Metis feel they still have no say or control over what is happening to their traditional territory.

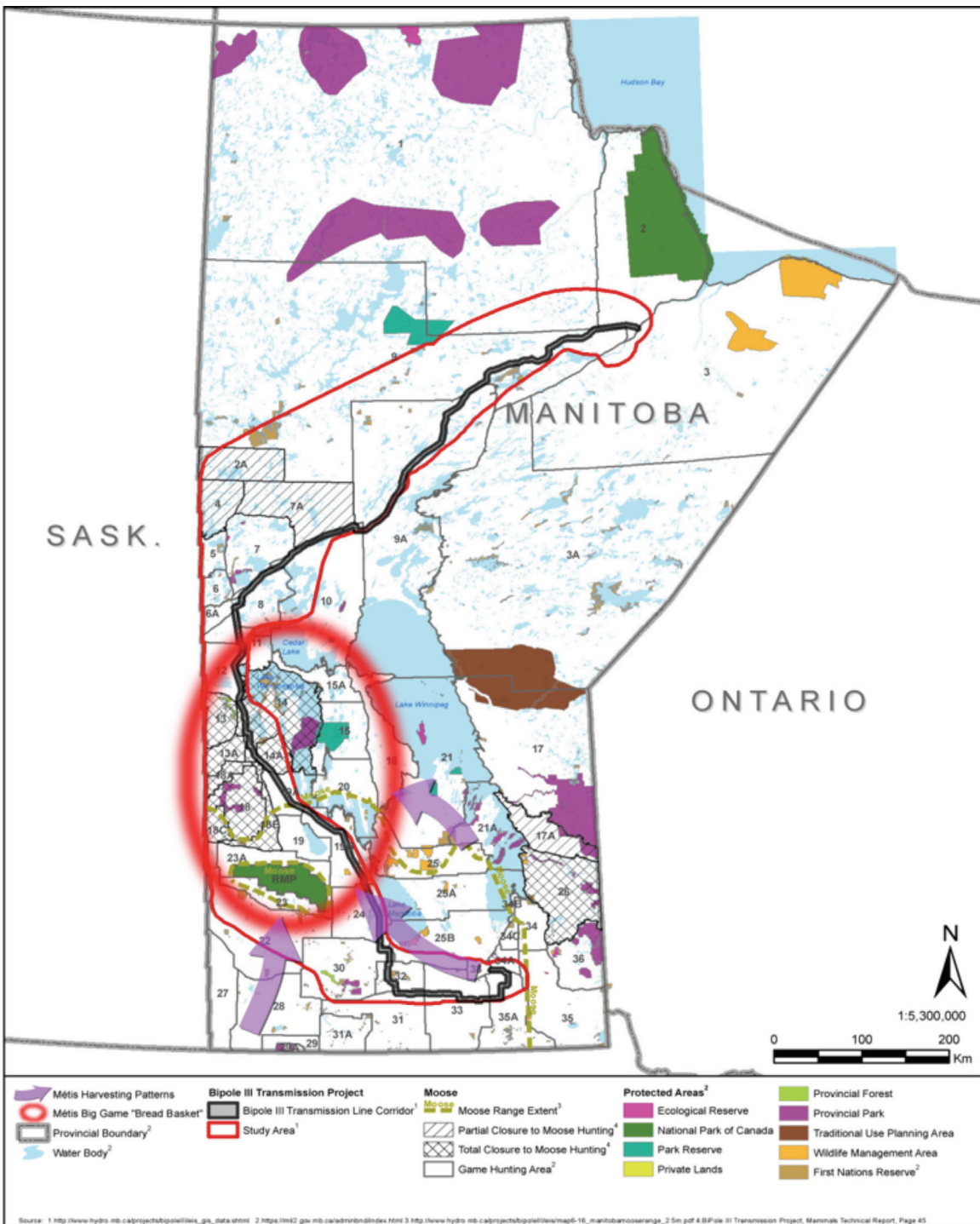


- Both the Manitoba Government and Manitoba Hydro continue to treat Metis as “second class” aboriginal peoples. They refuse to truly see Metis as a distinct aboriginal people. The Manitoba Government “props up” Northern Community Councils (that are completely controlled by the province) to speak on Metis rights related issues when they have no ability to do so. They also attempt to subsume the Metis under the general population or treat us as “individuals, rather than as a collective”. Manitoba Hydro also maintains its longstanding biases against Metis communities because they only really deal with “bricks and mortar” communities with land bases.
- It appears some First Nations have “turned the page” on Manitoba Hydro’s historic disrespect for their rights, but the Metis are still “on the outside looking in.” While some progress has been made in the MMF-Hydro relationship, it is largely felt that Manitoba Hydro continues to see the Metis as either “irrelevant” or “less than” to First Nations. Manitoba Hydro’s new “partnerships” with First Nations further marginalize the Metis community because there is now an incentive to deny Metis rights claims and equivalent mitigation or compensation opportunities are not put in place for the Metis in order to minimize the effects of these projects.

Specifically, in relation to Bipole III, the following concerns, amongst others, were raised:

- Metis in northern Manitoba fear the changes that are coming with Bipole III because it is the “gateway” for other generation and converter projects. They know they will be impacted because of the environmental effects and the increase in population (i.e., human and social issues, loss of access to lands and ability to pursue traditional pursuits, etc.). In particular, Metis living in Gillam, Thompson, etc. expressed concerns about the lack of having any control about “what is going on around them” as well as increased racism and prejudice from newcomers and First Nations. This results in significant emotional and psychological stress. It was highlighted that the Metis are often the “working poor” in the north and they get “squeezed the most” by increased rents because First Nations have their reserves to go back to and compensation from Manitoba Hydro, but the Metis are left to “fend for themselves.”
- Bipole III’s distinct environmental and socio-economic effects on Metis are not properly understood. Metis are either being lumped into the general population, treated as individuals rather than a collective, subsumed under Community Councils or simply ignored. Metis must be seen and treated as a distinct aboriginal group in order for a meaningful environmental assessment to be undertaken. The Manitoba Government cannot make informed or reasonable decisions without this information.
- Bipole III’s current route goes through the heart of the Manitoba Metis community’s large animal “bread basket” (see figure 2). This area is overwhelmingly relied upon by Metis. The moose populations in this region are stressed already, and the MMF agreed that Metis harvesters would not exercise their constitutional hunting rights in some GHAs that have been closed, as a part of conservation efforts. However, the MMF understood the Manitoba Government would work with the Metis to figure out “what happened” and how to rejuvenate populations for the future. This has not happened. Now, Manitoba Hydro wants to put a new linear corridor right through this area. This is unacceptable to Metis.

FIGURE 2



- Metis harvesters are already seeing increased pressures on the west side corridor as a result of the GHA closures for moose harvesting. Metis feel that they are being asked to sacrifice (and are willing to do so in the name of protecting resources), but the government just proceeds with development at any cost to Metis rights, interests and way of life. It was clear that Metis want the line to be re-routed in order to avoid the Metis community's large animal "bread basket" that is already under stress. Minor mitigation would not be enough to give Metis peace of mind about their future reliance on this area, since Manitoba Hydro does not have adequate baseline information or mitigation and monitoring measures in place to the satisfaction of the Metis community.
- Metis do not believe the Site Selection Environmental Assessment ("SSEA") adequately considered Metis rights and use, since Manitoba Hydro identified its Final Preferred Route ("FPR") before even having the MMF's TLUKS or the traditional land use studies of other aboriginal groups. Moreover, the SSEA process focuses on "present use", rather than looking at the locational importance of many areas to the exercise of Metis rights and protection of Metis way of life. As such, it should not be relied upon to justify the current route.
- Metis raised concerns about the protection of Metis heritage and cultural sites along the current line's route. In particular, it was highlighted that Metis sites have often been ignored and that almost all of the work that has been done has largely been with respect to archaeology related to First Nations --- not Metis. Metis expressed concerns about this bias being perpetuated in Manitoba Hydro's environmental assessment, in particular in locations on the west side corridor, Portage la Prairie and Dauphin.
- Metis expressed concerns that Manitoba Hydro seems to think that south of The Pas has so much "development and loss of traditional lifestyle already," there is no harm in one more access route, linear corridor, construction site, etc. This is ignorant and fails to understand that the Metis are still deeply connected to their traditional territory. Aboriginal people don't become "less aboriginal" because they are in areas where development has already happened without protections. This does not provide the government with a "free pass" to continue to do whatever it wants.
- Metis expressed concerns about the location of construction camps, Metis access to harvesting areas, the influx of workers, etc. Manitoba Hydro has not meaningfully engaged with the MMF on this. A Metis-specific environmental management plan, as a part of an overall plan, is required. This must be a binding contract between the MMF and Manitoba Hydro so it can be fully implemented and enforced, since Manitoba Hydro has a history of making promises to the MMF and not following through.
- Bipole III goes through the old "postage stamp province" of Manitoba, which is the subject of the MMF's land claim case that is currently being considered by the Supreme Court of Canada. Metis are optimistic about the case, and believe that Metis have lost significant economic benefits that were to be derived from their lands. The use of land for Bipole III and related economic benefits from the line in the "postage stamp province" will need to be considered in the context of the MMF land claim case. Metis noted that Treaty Land Entitlements ("TLE") for First Nations are considered, but Metis claims are ignored.

- If this line is ultimately approved by government, Metis must meaningfully share in the benefits derived by the line for as long as it is maintained on the Metis community's traditional territory. Metis believe they should be partners in owning the transmission line, similar to what other jurisdictions are doing with aboriginal people. At the very least, a Metis-specific agreement must be negotiated with the MMF. This partnership agreement, short of ownership, would outline how the Metis community would share in benefits from the line during development, construction and for the life of the line. Metis will not accept being excluded from the Community Development Initiative ("CDI"), without a parallel MMF-Manitoba Hydro agreement being negotiated. To exclude the Metis from the CDI without some of means for the Metis to benefit would be discriminatory and unacceptable to the MMF.

What's Next on Bipole III?

The Manitoba Government has asked the Clean Environmental Commission ("CEC") to conduct a review of the environmental assessment prepared by Manitoba Hydro on Bipole III. As a part of this process, the CEC will hold hearings starting in October 2012 and likely going until December 2012. Following these hearings, the CEC will prepare a report to the Minister of Conservation on whether Bipole III should be authorized.

The MMF is a registered participant in the CEC hearings, and will be bringing forward evidence and Metis concerns about Bipole III through its lawyers, experts and Metis citizens, including, Elders and traditional resource users. While these hearing are ongoing, the MMF will also be continuing to engage with Manitoba Hydro and the Manitoba Government to see if the Manitoba Metis community's rights, interests and concerns can be meaningfully addressed and/or accommodated.

If the Manitoba Metis community's concerns can be satisfactorily addressed through meaningful consultation, mitigation, collaboration and accommodation, the MMF may ultimately be in a position to support Bipole III. However, based on the MMF's experiences with Manitoba Hydro and the Manitoba Government to date, this would require a much different approach to Metis engagement, consultation, accommodation and reconciliation. At this time, based on concerns identified above, amongst other technical, environmental and legal concerns, the MMF cannot support the Bipole III project, as it is currently being proposed.

Irrespective of current challenges with Manitoba Hydro and the Manitoba Government, the MMF will continue to use every opportunity made available to it in order to protect Metis rights and advance Metis interests. The MMF will continue to work to ensure the Crown's duty to consult and accommodate, owing to the Manitoba Metis community in relation to Bipole III, is met. Your Metis Government will not accept anything less than meaningful consultation and accommodation on Bipole III.

Ultimately, if this duty is not met by the Manitoba Government, the MMF may have to look to the courts – yet again – to uphold Canada’s Constitution. We have done this to secure our harvesting rights in the Goodon case. We are currently doing this to secure the land-based promises made to our ancestors in the MMF case. We will do this to protect our traditional territory in relation to Bipole III, if we are forced to.

What Can I Do?

The MMF is in the process of conducting further interviews with Metis Elders and Metis harvesters who live in the west side corridor as well as others who use the west side corridor for harvesting. The purpose of these interviews is to collect information about the effects the GHA closures have had on the moose populations in the region as well as identify any other identifiable effects that have resulted as a result of the closures.

If you are interested in participating in these interviews please contact Sandi Faber-Routley, MMF’s Director of Natural Resources at the MMF Home Office at 204-586-8474 or via email at sandi.routley@mmf.mb.ca. You can also contact your Local or Regional leadership who can follow up with the Natural Resources Department on your behalf.

It is also important for the CEC to see and hear from the Metis Nation in its upcoming hearings along the Bipole III route. So, if you are interested in attending to show your support or making a presentation, please contact the MMF’s Natural Resources Department. Specifically, the hearings will be held on:

DATE	CITY OR TOWN	LOCATION
October 1 - 5	Winnipeg	Fort Garry Hotel
October 10 & 11	Gillam	Recreation Centre
October 15 & 16	Thompson	Juniper Centre
October 17 & 18	The Pas	Kikiwak Inn
October 22	Dauphin	Watson Art Centre
October 24	Portage	Canad Inn
October 26	Niverville	Heritage Centre
October 29-31 November 1, 5-8	Winnipeg	Fort Garry Hotel
November 13-15, 19-22	Winnipeg	Convention Centre

Please note that the days and times may be subject to change so please contact the MMF’s Natural Resources Department or visit the CEC’s website at www.cecmanitoba.ca.

Throughout the process, the MMF will also continue to keep Metis citizens as well as MMF Locals and Regions updated on its efforts and progress. We may need more help and assistance in the future.



If you have questions or would like more information about the MMF's Bipole III related work please contact the MMF's Minister for Hydro (Anita Campbell) or Minister for Natural Resources (Ken LeForte). You can also contact the following MMF staff:

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