


EXHIBIT NUMBER: PCFN-005
File Name: BIPOLE III
Date: MAR 14, 2013
Received by: 
(Commission Secretary)

March 11, 2013

Manitoba Clean Environment Commission
305-155 Carleton Street
Winnipeg, Manitoba
R3C 3H8

Attention: BiPole III Commission

RE: Pine Creek First Nation ("PCFN") and BiPole III Transmission Project

Pine Creek First Nation believes it is the most affected stakeholder in the Manitoba Hydro Bipole III C1 route. **PCFN** is pleased to complete its participation in the CEC Bipole III review with the following closing comments.

The Communities concerns remain:

Inadequate Consultation and a failure/refusal to share information

The Province has failed in its duty to consult and accommodate. The Province and Hydro's refusal to share information with **Pine Creek**, the failure to share and coordinate information between Provincial Departments and the secrecy surrounding discussions with The Proponent all point to a serious lack of understanding of, or commitment to, "The Honor of The Crown". "The Duty to Consult and Consider" is not a suggestion box. Bipole III "consultation" has been a one way failure. At the outset The Provincial Leader from JUSTICE assured us CONSERVATION would take the lead. The suggestion was that CONSERVATION would oversee and collect germane information from all other associated Provincial Departments. This just didn't happen. CEC indicates it may, or may not, have much to say in that regard. If CEC doesn't express comment or concern to The Minister, who will?

Watershed concerns of Quantity and Quality

Wellman Lake in The Duck Mountains contains the finest brown trout in Manitoba, enjoying crystal clear water. That water leaves the Duck's and flows forty-five miles through the legs of Provincial indifference to arrive at **Pine Creek**, tainted by the waste of 4,000 bison. **PCFN** is confident that Bipole III will add to that problem and add to the rinse of sickness into the community. Meanwhile, the WATER STEWARDSHIP aspects of CONSERVATION have "no comment" in TAC review. Hydro shows hundreds of thousands of liters of additional water into an already bloated community with an assurance that it "won't be significant".

We predict that the **Pine Creek** basin will, in short order, become Manitoba's Walkerton. Children are experiencing "septic sores" now. Coli form and ecoli fill the drinking water source. We believe that the additional water contributed through Bipole III ROW clearing will only complicate the inevitable review of cause, assessment of liability and assignment of costs.

Route Consideration

PCFN has proposed a minor route revision that The Community membership believes will resolve their concerns. Hydro and The Province can't say, today, what the final route will be yet we are asked to approve "something". The Band's proposed solution does not appear to be considered. Hydro and CONSERVATION discuss route alterations on the basis of "culture" concerns yet neither party talk to the owners of the "culture". The route selection process has not been completed. There is nothing yet able to be referred to The Minister for consideration of a license.

Wild life

While CONSERVATION drives Bipole III here and there, no one in The Province seems to understand the substantive conflict with perhaps the largest fenced bison herd in the world. At least 70 sections of specific use lands and the longest moose proof fence in The Province doesn't even appear on the Bipole III radar screen. No one understands the extent of either, even today. We all agree The Moose are in serious decline. Hydro and CONSERVATION debate alternate routes to help save the moose. Meanwhile Provincial LANDS assists in accumulating the very lands under consideration of moose decline for a fenced bison compound. The right hand doesn't understand what the left hand has just done. Simultaneously, Provincial AGRICULTURE, MAFRI, ignores complaints from the public and concerns from its field staff and insists that 4,000 bison are "grazing" and therefore not bound by any manure management plan. Bipole III contributed run-off will help rinse this waste down into three Aboriginal communities with no Provincial comment or oversight and with no Aboriginal consultation whatsoever.

Plant life and Herbicides

Every involved Aboriginal community has expressed their serious concern of chemicals sprayed over their traditional lands and crops. Twenty-two traditional herbs and medicines as well as several berry and bark crops are enjoyed by Band members and their families, all found on all considered routes. Despite all other crop harvesters having been offered crop loss compensation, none has been offered to Aboriginal harvesters. If a grain farmer loses crop to ROW work, he WILL be compensated through an acknowledged process. If an Aboriginal harvester loses crop, Court of Queen's Bench.

Highway traffic

Serious life safety concerns raised by PCFN are ignored completely by TAC and put on the "we'll talk about it after we get a license" list by Hydro. Do we really need The Minister, following a CEC recommendation, to tell us that a First Nation's adjacent intersection needs the same levels of lighting safety as the nearby white community has?

Affect on Trappers

PCFN trappers who did not arrange Provincial licenses are left begging for consideration. Hydro says they will consider it.

ATK Review

Hydro advises us they have lots of time to resolve Swan Lake ATK concerns. They indicate that the millions they have spent to date include costs of self-directed ATK's. PCFN denies the validity of the ATK Hydro relies upon. Recent comments by Hydro's own Consultant raise serious concerns about newfound burial sites. The result for PCFN, "at this time the request for additional ATK support is denied".

Cumulative effects on Community Health

The Community is upset, concerned and increasingly angry. Chief and Council do not understand what cumulative effects Bipole III will have on all aspects of the Band Member's health and well being. No help is offered. Mr. Osler denies an effect of any significance exists. He's never been in the Community. His peer disagrees. No offer of assistance is forthcoming. Hydro argues to have amounts of funds provided to its Northern First Nation relationships kept from CEC consideration.

Economic Development

Hydro slow plays any potential economic relationship or benefits. The community suspects it may have been duped. The CDI fund has been referenced but with no substance or assurance. We need a license first, we are told. Why is that?

TAC

The reliance upon The TAC process has been a waste of time. Serious technical oversight is expected of Provincial officials, very little is received. Two of twenty-five TAC review comments is simply not acceptable. The CEC process is put on hold during the "TAC review". There really isn't one. Then The EAB indicates that those reviews are meaningless anyway and will occur within this CEC process so all is OK and full speed ahead. Meanwhile twenty-three Provincial Technical Advisors say and contribute nothing to the review of the route revision consideration of the most significant construction project in Manitoba in this decade.

Authority to proceed is issued on the basis of a TAC review before that review is even available. TAC review of a recently reviewed ATV park is much more inclusive. Water quality concerns of a much smaller Hydro line, further from a far smaller community elicits far more comment. The entire TAC process is so disappointing and such a lost opportunity for good, founded information to be shared.

Community Liaison

PCFN has heard mention of community cooperation and involvement throughout the construction process. No firm process has been agreed upon.

Subsequent Oversight

The failure of The Province to monitor and enforce the overlapping LP permit t 2191E shows a real lack of resources, or sincerity, within CONSERVATION. PCFN is consistently disappointed by CONSERVATION oversight or involvement in this process. We don't believe value would be achieved by encouraging additional resources flow in that direction. Hydro appears to know more and certainly offer more in terms of mitigation concern.

In closing, we re-read the August 16th transcripts. The concerns of consultation were raised then. Those concerns seem to have fallen on deaf ears. The assurances of Mr. Hannon that CONSERVATION "would take the lead" and coordinate Provincial contribution never transpired. The faults we discuss today were anticipated then. Einstein's famous definition of insanity comes to mind.

The CEC has the ability to make recommendations of meaningful incorporation and change. We await your report with great hope for the health of **Pine Creek First Nation**.

Pine Creek First Nation could support Bipole III with the above referenced matters addressed clearly and in writing. Chief and Council await Hydro's call.

Sincerely,

John Stockwell and Warren Mills
Assisting Pine Creek First Nation

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