

MANITOBA CLEAN ENVIRONMENT COMMISSION

BIPOLE III TRANSMISSION PROJECT  
PUBLIC HEARING

VOLUME 24

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Transcript of Proceedings  
Held at Winnipeg Convention Centre  
Winnipeg, Manitoba

TUESDAY, NOVEMBER 20, 2012

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## APPEARANCES

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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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Ian Cluny  
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PINE CREEK FIRST NATION  
Charlie Boucher  
Warren Mills  
John Stockwell

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Answers to Undertakings - Hydro

1 Tuesday, November 20, 2012

2 Upon commencing at 9:00 a.m.

3 THE CHAIRMAN: Good morning. This  
4 morning we have a presentation by Tataskweyak Cree  
5 Nation. I'd just like to remind people in the  
6 audience that we don't tolerate cell phones going  
7 off or conversations during presentations.

8 Commission secretary, please swear in  
9 the witnesses.

10 MS. JOHNSON: Could you please state  
11 your names for the record?

12 MR. LOWE: Ron Lowe, adviser to TCN.

13 MS. SPENCE: Melanie Spence,  
14 councillor of TCN.

15 MR. KEATING: Sean Keating, advisor to  
16 TCN.

17 MR. MACKENZIE: Douglas Mackenzie,  
18 Campbell Marr Law Firm

19 Ron Lowe: Sworn.

20 Melanie Spence: Sworn.

21 Sean Keating: Sworn.

22 Douglas Mackenzie: Sworn.

23 THE CHAIRMAN: You may proceed.

24 MS. SPENCE: Good morning. This is a  
25 submission by TCN to the Manitoba Clean

1 Environment Commission public hearing on Bipole  
2 III transmission project.

3           Tataskweyak Cree Nation comprises more  
4 than 3,500 Cree people who are the original  
5 inhabitants of a territory in north central  
6 Manitoba. We have lived in our ancestral homeland  
7 since time immemorial, sustaining ourselves from  
8 the bounty of the boreal forest fed by the mighty  
9 Churchill and Nelson rivers.

10           We lived in harmony with nature,  
11 respecting the natural rhythm of the seasons and  
12 the habits of wildlife. Our spirituality is  
13 founded on our relationships with our ancestral  
14 homeland, where all that exists is interrelated,  
15 land, culture and spirituality.

16           TCN's expression of the Cree world  
17 view and Hydro development. The Cree world view  
18 reflects core beliefs that arise through countless  
19 generations of living in harmony and balance with  
20 Mother Earth.

21           TCN undertook to articulate its world  
22 view following the signing of the 1992 Northern  
23 Flood Implementation Agreement, which recognizes  
24 Split Lake Tataskweyak Resource Area, and  
25 establishes a large portion of it as the Split

1 Lake Resource Management Area, as shown on the  
2 next page. The formal articulation of our world  
3 view was necessary in order for outside parties to  
4 understand the effects of the hydroelectric  
5 development on our way of life.

6 Split Lake Resource Management Area,  
7 Tataskweyak Resource Area.

8 Our core beliefs are expressed in  
9 relationships which we have developed with Mother  
10 Earth, relationships that have developed over  
11 thousands of years. The relationships centre on  
12 spiritual, physical and emotional relationships  
13 with the land and water and are the essence of our  
14 culture. If these relationships are destroyed,  
15 then we are destroyed. Our relationships include  
16 spiritual relationships with Mother earth;  
17 historical relationships with the land; life  
18 sustaining relationships with Mother Earth;  
19 caregiver relationships and the duty of respect;  
20 hunting, fishing, gathering and trapping  
21 relationships; educational relationships; physical  
22 relationships, trapping, camping, meetings and  
23 burials; emotional relationships; social  
24 relationships within the community;  
25 socio-political relationships with other First



1 Nations; socio-political relationships with  
2 outsiders; and the knowledge of ecological  
3 relationships among non-human beings.

4 See appendix one from our overview  
5 summary -- Keeyask Generating Station -- TCN --  
6 Overview of Water, Land, June 2002, which  
7 describes these relationships in more detail.

8 The customs, practices and traditions  
9 that are integral to our cultural identity are  
10 reflected in these relationships.

11 For TCN, the environment cannot be  
12 divided into component parts and assessed. It is  
13 not divisible and separate from our cultural  
14 identity.

15 In the words of Joesph Keeper, a Cree  
16 from Norway House who has worked for Cree  
17 communities much of his life, and was involved in  
18 the community development movement of the 1960s:

19 "Inherent in the Cree culture is how  
20 we placed ourselves in our  
21 relationship to the land and all of  
22 nature. It was a reciprocal  
23 relationship. Nature contributed by  
24 caring for the Cree and the Cree  
25 contributed by caring for nature.

1                   Within our culture, spiritual life,  
2                   family life, and livelihood activities  
3                   are not separated. These values and  
4                   beliefs become an integral part of an  
5                   individual's personality."

6                   The Mother Earth ecosystem model,  
7 shown following, expresses our world view by  
8 demonstrating the interrelatedness of all things  
9 and the ecological processes that link them. It  
10 depicts the harmony and the balance that can be  
11 achieved among spiritual, physical and emotional  
12 relationships in a sustainably developed  
13 ecosystem.

14                   This is the Mother Earth ecosystem  
15 model. The OWL process. We establish our  
16 Overview of Water and Land, our OWL process, in  
17 2001, as a way of assessing future significant  
18 resource development projects in our ancestral  
19 homeland, judging potential adverse effects  
20 through the prism of the Mother Earth Ecosystem  
21 Model and assessing impacts on the relationship  
22 with Mother Earth, including the tolerability of  
23 such impacts. In particular, the OWL process was  
24 developed to assess the potential impacts of the  
25 proposed Keeyask generating station.

1                   The OWL process is the basis of TCN's  
2 environmental impact statement on any particular  
3 substantial development projects. The OWL process  
4 comprises extensive consultation with our members,  
5 elders and resource harvesters and their  
6 knowledge, values and wisdom about potential  
7 impacts of resource developments, particularly  
8 Hydro projects.

9                   We also use this process to assess the  
10 potential impacts of Bipole III.

11                   Ancestral Homeland Ecosystem Model.  
12 The Ancestral Homeland Ecosystem Model, as shown  
13 below, is a simplified version of the Mother Earth  
14 Ecosystem Model which was developed to apply our  
15 world view to interpret events which have impacted  
16 upon our ancestral homeland ecosystem.

17                   Our homeland ecosystem is depicted by  
18 a series of circular bands, the innermost of which  
19 contains plants, animals, the landscape, the  
20 waterscape and TCN. They are connected by the  
21 relationships identified above. The cumulative  
22 strength of the relationship is represented by the  
23 web.

24                   The red arrow on the left represents  
25 outside influences or historical events and

1 agreements which have impacted our homeland  
2 ecosystem. The brown arrow on the right  
3 represents demand for resources. The orange arrow  
4 pointing towards the outer green band represents  
5 the resilience of our homeland ecosystem. Most  
6 significantly, the outer green band represents  
7 harmony and balance within our homeland ecosystem.

8           The following two figures using the  
9 Ancestral Homeland Ecosystem Model depict the  
10 historical events which have impacted upon our  
11 homeland ecosystem, and the resulting disturbance  
12 to harmony and balance, before and after hydro  
13 development.

14           It is evident that even before Hydro  
15 development, a number of outside influences had  
16 disturbed the harmony and balance within our  
17 homeland ecosystem. However, our lands and our  
18 waterways were largely unchanged, and as indicated  
19 by the unchanged size of the orange arrows, we  
20 were able to be resilient and maintain our  
21 cultural identity.

22           Homeland Ecosystem Model at present  
23 before Keeyask. As indicated by the cracks in the  
24 outer green band, events of the last 50 plus years  
25 substantially disrupted the harmony and balance in

1 our homeland ecosystem, the most profound of these  
2 being Hydro development, which changed the  
3 physical structure of the lands and water. Note  
4 the weakened web and the smaller orange arrows.

5 As indicated by the size of the  
6 exports arrow, our homeland ecosystem was  
7 providing valuable resources for outsiders, but  
8 its resilience was greatly limited.

9 The history and extent of hydro  
10 development in the TCN resource area. Split Lake  
11 is a widening of the Nelson River where it is  
12 joined by the Burntwood River. It receives all  
13 the water from the Winnipeg, Saskatchewan, Red,  
14 Assiniboine, and other smaller rivers which empty  
15 into Lake Winnipeg.

16 As indicated by the following excerpt  
17 from Volume II of the Split Lake Cree Post Project  
18 Environmental Review, History and First Order  
19 Effects, August 1996, almost 124,000 acres of land  
20 in our resource area have been affected by 35  
21 Hydro projects, including generating stations,  
22 converter stations, transmission lines, including  
23 Bipoles I and II, power lines, roads and rail  
24 spurs and other related infrastructure.

25 The following map from our January

1 2012 Keeyask Environmental Consultation Report  
2 depicts key impacted waterways and generating  
3 stations within our resource management area.

4 Key impacted waterways and generating  
5 stations within our resource management area, and  
6 there's the legend.

7 The key hydro projects included  
8 Churchill River Diversion and Lake Winnipeg  
9 Regulation in 1977, and the Kelsey 1960, Kettle  
10 1970, Long Spruce 1977, the Limestone generating  
11 station 1990. The CRD dewatered over 17,000 acres  
12 of the Churchill River and increased flows down  
13 the Burntwood River eightfold. LWR reversed  
14 seasonal levels and flows on the Nelson River.  
15 The generating stations flooded over 72,000 acres  
16 of land, not including the waterways, with  
17 Stephens Lake tripled in size.

18 In effect, TCN was transported to a  
19 different physical landscape without being  
20 physically relocated.

21 The completely changed waterways  
22 eroded shorelines, filled the waterways, including  
23 Split Lake, with debris and silt, contaminated  
24 fish with mercury, completely disrupted commercial  
25 and domestic resource harvesting, and disturbed or

1 destroyed recreational, cultural and sacred sites.

2           These adverse effects occurred in the  
3 past, and we continue to live with the accumulated  
4 effects everyday.

5           The four generating stations are  
6 responsible for approximately 75 percent of hydro  
7 generated electricity in Manitoba. However, it  
8 was not until the 1992 agreement that it was  
9 formally recognized that TCN could also receive  
10 benefits from the products of its ancestral  
11 homeland.

12           The 1977 Northern Flood Agreement and  
13 the 1992 agreement were the culmination of years  
14 of persistence by the TCN leadership to have the  
15 effects of existing hydro development adequately  
16 addressed. The NFA represented a first step  
17 towards reclaiming the power and authority we once  
18 held.

19           The 1992 agreement was a large step  
20 forward, giving substance to the promises under  
21 the NFA, and for the first time, giving our  
22 ancestral home a formal recognition through the  
23 establishment of the joint Tataskweyak/Manitoba  
24 Split Lake Cree Management Board which has the  
25 mandate to advise the Tataskweyak and Manitoba

1 governments on land and resource allocations.

2           The 1992 agreement gave TCN the power  
3 and authority to meaningfully engage Hydro in the  
4 planning and development of the proposed Keeyask  
5 generating station.

6           The disturbance within the TCN  
7 resource area caused by the Bipole III  
8 transmission project.

9           The 500 kV HVDC transmission line will  
10 fragment 215 kilometres of the Split Lake resource  
11 management area, and a further 16.6 kilometres of  
12 the broader resource area, for a total of 236.6  
13 kilometres. While a portion of the preliminary  
14 preferred route was adjusted by Hydro to parallel  
15 PR 280, in response to TCN concerns expressed in  
16 its 2010 report, most of the route proceeds  
17 through relatively pristine territory, including  
18 the Stephens Lake area of special interest.

19           The five AC collector lines and the  
20 construction power line cumulatively proceed for  
21 84.5 kilometres through our RMA, and a further  
22 105.5 kilometres through our resource area, for a  
23 total of 190 kilometres.

24           The Keewatinoow converter station site  
25 and the ground electrode site will require about



1 440 hectares of our resource area, and the ground  
2 electrode line will traverse 10.5 kilometres of  
3 our resource area.

4 The transmission line, collector  
5 lines, construction power line and the ground  
6 electrode line are about 437 kilometres in length  
7 across our resource area, out of a total length of  
8 1,584.5 kilometres.

9 In these terms, TCN will be the  
10 community most impacted by Bipole III.

11 Our March 2011 report on Bipole III  
12 Right-of-way and Expected Impacts, which forms  
13 part of the Bipole III EIS, focused on the  
14 transmission line and provided several maps  
15 depicting physical interferences with TCN  
16 commercial and domestic harvesting activities from  
17 the line.

18 The transmission line proceeds just  
19 north of TCN reserve number 171, and at one point  
20 gets very close to the reserve.

21 The transmission line corridor will  
22 traverse 11 TCN registered traplines.

23 It is apparent from our March 2011  
24 report that a high level of activity occurs within  
25 the local study area of the transmission line.

1 Many traditional cultural sites and cabins are  
2 within or close to the local study area, numerous  
3 access trails are intersected by the line, and the  
4 line proceeds through areas of hunting, trapping  
5 and fishing activity.

6 It is also apparent that the likely  
7 impacts of the transmission line will comprise at  
8 least nine interferences with relationships  
9 reflecting the exercise of the customs, practices  
10 and traditions which comprise our cultural  
11 identity.

12 See appendix 2 comprising an excerpt  
13 from our March 2011 report providing an analysis  
14 of impact issues and interferences.

15 Negotiations with Manitoba Hydro to  
16 address attendant impacts of the Bipole III  
17 transmission projects on TCN.

18 Consultation with our members over  
19 2010 and 2011 included 160 interviews. There was  
20 overwhelming opposition to the Bipole III  
21 transmission project, Bipole III, being built in  
22 our resource management area.

23 However, TCN could support Bipole III  
24 if four conditions were met.

25 Two of TCN's four conditions of

1 support for Bipole III included reaching agreement  
2 with Hydro regarding: Compensation for the  
3 impacts of the collective rights and interests  
4 arising from the construction and operation of  
5 Bipole III within our resource area; and business  
6 training and employment opportunities associated  
7 with the construction, operation and maintenance  
8 of Bipole III.

9 TCN's view is that our 1992 agreement  
10 sets out processes to address anticipated adverse  
11 effects of hydro development, including required  
12 second order components of hydroelectric  
13 generation like transmission lines, specifically  
14 Bipole III. However, TCN and Hydro have not  
15 reached accord on the specific applicability of  
16 the 1992 agreement provisions.

17 Initial negotiations commenced and  
18 drafting of an AIP began. However, there have  
19 been no meetings since July 2012 and many issues  
20 are unresolved.

21 Nonetheless, TCN and Hydro have made  
22 some progress towards fulfilling the above noted  
23 conditions, particularly in the area of business  
24 opportunities for TCN companies. However, further  
25 negotiations are needed to satisfy Hydro

1 obligations to TCN to fully address potential  
2 adverse impacts of Bipole III.

3 See appendix 3 comprising a legal memo  
4 of TCN's legal counsel, which analyses the  
5 relationship of the TCN/Hydro negotiating process  
6 to the Crown's section 35 duties, and to past  
7 agreements between TCN and Hydro.

8 TCN's two other conditions for  
9 supporting the Bipole III transmission project, as  
10 identified in the March 2011 report, included  
11 participating in and contributing to the Bipole  
12 III EIS; and, conducting a consultation process  
13 regarding the Keewatinoow converter station and  
14 ground electrode site.

15 We acknowledge the fulfillment of the  
16 first condition, TCN's two self-directed studies  
17 funded by Hydro, the 2010 report entitled Bipole  
18 III preferred route selection, which provided  
19 comments on the alternative Bipole III routes, and  
20 the aforementioned March 2011 report on expected  
21 impacts form part of the EIS. Although, as will  
22 be subsequently note, it is not clear to what  
23 extent the 2011 report was used to determine  
24 potential residual effects.

25 Section 35, consultation with respect

1 to the Keewatinoow converter station and ground  
2 electrode site is anticipated to soon commence.

3 TCN's perspectives on the Bipole III  
4 transmission project EIS. TCN has identified a  
5 number of issues in the EIS pertaining essentially  
6 to the identification and assessment of potential  
7 adverse effects from Bipole III, mitigation and  
8 monitoring of such effects, and compensation and  
9 benefits.

10 Baseline data and TCN, ATK  
11 incorporation.

12 It is unclear to what extent the ATK  
13 contained in the TCN March 2011 report on Bipole  
14 III expected impacts informed the EIS assessment  
15 of impacts on domestic harvesting. Although it is  
16 described at some length in the EIS chapter on  
17 consultation, and ATK technical report number 2,  
18 there is no reference in the EIS assessment of  
19 impacts to the 2011 report. The maps produced  
20 with the 2011 report were the product of  
21 interviews with 60 TCN resource users, indicating  
22 TCN's domestic resource harvesting activity within  
23 the local study area of the transmission line.  
24 The EIS assessment appears somewhat generic in  
25 approach.

1                    Fragmentation. As noted above, the  
2    500 kV HVDC transmission line proceeds 236  
3    kilometres across our resource area, while the AC  
4    collector lines construction power line and the  
5    ground electrode line intersect a further 190  
6    kilometres. Much of the transmission line  
7    proceeds through forested areas.

8                    The habitat fragmentation technical  
9    report stated that given that many wildlife  
10   species, including woodland caribou, are sensitive  
11   to habitat fragmentation and the associated  
12   effects of habitat fragmentation, including  
13   increased grey wolf presence, edge effects and  
14   increased public access to forested areas, habitat  
15   fragmentation is considered a strong negative  
16   effect.

17                   The report further states: Mitigation  
18   measures for the effects of fragmentation are  
19   limited with the majority of mitigation measures  
20   existing at the planning and routing stage of the  
21   project.

22                   The EIS acknowledges fragmentation  
23   from the transmission line is non mitigable and  
24   effects may be long-term and uncertain with  
25   particular respect to woodland caribou.

1 TCN acknowledges the two route  
2 adjustments bring the transmission line closer to  
3 PR 280 and substantial portions of the line still  
4 proceed through undeveloped lands.

5 Significance of Bipole III residual  
6 effects.

7 TCN members find that the EIS  
8 determination that Bipole III will not cause any  
9 significant residual effects very difficult to  
10 understand or accept.

11 We do not understand the incorporation  
12 of the federal guidance where initially a residual  
13 effect is only significant if effects are  
14 long-term, greater than 50 years, have a large  
15 magnitude, easily observed, measured and  
16 described, and have a high geographic extent,  
17 extend into the project study area.

18 For TCN, the fragmentation and the  
19 resulting cascading range of impacts caused by 437  
20 kilometres of transmission lines through our  
21 ancestral homeland will cause, in any ordinary  
22 sense of the word, significant impacts.

23 Determination of cumulative effects.  
24 We do not agree with the Federal guidance that  
25 there will be only be cumulative effects from

1 Bipole III if its effects overlap temporally and  
2 spatially with past projects. The 35 Hydro  
3 projects in our RMA have been determined to have  
4 no temporal effects and are largely included in  
5 the environmental baseline. To TCN, these  
6 projects may have occurred in the past but their  
7 effects are felt everyday. To us, they are  
8 cumulative in the understood sense of the word.  
9 Each project has caused additional effects which  
10 have accumulated over the last 50 plus years.  
11 Bipole III will cause additional impacts.

12 We are concerned about hundreds of  
13 outside workers simultaneously constructing Bipole  
14 III, the Keeyask generating station/transmission  
15 project, and the Conawapa generating station, and  
16 the potential impacts upon our community and  
17 members.

18 Environmental protection plan.

19 TCN acknowledges that the mitigation,  
20 monitoring and management measures in the draft  
21 environmental protection plan, EPP, go some way  
22 towards redressing the potential impacts of Bipole  
23 III upon relationships with Mother Earth, thereby  
24 helping to maintain harmony, balance, in our  
25 ancestral homeland.



1                   We understand that Hydro has been  
2 consulting with communities in the north to get  
3 feedback on the draft EPP. We also understand  
4 that there is reasonable flexibility in finalizing  
5 the draft EPP to ensure the nature and scope of  
6 monitoring and management, particularly access,  
7 reflects community concerns and provides for  
8 meaningful participation in monitoring activities.

9                   We understand that biophysical  
10 monitoring will likely be expanded to include  
11 moose and fur bearers. We agree with this.

12                   TCN also believes that socioeconomic  
13 monitoring should be expanded to include domestic  
14 harvesting.

15                   Project benefits and compensation.

16                   TCN believes that adverse effects of  
17 Bipole III, which cannot be mitigated, must be  
18 offset by replacements, substitutions, or  
19 opportunities, and to the extent that adverse  
20 effects remain addressed by compensation.

21                   The community development initiative,  
22 identified as a project benefit in EIS, is a  
23 potential source for identifying and implementing  
24 community measures to offset the damage to TCN  
25 relationships with Mother Earth. However,

1 50 million divided among 60 communities over 10  
2 years with no indication as to how the criteria  
3 will be weighted does not allow for TCN to develop  
4 meaningful measures to address adverse effects.  
5 Moreover, TCN has consistently held that the  
6 impacts from Bipole III will last as long as it is  
7 in place. Compensation will need to be provided  
8 for more than 10 years.

9 We understand that the northern  
10 Aboriginal hiring preferences in a transmission  
11 line agreement to be developed that will be used  
12 to implement training, employment and business  
13 opportunities. As noted above, we will be  
14 negotiating contracts with Hydro with respect to  
15 certain Bipole III components and are hopeful that  
16 satisfactory arrangements can be concluded.

17 It would appear that, as the EIS has  
18 determined there will be no significant residual  
19 adverse effects from Bipole III, then no  
20 compensation is identified. As we have already  
21 pointed out, this is not a defensible position.

22 TCN requirement of harmony and balance  
23 in respect of the Bipole III transmission project.

24 It is apparent to TCN that there will  
25 be significant negative residual impacts from

1 Bipole III on ecological processes, which will  
2 necessarily cause negative impacts on our  
3 relationships with Mother Earth, upsetting harmony  
4 and the balance in our ancestral homeland.

5 A range of measures, comprising  
6 mitigation, offsetting measures, and compensation  
7 is required to redress these negative impacts to  
8 make any damages tolerable, to sustain our  
9 relationships and to improve overall harmony and  
10 balance in our ancestral homeland.

11 Doug Mackenzie, our legal counsel of  
12 TCN, will speak about the legal opinion that is  
13 attached.

14 MR. MACKENZIE: Good morning, members  
15 of the Commission, Manitoba Hydro proponents, and  
16 fellow participants. The legal opinion that I  
17 offered is attached as an appendix, which for this  
18 part of the presentation I will not read. The  
19 Commission members and others will have an  
20 opportunity to review it.

21 I will, though, make a couple of  
22 summary comments with respect to it. TCN, like  
23 other First Nation members, has constitutional  
24 rights under section 35 of the Constitution Act  
25 established in 1982, as you would well know.

1 TCN also has a number of unique  
2 agreements that it has made over the years with  
3 Manitoba Hydro, and in some cases with other  
4 parties, specifically the Government of Canada,  
5 the Government of Manitoba. These include the  
6 1977 Northern Flood Agreement, the 1992 agreement  
7 which implemented a number of measures,  
8 significantly implemented measures that were  
9 contained in the 1977 agreement, more recently a  
10 2009 joint Keeyask development agreement, and  
11 collateral to that an adverse effects agreement.  
12 And there is an interrelatedness of TCN's section  
13 35 rights and many of those agreements.  
14 Interestingly, the 1977 agreement of course  
15 predated those constitutional provisions.

16 However, if we were to move to the  
17 most recent of the agreements that I mentioned,  
18 the adverse effects agreements arising out of the  
19 2009 joint Keeyask development agreement, TCN,  
20 through many years of negotiations, worked with  
21 Manitoba Hydro, identified from the TCN  
22 perspective those many things that would be done  
23 to impact adversely their Aboriginal rights, most  
24 of which are identified in the appendix which  
25 talks about the relationships that Tataskweyak

1 members have and the relationships that exist  
2 within their resource area.

3           And although the Crown has the major  
4 responsibilities under the Constitution when it is  
5 taking actions to allow an infringement of  
6 Aboriginal rights, TCN and Hydro, in the case of  
7 the Keeyask adverse effects agreement, were able  
8 to address measures relating to the adverse  
9 effects that would be caused upon TCN and its  
10 members, such that TCN is of the view, which we  
11 believe Hydro shares, that if and when Keeyask is  
12 the subject of licensing decisions, Tataskweyak  
13 will be able to say we considered our Aboriginal  
14 rights, we worked through procedures with Hydro  
15 that satisfy our concerns, and we are ready to  
16 disclose to you what they are.

17           That's the process that Tataskweyak is  
18 hopeful will still unfold. But as we sit in front  
19 of you today, it is not fully unfolded. There is  
20 more work to be done, certainly from Tataskweyak's  
21 position.

22           And so the legal position that we have  
23 put forward to complement the Tataskweyak  
24 presentation that you have heard this morning from  
25 Councillor Spence is to enforce that Tataskweyak

1 believes it has Aboriginal rights that are being  
2 and will be impacted by Bipole III, and that those  
3 rights are best resolved by working through a  
4 process with Manitoba Hydro to address those  
5 rights.

6                   And as we have said in concluding the  
7 legal opinion, more needs to be done. As  
8 Councillor Spence advised in the closing of her  
9 paper today, there is a range of measures that are  
10 necessary to allow the damages to be tolerable to  
11 sustain their relationships and to improve the  
12 overall harmony and balance in their ancestral  
13 homeland.

14                   Those are my comments, thank you.

15                   THE CHAIRMAN: Thank you,  
16 Mr. Mackenzie.

17                   Are there any other presentations to  
18 be made? Okay, we'll have an opportunity for some  
19 cross-examination. Manitoba Hydro?

20                   MR. BEDFORD: Good morning panel,  
21 Mr. Lowe, Mr. Keating and Mr. Mackenzie, we have  
22 met many times in the past so you know who I am.  
23 But, Ms. Spence, I don't think you and I ever met.  
24 My name is Doug Bedford. I work at Manitoba  
25 Hydro, and my role at this particular hearing is

1 legal counsel to Manitoba Hydro.

2 MS. SPENCE: Oh, okay. Hello.

3 MR. BEDFORD: I listened, I'll tell  
4 you with great interest to the presentation. I  
5 was particularly attracted to how it begins, a  
6 focus on all of the important relationships that  
7 the members of Tataskweyak Cree Nation have with  
8 each other and the environment that surrounds  
9 them. I understand that events, particularly in  
10 the last I'll say 60 years, have disrupted, I  
11 understand, the harmony and balance of those  
12 relationships which are important to Tataskweyak  
13 Cree Nation.

14 Can one of you, it doesn't matter to  
15 me which one, confirm my understanding that if the  
16 four conditions that are described later in the  
17 presentation are met, particularly a condition  
18 regarding compensation, and particularly a  
19 condition regarding sharing of opportunities,  
20 which I understand to be construction, could be  
21 realized, that meeting those conditions helps to  
22 restore some of the harmony and balance to all of  
23 these relationships that have been disrupted?

24 MS. SPENCE: I want to talk about the  
25 highway, highway 280. It should be paved. We

1 have 11 dams, nine directly affected to Split  
2 Lake. That highway should be paved. And Conawapa  
3 is on the table? You know, it should be paved  
4 already. There's too much dust, there's too many  
5 accidents. And the construction, I don't know,  
6 this was the worst we have ever seen it this year.  
7 And I'd hate for us to lose anyone on that  
8 highway. There's too many accidents. There's too  
9 many washboards, you know. The road was washed  
10 out already. And it affects other communities,  
11 surrounding communities.

12           You know, my husband is a fisherman  
13 and their compensation hasn't even been looked at  
14 or considered, and it's not in any of those  
15 agreements, the JKDA or anything. Fishermen, they  
16 haven't been included in any of agreements. And  
17 past claims of Bipole I and II, they haven't been  
18 considered, they haven't been fulfilled. There  
19 are people that passed on already.

20           Manitoba Hydro can't continue, you  
21 know, to bring, to develop in our area, and for  
22 First Nations to be ignored. We will work as  
23 community members, the surrounding communities,  
24 Fox Lake, War Lake, we will work together to work  
25 with Manitoba Hydro on this transmission line on



1 our terms, in agreement with TCN members, I mean  
2 our First Nation.

3 MR. BEDFORD: Could I suggest  
4 Ms. Spence, at the risk of making Ms. Johnson to  
5 my immediate right and Mr. Neufeld a little  
6 further to my right quite nervous, that the topics  
7 of perhaps paving highway 280 and dealing with one  
8 or two of the other concerns you mentioned could  
9 perhaps become part of a discussion about  
10 compensation and how compensation monies might be  
11 practically used, in addition to opportunities and  
12 what opportunities could flow from perhaps paving  
13 a highway.

14 MS. SPENCE: Well, we need more  
15 ongoing jobs, which would lead to more class one  
16 drivers and crane operators, you know. What is  
17 happening now in our First Nation, monies are  
18 coming in but they are not being utilized  
19 properly. The people of TCN aren't being trained  
20 the way they should be. You know, our joint  
21 ventures need to be revised. Like I don't know if  
22 I'm going off topic here, but we have got a lot of  
23 concerns where we are inviting Manitoba Hydro to  
24 come speak to the First Nation of Split Lake.

25 There's just so many things that we

1 have to talk to you about, like the company.

2 MR. BEDFORD: If I may, I think you  
3 are right on topic, because I well know that the  
4 objective of my company that I work for is  
5 ultimately to try and restore harmony and balance.  
6 And that is very much a part of the presentation  
7 you gave us this morning, is that Tataskweyak Cree  
8 Nation is not in harmony and balance because of  
9 all the disruption to all of the relationships.

10 MS. SPENCE: Yeah.

11 MR. BEDFORD: So I can suggest to you  
12 that my client often becomes frustrated when  
13 compensation is paid and the results don't seem to  
14 reflect any restoration of harmony and balance.  
15 So it's certainly not adverse to paying  
16 compensation, and it certainly wants to work with  
17 Tataskweyak Cree Nation, but its ultimate  
18 objective I think is exactly the same as that of  
19 Tataskweyak Cree Nation, to restore harmony and  
20 balance.

21 MS. SPENCE: Yes.

22 MR. BEDFORD: So, personally, I would  
23 certainly look forward to future meetings with you  
24 and your fellow members, and with the assistance  
25 of perhaps the gentlemen who surround you, but

1 with that ultimate focus in mind, restoring  
2 harmony and balance.

3 I have one further question, and you  
4 have partially touched on the answer already, I  
5 would think, but if you would look at page 14,  
6 please, of your presentation? I'm going to reveal  
7 to you that as you spoke, and as I read on page  
8 14, I took my red pen which always accompanies me  
9 to hearings like this, and I circled the words  
10 "our RMA," our resource area. And at the bottom,  
11 "most impacted by Bipole III." And I respect the  
12 fact that other than Mr. Keating, the three of you  
13 haven't been present throughout this hearing. But  
14 I'll tell you that we had a presentation from the  
15 members of Fox Lake First Nation who assured us  
16 all, and if we glance at the map for a moment,  
17 that this area where my client proposes to build  
18 the Keewatinoow converter station, the collector  
19 lines, the construction power line, the electrode  
20 line, and the Bipole III line itself, are also in  
21 the traditional territory of Fox Lake Cree Nation.  
22 And it is greatly concerned about the disruptions  
23 in its past relationships, and it's insistent that  
24 it play a role and have opportunities in this  
25 project.

1                   And secondly, I can tell you that we  
2    have all heard a presentation by the Manitoba  
3    Metis Federation on behalf of the Metis people of  
4    Manitoba, and they produced a map, same part of  
5    Manitoba, and I recall they had a large oblong  
6    circle. And they assured us that the locations of  
7    the Keewatinoow converter station, the Bipole III  
8    line, the construction power lines, the electrode  
9    line, are all of great concern to the Metis people  
10   of Manitoba because this area they told us is also  
11   a traditional territory where Metis people gather  
12   resources, they hunt, and they gather plants.

13                   And I'm not sure that we will, in this  
14   hearing, have a presentation from York Factory  
15   First Nation, or War Lake First Nation, but I know  
16   personally from my past meetings with members of  
17   those communities that were they to come to this  
18   hearing, I am convinced they would also tell us  
19   that, in that part of Manitoba, this project my  
20   client proposes to build is also within the  
21   traditional territories of York Factory First  
22   Nation and War Lake First Nation.

23                   So can you help me perhaps, any one of  
24   the four of you, tell me what advice would you  
25   have for my client, Manitoba Hydro, as to how to

1 restore harmony and balance to its relationships  
2 with Fox Lake Cree Nation, the Metis people of  
3 Manitoba, York Factory First Nation, War Lake  
4 First Nation, and at the same time meet the  
5 conditions that you set for us, without doing the  
6 reverse of what I think needs to be done, which is  
7 restore harmony and balance to all of those  
8 relationships, not restore harmony and balance to  
9 perhaps one of the relationships with the result  
10 that we make it worse for the relationships with  
11 all those other peoples?

12 THE CHAIRMAN: Sir, I'm sorry?

13 MR. MACKENZIE: Mr. Victor Spence, who  
14 is not introduced, is Manager of Future  
15 Development for Tataskweyak Cree Nation and has  
16 often been a spokesperson.

17 THE CHAIRMAN: Okay. We'll have to  
18 swear him in.

19 Victor Spence: Sworn.

20 MR. SPENCE: My name is Victor Spence,  
21 Manager of Future Development, Tataskweyak Cree  
22 Nation. I'm sorry, I am currently recovering from  
23 pneumonia, so a little struggle when I speak.

24 I have with us Councillor Melanie  
25 Spence. She was recently elected about three

1 weeks ago. So, unfortunately, she is unable to  
2 directly respond to the questions because she has  
3 not really been totally emerged in the process on  
4 Bipole III. And our relationship with the other  
5 First Nations is a working relationship at this  
6 time. We do speak with the other nations, meet  
7 with them. Unfortunately, we haven't had any  
8 dialogue with Manitoba Metis Federation.

9 In regards to our territory, we have  
10 an agreement with Manitoba Hydro, Manitoba  
11 Government and the Federal Government of Canada,  
12 which goes back to 1977, which is called the  
13 Northern Flood Agreement. It's a modern day  
14 Treaty. And there it recognized our RMA, and we  
15 have under the '92 agreement affirmed that RMA  
16 with both levels of government and Manitoba Hydro.  
17 It's a legislated document. And Fox Lake is  
18 working with TCN on matters pertaining to Keeyask.

19 On Bipole III with respect to our  
20 territory, we only speak for TCN. We don't  
21 profess to speak for the other parties. We  
22 understand that they have their positions and we  
23 can respect that. However, Manitoba Hydro is very  
24 aware, as we have about a 50-year relationship  
25 with Manitoba Hydro in regards to our territory.

1 We assert our rights and our interests within our  
2 territory and we are quite protective of it.

3 The four conditions that we talk  
4 about, we mention, is a negotiation that needs to  
5 happen with Manitoba Hydro. And that has not been  
6 undertaken by the party, Manitoba Hydro. We are  
7 currently holding discussions with them.

8 However, all I wanted to say at this  
9 time was that we are going to negotiate with  
10 Manitoba Hydro if they come to the table. In  
11 regards to Bipole III, we believe very strongly  
12 that it will adversely impact the nation, TCN,  
13 Tataskweyak Cree Nation.

14 The very mention of hydroelectric  
15 development within our resource area causes an  
16 impact, it's not a physical impact on the  
17 terrestrial or the aquatic, it's an impact on our  
18 members. The very being of TCN is impacted. It  
19 does not require studies. We call it stress. In  
20 the medical world they call it stress, medical  
21 science. People die from stress. That's an  
22 impact. People cry, and the little kids wonder  
23 why granny is crying? That is impact in human  
24 nature.

25 So when we deal with hydroelectric

1 development, people study the western science, the  
2 fish, the animals, the vegetation, plants. They  
3 overlook us. They say we'll compensate you.  
4 There's more than just being compensated, we need  
5 to be respected as human beings and dealt with as  
6 a nation. Thank you.

7 THE CHAIRMAN: Thank you, Mr. Spence.  
8 That's all, Mr. Bedford?

9 MR. BEDFORD: Yes, thank you.

10 THE CHAIRMAN: Thank you.  
11 Yes, Ms. Spence, go ahead.

12 MS. SPENCE: Hi, sorry. I just want  
13 to add to what he said. What this Bipole III is  
14 going to do to our community is take away our  
15 spirituality. It's like what happened, it's  
16 similar to what happened in residential school.  
17 It's like you don't have a choice, you have to do  
18 it or you have to go. It's taking away a piece of  
19 us. You know, the surface that's going to be, you  
20 know, the trees that are going to be destroyed,  
21 those are traplines, those are traditional land  
22 users, those are family's homes. They are not  
23 just traplines. And I don't know, it affects us  
24 as human beings, as Native people of the north.  
25 And everyone has to be consulted, and that's it.



1 Like we really have to, it's not just about the  
2 money. Nobody cares about money. Money doesn't  
3 buy everything. Thank you.

4 THE CHAIRMAN: Thank you.  
5 Participants? Pine Creek? Coalition,  
6 Mr. Meronek?

7 MR. MERONEK: No, sir.

8 THE CHAIRMAN: Mr. Williams?

9 MR. WILLIAMS: Good morning, members  
10 of the panel, and good morning to the Tataskweyak  
11 Cree Nation panel, Councillor Spence, Mr. Spence,  
12 and other panel members. Just so we have not all  
13 met, my name is Byron Williams and I'm a lawyer  
14 for the Consumers Association of Canada, the  
15 Manitoba branch. And you probably won't know this  
16 unless Mr. Keating has been briefing you every  
17 day, but our clients have had a great deal of  
18 interest in issues such as cumulative effects, and  
19 also health impacts such as stress, more from a  
20 western science perspective than from your  
21 community's perspective. So we certainly thank  
22 you on behalf of our clients for that information.  
23 And I have a few questions, they can  
24 go to any of the panel members. A couple,  
25 Councillor Spence, I will address to you because

1 they refer to some of your specific statements,  
2 and feel free to answer them, or if you want to  
3 refer them to other panel members.

4 Councillor Spence, just in terms of  
5 you had a bit of a discussion with Mr. Bedford,  
6 the Hydro lawyer, in terms of highway 280 and the  
7 need to pave it. And I believe you said words to  
8 the effect that there is too much dust, too many  
9 accidents, and this is the worst year ever?

10 MS. SPENCE: Yes.

11 MR. WILLIAMS: And I wonder if you can  
12 elaborate a little bit on why you consider this to  
13 be the worst year ever in terms of this particular  
14 highway?

15 MS. SPENCE: Since they started the  
16 construction of the camp site road, you know, the  
17 actual work, the continuous semis, the big  
18 vehicles, you can just tell that it was ruining  
19 the highway. I don't know how to -- but it was  
20 wearing it down a lot faster, and it's just a  
21 hazard to the people driving to town. You know,  
22 we have to go to Thompson to shop, and I don't  
23 know, it's just a hazard. And if there was  
24 pavement, we wouldn't have to, you know, worry  
25 about the dust. And it's not just on highway 280,

1 it's our community. You know, we should be the  
2 richest community up north in Split Lake. I think  
3 we're the poorest. If you come to our community,  
4 you'd want to fly in, in a helicopter. That's how  
5 bad it is. It's embarrassing actually.

6 And I think our main roads in the  
7 community need to be paved as well. You know, I  
8 have watched Split Lake grow, but it needs to be  
9 developed.

10 MR. WILLIAMS: Thank you for that.  
11 And if I could, in the presentation, I'm going to  
12 use TCN as a shorthand if that's permissible.

13 Page 21 of your presentation, there's  
14 a few questions I'd like to ask you with regard to  
15 that. And the second last paragraph from the  
16 bottom, TCN makes the point that you don't believe  
17 Manitoba Hydro can defend its position that there  
18 are no significant residual effects from this  
19 project. That's the point you are trying to make  
20 there?

21 MR. LOWE: Ron Lowe, adviser for TCN.  
22 Yes, that's TCN's position is that in contrast to  
23 Hydro's assertion that there will be no  
24 significant residual effects, TCN's view is  
25 derived from its world view, which is quite

1 different from a western world view obviously, and  
2 you have seen a very brief articulation through  
3 the Mother Earth ecosystem model that there is  
4 a -- and I have heard members and elders, and  
5 Victor and councillors speak about this many  
6 times. And it's taken me some length of time to  
7 gather an understanding of how different TCN  
8 members, and I gather, well, I'll just speak of  
9 TCN members, do view the world and projects such  
10 as this in quite different terms. And it really  
11 does come down to the fundamental relationships  
12 that comprise the TCN world view and when  
13 disruptions are caused to them. Those disruptions  
14 have not been measured by Manitoba Hydro in its  
15 assessment of this project. And it's those kinds  
16 of disruptions and impacts that will endure well  
17 beyond the -- as long as the project is in place.

18 MR. WILLIAMS: Mr. Lowe, thank you for  
19 that. I'm going to, in a couple moments, come  
20 back to that statement that those disruptions have  
21 not been measured. So I'll come back to that in  
22 just a second.

23 On the same page at the very top of  
24 the first paragraph, you indicate that, TCN  
25 indicates that it believed that there are adverse

1 effects which cannot be mitigated. I'll just ask  
2 you to confirm that?

3 MR. LOWE: Yes.

4 MR. WILLIAMS: And certainly from your  
5 report at page 18, I noted that habitat  
6 fragmentation, I'll suggest to you is one of those  
7 impacts which in the view of TCN is one that  
8 cannot be mitigated?

9 MR. LOWE: I believe that's true.

10 MR. WILLIAMS: And are there other  
11 effects that in the position, from the perspective  
12 of TCN, that cannot be mitigated or fully  
13 mitigated?

14 MR. LOWE: You heard Victor Spence  
15 speak of the impacts on people, you heard  
16 Councillor Spence speak about that. If you took  
17 an opportunity to read the two TCN reports that  
18 were appended to the Bipole III EIS, based on  
19 interviews with 160 some members, that's a message  
20 that came through very, very clearly from all of  
21 those interviews, is the human impacts, the  
22 stress. The one, perhaps as an example, I have  
23 heard members speak of, and the obligation that  
24 they have to care for the land and the waters, and  
25 the sense that having not done so, or to not do so

1 is an impact of the highest order. And it's an  
2 obligation that they feel to the land and waters,  
3 and to future generations. And I would say that  
4 there's some very deep feelings around that.

5 MR. WILLIAMS: Okay. Thank you. And  
6 I appreciate that. And our client certainly have  
7 reviewed with interest the reports that you  
8 reference.

9 In terms of, staying with that top  
10 paragraph on page 21, TCN indicates or believes  
11 that there are adverse effects which cannot be  
12 mitigated and must be offset by replacement  
13 substitutions or opportunities, and to the extent  
14 that adverse effects remain addressed by  
15 compensation. And I want to just get a bit more  
16 insight as to what TCN means by replacements,  
17 substitutions or opportunities?

18 MR. LOWE: Replacements, substitutions  
19 and opportunities, I can give you a parallel to  
20 that, which would be those that form part of the  
21 Keeyask adverse effects agreement. A number of  
22 programs were set in place which allowed, for  
23 example, access to areas of the resource area that  
24 would be unaffected by Keeyask. And therefore, it  
25 would allow traditional activities, pursuits,

1 practices to continue. And that is a topic that  
2 has at least been raised in discussions with  
3 Manitoba Hydro.

4 MR. WILLIAMS: Thank you for that.  
5 And just, and if this isn't part of the issue,  
6 you'll -- we don't need to pursue it further. But  
7 recognizing habitat fragmentation is an issue  
8 obviously from the perspective of TCN. In terms  
9 of replacement or substitutions, does TCN have  
10 anything specifically in mind with regard to that?

11 MR. LOWE: Nothing that we'd talk  
12 about today.

13 MR. WILLIAMS: Okay. Mr. Lowe, in  
14 your initial response to one of my earlier  
15 questions to Councillor Spence, you made a  
16 statement something to the effect that these  
17 disruptions have not been measured by Manitoba  
18 Hydro. Which disruptions specifically were you  
19 speaking of, sir?

20 MR. LOWE: I was speaking of the  
21 psychological, social effects on the community.

22 MR. WILLIAMS: Thank you. Just a few  
23 questions to wrap up. Mr. Bedford, I think asked  
24 this question. I wasn't sure that he got an  
25 answer, so if you did answer and I missed it,

1 you'll forgive me. But I am presuming that TCN is  
2 taking the position that a licence should not  
3 issue on Bipole III until your four conditions are  
4 met. Would that be accurate?

5 MR. LOWE: TCN has been engaged with  
6 Manitoba Hydro in discussions about Bipole III  
7 business opportunities, training, employment and  
8 compensation for some time. And we haven't set a,  
9 to my knowledge there's been no setting of a  
10 deadline or something like that. TCN has had a  
11 longstanding relationships with Manitoba Hydro,  
12 many very difficult obstacles have been overcome  
13 in the course of that relationship. There is good  
14 faith on both sides. And I believe that that  
15 would be how TCN would intend to proceed.

16 MR. WILLIAMS: Okay, fair enough. I'm  
17 going to reference a statement by Councillor  
18 Spence, I'm not sure you'll want to answer, or you  
19 may wish to refer to your advisers. But  
20 Councillor Spence, you spoke very eloquently of  
21 how the 35 hydro projects have cumulatively  
22 affected your community, its balance, and changed  
23 the physical structure of the lands and waters.  
24 And I wonder, does TCN take the position that a  
25 proper cumulative effects assessment is an



1 essential component of the significance analysis  
2 under the Act and under the terms of reference?  
3 I'm not sure if you can answer that or not. And  
4 if your lawyer wants to answer it, that would be  
5 fine with me as well.

6 MS. SPENCE: I have heard comments  
7 from community members where this Bipole III is a  
8 permanent structure, so is the Bipole I and II.  
9 So what TCN would like to see is something  
10 permanent on a document, an agreement for as long  
11 as that Bipole III is going to stand. That's one  
12 thing I know the community will ask.

13 Mercury levels haven't even been  
14 considered. What is the maximum before the  
15 fishermen cannot fish anymore? They need to be  
16 consulted as well.

17 Our beaches are destroyed, we'll no  
18 longer have them back. Our children can't swim  
19 anymore. And the people of Split Lake have asked  
20 for wading pools, or possibly a pool but, you  
21 know, they can't swim in the water anymore, it's  
22 contaminated. It will never be, you know, the way  
23 it was.

24 People are getting sick, they are  
25 getting rashes, the children. And this is just

1 one person. I'm only one person, and I know there  
2 are a lot of people, you know, they have concerns  
3 of their own.

4 I keep thinking of the water every  
5 time, to your question. The question will, I  
6 don't know -- I mean, sorry, the water, you know,  
7 the water is high and low and it's dangerous. You  
8 don't know when is it safe to cross? We fear for  
9 the trappers. I don't know.

10 MR. WILLIAMS: And Councillor Spence,  
11 I appreciate the questions aren't difficult, but  
12 the answers are painful, so I appreciate your  
13 courtesy in sharing them, these powerful answers  
14 with us.

15 In terms of the context of cumulative  
16 effects, you have mentioned a couple times today  
17 Bipoles I and II.

18 MS. SPENCE: Yeah.

19 MR. WILLIAMS: And I wonder if you can  
20 comment on the impacts of Bipoles I and II on  
21 your, whether it's harvesting or other practices,  
22 and on the fragmentation of your landscape, of  
23 your world?

24 MR. SPENCE: I missed your name there,  
25 I'm sorry?

1 MR. WILLIAMS: It's Byron.

2 MR. SPENCE: In regards to Bipole I  
3 and II, and you're talking -- what is the question  
4 again, I'm sorry?

5 MR. WILLIAMS: It probably wasn't that  
6 good of a question, Mr. Spence, so I'll try and  
7 ask it a little bit better there. I have heard  
8 Councillor Spence today speak about cumulative  
9 effects very powerfully, and she has referenced a  
10 couple times the impacts of Bipoles I and II. And  
11 certainly that's something of interest to my  
12 clients, certainly as it relates to Bipole III as  
13 well, but the cumulative impact of Bipoles I and  
14 II in terms of land use, the habitat, et cetera.  
15 I was just looking for a bit more information from  
16 TCN in that regard?

17 MR. SPENCE: Well, we have to look at  
18 the total picture, when we talk about Bipole I and  
19 II, in terms of its impact on our nation. We do  
20 have past agreements that have dealt with some of  
21 the impacts in regards to trappers program. And I  
22 guess I'm dealing with harvesting. So we try to  
23 deal with it from that perspective, in terms of  
24 the resources that are somewhat changed and  
25 altered, the access to those resources.

1                   On Bipole III, when we talk about  
2 cumulative effects, some can be compensated in  
3 terms of, like I said, by programs, and by some  
4 form of an agreement, resource management area.  
5 However, we have to negotiate with Manitoba Hydro  
6 to deal with Bipole III itself, and we're not  
7 there yet. But how are we going to deal with  
8 them? That is -- well, TCN will talk to Manitoba  
9 Hydro on that. So I do not have a concrete answer  
10 to that.

11                   MR. WILLIAMS: Okay.

12                   MR. SPENCE: But there are certain  
13 impacts that cannot be compensated.

14                   MR. WILLIAMS: Okay. I thank the TCN  
15 panel for their responses. Thank you, CEC, for  
16 the opportunity.

17                   THE CHAIRMAN: Thank you,  
18 Mr. Williams. Mr. Dawson?

19                   MR. DAWSON: No thank you.

20                   THE CHAIRMAN: Panel members?  
21 Mr. Kaplan?

22                   MR. KAPLAN: Perhaps I can ask my  
23 first question of you, Mr. Spence. I'm not sure I  
24 understood the answer to Mr. William's question,  
25 and let me put it in simple terms. As far as the

1 effects of Bipole I and Bipole II, would you say  
2 that the effects caused a problem with the harmony  
3 and balance as far as the TCN community over the  
4 years?

5 MR. SPENCE: I can answer the  
6 question, but when you speak of balance, what do  
7 you mean? I'm not trying to be funny or anything  
8 like that, I just want an understanding on the  
9 word balance?

10 MR. KAPLAN: Well, I think that term  
11 has been used quite a few times. For example, in  
12 the cross-examination by Manitoba Hydro of some of  
13 the panel members talking about restoring balance  
14 and harmony to the community, to TCN community. I  
15 think you heard that.

16 MR. SPENCE: When we used the word  
17 balance, we speak of harmony. Harmony is with  
18 nature and the land and us, Inninwak, the people.  
19 We also talk about balance, which again is  
20 resources. We see our resources being exploited.  
21 And that is not balance. We are told by our  
22 members to harvest what we need, but then we have  
23 become dependent on the white man's way of life.

24 We deal with electricity.  
25 Electricity, as one elder put it back in 1970, is

1 good and evil. She said I get up in the morning,  
2 I can tell my husband, put it in, meaning to plug  
3 it in, and there we have tea. But then it also  
4 impacts the fishing grounds and disturbance among  
5 our environment, the terrestrial, the resources.

6 So balance, as you understand it, to  
7 western science it's segregated, divided. We do  
8 not see it that way. Everything is interrelated,  
9 interconnected.

10 Where we talk about balance and  
11 harmony is the very being of being who we are, our  
12 beliefs, our emotions, our feelings, like I said,  
13 stress. But that is the impacts that we  
14 encountered and faced these last 50 years with  
15 Hydro related development. Of course, we have the  
16 churches that impact our culture, our way of life,  
17 the north and the Hudson Bay. But when we talk  
18 about balance again, I was just going to say the  
19 human aspect of it, our understanding of that  
20 environment has changed. So we have to somehow  
21 adapt and use it. So balance is not just a word  
22 where the scales are even, balance is in our very  
23 understanding of our lands, our waterways, and how  
24 we use them.

25 We may not be able to use this as

1 such, but that is where grandpa was, that is near  
2 where grandpa will be. Grandpa's gone, but  
3 knowledge is there, his knowledge, that gives  
4 balance.

5 I don't know if I can give you,  
6 without saying in Cree, (Cree spoken), it's  
7 understanding of us. You will never understand us  
8 when we say, one is, if I tell you the very being  
9 of me, you will destroy me.

10 So balance is unique to us. It's not  
11 just in the Oxford dictionary where scales are  
12 even. It's the resources that the land, Aski, and  
13 how we use it, how it fed our people, how it  
14 sustained our culture, how we play and cry on that  
15 land and our territory. It's in our heart, it's  
16 knowledge, it's power. That's balance to us. And  
17 I know -- we have always used the term balance and  
18 harmony, it's how we used the resources, if  
19 there's ten rabbits running around, we take two,  
20 and tomorrow we take another two, and then we move  
21 on to the next spot. It's not overexploiting the  
22 resources. That's balance.

23 But when there is -- when you harness  
24 the resources, put on transmission, use our fixed  
25 structures, and they are there for a hundred years

1 or more. Now, we are here to say, let's talk  
2 Hydro, let's talk Manitoba, let's talk Canada.  
3 How are we going to deal with this impact? Ekosi.

4 MS. SPENCE: The resource area is what  
5 we have left it seems, and we're trying so hard to  
6 preserve that area, and it just seems that  
7 development, you know, the development is slowly  
8 taking that resource area away from us. It's  
9 making it smaller. And there's provincial parks  
10 in there because -- just because there has to be  
11 provincial parks in our resource area. I know  
12 it's half -- half of it belongs, there's a  
13 partnership there where half of it belongs to,  
14 it's Crown land I guess. And it just feels like  
15 the resource area that we have left is just going  
16 to be smaller to a point, are we ever going to be  
17 able to preserve it anymore? That's where this  
18 transmission line is going to be set, possibly.

19 You know, TCN at this point are not  
20 happy. The youth in our community, they don't  
21 even know what their culture is anymore, they  
22 don't even know how to speak their language. And  
23 we're trying so hard to keep that alive in the  
24 schools. Even our school needs support. There's  
25 not enough money coming to our school.



1 I am a teacher, you know, I'm a  
2 licensed teacher to teach anywhere I want. I went  
3 back to school. I went back to school to prove to  
4 the white culture that we're just as strong as  
5 they are, you know, the dominant society, we are  
6 just as strong. That nobody is going to tell us  
7 that we are not equal.

8 At the same time, I want to hold onto  
9 our culture. My husband is a trapper, a  
10 fisherman, and I want him to teach our children  
11 those values that we should all hold. Our  
12 children can't even bead, they can't even sew.  
13 Our elderly are passing on. And all we really see  
14 in our community is drinking and alcohol. I  
15 stopped drinking in 2008 to prove to the community  
16 of, you know, our First Nation brothers and  
17 sisters that we need to be clean. I want to be  
18 that role model for children and for other people  
19 that alcohol and drugs cannot, you know, they  
20 shouldn't be a factor in our lives.

21 There is a community that was  
22 displaced, I think it was Pukatawagan. They were  
23 moved to Churchill. And what happened there? It  
24 was just drugs and alcohol. That's what I see in  
25 TCN. There's nothing for our youth, there's no

1 recreation facility. We have an arena but, you  
2 know, that's limited to what we should offer our  
3 children.

4 My son went to a baseball game, he was  
5 part of a baseball team this summer. He went to  
6 Cross Lake. Cross Lake, they had baseball  
7 uniforms. And he said, Cross Lake compared to our  
8 hometown is more, I don't know how he said it, he  
9 said our home looks like a dump. It hurts me, it  
10 hurts me to talk about Split Lake like that. But  
11 the point I'm trying to make is our culture is  
12 lost, and we need to regain that back, we need to  
13 hold onto it, and we need to preserve the resource  
14 area of Split Lake.

15 Yes, Hydro has been our partner for so  
16 long, and I hope that continues.

17 MR. GIBBONS: I'd like to thank the  
18 panel for their presentation today. I have found  
19 it very informative and very helpful in my own  
20 deliberations.

21 I have a question about the document  
22 itself, and I'm hoping that someone could  
23 elaborate and clarify for me so I have a better  
24 idea of what it is that Tataskweyak is looking for  
25 in this regard, because I think it's an

1 interesting idea. It has to do with the  
2 monitoring.

3                   And the top of the page starts off  
4 with the idea that TCN recognizes the draft  
5 environmental protection plan may go some way,  
6 perhaps not far enough, but go some way towards  
7 redressing the potential impacts. And further on,  
8 I take what follows from that then to indicate  
9 that one of the ways that this could do that job  
10 better is if, and I'm referring now to the second  
11 paragraph on page 20, if in fact the monitoring  
12 and management aspects reflect community concerns  
13 and provides for meaningful participation in  
14 monitoring activities. I'm wondering what the  
15 meaningful participation might be. Because I can  
16 think of several possibilities. One is, if I were  
17 good in Latin, and I'm not, I would say this in  
18 Latin, there's a famous Latin phrase that says  
19 what I'm going to say in English. And that is,  
20 who guards the guardians, or in this case who  
21 monitors the monitors? I can see in one case that  
22 TCN might want to monitor the monitoring activity  
23 that Manitoba Hydro carries out, but I could also  
24 see a scenario where through training and  
25 employment opportunities, TCN members could do the

1 monitoring.

2 MS. SPENCE: Yes.

3 MR. GIBBONS: Is that what you have in  
4 mind when you talk about this? The monitoring of  
5 both biophysical and socioeconomic is what you're  
6 mentioning here. Is that what you had in mind?  
7 It's a little vague right now, and so if you can  
8 clarify just a little, it would be helpful.

9 MR. LOWE: Yes. That's something that  
10 has been discussed with Manitoba Hydro,  
11 discussions have been initiated on that, that TCN  
12 would participate in more than just an employment  
13 kind of a role, but in a larger role. TCN has  
14 expressed to Manitoba Hydro that they would like,  
15 they have a vision of a monitoring agency that is  
16 a TCN company, that could develop capacity in  
17 association with the various Hydro projects and  
18 other projects, other resource development  
19 projects, that are under way in Northern Manitoba.  
20 And that they could take some ownership for  
21 monitoring the monitors. So that is something  
22 that has been broached with Manitoba Hydro and  
23 could turn into something.

24 MS. SPENCE: I'd just like to add to  
25 that. My husband, Robert Spence, mentioned that

1 North/South, you know, had been doing the  
2 monitoring for fisheries and so on. And he  
3 questioned who, you know, who watches them?  
4 Aren't they, you know, aren't they employed by  
5 Manitoba Hydro? Where does that protect us if  
6 there's something that we, you know, we want to  
7 oppose anything that North/South says?

8           For example, my husband, his trapline  
9 is located at the Churchill River where the  
10 sturgeon are. And he's been very vocal about that  
11 in the community, where the sturgeon, because of  
12 the low water there, because of the Diversion,  
13 he's afraid that the sturgeon will become extinct.

14           There wasn't enough water for the  
15 sturgeon to flow. They were actually in a pool,  
16 they couldn't go up or down river. So he was  
17 really upset about that. And he opposed the  
18 decision that they weren't -- North/South said  
19 they were spawning in different areas and my  
20 husband said they weren't. And they weren't.  
21 Those eggs weren't found on certain rivers. If he  
22 was here, he'd tell you in detail because he knows  
23 the rivers, he knows where the spawning areas are,  
24 he knows that area. And you know, the knowledge  
25 has been passed down to him. So his heart is

1 really with the sturgeon there. But he did bring  
2 up North/South, and that's what I just wanted to  
3 add to your question.

4 MR. GIBBONS: And if I could, a  
5 follow-up. You mentioned the people doing the  
6 monitoring now, North/South, when they file  
7 reports, we presume of course they are filed with  
8 Manitoba Hydro, but does TCN get copies of the  
9 reports? Do they get to see what North/South is  
10 saying about the impacts that the earlier projects  
11 have had in your area?

12 MS. SPENCE: TCN should be involved in  
13 those matters and, I don't know, I don't know how  
14 to -- there are issues in our community where  
15 there's not enough information is coming to TCN  
16 members, period. You know, all of the meetings  
17 are being held in Thompson and Winnipeg, and how  
18 do you transport over 3,000 people to these areas?  
19 There has nothing been done in Split Lake. So to  
20 answer to your question, I haven't seen any, but  
21 I'm pretty sure they are available, but I haven't  
22 personally seen any.

23 MR. GIBBONS: Okay. Thank you for  
24 that.

25 THE CHAIRMAN: Thank you. I just have

1 a comment for Ms. Spence, and about a year from  
2 now the Clean Environment Commission will be  
3 looking at the Keeyask generating station, and I  
4 understand that sturgeon will be one of the issues  
5 we look at, so hopefully we'll hear from your  
6 husband at that time.

7 MS. SPENCE: I hope so too.

8 THE CHAIRMAN: Most of the questions  
9 that I had have been addressed, but I have one for  
10 Mr. Mackenzie. And I read your brief, I found it  
11 very interesting and informative. But I'm not  
12 sure what the Clean Environment Commission is to  
13 take out of that, other than to perhaps inform us  
14 in our deliberations on this?

15 MR. MACKENZIE: I think the latter is  
16 all that I can ask of you, take it as information  
17 from us. We're not specifically asking the Clean  
18 Environment Commission to do something. But at  
19 this juncture we had to explain the TCN position,  
20 and we believe that that assists in at least  
21 explaining the position.

22 THE CHAIRMAN: I think it does, yes.  
23 So thank you very much for that.

24 That brings us to the end of your  
25 presentation. I want to thank all of you. And

1 Mr. Spence, I hope he recovers soon. I don't envy  
2 him.

3 I want to thank all of you for coming  
4 out here this morning and also for putting  
5 together an excellent brief that will inform us in  
6 our overall deliberations, but certainly in  
7 respect of Aboriginal issues and your community in  
8 particular. So thank you.

9 We'll take a 15 minute break and come  
10 back at 11:00 o'clock.

11 (Proceedings recessed at 10:45 a.m.  
12 and reconvened at 11:05 a.m.)

13 THE CHAIRMAN: Okay. Let's reconvene.  
14 I'm sad to inform you that we may not have full  
15 days for the next two to three days.

16 Manitoba Hydro, in a moment or two, is  
17 going to present a number of undertakings, and  
18 that will probably be it for today. Tomorrow, we  
19 have, so we'll probably be finished here in about  
20 a half an hour. Tomorrow we have a fairly full  
21 line-up of public presentations, until at least  
22 3:00 or so in the afternoon. Thursday  
23 Mr. Williams will conclude his presentation of  
24 evidence in the morning. Following that, if  
25 Mr. Beddome is here, he didn't get an opportunity



1 to cross-examine Mr. Osler. He will have that  
2 opportunity if he is here on Thursday. And also  
3 on Thursday, the panel members haven't had an  
4 opportunity to ask questions of a number of Hydro  
5 officials, so the panel will be doing that. And  
6 that will perhaps fill out Thursday. If not, we  
7 will adjourn when we're finished. And then we  
8 will adjourn until, right now the target date is  
9 March 4th. Hopefully we can achieve that.

10 So, Ms. Mayor is handing out her  
11 stacks of paper right now. Once she's done, we'll  
12 proceed.

13 MS. MAYOR: Thank you. Sorry,  
14 Mr. Meronek was concerned he wasn't going to get a  
15 big bedtime reading package, so I wanted to make  
16 sure that he had it in front of him.

17 THE CHAIRMAN: Well, now he's got the  
18 afternoon to read it.

19 MS. MAYOR: Okay. I'm a little  
20 disappointed that the room was full yesterday and  
21 it was full this morning up until we announced we  
22 were going to answer our undertakings, and it  
23 appears to have cleared the room.

24 I'll just go through the list, a  
25 number of them are verbal, a number of them are

1 written. I know that there had been requests for  
2 the entire list of undertakings, and when we  
3 finish them, we have an ExCel spreadsheet that has  
4 just a very brief summary of what the question  
5 was, who asked it, what pages it was asked, what  
6 page it was answered on, and what exhibit number  
7 it is. So when we finish at the end of this week,  
8 within the next couple of weeks, I will have that  
9 sent out to everyone as well, so there will be a  
10 complete listing. And if they're looking to where  
11 the answer was provided, they will have that quick  
12 reference. So we will do that in the next couple  
13 of weeks as well.

14 On October 5th, in Winnipeg  
15 Mr. Williams had asked Mr. McGarry about  
16 continuity issues on route selection. That was  
17 found on pages 943 and 946 of the transcript. It  
18 was answered earlier, on October 29th at page  
19 2023, but just to provide the additional  
20 information that was being looked at, we have in  
21 fact got a document before you which will be filed  
22 as an exhibit on that answer.

23 On October 22nd, in Portage,  
24 Mr. Sargeant asked a question of Mr. Joyal and the  
25 panel members about fertilization application and

1 its effect on conductivity. That is found at page  
2 1775 of the transcript, and a written answer is  
3 being provided and will be filed as an exhibit  
4 today.

5                   On October 26th in Niverville,  
6 Mr. Gibbons asked if anyone knew whether manure  
7 regulations would be enforced against landowners  
8 requiring extra applications. That is found at  
9 page 1931 and 32. That's not an answer that  
10 Manitoba Hydro can provide, but it is seeking the  
11 assistance of the Province for this information,  
12 and if it can be obtained, we will provide it. I  
13 thought I would provide an update. It was one of  
14 those questions that Mr. Gibbons had looked out at  
15 the crowd and had asked if someone can answer it.  
16 So we're on it for you.

17                   On October 29th, in Winnipeg,  
18 Mr. Madden asked Ms. Zebrowski where the  
19 definition of Northern Affairs came from that was  
20 used in the glossary. This was found at page  
21 2051, 52. Manitoba Hydro has not been able to  
22 make the determination as to the source of that  
23 definition.

24                   On November 5th, in Winnipeg,  
25 Mr. Meronek asked Mr. Berger if there were any

1 discrete ptarmigan studies that were done. This  
2 was found at page 3148 of the transcript. And  
3 there were not any discrete ptarmigan studies  
4 done.

5           On November 5th, in Winnipeg,  
6 Mr. Meronek asked Mr. Berger to provide a list of  
7 the studies on birds that were referenced in their  
8 discussion. And that's found at page 3149. And  
9 then as well, he asked for the studies or the  
10 information that showed bird strikes reduced with  
11 the use of bird diverters. That particular  
12 question is found at page 3154. I'm sure  
13 Mr. Meronek will be pleased that in writing there  
14 is an extensive list of bird studies that he can  
15 now also review. And so those two have been  
16 combined into one filing as an exhibit, but it  
17 answers the two separate undertakings.

18           On November 5th, in Winnipeg,  
19 Mr. Beddome asked Mr. Osler about the ten-year  
20 time frame affecting VECs, and in particular if  
21 there were others than the American Martin. That  
22 was found at page 3182 and 83 of the transcript.  
23 The other VEC that might change from not  
24 significant to potentially significant, using this  
25 different sensitivity screening, would be the VEC

1 known as aesthetics and the Keewatinoow impact.

2 Just by way of update, on

3 November 5th, in Winnipeg, Mr. Gibbons asked

4 Mr. Berger and Mr. Schindler to provide some

5 detailed information on patch densities, mapping

6 of core communities and fragmentation, linear

7 developments and upland forest habitat. Those

8 questions are found between pages 3307 and 3316.

9 A number of maps and documents have been prepared.

10 They are just in the final vetting stage and

11 hopefully we'll be able to provide that additional

12 information by the end of the week. The mapping

13 we may not provide in writing, we may provide it

14 by way of a memory stick instead, because there's

15 a number of maps and it would not be easy to

16 reprint.

17 On November 6th, in Winnipeg,

18 Mr. Madden asked Mr. Osler what was meant by

19 winter construction for the purposes of the

20 presentation. And that was found at page 3410.

21 As Mr. Osler indicated on the record, clearing and

22 construction will take place when there are winter

23 conditions or frozen ground conditions. That, of

24 course, is weather dependent. Mr. Penner further

25 advised that opening and packing of access trails

1 will then begin. And once there is sufficient ice  
2 cover on a packed trail, the additional work will  
3 begin, that could take two to four weeks. Then  
4 the heavier equipment comes on site and work  
5 continues until the ground starts to thaw and  
6 access then becomes too difficult. So in terms of  
7 defining winter construction onset dates, that's  
8 not possible. It's weather dependent.

9                   On November 6th, in Winnipeg,  
10 Mr. Mills had asked Mr. Osler if tower placement  
11 will be discussed with First Nations. That  
12 question is found at page 3527. Mr. Penner  
13 advises that Manitoba Hydro will meet with Pine  
14 Creek to review the Environmental Protection Plan  
15 for their specific region and to determine  
16 specific boundaries of sensitive sites. Specific  
17 tower placement will not be discussed for every  
18 location, but if there are specific concerns, they  
19 can be discussed at those EPP meetings.

20                   On November 6th, in Winnipeg,  
21 Ms. Whelan Enns asked Ms. Zebrowski whether ATK  
22 information is still being held at MMM Group.  
23 That question is found at page 2585 of the  
24 transcript. ATK is still being held  
25 confidentially by MMM Group. MMM Group has asked

1 Manitoba Hydro for direction. Manitoba Hydro is  
2 in the process of requesting that information be  
3 transferred to Manitoba Hydro.

4           On November 7th, in Winnipeg,  
5 Mr. Meronek asked Mr. McLeod to provide the  
6 property acquisition costs for the project. And  
7 that's found at pages 3688 to 3690. The approved  
8 capital project justification amount is  
9 \$34,947,000, approximately, inclusive of land  
10 easements, land acquisition, survey and drafting.

11           On November 7th, in Winnipeg,  
12 Mr. Meronek also asked Mr. McLeod to provide a  
13 number of documents related to Manitoba Hydro's  
14 compensation policy and the work of Evolve. Those  
15 questions are found at pages 3695 to 3705. In  
16 answer to that, we are filing six documents.  
17 There is a compensation manual on crop damage and  
18 impact payment schedule for steel two poles 230 kV  
19 that's dated January 2012, and that's the thick,  
20 thick document. There's also a compensation  
21 manual on crop damage and impact payment schedule  
22 for Bipole III dated July of 2012.

23           There is a package that is sent to  
24 landowners when they do not wish to meet with  
25 Evolve. You will notice that there is redacted

1 information in those packages, as the copy that  
2 was provided to us contained an actual landowner  
3 and some information, that landowner having asked  
4 some information at one of the presentations, but  
5 we wanted to redact that information, so personal  
6 information wasn't disclosed.

7           There is also the topic tool kit used  
8 by Evolve, which was the script or guidelines that  
9 Mr. Meronek asked for. Along with that is a  
10 reference to the legal guideline that is mentioned  
11 in the tool kit document.

12           And finally, Mr. Meronek had asked the  
13 method by which Evolve employees were paid. And  
14 there is a letter from Evolve with respect to that  
15 payment.

16           On November 7th, in Winnipeg,  
17 Mr. Mills asked the water panel that made its  
18 presentation for modeling on the route revision,  
19 that question was asked at page 3783 to 3784, and  
20 that document has been provided and filed as an  
21 exhibit this morning.

22           As well on that date, Mr. Williams  
23 asked the water panel for its bibliography of  
24 peer-reviewed literature, at page 3885 of the  
25 transcript, and that list has already been



1 provided by way of a document.

2 On November 7th as well, Mr. Beddome  
3 asked Mr. Elder for the explanation of person  
4 years that is used. And that's found at page 3900  
5 to 3903, and an explanation with a flow chart is  
6 provided in written form today.

7 And lastly, on that same date,  
8 Mr. Beddome asked Ms. Hicks if the number for  
9 traffic increases on PR 280 was just for Bipole  
10 III or if it was a cumulative effect? That  
11 question was asked at page 3917, and the answer  
12 that the number she had provided was just for  
13 Bipole III.

14 And those are our answers today.

15 THE CHAIRMAN: Thank you, Ms. Mayor.  
16 I note your guidelines for legal fees, one of the  
17 lawyers on the panel asked me if he could get paid  
18 at that rate.

19 MS. MAYOR: Well, I can certainly  
20 advise that the Manitoba Hydro lawyers in-house do  
21 not get paid at that rate.

22 THE CHAIRMAN: You need a better  
23 union.

24 Do you want to register these?

25 MS. JOHNSON: Yes. I'm just going to

1 register these as a block, and then I will  
2 circulate the list by the end of the week.

3 So we started at MH 91, as their first  
4 undertaking to Mr. Williams, and the last one is  
5 MH 102. And we also have TCN documents. TCN  
6 number 1 will be the submission that was provided  
7 on September 17th, and number 2 is the submission  
8 that was provided on November 13th.

9

10 (EXHIBIT MH 91-102: Manitoba Hydro's  
11 answers to undertakings)

12 (EXHIBIT TCN 1: Submission, September  
13 17)

14 (EXHIBIT TCN 2: Submission, November  
15 13)

16 THE CHAIRMAN: Okay. Any other  
17 business that needs doing today? Mr. Meronek?

18 MR. MERONEK: Is there going to be an  
19 opportunity to ask questions on these  
20 undertakings?

21 THE CHAIRMAN: Are you prepared to  
22 respond to questions on the undertakings? It  
23 would depend on whether you're debating what's in  
24 them or if it's just process questions, I would  
25 think.

1 MR. MERONEK: Well, for example, in  
2 terms of the bird wire collisions, I don't see any  
3 reference to any studies on the Dodo bird -- no,  
4 that wasn't one of the questions. But there are a  
5 lot of thick documents, I mean, I don't know  
6 whether there will be any follow-up questions or  
7 not. But if there is, I wonder if there is a  
8 forum to do that?

9 THE CHAIRMAN: I think that it's  
10 always open to you. If Manitoba Hydro hasn't  
11 fully responded to the undertaking, to bring that  
12 to our attention.

13 MR. MERONEK: Okay. Thank you, sir.

14 MS. MAYOR: Manitoba Hydro also  
15 certainly welcomes, if Mr. Meronek wants to ask us  
16 the questions, we can provide them in another  
17 forum.

18 THE CHAIRMAN: So you can contact them  
19 directly as well. Send copies to everybody,  
20 though.

21 Any other questions or matters we need  
22 to deal with this morning?

23 Okay. Thank you. Then we get an  
24 afternoon, probably not off for any of us, but to  
25 do other things, and we'll be back here tomorrow

1 morning at 9:00 a.m.

2 (Proceedings adjourned at 11:20 a.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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