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Pat MacKay - Member
Brian Kaplan - Member
Ken Gibbons - Member
Wayne Motheral - Member
Michael Green - Counsel to the Board
Cathy Johnson - Commission Secretary

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MANITOBA METIS FEDERATION

Jason Madden - Counsel

MANITOBA WILDLANDS and SAPOTAWEYAK CREE NATION

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GREEN PARTY OF MANITOBA

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Robert Dawson - Counsel

TATASKWEYAK CREE NATION

Ian Cluny
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APPEARANCES CONTINUED:

PINE CREEK FIRST NATION
Charlie Boucher
Warren Mills
John Stockwell

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1 Wednesday, November 14, 2012

2 Upon commencing at 9:00 a.m.

3 THE CHAIRMAN: Good morning. Could we
4 come to order? For the first probably two-thirds
5 or so of the day, we have the Manitoba Metis
6 Federation. Mr. Madden?

7 MR. MADDEN: Good morning Commission.
8 We have Metis day part two, and I'm going to
9 invite some harvesters from Duck Bay and
10 Camperville area up to set up here.

11 Just for some housekeeping issues, we
12 have a map up on the screen that's actually in
13 evidence, it's part of the map folio 250 scale,
14 and I have just blown up parts of it. It's in the
15 reports, I think I provided copies to Ms. Johnson,
16 but just so people understand what maps are
17 actually up on the screen. They are already in
18 evidence. As well as we have provided an
19 affidavit from President Chartrand to the
20 Commission to be filed as well. We'll be
21 providing a PDF copy as soon as it's available
22 from the printers.

23 Good morning. Can I ask each one of
24 you to introduce yourselves and also where you're
25 from, starting from the left?

1

2 MS. C. GENAILLE: Clarice Genaille,
3 Duck Bay.

4 MS. CAMPBELL: Gloria Campbell, Duck
5 Bay.

6 MR. CHURCH: Bob Church, Swan River.

7 MR. J. LAGIMODIERE: Jean Lagimodiere,
8 Duck Bay.

9 MR. R. GENAILLE: Richard Genaille,
10 Duck Bay.

11 MS. JOHNSON: Okay. Ladies and
12 gentlemen, we just want to make you aware that it
13 is an offence in Manitoba to knowingly mislead
14 this Commission. Do you promise to tell only the
15 truth in proceedings before this Commission?

16 Clarice Genaille: Sworn.

17 Gloria Campbell: Sworn.

18 Bob Church: Sworn.

19 Jean Lagimodiere: Sworn

20 Richard Genaille: Sworn.

21 MR. MADDEN: Okay. I'm going to start
22 with you, Bob, and then if others want to jump in
23 at any point in time, please feel free.

24 Where were you born?

25 MR. CHURCH: I was born in Swan River,

1 Manitoba.

2 MR. MADDEN: Where did you grow up?

3 MR. CHURCH: I grew up approximately
4 11 miles north of Swan River.

5 MR. MADDEN: And you live in Swan
6 River today?

7 MR. CHURCH: I live by Thunder Hill
8 today. It's about 18 miles out of Swan River,
9 southwest of Swan River.

10 MR. MADDEN: Are you Metis?

11 MR. CHURCH: Yes, I am?

12 MR. MADDEN: Are you a member of the
13 MMF?

14 MR. CHURCH: Yes, I am.

15 MR. MADDEN: Does your family identify
16 as Metis?

17 MR. CHURCH: Absolutely. I have a
18 wife and three sons and we are all Metis, we all
19 have our cards.

20 MR. MADDEN: Where does most of your
21 family live?

22 MR. CHURCH: Meaning?

23 MR. MADDEN: Your immediate family and
24 your extended family?

25 MR. CHURCH: Our immediate family are

1 all at home right now, and extended family are all
2 around the Swan River Valley.

3 MR. MADDEN: Are you a harvester?

4 MR. CHURCH: Yes.

5 MR. MADDEN: When did you start
6 harvesting?

7 MR. CHURCH: When I was about five,
8 six years old, I am 51 now, so 45 years ago.

9 MR. MADDEN: Who taught you how to
10 harvest?

11 MR. CHURCH: My mother, my father and
12 my grandpa.

13 MR. MADDEN: Have you taught your kids
14 to harvest?

15 MR. CHURCH: Yes.

16 MR. MADDEN: And where do you harvest?

17 MR. CHURCH: Well, if you look on this
18 map here, look down here, you are on the north
19 end, but right from Red Deer Lake up by the
20 overflow, all the way down through the Porcupine
21 Mountains, all the way down to the lake on there;
22 and on your next map is more closer to Swan River,
23 Kettle Hills, Duck Bay, the Duck Mountains.

24 Actually, on both maps just about the whole area
25 as far as Pelican Lake and then up north as far as

1 the Winnipegosis, and Winnipegosis down by
2 Camperville and Duck Bay and Pine Creek there.

3 MR. MADDEN: And you harvest
4 throughout that entire area?

5 MR. CHURCH: The whole area, yeah.

6 MR. MADDEN: What do you harvest in
7 that area?

8 MR. CHURCH: I do more big game than
9 waterfowl, but everything from partridge, rabbits,
10 berries, moose, elk, deer, bear, beaver,
11 everything.

12 MR. MADDEN: And what do you prefer to
13 harvest?

14 MR. CHURCH: Moose is our number one
15 food, meat, that we have always had.

16 MR. MADDEN: Why moose?

17 MR. CHURCH: Just the taste and the
18 tradition, the way we grew up.

19 MR. MADDEN: So in that area, are
20 those the areas subject to closures?

21 MR. CHURCH: I believe the whole area
22 was -- I think there's an area up by Red Deer Lake
23 that is left open. I don't know if it's area 12
24 or area 14 on your map.

25 MR. MADDEN: And where do you go now

1 to get moose?

2 MR. CHURCH: I never went for the last
3 two years. My brothers have tried, gone up north,
4 up as far as Flin Flon and Snow Lake and other
5 areas. They are unsuccessful, but at least they
6 tried.

7 MR. MADDEN: So you're going without
8 moose?

9 MR. CHURCH: Yeah, it's been beef for
10 the last two years.

11 MR. MADDEN: And so what are you
12 hunting instead?

13 MR. CHURCH: Elk, we took three elk
14 last year and three this year.

15 MR. MADDEN: And are you seeing --
16 when did you start seeing the moose populations
17 change in this area?

18 MR. CHURCH: Actually, we noticed in
19 early '90s, after the fire of '89 that went
20 through the Kettle Hills, Swan-Pelican area, after
21 that fire the moose started dwindling a bit, and
22 that's when we started noticing so many ticks all
23 over.

24 MR. MADDEN: And what's the connection
25 between the forest fire and ticks?

1 MR. CHURCH: To me, I believe after a
2 clear-out, same as a clear-out -- I will give you
3 an example. LP started cutting in the Porcupine
4 Mountains on the south side. And any spring you
5 go through there, hunting or horn hunting, which
6 is looking for sheds or anything, you become
7 covered in ticks. Whereas if you go up on top
8 where there's no cutting at all, there's no ticks,
9 they are non existent. I believe that after the
10 clear-cuts, it heats up enough that the ticks all
11 thrive in there.

12 MR. MADDEN: What's the connection
13 between ticks and moose?

14 MR. CHURCH: Certain years -- I went
15 to a lot of these meetings, I had a lot of
16 complaints in the '90's over finding all these
17 dead moose that are completely covered in ticks.
18 I talked to Natural Resourcers, I can give names
19 if anybody needs later of who all I talked to at
20 Swan River. Some moose were so covered in ticks
21 that they had no hair left. They had blood and
22 water coming out of their nose. I believe they
23 died of pneumonia. The moose, for whatever
24 reason, where elk and deer don't and other animals
25 don't, the ticks don't seem to bother them, but

1 the moose, the ticks seem to thrive on the moose.
2 So any place where there is cut-overs and that, it
3 seems they get them, they die off in the spring.

4 MR. MADDEN: So when you have areas of
5 clearing, those become more susceptible to ticks?
6 Is that what I understand?

7 MR. CHURCH: Yeah.

8 MR. MADDEN: And then the ticks equate
9 to lowering moose populations?

10 MR. CHURCH: Yes. Actually, there's
11 studies done through Natural Resources that will
12 prove that, you can look at areas along the edge
13 of the mountains, Riding Mountain or the cut-overs
14 anywhere from the Duck Mountains and that.

15 MR. MADDEN: And when you were talking
16 about going back to -- did you say LP?

17 MR. CHURCH: Louisiana Pacific.

18 MR. MADDEN: Where did they start
19 cutting?

20 MR. CHURCH: They started cutting in,
21 we call it the eastern region of Swan, which is
22 towards the Kettle Hills area. Because of the
23 fire in '89, so anything that was standing, they
24 went in there and started cutting that out first.
25 And then of course along the Duck Mountains, and

1 now they are actually up in the Porcupine
2 Mountains.

3 MR. MADDEN: Are those areas that are
4 now closed to moose hunting?

5 MR. CHURCH: Yes.

6 MR. MADDEN: How long have they now
7 been closed to moose hunting?

8 MR. CHURCH: It's been two years now.

9 MR. MADDEN: Did you see the moose
10 populations decrease prior to the closures?

11 MR. CHURCH: Yeah.

12 MR. MADDEN: When did you start seeing
13 the significant decreases?

14 MR. CHURCH: About late '90s, '96 to
15 about '99.

16 MR. MADDEN: And since the closures,
17 what have you been seeing on the ground of -- have
18 there been more harvesters in different areas?

19 MR. CHURCH: I have never noticed that
20 many more harvesters anywhere. There are certain
21 areas in the Duck Mountain and the Porcupine where
22 the hunters come down from the Split Lake or
23 Nelson House or Cross Lake or Norway House. But
24 there hasn't really been an increase in hunters.
25 But there is -- I wouldn't know what the number is

1 on the hunters at all.

2 MR. MADDEN: Why do they come down
3 from those areas down to the Swan area?

4 MR. CHURCH: It's been a traditional
5 hunting area for, I couldn't even guess how many
6 years, but all my life.

7 MR. MADDEN: So people from the north
8 come down to this area as well?

9 MR. CHURCH: Yeah.

10 MR. MADDEN: Can you just go through
11 what locations they come from as well?

12 MR. CHURCH: Locations that I know of?

13 MR. MADDEN: Yeah.

14 MR. CHURCH: Okay. Split Lake, Nelson
15 House, Wabowden, The Pas, Thompson, from the
16 north. And then from the south, Virden, Brandon,
17 Winnipeg. There's areas all over that hunters
18 actually -- that we meet up with and talk to them
19 and that's where they are from.

20 MR. MADDEN: So because there's no
21 hunting on moose, are you seeing changes in the
22 elk population?

23 MR. CHURCH: Yeah, the elk population
24 now are starting to drop down a bit.

25 MR. MADDEN: And why is that?

1 MR. CHURCH: Because there is no moose
2 hunting allowed, and there is areas that are the
3 no hunting, so the areas here that are open, we
4 have more hunters coming into them areas.

5 MR. MADDEN: And you think -- and
6 going back to the clear-cutting, what connection
7 do you think that has to moose hunting, or does it
8 have an effect?

9 MR. CHURCH: To me, everything right
10 from -- when you do a clear-cut and you get a
11 fresh snowfall, timber wolves are also, they wreak
12 havoc, but to me not near as much hunters or the
13 ticks did. But a timber wolf can go in a
14 clear-cut, and if there's moose along the edge of
15 the clear-cut anywhere, they can see it for a half
16 a mile or mile away. Wolves have a very -- they
17 could see very well, right. So it's so easy for
18 them to go get them.

19 When there's no clear-cutting, no
20 nothing, they've got to smell them out. They
21 can't just see through the bush, they can't even
22 see two, 300 yards through the bush in that area.
23 And it makes it so much easier for hunters or
24 harvesters or anyone else. You go across a
25 cut-over and you can see a mile across there, then

1 you know exactly where the moose are.

2 MR. MADDEN: Are people from your area
3 going further north to hunt now?

4 MR. CHURCH: Yes, that's what I
5 explained. Like my brothers did go. We never
6 really travelled north of the Overflowing River.
7 It will be on your other map there.

8 MR. MADDEN: Do you want to flip it to
9 the --

10 MR. CHURCH: Okay. You can see where
11 the Red Deer Lake is, and then you see north, you
12 see the river that crosses right at the very top
13 up at the highway there, that's the overflow --
14 yeah, that's the overflow. And we have never
15 traditionally ever went past those areas to hunt.

16 MR. MADDEN: So now you're going above
17 Red Deer Lake?

18 MR. CHURCH: Yes.

19 MR. MADDEN: And are you running
20 into -- are other hunters going up there as well?

21 MR. CHURCH: Yes.

22 MR. MADDEN: Is hunting important to
23 you and your family?

24 MR. CHURCH: It was our way of life.
25 It's all we ever did growing up. We grew gardens,

1 we picked berries, and we hunted for our meat all
2 our lives, as long as I remember.

3 MR. MADDEN: And when you were growing
4 up, about how much of your food was bush food?

5 MR. CHURCH: Percentage wise?

6 MR. MADDEN: Yeah.

7 MR. CHURCH: Meats, 90 percent or
8 more.

9 MR. MADDEN: And how much is it today?

10 MR. CHURCH: It's probably still --
11 well, meat at least five times a week, four times
12 a week, so 60, 70 percent.

13 MR. MADDEN: And what do you think is
14 going to happen when you add Bipole III
15 construction into the mix?

16 MR. CHURCH: Well, what's going to
17 happen is the moose are going to keep their steady
18 decline. And once you start spreading those
19 lines, it's not just going to just harm the moose,
20 it is going to harm everything, the environment,
21 the fish, the tributaries from the creeks to the
22 lakes, the fish all spawn in all of them.

23 MR. MADDEN: Can you explain what
24 you're talking about with the fish? Are we on the
25 right map to show where --

1 MR. CHURCH: You've got part of it
2 there, yeah. You can see where the Porcupine
3 Mountains, hey, and all the water from these areas
4 run north or northeast, like all east basically
5 from here and then the other map. And there's
6 areas in there right from the Swan Lake and
7 Pelican where the fish actually come up through
8 them, little trickles and little creeks, right to
9 the ditches on the number 10 highway where they
10 spawn.

11 MR. MADDEN: So there's fish in the
12 tributaries?

13 MR. CHURCH: Yeah, they come up there
14 for the spawning in the spring. And every spring
15 we go in there and, basically, jackfish is what we
16 snare out for a day or two and get enough feed
17 for --

18 MR. MADDEN: How do you think that
19 transmission line will affect that?

20 MR. CHURCH: I believe it will kill
21 off, I believe, I don't know, but I believe it's
22 going to kill off all those little creeks and all
23 those little runs where the fish spawn.

24 MR. MADDEN: Because of the
25 construction and new clear-way?

1 MR. CHURCH: Yeah. And you're going
2 to get washouts, which they're finding now from
3 the Porcupine Mountains where it's steep, on to
4 the number 10 highway, because of all the
5 clear-cuttings on top, all the hills, everything
6 are all collapsing, the creeks are changing
7 directions, erosion is all over.

8 MR. MADDEN: Can you explain what a
9 washout is?

10 MR. CHURCH: A washout on the
11 highway -- a lot of water up on top finds a
12 different direction to go, and it's all clear-cut,
13 and the rains, nothing holds water, it could be a
14 spring run-off or heavy rains, nothing holds the
15 water and it all goes at once and has a big -- it
16 washes the highway, everything, right out.

17 MR. MADDEN: Is it saturated in this
18 area already?

19 MR. CHURCH: No.

20 MR. MADDEN: It's dry?

21 MR. CHURCH: It's usually dry. It has
22 usually been dry in the areas where I am talking
23 about along the number 10 highway, and they are
24 starting to wash out every year, getting mud
25 slides.

1 MR. MADDEN: You talk about berry
2 picking. Where on the map are you berry picking?

3 MR. CHURCH: On this map, if you can
4 see -- the easiest, I don't know if you can see
5 that Lenswood highway right to the east, but Swan
6 River right to the east all the way -- how would I
7 explain it on here? You could berry pick all the
8 way through what we call the Kettle Hills, and
9 always has been for hundreds of years there, I
10 know because my grandpa always told me. That's
11 where we stayed when we were kids. All the way up
12 through by the end of Swan Lake there, that whole
13 area, right down through all the way through to
14 Camperville, Duck Bay, Pine Creek, Cowan and east,
15 that whole area, the flatlands, Kettle Hills, that
16 area, just off Duck Mountain, Porcupine Mountain,
17 that's a blueberry patch through there.

18 MR. MADDEN: And does the Bipole III
19 line -- that's the green line on the map?

20 MR. CHURCH: Yeah, it's coming right
21 through the centre of it.

22 MR. MADDEN: You explained that you
23 have used it for years. Can you elaborate on
24 that?

25 MR. CHURCH: Well, when I was a kid

1 growing up, like we had a big family, and 13 of us
2 would go stay in the Kettle Hills and stay there
3 for two or three weeks at a time in August to pick
4 berries to keep, but also to sell, to make money
5 from blueberries.

6 MR. MADDEN: And so you'd stay camping
7 or --

8 MR. CHURCH: Yeah.

9 MR. MADDEN: Would other families do
10 that?

11 MR. CHURCH: There was families all
12 over through that whole area. I believe they
13 still go up there every summer all over through
14 there.

15 MR. MADDEN: What did they stay in?

16 MR. CHURCH: We mostly stayed in
17 makeshift tents, canvas tents, lean-to's. There
18 was some who had pulled structure tents.

19 MR. MADDEN: And did you do anything
20 else in this area?

21 MR. CHURCH: Berry picking, and we
22 used to pick a lot of seneca root.

23 MR. MADDEN: What's seneca root used
24 for?

25 MR. CHURCH: It's a medicine. Used to

1 have buyers all through the area in the Swan River
2 Valley area, and I guess there was buyers all
3 over, but we had buyers all through there.

4 MR. MADDEN: From when you were a kid,
5 has this area changed a lot?

6 MR. CHURCH: It seemed to change a lot
7 now, a lot of areas, even where I am in Porcupine
8 and so on. The whole thing to me that I'm against
9 is this clear-cutting and spraying everything out.
10 To me, I believe it kills everything.

11 MR. MADDEN: And has there been an
12 increase in agricultural lands in the area too?

13 MR. CHURCH: Partially, but not that
14 big in my time. There's a lot more clearing, like
15 I say, but --

16 MR. MADDEN: Do you trap?

17 MR. CHURCH: Yes.

18 MR. MADDEN: Where do you trap on the
19 map?

20 MR. CHURCH: In the Porcupine
21 Mountains I run two traplines. You can see on the
22 west side, there's Whitefish Lake, you go four
23 miles east and there's a little lake in there, you
24 can see it right along the dark lines. I had my
25 cabin there for 20 some years now, but I trap that

1 area from north almost to the highway in there.

2 MR. MADDEN: So what highway?

3 MR. CHURCH: Highway 10.

4 MR. MADDEN: And will your trapline be
5 affected by Bipole III?

6 MR. CHURCH: I believe it all becomes
7 affected on the trapping part, because the animals
8 disappear from there. Everybody has got to move
9 on, right, everybody has got to go. And then
10 you've got to take from somewhere else, this hand
11 is empty, you've got to feed off another hand
12 somewhere.

13 MR. MADDEN: So you think there will
14 be an effect?

15 MR. CHURCH: Yeah, definitely.

16 MR. MADDEN: Have you received any
17 notification from Hydro on your trapline yet?

18 MR. CHURCH: No, because they don't
19 feel it should affect us.

20 MR. MADDEN: Do you agree with that?

21 MR. CHURCH: No.

22 MR. MADDEN: Can you elaborate on
23 that?

24 MR. CHURCH: Like I say, when LP came
25 to Swan River, Louisiana Pacific, they swore there

1 would be no impact on our furs, on our trapping,
2 on the big game, on anything. And I was all for
3 it because Swan River, the economics and so on,
4 you've got to have work, you've got to have
5 something, right. So when they came there, and I
6 went to a lot of these meetings, and they made
7 these promises about they would just clear-cut
8 these areas, and the aftergrowth was good for the
9 moose and good for everything, it would come back,
10 they would never spray. It was only after a few
11 years they started doing plantations, which I
12 thought was good because they'd cut out, and then
13 they would plant spruce, spruce would start
14 growing, and they would aerial spray the whole
15 area. There's areas up there, there is one on my
16 trapline that they sprayed, and for 12 to 15
17 years, there wasn't even a rabbit back in that
18 area, no moose, no muskrat, no beaver, no nothing.
19 It just kills everything.

20 So in that way, when you start doing
21 your lines and you start spraying the underbrush
22 and everything, everything travels, your waterways
23 travels, the spray, it travels, the birds,
24 migratory birds that fly through there, it is
25 going to affect everything. They all come, they

1 all fly up to my area too, right, they are not
2 confined to boundaries. So everything travels
3 back and forth. And then you put a block line in
4 there and then all of a sudden everything starts
5 disappearing, you know what I mean?

6 MR. MADDEN: And do you think that the
7 area is already under stress?

8 MR. CHURCH: That whole area is, yes.

9 MR. MADDEN: And why do you think
10 that?

11 MR. CHURCH: Just because of the
12 number of the moose count alone.

13 MR. MADDEN: And do Metis in the area
14 still gather?

15 MR. CHURCH: Absolutely.

16 MR. MADDEN: And where do they gather,
17 in the Kettle Hills still?

18 MR. CHURCH: The biggest part of the
19 gathering is actually in that Kettle Hills area.

20 I wish I had something here just to show you.
21 Like I say, from that number 10 highway over to
22 that whole Swan Lake, Swan-Pelican Lake, right
23 down through Duck Bay, Camperville, Pine Creek,
24 that area.

25 THE CHAIRMAN: Where is the Kettle

1 Hills?

2 MR. CHURCH: They call the Kettle
3 Stones right where the laser is there, but the
4 Kettle Hills area actually starts from up in here,
5 it goes all the way down through in here, all the
6 way down to that number 20 highway that goes to
7 Camperville.

8 MR. MADDEN: So the final preferred
9 route that we're still operating undercuts through
10 it?

11 MR. CHURCH: Basically through the
12 middle.

13 MR. MADDEN: And when you were growing
14 up, what parts of the Kettle Hills did you go to,
15 or throughout the entire area, some parts more
16 prevalent?

17 MR. CHURCH: I'll try to show you with
18 this laser here.

19 MR. MADDEN: Sure. Although if you
20 can describe it because it's for the record.

21 MR. CHURCH: Sorry. Here is Cowan
22 right here, this main trail for all the -- I
23 shouldn't say for all, but the majority of the
24 berry pickers, your trail comes up through here.

25 MR. MADDEN: So we're going north?

1 MR. CHURCH: Yeah, going north, and
2 then you go up through here. Now, in here from
3 Lenswood and Birch River are the other main roads
4 that go right in there. And then from Briggs
5 Spur, the goes through here, the trails.

6 MR. MADDEN: You mentioned trails,
7 what type of trails?

8 MR. CHURCH: They are just dirt
9 trails. After the fires in '89, some of the roads
10 were fairly open because of the fire guards and
11 getting equipment and that, so people could
12 actually drive their vehicles in there more than
13 they can now because roads were never maintained.
14 It's mostly quad trails, walking trails.

15 MR. MADDEN: And you said people had
16 camps and that there. Did they have them in those
17 areas?

18 MR. CHURCH: In those areas I was
19 talking about, yeah. Sometimes you'd go in there
20 and there would be a hundred camps in there.

21 MR. MADDEN: Did anything happen to
22 those camps in the past?

23 MR. CHURCH: In the mid '90s, it still
24 bugs me today, but early '90s, I worked for
25 Natural Resources for 11 years, and I had to go in

1 there -- we were called attack crew, we were fire
2 fighters -- and our crew had to go in there with
3 Resources, and they said they were cleaning up the
4 Kettle Hills, so we had to go rip down all their
5 pole structures, all their camps, all their little
6 trailers, tents, everything that was set up in
7 there, we had to rip it all down, burn them all.

8 MR. MADDEN: And even though those
9 were burnt down, are there still some in there --

10 MR. CHURCH: There is structures now.
11 There's certain people that complain about that
12 because they say all they do is leave the bush a
13 mess, but they obviously never went up there or
14 lived up there or did anything, so...

15 MR. MADDEN: I'm going to move on to
16 Gloria. Hi Gloria.

17 MS. G. CAMPBELL: Hi, how are you?

18 MR. MADDEN: Good. Did you pick
19 berries?

20 MS. G. CAMPBELL: Yes, I did.

21 MR. MADDEN: Where did you pick
22 berries?

23 MS. G. CAMPBELL: Around the same
24 areas that he mentioned, Kettle at Lenswood and by
25 Cowan. And we used to go to other places because

1 we didn't have no transportation, so we had to
2 walk there for miles with all our -- everything
3 that we had, like our bedding and everything and
4 our clothes, and we had to walk there at least
5 maybe about seven, eight miles. And the whole
6 family would walk. I come from a family of 13
7 children, and with my mom and dad, there was 15 of
8 us then, and we had to survive. So that was our
9 livelihood. We had to go from -- they'd take us
10 from school, like I was about seven, eight years
11 old, and we had to travel many miles to go for
12 pulp cutting, first of all, with the whole family
13 and other families, and my dad was a pulp cutter
14 too. So we stayed there and we worked with our
15 family, all of us had to work. So from there we
16 got work ethics.

17 I'm a retired teacher. I worked for
18 31 years, so I just retired 2009. And then we had
19 to work to get there. And I am so happy now
20 because we still get along, like we had to do
21 everything together, we worked together, we ate
22 together, we played together. And then we also,
23 there was also other families that were around us.
24 We worked with them and we played with them after
25 what we had to do, after we picked berries. Like

1 we were small but we still had to do -- like my
2 mom would get a big pot like to make soup for us
3 and bannock, and whatever we had to do. And then
4 we had to take the lunch to my dad and my
5 brothers, and the ones that were working, so we
6 still had something.

7 MR. MADDEN: And they were picking
8 berries?

9 MS. G. CAMPBELL: Well, first we would
10 go, the pulp cutting around the end of June to the
11 end of July. And then we would come back the
12 other way and then go to blueberry picking, and
13 we'd stay there for about a month, a month and a
14 half.

15 MR. MADDEN: On the land?

16 MS. G. CAMPBELL: On the land, and we
17 had to sleep on the ground. But my dad used to
18 pick like the branches from the spruce trees and
19 he would make like a bed for us to lay on so it
20 will be a bit softer. But we didn't mind, we
21 loved doing that because that was our livelihood,
22 and we stayed together as a family and we got
23 along and everything. And that's how we lived,
24 and it was very, very -- we had spent quality time
25 together, we did everything together. So that was

1 really, really good for us.

2 MR. MADDEN: Is that place important
3 to you?

4 MS. G. CAMPBELL: Yes, very, very
5 important.

6 MR. MADDEN: Why?

7 MS. G. CAMPBELL: Because now we live
8 it now, and I teach my grandchildren. I have nine
9 grandchildren of my own now. So occasionally we
10 go picking too still, just for our use. But some
11 people still sell the berries, because people like
12 blueberries and they are nutritious. Like fresh
13 blueberries, you can't ask for anything better, or
14 moose meat and all the other things that come from
15 the land.

16 MR. MADDEN: And you said you all got
17 along and there were other families there?

18 MS. G. CAMPBELL: There were other
19 families, lots of other families.

20 MR. MADDEN: Was it good for the
21 community?

22 MS. G. CAMPBELL: Oh, yes, it was good
23 for the community, yes. So we got along together,
24 we respected each other. We learned to respect
25 one another.

1 MR. MADDEN: Do you still go out to
2 those areas?

3 MS. G. CAMPBELL: At times, I still go
4 at times. My grandchildren love the blueberries.

5 MR. MADDEN: Do other Metis still go
6 out there?

7 MS. G. CAMPBELL: There are still
8 other -- like my brothers, sometimes, my brothers
9 go sometimes. I go visit them there and pick some
10 blueberries.

11 MR. MADDEN: And you said that you
12 sold them. Where did you sell the blueberries?

13 MS. G. CAMPBELL: Oh, there was a
14 buyer right on the ground, like where we were on
15 the land I mean. He brought all his groceries
16 there, like he used to treat us after, you know.
17 Because what he would do is, like in the morning
18 we would go and he'd pick a patch for us. So we'd
19 all stay there and we'd pick whatever number of
20 pails or boxes, and then he would find another
21 patch. Like we'd pick maybe 20 boxes a day, like
22 we'd pick lots. And then that buyer would buy
23 them and then we'd live off, you know. And then
24 we'd stay there for that month and a half.

25 MR. MADDEN: And did you know that

1 Bipole III was going to be cutting through those
2 areas?

3 MS. G. CAMPBELL: I think I sort of
4 knew before, but I didn't really pay attention to
5 it too much until like until now.

6 MR. MADDEN: Do you think that's a
7 good thing that they are cutting through the --

8 MS. G. CAMPBELL: No, no, no, no, no.

9 MR. MADDEN: I'll move on to Richard
10 now. Hi Richard.

11 MR. R. GENAILLE: Good morning.

12 MR. MADDEN: Are you Metis?

13 MR. R. GENAILLE: Yes, I am.

14 MR. MADDEN: Are you a member of the
15 Manitoba Metis Federation?

16 MR. R. GENAILLE: Yes, I am. I'm
17 board of director for the Manitoba Metis
18 Federation.

19 MR. MADDEN: For what region?

20 MR. R. GENAILLE: Northwest, from
21 Birch River right up to Dauphin south.

22 MR. MADDEN: Do you hold any other
23 positions?

24 MR. R. GENAILLE: I am the
25 vice-president of our Camper/Pine/Duck trapping

1 association.

2 MR. MADDEN: Do you sit on the
3 community council too?

4 MR. R. GENAILLE: No. I used to be
5 the mayor of Duck Bay, but I'm not the mayor no
6 more. I still work for them.

7 MR. MADDEN: When you were a mayor of
8 Duck Bay, were you in a representative capacity of
9 the Metis community?

10 MR. R. GENAILLE: No, I wasn't
11 representing the Metis community. As mayor, I was
12 just looking after the like recreation, the water,
13 the water and the roads. I'm not representing the
14 rights of Metis, no.

15 MR. MADDEN: Now in your capacity at
16 MMF, you represent the Metis community?

17 MR. R. GENAILLE: Now I do, yeah.

18 MR. MADDEN: Are you a hunter?

19 MR. R. GENAILLE: Yes, I am. I'm a
20 trapper, and I'm also a fisherman and a harvester.

21 MR. MADDEN: Where do you hunt?

22 MR. R. GENAILLE: All that area right
23 on that map.

24 MR. MADDEN: Have you noticed the area
25 change?

1 MR. R. GENAILLE: Yes.

2 MR. MADDEN: How?

3 MR. R. GENAILLE: When Bob was talking
4 earlier, like the mid '90s, hey, that's when I
5 seen the moose population just drop in that whole
6 area. Those ticks came in, I guess, and we lost
7 all the moose on the west side.

8 MR. MADDEN: Where do you go hunting
9 moose now?

10 MR. R. GENAILLE: I used to go to
11 Saskatchewan until they told me I couldn't go
12 there no more. Sometimes you go to the east side
13 of the lake. It is not on this map, it is on the
14 east side of the lake.

15 MR. MADDEN: So Interlake area?

16 MR. R. GENAILLE: No, no -- I guess it
17 would be Interlake area, yeah, the east side of
18 Lake Winnipegosis.

19 MR. MADDEN: Okay. And what do you
20 hunt now?

21 MR. R. GENAILLE: Elk, deer.

22 MR. MADDEN: Are you seeing changes in
23 the elk population?

24 MR. R. GENAILLE: Yeah, there's not as
25 many as there used to be, because when they told

1 us to stop hunting moose, then a lot of the people
2 moved to hunting elk.

3 MR. MADDEN: What do you prefer?

4 MR. R. GENAILLE: I prefer moose.

5 MR. MADDEN: Why?

6 MR. R. GENAILLE: That's how I was
7 brought up all the time. That is what we had is
8 moose meat, we ate moose meat all the time. I
9 didn't care for elk.

10 MR. MADDEN: Me neither. Have you
11 noticed any other changes over the past few years
12 in the area?

13 MR. R. GENAILLE: Like?

14 MR. MADDEN: On traplines?

15 MR. R. GENAILLE: Yeah, there's a lot
16 less fur from back in, like say when I first
17 started trapping in the '80s, like in the '90s,
18 and after the '90s, then there's a lot less fur.
19 But the fire went through and had a lot of damage
20 to do to the fur too.

21 MR. MADDEN: Is your trapline going to
22 be affected by Bipole III?

23 MR. R. GENAILLE: I believe it just
24 cuts through the south end of our trapping, our
25 block, Camper/Pine/Duck, that fur block. It cuts

1 right in the south, right into our prime Fisher
2 and Marten trapping grounds.

3 MR. MADDEN: Where the final preferred
4 route is right now?

5 MR. R. GENAILLE: Yeah.

6 MR. MADDEN: It will go in there. And
7 has Hydro contacted you?

8 MR. R. GENAILLE: They contacted our
9 association last week, but it was just a brief
10 meeting and they said they are going to get back
11 to us again.

12 MR. MADDEN: They contacted you, and
13 what did they say?

14 MR. R. GENAILLE: They come and ask us
15 what our concerns were, and we told them what our
16 concerns were, and we told them that if they do
17 come through our fur block, we don't want them
18 spraying. And we said there's other ways of doing
19 it than spraying. We told them you can go in and
20 cut it, you don't have to go and spray the
21 underbrush there. You can go in with a power saw
22 there and cut it, that way there is no -- our old
23 trappers, and myself included, we don't like that
24 when they spray.

25 MR. MADDEN: Did they talk about

1 compensation for the loss?

2 MR. R. GENAILLE: They didn't talk
3 about compensation, but they said they will come
4 back and meet with us again.

5 MR. MADDEN: And so last week was the
6 first time they talked to you?

7 MR. R. GENAILLE: Yeah, they talked to
8 our association.

9 MR. MADDEN: Did you know that, where
10 the route prior to that, did you know that the
11 route was going to be cutting through the fur
12 block?

13 MR. R. GENAILLE: No, I didn't. I
14 thought they were just going to totally miss us,
15 but, no, it's coming right through the south part
16 of our fur block.

17 MR. MADDEN: Can you grab the laser
18 and maybe just point out exactly on the map where
19 the fur block is? Sorry, you talked about the
20 Camper/Duck?

21 MR. R. GENAILLE: Camper/Pine/Duck,
22 see right here, in our fur block right here?

23 MR. MADDEN: Okay. Sorry, so the fur
24 blocks --

25 MR. R. GENAILLE: Our fur block goes

1 all the way up, and then the east side and right
2 up to the, I believe the Easterville highway.

3 MR. MADDEN: Does it go south of Pine
4 Creek where Pine Creek reserve is?

5 MR. R. GENAILLE: No, it doesn't, but
6 that's just an open area. And when we use that,
7 all we have to do is just go to Natural Resources
8 and get a licence, and then they'll give us a
9 licence, say we're going to go into this area to
10 trap and they gave us a licence to do that.

11 MR. MADDEN: Do you have a harvester's
12 card?

13 MR. R. GENAILLE: Yes, I do.

14 MR. MADDEN: And you mentioned
15 something about the fish, or that it will affect
16 fishing too?

17 MR. R. GENAILLE: Yes, it's gonna,
18 because the other map there, it goes right by
19 Dawson Bay, and all the tributaries come right
20 into our lake, Lake Winnipegosis. It's coming
21 right through -- is that the green, where the line
22 is going?

23 MR. MADDEN: Yes.

24 MR. R. GENAILLE: All those
25 tributaries enter our lake. As it goes down you

1 see all those enter the lake, and you go down.

2 And then right there, this right here where it
3 goes by there, there's a main river that comes by
4 Cowan, that's one of our main spawning for our
5 pickerel.

6 MR. MADDEN: Sorry, I can't see, can
7 you put the red light on it, or is it broken?

8 MR. R. GENAILLE: It keeps shutting
9 off. Anyways, this river right here. Anyways,
10 what I was saying is that Duck River, that's one
11 of our main, for our pickerel in the lake. My
12 area, that's the spawning river, like the walleye,
13 that's where they go and spawn down that river. I
14 worked on those rivers and I seen them. If they
15 put chemicals in there, I don't know what that's
16 going to do to our fish.

17 MR. MADDEN: So does the watershed
18 drain west or east?

19 MR. R. GENAILLE: It goes east, it all
20 comes to our lake, Lake Winnipegosis.

21 MR. MADDEN: So where the final
22 preferred route is, it drains east into the lake?

23 MR. R. GENAILLE: East into the lake.

24 MR. MADDEN: Did you participate in a
25 Manitoba Hydro ATK workshop?

1 MR. R. GENAILLE: I did, yeah.

2 MR. MADDEN: And did Hydro pay you to
3 attend?

4 MR. R. GENAILLE: Yes, they did.

5 MR. MADDEN: And did Hydro inform you
6 that they were going to use that information
7 for -- that they were going to hold that
8 information and use --

9 MR. R. GENAILLE: Yeah.

10 MR. MADDEN: Did they tell you that it
11 was going to be used to identify Metis historic
12 sites?

13 MR. R. GENAILLE: No, they never said
14 that. They just asked us what we did in this
15 area, and so we told them what we did, we trapped,
16 fished, and got all our stuff from there.

17 MR. MADDEN: Did they tell you that
18 instead of engaging the MMF --

19 MR. R. GENAILLE: No, they never said
20 that, no.

21 MR. MADDEN: Did they explain to you
22 that they were going to hold and control the
23 information?

24 MR. R. GENAILLE: No.

25 MR. MADDEN: And do you want Manitoba

1 Hydro or its consultants to hold and control that
2 information?

3 MR. R. GENAILLE: No. What they said,
4 when we had the meeting they said, okay, they are
5 going to give us information, and they are going
6 to give us back, they are going to mail us
7 something. And they never mailed us nothing back
8 on their final analysis or whatever. They never
9 got back to us.

10 MR. MADDEN: Do you think that
11 Manitoba Hydro should engage with -- should use
12 that information, or that they should engage with
13 the MMF?

14 MR. R. GENAILLE: They should engage
15 with the MMF, because the MMF are the ones that
16 represent us.

17 MR. MADDEN: How many people
18 participated in that workshop?

19 MR. R. GENAILLE: About 40 people.

20 MR. MADDEN: And they were all paid?

21 MR. R. GENAILLE: Yeah.

22 MR. MADDEN: And were there Metis and
23 First Nations there?

24 MR. R. GENAILLE: Yeah. It was
25 mostly, I'd say it was 75 percent were Metis and

1 about 25 percent were First Nations.

2 MR. MADDEN: Were there any non
3 Aboriginal people in there?

4 MR. R. GENAILLE: No, I don't think
5 so, hey? Was there? No.

6 MR. MADDEN: Did they engage the MMF
7 on identifying the people?

8 MR. R. GENAILLE: No. They just came
9 there. Because the only reason why I found out is
10 because, like I said, I'm the vice-president of
11 the Camper/Pine/Duck area, and one of the older
12 trappers came and he said, they are having a
13 meeting about Hydro, he said, you'd better get to
14 town. So I went down there. They never said
15 nothing about the MMF, because right there I would
16 have questioned them, but they didn't.

17 MR. MADDEN: So you never received the
18 information?

19 MR. R. GENAILLE: No, never got what
20 they -- what their conclusions were, I guess, of
21 their meeting in Duck Bay. Because they came for
22 two days but I was only able to attend one day.

23 MR. MADDEN: And do you know how they
24 used that information?

25 MR. R. GENAILLE: No. Like I said,

1 they never came back together, they never told us
2 what they --

3 MR. MADDEN: Do you think those
4 workshops were consultation with the Metis
5 community?

6 MR. R. GENAILLE: No. When I was
7 there, I thought they were just coming for the
8 community, hey, but, no, they never for the Metis.

9 MR. MADDEN: Clarice, did you attend
10 one of those workshops too?

11 MS. C. GENAILLE: Yeah, I attended
12 both days. They broke us up into two groups and
13 Richard was in a separate, a different group, and
14 I was in another group.

15 MR. MADDEN: Did they tell you how
16 they were going to use the information?

17 MS. C. GENAILLE: No, they never let
18 us know anything. They told us wild stories even.

19 MR. MADDEN: What do you mean, wild
20 stories?

21 MS. C. GENAILLE: Some of the
22 questions that were asked, they said, talking
23 about disturbing the wildlife and the blueberries
24 and all that, and they told us all the work would
25 be done during the winter, so it wouldn't affect

1 fishing in any way. And they said they would be
2 bringing in the equipment using helicopters, so it
3 wouldn't disturb any of the vegetation that was
4 there. At the time, I thought it sounded far
5 fetched.

6 MR. MADDEN: Did you ever receive the
7 information back from Hydro?

8 MS. C. GENAILLE: No.

9 MR. MADDEN: Do you want Hydro to be
10 able to use that information?

11 MS. C. GENAILLE: No.

12 MR. MADDEN: Would you like Hydro to
13 return that information?

14 MS. C. GENAILLE: Yes.

15 MR. MADDEN: Do you hunt or fish or
16 gather?

17 MS. C. GENAILLE: I don't fish
18 personally, but I come from a family of fishermen.
19 And I am the only one in my family now that lives
20 in Duck Bay. So during fishing season, all my
21 uncles and my brothers, my brother, they come stay
22 at our house and fish for the people around.

23 MR. MADDEN: And where are you from
24 originally?

25 MS. C. GENAILLE: I'm originally from

1 Duck Bay.

2 MR. MADDEN: And do you have family
3 that live in other parts of the province?

4 MS. C. GENAILLE: Most of my family
5 lives here in Winnipeg, but they always need
6 somebody living back home, because they go back
7 and forth like for hunting, for fishing, for
8 blueberry picking. So they need somewhere to stay
9 when they are in that area.

10 MR. MADDEN: So you are a hotel?

11 MS. C. GENAILLE: Yeah, I'm a hotel
12 for our family.

13 MR. MADDEN: Is that pretty consistent
14 with how a lot of Metis live?

15 MS. C. GENAILLE: Yeah.

16 MR. MADDEN: And so people will live
17 in Winnipeg and they'll come back?

18 MS. C. GENAILLE: Yeah.

19 MR. MADDEN: Are you concerned about
20 Bipole III?

21 MS. C. GENAILLE: Yes.

22 MR. MADDEN: Why?

23 MS. C. GENAILLE: For the blueberry
24 picking, that especially affects me directly.
25 Because me too, I used to live in Winnipeg, but

1 there is not very much culture, so I moved back
2 home when I had kids, I moved back home so that
3 they could experience the culture that I did when
4 I was young.

5 MR. MADDEN: Do they have any events
6 in the blueberry patches?

7 MS. C. GENAILLE: They have Blueberry
8 Jam Days, it is called, where they do talent show,
9 dancing, and all kind of mini events.

10 MR. R. GENAILLE: That Blueberry Jam
11 Days, it was started by, it was started by
12 Waywayseecappo First Nation. And ever since they
13 started, they have always included like the Metis
14 people from the Duck Bay/Camperville areas, like
15 they treat us like, they bring us in together,
16 like they treat our elders like their elders. And
17 everybody is treated good, and they come and tell
18 us when they are going to do certain events and
19 all that.

20 MR. MADDEN: So that area is important
21 not just to Metis, it's important to First Nations
22 as well?

23 MR. R. GENAILLE: Yeah. Because like
24 we heard a lot of crazy stories about TLE's and
25 all that. And they say, oh, when they get

1 overland and you Metis -- they are going to be
2 kicking us out. But ever since I can remember
3 going to the Kettle Hills, we have lived and
4 stayed together, and there never has been no
5 trouble with them. Not only Waywayseecappo, but
6 Sapotaweyak, and now even Moose Lake is coming in
7 there for the berry picking.

8 MR. MADDEN: And the area is still
9 used by everyone?

10 MR. R. GENAILLE: Yeah, we share it.

11 MR. MADDEN: Jean, do you hunt?

12 MR. J. LAGIMODIERE: Yes, trap.

13 MR. MADDEN: Where do you trap? Is
14 your line going to be affected by Bipole III?

15 MR. J. LAGIMODIERE: Yes.

16 MR. MADDEN: Have you received
17 notification from Hydro?

18 MR. J. LAGIMODIERE: No.

19 MR. MADDEN: Did you participate in
20 the ATK workshops?

21 MR. J. LAGIMODIERE: Yes.

22 MR. MADDEN: Does anyone else have
23 anything they wanted to add?

24 MR. R. GENAILLE: Talking to other
25 people in the community, because they asked me

1 about what you were just -- what did you call
2 it -- the ATK?

3 MR. MADDEN: Yeah.

4 MR. R. GENAILLE: They feel deceived
5 because, you know, because they never got the
6 information back, you know, like the conclusion,
7 or a report or anything back of what they did come
8 up with. And they always ask me. I said I don't
9 even know, like I said, I was only there for the
10 one day. So that's the ongoing consensus I am
11 getting from people who participated, from the
12 community, that they feel deceived because they
13 don't know what's going on.

14 MR. MADDEN: Do you think that there's
15 anxiety about Bipole III?

16 MR. R. GENAILLE: There is, yeah.
17 Because what it is I'm talking to, they don't
18 know, that's the big thing, they don't know. Like
19 they don't know where it's coming through. Like
20 you try to explain it to them, and they don't
21 know. It's going to affect them, because like
22 Gloria was saying, like where they used to go,
23 like where the line was going through, it has a
24 lot of bearing on them because that's actual
25 places where like they grew up, the different

1 families from the communities from Duck Bay, Pine
2 Creek and Camperville.

3 MR. MADDEN: And you don't think a
4 giant transmission line is going to be a nice
5 addition to those areas?

6 MR. R. GENAILLE: No.

7 MR. MADDEN: I have nothing further.
8 Thanks, everyone.

9 THE CHAIRMAN: Thank you. Does
10 anybody have questions of them? Manitoba Hydro?

11 MR. BEDFORD: No.

12 THE CHAIRMAN: Any of the participant
13 groups? Mr. Stockwell?

14 MR. STOCKWELL: Mr. Chairman, John
15 Stockwell representing Pine Creek, unfunded
16 participant. I'm going to ride on Mr. Madden's
17 dollar here for a bit.

18 Good morning.

19 MR. R. GENAILLE: Good morning.

20 MR. STOCKWELL: I'm here representing
21 Pine Creek, and I have some questions for you. I
22 think you are familiar with Pine Creek, I think
23 everybody is familiar with Pine Creek on the
24 current panel.

25 MR. R. GENAILLE: (nodding).

1 MR. STOCKWELL: Have you had the
2 opportunity to discuss your views on wildlife, or
3 on the plants and vegetation in the area, or on
4 the rivers in the area, directly with Hydro people
5 or with people that were there to study the area,
6 like botanists or wildlife biologists or people
7 studying moose?

8 MR. R. GENAILLE: The only time it was
9 when we had the ATK, I believe you called it, is
10 that right? That's the only time we have
11 discussed it with Hydro.

12 MR. STOCKWELL: Do you think you could
13 have helped the Hydro experts in finding the truth
14 about this area, about different things in the
15 area, about wildlife, about moose, about fish?

16 MR. R. GENAILLE: I believe most
17 definitely, because we are the ones who actually
18 live there, so we know, our elders know, we lived
19 there for years.

20 MR. STOCKWELL: For years.

21 MR. R. GENAILLE: When you get
22 something passed down, when the elders tell you
23 there's something wrong, then there's something
24 wrong.

25 MR. STOCKWELL: I would agree with you

1 there.

2 Gloria, if I can ask you questions
3 about the berry picking experience and your time
4 in the berry patch, or what we're calling the
5 berry patch, as far as social activities that go
6 on there. You would essentially move your family
7 there to the berry patch?

8 MS. G. CAMPBELL: Yes.

9 MR. STOCKWELL: And carry on life and
10 do normal life things?

11 MS. G. CAMPBELL: Yes, we would.

12 MR. STOCKWELL: Did you meet people
13 from other areas?

14 MS. G. CAMPBELL: Yes.

15 MR. STOCKWELL: Did you make friends?

16 MS. G. CAMPBELL: We made friends,
17 yes.

18 MR. STOCKWELL: With people from other
19 areas?

20 MS. G. CAMPBELL: Um-hum.

21 MR. STOCKWELL: Did you, as a young
22 person, look forward to going to the berry patch
23 every year?

24 MS. G. CAMPBELL: Yes, I did.

25 MR. STOCKWELL: Did you spend time

1 with your grandparents there?

2 MS. G. CAMPBELL: Not so much my
3 grandparents because they were already older, but
4 my mom and my dad.

5 MR. STOCKWELL: With your mom and your
6 dad?

7 MS. G. CAMPBELL: Yes.

8 MR. STOCKWELL: Aunties, uncles?

9 MS. G. CAMPBELL: Some aunties and
10 uncles, yes.

11 MR. STOCKWELL: I see. Social
12 activities, did you have dances, campfires?

13 MS. G. CAMPBELL: Mostly we like
14 played baseball like, or we'd make up games. Like
15 we didn't need toys or anything, we just made up
16 games, like hide and seek and all kinds of little
17 games we made up.

18 MR. STOCKWELL: As a child, when did
19 you start looking forward to going berry picking?
20 I mean, berry picking lasts I understand from May
21 to sometime close to October?

22 MS. G. CAMPBELL: Pardon?

23 MR. STOCKWELL: How long does the
24 season for berry picking last?

25 MS. G. CAMPBELL: Until September,

1 from about the end of July to September.

2 MR. STOCKWELL: July until September.

3 MS. G. CAMPBELL: Yes, the end of
4 July.

5 MR. STOCKWELL: That's a good three
6 months.

7 MS. G. CAMPBELL: The summer months,
8 yes. But if it got colder, then we'd go back,
9 like if it was colder, but we'd stay as long as we
10 can.

11 MR. STOCKWELL: If you can think back
12 to when you were a child, when did you start
13 looking forward to going to the berry patch?

14 MS. G. CAMPBELL: As far as I could
15 remember, I was only probably about seven or eight
16 years old.

17 MR. STOCKWELL: But when during the
18 year? Would it be, you know, early spring, would
19 it be winter, would memories of the berry patch
20 last all year long?

21 MS. G. CAMPBELL: They lasted for
22 quite a while. I'd start thinking about it in the
23 spring already, getting excited to go picking
24 again and go joining friends, and to be with my
25 family especially, you know, to work together, to

1 eat together, to do everything together.

2 MR. STOCKWELL: Good. Thank you.

3 MS. G. CAMPBELL: You're welcome.

4 MR. STOCKWELL: Bob, you mentioned
5 about when you worked for Natural Resources and
6 you were on a project to clean up Kettle Hills, is
7 that correct?

8 MR. CHURCH: Yes.

9 MR. STOCKWELL: I guess I want -- the
10 camps or tents or teepees or whatnot, they were
11 all built there by Metis people and First Nation
12 people?

13 MR. CHURCH: By Metis and First
14 Nation, yes.

15 MR. STOCKWELL: And they were just
16 there to offer some form of protection for the
17 summer months?

18 MR. CHURCH: Yeah, for the weather or
19 whatever, and some of them were like, you can't
20 call them permanent structures but some of them
21 had probably been there for 15, 20 years, some of
22 their poles and stuff that were left.

23 MR. STOCKWELL: So people would just
24 use these and do whatever repairs they needed to
25 do as they came, as they arrived in the summer

1 time?

2 MR. CHURCH: Yeah, they'd take their
3 canvass tarps and cover them, same as you would
4 with a pole cover for a tent, right, you'd take
5 your prospector tent and you would just put it
6 over the pole structure.

7 MR. STOCKWELL: I'm going to ask you
8 the same question that I asked Richard, and that
9 was about, if you were -- your feelings about say
10 the experts that were sent by Hydro to do
11 examinations on the environment, to look at fish,
12 to look at rivers, to look at moose, could you
13 have contributed to the information that they
14 gathered, that they were looking for?

15 MR. CHURCH: Absolutely. I believe
16 that I could have, and I believe I wasn't asked
17 because in certain areas, same as the moose
18 closure, unless -- I believe unless it's for their
19 benefit, then they don't actually want me to speak
20 for them. Because there are so many things I
21 could have told them, and they believe, well, they
22 will just bypass that, it's a lot easier.

23 MR. STOCKWELL: So you have had
24 experience speaking with the wildlife experts or
25 vegetation experts?

1 MR. CHURCH: Absolutely, yes.

2 MR. STOCKWELL: Do you enjoy doing
3 that? Do you like doing that?

4 MR. CHURCH: Yes, I do. I'm a member
5 of the Manitoba Trapper's Association, which I
6 have been for years. So I go to a lot of meetings
7 when it comes to the trapping, and it all comes
8 back, like with the moose hunting and environments
9 and everything. And there we seem to have a lot
10 of say. But when it comes to speaking the pros
11 and cons, say against Louisiana Pacific or
12 Manitoba Hydro, then if they hear what I have to
13 say and they don't like it, they want to push me
14 aside and they don't want to hear that.

15 MR. STOCKWELL: What's your sense of
16 the regard that the Manitoba experts or any
17 wildlife experts would have for your grassroots
18 knowledge?

19 MR. CHURCH: Because I'm not certified
20 and I have no expertise in anything, right,
21 because I don't have, I'm not a biologist and I'm
22 not an environmentalist, I'm nothing. So to me,
23 I'm just a voice. And if they figure this voice
24 is a benefit for them, then they want to hear it.
25 If they figure it's against them, then they don't.

1 But I have no expertise in anything except for
2 growing up Metis.

3 MR. STOCKWELL: I understand.

4 I think that's all I have. Thank you
5 very much for your information and for your
6 opinions. Thank you, Mr. Chair.

7 THE CHAIRMAN: Thank you,
8 Mr. Stockwell. Any other questions from
9 participants? Panel members? Mr. Gibbons?

10 MR. GIBBONS: Yes. Thank you for your
11 presentation this morning. I do have one general
12 question, and it's directed to the whole panel
13 rather than any one individual. But one or more
14 of you may want to answer it. And it's just
15 clarifying for me some of the consulting that did
16 or did not take place.

17 We have heard referenced a couple
18 times now to trappers associations and councils
19 and so on. Within the trapping and hunting
20 community, whether it's local or regional or even
21 provincial, to your knowledge, were those groups
22 that represent hunters and/or fishers contacted or
23 consulted? And if they were, did they in turn
24 consult with their members? I'm not too clear
25 about what kind of consulting, if any, took place.

1 And I'll leave that open to anyone that wants to
2 answer.

3 MR. CHURCH: Do you mean through
4 Manitoba Hydro?

5 MR. GIBBONS: Yes, sorry, with
6 Manitoba Hydro, did they contact those
7 organizations, and then in turn the organizations
8 contacted their members?

9 MR. CHURCH: I know Manitoba Trappers
10 Association, our vice-president, Glenn Roberts out
11 of Swan contacts me all the time when he finds out
12 any information from Manitoba Hydro. But he also,
13 I just spoke to him last week, and he never heard
14 a whole lot about anything either. And he said
15 the biggest reason is they are not quite sure yet
16 exactly where the line is going. They have an
17 idea, but they don't know where. So it's hard to
18 do a full impact of anything if you don't really
19 know where that line is going -- if that answers
20 your question.

21 MR. GIBBONS: Any other members?

22 MR. R. GENAILLE: They just met with
23 us like last week, that was the first meeting. We
24 just had a meeting there talking, and we're going
25 to be meeting again with Manitoba Hydro.

1 MR. GIBBONS: Okay. And that would
2 account for trappers. Are there any fishing
3 organizations in the area that try to organize
4 fishermen so that they can, and fisherwomen, so
5 that they can communicate with other groups and so
6 on?

7 MR. R. GENAILLE: They never notified
8 us, no, the fishers, no.

9 MR. GIBBONS: Thank you.

10 MR. R. GENAILLE: I could be wrong
11 though but --

12 MR. GIBBONS: But not that you are
13 aware of?

14 MR. R. GENAILLE: Not that I'm aware
15 of.

16 MR. CHURCH: And also I know the
17 fishermen off Swan Lake and Red Deer Lake, and I
18 know them very well, and they never mentioned
19 anything.

20 MR. GIBBONS: Thank you.

21 THE CHAIRMAN: I have a couple of
22 questions. Bob, I'm sorry, I didn't get your last
23 name?

24 MR. CHURCH: Bob Church.

25 THE CHAIRMAN: Mr. Church, in your

1 comments earlier, you spoke about the potential
2 for, I guess more flooding in the creeks. Can you
3 expand or explain that a little bit, please?

4 MR. CHURCH: Okay. It's hard to --
5 how would I explain? An easy way of explaining,
6 say in the winter time you have got a heavily
7 wooded area, and you get a big deep snowfall in
8 the winter, say higher than expected snow and
9 everything. You have your spring run-off, and
10 once it starts getting warm in April and that you
11 have your run-off. But because all your
12 vegetation, your overgrowth, your big trees,
13 everything, your snow, it doesn't melt near as
14 fast. You can go in any forest and any balsam or
15 spruce or anything in the forest, on a hot summer
16 day, it's nice and cool in there. And it has the
17 same effect on snow thawing, or heavy rains, it
18 all soaks into the forest. But once you clear it
19 out, as soon as you clear it out, you have all
20 that rainfall, everything all just goes at once,
21 it all rushes right out, and it actually changes
22 the landscape. It creates erosion. Even on hills
23 and that, it will start shifting and collapsing,
24 because there is no vegetation, no roots, no
25 nothing to hold all the soil together for the --

1 you know what I mean? And once you clear-cut it,
2 the rain will actually wash everything away.

3 THE CHAIRMAN: So this is, at least in
4 recent years, as a result of LP clear-cutting?

5 MR. CHURCH: Yes.

6 THE CHAIRMAN: Is anybody else
7 clear-cutting? Is Tolko in that area?

8 MR. CHURCH: No, Tolko hasn't been
9 there for years since -- I don't know if it was
10 the chips or what they used to do. Certain areas,
11 Spruce Products does a bit of cutting for the soft
12 woods, but they had been 50 years plus in that
13 area and they hardly do any cutting compared to
14 the clear-cutting of LP, Louisiana Pacific.

15 THE CHAIRMAN: Thank you. Gloria, I
16 also didn't catch your last name?

17 MS. G. CAMPBELL: Campbell.

18 THE CHAIRMAN: Thank you,
19 Ms. Campbell. Can you tell me just a little bit
20 about the blueberries? Do you have a good year
21 every year, or some years more blueberries than
22 other years?

23 MS. G. CAMPBELL: I was really young
24 so I didn't really pay attention to that. But
25 most of the time we went, like mostly every year

1 when I was younger, for many years.

2 THE CHAIRMAN: So do you, or anybody
3 else on the panel, know what the blueberry picking
4 has been like in the last five or ten years?

5 MS. C. GENAILLE: They are always
6 there. You need to go denser, more into the bush
7 or in different areas, you've just got to search,
8 because there's always blueberries every year,
9 unless there's a fire that time.

10 MR. R. GENAILLE: Last two years, it's
11 been pretty poor though.

12 THE CHAIRMAN: Do you know why? No?
13 Okay. I should probably declare bias, because
14 through a sister who lives in Swan River, I bought
15 blueberries in your area and they are probably
16 some of the best I ever had.

17 MR. R. GENAILLE: They are the best
18 probably in the world. When you make jam, you
19 don't even have to put sugar.

20 THE CHAIRMAN: I wouldn't ruin them
21 with sugar.

22 Are there any other questions? Thank
23 you very much to all of you. Thank you for coming
24 in, and coming and appearing before us this
25 morning. Mr. Madden?

1 MR. MADDEN: Can I suggest a morning
2 break right now, and we will be back with
3 President Chartrand at 10:30, if that works?

4 THE CHAIRMAN: He'll be here at 10:30?

5 MR. MADDEN: I hope he'll be here
6 before then, and we'll have him ready to go at
7 10:30.

8 THE CHAIRMAN: Okay. We can agree to
9 that.

10 MR. MADDEN: Thank you.

11 (Proceedings recessed at 10:11 a.m.
12 and reconvened at 10:20 a.m.)

13 THE CHAIRMAN: Okay. Could we come
14 back to order, please? Thank you.

15 Mr. Madden?

16 MR. MADDEN: Good morning. We have
17 President Chartrand, or should I refer to him as
18 Dr. Chartrand now, with a recently acquired
19 honorary degree from the University of Winnipeg
20 in law, so he doesn't need his lawyer anymore.

21 THE CHAIRMAN: There goes your living.

22 MR. MADDEN: There goes my living.
23 President Chartrand is going to start with a bit
24 of a presentation and then I'm going to ask some
25 questions.

1 THE CHAIRMAN: Thank you.

2 MR. CHARTRAND: Thank you very much,
3 Commissioner. It is a pleasure for me to be here
4 this morning. Of course, I am going to start by
5 acknowledging our elders. It's always customary
6 for our people to acknowledge them first. And of
7 course to all the other political leaders I see
8 here in the room, and to you, Chair and
9 Commissioners. Thank you for allowing me to be
10 here today to speak and giving me this opportunity
11 to express and share some information about the
12 Metis nation. But first I should introduce
13 myself.

14 THE CHAIRMAN: Okay. You can
15 introduce yourself, and then we have to swear you
16 in.

17 MR. CHARTRAND: Okay, swear me in, as
18 long as you don't swear at me.

19 THE CHAIRMAN: We wouldn't do that.

20 David Chartrand: Sworn.

21 THE CHAIRMAN: Go ahead.

22 MR. CHARTRAND: Thank you. Well, for
23 myself, just to give you a background, I actually
24 was born and raised in the Community of Duck Bay,
25 I was born in a house in Duck Bay. And I lived

1 all my teen years, up to about 16, 17, and then I
2 started to go out to different schools throughout
3 my life, and I still in fact have a home in Duck
4 Bay. I just finished rebuilding a house in Duck
5 Bay. So I have lived out my entire life, and my
6 family prior -- and my mom and her parents lived
7 in that surrounding area throughout their
8 existence.

9 So for myself, I actually have been, I
10 left the community at 18 and went out seeking, of
11 course, work and schooling, and ended up in
12 different various jobs, worked in the mining
13 sector for a short stint, and mostly did a lot of
14 trapping, hunting. But growing up, it was all
15 about harvesting, it was about ensuring that
16 survival.

17 We grew up, I am not shy to say, we
18 grew up very, very poor. I thought we were still
19 rich. We were poor materialistically, but we were
20 rich in family-wise. And so we did a lot of -- I
21 started very young as a hunter, in fact, with my
22 family, and we did everything from picking berries
23 to growing our gardens, and harvesting moose,
24 deer, elk, and also maple sugar. As a kid, I
25 remember walking across the lake to go make fire

1 so I can get some taffy. And all the work I have
2 to do to help part of our cultural existence as a
3 people. And still being practiced today, and I am
4 very, very proud of that in my community, and very
5 important to who we are as a people.

6 I also remember going with my grandma,
7 and she picked all of the different medicinal,
8 medicines that we drink. And some people wonder
9 what kind of medicinal issues are important to us.
10 The medicines are very, very crucial, and they
11 still are in my family, we still use them. In
12 fact, some of the herbs that are used, I'm not
13 sure they are even in our prescriptions we get
14 today, but definitely seem to do wonders for our
15 families when we are ill. So that was part of our
16 growing up.

17 I actually got myself politically
18 involved in our government back in 1988. But
19 prior to that, I was sort of somewhat beginning as
20 an activist, fighting for Metis rights, trying to
21 understand. I remember my first issue, and I want
22 to talk a little bit about it, Commissioner, on
23 the sense of trying to get a spectrum of
24 understanding who the Metis are. I think that's
25 one of the struggles that faces a lot of people

1 yet today. And I want to talk a little bit about
2 that because it has such a reflection. And I
3 don't think my career is that important. I worked
4 for the Department of Justice for 10 years, and I
5 got elected in 1988, the Federation as a member of
6 the cabinet. And then I got elected in 1997, when
7 I left Justice in '96 and I became president in
8 1997. I had been elected five consecutive times,
9 and I am very, very pleased that the people have
10 given me the power to ask me to lead and do what I
11 can for the betterment of my nation.

12 But going back to the history of our
13 people, I think it's going to be important to
14 reflect, because that I think is a major struggle.
15 And I know in my discussions at Hydro personally,
16 when I sit down at the table and negotiate, that
17 seems to be still the quandary, or the health in
18 the room that causes such a deflection of a
19 change. But in order to understand it, for the
20 Commissioners, just in case, this is the Metis
21 homeland we're in. Our Metis leaders formed this
22 beautiful province we call Manitoba, a province I
23 am very, very proud of.

24 And you know, growing up when I was
25 told Riel was a traitor, at about 15 years old,

1 and that our people should be ashamed of who we
2 are. That we tried to, you know, sell our country
3 down, it really hurt me. And I think that's what
4 sparked my activism later in my early 20's, and it
5 caused me to start pushing hard and trying to find
6 the answers. And I knew the answers were not what
7 the school was teaching me. And the school was
8 teaching me to be ashamed of who I was. And to
9 understand that the Metis should not have any
10 pride in who they are because, in fact, we are
11 really a nobody, we're really nothing. We're just
12 a bunch of mixed blood people, that's all we were.
13 And that's not me who said that, that's the
14 history books that were written by someone else.
15 And clearly, from my perspective, knowing who my
16 family was, knowing the stories that had been
17 told, knowing how we became who we are, didn't
18 resonate with me that was the correct way. Seeing
19 Riel as a traitor, you know, it was something that
20 I said one day I'm going to correct. And I'm very
21 proud to say that the changes have been made, it
22 took us a while, but changes have been made.

23 But who are the Metis really? You
24 know, I'm going to give you a 10 second clip,
25 maybe a 20 second clip on who we are. Really,

1 we're a nation that existed on the premise that
2 Indians didn't want us and the whites didn't want
3 us, basically because we were different. Our
4 fathers left us and all went back overseas, and
5 went back to their, maybe their other wives or
6 just went home, and left the children in the
7 prairies. And we have been called many a thing.
8 And I recall some of the names that we have been
9 called. But we are a maternal nation raised by
10 our Indian mothers. But the Indians didn't want
11 us either, because all of a sudden our hair was a
12 different colour, our eyes were a different
13 colour, our skin was different. So we were kind
14 of outcast of both societies.

15 And it's quite interesting how, as
16 time evolves, how it resonates that in a short
17 span, a nation was created, a new nation, the new
18 nation of the west. And from Ontario, parts of
19 Ontario to Manitoba, into the prairies, into the
20 United States, and parts of Northwest Territories.
21 But it resonated by still who we were. Because
22 Canada was really an eastern nation. And you
23 know, the first issue for us is that when the
24 first battle took place in 1816, which was called
25 a massacre because we didn't write history. When

1 the government won battles, it's called victories.

2 When we won, it's called massacres.

3 So, again, it goes back to trying to
4 understand what it was all about. Really, it was
5 about free trade at that time.

6 And this flag I brought here for a
7 reason. I just took this flag to Australia, I was
8 speaking with the Minister in Australia. And this
9 flag has a lot of significance to our nation, who
10 we are. And people say, what is that? You know,
11 is that a figure eight? Is that what that is?
12 Really it's not. It's one of the oldest flags in
13 North America, something that Canadians should be
14 very proud of. In fact, this flag is an
15 identification of our nation, of two nations
16 coming together forever. That's what it means.

17 And the blue flag was, the first one
18 carried to battle in 1816. And it's something
19 that resonates today with our nation and is
20 proudly hung in our yards, in our communities, in
21 our buildings throughout our province. And so the
22 signification of who we are was starting to be
23 created.

24 You know, Commissioners, in case I
25 forget, other countries come to study us. Like

1 Denmark has come to study us, our Michif language,
2 because we have such a unique language. What
3 amazes them in other countries is that we were
4 able, as a people, to formulate a language in such
5 a short time span, and spoken amongst everyone.
6 Because usually it takes thousands of years for a
7 language to be created, and this was done in less
8 than a hundred years. So it's called Michif.
9 It's a combination of French, Cree and Ojibway.

10 And the beauty of that is that people
11 started to figure out that we were different. We
12 weren't Indians, we weren't French, we weren't
13 Scottish, we weren't a non Aboriginal society
14 sitting in the west, we were actually a different
15 people. But one of the things that gave us I
16 think the strength is that we were very culturally
17 promoted internally within our own infrastructure.

18 I also brought the sash for a reason.
19 There are different sashes, Mr. Chair. This sash
20 in particular is just one of our traditional
21 sashes, and the sash signifies a lot. People say,
22 you know, he's got a rag tied around his waist,
23 but it actually is a very important symbolic,
24 cultural component of who we are. First Nations
25 and Aboriginal people say the voyageurs have it,

1 but they have it for a different reason. Us,
2 there is a meaning behind these sashes. The
3 centre, the blue and white is our national flag.
4 If you look at the green and yellow, it is the
5 prosperity toward the future of our nation. The
6 red is the blood spilled with the wars we have had
7 in our country. There is usually black also in
8 the sashes. The reason the black is there is the
9 dark period that we disappeared after 1885. The
10 country does whatever it can to eliminate us
11 completely. And there's nothing, if you look in
12 history books, there's nothing after 1885 until
13 after World War II is when the veterans started
14 being able to fight for our cause and our rights
15 again.

16 And the sash has other symbolism.
17 There are family clan sashes. If you look at a
18 clan sash and you go to Turtle Mountains, you'll
19 see a sash, you know what clan that sash is. But
20 you'll also see in their fringes, you'll see
21 beads. That will tell you how much children are
22 in the family. So you will know how many children
23 belong to that family. So there's a lot of
24 symbolism to the sash. It tells us a lot of
25 story. Like the wampum belt, it goes out and

1 tells the story about its people. So the sash is
2 very symbolic. So it starts to showcase we're a
3 different people, we're not Indians, nor are we
4 Inuit, but we're a different people.

5 And I think the hard part for us is
6 because Canada's first declaration of any war is
7 with our people, the first war they declared was
8 against us. If you go into the leg. today and see
9 it promoted on the wall there, the banner of the
10 military, the battles they had with our people.
11 The first war they ever had was with us.

12 And so it's quite an interesting
13 phenomena if you look at the history of who we
14 are. And it forced us to become very military,
15 we're a very military nation in the sense of
16 protecting ourselves. We are buffalo hunters, we
17 are free tradesmen, and we are voyageurs and we
18 opened the west in a lot of places, but very
19 military in protecting ourselves. We had to also
20 protect ourselves against the First Nations, to
21 ensure that our families and our community were
22 protected. It's been a constant struggle. And I
23 think that some of the hardships of why it is
24 today, as a nation, we're still fighting to be
25 given the proper recognition as a nation. Even

1 though the courts have made it very clear, the
2 Constitution has clarified this issue, there is
3 still this cloud that exists between us and the
4 private sector and sometimes government. But the
5 unfortunate part is that we're not going away, and
6 people have got to get it through their thick
7 skull, we're not going anywhere. In fact, we're
8 going to continue to develop and expand, and if
9 necessary, go into the courts to find our rightful
10 place.

11 I know as a Commission, and I know
12 your mandate is basically to give recommendations
13 to the Minister, and that's your mandate, and I
14 respect that dearly, but it's important for me to
15 understand, for you to make a recommendation to
16 understand who you're talking about and why you're
17 making that recommendation. So I think if it's --
18 people may say, well, I know all about this stuff
19 the president is speaking of. Well, there's lots
20 of things that people don't know about our nation.
21 When we go out, in fact, I meet with a professor
22 of Japan now on three different occasions, they
23 are coming to study our people. And the reason
24 that Japan is actually coming to study the Metis
25 is that there's the people called the Aniu in

1 Japan, and they are potentially -- they are
2 somewhat similar to the Metis kind of concept, but
3 they are being completely assimilated and being
4 wiped out. There are about 20,000 of them left.
5 And the universities are trying to figure out how
6 to make them survive.

7 They went through the Internet and
8 they looked upon a people that has some
9 similarities and some struggles, and how it is
10 that a people, no matter what obstacles before
11 them, were able to survive. And they came across
12 the little Metis nation in Canada. They have come
13 here now three different times to meet us, talk to
14 us, and try to understand us and understand the
15 difference of who we are. And so it's quite an
16 important recognition from my side to see that
17 people have seen the challenges we face, the
18 struggles we face, right from wars, to attempts of
19 assimilation, to try to completely ignore that we
20 even exist as a people, but they still find that
21 we are even more vibrant and stronger today.

22 So we have had governments, Mr. Chair,
23 back in 1800s we had buffalo hunt laws, we had our
24 laws of the community, we were money punished for
25 missing meetings. I think they were stricter then

1 than they are today. If I miss a meeting, I am
2 not punished with a fine. But in that day, you
3 were actually punished. You had to pay out some
4 looies, they were called looies, you had to pay if
5 you missed at meetings, an elected official. Even
6 Guimond, one of the most known war, guerrilla
7 warfare fighters of the world had to be elected
8 every morning for the buffalo hunt, every morning
9 had to be elected -- that's how democratic our
10 system was -- to be able to lead. Because without
11 the buffalo, without the hunt, without the
12 prosperity of feeding your family and surviving by
13 selling your pemmican, you can definitely feel
14 some very sincere hardship. So that was a very
15 vigorous process that was done by our people.

16 So there were all those kind of legal,
17 constitutional, and governing bodies that existed
18 as a people in the west. So we were here and our
19 laws were here before even Canada became from sea
20 to sea to sea. So our issue of recognition should
21 not be new to anybody, but it's the avoidance of
22 trying to recognize that we are rights-bearing
23 people.

24 You know, in history when you look at
25 the constant struggle we have had, we were so

1 pleased in 1982 when the Constitution was changed,
2 finally. We were there in 1870 when the
3 Constitution was accepted in Manitoba, when
4 Manitoba became part of the Constitution, Manitoba
5 Act, we said, okay, we're in the Constitution. We
6 are recognized as a people, we recognized, yes,
7 that land is being giving away to our children.
8 In fact, they are saying we're giving up Indian
9 title is they want us to do to ensure that land
10 would be set aside for our children,
11 1.4 million acres of land. And also the lots,
12 river lots, not only to Metis, but to all
13 citizens. In fact, Ojibway people don't even know
14 that Riel was negotiating on behalf of
15 non-Aboriginal citizens at the same time. And the
16 government actually asked Riel that they will take
17 care of the non-Aboriginals, let them take care of
18 the Metis, the half breeds they called them.
19 Because Riel was still fighting that people of
20 non-Aboriginal descent that lived on a river lots,
21 they should be entitled to own those lots before
22 Canada comes over and takes over the lands.

23 And I bet you a lot of people in this
24 room don't even know that Riel never went to trial
25 in Canada. He was charged for treason in Canada

1 but never went to trial in Canada. He went to
2 trial in Northwest Territories, because the law
3 was different in Northwest Territories. It was
4 very strategically done that even though the
5 charge of treason was in Manitoba, that he was
6 charged with treason. One, he was elected to
7 seats to parliament three times, was never allowed
8 to take a seat once. And in fact, when he went to
9 trial, he was not allowed to come to trial in
10 Manitoba on the fear that the Metis were still a
11 larger population and might be sitting on the
12 jury. So they made sure he went to trial in the
13 prairies and the law would be completely
14 different. In fact, if he was charged with
15 treason and found guilty in the laws in Canada, he
16 couldn't be executed, he would be imprisoned. But
17 then they would make a martyr out of him. So they
18 had to find a way, if there was a law and a
19 provision somewhere else, that he would be found
20 guilty, then he would be executed, and hopefully
21 be silenced on this. That was the plan of Canada
22 and it's documented by legal experts in Canada.

23 So you started looking at it, but
24 we're not taught that in schools, but times are
25 slowly changing. But you look back at the 1982

1 revision of the Constitution, the Metis being
2 included now as one of the Aboriginal peoples, the
3 rights-bearing people in this country, we thought
4 it was all over. Our battles are over, now we can
5 come to the table, now we can sit at the table,
6 now we can talk business, now we can start moving
7 ahead, and we'll finally find our rightful place
8 in Canada.

9 Well to our surprise, that did not
10 end. In fact, the Provincial Government took a
11 different approach and started stating that they
12 did not recognize that we are rights-bearing
13 people or, in fact, took the premise that we are a
14 federal responsibility, not a provincial
15 responsibility. So that football is still there
16 today, Commissioners, we're still a football
17 between two governments. Both governments blame
18 each other who is responsible for the Metis.

19 When it comes to services or any type
20 of nature of sitting down with us, they blame each
21 other who should be actually taking the primary
22 role of the services. What I always tell them, is
23 as a taxpayer, you'll find me no matter where I am
24 to pay my taxes, but as a rights-bearing
25 individual, you seem not to find me.

1 But they have no choice. We are
2 acquiring it more and more as we take a stronger
3 position. And unfortunately, we're using what I
4 don't want to use is the courts. And even the
5 courts have told the governments and told us
6 openly, enough of this, quit coming to the courts,
7 start doing what you were elected to do,
8 negotiate.

9 And these are actual court decisions
10 and court references by the judges themselves, who
11 reference that the day has got to quit when the
12 courts are asked to do the political wisdom that
13 they were elected to do in their job.

14 So, Mr. Chair, I think it's vital for
15 me to express to you that the Metis government
16 that you see today sitting before you is a
17 government that extends itself back from the
18 1800s. The laws that we have, the Metis laws of
19 the hunt, which we have now just negotiated with
20 the Province of Manitoba, stems from the buffalo
21 hunt laws, stems from the guidance of the
22 community and elders.

23 And one of the biggest challenges that
24 we seem to face in this introduction of
25 recognizing our rights as a people is that we're

1 landless. We don't have a land base. Not like a
2 reserve, not like a village or a municipality,
3 we're a landless people. And we live in these
4 areas which we take as our homeland. This is our
5 home, this is our land, this is our province we
6 helped create. But because we don't have a
7 specified land base, this seems to be a quandary
8 of a problem for others to recognize that we
9 should have rights, not as individuals, but as a
10 collective.

11 I don't understand for the life of me,
12 Commissioners, all these institutions like Hydro
13 and others, who have a constant degree of lawyers,
14 tonnes of lawyers, and they can't seem to come to
15 terms in recognizing -- and everybody, I know the
16 Commissioners will -- on the sense of recognizing
17 that an individual's right, from Aboriginal right,
18 I will use Aboriginal, even a Canadian right --
19 but as Aboriginals, any Aboriginal people in
20 Canada to First Nation Metis. Aboriginal is only
21 a definition, let's understand that too. People
22 use that word too openly.

23 If you look in the Constitution
24 section 35, Aboriginal people are three distinct
25 people, and they name them, Indian and Metis and

1 Inuit. So Aboriginal is only a definition ,it's
2 not a culture, it's not -- it's just a definition
3 of three different peoples in this country.

4 So as the Metis, I, David Chartrand,
5 have no rights as an individual. I have a
6 collective right under my nation. So does all the
7 First Nations, they have a collective right. As
8 my friend Charlie Boucher -- he was here yesterday
9 I believe, I think he was here yesterday, or he is
10 coming -- as a chief, Charlie Boucher, as a person
11 he has no rights. He's a Canadian, but, and a
12 First Nation Ojibway. But as a member of the
13 Ojibway Nation, that's where his rights come from,
14 and all rights derived from nationhood. If you
15 look at every court decision probably in the
16 world, it all derives from a nationhood concept.

17 And as Canadians, for example, we have
18 rights as Canadians. And our Constitution
19 prevails over that, as rights as a Canadian. Then
20 we have the privilege of exercising those rights
21 as individuals through our nation. And that's
22 important to come to terms with.

23 And so Hydro and others have come to
24 terms with First Nations. There is no Inuit to
25 speak of really in Manitoba, they are such a small

1 populous here, several hundred. And beyond that,
2 there's a very small population. But for the
3 Metis, we're probably equal in numbers to the
4 First Nation. And yet Hydro, you would think
5 would look at Metis saying, after 1982, their
6 lawyers would say, wow, we have to stop and think,
7 we've got to change the way we do business here.
8 There's a new recognition in the constitution of
9 this country which is clarifying a matter that was
10 puzzling to us, and now we need to do things
11 differently. But nobody took heed to that.
12 Everybody just ignored it and just kept on going
13 ahead and thinking, well, when we get to that
14 problem we'll find a solution when we get there,
15 if we ever get there. We may never get there
16 because maybe there will be nobody to speak on the
17 Metis, and that's true. In the old days, there
18 was no one to speak on the Metis. Nobody was
19 there to defend us. Because I said, after 1885,
20 if you look at history, we disappear for about 50
21 years. So there was no voice really for the voice
22 of the Metis.

23 We did start having different groups
24 and organizations in the late '40s, early '50s,
25 and finally the incorporation in 1967. So we

1 started having a voice in the '50s and '60s. But
2 even then, if you look at the transition of what
3 Hydro does under the Northern Flood Agreement, we
4 are completely left out because that was done in,
5 what, 1977? The Constitution changed in 1982, or
6 revised to be more clear who the Aboriginal people
7 are and who are the rights-bearing people in this
8 country. But did anybody stop, put the brakes and
9 say, whoa, you know, the NFA says this but doesn't
10 say anything about the Metis. But the Metis are
11 now a rights-bearing people, we'd better start
12 doing our homework and figure out how do we handle
13 this affair? Because if not, it will come back
14 and haunt us. But nobody took heed. Again,
15 everybody just ignored it and just hope it will go
16 away. The problem that people don't understand is
17 we ain't going away. We're going to keep on
18 coming.

19 And when we sit down with Hydro today,
20 they seem to try to keep on going on an individual
21 mentality of negotiation. But, again,
22 Commissioners, rights are not derived from
23 individuals, rights are derived from collective.
24 And when they sit down with the chief and council,
25 they don't sit down with an individual band

1 member, they sit down with the chief, they sit
2 down with the elected council. That is the
3 represented voice of those people.

4 We have the same system,
5 commissioners, I don't know if you've been told
6 what our system looks like. But since the
7 inception of the Federation in 1967, we have
8 regions that are the voice of ensuring that the
9 community voices --

10 MR. MADDEN: President Chartrand, we
11 have the map up there for you.

12 MR. CHARTRAND: Oh, thank you. Okay.
13 In there, Commissioners, here's a good example.
14 We have seven regions, Thompson region, The Pas
15 region, Northwest region, Interlake region,
16 Southeast region, Winnipeg region, and the
17 Southwest. So in those regions, all seven
18 regions, we have offices and we have communities.
19 We have about 80 communities where our people live
20 in, in the Province of Manitoba. And in the
21 communities, we have electoral ballot boxes for
22 all elections.

23 In fact, as Commissioners, you may not
24 be aware, we're the only, in the Treaty Aboriginal
25 peoples in Canada, we are the only people elected

1 by democratic ballot box election for our leader,
2 no one else. It is all delegate systems. I, as
3 the president, got to run the entire -- I have to
4 campaign the entire province, and all the people
5 in the province have a right to choose me or not
6 choose me. So I don't run in a little riding
7 somewhere, get elected, then get chosen as the
8 premier, or get chosen as the prime minister or
9 get chosen as the grand chief. How I'm chosen is
10 by the people themselves, directly. And I have to
11 campaign province-wide. So it's really a
12 different creature of electoral systems.

13 But in the seven regions, I also have
14 a vice president and two officials elected as a
15 representative of that region to speak on the
16 voice of ensuring that voice is at the table at
17 the provincial level.

18 So those seven vice-presidents run in
19 all ridings, and so do those two officials elected
20 run in all ridings. And also a Metis woman is
21 elected province-wide, that has a seat over and
22 above. So there's 23 of us in cabinet. I, as the
23 president, of course, chair these cabinet
24 meetings, and it's like premier or prime minister
25 of the meeting, and I appoint my ministers in

1 charge of the files of what they are responsible
2 for. So that's the design of our government.

3 These communities, each of them have
4 locals. Every one of them has a local elected
5 official. And they also have to get elected.
6 There's by-laws and rules of how they run in the
7 riding. So when you go to the Community of Duck
8 Bay, for example, the government knows, and so
9 does Hydro, that there is a Metis local that
10 exists there, but they don't go talk to the Metis
11 local, they go talk to mayor and council. Because
12 they say there's a Metis on there, there is a
13 Metis elected in council, so we'll talk to that
14 person. That person doesn't represent me, doesn't
15 represent my government.

16 In fact, I'll talk a little bit about
17 the NFA, if you remind me, Jason -- sorry, the
18 Northern Affairs Act. And I will show you in the
19 Northern Affairs Act where that mayor and council
20 has no jurisdiction when it comes to rights-based
21 issues. In fact, they work for the Minister. The
22 Minister is the mayor of all mayors in the
23 Northern Affairs Act. If you read it, I'm putting
24 as part of my affidavit as a document, if you look
25 at it you will see that jurisdiction of mayor and

1 council has nothing to do with the rights of First
2 Nation, Metis or Inuit community.

3 They will talk about municipal matters
4 such as roads, garbage, you know, dogs if there's
5 a problem, taxes. That's their job. But they
6 report directly to the minister who, in fact, has
7 the power to remove them with the sweep of a pen.
8 No minister can do that to me, and no minister can
9 do that to any of our locals, because that's part
10 of democracy.

11 So it's important to recognize, very
12 important, there are two distinct bases. But
13 what -- how they try to avoid us is saying, well,
14 isn't that Metis a mayor? So if he's a Metis, so
15 why doesn't he speak? If that was the case, we
16 would have created that system back in the '60s
17 and '50s. We didn't create that system, the
18 government created that system in the Northern
19 Affairs community councils. So that's very clear.
20 They all know that, but they think they can dance
21 around that. And that's one of the big mistakes
22 that I think Hydro and others have made, is that
23 they forget that there's an elected and democratic
24 system of a real government that sits out there on
25 behalf of the Metis people. If they would do it

1 the first time, we wouldn't probably be sitting
2 here talking or debating any issues, we'd probably
3 be working together and moving ahead faster.

4 Hydro knows my position, I support the
5 development of Hydro, I support where it's going,
6 I support that economically we need to advance our
7 engines of Hydro. But at the same time, I am also
8 going to protect my people, I guarantee, with
9 everything I've got.

10 So understanding all of that,
11 Commissioners, it's unfortunate that the people
12 who know this map, who could look into our
13 website, look at it any time, see all the names of
14 all the communities, all the locals, you can see
15 them slotted in the side there from number one all
16 the way to maybe a hundred and something. Because
17 in Winnipeg, we have about 30 locals or a little
18 bit more, so Winnipeg got a bunch of locals. So,
19 otherwise, you can only have one local per
20 community. So that's how our democracy system
21 works, only one local, so you don't have a bunch
22 of different organizations running in a small
23 community, only one local.

24 All those locals congregate together,
25 we bring them in. In fact, we have a very rigid

1 government system. I have to report to them
2 annually at the region, and so does the
3 vice-president and elected officials. But also at
4 the end of the year, they all come in from all
5 across the province and I have to report to them
6 again at our annual assembly. In fact, we have
7 probably the largest assembly in Canada, we have
8 at times over 3,000 people at our assembly. So
9 that's 3,000 Metis citizens coming together from
10 all across the province to give guidance to their
11 government, to give direction to our government,
12 and to set the priorities of what's important to
13 them as a people.

14 So those are the elected officials who
15 come to voice their opinions on behalf of our --
16 and every Metis has a right to any of our
17 gatherings, not only elected officials, any Metis
18 can come to our gathering and speak at the
19 microphone. And so can a non-Metis if they are
20 married to a Metis. That's the power, that's how
21 far our democracy goes. Their children are Metis,
22 they have the right to be Metis if they want to
23 be, so their democracy is never taken from them
24 also.

25 So we have a very well thought out

1 system that was guided by our elders some time
2 ago, but that is already set in place for them.
3 It's right there. They don't have to look for
4 nothing, they have to search for nothing, or
5 create anything. It's sitting there for any
6 government or Hydro to come and find. It's right
7 there in front of them. But for some reason, they
8 are thinking, easiest, cheapest, let's go to
9 mayors and councils, because we'll build them a
10 hockey arena and maybe get away with it. But
11 that's not what's going to work with the Metis, I
12 will make it very clear.

13 I made it very clear to Hydro. You
14 have taken this opportunity to ignore that we
15 exist as a people with our rights. You have
16 ignored us in a lot of your settlements with First
17 Nations. You have ignored us on the development
18 of how we can move ahead. When we should be
19 sitting together at a table, you have just heard
20 my comments a few minutes ago, I support the
21 development of Hydro, I truly do. The challenges,
22 I'm not going to do it at the sacrifice of my
23 people, and that is what I will make it very
24 clear, it's not happening, my people sacrifice too
25 much.

1 So as we move forward on the
2 development of Bipole III, you know, I look at the
3 transition of where we're going. And when they
4 came to the west, I knew they were going to hit a
5 bigger Metis populous when they came to the west
6 versus the east. In the east side corridor here,
7 we have less of a Metis population here. You can
8 see the dots yourself, Mr. Chair and
9 Commissioners. But look at the west, that's where
10 we have a big Metis population.

11 If I was somebody in Hydro, I think it
12 would scare the hell out of me, holy man, I better
13 talk to this guy, there's quite a bit of them on
14 the east side. But instead, it's attempted to try
15 to say, well, if we talk to them it might delay
16 us. I don't know. I don't know what the strategy
17 is in Hydro. I would love to know that and one
18 day maybe they will us.

19 The past president and I were very
20 good friends, we had our debates and we were still
21 friends. But we spoke about many issues. And one
22 of the things is I think the past president was
23 finally finding in his mind that we are a
24 different group of people he has to deal with.
25 And because off the start, Bob Brennan, my friend,

1 was vigorous against sitting down at the table
2 with us. But after that, he and I picked up the
3 phone on a regular basis and talked, so we became
4 friends. So it was quite obvious that he was
5 starting to understand that he had no choice but
6 to sit down with the Metis people. And it was
7 vital for that.

8 And I'm going to give you a quick
9 example of how things can work. Wuskwatim, for
10 example, they didn't consult with us in Wuskwatim,
11 they left us out again. So I told in fact the
12 president of Hydro that, you know, if you're going
13 to do that, then I have no choice but to take you
14 to court. I don't want to go to court. But if I
15 take you to court, I can drag you on for a long
16 time. None of us is going to win, or both of us
17 are going to fail, or somebody is going to get
18 hurt, maybe both of us are going to get hurt, but
19 we are going to go to court. You're not going to
20 abuse my people, you're not going to do that
21 anymore.

22 So bob did the right thing. He said
23 well let's sit down and negotiate, what can we do?
24 Because everything was given to First Nations
25 already, ownership of the dam, all the jobs were

1 given to them, there was nothing left for me. So
2 I said, and openly state here, I said to Bob, well
3 then I'll tell what you do, this is how we can
4 negotiate. I support the development of Hydro, I
5 support the dam of Wuskwatim. I said, but I want
6 to make sure environmentally my people aren't
7 being affected, there's not going to be too much
8 damage. That I want you to prove to me,
9 guaranteed that that will be the number one issue
10 for me.

11 The second piece is that you are
12 definitely going to take some economic engine away
13 from us, there is not a question about it. You
14 know it, I know it.

15 So the third piece to it, how would
16 you help me compensate that? I said, well, I'll
17 tell what, you give me 100 jobs, and we can sit
18 down and work on that process. He said, okay,
19 I'll give you 100 jobs on Wuskwatim. I said, no,
20 no, no, I don't want 100 jobs on Wuskwatim. I
21 said I'll get my own jobs there, I got my own
22 dollars, I'll train my own people, and I'll get my
23 own jobs there, I'll knock on the door and go get
24 jobs over there. I want 100 jobs in your company.
25 I said, if you want to believe in partnership,

1 let's start that way.

2 So we did, we negotiated 100 jobs in
3 Manitoba Hydro. To date, I think we filled over
4 56 of them, we still got 44 to go. But from
5 engineers, to front lines, to Hydro pole workers,
6 et cetera. So there is ways, if they want to sit
7 down and negotiate, it's definitely there, but
8 it's going to take leadership to do that. It is
9 going to take leadership to understand that you
10 cannot just get away with it anymore. The days of
11 trying to avoid that we exist as a people are
12 over. I think that's going to be the key
13 fundamental issue that they will face.

14 No different than the harvesting
15 agreement. When they sit down -- you see, Hydro,
16 here is Hydro's problem, and I'll tell you their
17 problem right now. And I look forward to the
18 questions from their lawyer, wherever their lawyer
19 is here. I'll tell you what Hydro's problem is,
20 and we had this discussion with them. They look
21 at matters from a village, a dot on a map, that's
22 how they look at it, village by village by
23 village. They do not look at it as a collective.
24 What I told Hydro, what I told past president
25 Brennan, I told some of my colleagues at Hydro, my

1 friends, and my sometimes accomplices I fight
2 with, but the issue is this. I said we're not
3 like Indians, we are not like First Nations, we're
4 not governed like them, we are not structured like
5 them, and we don't have a land base like them, but
6 it doesn't mean we don't have rights. Understand
7 that black and white. I said our rights exist no
8 matter how -- just because you don't have a land
9 base doesn't mean you don't have rights. The
10 Supreme Court has ruled on this issue already. So
11 I said, let's not try to play like we don't
12 understand each other here. But understand
13 something, you've got to change the way you do
14 business. You cannot treat us like you're dealing
15 directly with a First Nations village, a reserve,
16 because we're not reserves. But for them, they
17 cannot seem to break out of that box they are in.
18 That's how their mind is set, that's how their
19 machine is set, and that's how they know how to
20 do. They are not going to put the brakes and say,
21 whoa, we've got to change the way we do practice,
22 the Metis are a different people, they are a
23 different structure, they are a different process,
24 but they are still same rights.

25 I'll show you my affidavit, Mr. Chair,

1 maybe turn to it just or a second, if you look at
2 the Supreme Court ruling on Powley.

3 MR. MADDEN: It's under tab 11.

4 MR. CHARTRAND: I think it's in my
5 affidavit also, Jason.

6 MR. MADDEN: The affidavit it's at,
7 you quote the Powley case at paragraph 16, page 5.

8 MR. CHARTRAND: Paragraph 16? That's
9 not the one I'm looking for. I am looking for the
10 definition -- right here, number 17, page 6.

11 In the Powley case, the Supreme Court
12 rule also recognized the following, the court
13 decision. "Metis are distinct Aboriginal people
14 whose rights flow from their distinct identity,
15 not their Indian forbearers."

16 Very important for us. Because people
17 think you have less rights because you're not all
18 Indian. That has nothing to do with where our
19 rights come from. We are a nation, a distinct
20 nation, and it's recognized in the Constitution of
21 this country, and recognized now in the Supreme
22 Court of Canada. It is not based on our Indian
23 forbearers. Metis rights are collectively held by
24 Metis communities, collective, not individuals.
25 Very important. It's very clear. This is what

1 the highest court of our land is telling us this.
2 Our rights are based on a collectivity, not
3 individuals.

4 Do you think that would get their
5 lawyer some information at the Hydro to say, okay,
6 it's different, there's no hierarchy. But it is
7 not different because they treat Indians in a
8 collective way through chiefs and council. There
9 is no hierarchy -- this is the important part --
10 there is no hierarchy of rights between Indians
11 and with the Metis. So our rights are no lesser
12 than Indians and no lesser than Inuit, and maybe
13 even greater. Because we are actually taking a
14 commercial right case, we're building it right
15 now, we're getting ready to file that very soon
16 nationally.

17 So you start reading the rest of it,
18 it sets the parameters, similar to Aboriginal,
19 Metis rights flow from their historic and special
20 relation to the land -- to the land. So it tells
21 you something, to the land, our rights are
22 established directly to that land, because we use
23 that land, we use it through our entire existence
24 and we use it today.

25 Metis rights users must self-identify

1 as Metis, be ancestrally connected to the historic
2 rights bearing community, and be accepted by the
3 contemporary Metis community that is a
4 continuation of the historic community, which is
5 in fact in the Goodon case, which you will find in
6 my affidavit later as evidence, the Goodon case,
7 the court ruled that because the MMF represents
8 the community, we accept you and recognize you
9 into our community. So that is how you are
10 accepted, that's how you get a harvester card,
11 that is how you get a membership card and all
12 these other things that come with it. So those
13 are very, very important to reflect on.

14 So the Supreme Court, the highest
15 court of our land which is supposed to set the law
16 and set the parameters of what the law means in
17 this country has already ruled on this issue.
18 This is already done. When we thought in Powley,
19 Mr. Commissioner, it is over again, it's over,
20 like we did in 1982, it's over, we don't have to
21 worry no more.

22 (Technical difficulties)

23 THE CHAIRMAN: Okay. We are good to
24 go. So back to you, President Chartrand.

25 MR. CHARTRAND: Thank you, Mr. Chair.

1 I'm just talking to myself here thinking I'm not
2 going to be told after that guy is pretty
3 loquacious and doesn't seem to know when to stop.
4 I will try to do my best to keeping it short.

5 THE CHAIRMAN: I would never say that.

6 MR. CHARTRAND: Thank you very much,
7 Mr. Commissioner.

8 But going back to the reference to the
9 point I was making, you turn to number 18 on page
10 6, the Goodon case itself. You see, what the
11 judge stated on Goodon Harvest -- let's understand
12 after Powley, we thought it was all over, now we
13 have the right to harvest. And it did happen in
14 some places in Alberta and Saskatchewan.
15 Saskatchewan, for example, won every case all the
16 way to the south and there's only one last one
17 being appealed. And then we thought, okay,
18 Manitoba, it's all over now, the rights are very
19 clear. But everybody kept on going back to that
20 dot, going back. In fact, the Province of
21 Manitoba first offered me to negotiate on the
22 harvesting, I could hunt in a little tiny radius
23 around the dot. That's no, no, no, that's not how
24 rights are for our people and we're never going to
25 give up definitely our right, but they still push

1 that mentality that that's the proper way that
2 they recognize our rights of being a dot in a
3 little tiny radius surrounding it. So we take the
4 position, point well said, that we should
5 negotiate this process, but instead they kept on
6 charging our citizens and treating them like
7 criminals.

8 I made it very clear to the
9 government, we are not breaking the law, you are,
10 you are breaking the law of the constitution of
11 this country, and you are breaking the law of the
12 Supreme Court ruling that came down on Powley. So
13 we had to prove ourselves again, back to court on
14 the same issue of harvesting. We went into the
15 harvest with Goodon out in Brandon, and the judge
16 made it very clear, again there was no dot here.

17 The Metis community of Western Canada
18 was its own distinctive identity. As the Metis of
19 this region were -- but before I say that, I want
20 a preamble to that. The evidence that the judge
21 looked at was only evidence of the historic
22 gathering that we provided to them, which is
23 showing the significant transportation route, and
24 the Goodon family, and the rest of that family
25 clans, and how to use that particular area of the

1 map. So there's only basically, we showed the
2 historic segment but we didn't show the entire
3 Province of Manitoba. It would cost us millions
4 to put the historic case of evidence before us.
5 This case cost us half a million dollars, and we
6 used the evidence that we are mobile people and we
7 did not have just a little dot in the village.

8 So when the judge ruled, he looked at
9 the evidence before him and he made it very clear,
10 the Metis community of Western Canada has its own
11 distinctive identity, as the Metis of this region
12 were a creature of the fur trade and as they were
13 compelled to be mobile in order to maintain their
14 collective livelihood, the Metis community was
15 more extensive then. For instance, the Metis
16 community described at Sault Ste. Marie in Powley,
17 the Metis created a larger interrelated community
18 that included numerous settlements located in
19 present day Southwestern Manitoba, and that's the
20 evidence that we provided for him, into
21 Saskatchewan, including the northern midwest
22 United States. And that's where the historic --
23 historians got the evidence together and showed
24 our collective use of that area.

25 The Metis community today in Manitoba

1 is a well-organized and vibrant community.
2 Evidence was presented at the governing body of
3 the Metis people of Manitoba that the Manitoba
4 Metis Federation has a membership of approximately
5 40,000, most of which resides in Southwestern
6 Manitoba.

7 So you start looking at the decisions
8 coming down from the courts, everybody is talking
9 about this collectivity, this community. They are
10 not talking about a little dot in the village.
11 But my point goes back to reflection, that's where
12 Hydro is in a box. Because the way they do
13 negotiations is by dot, by dot, by dot, by dot.
14 And we keep on saying to them, that's not how
15 we're structured. Understand us, please.

16 So we're still hoping that one day it
17 will come to terms that they will recognize that
18 we are not a dot and that we do have a vibrant
19 community. In fact, when the province first tried
20 the dot, that failed and we went to court. So
21 since then, we have gone through three different
22 Ministers of Natural Resources, and last one is
23 Macintosh. And in this map, you'll see the pink
24 area, but in the other one you'll see the pink and
25 white. And the reason why I have that little map,

1 I'll explain that really quickly. The map we came
2 to terms with is that our position is our Metis
3 have harvesting all the way to Churchill. Without
4 question, we can prove it. If we have to go to
5 court, let's go to court. I have no problem doing
6 that. It hurts me financially, but if I have to,
7 I will. And the issue at the end of the day is we
8 know our rights exist there.

9 So the government had hired historians
10 internally, I know that for a fact because they
11 used it as evidence in Saskatchewan. They must
12 have done some geographic look at this already,
13 and they gave up this very quickly and said, okay,
14 we know that that's not even a debate anymore.
15 Those rights of the Metis, all within that pink
16 area, that the Metis have the right to harvest in
17 that pink area without challenging.

18 And outside the white, as the province
19 said, okay, this area here, there's some issues of
20 difficulty first. Not that we're saying you don't
21 have the right, but we do know, for example, that
22 like 21 or 21A, Peguis is in that area, reserve,
23 and we didn't do consult, duty to consult with
24 them yet regarding the sharing, cross sharing of
25 traditional lands. We know that it is Metis land

1 also, not just First Nation land. We know we both
2 exist and we both have rights of that land and use
3 of that land.

4 And our rights, as I said in the
5 Powley, our rights hierarchy is no lesser than
6 First Nations. So traditional use of that land is
7 also equal to traditional use of First Nations not
8 saying that's their land, we don't have the right
9 to harvest.

10 So the government introduced that they
11 want to do some duty to consult with the OCN,
12 Peguis. So I said, okay, let's work with that. I
13 have no problem sitting down with the chiefs and
14 figuring out how we work together. Because at the
15 end of the day, most of us are hopefully planning
16 the future of conservation as a joint effort.
17 Because if we don't, there will be nothing to win
18 if there's nothing left.

19 So beyond that up to Churchill, the
20 government is actually putting in and paying for a
21 historical review of it. So they are going to pay
22 for it, which it doesn't cost me anything. And
23 we'll do a two-year research history of using, and
24 showing the traditional use of this land. Once
25 that's done in two years, you'll see most of this

1 province will be all in pink, where the Metis
2 traditionally have, without question, the right to
3 harvest, that that is a proven fact and that will
4 no longer be debated by a court, but negotiated
5 between governments, ourselves and the provincial
6 government.

7 What is essential also, even in the
8 interim, Metis will be allowed to harvest in the
9 white area, and they'll get a free provincial
10 licence. They'll pay for it and they will
11 reimburse us and I'll give it back to them. It
12 will cost them nothing. So we don't want to
13 infringe upon their rights while we are doing this
14 research.

15 So that has been recognized. And I
16 compliment the government on that, that there is a
17 way. If there is an example, we can sit down and
18 negotiate, and that's the best way of doing it.

19 What's interesting, and one of the
20 premise that people need to understand, as I told
21 the Premier point blank, you're not giving me
22 anything, I'm giving you something. Because I
23 brought together the laws of our hunt, but made it
24 very clear under the Constitution of Canada and
25 under the law of this land, I have -- I do not

1 need a provincial licence to harvest like First
2 Nations. But I believe at the end of the day
3 Conservation is fundamental. I believe it needs
4 to be intact, it needs to be the primary. And our
5 goal for us is that, in fact, if you look at the
6 Metis laws of the hunt, which is essential, which
7 is one of our great victories -- I see some people
8 yawning here, I hope I don't put you all to sleep.

9 Anyways, the issue here is this: Our
10 Metis laws will prevail in all the areas. When
11 our natural resource officers go out there and
12 say, Jason Madden, you're harvesting? And he
13 says, well, I'm a Metis harvester. They will say,
14 please show me your harvester card, which he will.
15 It's done by a security company. It has all kinds
16 of protections on it like a Visa. And there's bar
17 codes on it that tells who he is, et cetera. Once
18 that's done, then the Conservation officer will
19 pull out the law, the Metis law, not the
20 provincial law, and will abide with the laws that
21 our elders have put together, when they can hunt,
22 how much they can take, what seasons they are
23 allowed to hunt, et cetera, et cetera.

24 In fact, our laws are more vigorous
25 than the provincial laws of Manitoba. We can take

1 less through our law than we can through
2 provincial licence. If I had the money to buy all
3 those licences from muzzle loaders, to bow and
4 arrow to, I don't know, a thing called bow, I
5 don't know, bow hunting, and then rifles, I can
6 kill more big game than I can through the Metis
7 laws. Because ours is so conservation minded,
8 because we need to protect the land, the animals,
9 and the future. Because our elders always told
10 us, if we do not protect what we have now, and you
11 think you won a victory, what did you win 20 years
12 or 30 years from now when there's nothing left?
13 You won nothing. So it's true. Our laws are --
14 in fact, when our laws were established by our
15 elders, we had 60 elders from across the province
16 put them together. They know each other's name
17 but they don't know each other, but they met in
18 groups and they came together with the laws. And
19 they made it very clear, which I am very proud of
20 them, the number one issue that was important was
21 conservation, the second was rights. I thought it
22 would be rights, then conservation. It was the
23 other way around. Conservation first, rights
24 second. And so that's why our laws are so
25 stringent and so tough, that we have to protect

1 the rest for the future, the next generations to
2 come.

3 So we put the laws, we negotiate all
4 these things.

5 MR. MADDEN: President Chartrand, I
6 just have two questions. One is, are there
7 distinct communities in this area or is it one
8 community?

9 MR. CHARTRAND: It's one community.
10 It's under the Metis law of the Province. There's
11 only one Metis community in Manitoba, it's the
12 Metis community of Manitoba. So that's what I
13 happen to have the luxury and authority to govern
14 on their behalf. So there is only one community.
15 There's villages all over inside there, our people
16 scattered in different places they live in, but
17 there is only one Metis community.

18 MR. MADDEN: So the province
19 acknowledges that in this area, there's
20 collectively-held Metis rights?

21 MR. CHARTRAND: Yes, for sure,
22 guaranteed, or else they would never have done
23 this. They would have kept that 25-mile radius
24 negotiation. And there is no way we'd ever go
25 down that path. And no rightful leader in the

1 Metis community would ever do that because you'd
2 be slowing down your own people's rights. But at
3 the end of the day, that's what it is.

4 But here's the challenge for a lot of
5 these issues that we see with Hydro, is that they
6 don't recognize this, they don't see this as a
7 collectivity of a right of people. They go back
8 to the dot. They'll go back and say, well, this
9 is how we'll deal with First Nations, this is how
10 we deal with Chief and Council. But you don't
11 have Chief and Council, you have local executive
12 chairs and executive members of your locals, but I
13 don't recognize them. But I seem to recognize a
14 mayor and council, that's who I'll talk to. For
15 some reason, they are just stuck with that.
16 Whether it's saving money in their mind, I don't
17 know. I don't know their strategy behind closed
18 doors. I don't know what they have, what their
19 lawyers advised them on. But clearly at the end
20 of the day, some of you don't seem to take heed
21 even when the provincial government recognize
22 there is a collective right here that exists.
23 It's not a village right and it is not an
24 individual right.

25 MR. MADDEN: President Chartrand, in

1 the blue square, can you explain what that area is
2 on the map?

3 MR. CHARTRAND: Where do you see blue?

4 MR. MADDEN: The blue square.

5 MR. CHARTRAND: Oh, thank you. The
6 postage stamp is exactly, that's what Louis Riel
7 and the first Premier of Manitoba and his cabinet
8 were able to negotiate as bringing to
9 confederation, the postage stamp of Manitoba.
10 Outside of that, script was given to the Metis
11 people. Inside there, land grants were given to
12 the Metis people. There's two different parts of
13 land transfers and negotiations with Canada. One
14 is land grants and the other one is script.
15 There's two pieces of lands. But it doesn't mean
16 that one's rights are lesser outside the box as
17 they are over the box. Control is different,
18 1870, and outside it's later, because that was
19 already recognized as part of Confederation, part
20 of the country of Canada. And the rest yet was
21 still under territory, and that's why a script was
22 given outside that square.

23 When they did a count of the Metis, in
24 fact, negotiation of Metis land claims is changed.
25 It was 1.2 million. They found out the census was

1 wrong, so they went 1.4 million, so they were
2 different numbers. In fact, that case will be
3 coming down very, very soon I hope, based on the
4 Supreme Court of Canada. And it has taken us 30
5 something years to get there. But at the end of
6 the day, we know that we feel very, very good
7 about it.

8 MR. MADDEN: So the blue area is the
9 area that the lands under the Manitoba Act were
10 promised to Metis?

11 MR. CHARTRAND: Yes, in that blue.
12 And outside there, script was given for land
13 grants also, outside that blue box.

14 MR. MADDEN: Can you maybe go to the
15 next slide and we'll go up to the north?

16 So this is the remainder. Up in the
17 north, there is people, this is the area that's
18 subject to research right now?

19 MR. CHARTRAND: Okay.

20 MR. MADDEN: Is it?

21 MR. CHARTRAND: Yes. All that will be
22 under research with the Provincial Government for
23 the next two years.

24 MR. MADDEN: My friend, Mr. Bedford,
25 asked yesterday about, while there's not big

1 numbers in Gillam and part of the traditional
2 knowledge study didn't include individuals from
3 Gillam, is there a Metis population in this area?

4 MR. CHARTRAND: Oh definitely. In
5 fact, what's interesting, if somebody takes that
6 kind of statement, if you're saying that as a
7 minority, you should have lesser rights, that's
8 ridiculous. Whatever small population -- I fight
9 that internally with my own government, because
10 most of the Metis people live in central and
11 south, but we still live in the north all the way
12 to Churchill. We have a very vibrant local in
13 Churchill. And I always argue that whether you
14 live in Winnipeg where the highest Metis
15 population live, or you live in Churchill, your
16 rights aren't lesser wherever you live. Your
17 rights are equal as the ones in the south as they
18 are in the north. And it's very important,
19 because you are a smaller populous that you may
20 not change the electoral leadership, you still
21 have the same rights. You shouldn't be treated
22 any lesser or any different. Maybe that's why I
23 get elected five consecutive times. People
24 believe in my philosophy because it's real.
25 Anybody who treats it differently, I call that

1 discrimination. Because at the end of the day,
2 our rights do prevail, whether we are at Gillam,
3 like a population of probably a couple hundred or
4 close to that, those people have rights and they
5 are no lesser. They have the harvesting rights.
6 And as you'll see in two years from now, that will
7 be all in pink by the time we are finished with
8 it.

9 MR. MADDEN: The Chairman asked
10 yesterday about the ability of -- so how would
11 hydro -- so, you know, people are moving, Metis
12 are mobile, people are moving. How does Hydro
13 know? How does Hydro know about the guy in
14 Winnipeg informing him what's happening in the
15 northwest side? How are they able to communicate
16 with Metis people?

17 MR. CHARTRAND: I don't know how many
18 times I've gone to knock on Hydro's door and say,
19 hi, I'm here, I'm the president, I represent these
20 people, and definitely I know where they are, I
21 know where they live, they are reported in our
22 diary. We have over 52,000 registered members in
23 our database today, that's adults 18 and over, we
24 don't collect children's name. We are figuring
25 out how to do children right now, but this is

1 costing us, commissioners, a mint. It is costing
2 us a lot of money. That's why it's so difficult
3 to do a process. But we have 52,000 voters on our
4 database right now.

5 MR. MADDEN: So the MMF could
6 communicate with its members wherever they live?

7 MR. CHARTRAND: That's why, if you
8 looked at the map, I showed you earlier about how
9 our regions are structured. That's the purpose
10 why -- the wisdom was there with our elders in
11 guiding us years ago to political leadership of
12 the past, how to devise the regional base process
13 so the regions can be a collective voice for the
14 people.

15 In fact, Commissioners, I was very
16 proud of my people when they passed what's called
17 resolution 8 at our assembly. As you know, as I
18 said, 3,000 people show up at our assembly, that's
19 a large Metis population to show up in one place.
20 And I tell you, to get 3,000 people to
21 collectively agree on something unanimously is not
22 an easy task. And they all agreed on resolution
23 8, that no individual local, even though they are
24 elected, will have the right to negotiate
25 independently without the collective. And the

1 reason they say that, the reason they did that
2 is -- I'll give you an example of Grand Rapids,
3 okay. Grand Rapids, when Hydro is negotiating
4 with them, they put the local inside with
5 trappers, they put it with fishermen, they put
6 them with the mayor and council, they just try to
7 accommodate everybody to one group. And then
8 there was a massive fight. We were actually going
9 to take Hydro to court some time ago on that
10 issue. And we were doing our research in work.
11 And what happened is that the local itself went in
12 and made a backroom deal with Hydro and
13 negotiated, I think it was 50,000 they got given
14 for some kind of resource. Money disappeared,
15 nobody ever saw it again, it never was accounted
16 for properly within the framework of the Metis
17 people. And so what people forgot, because a lot
18 of people that were affected by the 1960's dam no
19 longer lived in Grand Rapids, they lived in
20 Winnipeg, they lived Dauphin, they lived somewhere
21 else. Their rights were still being negotiated on
22 without their benefit of being introduced or being
23 part of it.

24 It is no different than the Chief and
25 Council. When they sit down with Chief and

1 Council, what do Chief and Council do with the
2 band, the reserve? They go and ensure that the
3 citizens of Winnipeg are part of electoral ballot
4 system. They have no choice by the Federal
5 electoral rules now. What they also do is make
6 sure they consult with these other people that do
7 not live on reserve.

8 The same goes for us. That's why
9 resolution 8 was very fundamental to our people
10 that one local can't sell down the people's
11 rights. Because that has an impact on all of us
12 as a collectivity. So resolution 8 was
13 unanimously passed by 3,000 people -- 3,000 people
14 unanimously approved it and said we all agreed.
15 All of our elected officials province-wide agreed
16 that is the way we will follow ourselves.

17 Plus, what we saw is that when Hydro
18 was negotiating with the Grand Rapids local, for
19 example, here they walk in with their lawyers,
20 their consultants, their experts, and here comes
21 the local chair who doesn't tell us that they have
22 to have a Ph.D. or a doctorate or a legal degree
23 or anything of that nature to sit down equally at
24 the table across, and understand what it is they
25 are putting their penmanship to. It's

1 unbelievable. You cannot sit in that kind of
2 climate and be hoodwinked to believe. This is not
3 the days when you pass a few coloured beads and a
4 few other things and get away with it. This is
5 different now. You are going to sit down between
6 equal process. And one of the things that our
7 agreement in resolution 8 is, the Metis government
8 will provide the legal expertise, professional
9 expertise to sit down equally across the table,
10 amongst peers, to negotiate the settlement, so
11 everybody understands exactly what's being
12 negotiated.

13 Like I understand, I seen something, I
14 was skimming through this thing, I seen the
15 trappers' individual trappers' settlement. Now,
16 you tell me --

17 MR. MADDEN: That's under tab 33.

18 MR. CHARTRAND: Not in my affidavit.

19 MR. MADDEN: In your affidavit --
20 sorry, in the materials.

21 MR. CHARTRAND: I do my reading,
22 Mr. Madden.

23 Tab 33. Now, all you Commissioners,
24 if you don't mind turning to tab 33? I think
25 we're somewhat well-educated in this room. But

1 you read that yourself, please, and ask yourself
2 after -- you don't have to read it now -- and
3 imagine in a grade eight, grade seven, and
4 understand that. And that's what they're asking a
5 trapper. The problem is some of them never even
6 went to school, and they are asking him to sign
7 it, put your name on this. You know, they are
8 even asking to say, if you let somebody else use
9 your trapline, whether it is a family member or
10 not, you're guaranteeing me that the person can't
11 sue me. Wow. You know, the complexity of a legal
12 system, how complex it is and how the law works,
13 and this is what they are throwing before a
14 trapper? This is what scares the hell out of our
15 community is when they're being -- sorry, about
16 the word hell, I shouldn't use that, right?

17 THE CHAIRMAN: I don't care about
18 that.

19 MR. CHARTRAND: Okay.

20 THE CHAIRMAN: Do you know, when these
21 individuals are being asked to sign this, are they
22 being notified that they might want to get
23 independent legal advice?

24 MR. CHARTRAND: I am not sure if they
25 even try that or they do that. But the point at

1 the end of the day, where do you think -- they
2 have to come running to us, that's where I got it
3 from, in fact, the trapper was scared. Like what
4 does this mean? Explain this to me.

5 Well, Mr. Chairman, I worked in
6 justice for 10 years and I have some knowledge of
7 law. But even me, I have to read it a very
8 carefully a few times over and over, and then try
9 to get a legal opinion on it to make sure I
10 understood exactly every word, what it meant.

11 So that was the whole premise of what
12 I think has caused a lot of our people to say that
13 resolution 8 is fundamental. It is important for
14 our locals, our infrastructure, that we need to
15 make sure that when we're sitting at a table, it's
16 an equal state. That's why consultations are so
17 essential.

18 When Hydro was going out doing
19 consultations, for example -- I'll use a different
20 example, even a better one. I know Hydro did some
21 consultations on some First Nations and that. But
22 when Victory Nickel was actually going out and
23 doing consultations, we have a battle with Victory
24 Nickel right now, but Victory Nickel was actually
25 going out, we sat down, I sat down with Victory

1 Nickle when they first introduced themselves to
2 come into Manitoba. We sat down at the table and
3 we talked about how we can work together. You
4 know, I swear I do believe in economic development
5 in this province. That's the spirit of the Metis,
6 we're very entrepreneurial people. And I do
7 believe we need to develop mining, in fact I think
8 we need to develop more mining, but Hydro also.
9 But when Victory Nickel sat down with us, it was
10 to sit down and start a partnership.

11 Somewhere along the line, somebody
12 guided them they don't have to sit down and talk
13 with us anymore. I don't know where that came
14 from, but I will find out eventually if we go to
15 court. We might be going to court with them. I
16 hate the thought of that because it's costing me
17 so much money. But at the end of the day, the
18 rights of our people will not be denied.

19 Now, Victory Nickel, what they did is
20 they actually sent somebody quickly to the
21 province inclusive, they wanted to pass this
22 licence to Victory Nickel. And they sent them to
23 Grand Rapids. And the people were -- I'm talking
24 11th hour here, sir -- at the 11th hour, they
25 decided, okay, we'd better include the Metis in

1 here, we left them out. So they sent a quick
2 panel. And we said, well, no, we need to
3 establish clarity around this area.

4 So what they did is they went around
5 me. They went to the vice-president and said I
6 agreed to this thing. I did not agree to it.
7 Because they know I would never agree to it
8 because I wanted to get clarity of what this
9 consultation is entirely encompassing.

10 So they went around, and my
11 vice-president connected all the locals to come
12 together, and they did. So they asked a bunch of
13 questions, and some very good questions about the
14 environment and the future, how it affects them,
15 et cetera. They never got an answer because it's
16 done in the 11th hour. They also didn't even do
17 Thompson yet. They were supposed to do the Metis
18 in Thompson. The Minister personally admitted
19 that they failed on the consultations of the Metis
20 people. But he said, I'm going to give them a
21 licence, because already we have to move ahead,
22 but I'll guarantee you something, Chartrand. I'll
23 guarantee you that I'll put a component built in
24 there that protects you.

25 MR. MADDEN: And maybe we can go to

1 tab 45, and actually look at the licence. It's
2 tab 45, it's page 12 of 24.

3 MR. CHARTRAND: Yeah. And I think the
4 segment that they used to protect me, protect my
5 people is in --

6 MR. MADDEN: It's number 48, the
7 licence condition.

8 MR. CHARTRAND: Yeah. This is what
9 the Minister put in place for me that this will
10 protect me.

11 "The licensee shall consider results
12 of future Aboriginal consultation.
13 The licensee will do the best of its
14 ability to promote meaningful
15 participation in the community of
16 interest in environmental monitoring
17 and evaluation of measures that
18 prevent or mitigate any potential
19 adverse environmental effect of the
20 project. The licensee shall, where
21 necessary, revise environmental
22 programs to reflect input from Crown
23 Aboriginal consultation."

24 And it goes on and on. But what it doesn't do is
25 assure us that it's going to happen. So Victory

1 Nickel takes that. What does it do with it?
2 Nothing. I haven't seen Victory Nickel since
3 then. But look at the letters.

4 After that I got very concerned,
5 because this is very concerning to me that they
6 have gone ahead and did this. And while doing it,
7 I am seeing that it's weak. It has no conditions
8 placed on it, no guarantees. I can't just use
9 trust anymore, those days are gone.

10 So I put a letter to Chomiak on
11 August 23rd. I'm writing today, there are some
12 concerns about the consultation efforts. Where is
13 it? It's not happening. Okay. So, I'll write to
14 him. He writes back to me, okay, Manitoba
15 Innovation, with the assistance of Aboriginal
16 consultation unit, which they created at the
17 province, we're going to sit down and we will go
18 ahead with this process and make sure the
19 consultation process provided an opportunity for
20 MMF to advise the Crown representative. That was
21 it. Nothing happened. John Fox was supposed to
22 lead that. That was August, and this is
23 September 1st, '11

24 MR. MADDEN: What tabs are you
25 referring to?

1 MR. CHARTRAND: Sorry, I'm tab 47 --
2 sorry, 46, August 23rd letter -- sorry, I should
3 have advised the Commissioners. And then you turn
4 to tab 47 is the letter from Chomiak, from Fox on
5 behalf of Chomiak, it's the Deputy Minister,
6 September 1st, promising. And then I write back
7 to him on September 2nd again, voicing my concern.
8 They write back to me September 19th saying, okay,
9 well, we're looking into this and we'll follow up.
10 I write back again to Chomiak on January 19th of
11 2012. And then we write again from a legal -- now
12 we send a lawyer to write a letter saying, look,
13 this is concerning us even more now. You're
14 sending me letters but nothing is happening. So,
15 now a new Minister is appointed, so I write to him
16 on June 7th, 2012, and express to him again my
17 issue. They write back to me June 27, '12, saying
18 they referred it to a different department.

19 So where is the guarantee they
20 promised me? There is nothing with teeth inside
21 this licensee guarantee that environmental review
22 will take place and consultations will happen, a
23 dialogue will happen. There is nothing
24 assuring -- if that was written there, then
25 Victory Nickel would have no choice, they would

1 have to sit down with us. But because of the
2 vagueness of it, they don't have to. Now they can
3 dance. And I'm tired of dancing. So that's the
4 issue of what's happening in there, and that's a
5 good example.

6 If there's any recommendation, I would
7 advise the Commissioners to give the Minister is
8 to make sure there's going to be teeth to any kind
9 of a recommendation that is going to come forward.
10 If there is going to be consultation, that there's
11 teeth assigned to it that they must consult with
12 the Aboriginal government, and sit down with the
13 Metis people and do the right thing, and express
14 that very loud and clear. I think then there will
15 be a magnitude of trust between two of us and we
16 can come to the table.

17 I have no doubt in my mind when Hydro
18 and us sit down, we will come to a resolve, we
19 will come to a solution, there is no doubt in my
20 mind. It depends how they want to do it. If they
21 want to do it through the courts, I hope not, but
22 if they do, then we'll see each other in the court
23 room, and I assure you that.

24 MR. MADDEN: Mr. Chartrand, can we go
25 back to the map with the harvesting areas?

1 MR. CHARTRAND: Sure.

2 MR. MADDEN: Legal counsel for
3 Manitoba Hydro asked yesterday, saying in this
4 pink area, can the Metis hunt on -- well, not on
5 First Nation lands because we understand that on
6 First Nation lands, as well as private lands in
7 this area, there needs to be permission. But
8 there was some indication about, well, what about
9 First Nation traditional territories that are
10 outside their reserve lands, can Metis hunt in
11 those areas that are First Nation traditional
12 territories?

13 MR. CHARTRAND: Well, I'd ask that
14 person who asked that question to do a little bit
15 of homework and research. That's Metis
16 traditional territory land also. That's not just
17 arbitrarily 100 percent owned by First Nations.
18 Reserve lands are owned by the Crown. The Federal
19 Crown of course owns the reserve lands and they
20 own all the assets on those bands. But there is
21 nothing really to hunt on the reserve, you've got
22 to go off reserve. First Nations got to go off
23 reserve.

24 So you start looking at the maps,
25 there is reserves all over this pink, okay.

1 That's not -- we can't harvest. I need permission
2 of a First Nation chief to hunt in those -- that's
3 our traditional lands also. But for the
4 Commissioner's sake, you see that circle there,
5 what's essential to us, if you look at the circle
6 most of the south, just a little chunk of the
7 south here, there's still some moose population,
8 and also on the east side over here. Because it's
9 forestry, the way it's designed. But most of the
10 other one is cities, towns, villages and
11 agricultural. So there is no moose in that area.
12 When you start going up, which some define as the
13 bread basket, that's where you have a high
14 populous of our wildlife and our medicinal, as I
15 said, from maple syrup to blueberries to medicinal
16 plants. They are still vibrant, strong in that
17 area. And it also still shuffles its way to the
18 north that way. But a lot of the other stuff that
19 we search for come from this particular location
20 in the map, and that's why we're so protective of
21 this area.

22 And in fact, one of the things I did,
23 Mr. Chair, along with the Commissioners, we
24 negotiated with the province, and I asked my
25 people to support it, that we will no longer hunt

1 in the mountains because of the change that's
2 happening regarding the extinction -- not
3 extinction, the depletion of moose in that
4 particular area. But understand something very
5 clearly. Even the Government of Manitoba can't
6 prevent us from harvesting there unless -- the
7 only time they have power that supercedes the
8 Constitution of the Federal Crown is when it
9 actually is extinction. But there is no
10 extinction of moose, it's just a depletion, it's
11 two separate issues. So we still could have
12 hunted there. But our position is, again, earlier
13 in my comments, what the hell are we doing if we
14 are doing that, destroying our own habitat for the
15 future? So we have a resolution by all of our
16 delegates from across the homeland that we will
17 not harvest in that area again this year.

18 Next year, the province has got to
19 prove to us over and over that there's still a
20 strong depletion of moose in that area. So they
21 are willing to take us on a plane -- the province
22 is partnering with us -- the Minister has told us,
23 let's go on the plane, you and I, and let's fly
24 over there. Let's find out how much moose
25 actually is in there. Let's do our counts. So

1 let's sit down and figure out how we can do this,
2 because we're working together on that. We are
3 also working together on the east side, on that
4 other zone. We will not harvest in that area for
5 some time, until the increase of the moose
6 population.

7 MR. MADDEN: So, just so I understand,
8 those closures are willing closures?

9 MR. CHARTRAND: Definitely, definitely
10 willing closures. I asked my people to pass a
11 resolution at the assembly to support the decision
12 of our government, that we will support the
13 provincial government in supporting that they will
14 not harvest in that area due to the depletion of
15 moose population.

16 MR. MADDEN: And so the idea that
17 Bipole III goes through that area, what did the
18 assembly think about that?

19 MR. CHARTRAND: Well, in fact, the
20 assembly unanimously, again, spoke against that.
21 And again, they are scared, they are worried, what
22 does it mean? What's going to happen? How is it
23 going to affect us? And these are important, very
24 important questions to these people. This is
25 something that has been part of their lives, part

1 of their culture, part of their heritage, in fact,
2 as the Metis of Manitoba. And what they are
3 seeing there is that Hydro, again in failing to
4 properly do consultations. And I'm sure if they
5 did the proper consultations, we wouldn't be, as I
6 said, sitting here fighting against Hydro,
7 debating against their present state. Clearly, if
8 they would have did the right thing, I think that
9 the people would have had a chance to see if it is
10 good or bad. Right now they don't know, they are
11 all guessing. They are all in the frame of fear.
12 They are worried, there's not a question about it.
13 This is the main bread basket left for us.

14 And one of the things that,
15 Commissioners, I was leading to, if you look at
16 the bottom pink, most of it is agricultural land.
17 And if you look at why this is something we will
18 defend vigorously, if you look across, most of the
19 other territory already has either been given to
20 conglomerates, Louisiana Pacific, Tolko. They
21 have been given large chunks of hectares of land
22 of cutting forest. You are not allowed to go in
23 there, they blocked the roads and everything. And
24 then the Treaty Land Entitlements, the First
25 Nation, of course, is something we supported,

1 letting the Federal Government negotiate an
2 extension of lands for First Nations. I could
3 have put an injunction on it. I didn't. I
4 supported it, because I believe that First Nations
5 should get rightfully what they deserve. So from
6 my perspective, that land is being expanded on
7 their behalf.

8 So we start looking, Mr. Chair, at the
9 map, most of the other things, this is only
10 probably the last little gold mine we have as a
11 people. The rest is given to mining companies.
12 And pretty soon, we won't have no land or anyplace
13 to harvest if we don't protect the last pieces of
14 what we have, and treasure it. So that's why this
15 particular piece of area is going to be protected
16 vigorously by my government.

17 MR. MADDEN: President Chartrand, just
18 to wrap up, can we go back up to the northern map?
19 And maybe you can talk a bit more -- you briefly
20 mentioned it, but talk a bit more about the
21 impacts of the Northern Flood Agreement on Metis.

22 MR. CHARTRAND: Well, the Northern
23 Flood Agreement, again, if you look at it, was
24 established in 1977. And at that time, there was
25 still a belief by both Manitoba and the proponents

1 of the partnership that Metis were not a
2 rights-bearing people. Well, that was their
3 position in 1977. But as I said, in 1982, you'd
4 think somebody will put the brakes and say, whoa,
5 we got to stop this. We got to think this over,
6 or we got to revisit this. Because we have been
7 referencing this loud and clear to the Government
8 of Manitoba. The NFA is actually hurtful to Metis
9 nation. It's discriminatory against us, firstly.
10 It leaves us completely out, even though we are
11 rights-bearing people and has an effect on our
12 traditional area of the lands that we use. And
13 there's no First Nation that can tell me that they
14 have -- all the traditional lands is all theirs in
15 the north and we have none. If that's the case
16 then, if it goes by population, then I should have
17 all the south and they should have the north, and
18 let's cut the map and divide this down the middle.
19 But that's not the case. In fact, we both share,
20 legally and constitutionally, the rights of
21 traditional land use of the Crown lands.

22 So our perspective is that, again, the
23 NFA needs to be revamped, it needs to be redone.
24 That would probably solve, Mr. Commissioner, a lot
25 of problems. If NFA was pulled back, and somebody

1 will say, well, read that -- because that's what's
2 guiding Hydro also. Hydro is using that as their
3 Bible per se. They are using that as their
4 mechanism of what gives them the process. And
5 then Hydro already have impact benefit agreements
6 that come out of those things. And so that gives
7 them the tool that they say gives them the mandate
8 to negotiate with who is in that NFA. We may be
9 referenced in a kind of grey area in there, but
10 not directly. So that's why I think maybe it's
11 misleading to Hydro themselves, where the
12 Government of Manitoba needs to revamp that very
13 quickly and do the right thing. And I think Hydro
14 needs to put the brakes on and say, we can't
15 negotiate with the First Nations, or I'm sorry,
16 the Metis as we do with First Nations, they are
17 different people, and different style and
18 different structure.

19 MR. MADDEN: Lastly, can we go to the
20 last slide? Can you talk a bit about this? It's
21 in your affidavit, but where is this from?

22 MR. CHARTRAND: In fact, as we all
23 know, the Manitoba Government put together the
24 Aboriginal Justice Inquiry, after the shooting of
25 a First Nation individual walking down on Logan.

1 And it commenced a major review of the treatment
2 of Aboriginal people, First Nation Metis and Inuit
3 in Manitoba. And the Commission came down with
4 various recommendations. And as we all know,
5 governments have changed since then, from
6 Conservatives back to NDP, back to Conservatives,
7 back to NDP, since that time frame. But one of
8 the things, in fact, the Minister of Justice, who
9 is now the Minister of Natural Resources, will
10 probably remember his own remarks when he said,
11 when he walked into the office of the Minister of
12 Justice, he found the Justice Inquiry still
13 bounded in plastic from the previous government.
14 So as the NDP government, they are going to take
15 that plastic off and they are going to abide with
16 every recommendation and they will adhere to every
17 recommendation in that inquiry.

18 One of the recommendations is this,
19 this is the words of the Minister himself, that
20 they will abide to all the recommendations as
21 stated in the Justice Inquiry. Any future major
22 natural resource development not proceed unless
23 and until agreements or Treaties are reached with
24 the Aboriginal people and communities in the
25 region, including the Manitoba Metis Federation

1 and its locals and its regions -- and that is the
2 one that gave the descriptive structure of our
3 government -- who might be negatively affected by
4 such projects, in order to respect their
5 Aboriginal, Treaty, or other rights in the
6 territory concerned.

7 This is from the Justice Inquiry. The
8 Minister you are going to making a recommendation
9 to, who personally said -- you could even quote my
10 words because I could pull out that quote from the
11 media -- where he said he unbounded that plastic
12 covered inquiry of recommendations, and that his
13 government publicly, openly, made a promise that
14 they will abide with every recommendation. Here
15 is one, clearly, that somehow has lost its path in
16 where it should be. In fact, Hydro should take
17 heed to that and that should be something that the
18 commission could also look at. As I said, this is
19 a commitment from the standing government that
20 they will respect and follow every recommendation
21 that's been made in the inquiry.

22 MR. MADDEN: And I think that's
23 everything we have. If you wanted to do
24 questions, I think --

25 MR. CHARTRAND: I want to finish off

1 with something else. I want to go back, and
2 again, I encourage the Commissioners to reflect by
3 looking at the Northern Affairs Act. It's
4 essential I think you do. Because this will help
5 you, I think, in your guidance of recommendations
6 to the Minister. Because the Northern Affairs Act
7 will show you -- there's two sections you could
8 look at, I wish -- no disrespect to my staff.

9 MR. MADDEN: We have copies of it.

10 MR. CHARTRAND: I know, but I don't,
11 all my stuff are sitting on my desk. They brought
12 me the wrong file. I have to go and meet the
13 Minister of Child and Family Service, they brought
14 me the wrong file. So in there, I highlighted the
15 two areas, which is the powers of the mayor and
16 councils and the powers of the Minister. And
17 you'll find those two sections in the Northern
18 Affairs Act. And when you look at it, you'll
19 begin to ask yourself, now I understand why it is
20 that Chartrand was referencing that the mayor and
21 council have no jurisdiction when it comes to
22 rights-bearing issues, whether its First Nation or
23 Metis. I'll give you a simplistic way of looking
24 at it, because you don't actually live in our,
25 probably Metis or First Nation community. But

1 when you are sitting down -- if that was the case,
2 if that was a true case, you can negotiate with
3 mayor and council, then why aren't they
4 negotiating for First Nations that live there?
5 Why do they go to Chief and Council? Why don't
6 they talk to First Nations that live there?
7 Because some of them sit on the council too, some
8 of them are elected as mayor, so why don't they
9 talk to them? No, they go talk to Chief and
10 Council. They don't talk to the First Nations
11 living in our communities.

12 So when you look at the process, they
13 are administrative operation of the Minister.
14 That is black and white. It also says that all
15 the powers lie on the power of the Minister. The
16 Minister of Aboriginal Affairs is actually the
17 Minister of all of them, he's the mayor of all
18 mayors. What it also tells you is that he's the
19 one who will authorize it. So if he was to
20 negotiate -- I publicly advised him openly on this
21 issue already, is that you are in conflict, sir, I
22 told the Minister. Because, really, what they are
23 doing, they are in conflict. Because he's
24 negotiating with himself as mayor and council,
25 because he is the mayor of all mayors. So he's

1 actually negotiating with himself. He has the
2 power to eliminate that mayor and council like
3 this if he wants. He has the power and the
4 jurisdiction to approve anything they do, all
5 their finances, everything is under the power of
6 the Minister. So that is not a body -- and it
7 tells you the mandate of what their services and
8 their duties are.

9 So when Hydro says, well, there's a
10 Metis mayor, that's a Metis person, can I talk to
11 that person? Well, I am sure you can find a few
12 down the street, why don't you go talk to them
13 too? So just think if our country was run that
14 way, think that for a second. You know, when we
15 have first ministers gatherings taking place in
16 this country, I'm fortunate enough to sit there as
17 a leader of my people, at that Constitution. It's
18 not the mayor Sam Katz that is sitting there, it's
19 the Premier of Manitoba. He gets more votes than
20 the Premier of Manitoba, but he's not sitting
21 there. That's not his jurisdiction. That's the
22 Premier who covers that.

23 And when I'm sitting there
24 representing the Metis people on First Nation --
25 First Ministers meetings in Canada, I just came

1 from Halifax recently on a First Ministers meeting
2 representing the Metis Nation of Canada. So you
3 start sitting there at the table. It's not mayors
4 and councils sitting there from Northern Affairs
5 communities, it's me sitting on the rights of my
6 people.

7 So what more do we have to do to
8 showcase the evidentiary tools necessary to
9 showcase to Hydro, we are the proper people you
10 talk to, we are the government. I took over child
11 welfare services, mandated, transferred over to
12 us. I got the harvesting agreement in place. I
13 got a tripartite self-government negotiation
14 agreement that's structured, it's been in place
15 for some time with both the province and -- and I
16 can show you list after list after list of our
17 arrangements, of our self-government negotiations
18 with the province. It's not mayor and council
19 because they have no jurisdiction. But why do you
20 says that's who you have to talk to when you go
21 visit these communities? Because they are the
22 easiest and the cheapest. That's probably the end
23 result, why Hydro does it.

24 So anyways, I conclude my comments.
25 And again, I do appreciate for the lengthiness of

1 my report, but I hope that some of the things I
2 had been able to share with you will assist you in
3 your findings and your decision. As I said, I
4 already thanked the Commissioner for the work you
5 have done, and I read some of the materials in the
6 media. I personally came here on the reason
7 wanted to wait until my turn to come, I didn't
8 want to come to listen to everybody speak. I
9 wanted to come here fresh from my ideas as the
10 leader of my people. So thank you very much.

11 THE CHAIRMAN: Thank you, President
12 Chartrand. Mr. Madden, will President Chartrand
13 be available after lunch?

14 MR. CHARTRAND: I could, once I finish
15 my meeting. I have a meeting at 2:00 o'clock with
16 the Minister of Child & Family Services. I could
17 come back tomorrow if you want, I'm here all day
18 tomorrow, or I can come back after my meeting with
19 the Minister. It's a very, very important meeting
20 I can't miss.

21 THE CHAIRMAN: I understand that.
22 Well, we're certainly going to have some questions
23 for you.

24 Consumers Association is on tomorrow.
25 You could come back later this afternoon?

1 MR. CHARTRAND: Sure, right after my
2 meeting with the Minister.

3 THE CHAIRMAN: Could we do the
4 cross-examination of the EPP immediately after
5 lunch?

6 MR. MADDEN: We have one more panel
7 with a few harvesters.

8 THE CHAIRMAN: Okay. That's fair
9 enough. So we'll do that. And then depending on
10 when President Chartrand is available, we may
11 switch to the cross-examination and then come back
12 to President Chartrand later this afternoon. Does
13 that work for you, sir?

14 MR. CHARTRAND: Oh, yes, I'll be here.
15 As soon as I finish my meeting, I'll come straight
16 down here.

17 THE CHAIRMAN: Thank you very much.
18 We'll break for lunch and come back at 1:00
19 o'clock.

20 (Proceedings recessed at 12:00 p.m.
21 and reconvened at 1:00 p.m.)

22 THE CHAIRMAN: Okay, continuing our
23 Metis days. Mr. Madden has another group of
24 witnesses. Welcome. I'd just like to note that
25 when you're speaking into the mikes you will have

1 to speak fairly closely to the mikes, please.

2 Peter Fleming: Sworn

3 Elmer McCorrister: Sworn

4 MR. MADDEN: Mr. Fleming, we'll start
5 with you. If you wanted to introduce yourself and
6 go into your presentation.

7 MR. FLEMING: My name is Peter
8 Fleming, I am from Minitonas, Manitoba. I was
9 born and raised in Winnipegosis. That's up in the
10 19A area. Right now I'm in 18 for the hunting
11 areas. We don't have a map up on there.

12 Just to give you a little bit of
13 background on some of the committees that I'm
14 involved with, I'm not here representing any of
15 them, let's just be clear on that. But I want to
16 give you some background on some of the
17 organizations that I'm involved with, just to give
18 you an idea on people that will come and talk with
19 me and share ideas. I'm not just someone that's
20 just, you know, a single individual.

21 MR. MADDEN: And, Mr. Fleming, are you
22 Metis?

23 MR. FLEMING: I am Metis. I'm not
24 only a Metis, I'm a proud Metis, I'm a proud Metis
25 harvester. I carry my cards, and stamps are up to

1 date. I do have them here today and I would be
2 willing to share them and show the Commission what
3 they look like. Has the Commission seen the
4 cards? Would they be interested in viewing?

5 THE CHAIRMAN: I haven't seen it.

6 MR. FLEMING: If I may, I'll pass it
7 on.

8 THE CHAIRMAN: Out of a matter of
9 curiosity, these are the latest version?

10 MR. FLEMING: These are the latest
11 version. The stickers on the back of the
12 harvester card, they have to be renewed every
13 year. There's a 25-dollar fee that goes towards
14 the conservation fund within Manitoba Metis
15 Federation. So with that, tags are required for
16 harvesting.

17 I have sat as the local chair, I've
18 been elected as local chair for the Minitonas
19 local since 1998, and I have served the Manitoba
20 Metis Federation in that capacity. For the last
21 three years I have sat on the Swan River
22 Friendship Centre Board of Directors as the
23 vice-president. Over the last six years I have
24 sat on the Swan Valley Teachers Association
25 executive as well. And currently I sit on the

1 Western Region Moose Advisory Committee. I think
2 we heard a little bit about that yesterday. I'm
3 looking forward to answering some questions about
4 the moose decline and presenting some of the
5 issues and concerns there as well.

6 All right. Thank you. I'd like to
7 reiterate some of the concerns. I do harvesting
8 in and around these particular areas with the
9 panel that you heard from this morning. I do
10 harvest in and around -- where is my little
11 pointer here? Is this a pointer? Yeah. May I?
12 So this is where I am from. I currently live here
13 right now. Winnipegosis is actually just down
14 south of Camperville about 40 miles. So I
15 traditionally have harvested in around this
16 particular area for hunting game, right up from
17 the game hunting area 12 south, game hunting area
18 12.

19 MR. MADDEN: So where does 12 go to?

20 MR. FLEMING: Game hunting area 12
21 starts highway 10, and actually it's just on the
22 slide above. Game hunting area 12 runs from this
23 particular highway, highway 77 north and from
24 highway 10 west. The area right here where the
25 dot is, that is the Porcupine Mountain area, and

1 that I believe is 13,13A. So I would have gone
2 hunting up in here, kind of all back into this
3 particular area that is affected. The area that
4 I'm pointing to right now is referred to as the
5 Moose Meadows area. Currently Hydro has relooked
6 at its route. So I see that we're still going on
7 the route that was submitted to the Commission
8 originally and that we're talking about, so I will
9 speak specifically to this particular route.

10 One of the concerns that's been
11 brought forth to my attention just in regards to
12 this particular area here is that in the EIS, if
13 we're going by the EIS, and I know the Commission
14 is, that moose is classified along with the other
15 mammals. So there's no differentiation with Hydro
16 in regards to moose from muskrats, rabbits,
17 mammals. There is, however, a difference in
18 caribou, as noted in farther north where they have
19 relocate the route.

20 Right down here we have an area called
21 Moose Meadows. I have gathered a lot of
22 information on that particular area from sitting
23 on the Western Region Advisory Committee. Inside
24 that particular area, it's basically an untouched
25 area, it's not accessible in the summer time. In

1 the winter time it is accessible by snow machine,
2 by walking in. It is some prime moose habitat.
3 It also has in it a lot of rare plant species and
4 life. Just a few examples of some of the flora
5 that is in there; there are rare bog orchids,
6 there's pitcher plants, and that's just to name a
7 few. In looking at it, and in talking with others
8 about that area, you know, it basically has
9 tremendous biological diversity with unique
10 features, and it is an ideal candidate for
11 Manitoba's protected areas initiative. So there
12 are a lot of things in there that have to be
13 looked at.

14 I'm curious, has Manitoba Hydro done a
15 floral assessment on the route, or is it just
16 looking at animals?

17 And in regards to moose; obviously not
18 looking very hard because they knew, the Province
19 knew that there was a moose closure for the last
20 two years. Two years ago they pulled back all the
21 licence hunting. They did not issue any moose
22 hunting licences in those particular areas, 13,
23 13A, 14, 14A, 18, 18A, B and C. So obviously
24 there is a lack of communication between Manitoba
25 Conservation and Water Stewardship, or Manitoba

1 Hydro is not telling the truth here on that
2 particular bit of information.

3 There have been concerns probably for
4 the last three years. There's been a committee
5 formed in and around Swan River, it's called Moose
6 for Tomorrow. I am not part of that particular
7 group. There is a representative from the
8 Manitoba Metis Federation that does participate in
9 that group, and go and talk with them and share
10 ideas. They are concerned about the lack of
11 moose, the lack of moose that they have seen on
12 the ground. Within that group there's
13 Sapotaweyak, they have members on the Moose for
14 Tomorrow group. And that group was basically
15 formed by members of the First Nation, Metis and
16 individuals, concerned individuals, that saw a
17 decline in the moose populations. They came
18 together and said the government is not doing
19 anything about this particular situation, let's
20 look at game hunting area 14, 14A.

21 And if we look at the way that the
22 province has managed game hunting area 14, 14A, I
23 can refer back to a Powerpoint presentation with
24 some particular numbers. And I'll just go through
25 some of these numbers for you. Some of these

1 numbers are ones that really concern the group,
2 and they said we have to step in and take some
3 action, and get some things done because the
4 province, over a 20 year time period, has gone,
5 and through their management, the moose have
6 declined 94 percent. They have declined from
7 1604, and that's just the average median, 1604
8 moose down to 148 moose in game hunting areas 14,
9 14A.

10 Okay. 14, if we look at the map, runs
11 down right through in here. So right from here
12 right to the lake, to Pelican Rapids, all right
13 here to Lake Winnipegosis, that's the 14.

14 14A comes right here in and around the
15 Kettle Hills down to Cowan, down this highway
16 which I believe is -- I'm not sure of the number
17 on this highway. We all call it the Lenswood
18 highway. So basically right in here in the survey
19 done in the winter of 2011, Manitoba Conservation
20 did an aerial survey, and they counted 148 moose
21 in that area. 80 percent of those moose are right
22 here coming out of the Porcupine mountains.

23 MR. MADDEN: When you're saying right
24 here, where?

25 MR. FLEMING: Right here -- sorry,

1 just east of highway 10 right along this
2 particular area where Bipole will be coming in and
3 through. Basically the snow pushes them out of
4 the mountains. Right about now we just had a
5 significant snowfall, we had about 14 and a half
6 inches in Minitonas. Swan had about roughly the
7 same. Mafeking had about 16 inches. Yes, I know
8 it does seem like a lot of snow, we did get a good
9 dump. Winnipeg has nothing compared to us. I
10 drove in last night and I said, man, I heard on
11 the news there's so much snow. There's not a lot
12 of snow here.

13 MR. MADDEN: In Toronto we would call
14 in the national guard for that.

15 MR. FLEMING: But that's what happens.
16 When they do the counts, they do the counts, they
17 do the aerial surveys in January. And by that
18 time there's usually a fair amount of snow up in
19 the mountains, and a lot of the moose do push down
20 into the lower lying areas. They won't stick
21 around the existing transmission line, they won't
22 stick around the highway, they'll jump across the
23 highway. You'll notice how close this current
24 transmission line is to the highway. So basically
25 once the moose get across here they are into this

1 undisturbed area and they are off and they are
2 gone.

3 Some of the main concerns with the
4 Bipole line is you're putting in a 200-foot line.
5 You're putting in a super freeway pretty much.
6 There's a lot of snowmobilers up in that area, if
7 you check statistics on Autopac. The Commission
8 does have access to that. You can see exactly how
9 many registered snowmobiles there are up in the
10 Swan River Valley. Last year we were one of the
11 only areas that had snow. People were coming from
12 as far away as Killarney, Winnipeg, Ste. Anne's.
13 They are bringing their snow machines, trailers,
14 and running on some of the groomed trails up in
15 Swan River. They also run them down the highway
16 lines. So now we're going to be running skidoos
17 up and down, disturbing all of this undisturbed
18 basically natural habitat that was there before.
19 And this is going to take place once there is a
20 lot of snow, and those moose have been pushed
21 down.

22 MR. MADDEN: So the black line to the
23 left, is that a highway?

24 MR. FLEMING: The black line to the
25 left?

1 MR. MADDEN: The one you said there's
2 an existing route and once they get passed that
3 they are --

4 MR. FLEMING: Basically right here
5 this little dotted line is an existing
6 transmission line. I'm not sure of the size of
7 it. Let me just check this map here.

8 MR. MADDEN: You're saying right now
9 to the east of that, that's an area of high moose
10 habitat?

11 MR. FLEMING: Yes, because they
12 basically push from the west. The snow pushes
13 them out of these Porcupine Mountains. You can
14 see right here it is a provincial forest. It is
15 what they call the Procupine Mountains. It pushes
16 them down out of the mountains, across the
17 highway, and then they get into here. You'll
18 notice how close this super highway is here for
19 skidoos.

20 MR. MADDEN: And what you're saying is
21 now Bipole III will fragment that area?

22 MR. FLEMING: Bipole III as you can
23 see runs right down the middle of this area and
24 disturbs this whole entire area that does have
25 80 percent of the moose. Those are available from

1 Manitoba Conservation with the high, medium, low
2 density counts. I had the opportunity to fly with
3 Conservation last January. They took me up in the
4 helicopter for the day, and I was able to do some
5 of the moose counts. And we did some grid
6 sections. There is not a lot of moose out there.
7 It was nice. President Chartrand this morning
8 talked about Conservation's willingness to have us
9 up and have himself up in the plane and actually
10 look at moose, and I was given that opportunity.

11 MR. MADDEN: So you're saying the
12 counts aren't good there now. But has it been in
13 the past in that area?

14 MR. FLEMING: Well, if we go according
15 to the studies and the flights that they've done,
16 yes.

17 MR. MADDEN: Other than the studies,
18 but also that's where you went hunting before?

19 MR. FLEMING: Yeah, right in here,
20 right in these particular areas, Kettle Hills,
21 just up by Mafeking, Bellsite, those are
22 traditionally where I have gone for moose. And
23 then those moose will -- as they push from here
24 they will come out on to Lake Winnipegosis, just
25 far off the other side of the map as well into the

1 islands and different things there. There's
2 several islands on Lake Winnipegosis, Fox Point,
3 different places that traditionally in the fall
4 we'd go up with fishing boats and go and harvest
5 up in that area.

6 I come from a long family of
7 commercial fishermen. My grandpa and my grandma
8 commercial fished. They had four boys. They all
9 fished as well. You know, we were looking at four
10 fishing boats and five 20,000-pound quotas on that
11 particular lake. When I talk fishing boats, I'm
12 talking 45, 47-foot steel boats, you know, so I do
13 have some concern, like Mr. Genaille had for the
14 fish and some of the run-off this morning with
15 regards to the pesticides. We do still have some
16 licences and they are currently still being fished
17 on Lake Winnipegosis.

18 So I guess the one question from that
19 was is there a formal assessment being done on the
20 particular route? That's one question that I
21 would like to have an answer to from Hydro.

22 I keep referring to the Bipole III
23 line as a super highway. That just didn't come
24 out of the blue. Probably about a year ago I do
25 imagine, I'm not sure on the particular date, I

1 was at a, I guess, a consultation in regards to
2 Bipole when Bipole first came up and the Province
3 was deciding whether to go east side, west side.
4 And a representative from Hydro had shared with us
5 about the line and how much better it's going to
6 be for caribou. You know, they'll have easier
7 access, they can run up and down. And he says
8 there's not one square foot on those two
9 transmission lines, Bipole I and Bipole II up by
10 the dams that's not touched by hoof prints of the
11 caribou.

12 So I said to him, well, that's exactly
13 what we're concerned about. We're concerned about
14 the animals, they are going to start using that as
15 a highway. The predators will pick up on that and
16 they will start using it as well. Hunters will
17 pick up on that. They assured me that there will
18 be limited access. Limited access, if anyone has
19 been out quadding or four by fouring or anything
20 like that and been up in the mountains, there's no
21 limit to the access when you're on a four wheel
22 drive and you have a chain-saw.

23 Some of the decommissioned roads --
24 Louisiana Pacific we heard about them this
25 morning. When Louisiana Pacific decommissions a

1 road they basically just pile a bunch of trees and
2 dig up the road, and pile a bunch of stuff in
3 front of the access. I can't go up there and
4 drive there in my truck, but I can drive up to the
5 road with my truck and look off to the side and
6 there's a beaten path where the four wheelers kind
7 of go in and around and back up on the road.
8 Louisiana Pacific puts in these access roads to
9 access their cut box, they decommission them by
10 basically throwing some logs, tearing out the
11 road. You know a day and a chain-saw, you're in
12 there with your quad and you're gone hunting. So
13 that's a particular concern that I do have with
14 the line.

15 And when I talk about super highway, I
16 talk about the super highway for the animals to be
17 moving back and forth, the predators to be chasing
18 them, skidoos to be racing around.

19 The western corridor, basically the
20 bread basket that we heard about this morning, it
21 is just that. It is a place where there's a lot
22 of harvesting of berries, there's a lot of
23 harvesting of medicines, there's harvesting of
24 animals. I'm not saying it's a bad idea to put it
25 there, I'm just saying it's a bad idea to put it

1 there without proper studies. Who knows where the
2 line is going to be in two weeks. Will it change
3 again? People in my area are concerned. When you
4 ask them what do you think of the area here, what
5 do you think of it going there? They say we don't
6 even know. We heard from the Trappers Association
7 this morning, the vice-president Glenn Roberts as
8 conveyed by Bobby Church, he doesn't even know
9 where it's going, so they can't meet on it to
10 discuss the route. I think we have to have a
11 little more information on it and actually speak
12 to it.

13 I'm just going through some notes
14 here. I sort of jotted things down that I wanted
15 to sort of touch base on.

16 I guess I can almost bring this
17 presentation that I'm giving almost to a close.
18 But I'm curious on the number of locals in the
19 particular regions. Has the Commission, in
20 setting up the hearings, looked at the amount of
21 locals and the amount of hearings in the
22 particular regions of the Manitoba Metis
23 Federation? Has that ever been looked at by the
24 Commission? And how do you go about determining
25 where to set up the hearings? The residents of

1 Swan River and that particular area are very
2 concerned about being neglected. I have actually
3 prepared a little bit of a statement here that I'd
4 like to read shortly. But to put it into
5 perspective, if individuals wanted to attend a
6 hearing by the CEC Commission, they would have to
7 travel to The Pas or to Dauphin during the day.
8 From Swan River to The Pas we're looking at the
9 better part of two hours, two hours minimum,
10 probably about two hours and 15 minutes. If we
11 chose to go south to Dauphin, we're looking at
12 another two hour run. The hydro line, proposed
13 Bipole line runs within 20 miles of Swan River.
14 It runs pretty much within 20 miles of all the
15 communities, all the areas, all the locals right
16 from The Pas to Dauphin.

17 The Commission in setting up their
18 hearings basically looked at it, I'll put it into
19 a perspective that you may understand coming from
20 Winnipeg. I don't mean to insult you that you're
21 coming from Winnipeg, it's just that I'll bring it
22 in terms -- make it a little closer to home I
23 guess is what I'm looking for. If Bipole is
24 running within 20 miles of the TransCanada highway
25 from Brandon to Kenora, and a Commission that was

1 charged with hearing the concerns of the
2 individuals that the line was to affect set up
3 hearings in Brandon and in Kenora and excluded you
4 here in Winnipeg, you would be a little bit upset,
5 I feel, and there would be public backlash. Am I
6 correct in making these assumptions? I would
7 think so. So I don't know what the Commission's
8 reasoning on not having it there is, whether it
9 was just perhaps an oversight or maybe it was just
10 something that they didn't do the research on in
11 having it in those particular areas.

12 I guess basically it's not only my
13 feeling, but the feeling of a lot of the user
14 groups and a lot of the parties involved that the
15 CEC has failed the residents of the western
16 corridor by not including them. Why? Why do they
17 feel this way? Well, because they haven't had the
18 public hearing. They haven't had the consultation
19 with them there. They haven't come to them. They
20 have the knowledge, they have passion, and they
21 have a genuine understanding, and they genuinely
22 care about the sustainability of the natural
23 resources, and they aren't afraid to express
24 themselves.

25 This Commission obviously didn't want,

1 you know, the constructive networking with those
2 that it directly affected in that particular
3 corridor. The people of the western corridor are
4 appalled by the Commission's ignorance and
5 snubbing. I fail to see why you would omit these
6 persons from having an opportunity to share with
7 you their knowledge and insight. You know, these
8 hearings should not be about politics, they should
9 be about what's doing what is right for the
10 environment and not the purse strings of Hydro or
11 the provincial coffers.

12 The CEC is failing the environment,
13 it's failing the wildlife and it's failing
14 Manitobans. I strongly suggest that the
15 Commission revisit their decision to exclude the
16 residents of this area and hold hearings in a more
17 accessible location. There would be time for this
18 in light of the recent adjournment. I understand
19 that there's going to be an adjournment as of
20 yesterday.

21 I guess basically what the residents
22 want is just to have their voice heard, and I am
23 here to convey that to you today. I'm not here to
24 criticize and say that you have done everything
25 wrong. I trust that you are doing everything to

1 the best of your ability, but there are some
2 deficiencies. And I just wanted to share and
3 point those out that there are concerns out there.

4 MR. MADDEN: Mr. Fleming can you
5 answer, or why do you think the moose populations
6 have declined in those areas?

7 MR. FLEMING: The moose populations
8 have declined in those areas -- well, particularly
9 because of probably over harvesting. You know,
10 the province did studies. They did a study in
11 '92, they did a study again ten years later, ten
12 years after that. It's pretty hard to know
13 whether you should cut tags back for licensed
14 hunters, if you don't do a count on what you have.
15 So the province has failed in that sense that they
16 are not keeping track of their inventory, so to
17 say. First Nations knew the moose were on a
18 decline, Metis knew the moose were on a decline.
19 Some have stopped harvesting and held back. Some
20 families that took two moose, they would take one
21 because there was less moose. This is not
22 something new. This is something that's been
23 noticed since early 90's. The province wouldn't
24 listen. Like I say, the province wouldn't listen
25 until about three years ago when the Moose for

1 Tomorrow were formed, and they put a lot of
2 pressure on the government.

3 MR. MADDEN: Was that group formed
4 prior to the closures?

5 MR. FLEMING: That group was formed
6 prior to the closures. And I personally believe
7 that that group is responsible for the closures by
8 applying such pressures to the government.

9 MR. MADDEN: What do you prefer for
10 food? Moose or elk or --

11 MR. FLEMING: I prefer moose myself.
12 It's strange that you would ask that, because I
13 know when my daughter was about five years old and
14 we had moose, we had elk, deer, she just always
15 seemed to like moose. It wasn't from this is
16 better or that is better or coaching her or
17 anything on what I thought she should enjoy more,
18 but she just preferred the taste of moose. She
19 likes moose roasts more, she likes moose jerky
20 more. You know, if you were to give her moose
21 jerky and beef jerky, she wouldn't even touch the
22 beef jerky. I don't even buy beef jerky in the
23 store because I find it way too fat. Too much fat
24 content in it. It's gonna kill you.

25 MR. MADDEN: What are you seeing on

1 the ground in relation to harvesting in these
2 areas? Are there more harvesters, less harvesters
3 they are going different locations, what?

4 MR. FLEMING: There are more
5 harvesters on the ground now, with the
6 implementation of the harvester card, and Metis
7 not being scared to hunt and suppressed from their
8 traditional rights anymore. Some of them are no
9 longer poachers. Some would do it anyway. I do
10 know several, but there are more hunters.

11 MR. MADDEN: And where are the hunters
12 going? So for yourself, if you can't get moose --

13 MR. FLEMING: For myself if I wanted
14 to harvest a moose I don't have to go into area
15 12, which is a big concern right now. There is a
16 lot of harvesting being done in area 12.
17 Residents of area 12, residents of Barrows,
18 there's a small Metis community of Barrows, they
19 are very concerned about the moose population, the
20 amount of moose hunters that have come in. That
21 is still a fully licensed area by the province as
22 well. So now you have provincial issued licences
23 up there, you have First Nations, you have Metis
24 harvesters as well. So they are noticing a big
25 decline in their moose population because it was

1 getting -- last year it got hammered pretty hard.
2 Guys are waiting for those moose to cross the
3 highway and they are blasting them. Basically
4 once the snowfall hits in the mountains, those
5 moose push down out of the mountains and feed into
6 12 to the north and 14 to the east. You know, so
7 basically right now as it stands, we're basically
8 stopping 12 at the expense of 13A. That would be
9 the closest to go, that would be about an hour and
10 a half. On the other southward I would have to go
11 as far down to Roblin. I don't see it on your map
12 here. But it extends right down to Roblin. The
13 highway that runs actually east and west from
14 Dauphin to the provincial border, Manitoba,
15 Saskatchewan border, would have to go south of
16 that line.

17 Like the president shared this
18 morning, there are pockets of moose down in the
19 Turtle Mountain areas and stuff like that. There
20 again, coming from Minitonas, you are on about a
21 four to five hour run.

22 MR. MADDEN: Okay.

23 MR. FLEMING: Okay. I'm shooting more
24 deer and harvesting an elk. I'm not cutting back
25 in my use of wild game, it has just changed, and

1 that's like many other hunters as well.

2 MR. MADDEN: Are you seeing any
3 pressures on the elk now?

4 MR. FLEMING: There is way more
5 pressures on the elk. They are getting fewer and
6 far between. A lot of the landowners don't want
7 you on the land hunting their elk because they are
8 waiting for these late season draws. They have
9 applied for the draw, they don't want people on
10 there shooting their elk. So it does make it
11 difficult. And when the elk do get into an
12 accessible place to harvest them, they are, you
13 know, shot pretty quickly and on the move. So
14 there is an increased pressure on elk which is
15 going to have a, you know, direct implications on
16 the elk, the sustainability of the elk.

17 Deer are getting a lot more pressures
18 as well. The province has taken it upon
19 themselves with the studies to cut back licensed
20 hunters to one deer this year. Previous years
21 they could go out with a bow and arrow. They
22 could go out with a musket, they could go out with
23 a rifle and they could shoot a deer in each
24 season. My particular area this year, because of
25 the low deer numbers, they have cut back the

1 licensed hunter to one deer. So the numbers are
2 on the decline there.

3 MR. MADDEN: Okay. Elmer. How old
4 are you, Elmer?

5 MR. McCORRISTER: I'm 78.

6 MR. MADDEN: How many kids do you
7 have.

8 MR. McCORRISTER: Five.

9 MR. MADDEN: And what do you do for a
10 living?

11 MR. McCORRISTER: Trap.

12 MR. MADDEN: How long have you trapped
13 for?

14 MR. McCORRISTER: All of my life.

15 MR. MADDEN: And where do you trap?

16 MR. McCORRISTER: Right now? I trap
17 up in the Kettle Hills.

18 MR. MADDEN: And how long have you
19 been trapping in that area for?

20 MR. McCORRISTER: Five years. Before
21 I was trapping south towards the Boissevain area,
22 Deloraine area. I have a registered trapline
23 there.

24 MR. MADDEN: And for all those years
25 you have been trapping, where else have you

1 trapped in? Just in the Kettle Hills area or
2 other areas too?

3 MR. McCORRISTER: When I came out of
4 the army, I went up north to Mafeking, and I wound
5 up in Birch River, and I started trapping in
6 Kettle Hills then. That was in 1954 when I start
7 trapping in there. And I trapped there, oh, for
8 about 13 years in that area and got to know that
9 area pretty good. And, of course, about that time
10 I got married. And I had one daughter born when I
11 was there, and I moved to the Deloraine area -- no
12 Dauphin area. I worked in Dauphin as a truck
13 driver there, and I stayed around there until I
14 had -- until all my kids were born there, the five
15 of them. And then I didn't want them to be
16 raised -- like I used to live in the Deloraine
17 area before I went to the army. I lived there. I
18 took my schooling there, got into a lot of trouble
19 there, worked around there. And I knew everybody.
20 So I went back to Deloraine area, and I got myself
21 a registered trapline there.

22 MR. MADDEN: And so your trapline
23 right now is in Kettle Hills?

24 MR. McCORRISTER: Yes.

25 MR. MADDEN: Do you have any helpers

1 on your trapline?

2 MR. McCORRISTER: No. Like, it's an
3 area where everybody can trap, like more than one.
4 It's an open area. It's not an open area, but you
5 have to -- it's a registered area where people can
6 go in there. And if they are voted in there, you
7 are allowed to trap there. And I went to Barrows
8 to a meeting there, and they elected me to go
9 trapping, and I said I'll be trapping in the
10 Kettle Hills.

11 MR. MADDEN: Are there a lot of Metis
12 who trap in the Kettle Hills?

13 MR. McCORRISTER: Yes. First Nation
14 too. Like, where I got to know everybody, is in
15 the Kettle Hills there. There's one old fellow
16 there we call him (inaudible). He's a Native guy.
17 He lived there all his life in the bush. And he
18 got myself a little shack there. We went and seen
19 the Chief and Council. Like, it's an Indian
20 reserve, and they allowed me to live there. I get
21 along good with them. And I'm there if anybody is
22 sick. And I stayed there. And I'm pretty near
23 living there right now. In the winter time I live
24 there all the time pretty near, and I trap and I
25 got a good skidoo and I go out.

1 MR. MADDEN: How are the furs in the
2 Kettle Hills?

3 MR. McCORRISTER: Good.

4 MR. MADDEN: Will your trapline be
5 impacted by Bipole III?

6 MR. McCORRISTER: Oh, yeah. Like it's
7 going to come across the community pasture there.
8 The community pasture is closing down this year I
9 think is what I heard.

10 MR. MADDEN: Where is that on the map?
11 What community pasture are you talking about?

12 MR. McCORRISTER: By Lenswood, up in
13 that area, and kind of north right where the
14 Bipole III is coming through there.

15 MR. FLEMING: So Birch River is here?

16 MR. McCORRISTER: All in that area.

17 MR. MADDEN: How much is the area of
18 the Kettle Hills?

19 MR. McCORRISTER: Well, you see where
20 that red -- where the Native -- right there, where
21 the Natives, that's an Indian reserve. The Kettle
22 Hills kind of runs -- the Kettles are farther up
23 on top, the top right-hand corner. That's where
24 the Kettles are. What they call the Kettles is
25 the stones, the big stones, and that's where I

1 trap up in all the way up into Pelican Lake.

2 MR. MADDEN: How far do the Kettle
3 Hills go?

4 MR. McCORRISTER: It runs all the way
5 down -- I would imagine them hills runs right to
6 Winnipegosis and farther, you know, because it's a
7 ridge.

8 MR. MADDEN: Right. And so the
9 community pasture, that's going to be dissected or
10 transected by Bipole III?

11 MR. McCORRISTER: I would imagine.

12 MR. MADDEN: Has Hydro been in contact
13 with you about --

14 MR. McCORRISTER: No, no.

15 MR. MADDEN: And what are your other
16 options, if you don't trap?

17 MR. McCORRISTER: Well, what can I
18 say? That's all I ever did. I don't know
19 anything else to do. I like learning the younger
20 kids to trap, and that's the only reason why I do
21 it.

22 MR. MADDEN: Do you take kids out on
23 your trapline?

24 MR. McCORRISTER: Oh, yes, if they are
25 around, yeah. Even some older fellas too.

1 MR. MADDEN: You teach them?

2 MR. McCORRISTER: Yeah.

3 MR. MADDEN: So, it's not just you
4 that benefits from the trapline?

5 MR. McCORRISTER: No, no. But when
6 the fur gets -- when there's lots of fur, I trap
7 lots. When it's low, I don't trap too much. It's
8 just like the moose, I see the moose, like there
9 is three moose there last year all the time. I
10 don't hunt them.

11 MR. MADDEN: Why?

12 MR. McCORRISTER: I don't have to.
13 Just me and my wife. One moose -- but we get a
14 deer and, of course, I'm Metis too, I used to live
15 off of moose meat a long time ago.

16 MR. MADDEN: Do you like moose meat?

17 MR. McCORRISTER: Oh, yes.

18 MR. MADDEN: Do you prefer moose meat?

19 MR. McCORRISTER: Oh, yes.

20 MR. MADDEN: Are you concerned about
21 Bipole III?

22 MR. McCORRISTER: Well, I know when
23 they talked about spraying, oh, that's a no-no for
24 me.

25 MR. MADDEN: Why?

1 MR. McCORRISTER: Because down south
2 where I used to trap at White Water Lake, I don't
3 know if you know, I used to trap rats there. An
4 ordinary trap would last one year there. The
5 pesticide would rust that trap until it's worth
6 nothing in one year, and that's just pesticide.
7 That's the stuff what -- and that's just from the
8 fertilizer has got that stuff in it, and it's a
9 run-off. Now this Bipole, and if they spray that,
10 that's all going to run into the creeks and the
11 rivers, and that's going to run off into the
12 lakes, the lake runs north, farther north. I
13 know.

14 MR. MADDEN: That's not good in your
15 mind?

16 MR. McCORRISTER: That's not good.
17 Like, if we could cut the bush out, you know, they
18 will have to, you know. But I wouldn't advise any
19 big project to spray, and the spraying, it's a
20 no-no.

21 MR. MADDEN: And you said other Metis
22 trap up there. Where do they come from?

23 MR. McCORRISTER: Some from Sap Indian
24 reserve, some from Indian Birch comes up there. I
25 would meet guys from Duck Bay up in that area, and

1 some from Camperville. And I used to be an agent
2 for fur harvesters. I had been an agent since
3 they ever started. This year I quit, I quit them.

4 MR. MADDEN: Have you ever had to
5 engage with Hydro before in relation to your
6 trapline?

7 MR. McCORRISTER: I trapped on their
8 lines. Like, I do know the animals. It's not
9 plentiful on them lines.

10 MR. MADDEN: Do you have anything else
11 you want to say?

12 MR. McCORRISTER: Pardon?

13 MR. MADDEN: Do you have anything else
14 that you want to say?

15 MR. McCORRISTER: No, not too much
16 more.

17 MR. MADDEN: Okay. That's good.
18 Peter, do you have anything else?

19 MR. FLEMING: No, I think that's just
20 about it. But I would appreciate a response as
21 far as why the CEC, you know, chose not to have a
22 hearing -- hearings that make it accessible right
23 in the bread basket. It would help to take that
24 message back to the people that are concerned
25 about it.

1 MR. MADDEN: Okay.

2 MR. FLEMING: If there's any
3 questions, I'd be, you know, I did use some fairly
4 strong words and fairly strong statements. But
5 those are the feelings of the people in that area
6 that are passionate about the environment. They
7 are passionate about the moose, they are
8 passionate about the floral, they are passionate
9 about wildlife. They want to be heard. They
10 can't take time off work and, you know, zip two
11 hours into Dauphin or two hours north to The Pas
12 or come in here five and a half hours to Winnipeg.
13 It's just not feasible.

14 MR. MADDEN: That's why we brought you
15 in.

16 MR. FLEMING: That's why you brought
17 me in. And thank you very much for allowing me
18 the privilege to be here and speak to the
19 committee. Thank you, you know, to the Commission
20 for hearing my concerns and some of the concerns
21 that I bring forth from my area.

22 One more issue that I would like to
23 speak to, I think it was discussed a little bit
24 yesterday, was the issue of moose collaring. I
25 sit on the West Region Moose Advisory Committee,

1 Western Moose Advisory Committee there. There is
2 a proposal put forth by Moose for Tomorrow to do a
3 collaring project in the Duck Mountains. That
4 would be south here of Minitonas, south of Swan
5 River, Duck Mountains would be right in this area.
6 If I go on this map it's right there. So the
7 proposal there is for collaring in that particular
8 area. And that's done with Dan Soprovich and Rick
9 Wowchuk are the co-chairs of Moose for Tomorrow.
10 Dan Soprovich is the one heading up that moose
11 collaring project and he is trying to access funds
12 and dollars for it. There will be no collaring in
13 the Porcupine Mountains, there will be no
14 collaring of moose in Moose Meadows from what the
15 committee has been told.

16 I have been to every single one of the
17 advisory committee meetings. Hydro has not been
18 to one. If you were told that they were, they
19 have not been. And I would gladly stand here and
20 debate that with Manitoba Hydro, if they were so
21 to feel that I was out of line and wrongly
22 accusing them of not being there.

23 I will say, though, that at a meeting
24 last week they do have a request to come and speak
25 with the committee. As far as the committee is

1 concerned, that's their first contact with us was
2 last week. They had to meet with us, they wanted
3 to talk about Bipole. Well, holy man, the CEC
4 hearings are almost done and now Hydro wants to
5 meet with the Moose Advisory Committee that's been
6 in place for almost two years now? April of 2011
7 is when the committee was formed and now Hydro
8 wants to meet with us almost two years later? We
9 have to do it this week, let's get it done. So
10 that's coming from the committee, that's being at
11 the meetings, that's hearing what they are saying.

12 To my knowledge, Hydro is not involved
13 with collaring right now at all with the moose.
14 There is talk with Conservation about a possible
15 moose collaring project. If it is out there, I
16 would be curious to see the budget. I would be
17 curious to see if Manitoba Hydro could produce
18 that particular proposal, the Manitoba
19 Conservation proposal for the collaring project,
20 if they could produce that to the Commission.

21 MR. MADDEN: And if they did go ahead
22 with that project, do you think the Metis
23 community needs to be involved?

24 MR. FLEMING: Oh, I do, and I think
25 the collaring project would be great. It would

1 give such a wealth of knowledge as far as where
2 the moose are, where they travel, where they calf.
3 You know, we could tell when they come out of the
4 mountains, where they are particularly bedding
5 down, where they are getting bred.

6 MR. MADDEN: Do you think that would
7 have been helpful for routing?

8 MR. FLEMING: It would have been
9 tremendously helpful. It would be tremendously
10 helpful now as well, just to know for future.
11 It's a great idea, and I think Hydro should pick
12 up on it. I just can't sit here and hear that
13 Hydro, you know, I have heard a story that Hydro
14 has been to the committee. I haven't missed a
15 meeting and they haven't been there. And I'm
16 under oath, and I have no vested interest in it
17 other than the betterment of the moose and making
18 it better. I drove, you know -- I left home
19 yesterday at five o'clock, I got in here just
20 before 11, and I am driving home tonight to work
21 tomorrow morning. I'm not going to sit here and
22 stretch truths in front of this Commission and
23 waste their time and waste mine. We're all here
24 for the one reason, and it is to do the right
25 thing for the environment. Conservation,

1 preservation and doing what's best for the
2 environment. That's what everybody wants.

3 MR. MADDEN: Thanks.

4 THE CHAIRMAN: Any questions for these
5 witnesses? Hydro, no? Any participant groups?
6 Any of the panelists? Mr. Gibbons.

7 MR. GIBBONS: I think either of you
8 might answer this but I suspect Mr. Fleming is the
9 one I'm directing it to more so just because of
10 some of your descriptions earlier of locations and
11 so on. And that is if I can just pose a
12 hypothetical question it would help clarify your
13 concerns for me and help me understand them. If
14 we assume that Hydro were to get the licence to go
15 ahead and build the Bipole line, is there a way
16 for Bipole to connect the northern part and the
17 southern part of their line through this area
18 that's contained on the two maps, Swan River -- I
19 guess the area essentially from Red Deer Lake down
20 to the Duck Mountains. Is there a way that to
21 you, given what you know, would make more sense
22 than the line that you see now which you have
23 described as going right through the heart of
24 Moose Meadows? What would your advice be, I guess
25 is the question. I think that would help clarify

1 your position for me.

2 MR. FLEMING: Well, I do believe that
3 Manitoba Conservation has proposed a line that
4 they submitted to Hydro in March. That actually
5 came down a lot closer to highway 10 along the
6 existing transmission line. To me that would make
7 sense. You know, if we run the line close to
8 where there's an existing line, we're going to
9 have less disturbance farther in. So instead of
10 disrupting, you know, way back in the bush where
11 nobody goes, well, guess what, we go there. Moose
12 go there. There has to be places for them to go
13 and, you know, reproduce and different things. If
14 we came down closer on this side, I do think it
15 would be -- I'm not an environmental biologist,
16 I'm not a, you know, like Bobby Church said this
17 morning, I don't know anything, I don't have any
18 big titles behind my name. I guess I do have a
19 few titles. But as a harvester and as someone
20 that's out in the community and a fairly logical
21 thinking person, it makes more sense to run the
22 line closer to where one that has already been
23 run.

24 You have Bipole I and II running
25 fairly close, you know, down the centre of the

1 province. What would be wrong with running that
2 line closer to the existing transmission line?
3 Yes, it is closer to the moose habitat that are
4 getting pushed down from the Porcupines, but once
5 they are over and across, they are gone. Like you
6 say -- like I say, if you've got skidoos racing up
7 and down on this particular line here, so the
8 moose get across, they've got a highway they have
9 to cross, hopefully they don't get killed, cross
10 this transmission line and now then they are back
11 in here, and now they've got skidoos and what have
12 you racing up and down, where are they going to go
13 from here?

14 MR. MADDEN: So it fragments.

15 MR. FLEMING: It does fragment it
16 quite substantially in my opinion. I hope that
17 answered your question, Mr. Gibbons.

18 MR. GIBBONS: It does. And just so
19 you know, in my teaching days I taught a course
20 called theory and practice. I might have the
21 theory, but you have the practice and that's why I
22 am asking the question. I don't think you need --
23 whether you have titles or not, you don't need
24 titles to give a sense of your experience, and
25 experiential learning I think is often just as

1 important. So that's why I asked the question.

2 It's important to know what the people on the
3 ground are experiencing.

4 MR. FLEMING: Excellent, thank you,
5 and I appreciate that. And I appreciate your
6 understanding and concern and listening to people
7 that are on the ground. And because -- if I was
8 in Winnipeg, I wouldn't have any idea. I don't
9 have any idea on some of the issues that are
10 happening in and around this particular area.
11 That's why I'm here is to share some of my
12 knowledge on the area. And thank you,
13 Mr. Gibbons.

14 THE CHAIRMAN: Mr. Fleming, I'll try
15 to answer your question about holding sessions in
16 Swan River. I suspect I won't satisfy you, but
17 when we plan to hold hearings outside of the
18 cities there's all kinds of things that come into
19 play; there's logistics; there's the availability
20 of halls on dates that work for us; there is the
21 availability of hotel space on dates that work for
22 us; there is travel arrangements that need to be
23 made. We also -- it's impossible for us to go to
24 every community that we probably should go to.
25 It's impossible for us to hear from everybody that

1 we should or that might want to present before us.
2 So we have to make a best guess at what works.
3 When we were looking at holding a session in that
4 west central or parkland area, we considered
5 Winnipegosis, we considered Dauphin, we considered
6 Swan River. And for this set of hearings, Dauphin
7 just worked out better for us. I realize that
8 there are a number of people in Swan River who may
9 well have wished to appear before us. I suspected
10 by the nature of presentations that we had heard
11 in Thompson and Gillam and The Pas, and then later
12 in Dauphin, when we first had this request about
13 going to Swan River, I suspected that even though
14 we wouldn't be able to go to Swan River, we would
15 still hear from voices in Swan River, as we have
16 heard from you and as we have heard from others
17 who live in that general area.

18 So I apologize that we weren't able to
19 go there, but it's just not possible for us to go
20 everywhere that might wish us to come.

21 MR. FLEMING: So would it be possible
22 now with the upcoming recess, that Swan River
23 could be looked at as a possible area? Like, I
24 say, you talked about possibly going to
25 Winnipegosis. If we look at the Bipole map down

1 there, Bipole runs about 40 miles from Dauphin.
2 All the other communities in along there, they are
3 within a 20-mile jaunt of the particular line. If
4 we're talking Camperville, it's the exact same
5 distance from Camperville as it is to Dauphin.
6 Well, no actually it's about an hour and a half
7 Camperville to Dauphin, and it's about 50 minutes
8 to Swan River. It's an hour and five minutes from
9 Duck Bay to Swan River.

10 THE CHAIRMAN: I realize --

11 MR. FLEMING: There is a lot of travel
12 time, and I do understand, but like I had
13 expressed earlier, residents in that particular
14 area feel that their concerns aren't valid and
15 it's just going to go ahead no matter what they
16 say.

17 THE CHAIRMAN: We have heard from
18 those residents, and I think that their concerns
19 are very valid and will be considered. One other
20 factor that I noted in a response to MMF counsel
21 when he wrote to me about this is, is that part of
22 our process allows for written submissions, and we
23 are more than open to have written submissions
24 from people who are not able to attend the
25 sessions.

1 MR. FLEMING: Correct. I do
2 understand that as well. But I also have to share
3 with you that a lot of the older people, a lot of
4 the ones that are directly on the land, like
5 Mr. Gibbons, you know, expressed to me that he was
6 thankful that he heard from myself, and there are
7 others that aren't into writing letters. They
8 don't have Internet at home. They don't even have
9 access to the Internet. They may not have access
10 to the transportation to go those distances. I
11 guess what I'm saying is there more of a social,
12 come out and meet with us, let's talk about it.
13 And that's the nature of Metis and the nature of
14 persons in around that particular western
15 corridor. Come on in, we'll have coffee and we'll
16 chat it up. We heard from one of the presenters
17 this morning that her house is like a hotel. You
18 know, people come up, they go hunting, they go
19 fishing, they talk, they share. That's what the
20 residents in Swan River do. They feel writing
21 letters are for not. Some do write letters, I do
22 imagine you did get several letters from several
23 parties, but the social forum is to come out and
24 have a discussion and talk with people, real
25 people, face-to-face, discussion, and open

1 discussion back and forth.

2 THE CHAIRMAN: I appreciate your
3 comments about written submissions. I can also
4 assure you that we have heard more from Metis
5 people in the west side of the province than any
6 other single group by a long shot. So the voices
7 of people in western Manitoba, Metis people in
8 western Manitoba, have been well heard by this
9 Commission. Not all of them, but then we can't
10 possibly hear from everybody. So, I'm sorry, but
11 I think, you know, we just can't do it.

12 MR. FLEMING: Right. And I'm not just
13 speaking on the Metis persons. Like I shared, I'm
14 involved with several other organizations that
15 people come and do chat with me. They wanted me
16 to bring that, so I am not only here on behalf of
17 the Metis, I am here on behalf of the residents,
18 all of the residents in that corridor.

19 THE CHAIRMAN: Thank you.

20 MR. FLEMING: So thank you.

21 THE CHAIRMAN: Thank you very much,
22 gentlemen. Thank you for taking the time to come
23 here today and we appreciate hearing what you have
24 had to say, both of you.

25 Does that conclude your presentation

1 until the return --

2 MR. MADDEN: Metis day is officially
3 done.

4 THE CHAIRMAN: Well, until
5 Mr. President returns.

6 MR. MADDEN: Right.

7 THE CHAIRMAN: So, should we take a
8 five minute break and swap the panels?

9 (Proceedings recessed at 2:05 p.m. and
10 reconvened at 2:10 p.m.)

11 THE CHAIRMAN: So we have Messrs
12 Matthewson and Ortiz back in the hot seats and for
13 today Mr. Madden doing the grilling.

14 MR. MADDEN: Okay. So I want to
15 understand a bit about in the current
16 environmental protection plan, there is no
17 sampling, and to make sure my interpretation is
18 correct, that there's no sampling programs
19 proposed to test the validity of your predictions?

20 MR. MATTHEWSON: In the environmental
21 protection plan, there was a draft biophysical
22 monitoring framework that introduced tests to look
23 at whatever residual effects that were discussed
24 in chapter 8 of the EIS. So there's a few VECs
25 that we do further tests on as part of the

1 framework. That's not a biophysical monitoring
2 plan, it was just a framework to give an
3 indication of some of the things we were looking
4 at to develop the plan.

5 MR. MADDEN: But you don't actually do
6 sampling programs? Correct me if I'm wrong, but
7 an EIS is simply a prediction, correct?

8 MR. MATTHEWSON: It's a combination of
9 prediction and known. There sometimes are
10 predictions about potential effects, yes.

11 MR. MADDEN: But if for some of the --
12 in order to make predictions, if those facts or
13 the data isn't known, how do you -- what do you
14 base the prediction on?

15 MR. MATTHEWSON: Each discipline bases
16 the prediction on a combination of field studies,
17 desktop studies, literature reviews and
18 professional judgment and as well as public
19 consultation, engagement.

20 MR. MADDEN: So if it's acknowledged
21 in the EIS that you don't have specific data, how
22 do you measure that the mitigation has been
23 effective?

24 MR. MATTHEWSON: Can you repeat the
25 question?

1 MR. MADDEN: If you don't have data,
2 the entire underpinning of an EIS is it's a series
3 of predictions that are based upon facts and based
4 upon data where available. If you don't have the
5 data, how do you validate later whether your
6 predictions have been correct?

7 MR. MATTHEWSON: Through monitoring
8 programs where data can be collected and
9 established as a baseline.

10 MR. MADDEN: So, you're establishing
11 the baseline after the fact? Because how do --
12 you understand the problem with that, correct?

13 MR. MATTHEWSON: Yes, there is never
14 enough information for any project.

15 MR. MADDEN: Well, what if there's no
16 information?

17 MR. MATTHEWSON: Then that's where
18 information gleaned through public consultation,
19 Aboriginal traditional knowledge, professional
20 judgment, previous experiences in transmission
21 line developed throughout the province are used.

22 MR. MADDEN: But that's not actual
23 data, that's just guesstimates, educated
24 guesstimates, but guesstimates nonetheless.

25 MR. MATTHEWSON: They are educated

1 reasonings.

2 MR. MADDEN: Going back to the same
3 question, if there's no data, how do you validate
4 the predictions at the other side?

5 MR. MATTHEWSON: There can be tests
6 put into a monitoring program that gather data to
7 establish some form of baseline. There can be
8 other sources of information that are further
9 received, such as the Manitoba Conservation survey
10 of moose population and Moose Meadows. That
11 information did not exist when the EIS was
12 written. So we at -- Manitoba Hydro now has that
13 information and can use it to establish
14 baseline -- as a baseline for monitoring programs
15 in the Moose Meadows, as an example.

16 MR. MADDEN: And so how do you do that
17 if you don't have sampling programs?

18 MR. MATTHEWSON: We are developing
19 sampling programs as part of the biophysical
20 monitoring plant.

21 MR. MADDEN: You are developing them
22 but you don't have them?

23 MR. MATTHEWSON: Correct.

24 MR. MADDEN: And do you agree with me
25 that Metis concerns weren't incorporated into your

1 list of environmental sensitive sites that are
2 going to be the focus of your monitoring program?

3 MR. MATTHEWSON: No, I don't agree.

4 We received environmentally sensitive sites from
5 many First Nations and the Metis for consideration
6 in the environmental protection program. Those
7 sites were not included in the draft environmental
8 protection plan, interactive mapper, due to
9 concerns that the First Nation hadn't released, or
10 the Metis community hadn't released that
11 information for the public. And we have not had
12 the opportunity to engage the Metis or the First
13 Nations on the development of mitigation and
14 monitoring programs for those items. So they will
15 be included in the construction phase of the
16 environmental protection plan as a result of
17 ongoing discussions and delineations and further
18 validation of those environmentally sensitive
19 sites that were gathered through the various
20 methods.

21 MR. MADDEN: Let's go to page 67 of
22 the EPP.

23 MR. MATTHEWSON: Yes.

24 MR. MADDEN: And here it says
25 environmentally sensitive sites are locations,

1 features, areas, activities that were identified
2 in the Bipole III transmission project EIS.

3 MR. MATTHEWSON: Yes.

4 MR. MADDEN: So we have already had
5 testimony, and Hydro has acknowledged that the
6 Metis sites from the MMF's self-directed study
7 aren't in the EIS. Those sites aren't included.

8 MR. MATTHEWSON: I'm not sure whether
9 they are included in the TLUKS survey that was --
10 formed a portion of the EIS.

11 MR. MADDEN: So your statement here,
12 though, is that the ones that you are concerned
13 about are the ones that are included in the EIS.
14 So, if they aren't in the EIS, they aren't --
15 you're using, it says "were identified."

16 MR. MATTHEWSON: Yes, and I note the
17 wording. The wording is incorrect.
18 Environmentally sensitive sites will constantly be
19 added to the construction phase environmental
20 protected programs, as well as the operational
21 environmental protected programs.

22 MR. MADDEN: So that language is
23 incorrect?

24 MR. MATTHEWSON: Yes, that word -- one
25 second.

1 MR. MADDEN: And so going back to your
2 statement now that these things are going to be
3 incorporated, how are they going to be
4 incorporated? So you're saying that, one, this is
5 wrong, 4.3 has used the wrong tense. But then you
6 went on to just say that you're going to be
7 working -- you're going to add in additional
8 sites. How are you going to add in additional
9 sites? Who do you have arrangements with,
10 agreements with, relationships with to add in
11 those additional sites?

12 MR. MATTHEWSON: We have started in
13 the north as part of -- in the development of the
14 construction phase environmental protection plans,
15 we just started in the north, so N-1, 2 and 3
16 construction segments. So we have been engaging
17 First Nations and plan to engage the Manitoba
18 Metis Federation.

19 MR. MADDEN: And when are you planning
20 to engage?

21 MR. MATTHEWSON: Well, we have already
22 had discussions with you, Mr. Madden, about the
23 environmental protection program.

24 MR. MADDEN: But you have no process
25 in place to actually -- I guess here's the

1 problem. You make -- there's a lot of commitments
2 and promises in here, but you have no actual
3 framework of how you're going to achieve it. It's
4 like me saying, well, I'm going to lose ten pounds
5 tomorrow, but it may not happen, likely won't.

6 MR. MATTHEWSON: We do have a
7 community engagement process that we're following
8 to develop the construction phase environmental
9 protection plans. We have met with many
10 communities already. We just have not met with
11 the MMF as of yet.

12 MR. MADDEN: And don't you think
13 that's needed, though? Like, this is the one area
14 where your EIS says there's residual effects. We
15 can't even mitigate, you know, these effects are
16 non mitigatable. You come to the conclusion at
17 the end that they are not significant in the eyes
18 of the beholder. But how do you -- but there's
19 residual effects, your EIS says that?

20 MR. MATTHEWSON: Residual effects on
21 what?

22 MR. MADDEN: On aboriginal culture, on
23 Aboriginal heritage, that you can't mitigate that.

24 MR. MATTHEWSON: Right.

25 MR. MADDEN: So you're essentially

1 saying our mitigation is going to be okay, but you
2 don't have clear plans on how that's going to be
3 done?

4 MR. MATTHEWSON: Clear plans about how
5 mitigation is going to be collected and
6 incorporated?

7 MR. MADDEN: Of how you're going to
8 actually engage those communities that are going
9 to be the -- have the adverse effects, the
10 residual adverse effects on them. You don't have
11 that in the plan.

12 MR. MATTHEWSON: In the environmental
13 protection plan in the draft environment?

14 MR. MADDEN: Right.

15 MR. MATTHEWSON: You're correct, that
16 is not in the plan. But that does not mean that
17 Manitoba Hydro does not have a process by which we
18 are doing that.

19 MR. MADDEN: Right. But you don't
20 have it in the plan, and you don't have a process
21 on it. My point is you're asking the Commission
22 to say, trust us, we'll get it. Because this is
23 one of the things that they are going to have to
24 look at in the EIS as saying, okay, where are the
25 residual effects that can't be mitigated. This is

1 one area of that. Do you not agree with me that
2 that's probably one of the areas that you'd
3 probably want to have a clear plan on how that's
4 going to be done?

5 MR. MATTHEWSON: The social -- you're
6 referring to the social economic monitoring more
7 than the biophysical type of monitoring, by your
8 discussion about residual effects on culture?

9 MR. MADDEN: I'm referring to both. I
10 don't think that the Aboriginal people see them in
11 those watertight compartments you want to. And I
12 don't even think your own expert in the area saw
13 them that way either. Ms. Petch didn't seem to
14 draw those watertight compartments either.

15 MR. MATTHEWSON: We have been engaging
16 with communities in the north in the development
17 of the construction phase environmental protection
18 plans. We have started in the north. That does
19 not mean -- because that is where construction was
20 to occur first. We have demonstrated we have met
21 with 70 percent of communities in the north,
22 discussed environmental protection from both --
23 and monitoring -- from both a biophysical and
24 social cultural perspective.

25 MR. MADDEN: And Manitoba Hydro thinks

1 that's good enough?

2 MR. MATTHEWSON: No.

3 MR. MADDEN: But for a recommendation
4 from the CEC, because that's what's being asked
5 for, you think that this is sufficient to get to a
6 point of saying, yes, the project should go ahead.

7 MR. MATTHEWSON: The nature of
8 environmental protection plans are adaptive. And
9 to write -- and when we build and construct, or
10 when we are building the construction phase
11 environmental protection plans and the monitoring
12 programs that go along with those plans, as well
13 as the various management plans that support those
14 plans, they will be developed prior to
15 construction, the monitoring plans. The
16 construction phase environmental protection plans,
17 we have compartmentalized into different --

18 MR. MADDEN: You say they will be
19 developed, but how do you know? You have no --
20 you're saying they will be developed, but you have
21 no agreement with the Aboriginal communities that
22 are key, fundamental to effectively implementing
23 the measure? In fact, you don't even have a road
24 map outlined in the EPP for that.

25 MR. MATTHEWSON: Correct, we don't

1 have that outlined in the EPP.

2 MR. MADDEN: So you're asking a
3 Commission whose tasked with looking at
4 environmental, the environmental effects, they
5 read in the EIS, they say here is even a topic
6 that we know we can't mitigate, it's acknowledged,
7 and you think that that's good enough for what
8 needs to be done?

9 MR. MATTHEWSON: What is good enough?

10 MR. MADDEN: Essentially not having
11 clear plans on those issues, just saying we're
12 going to meet.

13 MR. MATTHEWSON: Environmental
14 protection plans, this is the first time Manitoba
15 Hydro has developed environmental protection
16 plans, even biophysical monitoring or social
17 monitoring plans with a transmission project.
18 This is the first attempt at the EIS submissions
19 stage, at a licence stage. This is not our normal
20 practice to do this. We have done our --

21 MR. MADDEN: It's not a normal
22 practice for Manitoba Hydro to do this. This
23 isn't -- have you looked at other transmission
24 companies such as Hydro One of what they have
25 actually put in place with Aboriginal people prior

1 to construction in relation to an EPP?

2 MR. MATTHEWSON: Not Hydro One, but
3 other utilities, yes.

4 MR. MADDEN: And so are you -- and
5 there's never -- what you're saying is no one ever
6 has a road map or spells out how that's going to
7 be done with Aboriginal communities beforehand,
8 before they get their EIS approval?

9 MR. MATTHEWSON: No, I'm not saying
10 that.

11 MR. MADDEN: Okay. Good. Let's go to
12 page 14 of the EPP. So throughout the EPP, and
13 maybe you can give me some clarity on this,
14 Manitoba Hydro switches between aboriginal
15 communities, to First Nations, to local
16 communities; what does that mean? So what are the
17 Aboriginal communities, when you say liaises with
18 regulators in Aboriginal communities. Who are
19 those communities? Is there a list somewhere?

20 MR. MATTHEWSON: Yes, there's a list
21 of communities.

22 MR. MADDEN: Can you provide that
23 list?

24 MR. MATTHEWSON: I believe we have
25 already provided that in an undertaking.

1 MR. MADDEN: Are those the 49 -- those
2 are the 49 communities?

3 MR. MATTHEWSON: Yes.

4 MR. MADDEN: So you are going to
5 liaise with each and every one of them?

6 MR. MATTHEWSON: That is the goal,
7 yes.

8 MR. MADDEN: In addition to the Metis
9 Federation?

10 MR. MATTHEWSON: Yes.

11 MR. MADDEN: And for the purposes of
12 this analysis, the MMF is an Aboriginal community?

13 MR. MATTHEWSON: Correct.

14 MR. MADDEN: And I want to go into
15 where you say, so this is what the environment
16 officer is going to be doing on behalf of Manitoba
17 Hydro. What skills and knowledge does the
18 licensing environmental assessment department
19 within Manitoba Hydro have to train the
20 environmental officer to liaison with Aboriginal
21 peoples or Aboriginal communities?

22 MR. MATTHEWSON: The liaison with --
23 so you're referring to the -- which environment
24 officer are you referring to?

25 MR. MADDEN: The one in 2.3.7.

1 MR. MATTHEWSON: The environmental
2 officer/inspector?

3 MR. MADDEN: Yeah.

4 MR. MATTHEWSON: So your question was?

5 MR. MADDEN: What skills and knowledge
6 does the licensing and environmental assessment
7 department within Manitoba Hydro have to train the
8 environment officer to liaise with all these
9 communities?

10 MR. MATTHEWSON: Several staff within
11 the licensing and environmental assessment office
12 department have training in public participation
13 as well as -- sorry, training in public
14 participation, as well as were supported through
15 our Aboriginal relations department.

16 MR. MADDEN: So this person may not
17 have specialized training on dealing with
18 Aboriginal communities?

19 MR. MATTHEWSON: Those staff have
20 experience outside of Manitoba Hydro, an
21 undertaking dealing with First Nations in other
22 roles prior to them coming to Manitoba Hydro.

23 MR. MADDEN: All of them? Hydro is
24 committing to that?

25 MR. MATTHEWSON: No, I'm saying some

1 of them have training in public consultation and
2 some of them have experiences in dealing with
3 First Nations and Aboriginal peoples.

4 MR. MADDEN: And so there's no
5 requirement on -- I guess the reality is that you
6 don't necessarily know what skill set these
7 individuals are going to have that are going to be
8 the key contacts for liaisoning with 49 Aboriginal
9 communities along the transmission route?

10 MR. MATTHEWSON: Well, those
11 environmental officers will liaison on a
12 day-to-day basis, but the licensing and
13 environmental assessment department in conjunction
14 with Aboriginal relations department will liaise
15 with those communities at a higher level.

16 MR. MADDEN: What do you mean at a
17 higher level?

18 MR. MATTHEWSON: More at an
19 organizational level as outlined in -- on page 9
20 of the environmental protection plan where we have
21 an environmental protection management team, and
22 that team deals with regulators, stakeholders and
23 Aboriginal communities at the management level.
24 And the environmental inspectors are at the field
25 level dealing with the environmental officers --

1 environmental inspectors are at the field level
2 dealing with stakeholders, regulators such as
3 natural resource officers, environment officers,
4 as well as community members.

5 MR. MADDEN: So Hydro doesn't propose
6 to provide any training to these people? They
7 think they will have enough. There's no
8 guidelines for this. Because clearly, if Hydro is
9 doing such a good job of it then I don't think
10 they'd probably be having this many problems at
11 the hearing, they may not -- the people who
12 actually liaison with these communities may
13 actually need a certain set of skill set?

14 MR. MATTHEWSON: I guess I point out
15 that some of the people in our department are
16 Metis as well as Aboriginal.

17 MR. MADDEN: So you're going to say
18 that this environment officer is Metis or First
19 Nations? No?

20 MR. MATTHEWSON: No, but people in our
21 department who train those environment officers
22 are.

23 MR. MADDEN: So is there a program
24 around that?

25 MR. MATTHEWSON: There will be. We're

1 in development of the training program for the
2 environment officers and inspectors.

3 MR. MADDEN: Are you going to be
4 involving Aboriginal people in that training?

5 MR. MATTHEWSON: Yes.

6 MR. MADDEN: Is there a description of
7 that that's going to be provided?

8 MR. MATTHEWSON: When we conduct the
9 meetings with the local communities and present
10 the biophysical monitoring programs, the
11 environmental protection plan, the community
12 liaison role, the environmental inspector role,
13 the environmental monitor role will be explained
14 to those communities, how we will engage in those
15 communities and processes by which we fill those
16 positions and develop those roles.

17 MR. MADDEN: So you're going to use
18 the same sort of thing that you did with the ATK
19 workshops?

20 MR. MATTHEWSON: Can you clarify?

21 MR. MADDEN: Well, you're going to
22 just go in, have meetings with them, people don't
23 really have an idea of what exactly those meetings
24 were, and that's all that's going to be done?

25 MR. MATTHEWSON: No, we're looking to

1 actively engage the communities in filling those
2 roles and those positions of community liaison, as
3 I said in my presentation.

4 MR. MADDEN: I'm still talking about
5 the environment officer.

6 MR. MATTHEWSON: The environmental
7 officer is a Manitoba Hydro employee, as we have
8 outlined. That position will be posted for
9 competition within Manitoba Hydro and may get
10 posted external to Manitoba Hydro, and some of the
11 key components of a job description will include
12 experience in liaising and dealing with Aboriginal
13 peoples.

14 MR. MADDEN: And you don't intend to
15 have arrangements or processes in place with the
16 Aboriginal communities?

17 MR. MATTHEWSON: Arrangements in
18 place?

19 MR. MADDEN: Like an agreement, some
20 sort of defined process. Because clearly, that's
21 what's missing in how Hydro operates currently, is
22 that there's no -- there's commitments but there's
23 no actual, or there's statements about what's
24 going to be done, but there's no actual way of
25 enforcing those commitments.

1 MR. MATTHEWSON: Can you rephrase the
2 question?

3 MR. MADDEN: So, is there going to be
4 spelled out anything with those communities? We
5 just had a panel presenter earlier on today about
6 Hydro went in, did a workshop, no one in the
7 community understood what Hydro was doing, how
8 Hydro was doing it. And now you're saying, well,
9 we're going to do the same sort of thing. We're
10 going to go in, we're going to meet with the
11 communities. I'm trying to understand what you're
12 actually going to put in place other than saying
13 we're going to meet.

14 MR. MATTHEWSON: We have already
15 started engaging the Aboriginal communities on the
16 environmental protection plan. So that's one
17 difference between the ATK process, which has
18 happened after the EIS was developed, so we're
19 already doing something different.

20 MR. MADDEN: But you --

21 MS. MAYOR: Sorry, Mr. Sargeant, if we
22 could just ask Mr. Madden to please let our
23 witness finish his answers. There's been a number
24 of interruptions in the middle of an answer.
25 Don't mind you asking the question. Please let

1 him finish his answer before you ask the next one.

2 Thank you.

3 MR. MATTHEWSON: So, we have already
4 started engagement of the First Nations in the
5 environmental protection planning process prior
6 to --

7 MR. MADDEN: First Nations and Metis.

8 THE CHAIRMAN: Let him finish.

9 MR. MATTHEWSON: Aboriginal people in
10 the engagement prior to the environmental
11 protection plans becoming final. So the process
12 for which we will engage the communities is, yes,
13 there will be open houses in the communities. We
14 will meet with core elders and key resource users
15 that are in the area. Chief and Council, we will
16 work with the guidance of Chief and Council on how
17 each community would like to be approached and
18 engaged in the development of those plans and
19 programs.

20 MR. MADDEN: Just chief and councils.
21 How are you going to engage --

22 MR. MATTHEWSON: And the president of
23 the MMF.

24 MR. MADDEN: I am just -- I'm going to
25 move on. So it is not Hydro's intent to have any

1 defined agreements in place with those communities
2 as a part of the EPP, it's just going to be, we're
3 going to go in, have some meetings, maybe we'll
4 have an idea?

5 MR. MATTHEWSON: Can you clarify what
6 you mean by agreements?

7 MR. MADDEN: Like actual defined
8 agreements. This is not unheard of in other
9 jurisdictions that when you're dealing with pretty
10 important and significant issues like heritage
11 sites, archaeology, cultural sites, that
12 agreements are put in place between the proponent
13 and the Aboriginal community prior to
14 construction. You've done that in Keeyask, you
15 know how to do it. You aren't planning on doing
16 that in Bipole III though?

17 MR. MATTHEWSON: The Keeyask
18 agreements relate to a partnership.

19 MR. MADDEN: No, the joint partnership
20 agreement does. There's also adverse effects
21 agreements that set out relationships that aren't
22 based on the partners -- well, they are part of
23 the partnership, but they set out how you're going
24 to engage on a whole host of topics.

25 MR. MATTHEWSON: So adverse effects

1 agreements and negotiations are outside of the
2 scope of the environmental protection plans and my
3 realm of expertise.

4 MR. MADDEN: But within those adverse
5 effects agreements it does include issues around
6 the EPP?

7 MR. MATTHEWSON: It may, I don't know.

8 MR. MADDEN: Okay. Let's move onto
9 page 21. So now you have a construction
10 supervisor, a site manager/site manager, and I'm
11 at 2.8.1, the liaison with regulators and
12 Aboriginal communities. You have a construction
13 supervisor/site manager, licensing and
14 environmental assessment staff will meet with the
15 Aboriginal community points of contact. So now we
16 have a construction supervisor as well as a
17 licensing and environmental assessment department
18 staff meeting with the Aboriginal communities.

19 MR. MATTHEWSON: Prior to the start of
20 construction, yes, to inform the community about
21 the construction schedule. This is about the
22 construction schedule and the activities that will
23 be taking place in and near their communities.

24 MR. MADDEN: Who are the communities
25 points of contact?

1 MR. MATTHEWSON: Whoever the
2 communities dictate as the points of contact when
3 we engage them in the environmental protection
4 plan.

5 MR. MADDEN: So you're going to have
6 those set out in some sort of agreement beforehand
7 or just -- I don't understand how -- when you're
8 making these statements of how you're actually
9 going to operationalize the commitment.

10 MR. MATTHEWSON: I guess I'm still
11 trying to understand why an agreement needs to be
12 in place to work with a community.

13 MR. MADDEN: Because what you've
14 clearly already illustrated in looking at the ATK
15 workshops is that clearly many of the communities
16 are not happy at the end of what happened there.
17 So what we're attempting to ask is how do you
18 propose -- how do you propose -- you're planning
19 on doing all these things. You're asking the
20 community to, you want them to meet, have all
21 these discussions, and, you know, Ms. Petch
22 testified about how, yeah, we sent out all that
23 stuff, no one responded. The challenge that you
24 have is that in order for engagement and
25 consultation to be meaningful there has to be a

1 defined process in place. And what happens is a
2 whole bunch of stuff gets thrown at the
3 communities and it's just not helpful. It doesn't
4 actually deal with the mitigation requirements.
5 So I'm trying to understand if there's anything
6 more definitive that's being committed to here.
7 And I guess what I'm taking is, no, there's
8 nothing other than we'll meet.

9 MR. MATTHEWSON: The first step is to
10 meet and understand how the communities would like
11 to be engaged. If the community desires to have
12 an agreement, then Manitoba Hydro will work with
13 the community to work out an understanding of how
14 the community and Manitoba Hydro needs to interact
15 with each other. And every community is
16 different. To have an agreement, a boiler plate
17 agreement to go to every community and this is how
18 we're going to talk to you, it doesn't make sense.

19 MR. MADDEN: That's not my suggestion.
20 So if I just follow up on what you just said. So
21 there's a commitment there that if the community
22 wants an agreement --

23 MR. MATTHEWSON: Manitoba Hydro will
24 take that under consideration and work with that
25 community.

1 MR. MADDEN: Take that under
2 consideration, or it will commit to entering into
3 an agreement?

4 MR. MATTHEWSON: Under consideration.

5 MR. MADDEN: I want to go to page 12
6 now. So 2.8.3. Sorry, I may be on the wrong
7 page. I'm looking for work stoppage.

8 MR. MATTHEWSON: Page 22.

9 MR. MADDEN: Thank you. So there's a
10 statement here.

11 "The duty to stop work rests with
12 everyone encountering situations where
13 environment, including biophysical,
14 socio-economic and heritage resources
15 are threatened by an activity or
16 occurrence that's been previously
17 identified, assessed and mitigated."

18 So when you say everyone, or anyone,
19 how would anyone actually know if the area had
20 been previously unidentified, or if you don't have
21 arrangements in place with those communities?

22 MR. MATTHEWSON: Identified sites are
23 located on the construction phase environmental
24 protection plan. So if it's not on the plan, then
25 it's an unidentified site and they would institute

1 work stoppage.

2 MR. MADDEN: Sorry, can you repeat
3 that again?

4 MR. MATTHEWSON: Identified sites are
5 within the construction phase of environmental
6 protection plan maps, all sites that we know about
7 are on those maps. If they are not, if the
8 construction contractor, as an example, finds a
9 site that is not on the maps, then he is to stop
10 work and get direction.

11 MR. MADDEN: And how would they even
12 know if there would be a site? That's what I'm
13 having a challenge with.

14 MR. MATTHEWSON: Well, all the
15 contractors have construction phase environmental
16 protection plans in their possession.

17 MR. MADDEN: If it's an unidentified
18 one, how would they identify it?

19 MR. MATTHEWSON: If it was
20 identified -- well, each contractor goes through
21 an orientation about environmental protection
22 prior to starting work. And so through that
23 process, we will educate them about what a
24 potential heritage site would look like from --
25 our project archeologist would train them and

1 educate them on that, what medicinal plants or
2 rare plants may look like. So there is some level
3 of training and awareness of environmental
4 sensitive sites so that if they did see something,
5 like a mineral lick for moose.

6 MR. MADDEN: Okay. So I want to go
7 back to the Aboriginal communities now or the
8 communities that you are engaging. So you're
9 going to once again engage communities like Duck
10 Bay, Camperville, of the 49 and you're going to be
11 engaging them as Aboriginal communities?

12 MR. MATTHEWSON: Engage? We will be
13 engaging them as a community, I'm not sure of the
14 difference.

15 MR. MADDEN: Well.

16 MR. MATTHEWSON: That you're referring
17 to Aboriginal community versus a Northern Affairs
18 community versus a --

19 MR. MADDEN: Well, all throughout your
20 EPP you refer to Aboriginal communities.
21 Sometimes you don't refer to Northern Affairs
22 communities, you're referring to Aboriginal
23 communities.

24 MR. MATTHEWSON: Right.

25 MR. MADDEN: When you're using that

1 definition are you referring to those Northern
2 Affairs communities as Aboriginal communities?

3 MR. MATTHEWSON: We're referring to
4 the 49 communities listed in the --

5 MR. MADDEN: So Hydro has made a
6 determination that those are Aboriginal
7 communities for the purposes of the EPP, even
8 though they may not have Aboriginal people in
9 them?

10 MR. MATTHEWSON: There may be some
11 misnomenclature in the term Aboriginal community
12 and maybe there will be some lumping, those
13 communities that you are referring to could be
14 lumped under the stakeholder umbrella rather than
15 the Aboriginal communities umbrella that we are
16 saying we are committing. We will be working with
17 stakeholders, regulators and Aboriginal
18 communities.

19 MR. MADDEN: So, I'm trying to get
20 some clarity, though. Throughout the EPP, you say
21 Aboriginal communities, sometimes you say
22 Aboriginal community, sometimes you say
23 stakeholders. And some of them don't -- it's not
24 for cross purposes, so I'm trying to understand
25 who is in that list of when you are in the EPP,

1 what's being identified as an Aboriginal
2 community?

3 MR. MATTHEWSON: It will be based on
4 the list that we use in the environmental impact
5 statement for community consultation for both.

6 MR. MADDEN: Some of them aren't
7 Aboriginal communities, they are Northern Affairs
8 communities. And you have had previous testimony
9 on that, so why are you --

10 MR. MATTHEWSON: Can you refer to me
11 where in the --

12 MR. MADDEN: Let's go to
13 communications at page 24, 2.10. And it says
14 there, Manitoba Hydro personnel will maintain
15 ongoing communications with Manitoba Conservation
16 and other provincial and federal departments and
17 Aboriginal communities, as necessary, regarding
18 the implementation of the project environmental
19 protection plans.

20 MR. MATTHEWSON: Yes. So your
21 question about that sentence?

22 MR. MADDEN: So what are the
23 communities included in that? Is that the 49,
24 even though some of them are Northern Affairs
25 communities, non Aboriginal communities?

1 MR. MATTHEWSON: Correct, it would
2 include the Northern Affairs communities, as well
3 as communities like Mafeking or Birch River. It
4 was a misstatement in the -- there was a word
5 missing, should have been Aboriginal not
6 Aboriginal communities.

7 MR. MADDEN: Okay. Then let's go back
8 to 2.3.7 at page 14. And it says there liaises
9 with regulators in Aboriginal communities.

10 MR. MATTHEWSON: Yeah. I guess I'd
11 just like to note that this is a draft
12 environmental protection plan. So there certainly
13 can be changes to and errors in -- errors and
14 omissions in the draft.

15 MR. MADDEN: But it's part of -- and
16 so I'm just trying to suss out what the errors and
17 omissions are or what the changes are, because
18 clearly --

19 MR. MATTHEWSON: We can certainly
20 provide in the revised version of this
21 environmental protection plan, clarify the
22 language of Aboriginal communities versus
23 communities versus Northern Affairs communities.

24 MR. MADDEN: That would be helpful.
25 So if we can go to appendix F, and it says under

1 1.0 the general section --

2 MR. MATTHEWSON: Yes.

3 MR. MADDEN: It says,

4 "Construction activities that may
5 cause excessive ground disturbance in
6 Northern Manitoba will be carried out
7 during the winter months, Novmeber 1st
8 to March 31st, under frozen and snow
9 covered conditions with the exception
10 of the converter camp and project
11 components."

12 So what, just out of curiosity, what
13 is considered Northern Manitoba?

14 MR. MATTHEWSON: Well, we would
15 consider basically The Pas, Manitoba as our
16 Northern Manitoba. But you'll notice that in the
17 next paragraph, construction in Southern Manitoba
18 will be carried out during winter months as well.
19 So, it's the same.

20 MR. MADDEN: No, but for the purposes
21 of the EPP I'm trying to ascertain what north
22 means and what south means consistently, because
23 you used that language.

24 MR. MATTHEWSON: We can take that as
25 an undertaking. There is a parallel just south of

1 The Pas, or north of The Pas, that Manitoba Hydro
2 internally uses as a differentiation between north
3 and south.

4 MR. MADDEN: Can you confirm that
5 that's what you're using for the purposes of the
6 EPP?

7 MR. MATTHEWSON: Yes.

8 MR. MADDEN: So what about where --
9 from November 1st to March 31st there is -- there
10 will be constructions. But that's when
11 Aboriginal -- well, for example, under the Metis
12 laws of the hunt, Metis can actually be hunting at
13 those points in time.

14 MR. MATTHEWSON: Yes.

15 MR. MADDEN: So how will that actually
16 mitigate, or it doesn't mitigate it actually?

17 MR. MATTHEWSON: Those times and
18 windows aren't intended to mitigate the hunting
19 process, any effects on hunting. The timing is to
20 look at ground disturbance and potential rutting
21 compaction.

22 MR. MADDEN: But it's identified, the
23 fact that you're only doing construction during
24 this period in your environmental assessment,
25 you're saying because we're doing it this time

1 that's actually a mitigation, since we're only
2 doing construction in that window.

3 MR. MATTHEWSON: Yes.

4 MR. MADDEN: But it's not a mitigation
5 because that's when Aboriginal people are
6 harvesting.

7 MR. MATTHEWSON: It's a mitigation for
8 one effect, and it may not be mitigation for
9 harvesting, we have other mitigation measures for
10 that.

11 MR. MADDEN: What would be the other
12 mitigation measures for Aboriginal harvesting when
13 this construction is ongoing?

14 MR. MATTHEWSON: The development -- in
15 the development of the access management plan, the
16 timing, the communication program that's in place
17 or will be in place to communicate construction
18 activities to Aboriginal communities, local
19 communities about those activities. In the
20 construction area itself, there will be
21 notification to communities about where those
22 construction activities are occurring.

23 MR. MADDEN: But you would agree with
24 me that that construction is going on right at the
25 time of large animal moose hunting for Aboriginal

1 communities?

2 MR. MATTHEWSON: Potentially.

3 MR. MADDEN: Can we go to appendix H?

4 And I just want some clarification. It's the
5 chart, table 6.1, and it's called overview of
6 stakeholder roles and responsibilities.

7 MR. MATTHEWSON: All right.

8 MR. MADDEN: And it says Aboriginal
9 communities active participant provide input into
10 monitoring plan design, active role in
11 implementation and monitoring plan.

12 MR. MATTHEWSON: Yes.

13 MR. MADDEN: And then in the next one
14 where it says landowners, it says active
15 contributors of any biophysical related monitoring
16 information, opportunistically encountered. What
17 is the distinction between active contributor or
18 just providing input?

19 MR. MATTHEWSON: Well, no, it's
20 providing input into the plan design, and on the
21 community, the next bullet is an active role in
22 the implementation, so it would actually be part
23 of the implementation, whether they are community
24 liaison or environmental monitor. Whereas the
25 private landowners, we can't offer that type of

1 role on a project due to the sheer number of
2 private landowners, so we were looking at getting
3 them in their -- contributing through our website,
4 sightings of birds or moose or collecting
5 information that way, either through our website
6 or through interactions with our construction
7 supervisors, construction environmental
8 inspectors, getting more information, local
9 knowledge of things that they may know about, a
10 bird nest on the right-of-way on their land or
11 down the road on their neighbour's land. That is
12 what was meant by active contributors.

13 MR. MADDEN: Okay. So that's the
14 distinction between active role and active
15 contributors?

16 MR. MATTHEWSON: Yes.

17 MR. MADDEN: So do you agree with me
18 that monitoring has to verify if it's been
19 successful?

20 MR. MATTHEWSON: Sorry, can you
21 rephrase?

22 MR. MADDEN: So, for the 600
23 mitigation measures that you have in the EIS, do
24 you agree with me that we have to assume that
25 mitigation is going to be successful in order for

1 the predictions to be correct?

2 MR. MATTHEWSON: Yes, the mitigation
3 must be effective for there not to be residual
4 effects.

5 MR. MADDEN: And to get to a place
6 where your determinations around significance
7 would be correct as well?

8 MR. MATTHEWSON: Yes.

9 MR. MADDEN: And that if mitigation is
10 not successful, there's a need to trigger adaptive
11 management?

12 MR. MATTHEWSON: That is correct.

13 MR. MADDEN: And do you have an
14 adaptive management plan framework?

15 MR. MATTHEWSON: There is no framework
16 developed as of yet in the development of the
17 environmental protection information management
18 system. The framework will be developed into that
19 system, as it's the method by which mitigation
20 measures, the inspection programs and the
21 monitoring successes and failures of those
22 different things are tracked. And within that
23 program, it will trigger off the adaptive
24 management or review by sending out information to
25 various people within Hydro to address if a

1 mitigation measure is not operating effectively.

2 MR. MADDEN: So just to confirm, you
3 don't have an adaptive management plan framework
4 at this point in time?

5 MR. MATTHEWSON: We have an adaptive
6 management approach. We have not developed a plan
7 or the framework. With the information received
8 through the CAC through their experts on adaptive
9 management, there's been quite a bit of
10 information that we will glean from that in order
11 to develop the final environmental protection
12 plans and the adaptive management within those
13 plans.

14 MR. MADDEN: But you are the
15 proponent, you are --

16 MR. MATTHEWSON: Yes.

17 MR. MADDEN: You are coming before it,
18 this process doesn't actually tell you how to do
19 it, you are supposed to do it, we're here kicking
20 the tires.

21 MR. MATTHEWSON: Yes, but we have also
22 developed a draft environmental protection plan
23 for the purpose of getting a feedback through the
24 Clean Environment Commission proceedings to
25 further develop that plan to make it more robust

1 and reliable. We do have an adaptive management
2 approach that I explained in my presentation.

3 MR. MADDEN: So when you -- and why
4 was the decision made? Was that the reason why
5 you decided not to have a plan included, is that
6 you wanted to use this process in order to get to
7 one or what's the rationale for not having one?

8 THE CHAIRMAN: For not having --

9 MR. MADDEN: For not having an
10 adaptive management plan as a part of the EIS, as
11 a part of what's before the CEC.

12 MR. MATTHEWSON: An adaptive -- no,
13 that was not the intent, to use this process to
14 develop the adaptive management. We have an
15 internal adaptive management approach. We just
16 have not documented it into a plan because we're
17 still on development of the environmental
18 protection information management system, which is
19 a key component of that approach and plan. So
20 until we have flushed out everybody's -- the key
21 roles and mitigation measures and responsibilities
22 for implementation, and the roles of Aboriginal
23 communities in the monitoring and environmental
24 protection plan, we'll be able to further flush
25 out the exact approach and a plan for adaptive

1 management versus our approach.

2 MR. MADDEN: So when you made that
3 decision to not have a plan and just to have an
4 approach, did you review any guidelines,
5 literature that's out there on whether, for these
6 types of projects, you should have a plan prior to
7 seeking regulatory approval?

8 MR. MATTHEWSON: Sorry, can you
9 rephrase?

10 MR. MADDEN: In deciding to not have a
11 plan as part of your application to the CEC and to
12 Manitoba Conservation, did you review any
13 literature or guidelines that are out there on
14 whether you actually should for this type of
15 project?

16 MR. MATTHEWSON: Well, the Canadian
17 and Environmental Assessment Agency has guidelines
18 and approaches and including adaptive management
19 in monitoring and follow up. So we reviewed
20 those.

21 MR. MADDEN: So you're familiar with
22 those documents?

23 MR. MATTHEWSON: Yes.

24 MR. MADDEN: So CEAA operational
25 policy on follow-up for 2011 part of it says, a

1 quick start on the design and follow-up program in
2 the establishment of pre-project baseline data are
3 important to reassure both the public and decision
4 makers that key environmental issues are and will
5 be well managed. So wouldn't the interpretation
6 of those directives of that, you're supposed to
7 provide that to the public, which is part of this
8 review process, as well as decision makers such
9 as -- it is not a decision, its recommendations --
10 so they have assurance on these sorts of things?

11 MR. MATTHEWSON: I think the technical
12 reports themselves that support the EIS provide
13 that level of baseline information within them, as
14 well as professional judgment, desktop studies,
15 literature reviews as a basis.

16 MR. MADDEN: That's what -- you think
17 that those meet this standard?

18 MR. MATTHEWSON: I think those
19 technical reports were striving to meet that
20 standard.

21 MR. MADDEN: And the operational
22 guideline from CEAA also says "and of a follow-up
23 program", but you don't actually have a plan on
24 some of those components either, correct?

25 MR. MATTHEWSON: Sorry, could you

1 rephrase?

2 MR. MADDEN: You're supposed to have
3 design of the follow-up programs as well. Those
4 follow-up programs aren't all designed and in the
5 EIS as it currently is before the CEC?

6 MR. MATTHEWSON: The biophysical
7 monitoring framework provides the framework for
8 the follow-up and monitoring plans.

9 MR. MADDEN: But it doesn't actually
10 have -- you don't actually have it for adaptive
11 management?

12 MR. MATTHEWSON: Correct.

13 MR. MADDEN: And on that directive
14 from CEAA, do you not think that adaptive
15 management would fall within that?

16 MR. MATTHEWSON: Yes, I think it will
17 be something that we address in the final
18 environmental protection plan.

19 MR. MADDEN: No, no, I guess when they
20 are stating that about what you're supposed to
21 provide to the public and decision makers, you
22 don't think that adaptive management fits within
23 what they are saying should be provided in
24 advance?

25 MR. MATTHEWSON: An adaptive

1 management plan should be provided.

2 MR. MADDEN: Yes. You don't think
3 that falls within your read of -- the CEAA
4 operational policies -- aren't --

5 MR. MATTHEWSON: I guess we read it as
6 an operational policy and a guideline to follow.

7 MR. MADDEN: But the operational
8 policy and guideline, the direction from CEAA,
9 even though you don't have to follow it, no one is
10 saying, would include adaptive management plans
11 within it, within what they are saying to reassure
12 both the public and decision makers?

13 MR. MATTHEWSON: Yes, adaptive
14 management plans are one of many plans that would
15 reassure policy makers, policy and decision
16 makers, yes.

17 MR. MADDEN: And that they should be
18 provided?

19 MR. MATTHEWSON: Well, the adaptive
20 management plans, if we were to provide them in
21 advance for the monitoring plans, they are
22 still -- they would still be draft, because we
23 still need input.

24 MR. MADDEN: Absolutely. But you
25 don't think that that's probably in the criteria

1 that those should be provided?

2 MR. MATTHEWSON: Perhaps. Sorry --
3 Manitoba Hydro can strive to include adaptive
4 management, just as we have strived in this
5 process to include it in the environmental
6 protection plan. We didn't -- it was our first
7 attempt in including an environmental protection
8 plan at the time of filing, and we'll take that
9 under consideration for future environmental
10 impact statements and the development of other
11 plans, in addition to adaptive management, and
12 file those as well. It's one of those -- it's a
13 learning experience on the Bipole project. We
14 learned on the Wuskwatim project. We didn't
15 submit an environmental protection plan on the
16 Wuskwatim project. We have learned from that. We
17 have now taken the steps to develop a draft
18 environment protection plan, a biophysical
19 monitoring framework as some attempts to further
20 assure decision makers and policy that Manitoba
21 Hydro is going to implement these measures.

22 MR. MADDEN: But those have been
23 pretty standard in other jurisdictions. It's not
24 as if this is --

25 MR. MATTHEWSON: I can't speak what's

1 standard in other jurisdictions.

2 MR. MADDEN: I have nothing further.

3 THE CHAIRMAN: Thank you, Mr. Madden.

4 Just I have one question for you and
5 perhaps it might be a bit of an undertaking. You
6 have mentioned a number of times, including in
7 your last comment, other jurisdictions and what
8 goes on in other jurisdictions and examples that
9 you seem to think are better than the processes
10 here. Can you give us examples of these other
11 jurisdictions?

12 MR. MADDEN: We can, and that's going
13 to be a part of our submissions on things. So for
14 example in Bruce to Milton, agreements were in
15 place with the Metis. Sorry, Bruce to Milton is a
16 transmission line in Ontario, 500 kV. Agreements
17 were in place with First Nations and Metis prior
18 to construction. And we'll be giving some
19 examples of that in our written submissions. So I
20 guess what I continue to struggle with is Manitoba
21 Hydro saying, well, we can't do this or we're
22 making commitments, but other regulators have
23 asked and got from applicants that these
24 agreements are in place.

25 THE CHAIRMAN: So when you say with

1 your written submissions, is this as part of your
2 final argument?

3 MR. MADDEN: Yes.

4 THE CHAIRMAN: Okay.

5 MR. MADDEN: If it would be helpful,
6 we can provide some fo those -- now that we have a
7 little bit of a recess and a break.

8 THE CHAIRMAN: I think it might be
9 helpful.

10 MR. MADDEN: Okay.

11 THE CHAIRMAN: I see that President
12 Chartrand has just recently come back, so perhaps
13 we can take a short break. You're finished with
14 these witnesses for today?

15 MR. MADDEN: For now, yes.

16 THE CHAIRMAN: Which means maybe some
17 new on the reroutes.

18 MR. MADDEN: Right.

19 THE CHAIRMAN: Only related to the
20 reroutes.

21 Now don't run away, because after
22 President Chartrand some of the panel members may
23 have some questions for you. So, we'll call you
24 back up a little later in the afternoon perhaps,
25 depending how long we take with President

1 Chartrand.

2 (Proceedings recessed at 3:10 p.m. and
3 reconvened at 3:23 p.m.)

4 THE CHAIRMAN: Okay. Can we come back
5 to order? President Chartrand has come back to
6 sit in the hot seat and answer a question or two,
7 and we appreciate his coming back. He tells me
8 that he had to leave the meetings still in progress
9 so we do appreciate it.

10 Manitoba Hydro is first up,

11 Mr. Bedford?***

12 MR. BEDFORD: Good afternoon,
13 President Chartrand. You and I have never met
14 before. My name is Doug Bedford. I know,
15 President Chartrand, that were my late father
16 still alive he would be very pleased to know that
17 you had received an honorary doctorate from the
18 University of Winnipeg. And so I take this
19 opportunity to congratulate you on that
20 distinction, as I know he would, were he here.

21 Can you tell me whether or not the
22 Manitoba Metis Federation keeps any records from
23 year to year of animals harvested by its members
24 who hold harvester cards?

25 MR. CHARTRAND: In fact, we have a

1 mechanism where a file is sent to document the
2 amount of, not only just large game but small
3 game, including birds. We have asked that each of
4 our -- on a volunteer capacity, to establish, to
5 fill out the form of where they took the animal or
6 the rabbit or bird, it doesn't matter which
7 species of animal, and then file it back with us.
8 We are trying to keep consolidating those numbers,
9 yes. Is it perfect yet? No. We just started
10 when we implemented the system. Is it funded by
11 anybody? No, we've got to fund it by ourselves.

12 MR. BEDFORD: When you say just
13 started, just started in the year 2012 or was it
14 started a year, a year or two ago?

15 MR. CHARTRAND: No, before. In fact,
16 when we established the harvesting process, but
17 again we're only up to I think 4,000, close to
18 4,000 harvester cards. But not all those are big
19 game hunters. We don't keep a record yet of
20 medicinal, berries, for example, or maple syrup,
21 or medicinal stuff like that. I think in the
22 future we will, because we want a good handle on
23 the whole concept of what's being used out there.
24 Our focus, of course, is more on big game and
25 animals. So we do have some degree of some data,

1 but it's not perfect yet. It will be in the
2 future.

3 MR. BEDFORD: Do you know whether or
4 not the data is usable by specialists who might
5 want to try and use it to draw conclusions?

6 MR. CHARTRAND: If anybody tried, I
7 wouldn't give it the best qualification to do so.
8 I have been involved in a variety of different
9 statistical matters of formulas using different
10 tools to try to get the best result on certain
11 subjects. And this definitely would not be one I
12 would be banking my trust fully on yet. But I
13 assure you, in the future it will.

14 MR. BEDFORD: You know, of course,
15 that this hearing visited a number of locations in
16 rural Manitoba. I can tell you that I was at
17 several of those locations, and I observed, I
18 think in each location that I attended, Manitoba
19 Hydro staff speaking to and interacting with
20 members of the Manitoba Metis Federation, and
21 particularly individuals who identified themselves
22 as the heads of the local Manitoba Metis
23 Federation. And I could overhear the
24 conversations, and I heard our staff being asked
25 by your members in these locations why Manitoba

1 Hydro staff had not met with them at a much
2 earlier time in the planning of the Bipole III
3 project, not, I wish to emphasize, for the purpose
4 of negotiating agreements, but strictly for the
5 purpose of learning where our project was to go
6 and sharing with us the kind of information that I
7 have heard a number of your members share with us
8 all today. And I had to hear our staff explain to
9 them, in each location, that we did not and are
10 not able to do that because Manitoba Hydro staff
11 are respecting a direction from the Manitoba Metis
12 Federation, that Manitoba Hydro and its employees
13 are to deal strictly with the Manitoba Metis
14 Federation head office.

15 Can you tell me, please, why that must
16 be, if what we really seek for some aspects of
17 these projects is communication between what your
18 members know and what our staff ought to learn?

19 MR. CHARTRAND: Well, let me give
20 you -- you're giving me a synopsis of an issue
21 that I have no knowledge of what actually took
22 place in the transaction, or the verbal discussion
23 that took place. But let me give you an idea of,
24 you know, putting that same situation, obviously,
25 what happened when you attended a First Nation

1 community where individuals would come from the
2 community and randomly speak to Hydro workers, and
3 why is it you still go back to the Chief and
4 Council to get direction? I would ask that
5 question very quickly. Because, obviously, they
6 are the elected officials of the process. And if
7 you would sit down with the Manitoba Metis
8 Federation, which would be the proper channel to
9 do, we were to set a mechanism how we'd go back to
10 each of those locals and the regions of how we
11 consolidate how that discussion took place. By
12 having a random discussion sometimes can be very
13 complex. At the end of the day, that local,
14 here's a challenge from the executive; A, they are
15 volunteers; B, once they gather the information
16 they've got to figure out how to get it all to
17 their citizens. And they go down that path of
18 trying to figure out what the complexity of that
19 is and try to dilute that and get an end result.
20 And then they would find themselves in a
21 challenging position.

22 So the process simply was an
23 arrangement with the Federation very quickly. We
24 could have solved that problem, instead of
25 randomly talking to that individuals that say, I

1 can't talk to you because MMF says I can't talk to
2 you. Well, you can't talk to me either. So I
3 don't know what good that does anyway, because you
4 don't talk to me about anything on Bipole III.

5 MR. BEDFORD: I have to tell you,
6 because I played a role in it, that there was an
7 agreement between Manitoba Hydro and the Manitoba
8 Metis Federation, and the Commissioners have seen
9 the product of that agreement, where Manitoba
10 Hydro did fund a self-directed study by the
11 Manitoba Metis Federation. And I'm also aware
12 that there has been a Manitoba Hydro/Manitoba
13 Metis Federation task force in existence since
14 2004, whose worthy purpose was supposed to be a
15 forum by which the two organizations could
16 communicate with one another and exchange
17 information on a variety of topics. And I'm aware
18 that was funded as well.

19 So when I hear you say in very simple
20 terms to me, you, and I know you don't mean me
21 personally but you mean Manitoba Hydro, does not
22 come and talk to me, the president of the Manitoba
23 Metis Federation, and knowing about these
24 processes that have been in place, knowing about
25 the funding, I politely and with respect take some

1 issue with you when you say we don't come and
2 talk. I would suggest to you that, indeed, my
3 client has made really serious and important
4 efforts to engage the Manitoba Metis Federation.

5 MR. CHARTRAND: So, firstly, let me
6 explain to you. I negotiated one of them you are
7 speaking of, with Mr. Brennan, I negotiated the
8 task force position. I also negotiated with
9 Christianson, and let me tell you that she had to
10 fight just to keep that one position you gave me
11 for the entire province for the task force. So
12 that's a very small gesture, if anything, of Hydro
13 to make one staff position to dialogue with an
14 abundance of different departments of Hydro trying
15 to get to the rationale of having a partnership.
16 I pushed very vigorously for Hydro to properly
17 fund a task force team that would work province
18 wide and deal with a lot of these solutions, so we
19 wouldn't have challenges to the future. But
20 instead we got a nickel -- pardon my phrase,
21 Commissioners -- a nickel and dime response of a
22 resource tool to help us try to at least have
23 dialogue. And those meetings have not been
24 productive, even though we have one staff, they
25 have been very limited in the sense of constant

1 delays, or discussions of actually what is the
2 terms of reference of the task force yet to be in
3 its full identity. If you check with your own
4 superiors, there's different views what they see
5 the task force being, because I was at a recent
6 meeting on this issue.

7 The second being, you talked about the
8 TLUKS that was done. You're looking at the
9 \$500,000 that you've referenced that you have
10 situated that would be given to the Federation to
11 do that study. Well, still you owe me 100 and
12 some thousand that you haven't paid me because you
13 changed policy. I had to fund that myself. So we
14 still went ahead and finished the TLUKS. You
15 still owe me a hundred something thousand. You
16 can check with your department if you want. So
17 you are not giving me the funding because you
18 changed policy on me. But aside from that, I'll
19 fight that battle with your superiors later.

20 The second issue on the TLUKS, we're
21 talking province wide, province wide study. Let
22 me explain to this committee, including the CEC,
23 how much you gave Fox Lake for duty to consult, or
24 the consultation, 3 million, 4 million, for one
25 little tiny reserve of 300? And you are telling

1 me you have given me sufficient funds for 100,000
2 people province wide? Let's do the math here.

3 MR. BEDFORD: Just so you don't leave
4 today under mistaken apprehension, I can tell you
5 because I played a role in the process with Fox
6 Lake, that that community did not receive
7 3 million, nor 2 million, nor 1 million for its
8 engagement with Manitoba Hydro on Bipole III. But
9 let me ask a final question, because I know that
10 these Commissioners are interested in Bipole III
11 and the obligations they have to listen to all of
12 us and then to make recommendations. We all know
13 now there will be an adjournment of this process
14 in order for my client to do some further writing
15 regarding three route adjustments. And I have
16 said on behalf of my client that it intends to do
17 some further public engagement outside of this
18 hearing process. And I certainly know, I've said
19 as much to my client, but my client doesn't need
20 me to tell it that, that one of the organizations
21 that should be engaged about the route alterations
22 is the Manitoba Metis Federation, for reasons that
23 will be obvious, of course, to you and to everyone
24 that's been hearing evidence. This engagement
25 will have to be done quite logically in the next

1 couple of months. Can you tell me how you, as
2 president of the Manitoba Metis Federation, would
3 like to see that engagement on the three route
4 changes take place with your organization in the
5 next two months?

6 MR. CHARTRAND: Firstly, the changes
7 to the routes that you're referencing I think were
8 just recently brought to the limelight, what those
9 changes look like, where you are deciding to go.
10 It would be I think not wise of me to make a quick
11 decision on such a magnitude of a change. I think
12 it would be wise for me to contemplate and look at
13 all the surrounding communities, the effects, is
14 there water effects, how far will it go, is the
15 river going to be affected? Areas of the people
16 that utilizes specific areas, are they one
17 community area, two, five? I'd have to go full
18 analysis. At the same time I'd hope there's going
19 to be proper resources put in place to make sure I
20 get the experts that you're bringing to the table,
21 so I have equal experts sitting across from you.
22 I hope you're not expecting the Federation to be
23 funding something where this is a profitable
24 margin for Hydro. This is not a not for profit
25 organization you're running, this is a profit

1 margin system that you are running. And you're
2 going to be taking resources and making resources
3 out of that system. So obviously I'd be looking
4 forward to see how you'd really sincerely look as
5 a true partner to us, or are you going to just, as
6 I said the earlier phrase -- pardon the coin, coin
7 phrase, nickle and dime?

8 MR. BEDFORD: Thank you very much,
9 President Chartrand.

10 THE CHAIRMAN: Thank you, Mr. Bedford.
11 Any of the participants have any questions for
12 Mr. Chartrand? Mr. Mills? No? Nobody else?

13 I have one or two questions, President
14 Chartrand. And first of all, I'd like to thank
15 you for your presentation this morning. It was
16 quite comprehensive and quite informative. So
17 thank you for taking the time out to do that.

18 I heard what you had to say about the
19 collectivity of Aboriginal rights and how
20 consultation should arise out of that
21 collectivity. I also heard what you had to say
22 about Northern Affairs community mayors, and that
23 the MMF should be the one voice on rights issues.
24 But I'm a little confused, how about on non rights
25 based issues? Is it open to Manitoba Hydro, or on

1 any other project, the proponent to consult with
2 Metis in communities directly if they are non
3 rights based issues?

4 MR. CHARTRAND: If I can, Mr. Chair,
5 thank you for the good question. If I can, I know
6 that Hydro in the past has actually had
7 discussions with community councils, and Grand
8 Rapids is a perfect example of the use of its land
9 base area, and where they actually conjured up an
10 agreement from a tax base issue, how much taxes
11 will be paid to the building of an arena, a hockey
12 arena, because again the usage of that community
13 council. Community council has a duty and
14 responsibility to ensure that the administration
15 and operation of that town is being met. And if
16 that's more use of the road or water systems, et
17 cetera, it's their function. Clearly, that's a
18 very important role for Hydro, to sit down with
19 them and talk in general about the public that's
20 going to be affected. It's not only just Metis
21 that live there. Sometimes there is a majority of
22 us, 80, 90 percent that's full Metis. But the
23 majority sometimes were the minority in some of
24 these communities. So from my perspective,
25 clearly Hydro should speak with mayor and council

1 about those affects that affect their area of
2 jurisdiction. When it comes to matters where
3 there's economic potential harm that may come to
4 the future of my people, then that's where they,
5 automatically, they should be at the table with us
6 saying, okay, we are affecting your commercial
7 fishing industry which you are famous for, we are
8 affecting our forestry which you are famous for,
9 or your trapping, we need to talk to you from an
10 economic standpoint, we may take this away from
11 you in the future. So, how do we solve this issue
12 with you people and yourselves? Just like they
13 deal with First Nations, but they don't do it
14 village by village, because we're not based like
15 that. And that is where the stumbling block I
16 think comes for Hydro, because they are set in a
17 certain mode. It's like a train, it's always
18 going straight, and I think it needs a few curves
19 in it.

20 THE CHAIRMAN: Are there any
21 situations that you can imagine where it would be
22 okay for Hydro to deal individually directly with
23 Metis people?

24 MR. CHARTRAND: Well, I gave you that
25 example, because the reason I choose that one,

1 Commissioner, is that there is First Nations, for
2 example, that live in these communities. Pine
3 Creek and Duck Bay, which I'm very familiar with,
4 Duck Bay and there's First Nation people that
5 lived there, bill C 31. So, definitely they will
6 come and consult. But here's the analogy I want
7 you to -- this is the real conceptual challenge I
8 want you to understand. They will come to that
9 community and say, okay, we're talking to mayor
10 and council, but we're talking to them about the
11 Metis issues. But there are First Nation people
12 that live there too. When we talk to the First
13 Nations, I am going to talk to Chief and Council,
14 not to these groups here. Even if there is --
15 there could be a hundred of them in there. We are
16 not talking to them, we've got to talk to your
17 Chief and Council, not you. You know, we can talk
18 to you on the effects of where you live as a
19 resident of a community and municipality, but we
20 can't talk to you about -- because we talked to
21 your elected Chief and Council. If they would
22 take that same understanding and respect and say,
23 I've got to talk to the elected officials of the
24 MMF process, they would solve their problem
25 overnight. But they have got to come over that.

1 Because if you can encapsulate what I'm trying to
2 express to you, if that was so simplistic for them
3 that they can just go to the community and talk to
4 the Metis people through the mayor and council,
5 why don't they take that approach with First
6 Nations? That is a good question you should ask
7 them, why do you treat it differently? Do you
8 believe that they have more rights than we do, or
9 they have a government system that you respect and
10 recognize as an existing government? You don't
11 recognize the Metis government? Is that what your
12 problem is? What's the true problem that Hydro
13 has?

14 THE CHAIRMAN: I think that response,
15 and also some of your presentation this morning
16 you talked about making the process better in
17 consultations with the MMF?

18 MR. CHARTRAND: Yes.

19 THE CHAIRMAN: But this is sort of for
20 the future. What we're charged with looking at is
21 Bipole III.

22 MR. CHARTRAND: Yeah.

23 THE CHAIRMAN: How would you like to
24 see Hydro, what would you like to see addressed in
25 respect of Bipole III, the process for Bipole III,

1 given that we're well along this road already?

2 MR. CHARTRAND: Um-hum.

3 THE CHAIRMAN: You did note that you
4 are supportive of Hydro development. How can we,
5 or what would you like us to say about Hydro and
6 Bipole III?

7 MR. CHARTRAND: Well, I think one of
8 the easiest things for me to reference is that the
9 greatest insult that's given to our people is the
10 disrespect to our government, disrespect that we
11 are the governing representative of our people,
12 that we are there to represent the best interests
13 of my people. That's my job, and that's what I
14 was elected by the people to do. And by
15 disrespecting our local governance, our regional
16 governance, our provincial governance, it truly
17 sets a negative situation between both parties.
18 And if you would, if there's anything that can be
19 done by Hydro -- I'll take an example. I just
20 finished negotiating with Summerberry, it is
21 called Summerberry, it is the trapping in Grand
22 Rapids. And there is an example it can be done.
23 Brennan and I, before he resigned -- retired I'm
24 sorry -- I think we would have gone a long way, me
25 and him, in solving some of these problems.

1 Before Brennan retired, we negotiated the
2 Summerberry. And the reason it was so unusual is
3 that here is the best picture of where again the
4 Metis were given the crumbs at the end of the day.
5 When Summerberry was in its full state, Metis
6 trappers from Duck Bay and Camperville were part
7 of that process. But in 1940 on, there was no
8 voice for them. There was not even a mayor and
9 council yet. There was nobody to speak on their
10 behalf, so they just got told, you're not nothing.
11 They start selling at Grand Rapids, Easterville,
12 and they are moving on to the future other
13 communities, but they were going to completely
14 ignore us again. And then Brennan and I pounded
15 away in a room and came to a conclusion. So we
16 ended up negotiating a settlement, which is now
17 almost final. We're just waiting for the lawyers
18 at Hydro to conclude. But here is an example that
19 can be done if it wants to be done. If the
20 message is loud and clear that it has to be done,
21 I think Hydro will follow.

22 The question that I will always pose
23 to Hydro, and what I will pose to Scott as the new
24 president, where are you getting your guidance
25 from? Who is telling you not to recognize our

1 people as a rights bearing people?

2 And I thank Doug for the kind words
3 that he indicated to me from his father and from
4 himself. But Doug is a lawyer, he's a
5 professional. If he takes this Northern Affairs
6 Act, he reads it, he knows the mayor and council
7 don't have that jurisdiction. A first law year
8 student can tell you that. So why do they keep
9 that same position going forward and still saying,
10 well, there's a Metis person there, we are going
11 to talk to that one. There's a Federation here
12 that negotiates self-government agreements right
13 now in this province, and we're taking over a lot
14 more of these programs than before. I just came
15 from the Minister of -- the transition of, the
16 devolution of Child & Family. So, you know, it's
17 not given to mayors and councils, it's given to
18 our people because we have to manage it, because
19 it's our situation as rights bearing people.

20 So I'm just going to show you the map
21 of negotiating the harvesting. They wouldn't
22 negotiate with me if I wasn't the right person to
23 negotiate with. Why does Hydro have a difficult
24 time coming to a conclusion to recognize our
25 government? If they do that, their problem is

1 solved. They will get beyond that. They will
2 pass hurdles. But the challenge lies for the
3 Commission, and I know you can only make
4 recommendations, and I hope the recommendation, if
5 there's anything I can ask from this Commission,
6 is to make recommendations that has teeth in it,
7 that has the clear identification there's got to
8 be a target and measurables in it. Then you will
9 see the accomplishment. I assure this would be
10 easy. I do support the development of Hydro, I'm
11 a very strong supporter of it. I believe this
12 Bipole route should go through, personally, as a
13 leader, but I will do everything in my power to
14 protect my people's rights, and nobody will ever
15 disrespect them. And if Hydro decides to
16 disrespect them, then I will fight them
17 vigorously. But at the other end, they have
18 probably got a good -- and I'll even sit down at
19 the table with us.

20 THE CHAIRMAN: So you'd like us to
21 recommend, you say you want us to make
22 recommendations with teeth in it. But what might
23 those recommendations be?

24 MR. CHARTRAND: Well, for one, I gave
25 you evidence of utilizing the Justice Inquiry

1 itself. You can't take a better preamble of what
2 was said in quotations of recommendation made,
3 that any development in even this field of sector,
4 which clearly fits within that framework, black
5 and white clearly, that that recommendation alone
6 should be a stand-alone, that Hydro has no choice
7 but to sit down with the Manitoba Metis Federation
8 and come to resolve this matter to deal with the
9 Metis people. That would be so simplistic, just
10 take that inquiry resolution, slap it and say,
11 okay, now you've got no choice Hydro, you've got
12 to sit down with them. Because if not, no due
13 disrespect to this Commission, if not, which I
14 don't want to see, I don't want to see myself in
15 the courts. But why support Hydro? I still got
16 to take them to court because they don't want to
17 sit down and respect my people's rights. What is
18 the Constitution in this country for if it's not
19 there to protect all of us as Canadians, and start
20 defining exactly where we all fit in this society?

21 The second piece of it, the courts
22 already ruled on the issue that we are rights
23 bearing people. The courts already said clearly,
24 enough is enough, quit coming to us and do your
25 dam -- pardon my language -- do your job and get

1 it done. You are elected as politicians, resolve
2 it you guys. So I think the message has got to be
3 loud and clear to Hydro, you cannot play cat and
4 mouse no more. You actually have to sit down with
5 the designated recognized government and solve
6 this problem, and you will not have these
7 headaches.

8 THE CHAIRMAN: Thank you.
9 Mr. Gibbons?

10 MR. GIBBONS: Yes, thank you.

11 Dr. Chartrand, it's just a point of
12 clarification, because you made reference to the
13 governance structure, local, regional and
14 provincial. And it would help me understand this
15 more clearly if you could draw a comparison, or a
16 differentiation perhaps, with how negotiations
17 might take place with First Nations, First Nations
18 being rights bearing people, nonetheless, enter
19 into negotiations with Manitoba Hydro based on
20 geographic realities, OCN, Fox Lake, et cetera, as
21 individual First Nations, rather than say the
22 Grand Chief or the province negotiating on their
23 behalf. And I guess what may cause some confusion
24 for me is that there is a local and regional
25 structure in place, the seven regions, for

1 example, for MMF. Are there any occasions where
2 Hydro, for example, might be expected or
3 encouraged to consult with the local or the
4 regional groups, not necessarily in place of the
5 provincial body, but in addition to, in order to
6 understand more clearly the interests, the issues
7 as they apply to that particular area? That might
8 help me if you could explain that?

9 MR. CHARTRAND: Thank you very much,
10 Ken.

11 The best way I guess to give -- first
12 of all, I'll do a quick analogy so you can see the
13 grasp of the role. The First Nations governance
14 is definitely completely different. I just met
15 the three Grand Chiefs just sitting over there.
16 And a good example, when we negotiated devolution
17 of Child & Family Services, it wasn't the
18 individual chiefs sitting at the table, it was the
19 Grand Chiefs and myself sitting at the table with
20 the government on renegotiating the devolution of
21 Child & Family province wide. Then it is speared
22 on and then delivered and managed at that lower
23 level after. But it's negotiated at that top
24 level.

25 And from our perspective, from our

1 side, the issue from our Metis government is that
2 the local, I assure you will be involved 100 per
3 cent, I assure you the region will be involved 100
4 per cent. What we're doing from the provincial
5 level is protecting the insurance that none of our
6 Metis will be left out and forgotten and mislead
7 or turned to a different direction, and their
8 rights being deprived from them. Our job at the
9 provincial level is to make sure we have the right
10 tools sitting at that table when any negotiations
11 take place. When you sit down with chief and
12 council at that level, their rights bearing on
13 that land, so am I, I'm no lesser than them, and I
14 read you a quote from the Supreme Court of Canada
15 on the Powley. So when I'm in the Crown lands of
16 The Pas area, I can harvest those Crown lands, I
17 can harvest private lands, as long as I've got
18 permission. Same thing as First Nation, no
19 different. So our rights are not lesser than
20 First Nations.

21 The confusion I think that lies for
22 many is because there's a land based designated
23 reserve. And the way they set up their system is
24 that they are each funded, and they have the tools
25 and resources of a band office, chiefs, councils,

1 they are all paid.

2 We as the Federation, kind of similar
3 in size and structure, a little bit, but
4 different, our political system is completely
5 different. But if we had the tools, for example,
6 to have an office, to have the executive chair
7 elected and paid and working full time, and
8 council, and their executive, we'll call them,
9 council, what would be the difference? I don't
10 think there would be any. There would be an
11 actual tool of a body actually working in that
12 environment, a place you can go to. The reason
13 they probably go to the mayor and council is
14 because there is already an office there. We
15 don't have offices in all of our locals, we can't
16 afford that, because we pay for it ourselves.

17 So the challenge I think that lies for
18 you is to try to differentiate the two bodies, but
19 at the same time don't get confused to think that
20 if they talk to us, they don't talk to the local.
21 The local in our systems automatically input into
22 the system. We will not talk to Hydro unless that
23 local is involved. I will not talk to Hydro
24 unless that region is involved, the designated
25 area being affected. But we also do analysis, is

1 anybody else is involved? Is anybody else
2 affected?

3 Fairford dam right now, you can go to
4 Duck Bay, which is how many miles away from Lake
5 Winnipegosis? If they have their way, if there
6 was no laws in this country, they'd bomb that dam
7 right now. The fishermen hate that dam. Because
8 they -- and Freshwater can say it does not affect
9 them, that they have done everything, put the
10 proper ladders and channels in place, but Lake
11 Winnipegosis and Lake Winnipeg, there is a
12 connection. And yet those fishermen in Lake
13 Winnipegosis know that dam is hurting them. So
14 when you look at the process, even though they are
15 miles away, they are affected.

16 So that's why the provincial body
17 needs to look at all of the scope of it. We can't
18 just make a decision, and this little piece
19 gets -- I just talked to one of the grand chiefs,
20 Chief Harper, and he feels the same way that, you
21 know, you can't just talk to Fox Lake without
22 looking at all the surrounding bands around there,
23 because they are going to get affected one way or
24 another. So we need to figure out how we do that.
25 And they know the position of the MKO. MKO is

1 coming apart. They want to make sure that the
2 rest of the bands aren't going to be left out.

3 So there is a movement abroad to push
4 Hydro to get out of that box, and ask yourself, if
5 you're going to do it, let's do it right. Because
6 this is supposed to be for all Manitobans, not
7 just for one entity. So I think at the end of the
8 day, I think the two pieces, as long as you can
9 understand, Ken, from the perspective from our
10 side that we are never going to deny that locals
11 won't be involved, local community to local
12 citizens. Our system guarantees they are
13 involved. Just that they are going to go through
14 us. That's a resolution passed by all of our
15 delegates, all of our electoral systems across our
16 province. They made it very clear that we want it
17 to go through the Federation, and if you're going
18 to go into that bread basket I was telling you
19 about, do you know how many locals are in there?
20 There's a whole whack of locals in there. So what
21 we are going to be -- I told Brennan why the task
22 force I negotiated, for Doug, why I negotiated a
23 task force was to create a bigger team at the
24 Federation so we can do all the legwork and
25 homework ahead of time, so we can solve the

1 problems such as the bread basket. But we only
2 have one staff.

3 So one of the things we talked about
4 is that if we had that, all those communities got
5 to be considered. You can't just go out and talk
6 to Duck Bay and not consider what is happening to
7 the people in Swan River, Cowan, Metis people that
8 live in Renwar or all these other places, these
9 people all use that blueberry patch. You can't
10 just go to one in isolation and forget the group.
11 So that's why resolution 8 was unanimously passed
12 by everybody. They all know it affects all of us
13 and we are all interconnected as a family, so we
14 cannot just subside ourselves and think, well, we
15 solved it, we negotiated with Duck Bay, the rest
16 don't matter. That's not how my government
17 operates. I don't think that's how this province
18 operates either.

19 MR. GIBBONS: Thank you, that's
20 helpful.

21 THE CHAIRMAN: Thank you very much,
22 President Chartrand, I think that's all the
23 questions we have for you. You got off easy.

24 MR. CHARTRAND: I know. I was looking
25 forward to some good questions, Doug. But thank

1 you for those kind words.

2 THE CHAIRMAN: I think they were good
3 questions, they weren't overly tough.

4 MR. CHARTRAND: Yeah. I live it
5 everyday, so maybe that's why it's not tough for
6 me answering them.

7 THE CHAIRMAN: Again, thank you for
8 taking the time and coming here today, it's been
9 helpful in our process.

10 MR. CHARTRAND: Yeah. Thank you very
11 much. Thank you for your work.

12 THE CHAIRMAN: I think I have one or
13 two questions for Mr. Matthewson, and I'm not sure
14 if other panelists do.

15 MS. JOHNSON: Mr. Chairman, while
16 we're changing chairs here, I'll put these
17 documents on file. MMF 18 will be the map of the
18 Red Deer Shoal River fur block; number 19 will be
19 the affidavit from Mr. Chartrand; and number 20 is
20 the Northern Affairs Act.

21 THE CHAIRMAN: Thank you.

22 (EXHIBIT MF 18: Map of the Red Deer
23 Shoal River fur block)

24 (EXHIBIT MF 19: Affidavit from Mr.
25 Chartrand)

1 (EXHIBIT MF 20: Northern Affairs Act)

2 (Brief recess)

3 THE CHAIRMAN: Thank you again.

4 Mr. Motheral has one question or so
5 for Mr. Ortiz.

6 MR. MOTHERAL: Thank you,
7 Mr. Chairman.

8 Mr. Ortiz, in your herbicide on page
9 10, you just mentioned the -- any time there was
10 spraying done, operators must be licensed. Is
11 that correct?

12 MR. ORTIZ: Correct, yeah.

13 MR. MOTHERAL: Does Manitoba Hydro
14 train any of their own people to be licensed
15 operators, or is it always hired outside Manitoba
16 Hydro?

17 MR. ORTIZ: No, we have 40 some odd
18 licensed applicators.

19 MR. MOTHERAL: And they keep up with
20 their licence? There's probably a refresher?

21 MR. ORTIZ: Yes, every five years they
22 need to be recertified.

23 MR. MOTHERAL: Okay. That was my only
24 question. Thank you.

25 MS. MacKAY: Yes, I have a couple of

1 questions around the herbicides also. You are
2 using Garlon and Tordon; is that correct?

3 MR. ORTIZ: Yes.

4 MS. MacKAY: The Tordon is picloram,
5 and Garlon I believe is in the family of auxin
6 mimics?

7 MR. ORTIZ: Tryclopypyr is the active
8 ingredient.

9 MS. MacKAY: That's in the same family
10 as for example, 2-4-D; is that correct?

11 MR. ORTIZ: I don't know. Oh, I see
12 what you're saying, it's an auxin mimic, yes, it
13 works fairly similarly, yes.

14 MS. MacKAY: Yes. How do you choose
15 between those when you're making decisions?

16 MR. ORTIZ: Our main program is based
17 on Garlon, and when we're in two areas that have
18 tougher to control species --

19 MS. MacKAY: Which would be what
20 species?

21 MR. ORTIZ: Black poplar or balsam
22 popular, or black spruce, then Tordon gives us a
23 little bit of extra edge on that. The main --
24 there is, as I talked to in my presentation too,
25 we have a ground water hazard rating system where

1 we look at the porousness of the soils, and the
2 organic content and the depths to groundwater as a
3 limiting factor in all our programs.

4 MS. MacKAY: So in those situations
5 where there were water issues, you would not use
6 picloram; is that correct?

7 MR. ORTIZ: Correct, yes.

8 MS. MacKAY: Have you monitored the
9 impact of either of these herbicides on the
10 understorey in the areas where you are spraying
11 them? How much is, for example, dripping off the
12 trees?

13 MR. ORTIZ: Very little. We use a
14 directed application where we're only targeting
15 the target trees. Depending on the density of how
16 many targets there are, of course, there will be
17 more or less put on in a particular area. Are you
18 asking for specific data?

19 MS. MacKAY: No, I'm just wondering if
20 you are aware of whether you're killing the
21 herbaceous vegetation under these patches of trees
22 or not, how much damage you see there?

23 MR. ORTIZ: If there is herbicides
24 that drop off that runs off a tree onto some
25 herbaceous broadleaf plants that are under there,

1 yes, they will be affected. We do, our forestry
2 department does do follow up monitoring where they
3 are assessing the effectiveness of the
4 application, as well as the effects to the
5 surrounding community, and then monitoring that as
6 well. And we see the understorey -- very little
7 effect on the understorey.

8 MS. MacKAY: So you do have some data
9 on that?

10 MR. ORTIZ: Yes. I don't know if we
11 would put it through a statistical analysis or
12 not, but we do some follow-up surveys.

13 MS. MacKAY: Qualitative?

14 MR. ORTIZ: Well, we actually count
15 stems and do qualitative damage assessments, or
16 control assessments, but I don't know if it would
17 be considered a statistical sample or not.

18 MS. MacKAY: Okay. I just have one
19 more issue. This comes out of a comment that one
20 of the participants made the other day in relation
21 to the dosages that you might or might not use.
22 It's my recollection the implication of the
23 participant was that you used very strong dosages.
24 I believe in your presentation, or something I
25 have read that you have submitted recently, you

1 suggest that you often use lower dosages than the
2 label recommends. Is that correct?

3 MR. ORTIZ: Yes, that's always -- I
4 shouldn't say always, that's typically the case
5 where we use lower than label rates, because we
6 have seen through the experimentation and through
7 experience that we don't need full label rates. I
8 don't ever recall saying that we use extra strong
9 application solutions.

10 MS. MacKAY: Okay. Just going back to
11 the Garlon versus Tordon for a moment, can you
12 just give me a very rough estimate of, overall
13 what proportion would be Garlon and what
14 proportion would be Tordon, just to the nearest
15 10 percent, something like that? I realize that's
16 probably asking you --

17 MR. ORTIZ: No, probably about 80/20,
18 80 per cent Garlon.

19 MS. MacKAY: And 20 percent Tordon?

20 MR. ORTIZ: Yeah.

21 MS. MacKAY: Okay. Thanks very much.

22 THE CHAIRMAN: Mr. Ortiz, I have one
23 question, and you refer in your presentation to a
24 NERC document FAC 0031, I think it's a standards
25 document?

1 MR. ORTIZ: Yes.

2 THE CHAIRMAN: Can you just describe
3 it briefly?

4 MR. ORTIZ: It's a NERC standard that
5 we're legally required to abide by. It requires
6 us to have a documented vegetation management
7 program which is designed to prevent trees from
8 violating that air gap that's around the wires.
9 And it's a zero tolerance standard. You are not
10 allowed to have one or two incidents a year, just
11 zero tolerance.

12 THE CHAIRMAN: And it's just in
13 respect of that air gap?

14 MR. ORTIZ: Yes. But the design of
15 your program has to consider, of course, every
16 location where that wire may be, whether it's
17 sagging in the summer or blowing out in the wind,
18 or the trees are blowing in to interfere with that
19 wire. So wherever that wire may be, you can never
20 violate that air gap.

21 THE CHAIRMAN: Okay. Thank you.

22 Mr. Matthewson, I have a couple of
23 questions. We have been talking I think mostly
24 about, like the EPPs we're talking about are for
25 the construction phase; is that correct?

1 MR. MATTHEWSON: Yes, primarily that's
2 what we've been talking about.

3 THE CHAIRMAN: Will there be EPPs for
4 the operational phase?

5 MR. MATTHEWSON: Yes, there will be.
6 In my presentation I outlined that there would be
7 I believe four operational environmental
8 protection plans. One for the Bipole III line
9 itself, one for the collector lines and the
10 construction power, and then one for each
11 converter station and corresponding ground
12 electrode.

13 THE CHAIRMAN: Okay. And typically
14 when would they come in to being?

15 MR. MATTHEWSON: We would typically
16 write those prior to the in-service of the
17 transmission line.

18 THE CHAIRMAN: So sometime in 2017?

19 MR. MATTHEWSON: Correct.

20 THE CHAIRMAN: Assuming everything
21 goes swimmingly from here on?

22 MR. MATTHEWSON: Yes.

23 THE CHAIRMAN: Now, the cynic's
24 question, and you had been asked a number of
25 questions around this, but what you had presented

1 to us sounded awfully good, but the cynic is going
2 to say, how do we know it's going to be put into
3 place? I mean, it's Hydro sort of policing
4 itself. What can you do to assure the cynics that
5 this isn't so?

6 MR. MATTHEWSON: Well, I think through
7 the community liaison and the environmental
8 monitor, those are direct community members that
9 are involved right on the line in the construction
10 of the project. So they see firsthand what
11 Manitoba Hydro is doing, and the protection
12 measures it's putting in place, and the
13 construction practices it has. The annual
14 reporting mechanism where we report on our
15 monitoring programs and mitigation performance
16 annually to Manitoba Conservation as well as to
17 the communities in and adjacent to the line, as
18 well as communities such as the MMF, which is not
19 a spatial location or dot on the map, and as well
20 as the -- on the Wuskwatim project we go back to
21 the communities after every construction season
22 and we have open houses and presentations to the
23 communities explaining what happened for
24 construction. There's kind of two approaches, the
25 construction folks present and then the monitoring

1 folks present what we have seen monitoring wise.
2 So there's another level of engaging the community
3 in what's occurring. Through the auditing process
4 that we have outlined in the environmental
5 protection plan, as well as our certification
6 through the ISO 14,001 standard, those would be
7 mechanisms by which we ensure our implementation
8 of environmental protection.

9 The commitments document that Manitoba
10 Hydro has committed to and filed as evidence to
11 the CEC, our environmental protection plans when
12 we actually do finalize them and file them with
13 Manitoba Conservation, these are the documents
14 that Manitoba Hydro is going to fill, those are
15 the documents by which Manitoba Conservation will
16 judge our performance on.

17 THE CHAIRMAN: And you mentioned the
18 Wuskwatim process, which is for the obvious
19 example. Has your reporting and your monitoring
20 been generally well received? Have there been any
21 problems in that process, the EPP monitoring for
22 Wuskwatim?

23 MR. MATTHEWSON: Problems with regard
24 to the results or the communication?

25 THE CHAIRMAN: Either one?

1 MR. MATTHEWSON: The communication
2 program has worked with going back to the
3 communities and presenting. There is certainly
4 lessons that we have learned through that process
5 about how we communicate, and the mechanism, the
6 medium which we use to communicate when we are in
7 a community. Going in front of the community and
8 doing a PowerPoint presentation about our
9 monitoring program doesn't convey the messages.
10 Meeting with those core elder groups and sitting
11 down, as some of the members of the Metis panel
12 presented, sitting down at coffee and talking to
13 them about the project and their concerns is
14 certainly something that we want to do more of in
15 the Bipole project than what we conducted on the
16 Wuskwatim project. The involvement of community
17 members in our monitoring programs, we just -- the
18 Wuskwatim project, we didn't do that from the
19 beginning, but we in the last year have involved a
20 lot more community members in direct on-hands
21 implementation of monitoring, and getting them
22 firsthand transfer of what we're seeing in the
23 landscape, and them actually being in the
24 helicopter with us, seeing what's going on.

25 THE CHAIRMAN: Are your monitoring

1 reports and audit reports posted on your website?

2 MR. MATTHEWSON: The monitoring
3 reports are not posted on the Manitoba Hydro
4 website, nor the audits. They are submitted to
5 Manitoba Conservation to be put into the public
6 registry, but that is one of the things that we
7 strive to do is to put all of our monitoring
8 reports on the Manitoba Hydro website. To ease
9 access to a lot people, we have heard that,
10 through our community engagement process and
11 through the Wuskwatim process, that they need an
12 easier way to get at it. So we feel that having a
13 project website that is dedicated to having all
14 those reports sitting right there, easy for people
15 to access.

16 THE CHAIRMAN: You're going to have a
17 project website?

18 MR. MATTHEWSON: We have a Bipole III
19 project website right now. We will continue that
20 project website and fill it with monitoring
21 reports.

22 THE CHAIRMAN: Personal observation,
23 it has got nothing to do with Bipole or with you
24 people, but your current website is really
25 difficult to find stuff on, at least for me.

1 MR. MATTHEWSON: The Hydro website as
2 a whole or the Bipole?

3 THE CHAIRMAN: The Hydro website as a
4 whole, but that's just my own personal bugaboo.

5 I think that concludes our process for
6 today -- sorry, one more question coming here.
7 This will be the tough one, at the end of the day.

8 MS. MacKAY: This is for
9 Mr. Matthewson. It's around the inspectors. You
10 have an environmental officer for the transmission
11 line and an environmental officer for the
12 converter stations; is that correct?

13 MR. MATTHEWSON: Yes, those are senior
14 staff.

15 MS. MacKAY: Those are the senior
16 staff. And then you have one environmental
17 inspector for each of the 13 sections, is that
18 correct?

19 MR. MATTHEWSON: No. There is one for
20 each one of the construction segments, which I
21 believe there are --

22 MS. MacKAY: The number doesn't make
23 much --

24 MR. MATTHEWSON: It could be 13
25 environmental protection plans, but that doesn't

1 mean there will be 13 inspectors because they
2 aren't all constructed at the same time. We would
3 anticipate four to five people concurrently.

4 MS. MacKAY: All right. Then I also
5 see in your slide presentation you have, under
6 construction contractors, you have contractor
7 environmental officer. How does that fit in?

8 MR. MATTHEWSON: Well, that role is
9 to -- it's so that Manitoba Hydro isn't training
10 the contractor about how to implement
11 environmental mitigation and inspection. It's the
12 contractor's role to take that training and
13 responsibility on themselves, to ensure that we
14 have another body. Because there is many people
15 at a construction site, and having one Hydro
16 inspector training them all and making sure
17 everybody is compliant isn't enough. And having
18 an environment officer for every contractor, it's
19 just another body that helps the contractor be
20 compliant with the environmental protection plan,
21 which frees up Manitoba Hydro's inspector to not
22 be training them at everything they need to do,
23 but doing more of the inspection role and ensuring
24 what they are doing is correct.

25 MS. MacKAY: Right. And then we add

1 into that the environmental monitors. My concern
2 is lines of reporting, and I'm looking for some
3 reassurance, because I can imagine the situation
4 where you are behind schedule and the contractor
5 wants to just keep pushing on. And the
6 environmental inspector may not, depending on how
7 things were organized, may not feel they have the
8 clout to put in a stop work order. How is the
9 reporting among the monitors, the contractor
10 environmental officer and your environmental
11 inspector, all of whom would report at some point
12 up to your environmental officer, how does the
13 organization ensure that if there is a need to
14 stop, it will happen?

15 MR. MATTHEWSON: The environmental
16 officer is at the same level as the construction
17 supervisor, so there is no -- they are
18 independent, as in the environmental officer
19 doesn't report to the construction supervisor,
20 they report to the project engineer. So they
21 have -- there is no, if the environmental
22 inspector reports a problem to the officer, and
23 the officer reports that to the construction
24 supervisor, they also report that to the project
25 engineer, who is the reporting head of both of

1 those departments.

2 The environmental monitor is also
3 reporting over to the community about what's going
4 on. So there's no opportunity for Hydro to be the
5 only one knowing there is an environmental
6 problem. The environmental monitor, who we're
7 anticipating to be a community member, also knows
8 about the problem and is working -- and is making
9 the community aware of the problem. So there is a
10 check and balance in place with the environmental
11 monitoring role and the community liaison role, to
12 ensure that things aren't fast tracked because of
13 construction schedule, and we're neglecting our
14 environmental protection responsibilities.

15 MS. MacKAY: Okay.

16 MR. MATTHEWSON: And there will also
17 be, within the contracts, with the contract there
18 are environmental performance measures and
19 penalties for the contractor for not being
20 environmentally compliant as well.

21 MS. MacKAY: Okay, thanks.

22 Back to Mr. Ortiz, if I could just
23 have one more question. I think we probably dealt
24 with this already to some extent. But there are a
25 number of folk who are saying that they need --

1 for particular areas they want no herbicide use
2 and they want a guarantee of no herbicide use.
3 And I think we have heard that you can do that,
4 but it's very expensive. Could you just tell me a
5 little bit more about your capability to give up
6 herbicides if it seems necessary?

7 MR. ORTIZ: Well, using herbicides
8 certainly isn't cheap, it's certainly not the
9 cheapest option on the table. Using herbicides is
10 a very important tool to us in that it allows us
11 to manage, we have 11,000 kilometres of line, of
12 transmission line to manage now, another 1,400
13 coming on with Bipole III hopefully. And
14 herbicides are a very important tool that allow us
15 to manage that workload, in a fashion that lets us
16 keep up with that workload. By using herbicides,
17 we can extend the time period for when we have to
18 revisit a site in order to manage the trees that
19 are growing in that situation.

20 The other thing to remember about
21 herbicides is that we do use them in a targeted
22 fashion so that it allows us to be on the land
23 less and have a less of an impact each time we go
24 back, moving to smaller and smaller equipment,
25 eventually to people using back packs and

1 travelling by foot.

2 MS. MacKAY: Excuse me, and how many
3 visits would it take to get to that stage, say how
4 many years?

5 MR. ORTIZ: Probably the third
6 treatment, we would see the third treatment being
7 very small, backpack and/or quad type of
8 applications. It's always a trade-off, though,
9 using mechanical equipment, it could always be
10 done, but it's very intrusive when you're
11 resetting that ecological clock every single time.
12 It creates a mono culture eventually, because
13 those suckering species are coming back robustly
14 rather than other species that are being
15 outcompeted. I don't know what else to add,
16 sorry.

17 MS. MacKAY: That's fine. Thanks very
18 much.

19 THE CHAIRMAN: Just following a little
20 bit on that. We heard earlier today from
21 Mr. McCorrister that herbicides cause traps to
22 rust out very quickly. Have you any comment on
23 that? Had you heard of that before?

24 MR. ORTIZ: No. The herbicides that
25 we use are very diluted and they are certainly not

1 corrosive to metal.

2 THE CHAIRMAN: Okay, thanks.

3 MR. ORTIZ: Our pumps are made of
4 metal.

5 THE CHAIRMAN: Thank you. Anything
6 else for these gentlemen?

7 Okay, thank you. So I guess you are
8 excused now but you may be recalled in the new
9 year if there's anything in relation to EPP's and
10 the reroutes.

11 Now, tomorrow we have the Consumers
12 Association of Canada. They have a full day
13 scheduled. It may go a little later than 5:00
14 o'clock, but we're not scheduled to go into the
15 evening and we won't be able to go into the
16 evening.

17 Mr. Madden, you're not here next week.
18 Are you here tomorrow?

19 MR. MADDEN: No.

20 THE CHAIRMAN: Okay. I just want to
21 remind you, as I will everyone else next week when
22 we do adjourn for our three and a half month
23 break, that when we return in March, it will only
24 be on new business. We're not bringing up any old
25 business, other than -- we'll only be dealing with

1 new business on the reroutes and then, of course,
2 your closing statements. So the one exception to
3 that, of course, may be panelists who may have
4 some final questions. But we won't be revisiting
5 old business that's been closed off.

6 MR. MADDEN: I'd just like clarity on
7 what you are meaning as old business?

8 THE CHAIRMAN: Anything that's not
9 related to the reroutes.

10 MR. MADDEN: Well, I had mentioned
11 this yesterday, and we will be putting forward a
12 supplemental expert report which includes
13 mitigation measures in relation to moose that
14 aren't just saying, well, we're only saying to
15 apply these mitigation measures to those small
16 areas of the reroutes.

17 THE CHAIRMAN: Well, the reroutes
18 cover a fairly significant area of the Moose
19 Meadows.

20 MR. MADDEN: Okay. So we would be
21 allowed to put in --

22 THE CHAIRMAN: Yes. We'll broaden it
23 slightly for that, as I indicated yesterday. But
24 I don't want you coming up here saying, I want to
25 talk about Keewatinoow or something or other.

1 That's not on the table. Mr. Bedford?

2 MR. BEDFORD: I remind you that your
3 rules of process allow for rebuttal.

4 THE CHAIRMAN: Oh, of course.

5 MR. BEDFORD: That will be old
6 business. I'll tell you, I do not know this
7 afternoon whether there will be any rebuttal.

8 THE CHAIRMAN: Okay. Actually, I
9 meant to say the reroutes rebuttal and then final
10 statements. But you are correct, they do allow
11 it.

12 Okay. That brings us to the end of
13 another happy day. See you all tomorrow morning
14 at 9:00 a.m.

15 (Proceedings adjourned at 4:25 p.m.)

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OFFICIAL EXAMINER'S CERTIFICATE

I, DEBRA KOT, a duly appointed Official Examiner
in the Province of Manitoba, do hereby certify the
foregoing pages are a true and correct transcript
of my Stenotype notes as taken by me at the time
and place hereinbefore stated.

Debra Kot
Official Examiner, Q.B.

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