

MANITOBA CLEAN ENVIRONMENT COMMISSION

BIPOLE III TRANSMISSION PROJECT
PUBLIC HEARING

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1 Wednesday, November 21, 2012

2 Upon commencing at 9:00 a.m.

3 THE CHAIRMAN: Could we come to order,
4 please? I hope everyone had productive afternoons
5 yesterday. We have a number of individual
6 presentations today, including one by the Chief
7 from Sapotaweyak Cree Nation. York Landing First
8 Nation, which had hoped to be here today, is not
9 able to get out of the north, so we will not be
10 hearing from them today.

11 The first presenter this morning is
12 Dan Soprovich. In the spirit of complete openness
13 and transparency, I must inform you that
14 Mr. Soprovich happens to be my brother-in-law. We
15 have not and will not talk about this review
16 outside of this room, or until after the report is
17 filed.

18 Any other business to take care of?

19 Madam secretary, could you please
20 swear in the witness?

21 Dan Soprovich: Sworn.

22 MR. SOPROVICH: My name is Dan
23 Soprovich, and I live in Swan River in Western
24 Manitoba. I have a Masters of Science in Zoology
25 from the University of Manitoba, as well as a BSc

1 from the same university. I have worked for Ducks
2 Unlimited Canada, Canadian Wildlife Service, and
3 other research and natural resource management
4 agencies. I worked for Manitoba Natural Resources
5 from 1981 to 1995, during which time I was a
6 regional wildlife technician, population ecology
7 biologist, and during my last four years, the
8 regional wildlife biologist out of Swan River. I
9 have been consulting and teaching since then,
10 including most recently coordinating the
11 assessment of an approximately 45 megawatt small
12 hydro development in British Columbia.

13 I am currently employed half time as
14 lands manager for Wuskwi Sipiik First Nation near
15 Swan River. I am co-chair and founding member of
16 Moose for Tomorrow of Western Manitoba, and sit on
17 the Western Region Moose Advisory Committee.

18 Recently I have provided technical
19 reviews for Peguis First Nation regarding
20 proposals under the Environment Act. Today I am
21 representing the Peguis First Nation about select
22 species topics relative to the EIS for Manitoba
23 Hydro's Bipole III project.

24 It should be noted that Manitoba First
25 Nation members have the right to hunt on Crown

1 land in our province. In addition to the ability
2 to exercise these rights, Peguis First Nation is
3 concerned about the impacts Bipole III will have
4 on certain species, including moose.

5 I will begin my presentation today
6 speaking to some of the slides in the presentation
7 on moose provided by Hydro and its consultants,
8 Joro and Wildlife Resource Consulting. I
9 understand that this has been an issue of
10 considerable discussion. I think it is important
11 to provide the Commission with some context, as it
12 is clear that the Hydro position has been
13 misinformed, and I am uncertain if Manitoba
14 Conservation has provided its position.

15 Sometime around early 2010, some of us
16 came to the conclusion that matters had to be
17 forced, and we initiated the group Moose for
18 Tomorrow. The group includes members of several
19 First Nations, the Manitoba Metis Federation, and
20 a number of concerned stakeholders and citizens.

21 We began to push the moose issue,
22 culminating in a meeting we coordinated in Swan
23 River where former Minister Bill Blakie attended
24 to hear our concerns, and where some 200 or so
25 people attended.

1 The meeting began with a prayer by
2 Elder Buddy Brass from Wuskwi Sipiik First Nation,
3 and then Buddy talked about how, when Manitoba
4 Conservation had come out to the nation to meet
5 some years previously, he had asked for a
6 five-year closure of the hunting of Moose in the
7 Porcupine Mountains.

8 One of our members heard Mr. Blakie
9 ask his staff where the Porcupine Mountain was,
10 and it became apparent immediately that Mr. Blakie
11 had not come prepared to talk about concerns for
12 the entire region, likely because his staff had
13 not appropriately briefed him.

14 Independently, and before the
15 Government of Manitoba took action, the Wuskwi
16 Sipiik First Nation demonstrated leadership by
17 instituting a ban on all moose hunting in its
18 greater than 40,000 acres of lands.

19 Manitoba Conservation, under
20 leadership of Mr. Blakie, consulted with First
21 Nations and Metis in the area and a ban on all
22 forms of moose hunting emerged. First Nations and
23 Metis made the sacrifice to not hunt moose in an
24 effort to bring the populations back, and hunting
25 effectively ceased beginning in 2011, and

1 including the fall and winter of 2011.

2 Just for the Commission's benefit,
3 because I have quite a bit of information here,
4 I'm just kind of hitting height points, so that's
5 why it's -- I'm not following directly with the
6 text that's been presented.

7 We currently consider -- the Duck
8 Mountain Moose Advisory committee was struck --
9 and we consider moose management in an area
10 including, and from game hunting area 12 in the
11 north to game hunting area 19A in the south. This
12 includes the Porcupine Mountain, the Duck
13 Mountain, and lands north, east, between, and
14 south of the mountains.

15 And so this is where we find ourselves
16 today, in short our coalition and collective
17 actions forced Manitoba Conservation to address
18 the decline in the moose populations by closing
19 game hunting areas to hunting. And now we are
20 collectively working, moving forward to develop
21 long term management plans.

22 Okay. I'm just going to take you
23 briefly to the first slide. The Manitoba Hydro
24 Joro slide indicates that the age of maturity of
25 moose is 2.5 years. I am unsure how Hydro defines

1 age and maturity, however, wildlife ecologists
2 typically define this as the age of sexual
3 maturity.

4 The following slide for Manitoba, and
5 from a 1992 paper by Dr. Vince Crichton from the
6 Manitoba Department of Natural Resources,
7 indicates that 36 percent of the 1.5 year old
8 moose were pregnant in the sample from the
9 province. So it's incorrect to say that age of
10 maturity is 2.5.

11 When we look at the annual recruitment
12 rate, calves surviving per female for moose, this
13 population parameter is missing for Manitoba
14 populations in that surveys are typically
15 conducted some four or five months prior to when
16 one would recruit the calves into the population
17 at one year of age. Therefore, the statistic
18 would change between when it is collected in
19 Manitoba and when one would recruit calves into
20 the population.

21 The moose study being championed for
22 the Duck Mountain population by Moose for Tomorrow
23 and the Manitoba Wildlife Federation would examine
24 this data gap.

25 The slide indicates potential

1 population growth, Lambda of up to 1.40 and
2 commonly 1.10 to 1.20, but does not provide the
3 complete picture in that it fails to provide
4 population growth rates for populations that are
5 declining.

6 The slide indicates that late winter
7 cover is important. I want to emphasize the
8 importance of cover during the winter and summer,
9 and particularly in the context of global warming.
10 Moose will overheat and then must use energy to
11 thermoregulate about 14 C in the summer and minus
12 5 C in the winter. Under such conditions,
13 appropriate cover can be selected to keep from
14 overheating. There is correlated evidence to
15 suggest that the recent crash of the moose
16 population in Minnesota was a function of warm
17 temperatures over the period of the crash.

18 This slide indicates that young
19 deciduous and mixed wood forest providing high
20 quality and abundant browse, aspen, willow, hazel,
21 dogwood, maple. Important is what it doesn't
22 indicate as well as this, prefer disturbed
23 habitats, respond to new growth from fires and
24 forest harvest and renewal.

25 Now, this is correct but, again,

1 what's important is what's not here, in the
2 context of Western Manitoba, are the critical
3 winter habitats lacking from the slides. Key
4 wintering habitats within game hunting areas 12,
5 and 14/14A, include large expanses of willows,
6 areas that might have been designated as shrub
7 lands in the presentation comparing moose to
8 caribou. I have hunted such an area on two
9 occasions in game hunting area 14/14A. On both
10 occasions we saw moose, on one occasion we
11 harvested a bull.

12 This spring I met with managers at Elk
13 Island National Park, and hiked approximately 16
14 kilometres through the park, through the south
15 end. There's a very high population of elk,
16 bison, deer and moose in here. Moose population
17 somewhere over, greater than 10 moose per square
18 mile at the time I was in there.

19 What this slide demonstrates is the
20 extensive browsing. You can see what we call a
21 browse line here. Essentially what's happened
22 here is the moose have browsed all that hazel
23 right off. You have a line -- so that you have a
24 line right across here. So you can see that
25 there's very extensive browsing here. So we see a

1 dense, we often see a dense hazel understory in
2 mature and old growth aspen forest in the Duck
3 Mountain, the Porcupine Mountain being hunting
4 area 14, et cetera.

5 Next time you drive through Riding
6 Mountain Park, look for these areas and you will
7 see them. These areas persist in time much longer
8 than logged or burned areas and, therefore,
9 represent more stable habitat. And under some
10 conditions such areas can then become shrub lands.

11 Although empirical data are lacking,
12 moose in Western Manitoba do not prefer disturbed
13 habitat, rather, if anything, they prefer this
14 kind of dense understory hazel under aspen and
15 shrub lands. Also of high importance to moose is
16 relatively open canopy coniferous forest with
17 hazel in the openings, old growth balsam/fir
18 dominated forests with the balsam for understory
19 is important locally. At one time, 4 percent of
20 the AAC in the mountain forest section was balsam
21 fir.

22 Moose are far less vulnerable to
23 hunting in these habitats than in logged habitats.
24 High quality winter food habitat is created by
25 logging, but such habitat becomes a population

1 sink for an area because the moose are highly
2 vulnerable to hunting. That is hardly a good
3 thing for the moose population.

4 I wish to address one other point
5 here. I understand, based on the transcripts,
6 that a wildlife specialist for the Manitoba Metis
7 Federation pointed to the problem of using
8 untested habitat models. I have not yet reviewed
9 the habitat models in question. However, I note
10 that I discussed the general failure of Manitoba
11 habitat models and the scientific evidence
12 respecting such models at the Wuskwatim hearings.
13 I expect that the models used for Bipole III would
14 have problems given the failure to recognize the
15 importance of some aspen forests in Western
16 Manitoba. I further note that the models could
17 have been tested using available data if Hydro had
18 wanted to do.

19 I want to speak on this slide relative
20 to access density across moose range linked to
21 decline. It's not just access density that is the
22 issue. Moose are extremely vulnerable to hunting
23 within logged areas, where they come to feed and
24 are often quite exposed in the open environment in
25 the cut-over. It is for this very reason that

1 Manitoba Conservation attempts to limit the size
2 of the cut blocks in an attempt to mitigate
3 vulnerability.

4 I must indicate that the massive
5 increase in logging and access in Duck Mountain,
6 with the advent of Louisiana Pacific Canada in the
7 1990s, is one factor and perhaps the primary
8 factor for the demise of the Duck Mountain moose
9 population.

10 Habitat effectiveness is a concept
11 that is used to integrate effects like disturbance
12 with habitat. One discounts habitat if, for
13 example, it will not be used by a species or will
14 be used to a lesser extent due to the impact of
15 disturbance.

16 For example, in the recent assessment
17 that I coordinated in British Columbia, linear
18 corridors were classified, for example, with
19 temporary trails being different from main roads,
20 and habitat effectiveness was calculated based on
21 the relative impact of different classes to
22 Grizzly Bears and the corridor density.

23 There is a body of scientific
24 literature on the impacts of corridors on animals.
25 For example, I'm aware of scientific publications

1 that link Ruffed Grouse density in proximity to
2 roads, and elk density and vulnerability to
3 hunting to road density.

4 I did not read the mammals technical
5 report, however, I did search the technical report
6 on the terms effectiveness, vulnerability, road
7 density and corridor density. The search
8 indicates that Hydro's consultants did not conduct
9 any kind of empirical assessment as to how moose
10 habitat would be degraded as a result of the
11 corridor, either in isolation or in combination
12 with other nearby corridors. That is cumulative
13 impacts.

14 The primary issue relative to the
15 Bipole III and moose in the region is not habitat.
16 Habitat is not even close to limiting in any
17 substantive way. For example, for game hunting
18 area 14/14A, given that the population is almost
19 extirpated, habitat is not likely to be a limiting
20 factor for many decades, if ever again.

21 The real issue is increases to the
22 vulnerability of moose to hunting and predation by
23 wolves, and how that will bear on our ability to
24 bring these populations back and to maintain them
25 in the future.

1 The Bipole right-of-way will be
2 considerably different from other right-of-ways
3 such as highway 10 and existing Manitoba Hydro
4 right-of-ways. It will be very wide and moose
5 will be seen from quite far away. It will attract
6 moose at certain times, for example, for some
7 years between times of spraying trees and shrubs
8 with chemicals to kill them. Access along the
9 right-of-way will be easy for many years, for many
10 areas, and it is anticipated that without
11 legislation, a well used snow machine route will
12 develop. It will be easy for some groups of
13 hunters to kill moose, example, by pushing moose
14 across the line and posting shooters on the
15 corridor.

16 Despite its very different nature and
17 on the basis of my search of the Bipole III
18 mammals technical report, it appears that Hydro
19 and its consultants did not conduct any kind of
20 habitat effectiveness assessment for moose or any
21 kind of assessment of the impact of corridor
22 density. Hydro and its consultants seem to focus
23 the greatest amount of its effort on the habitat,
24 which is not an issue in game hunting area 14/14A,
25 and likely game hunting area 12 in the near term.

1 Manitoba Hydro and its consultants appear to have
2 almost ignored the central issue for moose.

3 Further to the above, what also
4 appears to be missing from Hydro's understanding
5 of moose in Western Manitoba is the seasonal
6 movement of moose off the slopes of the Porcupine
7 and Duck Mountains and into game hunting areas
8 to the north. So what we see is we see moose
9 moving off the Porc's, into these areas to the
10 north, and to the east. Anyhow, what we see is
11 moose, during the winter, moving off the Porcupine
12 Mountains to the north, to the east, and off the
13 Ducks particularly to the northeast.

14 Another point I'd like to make is that
15 some broader scale of assessment is needed, as a
16 3-mile wide buffer is clearly not adequate from
17 the perspective of this movement. It is habitat
18 on the eastern side of the present Bipole III
19 corridor that would be most critical in this
20 regard, as opposed to habitat on the western side,
21 because moose will be moving across the corridor
22 to this habitat. There will continue to be
23 migration across the corridor to the Moose Meadows
24 and other areas, and therefore increased
25 vulnerability of moose at summer in the Porcs.

1 I note that for BC, female home range
2 that encompasses a development is deemed to be an
3 appropriate scale for cumulative effects
4 assessment by Tony Hamilton of the BC Ministry.

5 It states here that MCWS has not had
6 reports of brain worm or chronic wasting disease
7 in Western Manitoba. This is incorrect, at least
8 as I understand Western Manitoba. For an e-mail
9 from parasitologist, Dr. Vince Crichton, on
10 November 19, 2012, quote:

11 "This is simply pure nonsense, just
12 like they have stated in one of their
13 documents that there is no chronic
14 wasting disease there. Nonsense."

15 Among other details, Dr. Crichton
16 indicated that from 40 percent to 60 percent of
17 the White-tailed Deer and the Swamp Pelican were
18 affected with brain worm, as outlined in a paper
19 the published in 2003 in the journal of Wildlife
20 Diseases by Wassell, Samuel and Crichton. There
21 are a number of cases where moose have been killed
22 by natural resource officers because of suspected
23 brain worm.

24 This talks about the program that Bill
25 Blakie announced, Manitoba Conservation announced

1 to help manage this moose population and the moose
2 population on the east side. It indicates in
3 respect to enforcement, addition of two new
4 natural resource officers. It appears that
5 Hydro's consultants are basing their information
6 on a poor understanding of an obsolete Manitoba
7 Conservation press release. When Manitoba
8 Conservation made the announcement prior to the
9 last election, the program included areas in
10 Western Manitoba and Eastern Manitoba, with one
11 officer for Western Manitoba and one for Eastern
12 Manitoba. The program also added one biologist
13 for Western Manitoba.

14 While Manitoba Conservation did add
15 one officer and one biologist to Western Manitoba,
16 two officers from the Swan River office retired
17 around Christmas of last year and around May of
18 this year. The net result is that we are
19 presently down one officer from prior to the
20 announcement, and two officers relative to when
21 staffing occurred after the announcement.

22 While Manitoba Conservation did add
23 one biologist, the regional wildlife manager out
24 of Brandon retired some months ago, and these
25 duties are being handled out of the Swan River

1 office at present. The net result is no
2 additional biologists, and considerably less
3 institutional experience.

4 As Craig Stevens from Wuskwi Sipihk
5 First Nation has noted, biologists and natural
6 resource officers do not make baby moose. So
7 we've got to manage those populations.

8 This slide demonstrates right in this
9 area the present Manitoba Hydro line that cuts
10 through the northeast section of the Duck
11 Mountain. During the winter, at least some
12 portions of line are packed by snow machines and
13 wolves travel along the packed trail.

14 A later slide in the presentation
15 concludes slight decrease, Porcupine Mountains
16 population slightly lower than 20 year high.

17 The only point that I want to make
18 with respect to this is that the survey was done
19 in 1997. If they had done the survey in 1993, as
20 was the case in the Ducks, we would probably see a
21 significant decrease here. Because there was a
22 fairly, there was a very significant die off of
23 moose in the Ducks, 1995, '96. And I'm pretty
24 certain that same occurred in the Porcupine
25 Mountains.

1 This is some analyses by myself, and
2 it just simply -- it's the number of days to kill
3 a moose from hunter questionnaire data. You can
4 see in '93 it took, and this is the winter season,
5 it took less than five days. By 1997 it took over
6 10 days. So this is an index to abundance. When
7 the number is low, it means there's lots of moose.
8 When the number is high, it means there is fewer
9 moose. So this data indicates the populations
10 were higher in 1993.

11 Somewhere within one of the slides by
12 Hydro, it indicates that there can be a quick
13 population response. And it cites the historical
14 calves, the calves per hundred cows data. One has
15 to be quite conscious with moose population
16 estimates from surveys -- actually this goes back
17 to my original point I guess, apologies. While
18 one has to be quite cautious with moose population
19 estimates from surveys, because they are estimates
20 and because the percentage of moose missed, the
21 bias can vary considerably between surveys. The
22 data do not suggest a quick turnaround of the Duck
23 and Porcupine populations. Using only the point
24 estimates, which would be the central numbers, we
25 have seen a drop of more than 200, or 27 percent

1 for the Porcupine Mountain, and an increase of
2 only 117 or 8.7 percent for the Duck Mountain,
3 after one year of business as usual and one year
4 of closure to recreational and rights based
5 hunting, and wolf control program.

6 Further to this, the experience in
7 other areas of Manitoba has often been one of
8 long-term depressed populations. Therefore, at
9 this time the data and experience do not support
10 Hydro's contention in another slide that
11 "demonstrates potential for quick population
12 response if hunting closures are successful" in
13 relation to the cow/calf ratios being within
14 historic averages.

15 In fact, respecting calves per hundred
16 cows, which is the measure used in Hydro's slides
17 here, the conclusion relative to the major decline
18 in Minnesota was that it was adult survival that
19 drove Lambda, the rate of increase, and that
20 reproduction had little impact.

21 Now, speaking to this slide, I want to
22 point out that if we go back here, you'll see that
23 there is an upper and a lower estimate, these are
24 what we call -- this is what we call our
25 confidence interval. And you'll see that they are

1 not on this, with this particular data. So note
2 that there are no confidence intervals for this
3 statistic, unlike the case for the population
4 estimates. Confidence intervals were not
5 calculated for a number of reasons for these data.
6 For the great majority of the years, the precision
7 would have been very poor, as sample sizes were
8 often very small and constrained by budget.
9 Sampling was generally restricted to specific
10 known wintering areas and, therefore, the sample
11 was collected according to a methodology that
12 would not strictly allow for statistical analysis.
13 Consequently, while the measures fluctuate quite a
14 bit in the chart, there might have been little
15 real difference on the ground for the population.

16 Game hunting area 14, as it is now
17 14/14 A, as it was broken up some 15 years ago. I
18 analyzed the data and wrote the survey report for
19 1983, and designed the survey. It was the crew
20 leader who analyzed the data and wrote the report
21 for 1992. Relative to the population numbers,
22 there are issues of comparability for a number of
23 reasons, including the fact that the two early
24 surveys were by fixed wing, whereas a helicopter
25 was used in the latter two surveys. Furthermore,

1 the 2011 estimate represents extrapolation from
2 109 to 148, a significant portion of the area was
3 not surveyed.

4 Relative to the slide of calves per
5 hundred cows, it should have been possible to
6 calculate the statistical precision for these
7 estimators. I am not sure exactly why they are
8 not on the slide.

9 Habitat loss -- habitat will be
10 converted from cover to poor. This is certainly
11 not true at all times. For example, the
12 developments proposes to spray the right-of-way
13 with chemicals to kill young growth. Consequently
14 there would be times when there would be no food.
15 I saw this recently south of Grand Rapids where
16 the Hydro right-of-way had been sprayed and all
17 the shrubs were dead. There would be an important
18 reduction in food where the right-of-way crosses
19 shrub lands, as these stable sources would now be
20 killed by chemicals.

21 Increased harvest of moose outside of
22 closed areas due to hunting closures. This
23 appears to suggest that there is no hunting and
24 killing of moose within the closed areas. This is
25 not true. While hunting has declined

1 substantially, there certainly are moose being
2 killed. For example, last Sunday on the way home
3 from Winnipeg, I observed the remains of a dead
4 moose in a south ditch of the road from
5 Camperville to Cowan, likely within a mile of the
6 new alignment in that area. That road actually
7 constitutes the boundary between a closed and an
8 open area.

9 Far more important than present
10 mortality levels within the closed areas is the
11 extent to which the corridor will adversely impact
12 on mortality going forward, as we work with
13 Manitoba Conservation to try to ensure that
14 populations are managed in a sustainable manner.

15 Limited evidence in literature of
16 increased predator effects as a result of
17 transmission line right-of-way. Movements by
18 wolves are certain to be facilitated by the
19 corridor and, therefore, their ability to predate
20 will also be facilitated. We see this relative to
21 movements for the present Hydro right-of-way
22 across the more eastern portion of the Duck
23 Mountain where wolves are known to use the
24 right-of-way for travel.

25 Effects of increased hunting not

1 expected due to FPR paralleling existing linear
2 development where access already exists. The
3 Bipole III corridor is not very close to existing
4 corridors in various places. Ignored is the issue
5 of corridor density for which there should have
6 been empirical analysis. I assume that there
7 exists relevant data in the scientific literature
8 for moose. Furthermore, the 66 metre Hydro
9 right-of-way is considerably different from the
10 existing right-of-ways.

11 Range fragmentation includes unknown
12 effects of linear development and access. There
13 is science on the effects of linear development
14 and access, including in a relation to avoidance
15 and predation for woodland caribou, as I reported
16 on in the Wuskwatim hearings.

17 I am familiar with some of these data
18 for the Naosap, Kississing and Reed lake herds, as
19 I conducted analysis on at least some of the data.
20 I point out that biases can exist relative to
21 issues with sampling. Example, for the caribou
22 data that I examined, some periods of time were
23 represented to a greater extent in the data set,
24 thereby distorting, for example, core home range
25 estimates.

1 In 2004, I wrote two reports on the
2 sampling problems entitled "Assessment of
3 Potential of Variable Sampling Intervals to Bias
4 Estimates of Caribou Spatial Distribution - On the
5 Basis of Movements by GPS," and "Assessment of the
6 Potential of Partial Years to Bias Estimates of
7 Caribou Spatial Distribution - On the Basis of
8 Movements by GPS and VHF Caribou."

9 It would not surprise me to see
10 similar problems with the analysis conducted by
11 Hydro, however, I have not had time to review the
12 analysis given the constraints of funding for the
13 project.

14 Multi species aerial surveys, this
15 slide indicates an adaptive kernel method was
16 used. Examination of the supplemental caribou
17 technical report revealed statements that the
18 method was used by Schindler 2006. And using this
19 method, adaptive kernel analysis for each animal
20 by winter month and all animals by winter month
21 were conducted using the home range extension,
22 HRE, and ArcEdit. I googled for Rodgers and Carr,
23 noting here that the citation should have been
24 Rodgers with a D. What came up was Rodgers and
25 Kie, HRT, home range tools for ArcGIS, users

1 manual, draft, August 10, 2011. I did not spend
2 time going through additional pages in the Google
3 search to look for Rodgers and Carr, given the
4 time constraints. However, I assume that the
5 Rodgers and Kie manual would be an updated version
6 of the earlier software and consistent in
7 approach.

8 Importantly, if you use this manual
9 you can select various types of software. There
10 is different methodologies, and also the different
11 input parameters for the analysis. As best -- why
12 is this important? Among other matters, the
13 technical report presents estimates of core areas
14 using the kernel method. The bottom line is that,
15 depending on the methodology used in the input
16 parameters, that will affect the size of the core
17 areas and the size of the home ranges that are
18 output. So what you see is very much a function
19 of the methodology used.

20 And when you look through the two
21 technical reports on caribou, you cannot determine
22 what the methodology is. You get a reference to
23 Schindler 2006, and a user's manual. And in the
24 user's manual, it says that there's all kinds of
25 methodologies to select from. And if you look at

1 Schindler 2006, this is not a readily available
2 document. It's not really a document that you can
3 Google or you can find in a scientific
4 publication, you've got to go to university.

5 The method should have been explicit.
6 And importantly, it should be explicit because
7 very early in the work that was done with these
8 types of estimators, Worton (1989) developed a
9 method that was used by RGS. Subsequently, Worton
10 in 1995 published and said, don't use the method
11 because it substantially underestimates the true
12 home range and core areas.

13 So this is very critical because it
14 suggests that if -- Hydro may have utilized a
15 method for estimating home ranges that
16 substantially underestimates the true range and,
17 in fact, was repudiated by the author of the
18 original method.

19 I just want to make one slight point
20 here on, relative to The Bog herd here.
21 Essentially, what you can see here, though, is
22 that the evaluation area doesn't entail the
23 complete historical area. And the point that I
24 would make here is that a more conservative and
25 less risky approach would have included some of

1 that range if supported by past data.

2 Now, I will say that I haven't looked
3 at the technical report in any kind of detail, so
4 perhaps that rationale is in there. But in the
5 absence of that rationale, this is a more risky
6 approach by ignoring that range.

7 And this is so because the additional
8 collection of data by Hydro and its consultants
9 might well have yielded use of that area by
10 caribou, and/or Hydro's conclusions respecting
11 range may have been a function of sample size and
12 where the locations were that caribou were sampled
13 from. That is, herd rise would be a function of
14 the number of collars put on animals, where within
15 the range the collars are put on, and the number
16 of years of monitoring. I wonder if the
17 apparently much expanded range, for range use post
18 construction in the slide, Wuskwatim case study
19 summer, pre and post, is simply the result of more
20 years of data and/or more collared caribou.

21 I would be surprised if the selection
22 of caribou to collar was done according to
23 rigorous methodology designed to reduce bias
24 estimates.

25 With respect to the minimum sample of

1 20, I wonder if a basis was provided for the
2 number 20 within the technical reports. For our
3 moose study proposal for the Duck Mountain we used
4 an empirical basis to derive a sample size target
5 of 40 cow moose. And that relates to the
6 precision of your estimates.

7 Cumulative effects. The cumulative
8 effects assessment ignores future fires and an
9 assumption on future fires should be included.
10 That is, it appears that the analysis assumed that
11 there would be no fires in the boreal forest in
12 the future.

13 Threat summary. There are several
14 cumulative effects issues here, one of them being
15 quite important, that are not addressed here. One
16 is that forestry development can improve habitat
17 conditions for moose and tends to alter caribou,
18 moose, wolf dynamics. This is so because forestry
19 development tends to alter the conifer forests
20 towards deciduous stands. Indeed, the provincial
21 standard for forest renewal allows as acceptable
22 an approximate 25 percent alteration in the pre
23 logged natural forest towards hardwoods.

24 And that is the end of my
25 presentation. I thank you for your forbearance,

1 your bearance, whatever.

2 THE CHAIRMAN: Thank you,
3 Mr. Soprovich. Under our procedures, presenters
4 are not open to cross-examination by participants,
5 but Manitoba Hydro may ask questions and panel
6 members may ask questions. Manitoba Hydro?

7 MR. BEDFORD: Thank you, Mr. Sargeant.
8 And I welcome your reference to your rules.

9 I can't help but note that we all
10 heard Mr. Soprovich say when he began that he's
11 here representing Peguis First Nation. I am
12 reminded that in September he appeared on the list
13 of witnesses who would be called by Peguis First
14 Nation. I am reminded that Mr. Dawson told us
15 some time ago Peguis First Nation was not calling
16 any further witnesses. So if what's happened
17 today is that Mr. Soprovich has come forward as a
18 member of the public, as opposed to an expert
19 witness, in order to avoid providing us with his
20 paper in accordance with your rules, and the
21 deadline for providing us with papers if one is
22 being called by a participant is, of course, seven
23 days, so that we have a fair opportunity to
24 understand what questions could usefully be asked
25 of Mr. Soprovich, you can detect that I am

1 somewhat annoyed about what appears to have
2 happened here today.

3 Now, I'm not going to suggest to you,
4 as some lawyers might, that we simply strike and
5 ignore all the evidence we have just heard.
6 Mr. Soprovich, I recognize, has a lot of knowledge
7 about the particular fields that he has just been
8 talking about. I can also see, as we all can,
9 that he's made some serious allegations about the
10 work that my client's experts have done, and I
11 think my client is entitled to a fair opportunity,
12 which it's not going to get if I try, based on
13 what I was able to hear in the last 20 minutes,
14 and skimming a paper that was put in front of me
15 this morning, to try and respond and ask some
16 questions of Mr. Soprovich.

17 So I don't ask you to strike the
18 evidence we have heard, I will have to deal with
19 this in rebuttal, and I will. I will share his
20 paper with Mr. Schindler and Mr. Rettie and
21 receive their comments going forward in the
22 future. And suggest that we do observe the rule
23 that you cited when you invited me to ask any
24 questions, members of the public can come, the
25 panel is certainly welcome to ask members of the

1 public questions. I have never understood your
2 rule as permitting me or Ms. Mayor to ask
3 questions of members of the public who come
4 forward, and I think your rule is a good one. I
5 think members of the public should be encouraged
6 to come to hearings of the Clean Environment
7 Commission. They bring an added value when they
8 come. And I well understand as a lawyer that some
9 members of the public are not going to want to
10 come forward and give you their thoughts if they
11 have any thought that they might be questioned by
12 people like me.

13 THE CHAIRMAN: Thank you, Mr. Bedford,
14 and your point is well taken.

15 Do panel members have any questions of
16 clarification of Mr. Soprovich?

17 Mr. Dawson?

18 MR. DAWSON: If I may just add to what
19 my learned friend Mr. Bedford has just pointed
20 out. To the extent that the presenter has said
21 that he appears in a representative capacity on
22 behalf of Peguis, the presenter has overstated his
23 role. It is my understanding, as the legal
24 counsel for Peguis First Nation, that this
25 presenter is here in his personal capacity, albeit

1 he has certain expert knowledge that he brings to
2 this panel, but to the extent that he is anything
3 other than an individual who has come forth to put
4 information before this panel and has brought with
5 him a paper to submit, he should be treated as
6 such. So to the extent that my learned friend and
7 Hydro feels themselves disadvantaged, I wanted
8 that clarification on the record. Thank you,
9 Mr. Chairman.

10 THE CHAIRMAN: Thank you, Mr. Dawson.
11 Part of this arises from the fact that from early
12 in this proceedings there seem to have been two
13 people representing Peguis First Nation, you and
14 Ms. Whelan Enns. We have never been quite clear
15 where to draw the line and I believe -- well, I
16 really don't know. I got the impression this
17 morning just from the conversation that
18 Mr. Soprovich was here at the invitation of
19 Ms. Whelan-Enns. If that's the case, then she
20 knows full well what our rules are in respect of
21 filing documents ahead of time. In fact, I will
22 put it on record that those rules came into being
23 largely because of the way she played with the
24 system during the Wuskwatim hearings.

25 Having said that, I think that

1 Mr. Soprovich has provided us with some very good
2 information and good meat for thought, if I'm not
3 mixing up a metaphor, but certainly something that
4 we should take under consideration.

5 So I will return to panel members if
6 they have any questions. Mr. Gibbons?

7 Ms. Whelan-Enns?

8 MS. WHELAN-ENNS: Thank you,
9 Mr. Chair. Just one small point of information,
10 and that is all of the arrangements for the
11 presenters that are on the agenda this morning
12 with respect to contributing information to this
13 process, not to contradict what the lawyers are
14 saying at all, are here to add information for
15 Peguis and all of those arrangements have been
16 made with the secretary of the CEC. Thank you.

17 THE CHAIRMAN: And they had been made
18 by you?

19 MS. WHELAN-ENNS: That's right.

20 THE CHAIRMAN: At some point I think
21 that Peguis First Nation should clarify for us who
22 is truly representing that First Nation, whether
23 it's you or Mr. Dawson.

24 MS. WHELAN-ENNS: Certainly Mr. Dawson
25 is the legal counsel, and our firm has been

1 assisting with research, technical work,
2 documentation, and also support for presenters and
3 initial steps with witnesses. So I take your
4 point, we are hearing it. I just wanted to make
5 sure that the record indicates that these
6 arrangements were made through conversations and
7 e-mail with the secretary.

8 THE CHAIRMAN: I think,
9 Ms. Whelan-Enns, before we go any farther with
10 people purportedly speaking on behalf of Peguis
11 First Nation, I'd like to hear from somebody in an
12 official capacity from Peguis First Nation.

13 MS. WHELAN-ENNS: Thank you.

14 MR. SUTHERLAND: Good morning
15 Mr. Chair, panel. First of all, I guess I'd like
16 to ask you a question, Mr. Chair. Show me the
17 rules or criteria where it states we can only have
18 one person representing Peguis First Nation?

19 THE CHAIRMAN: There are none at all.

20 MR. SUTHERLAND: So clarify to me then
21 what is the issue here?

22 THE CHAIRMAN: Simply the issue is
23 that it's never been quite clear who is
24 representing Peguis First Nation.

25 MR. SUTHERLAND: Well, as far as I

1 know --

2 THE CHAIRMAN: Mr. Dawson has just
3 earlier this morning said that he is the counsel
4 for Peguis First Nation.

5 MR. SUTHERLAND: Yes, he is.

6 THE CHAIRMAN: And that I believe he
7 made the statement that insofar as his
8 representation goes, these witnesses are not here
9 on behalf of Peguis First Nation. If they are, I
10 have no problem with that. I just wanted it
11 clarified that both people are representing
12 Peguis.

13 MR. SUTHERLAND: Yes, and
14 Ms. Whelan-Enns explained her role clearly to the
15 panel and yourself.

16 THE CHAIRMAN: Well --

17 MR. SUTHERLAND: And the witnesses
18 that are listed here to represent Peguis are
19 official representatives of our First Nation, and
20 they follow due process in order to get them
21 logged and identified as witnesses for Peguis, our
22 presenters here today.

23 THE CHAIRMAN: Thank you very much. I
24 have no problem with that. It's just that it has
25 not been clear. And as I said and as Mr. Bedford

1 said, given that they are representing Peguis
2 First Nation, that they are being presented as
3 expert witnesses, this paper should have been made
4 available to all participants at least seven days
5 ago. Ms. Whelan-Enns has, in the past, played
6 fast and loose with those regulations and she
7 continues to do so. However, I am not going to
8 not accept this paper.

9 MR. SUTHERLAND: Thank you. But I
10 also have to put on record that reviewing all the
11 e-mails that's been coming in the last three or
12 four months, there has been many changes and last
13 minute changes on behalf of the Clean Environment
14 Commission as well. And I think if we want to
15 play it fair here, notification has to be given
16 much more in advance than seven days from both
17 parties. Don't you agree?

18 THE CHAIRMAN: Well, yes, but I would
19 like to see where we have changed our procedures.
20 Our procedures were adopted, well, I think the
21 last revision to our procedures is well over a
22 year ago and we haven't made any changes to them
23 throughout this process.

24 MR. SUTHERLAND: Well, you know what,
25 I'm not going to go back and argue the point

1 there. But reading many of the e-mails in the
2 last little while, I beg to differ with some of
3 the date changes, timelines and so on, you know,
4 and so you know -- but I'm not going to argue that
5 point here today. I thank you for accepting the
6 documentation and they are both our
7 representatives. Thank you.

8 THE CHAIRMAN: I'm sorry, would you,
9 just for the the record, introduce yourself.

10 MR. SUTHERLAND: For the record, my
11 name is Mike Sutherland, I'm one of the elected
12 officials, councillor of Peguis First Nation and
13 hold a consultation portfolio for Peguis. Thank
14 you.

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

17 Mr. Mills, I'm not sure where you're
18 going to go with this.

19 MR. MILLS: Well, if you give me a
20 minute, we'll all find out where.

21 Mr. Chairman, as you know the moose
22 and the route revision through Pine Creek is our
23 primary concern. And we have just heard
24 significant information, and I find myself in
25 agreement with Manitoba Hydro. This comes upon us

1 through a procedural back door. My client wasn't
2 aware of this presentation. It's a substantial
3 documented presentation that we have no ability to
4 question, query. This is very troubling with
5 regards to our attempt to get on the record my
6 client's position with regards to the moose
7 habitat and the route revision. And I am not sure
8 if Mr. Bedford and I are -- I believe we are in
9 agreement that this is -- I would like my client
10 to have the ability to review this and provide
11 their thoughts and concerns.

12 THE CHAIRMAN: Okay. Mr. Mills, it's
13 a very good point and I'm going to --

14 MR. MIILS: This is a technical
15 report, Mr. Chairman.

16 THE CHAIRMAN: I agree.

17 Mr. Soprovich, if we make
18 arrangements, would you be available to return in
19 March when we review the environmental assessment
20 of the route changes?

21 MR. SOPROVICH: I think I would be
22 available. I may be here on behalf of Wuskwi
23 Sipiik First Nation anyhow.

24 THE CHAIRMAN: Okay. I think we might
25 want you to come, perhaps wearing two hats,

1 because I think it's only fair that participants
2 who have legitimate concerns, as we have heard
3 from Mr. Bedford and Mr. Mills in particular, have
4 an opportunity to challenge some of your points,
5 if they will.

6 MR. SOPROVICH: I would ask, however,
7 that perhaps what you could do, Mr. Bedford, is
8 have Mr. Rettie and Mr. Schindler provide a
9 written comment on the thing to myself, prior to
10 that. I'd like it in writing.

11 MR. BEDFORD: I'll give that some
12 serious thought. Generally, I think that's a
13 sensible idea in life for experts on a subject to
14 confer and to try and reach some consensus rather
15 than do it indirectly through people like me.

16 THE CHAIRMAN: That should satisfy
17 your concerns, Mr. Mills? You'll get an
18 opportunity in March to pursue this issue further.

19 MR. MILLS: If he shows, yes. Thank
20 you.

21 THE CHAIRMAN: I think in that case,
22 Mr. Soprovich, we'll wait until March for any
23 further examination or questioning on your
24 presentation today. So thank you very much for
25 preparing this and coming in and making the

1 presentation this morning.

2 MR. SOPROVICH: Thank you.

3 THE CHAIRMAN: I would note in respect
4 of the Peguis presentations that those of us who
5 saw the schedule last week will know that Peguis
6 had been scheduled to make presentations. That
7 Ms. Whelan-Enns, as their representative in that
8 regard, missed the window for providing witness
9 list and submissions. So the only alternative was
10 to present them today as individual presenters.
11 So with the exception of Mr. Soprovich's expert
12 testimony, we will I assume accept the rest of the
13 presentations as individual citizen presentations.

14 Next on our list is Mr. Wayne
15 Manningway.

16 MR. MANNINGWAY: Good morning. I am
17 from Peguis, my name is Wayne Manningway. I'm
18 presenting a little bit of our TLE -- well, not
19 TLE but Treaty 1 renewal on some of the Bipole III
20 that's going through our traditional land use.

21 THE CHAIRMAN: We'll just have the
22 secretary swear you in, sir.

23 Wayne Manningway: Sworn.

24 THE CHAIRMAN: Go ahead, sir.

25 MR. MANNINGWAY: I'm just here on

1 behalf of, as a traditional person on the
2 medicines that are in this area, and I guess in
3 our Treaty 1, that we need -- like some of this
4 stuff that's been presented to us, we, you know,
5 like there's a lot of consideration for us as
6 traditional people, a lot of medicines there. And
7 you know, one of the things -- and endangered
8 species even are in that area in some of these
9 studies that we have conducted. We have got
10 people to come do studies.

11 More or less the reason why I'm here
12 is the sacredness of our medicines that we use,
13 where to us it's very important as First Nations,
14 because the European medicines out there today, we
15 can't afford, so a lot of our people are going
16 back to those traditional medicines. And it's
17 very hard as First Nations that in order for us to
18 carry on these things, a lot of these medicines
19 don't rely in one place in the province. We
20 travel from different areas to collect these
21 herbs. And it's very important that, you know, we
22 heard of this, because we do travel quite
23 extensively to different areas for different
24 medicines. We also work with Manitoba university
25 students. They come out and we share these

1 knowledges with them. And it's very important
2 that we have a good understanding that this is the
3 sacredness of what we do with our plants.
4 Especially if that's going to be affected and they
5 are going to spray the area, how it's going to
6 affect the traditional medicines that we use.

7 Again, going back to the land that's
8 going to be affected is a lot of it. I'm very
9 thankful, I just wanted to come share a little bit
10 of that, to leave that for you to try to
11 understand, as a traditional and spiritual person,
12 the means of these plantations that are within the
13 whole area that is going to be affected.

14 I'm very thankful for, given the
15 chance to come and present this to you, just to
16 give you a little bit of knowledge of the
17 sacredness of these medicines to us, that's our
18 pharmacy throughout Manitoba.

19 And I'm very, I guess in a way as a
20 First Nation and one that works with the land,
21 affected by it very deeply because of the respect
22 that we have for the land.

23 And I guess with that, you know, I
24 would like to say miigwech in our language. Thank
25 you for listening, and for me, allowing me to come

1 up and present with the sacredness of this
2 medicine that's been affected throughout the area
3 of Manitoba.

4 THE CHAIRMAN: Mr. Manningway, your
5 concern is that Bipole III, and particularly the
6 right-of-way, may affect your ability to harvest
7 the medicines?

8 MR. MANNINGWAY: Yes, that is very
9 true.

10 THE CHAIRMAN: That it may harm or
11 potentially damage the medicines?

12 MR. MANNINGWAY: Yes. Because like I
13 stated, a lot of the medicines, it's not in one
14 area, we travel throughout Manitoba to pick and
15 harvest these medicines much. And from my
16 understanding, and through even just travelling up
17 north, the spraying on herbicides when they do run
18 the Bipole III or whatever, it's going to affect
19 the plantation system. And a lot of it is, to us
20 is, from my personal understanding, is how much
21 it's destroying things instead of helping. And it
22 affects the whole area, not just one area. That
23 carries out -- if you look at that Bipole III
24 where it's come from all the way north/south, it's
25 going to affect the whole, it's coming right from

1 north to south, so you're going to end up using
2 herbicides for that area as well.

3 THE CHAIRMAN: Thank you.
4 Mr. Gibbons?

5 MR. GIBBONS: Yes. Thank you for
6 that. I don't want to ask this so specifically
7 that it gives away any specific locations, but in
8 a general sense, when you say Peguis members
9 travel widely to gather, to harvest these plants
10 for medicine, can you give me an idea of how far
11 they might go? For example, would they go west,
12 as far west as up into the Swan River area and so
13 on, or are they doing this mostly in the Interlake
14 region?

15 MR. MANNINGWAY: I'll just put it this
16 way. If I had a map here, I'll put my whole hand
17 over that whole map of Manitoba, because we don't
18 go from -- we travel the whole area, not just one
19 area. There's certain places that you have to go
20 for certain plants, and they don't grow all in one
21 area. You know, for us, recognizing our elders, a
22 lot of it is showing from our elders where we have
23 to go for these certain things, and teaching
24 understanding of these things and the sacredness
25 of these plants. Where we have to sometimes go

1 way up north, go sometimes even west, sometimes
2 out of the province to get stuff. Not all these
3 plants grow in one area, they grow throughout
4 Manitoba. If you can understand what I'm saying,
5 there's not one specific place we get the plant
6 from. Plants in different areas, some, like
7 there's the ridges, some are bogs, some are
8 valleys, and in that sense that I'm referring and
9 talking about.

10 MR. GIBBONS: So you're talking, as I
11 said, much of the province would be covered by
12 this harvesting activity?

13 MR. MANNINGWAY: Yes. And a lot of
14 the plants that we use don't necessarily mean just
15 one side. We travel, and there's very importance
16 of certain plantation and herbs and medicines that
17 we need in some of these areas that they are
18 running right through. And it's -- I don't know,
19 like I don't know if I can put this on the record,
20 but, you know, the sacredness of the medicine of
21 cancer, we as First Nation people heal people with
22 cancer as well as western society medicine, where
23 from our understanding, it's a chemical, it does
24 not really do anything, it just deteriorates the
25 body slowly, where we heal the body because it's a

1 natural plant.

2 MR. GIBBONS: That's helpful, sir.

3 Thank you very much.

4 MS. MacKAY: Mr. Manningway, can you
5 tell me whether the presence of Bipole I and II
6 through the Interlake, or some of the other
7 rights-of-way for Hydro, have they resulted in the
8 loss of particular areas in your harvesting, or do
9 you ever harvest under those lines?

10 MR. MANNINGWAY: Can you run that
11 again?

12 MS. MacKAY: Well, Bipoles I and II
13 run down through the Interlake. Has the presence
14 of Bipoles I and II caused problems for you over
15 the last decades?

16 MR. MANNINGWAY: Well, to be honest
17 with you, like we don't even go there because,
18 like I said, when you travel in the northern
19 communities and you see those Hydro lines and they
20 are spraying chemicals, you know, it's kind of
21 to us -- we don't, we try to -- it's eliminating a
22 lot of stuff that we need within the area. And
23 sometimes we have to go further, and it's harder,
24 it's not as easy as, you know, where it has a
25 little bit more access. And it does cause a lot

1 of problem for us as First Nation to get our
2 traditional medicines.

3 MS. MacKAY: So you do not use Bipoles
4 I and II rights-of-way or any other Hydro
5 rights-of-way?

6 MR. MANNINGWAY: Well, I can't say
7 that because I can't speak on behalf of all our
8 people.

9 MS. MacKAY: Of course not, of course
10 not. But you yourself?

11 MR. MANNINGWAY: It does have effects
12 on our plantation, our harvesting and the stuff
13 within the area.

14 MS. MacKAY: Right. Thank you, thank
15 you very much.

16 THE CHAIRMAN: Mr. Bedford or
17 Ms. Mayor, I should have offered you an
18 opportunity to ask questions of Mr. Manningway.

19 MR. BEDFORD: We don't have questions,
20 and with the greatest of respect, your rules
21 actually prohibit the proponent from asking
22 questions of presenters. And I think the rule's a
23 good one.

24 THE CHAIRMAN: Actually, I think they
25 allow them at the consent of the Chair. So we'll

1 leave it at that.

2 Okay. Thank you very much, Mr.

3 Manningway.

4 MR. MANNINGWAY: Thank you very much.

5 THE CHAIRMAN: James Sinclair. And
6 sir, I won't insult you by trying to mispronounce
7 your Ojibway name. You can put it on the record,
8 if you wish.

9 James Sinclair: Sworn.

10 MR. SINCLAIR: (Anishinaabe spoken)
11 It's a pleasure to be here this morning and visit
12 with you, as we get a pass code.

13 MS. MAYOR: Mr. Sargeant, you'll be
14 pleased to know Mr. Bedford and I have finally
15 been given the authority to see the pass code, so
16 hopefully this won't happen again.

17 MR. SINCLAIR: May I just plug in my
18 laptop?

19 THE CHAIRMAN: Of course.

20 MR. SINCLAIR: I appreciate your
21 patience, I apologize for that.

22 Okay. (Anishinaabe spoken) When I
23 said hello this morning, I used the word
24 (Anishinaabee spoken). That means literally my
25 relations, my kin, my community. There is a

1 reason why I use that word. The reason why I use
2 that word is because I am greeting you as my
3 family, as my relations. I didn't use the word
4 (Anishinaabe spoken). The word (Anishinaabe
5 spoken) would mean my friends, sometimes partner,
6 but it's something that you select. (Anishinaabe
7 spoken) is family. Anyone who can tell you will
8 tell you that you can't pick your family. Your
9 family is yours. That kind of family that you
10 have, you have a relationship with that family
11 that sometimes you don't always agree, sometimes
12 you don't even like each other sometimes, but as I
13 tell my students, you are stuck with them for life
14 and you have to find a way in which to engage that
15 relationship.

16 That sets the basis for what I'm going
17 to talk about this morning which is around
18 relationships, and I'm going to be as succinct as
19 possible, but I'll talk a little bit about myself
20 and why I am here this morning. I'm a professor,
21 currently a lecturer, soon to be a professor at
22 the University of Manitoba. And I work
23 specifically within Anishinaabe history and
24 culture. This is a book that I recently
25 published, it's the first collection of Aboriginal

1 writings from Aboriginal points of view within
2 Manitoba. It has writings from thousands of years
3 of history in this place.

4 As many of you may or may not know,
5 there is an extensive body of written history
6 within this province, written very much on the
7 land itself, within texts such as rock, in rock
8 paintings, as well as in the petroforms in the
9 Whiteshell. And those documented history are
10 engaged by oral narrators, oral traditions that
11 are able to extract and explain the stories within
12 that.

13 And I'm going to do a little bit of
14 that work this morning, talking about the history
15 of this place and the history of relationships
16 that have set the basis for Treaties in this
17 place. And that this Bipole is another string, is
18 another moment in a long history of Treaty
19 violations within this place, and that we need to
20 consider when we create such a massive project of
21 this undertaking.

22 So within this story itself, I am a
23 Peguis member, but I am St. Peter's member, and I
24 am going to talk about what that means in just a
25 minute. I am a presenter on my own expertise, as

1 well as some of my own work within the history of
2 Canada and Manitoba. So this is the book that I
3 have recently published.

4 I come from St. Peter's Indian
5 settlement. St. Peter's Indian settlement, it is
6 a reserve that has -- a community of peoples. To
7 call it a reserve would be a misnomer. It's a
8 community of peoples that have been here in this
9 place for hundreds of years, and longer, if our
10 Cree relations, for much longer than that.

11 The long history of settlement within
12 this place goes all the way back to the great Lake
13 Agassiz. The great Lake Agassiz that once covered
14 all of Manitoba, Alberta, Saskatchewan, and all of
15 those beings that existed within that great body
16 of water, eventually draining into what's now
17 known as Lake Winnipeg, and carving into the
18 landscape all of the land and all of the beings
19 and the territory and the home that makes us who
20 we are along the Red River.

21 Lake Winnipeg, Lake Manitoba, Lake
22 Winnipegosis are remnants from that Great Lake
23 Agassiz, and the peoples and the nations and
24 communities that have been formed out of that body
25 of water are now what you see when settlers

1 arrived here in, well, arguably the late 18th
2 century into the 19th, creating a body of
3 relationships of the land that you see now today.
4 The urban settlement that you see today is
5 directly as a result of those relationships. And
6 this is the original homeland of my peoples, the
7 St. Peter's peoples, which would later become the
8 Peguis First Nation.

9 St. Peter's Indian settlement, you
10 won't find it on a map, for reasons why I'm going
11 to explain in just a minute. But we were
12 signatories in a very close relationship with
13 settlers, Lord Selkirk specifically. And that
14 Lord Selkirk, as a result of a long string of 20
15 or so years of relationship building, created the
16 combination of a relationship in 1817 called the
17 Selkirk Treaty.

18 The Selkirk Treaty is the basis in
19 which settlement in Southern Manitoba, and later
20 Treaty 1, and why all of us are sitting here right
21 now. The Selkirk Treaty is the embodiment of a
22 set of relationships in which an understanding of
23 sharing of territory took place, and it is the
24 first land settlement written -- written down
25 anyways, in a form in which we would understand it

1 to be a set of legal documents that creates the
2 basis for almost Western Canada as well. It is
3 the first written document in Canadian history in
4 this part of the country.

5 The Selkirk Treaty, for the layman,
6 for the basic, is the sharing of territory along
7 the Red and Assiniboine Rivers, and creates plots
8 of land in which Europeans will develop, or have a
9 set of relationships with, and that First Nations
10 will live as well. And Chief Peguis, along with a
11 set of other leaders within the area, created that
12 body of relationships which culminated in this
13 document.

14 This document, as you can see, this is
15 the full writing of it, and this is the actual
16 document itself in which First Nations leaders
17 signed along the Red and Assiniboine Rivers,
18 divided up the land and created a body of
19 networks.

20 I'm going to explain, I don't really
21 think I feel I need to explain the Treaty on the
22 English side of things. There was a body of
23 chiefs, and other chiefs, other leaders at this
24 meeting, however, five of them signed it. As you
25 can see, those signed signatures are within the

1 animal signatures on the -- just to the left of
2 the Red and Assiniboine Rivers, along that area,
3 which indicated where people would live, how the
4 land would be engaged with, and how the land would
5 be shared. It set up a series of relationships,
6 for the most part, based on equality, and that
7 Lord Selkirk would provide yearly annuities.

8 Unfortunately, Lord Selkirk only
9 provided one year of annuities even though he
10 promised them in perpetuity. I don't need to get
11 into the history of Treaty exploitation that
12 happened within this place. However, it is
13 important to realize in the context of the history
14 itself, the context the document.

15 What I'm here to talk about today are
16 specifically those animal signatures that are
17 engaged on that Treaty. As you can see, there's a
18 bear, an otter, two catfish and a snake. Those
19 five signatures are by five different chiefs. I
20 wish I could go into the history of every chief
21 that went into that document, however, I'm going
22 to talk specifically about Chief Peguis.

23 Chief Peguis, Peguis's name translated
24 into English is often thought of as little chip,
25 or one who destroys dams. But as you can see,

1 it's signed with an otter. There's been some
2 considerable debate over why an otter. However,
3 the purpose is that he signed with an otter. And
4 what does that really mean, and what does that
5 say? And then, therefore, in much the same way
6 that First Nations people are considered to be
7 signatories of Treaties and expected to engage in
8 ideas and legal responsibilities from European
9 sides of the Treaties, Europeans are equally as
10 obligated to uphold the responsibilities in which
11 First Nations people signed, even if they didn't
12 understand fully and completely. So First Nations
13 people, much in the same way they are expected to
14 adhere to a legal and court system, so are
15 Europeans. There are legal and relationship
16 responsibilities from First Nation signatures, and
17 that's what I'm here to talk about today, is those
18 First Nation signatures within those clan
19 markings.

20 That's a little bit about St. Peter's.
21 St. Peter's settlement, I could talk a lot about
22 it, St. Peter's settlement. I don't have a lot of
23 time. However, St. Peter's settlement is now just
24 north of Selkirk. There's currently still a
25 church there. My family still holds family

1 reunions yearly. We continue to occupy that
2 territory. But you might be wondering, why is
3 there no more St. Peter's settlement? And if you
4 do know the history, then I don't need to explain
5 much to you. However in 1907, due to a
6 relationship between some unscrupulous land
7 settlers, members of the Province of Manitoba as
8 well as the Government of Canada, a legal and
9 unjust vote was held to forcibly remove us to
10 what's now known as Peguis First Nation. That was
11 a brutal and violent act that the Government of
12 Canada has acknowledged as so. Perhaps not using
13 that language, but they have acknowledged that it
14 is a wrongful doing and have paid us compensation
15 in the form of \$126 million, I believe, to our
16 First Nations in order for that removal.

17 Historian Paul Burrows recently called
18 that Manitoba's instance of ethnic cleansing, and
19 I concur with that position. It is an instance of
20 removing people from the landscape in a genocidal
21 fashion, and my peoples have endured that violent
22 and long history, and as a result, much in the
23 same way the Chemawawin Cree were forcefully
24 removed to Easterville and experienced great
25 atrophy. My community has had a similar

1 experience at Peguis First Nation, has literally
2 had to restart their lives in the community from
3 scratch. But St. Peter's endures.

4 My family, after the removal in 1907
5 and for a long period of time afterwards, moved
6 across the river and lived literally in shacks, as
7 well as lived in Selkirk, Manitoba, rebuilding
8 their lives, rebuilding our community. And you
9 will still find, just north of Manitoba Avenue, a
10 huge segment of body of St. Peter's people. We
11 still hold gatherings. The Selkirk Friendship
12 Centre is kind of like our centre, and it is the
13 place in which St. Peter's people meet together
14 continually to have feasts and ceremonies, and
15 that community endures.

16 Peguis in many ways, the reason why I
17 tell you this, it is a community divided due to a
18 an unjust and illegal act of the governments
19 within this country. We now have two communities
20 which joined together on a sporadic basis to
21 reform our relationships. But that St. Peter's
22 has really been the epitome of how First Nations
23 have been engaged within this place, much in the
24 same way that we have been removed from the
25 landscape, removed from territory while cities

1 such as Winnipeg and Selkirk can be developed.
2 And it is now the economic hubs of this place, and
3 due to the exploitation and removal of First
4 Nations people. And that's just a fact of history
5 of this place. That is the truth of this place
6 and that is part of our relationship.

7 However, that's really where our First
8 Nations originally was. And of course now you
9 know where Peguis is, and I don't really need to
10 explain that history all that much to you, you are
11 aware of where our peoples are.

12 This is documented history within
13 these two texts. Chief Albert Edward Thompson,
14 Donna Sutherland, there's been a variety of other
15 texts, my texts, whoever, also talks about this
16 history. It's well talked about. But I do want
17 to talk about relationships. First Nations people
18 have been siding with there their dodem, their
19 animal relations for thousands of years. If you
20 go up to the petroforms in Manitoba, you will see
21 those thousand year old documents written
22 literally into the rock. This is the Grand Paix
23 of Montreal in 1701. This Grand Paix of Montreal
24 formed the basis for Canada. If not for this
25 document, there is no Canada. This is a

1 relationship between the French and 39 First
2 Nations chiefs of Montreal in 1701 that created a
3 peace that formed the basis for Upper and Lower
4 Canada to be developed. Without this document,
5 there is continual war, atrophy, no relationship.
6 And probably what happens, speculating through
7 history -- playing a what if game is always
8 difficult -- but it's probably the basis for a
9 Canada not being formed, and America maybe
10 expanding its borders into the north. Who knows
11 what might have happened. But Canada, for the
12 most part, is not created without this document.

13 I show you this document because I
14 want you to look in the middle page on the top
15 three. Those three signatures are signatories
16 from the Chiefs of Bohate, which is Sault Ste.
17 Marie. Sault Ste. Marie was a hub, a centre of
18 Anishinaabe life. Anishinaabe people have been
19 inhabiting Bohate ever since their migration at
20 approximately 800 A.D., starting in New York and
21 moving all the way and ending up eventually in
22 Manitoba, Saskatchewan, Alberta, and in the south
23 as well, in the States.

24 Those three signatures are a body of
25 people that lived that place for hundreds and

1 hundreds of years, and they joined, they were
2 signatories to that arrangement. Their long
3 ancestor following this was Chief Peguis, who
4 migrated across Minnesota and Michigan and
5 travelled up the Red River and ended up in Netley
6 Creek, joining a Cree community that was decimated
7 by disease, and formed the St. Peter's settlement.
8 Those Cree people along with the Anishinaabe
9 created the St. Peter's settlement, which would
10 later become the Peguis First Nation just north of
11 Selkirk. And in that entire swath of territory
12 that took up just that tiny piece, just that tiny
13 piece on the map was the land use recognized by
14 settlement.

15 However, we were known to have used
16 the entire Interlake, and as my brother spoke just
17 a little while ago, the entire southern, south of
18 Manitoba. In fact, our relationships with the
19 Dakota and the Cree were often seen as boundary
20 makings that were seasonal. So in one year the
21 boundary could be Portage la Prairie, what is now
22 Portage la Prairie, in one year it could be
23 Brandon. It all depended on the relationships
24 based on that season, and for the most part,
25 animal migrations, fishing migrations, medicines,

1 medicine collecting.

2 So the reason why I show you this
3 document is that we have a relationship as people
4 in this territory, with the 1701 Grand Peace of
5 Montreal. And that of course are dodemic
6 relations. Those dodemic relations or dodem are
7 based -- these signatures right here have four
8 meanings to them in Anishinaabe and Cree
9 tradition. These dodemic relations come, in
10 Anishinaabe, traditionally, they come through the
11 father. In Cree, traditionally, they come through
12 the mother. And it varies according to place.
13 Sometimes it's through the mother and sometimes
14 through the father in other ways as well. You can
15 also be adopted into a dodem.

16 However, I explained to you the
17 meaning behind those signatures. They have four
18 meanings. The first is that they are an
19 individual representation, and that is based
20 within the word stem ode. Ode in Anishinaabe
21 means heart, and it means where you come from,
22 where feelings behind where you sign something,
23 what you mean as yourself. It's often thought of,
24 to speak from the heart. So when you sign with
25 your dodem, you are signing as an individual. But

1 you are also signing as a family member because
2 you are representing people like your father and
3 your mother. You are representing as your brother
4 and your sister. So that within a signature
5 itself, it not only means yourself, but it also
6 means a family. And much in the same way that
7 western signatures represent the same thing. I
8 sign with my name, Niigaanwewidam James Sinclair,
9 which represents my father. My father, of course,
10 gave me the name Sinclair, as well as
11 Niigaanwewidam, which comes from my uncle.

12 Signatures always mean usually
13 individuals and family, but they also mean
14 community, much in the same way that a leader can
15 sign on behalf of the community. But that, in
16 Anishinaabe tradition and Cree tradition, your
17 community is also your kin. And so much in the
18 same way that when I call you my relatives, that
19 I, when I have, when I sign with my own name, I am
20 also signing for my relationships in a community.
21 I am representing for my relations that are also
22 non-indigenous people. I am signing not only for
23 my father, but also my mother, who is French, as
24 well, and all of her relations. And so all of my
25 community that encompasses that. But there is a

1 main reason why I suggest that these signatures
2 are used in the Grand Paix of Montreal, these
3 animal signatures. You are representing your
4 relationships with non-human beings.

5 Indigenous nations are not human only
6 entities, they are entities that encompass
7 non-human beings as well, and these are animals
8 that we share territory with. When we sign with
9 Treaties, we are signing with another Treaty. Our
10 clan or our dodem signatures represent our
11 relationship with fish. They represent our
12 relationship with snakes, with bears, and with
13 otters. And so when Chief Peguis was signing with
14 that otter, he was signing as a relationship, as
15 the Treaty that he had shared with otters in this
16 place.

17 There's even a debate whether Chief
18 Peguis, even his dodem was otter. There has been
19 some side who say that it is. Some however say
20 that his dodem was wolf. That says to me that his
21 relationship with otters were such that he was
22 signing on behalf of otters even if he perhaps was
23 not otter clan. And that's an important thing to
24 represent, because what we're talking about is
25 we're talking about Manitoog, the relationship

1 with Manitoog. The translation for the word
2 Manitoog means spirit, but it actually more means
3 mystery. So the word Manitoog means all of
4 mystery itself. So that when you understand the
5 concept of our spirit, that you not only have a
6 relationship with a spirit itself, but all of
7 spirituality. So it's much in the same way like a
8 cup of water is to an ocean. You have a
9 relationship with a specific otter, an otter
10 spirit, but also all of otters itself, and their
11 relationships with all of their beings.

12 So an otter, of course, has a
13 relationship -- and I will turn back to the Treaty
14 now -- an otter of course has a relationship with
15 specific places. An otter is one of the few
16 animals that could live on both water and land.
17 So Chief Peguis, by signing with an otter and
18 having a unique relationship with that otter, is
19 indicating the body of networks in which that
20 otter shares with Anishinaabe, and that when you
21 have a relationship with otters, you have a
22 relationship, therefore, with land and with water.

23 And by signing this document with
24 Europeans, what they were indicating was that
25 Europeans were parties to relationships with

1 otters as well, via Anishinaabe. Anishinaabe, as
2 a result of having a relationship with Europeans,
3 were taking on an incredible responsibility, and
4 that responsibility was to introduce Europeans to
5 the world of otters, and that they were -- they
6 had responsibilities to that as well.

7 And if we only think about water for a
8 second, written on this very map are two rivers,
9 the first is the Red and the Assiniboine. And the
10 Bipole III line crosses the Red and the
11 Assiniboine Rivers or the watersheds that run into
12 those rivers twice. One is in the west and the
13 other one is in the south.

14 Within those two crossings, you are
15 affecting the lives of otters and you are
16 affecting the lives of these animals as well. So
17 you are not only -- I endorse the idea and I would
18 talk a little bit about that, but I have run out
19 of time -- the Treaty Land Entitlement issue, the
20 ancestral lands claims that Peguis has been a part
21 of, but that Manitoba itself has, through Treaty
22 1, which is the next Treaty following the Treaty
23 of 1817, and that was based on that partnership.
24 The 1817 Treaty based the relationship on this
25 place. And that Europeans have that

1 responsibility as much in the same way Anishinaabe
2 have that responsibility to otters and to other
3 animals. That relationship endures and forms the
4 basis for what we are as a people here in
5 Manitoba.

6 And that this is your history, this is
7 your history as much as it is mine. And that you
8 too are part of a nation with otters, and that
9 these otters have a responsibility to be consulted
10 with much in the same way that Peguis has been
11 awaiting to be consulted with. But through
12 Peguis, there are specific and unique teachings
13 that are available about land and territory and
14 that relationship, which we can explain to you,
15 and my brother started some of that earlier, and
16 other relations coming out of other First Nations
17 can explain. But that these Treaty signatures
18 impart a relationship and a responsibility to all
19 of us today, and that is precisely why it is an
20 obligation to consult with Peguis First Nation and
21 people who can understand these Treaty signatures,
22 and the responsibility of these relationships that
23 now endure today.

24 These are legal responsibilities, much
25 in the same way that all Treaties are.

1 So I say miigwech, and I apologize if
2 I went over time. It's just a little bit of what
3 I have to offer today. Miigwech.

4 THE CHAIRMAN: Thank you very much,
5 Mr. Sinclair. Thank you for your presentation
6 this morning.

7 Mr. Bedford?

8 MR. BEDFORD: Yes. Mr. Sargeant, your
9 memory was quite accurate, with leave of the
10 Chair, the proponent may ask questions of
11 clarification.

12 THE CHAIRMAN: Leave granted.

13 MR. BEDFORD: One question,
14 Mr. Sinclair, and incidentally my name is Doug
15 Bedford and I work as one of the legal counsel for
16 Manitoba Hydro. I am sure I heard you say, but
17 I'm not certain I did, so I'm going to ask you to
18 clarify for me. When you began your presentation,
19 you described for us St. Peter's Indian
20 settlement, and you are clear saying this is not
21 and was not a reserve, it was a community of
22 people. But when you told us that, I thought I
23 heard you say that the Cree, and I understood it
24 to say in Manitoba, have been here longer than
25 your people. Did I hear that correctly?

1 MR. SINCLAIR: Historically it's --
2 well, the Anishinaabe, talking about the
3 Anishinaabe, so the Ojibway or the (Anishinaabe
4 spoken) or the (Anishinaabe spoken), so according
5 to ancestral history or traditional stories, or
6 what we call the great migration amongst the
7 Anishinaabe, the seven fire story, that our
8 peoples began in New York, or what's now known as
9 New York area, and migrated approximately 800 A.D.
10 across the west. And that story is, if I can
11 direct you to a book, the Mishomis book, voice of
12 the Ojibway by Edward Benton-Banai is a good
13 resource for that. That migration took place over
14 a thousand years. And it's already been
15 continuing today, or continues to be a migration
16 and a movement. But the ancestral homeland in
17 which that were set up now stretches throughout,
18 for Anishinaabe, goes throughout Michigan,
19 Minnesota, Wisconsin, the Dakotas, North and South
20 Dakota, into Manitoba, Alberta and Saskatchewan,
21 and that there were treaties established upon
22 those peoples meeting together with Cree, for
23 example, in Manitoba, that set up a collective
24 community, a collective homeland within the
25 Southern Manitobas.

1 MR. BEDFORD: Thank you.

2 MR. SINCLAIR: Okay. Miigwech.

3 THE CHAIRMAN: Again, thank you very
4 much for your presentation this morning. We'll
5 take a break right now and come back in about 15
6 minutes.

7 (Proceedings recessed at 10:32 a.m.
8 and reconvened at 10:45 a.m.)

9 THE CHAIRMAN: Next up is Mike
10 Sutherland. Mr. Sutherland, I'll have the
11 Commission secretary swear you in.

12 Mike Sutherland: Sworn.

13 THE CHAIRMAN: Go ahead, sir.

14 MR. SUTHERLAND: Good morning,
15 Mr. Chair, panel, guests, my name is Mike
16 Sutherland. I'm an elected official of the Peguis
17 First Nation, have been in that capacity for the
18 past 19 months, and I'm here representing our
19 community of Peguis First Nation.

20 A little bit of bio there. I've been
21 on council for 19 months, my portfolios are land
22 and natural resources. You know, I work a lot
23 with the TLE and land surrender consultation,
24 education, youth and recreation, are some of the
25 areas that I work in.

1 Prior to being on council, I worked as
2 a lands and natural resources coordinator out of
3 our TLE office in Selkirk, Manitoba. I did
4 research on dispositions put forth to our offices
5 from various departments within government, Mines
6 Branch, Forestry, Lands and so on. And did the
7 research and determined the effects that it had
8 with operations within our traditional territory.

9 I also reviewed and initiated
10 potential or actual consultation processes that
11 involved our First Nations and land within our
12 traditional territory.

13 As a First Nations person, I grew up
14 on the land, I hunt, I trap, I fish, I farm, I
15 gather from the land, and many of my teachings
16 have been from the land.

17 I guess, you know, as a leader of
18 community, the panel, Mr. Chair, Hydro want to
19 know, well, you know, what does Peguis want? And
20 I know -- I'll refer to a phrase earlier on that
21 was said to us in a meeting, you know, what is
22 Peguis doing here?

23 You know, I guess for starters, I want
24 us to go on record that Peguis would like these
25 hearings to be halted, and section 35 consultation

1 with our First Nations community to become
2 completed before we go any further.

3 Another way we perceive section 35
4 consultation is that to come to First Nations
5 foremost, come first and foremost, not later in
6 the process as this is happening today. The
7 trigger does not happen after the environmental
8 assessment is done or the CEC hearings are
9 complete. Section 35 consultation is done as soon
10 as an idea or notification goes to government and
11 affected First Nations on any project or
12 interaction that may happen within their
13 traditional territories.

14 In this case, notification I think
15 went out in 2009, and we have yet to be one-third
16 through our consultation process. And yet here we
17 are today with the CEC hearings, the environmental
18 assessment has already been complete, and we
19 weren't even notified to be a part of that
20 environmental assessment like other projects
21 within our traditional territory.

22 Let me give you an understanding of
23 how we -- how this project, and a bit of history
24 of our community and people.

25 You know, we understand that Bipole

1 III transmission line is connected to a dam in the
2 north that has yet to be completed. We see this
3 process as a major project, and that is being
4 piecemeal -- why, I don't know. However I do know
5 that Keeyask Bipole III, Dorsey line, Riel
6 converter stations all connected to one major
7 project. And these are the questions that we have
8 to ask ourselves, is why is this being done on
9 different stages when it's all, to us, one major
10 project and it's all connected.

11 Let me give you a bit of a history of
12 our community. And you know, Mr. Chair, you know
13 I go back to the statement you asked this summer
14 is, what's Peguis doing here? If you take a look
15 at the south part of Manitoba, it's all Treaty 1
16 territory, and Peguis is signatory to Treaty 1 in
17 1876. And within our community, not only just
18 Peguis but what we call St. Peter's, which is the
19 area around Selkirk and north of Winnipeg, those
20 are our communities.

21 You know, history proves and shows
22 that there's been flooding going on for years,
23 massive flooding. And you know, much of that
24 flooding is compounded by the levels of Lake
25 Winnipeg. And you wonder why I'm talking about

1 Lake Winnipeg when the Bipole III line is way over
2 to the west? Well, they are connected. You can't
3 generate energy through those Bipole III lines
4 unless you have a dam in the north. And a dam in
5 the north affects the levels of Lake Winnipeg.
6 And I don't understand that, even before Manitoba
7 Hydro started damming up the rivers, Manitoba
8 Hydro will argue the fact that the fluctuation
9 levels of Lake Winnipeg were extreme in the past,
10 yet today with the dams, the fluctuation levels
11 are not so severe. But I know for a fact that in
12 the last, since 2006 with all the water coming
13 through Manitoba, Lake Winnipeg levels have been
14 extremely high, therefore, compounding flooding in
15 many of our communities, including both St.
16 Peter's and Peguis.

17 Much of our land is -- and personal
18 property have been damaged. People live in
19 impoverished conditions. Many of our people live
20 under the poverty line. Because of the loss of
21 homes and habitat in our communities, there are
22 many families living with multiple families in
23 homes. Many of our people are sick with mould and
24 other respiratory illnesses, especially elders and
25 infants. Yet with our TLE, which will be spoke

1 about later on this morning, it had an opportunity
2 to open up avenues of opportunity here for us.

3 Peguis was one of the biggest farming
4 First Nation communities in Manitoba at the turn
5 of the century. That was our way of life, as one
6 of our colleagues spoke about earlier on. But now
7 today there's less than five families farming
8 within Peguis First Nation, south and north,
9 within St. Peter's and within Peguis. And much
10 the reasons for the decline in farming is due to
11 flooding, flooding of our lands and traditional
12 territories.

13 But now we have an opportunity to move
14 forward with our TLE. But, again, we are hampered
15 with Bipole III process, taking away the
16 opportunity, because the TLE provides us an
17 opportunity to private land. Now, again, we have
18 to wait and see how this process rolls out before
19 we could even look at and consider land in
20 specific areas throughout the province. And that
21 misconception of TLE, where we can acquire Crown
22 land is -- that's what it is, a misconception.
23 Because 66,000 acres of that TLE implementation
24 process looks at private land that we could
25 purchase or acquire.

1 So now with the Bipole III process,
2 that whole process is now hampered and we have to
3 wait and see.

4 The second point that I was going to
5 talk about here is, the first being we wanted the
6 process stopped and halted. Second point being,
7 we all know government's resolve and that this is
8 probably going to go through anyway. We know and
9 we heard through the grapevine and research
10 ourselves that some of this Hydro, and we heard it
11 through presentations, is going to be sold to our
12 U.S. counterparts our neighbours in the south.
13 It's not just for, you know, a standby for Bipoles
14 I and II. But one of the things that we look at
15 with our economic issues, our impoverished people,
16 you know, in our struggles that we have, that we
17 want to share in those revenues. Because your
18 project comes into the heart of our traditional
19 territory. The impacts of flooding are long
20 lasting, the lack of economic opportunity
21 continues to grow. Because of the people --
22 because of the flooding, many of our people are
23 still without house and home and away from our
24 communities. Many of our people in the south had
25 to sell their properties. You know, we have

1 actually even been -- thought we were making
2 headway in acquiring land within our traditional
3 territory of St. Peter's. Yet the Province,
4 Manitoba Water Stewardship comes along and
5 declares it a flood zone, which means that any
6 flooding or damages that result from flooding, we
7 can't -- there is no recourse, there is no
8 compensation. So that eliminates the, you know,
9 what's the use, you know, acquiring these lands if
10 they are listed as a flood zone. And again, the
11 flood zone comes back to the levels of Lake
12 Winnipeg.

13 The lack of traditional territory in
14 Treaty 1 is very, very limited, privatized. Yet
15 with Bipole III you are even taking away that
16 traditional use to the extreme.

17 We also look at the converter station
18 that's being set up within the heart of our
19 traditional territory between Selkirk and
20 Winnipeg, Deacons Corner. We have never been
21 approached or told about this. I think a letter
22 was sent way back in 2009. There is no word of
23 consultation. Yet today we see how big and
24 massive it is. And we don't know the effects and
25 how long they will last. And just to inform you,

1 in that specific area we have over 3,000 people
2 living still within the heart of our traditional
3 territory of St. Peter's, which includes Selkirk
4 and Winnipeg.

5 As people of the land, we continuously
6 lose the use of the land, yet we gain nothing from
7 the loss of the land. As people of the land, the
8 Supreme Court of Canada states consultation has to
9 occur prior to industry, government, or
10 corporations coming into our traditional
11 territory. However, we have yet to see this
12 process happen in proper sequence.

13 You know, even in the previous
14 presentation, we see -- you know, we talk about, I
15 mentioned our Treaties of 1876 and what it means
16 to us. Yet those treaties are continuously
17 broken.

18 You know, even with Mr. Sinclair's
19 statements earlier on, I would like to add that,
20 to note that, you know, with our treaties in
21 southern part of the province here, Treaty 1 of
22 1876, Treaty of 1817, which limits settlement
23 along the banks of the Red River and the
24 Assiniboine Rivers. You know, Peguis, with their
25 treaties, provided the Province of Manitoba

1 2 miles from the shores of the river for
2 development. We have never given the authority,
3 anything beyond that, and anything beyond that is
4 still our traditional territory. But yet time and
5 time again our treaties are continuously broken.
6 And again, we see that happening here.

7 Consultation, sure it's happening, but
8 it's long, long after the process has been
9 initiated. You know, and if this is how
10 government deals with First Nations people, then
11 what's to come? What's the future? Is this a
12 part of assimilation, is this the part of
13 integration of us into the rest of society?

14 Well, I'm sorry, that ain't going to
15 happen. We understand our rights. We have the
16 treaties to protect them. You know, we see what's
17 happening here. Time and time again you come in
18 and you take our natural resources and you share
19 nothing with us. And yet we are a hindrance to
20 society, they say, because we have to be looked
21 after. Yet opportunities are there for us with
22 revenue sharing and so on, so that we could
23 benefit as well.

24 And I can guarantee you that if we
25 were given the opportunity to look after our

1 natural resources and develop our own secretariats
2 when it comes to the management of the lands, we
3 can probably do a far better job than the
4 government of the day. You know, you see the
5 destruction, the rape and pillage of the land and
6 how it happens, and how it affects us, because we
7 are a part of that same land.

8 You know, this morning Mr. Soprovich
9 talked about moose. Well, that's our brother. We
10 are a part of that. You heard Wayne Manningway
11 talk about the medicines and the plants, we're a
12 part of that. That's how the Creator made us. We
13 are a part of this whole, everything. Yet you
14 will put more emphasis on the plants, and you will
15 put more emphasis on moose than you will with our
16 own people, the people that walk that land with
17 those animals, with those plants, with those
18 birds. And we are not even considered when it
19 comes to the environmental impacts and how it
20 affects us.

21 Those ideals have to change because
22 our people are greatly affected.

23 Just because we live in the southern
24 part of Manitoba doesn't mean we're not going to
25 be affected. You know, when it comes to anything

1 with the environment, all First Nations are
2 affected because that's who we are, that's what we
3 are part of.

4 In closing, I'd like to thank
5 Mr. Chair and the panel for giving me this
6 opportunity to speak on behalf of our First
7 Nation, and let you know what we want and what we
8 think should be happening here. Miigwech.

9 THE CHAIRMAN: Thank you,
10 Mr. Sutherland. Questions from panelists? You're
11 getting off easy, nobody is going to grill you
12 this morning. So thank you.

13 MR. SUTHERLAND: Thank you.

14 THE CHAIRMAN: Thank you very much for
15 your presentation.

16 Next on my agenda is Chief Nelson
17 Genaille from Sapotaweyak.

18 MS. WHELAN-ENNS: Mr. Chair, just a
19 point of information, Mr. Campeau went into the
20 hall to get Chief Genaille.

21 THE CHAIRMAN: Thank you. While we're
22 waiting, I just note for the record, or apologize
23 for the record, this noise around us, but it's
24 beyond our control. However, I understand that
25 this convention centre is about to expand and,

1 hopefully, they will revitalize some of the older
2 section and put in a little better sound proofing
3 between rooms.

4 Now, is Chief Genaille available now
5 or should we move on and come back to him when he
6 does arrive?

7 MS. WHELAN-ENNS: He's been here,
8 Mr. Chair. He's out of the room now so going
9 forward is a good thought. His stuff is right
10 there.

11 THE CHAIRMAN: Well, we'll give him
12 another minute. If not, we'll move on and then
13 come back to him.

14 Are Mr. McCorrister and/or
15 Mr. Abrahamson present? Perhaps we can bring them
16 up now and we'll hear from Chief Genaille when he
17 does show up.

18 So Mr. McCorrister and Mr. Abrahamson,
19 are you presenting together or individually?

20 UNKNOWN SPEAKER: Individual.

21 THE CHAIRMAN: Could you introduce
22 yourself for the record and the Commission
23 secretary will swear you in?

24 MR. MCCORRISTER: Good morning, my
25 name is Nathan McCorrister, I'm with Peguis First

1 Nation.

2 Nathan McCorrister: Sworn.

3 MR. McCORRISTER: Can I use the
4 laptop?

5 THE CHAIRMAN: Yes.

6 MR. McCORRISTER: Okay. I'll start,
7 I'm going to try to make this as brief as I could.
8 I understand, I think Mr. Abrahamson is going to
9 be presenting after me and, I think we're supposed
10 to be sharing the time slot is my understanding.

11 Good morning, Mr. Chair and panel, I
12 want to thank the members of the panel for
13 providing an opportunity for Peguis to appear here
14 today and share our views on the matter of the
15 Bipole III transmission project and its impact on
16 Treaty Land Entitlement.

17 As I mentioned earlier, I'm Nathan
18 McCorrister, I'm with the Peguis First Nation.
19 I'm currently the executive director for the
20 Peguis First Nation TLE implementation unit. We
21 have an office in Selkirk, Manitoba.

22 Our unit is a lead for implementing
23 the Treaty Entitlement Agreement which we signed
24 with Canada and the Province of Manitoba back in
25 April 2008. I have over 10 years experience in

1 implementing TLE claims, working with other First
2 Nations here in Manitoba, and I have been working
3 solely for my home community of Peguis since 2008.

4 So with my presentation today, what
5 I'm hoping is to just provide some insight in
6 terms of how Bipole III has an impact on TLE
7 implementation.

8 Just briefly, I know there was a
9 couple of presenters that spoke to, from
10 Councillor Sutherland and the previous presenter
11 on the history of Peguis, and some background
12 around the land claims of Peguis First Nation and
13 where those stem from. As mentioned, Peguis
14 signed Treaty number 1 with Canada as represented
15 by the Crown in 1871. Treaty number 1 provides
16 that our First Nation will have 160 acres per
17 family of five, a formula based on what our First
18 Nation would receive for land. Peguis did not
19 receive all of the reserve land to which it was
20 entitled under Treaty number 1. This shortfall in
21 land is called Treaty Land Entitlement or TLE.

22 In April 2008, after 10 years of
23 negotiations, Peguis, the Province of Manitoba and
24 Canada signed a Treaty Entitlement Agreement, or T
25 for short, which provides for 55,000 acres of

1 Crown land for Peguis to select from, and
2 111,000 acres -- excuse me, 111,756 acres of other
3 land or private land for acquisition are to be
4 bought privately. The other land, private land
5 amount of 111,000 acres is approximately 175
6 square miles, and nearly triple the size of the
7 current main Peguis reserve, 1B, which is
8 75,000 acres.

9 The T also provides guidelines on the
10 process and principles in which land will be
11 selected and acquired. I just wanted to note,
12 it's important to note that the T also provides a
13 section on best efforts of all the parties that
14 are party to the Treaty entitlement agreement, and
15 that includes Manitoba.

16 Just to briefly explain the map.
17 There's a map there of the Peguis Indian reserve
18 1B, which again is located in the Interlake area.
19 And again, in the south, in the Selkirk, you have
20 what was called a claim land that was up for
21 negotiation with Canada that resulted in our
22 surrender claim, which was briefly mentioned
23 earlier.

24 And I also wanted to highlight the
25 Treaty 1 area. It's an area defined in Treaty

1 number 1, and also was mentioned in the Treaty
2 entitlement agreement that we signed. And there's
3 a map of it there. Treaty 1 area is all of --
4 Treaty 1 area is all of, you know, most of
5 Southern Manitoba highlighted in the red. And
6 Treaty number 2 is actually just north of there,
7 everything above Treaty number 1 up until the
8 green boundary.

9 I just want to talk little bit about
10 the provisions of the T that relates to land
11 selection and acquisition, and how it does come
12 into play in terms of looking at land for TLE
13 purposes, in terms of trying to implement our
14 agreement. Under part 2 of the T, under land, it
15 provides principles for land selection and
16 acquisition. Under section 3.02, under general
17 principles, Peguis may select Crown land from the
18 area comprising of its Treaty area or traditional
19 territory in the Province of Manitoba, or the area
20 outside its Treaty area or traditional territory,
21 but within the Province of Manitoba.

22 So we have the ability to select Crown
23 land or to purchase private land anywhere in
24 Manitoba for the most part. It's anywhere in
25 Manitoba. I mean, the focus is our Treaty area

1 and Treaty number 2 area, as well as our
2 traditional territory. But if you wanted to
3 select or purchase land outside that area, we have
4 that ability as well.

5 In terms of private land, Peguis may
6 acquire other land from within the area comprising
7 of its Treaty, same thing as Crown land, within
8 its Treaty area or traditional territory in the
9 Province of Manitoba, but within the Province of
10 Manitoba.

11 For private land, land is usually
12 purchased on a willing seller/willing buyer basis.
13 We also have a period of selection and acquisition
14 which for Treaty Land Entitlement purposes,
15 looking at other First Nations of Manitoba, we are
16 a fairly new TLE First Nation. So we're just
17 beginning this process of selecting and purchasing
18 land. As I mentioned, we just, you know, signed
19 and ratified our agreement in April of 2008. So
20 we're very early stages of implementing our
21 agreement as opposed to, you know, in comparison
22 to other First Nations that have been at this for
23 quite some time, notably the Treaty Land
24 Entitlement Agreement which was signed back in
25 1997. So in comparison, we're a fairly new TLE

1 First Nation and we're just beginning this process
2 and we're just beginning to look at lands for
3 selection and acquisition with the intent of the
4 land to become a part of our reserve.

5 In terms of periods of selection and
6 acquisition, we have a total of nine years to
7 select Crown land. That's looking at, there's
8 some provisions for extensions that allows Peguis
9 to select Crown land, so we have up to nine years
10 to select Crown land. In terms of private land,
11 we have up to 25 years, which is now actually
12 reduced to 21 years now. Because as I mentioned,
13 we signed it in 2008. So we have up until, now up
14 to 21 years to acquire private land.

15 Another important aspect to the TLE
16 agreement that I wanted to point out was the
17 notice area. And I am just going to pull up
18 another map here that shows that. So as you can
19 see, the notice area, if you haven't seen it
20 already, stems all the way from, it's the blue
21 boundary, it's stems all the way just north of the
22 main reserve in the Interlake area, up along Lake
23 Winnipeg, and it comes all the way down through
24 the Interlake area.

25 And it goes as far south as Winnipeg,

1 just on the north side of Winnipeg and on the east
2 side of Winnipeg.

3 The notice area is found under section
4 5 of the TLE agreement. During the period of
5 selection, Manitoba will provide notice of any
6 proposed Crown land dispositions within the notice
7 area. So Crown land dispositions can be any type
8 of disposition being proposed by the Province to a
9 third party. So, for example, it could be, you
10 know, it could be a Crown agriculture lease, it
11 could be a mining claim, it could be a quarry, it
12 could be a quarry permit, you name it. There's
13 all types of Crown land interest that are out
14 there.

15 If the Province is proposing any type
16 of dispositions that fall within this notice area,
17 they have to give a right of first refusal, in
18 other words, to Peguis if Peguis was interested in
19 selecting the land for TLE purposes. So they have
20 to give us a notice that they are proposing
21 disposition. And with that process, with that
22 notice there's a process that sets out how that
23 works in terms of the notice. There's a time
24 period where Peguis has to respond. We have 60
25 days, and then after that we have 180 days to

1 select the Crown land if we want to select it for
2 TLE purposes. And so that provides a process for
3 how the notice area works.

4 And so we get a lot of notifications
5 through our office of Crown land dispositions, all
6 through that whole area. And in some cases we
7 have selected land for TLE purposes where there
8 wasn't notice, and so I just wanted to share that
9 part of it.

10 Currently, we are in the planning
11 stage, as I mentioned, for completion of our Crown
12 land selections, currently undertaking a TLE land
13 selection study which is a study looking at the
14 types of Crown land that Peguis may want to select
15 for TLE purposes, and also looking at the reasons
16 why we'd want to select Crown land, whether it be
17 for economic development or social purposes.

18 So, some examples might be, if you
19 want to look at Crown land for historical, or
20 conservation type purposes, or traditional
21 purposes, as I know one of our first speakers I
22 think spoke to this morning. Another reason might
23 be for, you know, related to economic development.
24 If you want to get into agriculture, for example,
25 we can select land for agriculture purposes.

1 So those are some examples. So the
2 study is trying to look at all the Crown lands
3 available to us and trying to come up with reasons
4 why we'd want to select Crown land, and especially
5 come up with a plan on how we are going to do
6 this.

7 We are currently at approximately
8 30,000 acres of preliminary Crown land selections
9 that have been identified so far out of the 55,000
10 acres that I mentioned earlier. One of our Crown
11 land selections is only two kilometres from the
12 proposed Riel converter site which is, as you are
13 aware, is just on the east side of Winnipeg. We
14 have a small TLE selection, Crown land selection
15 that's just I think a kilometre to two kilometres
16 away from the Riel converter site.

17 So, with the study, we are hoping to
18 try and complete the study in early 2013. We have
19 been at it for probably two years now. It's quite
20 an undertaking, it's quite a project for Peguis.
21 We have a community advisory committee that's
22 involved, and something that we have been working
23 on ongoing for the last three years, and hoping to
24 try to complete that early in the new year.

25 We're also working on undertaking a

1 long term land acquisition strategy for the
2 acquisition of our private land that I spoke to
3 earlier, the 111,000 acres. The strategy is being
4 to provide a guide for the acquisition of private
5 land for over the next 20 years. We're hoping to
6 complete the strategy in 2013. So similar to the
7 study, the strategy is more focused on private
8 land. We're looking at the amount of land we have
9 to buy with the amount of money we have to use to
10 buy the land, and also looking at the types of
11 land we may be interested in purchasing for TLE
12 purposes. And again looking at, you know,
13 opportunities for Peguis, whether it be for
14 economic development or for social development.

15 That's something similar to the study
16 we have been working on actually in partnership
17 with the University of Winnipeg, for probably
18 about a year and a half now, and we're close to
19 finalizing that.

20 So with that, you know, we have
21 concerns with the Bipole III transmission line and
22 how it will affect our ability to select Crown
23 land and to acquire private land from within our
24 traditional territory and Treaty area. Because I
25 mentioned, we're still undertaking these plans.

1 Ideally, it would have been nice to, or preferable
2 to have, you know, Hydro and the Province consult
3 with us in a more meaningful way to share what the
4 project is and share where the route is being
5 developed, and to allow us time to look at our
6 plans in terms of what we're doing in terms of
7 Treaty Land Entitlement, in terms of selecting and
8 buying land, and having that land converted to
9 reserve. So that does have an impact on our
10 Treaty rights, with respect to our Treaty right to
11 land.

12 Just to add to that. We also have
13 not, as I mentioned, not been properly consulted
14 with respect to Bipole III. There has been some
15 very limited piecemeal correspondence stemming
16 from our TLE notice area, related to the
17 transmission line route, there has been no
18 discussions about Bipole III and the proposed
19 route and how it would affect our ability to
20 select land and acquire private land.

21 Just a closing statement. You know,
22 as the original indigenous people, that was spoke
23 about earlier by a couple of presenters, of this
24 territory, and as signatory to Treaty number 1, we
25 feel that Peguis needs to have Treaty and

1 Aboriginal rights respected, especially when it
2 comes to land.

3 And that concludes my presentation.

4 THE CHAIRMAN: Thank you,
5 Mr. McCorrister.

6 MR. GIBBONS: Thank you for that
7 information. I am wondering, I'm not sure that we
8 have, or at least I haven't seen either of these
9 maps in any of the material that we have. So the
10 question is, would Peguis be willing to share
11 those maps with the members of the Commission?

12 MR. MCCORRISTER: Yes, for sure, we
13 can share both these maps.

14 MR. GIBBONS: If you could do so,
15 electronically would be fine, it wouldn't have to
16 be paper copy.

17 MR. MCCORRISTER: I can give you a
18 copy right now actually.

19 MR. GIBBONS: Thank you.

20 THE CHAIRMAN: Thank you,
21 Mr. McCorrister. Thank you for your presentation
22 this morning.

23 I will just seek a little guidance.

24 Is Chief Genaille here yet?

25 Now, do we want to go to

1 Mr. Abrahamson or Mr. Genaille first?

2 Okay. We'll go with Mr. Abrahamson,
3 While Mr. Abrahamson is taking a seat,
4 I just want to comment that I think if anybody
5 wants to have more fun, try either one of the
6 rooms behind us, it sounds like their sessions are
7 somewhat more raucous than ours.

8 Would you introduce yourself for the
9 record, sir?

10 MR. ABRAHAMSON: My name is Ralph
11 Abrahamson, I am the director of the Treaty and
12 Aboriginal Rights Research Center of Manitoba.
13 Ralph Abrahamson: Sworn.

14 THE CHAIRMAN: Go ahead, sir.

15 MR. ABRAHAMSON: I'm going to be
16 talking about a couple of issues today. I'm here
17 on behalf of the Peguis First Nation.

18 The issues I'm going to be talking
19 about is Treaty 1 and the Manitoba Natural
20 Resources Transfer Act, which is connected to
21 Treaty 1 in a couple of ways.

22 In the late 1860s, there was a couple
23 of things happened that caused both the Metis and
24 First Nations in Manitoba to worry about how their
25 rights were going to be affected. The first one

1 was the sale of the Rupertsland by the Hudson Bay
2 to Canada, and the second was the establishment of
3 Canada itself. Louis Riel actually mentioned the
4 demand for Treaties in his list of demands for the
5 Metis.

6 The Treaty commissioners came out
7 west, initially they wanted to deal with the First
8 Nations in Lake of the Woods area, but they
9 couldn't get a Treaty with them, so they came to
10 Manitoba, and in the fall, late fall of 1871,
11 negotiated Treaty number 1.

12 There are a number of important
13 provisions of Treaty number 1. Nathan McCorrister
14 spoke of the Treaty Land Entitlement of Peguis.
15 That flows from the promise in the Treaty of
16 160 acres per family of five. Initially, Canada
17 was taking the position that their obligation to
18 set aside reserve land under Treaty Land
19 Entitlement was based on the original survey of
20 the land for Peguis. In that case, it would have
21 gone back to the late 1870s. So they were taking
22 the position that with the growth in population,
23 there was no corresponding growth in obligation to
24 set aside reserve land. In 1997, there was an
25 agreement that dealt with the Treaty Land

1 Entitlement.

2 The Treaty also mentions education,
3 provision of school house on reserve, and it also
4 mentions a few other things.

5 If it is clear now, as it was clear
6 back in the mid 1870s, that the text of the
7 Treaties didn't represent all of the agreement.
8 For example, the written text of Treaty number 1,
9 there is no reference to hunting, fishing and
10 trapping rights, although it's clear it was
11 discussed during the negotiations. And I'm sure
12 there's other areas like that where it was
13 discussed during the Treaty negotiations, but it's
14 not reflected in the text.

15 There's been a number of court cases
16 on that point, and it validated the notion that
17 the rights of First Nations in Treaty 1 extend
18 beyond the geographic area of Treaty.

19 So you have the Treaty setting aside,
20 sort of setting up an obligation on behalf, at
21 that point with Canada, to set aside reserve land
22 for Peguis, at St. Peter's actually. There was
23 land set aside for St. Peter's, but not enough,
24 and that's where the Treaty Land Entitlement comes
25 in.

1 Now, since the creation of the
2 Province of Manitoba, the Provincial Government
3 did not control resources when it entered
4 Confederation. There had been a lot of talk after
5 the establishment of the Province on transferring
6 control of the -- control and administration of
7 the land, Crown land in Manitoba.

8 That didn't happen until 1930, with
9 the Manitoba Natural Resources Transfer Act. And
10 at least two areas were recognized and reflected
11 in that agreement. The first is the knowledge
12 that all First Nations did not receive the proper
13 extent of land. Section 11 of the Transfer Act
14 establishes an obligation on behalf of the
15 Province of Manitoba to provide land to satisfy
16 Treaty Land Entitlement.

17 Section 13 of the Natural Resources
18 Transfer Act establishes the right to hunt, fish,
19 and trap and gather in land into which they had
20 access. So it is important to remember in that
21 case that, if you go back to the original Treaty,
22 there are obligations that still have not been
23 discussed with the Federal Government and remain
24 so to this day.

25 I think that's all I was going to talk

1 about, is just the Treaty, the fact that Peguis or
2 St. Peter's signed the Treaty in 1871, and
3 obligations were set up for Treaty Land
4 Entitlement. And the Natural Resources Transfer
5 Act, the important part for remembering that the
6 Treaty Land Entitlement is reflected in that
7 agreement also. The Natural Resources Transfer
8 Act brought the Province into the discussions on
9 settlement of Treaty Land Entitlement, since the
10 province held control of the administration of the
11 Crown land required to settle TLE.

12 I think that's about it. If there are
13 any questions?

14 THE CHAIRMAN: Thank you,
15 Mr. Abrahamson. Any questions? There don't
16 appear to be. So thank you very much for your
17 presentation this morning.

18 Chief Genaille?

19 CHIEF GENAILLE: Good morning.

20 THE CHAIRMAN: Good morning, could you
21 introduce yourself for the record?

22 CHIEF GENAILLE: Chief Nelson
23 Genaille, Sapotaweyak, Manitoba.

24 Chief Nelson Genaille: Sworn.

25 CHIEF GENAILLE: It is also an offence

1 that Treaties are not negotiable. And Sapotaweyak
2 Cree Nation, along with the number of Treaties
3 that are representing themselves, have to be
4 obligated in that fashion.

5 (Cree spoken)

6 THE CHAIRMAN: Did you care to make
7 any of those comments in English or do you want
8 the record to show that you spoke in your own
9 language?

10 CHIEF GENAILLE: I'm pretty sure this
11 committee can find somebody to translate.

12 THE CHAIRMAN: We will make an attempt
13 to do that.

14 I don't have any questions at this
15 time. Thank you. Thank you, Chief Genaille.

16 I think that brings us to the end of
17 our agenda for this morning. We do have people
18 lined up for the afternoon. They may be affected
19 by the fact that York Landing First Nation had
20 been scheduled from 1:00 till 2:00 p.m., and they
21 are not able to make it. We have notified most,
22 if not all of the others and asked them to show up
23 earlier, but I can't guarantee that they will. So
24 we'll reconvene at 1:00 o'clock, but we may be
25 sitting here staring at each other or entertaining

1 each other for some time, depending on when others
2 show up, or we can enjoy what's going on in the
3 neighboring rooms. So we will adjourn until 1:00
4 o'clock

5 (Proceedings adjourned at 11:36 a.m.
6 and reconvened at 1:00 p.m.)

7 THE CHAIRMAN: I think we will
8 reconvene. At least one of our afternoon
9 presenters is here. We anticipate one or two
10 others shortly. I just had a request from a
11 representative from York Factory First Nation,
12 their chief and council, or the chief or whoever
13 else was going to come out to make a presentation
14 were snowed in. This being Manitoba in November,
15 it is not a total surprise. We have agreed to
16 give them time in March. So we will take a little
17 bit of time to hear them at that time.

18 First on our afternoon schedule is
19 Cheryl Kennedy-Courcelles. Ready to go? Come on
20 up.

21 MS. KENNEDY-COURCELLES: All those
22 that know --

23 THE CHAIRMAN: We can't hear you
24 unless you speak into the microphone.

25 MS. KENNEDY-COURCELLES: For those

1 that know me, my name is Cheryl
2 Kennedy-Courcelles, I'm also here to represent the
3 spirit energy. So in doing so please allow me to
4 present the Commissioner, the chair and the
5 panelists, as well as some First Nations, some
6 appropriate gifts. So I would like to present
7 these in cooperation with peace and respect and in
8 the seriousness of what is happening to the people
9 in regards to Manitoba Hydro. So I would like
10 these to be shared with the panel members. And
11 this is strawberry sauce, saskatoon sauce,
12 blueberry sauce, raspberry jam, strawberry jam.
13 All of these are going to be affected in the
14 Bipole III operations for the community members.
15 These are wholesome, organic foods that are
16 important to the livelihood of the people, the Fox
17 Lake community people and First Nations people. I
18 also have from my own father and brothers, some
19 perch that has been fished, and would also like to
20 be honoured as a sustainable food that needs to be
21 protected in the Bipole III operations. So I'm
22 not again sure where that should go.

23 As well as I would like to present to
24 Manitoba Hydro as well, an offering of peace. I
25 wish these were caribou, elk antlers. They are

1 not. These are deer antlers, one representing the
2 elders, one representing the youth, as well as
3 some of the birds, the woodpecker or the mourning
4 dove. So please accept these as tokens of
5 appreciation and honour, and the seriousness of
6 the topic.

7 And I will pass this to the
8 appropriate First Nations people. Thank you.

9 THE CHAIRMAN: Could you --
10 Ms. Kennedy Courcelles, could you introduce
11 yourself for the record?

12 MS. KENNEDY-COURCELLES: My name is
13 Cheryl Kennedy-Courcelles.

14 Cheryl Kennedy-Courcelles: Sworn

15 MS. KENNEDY-COURCELLES: Thank you.
16 Dear honourable chairman, distinguished Commission
17 panelists and fellow presenters, my name is Cheryl
18 Kennedy-Courcelles and I live with my family on
19 the banks of the Red River, ten acres near St.
20 Adolphe, Manitoba. I would like to take this
21 opportunity to thank you for allowing me to share
22 with you my truths today.

23 I come in peace as a mother. I also
24 speak for Manitobans and Canadians who do not have
25 a voice today, be that our unborn children, our

1 elderly, our sick, and for those who just don't
2 know what to say anymore or of whom we have hurt
3 their spirit too much to come forward. I speak on
4 behalf of the wildlife and ecosystems, including
5 land, water and air.

6 Sadly if this project didn't
7 negatively adversely environmentally affect every
8 being of life that the Bipole III hydro systems
9 touch, I wouldn't have to be here today.

10 It is because we have our province's
11 energies, our environment, our families,
12 communities, work places animals out of harmony
13 that we are all here, but this very harmony has to
14 be protected and sustained in the Environment Act.
15 The importance of the word harmony is the
16 fundamental backbone of the Environment Act, and
17 our human rights as equal citizens in Manitoba.

18 The Clean Environment Commission and
19 us, concerned citizens, spent weeks in the
20 environmental hearings regarding the floodway
21 operations, and at the end of this whole necessary
22 procedure, the Clean Environment Commission turned
23 to the Manitoba Floodway Authority and in their
24 closing remarks asked the MFA, "What are you going
25 to do to restore the harmony to these people?"

1 So today I'm here to restore some of
2 that harmony. I come with a management tip from a
3 role model of mine, an amazing talented green
4 visionary lady, landscape architect, Cornelia
5 Oberlander. She designed the legislative building
6 in Yellowknife. She taught me two principles to
7 get the work done. One is VIM, it stands for
8 vision, imagination and motivation. And the other
9 management principle is one that could move
10 mountains and part rivers, and that is the five
11 Ps, patience, perseverance, politeness,
12 professionalism and passion.

13 Having lived through five artificial
14 floods, as well as being forced to live with the
15 adverse effects of too fast of modern day drainage
16 being flushed to the lakes in order to store the
17 water for these hydro productions, and because my
18 babies and I lived through a hydro transmission
19 line coming down and missing our house by ten feet
20 in the Montreal ice storm, living for 12 days with
21 no money, no gas, electricity, no power, on my own
22 in what seemed like a war zone on the south shore.
23 There are some things, due to my life experiences
24 that I would like to share with you from my unique
25 perspective that will speed up the process of

1 restoring the harmony to the affected parties and
2 environment.

3 So here we go, environmental harmony
4 truths; there is 25 of them.

5 Number 1: The Fox Lake Aboriginal
6 people and other locally affected Aboriginal and
7 non-Aboriginal communities and Metis people
8 directly affected by the dams and Bipole III
9 infrastructure shall be financially mitigated for
10 the entire life of this project and on until
11 decommissioned, whether it is through local
12 employment, CDIs, ATK or some other form of
13 mitigation. The good folks and families have no
14 choice, we the Crown corporation is putting this
15 monster hummer, zinger and zapper, eyesore, fire
16 and health hazard in their backyards, whether they
17 like it, accept it or not. We honour and respect
18 this sad fact and properly mitigate their
19 sacrifices that we have so professionally and
20 passionately done in the Red River Valley and for
21 the town of Ste. Agathe that was sacrificed to
22 save Winnipeg in the flood of 1997. And like we
23 are currently doing for the flood of 2011.

24 Number 2: The community development
25 initiatives for the whole Bipole III project shall

1 receive financial compensation for the entire life
2 of the project and until decommissioned.

3 Number 3: Any other stakeholder in
4 the right-of-way or buffer zones or setback areas
5 or in the three to five mile radius have the right
6 to request to be bought out from living near any
7 part of the Bipole III project and final preferred
8 route, no matter where it is in the province, at
9 fair market value plus.

10 Number 4: All Aboriginal and Metis
11 communities have the right to be hired by Manitoba
12 Hydro to share their Aboriginal traditional
13 knowledge, ATK, with Manitoba Hydro on the
14 affected treaty lands whenever they are ready to
15 share this information. Example, an amount of
16 funding per year shall be designated in collecting
17 ATK on a permanent basis for the entire life of
18 this project and until decommissioned. The ATK to
19 be shared with Manitoba Hydro and the Minister of
20 Conservation. It shall include every aspect of
21 life, be it traditional, local, family, heritage,
22 spiritual, sociological, psychological,
23 addictions, health and environment. And as we
24 have learned from the residential school abuse
25 Reconciliation Commissions, the unveiling and

1 revealing of truths for the Aboriginal communities
2 happens at a different pace than for the rest of
3 society, and that's a good thing, and our modern
4 day ways have to respect their traditions and be
5 open and able to receive their knowledge when they
6 are able to share it with us. Practising the five
7 Ps is essential.

8 Number 5: Absolutely no hunting,
9 fishing, extracting of any traditional plants,
10 life, animals and resources on the treaty and
11 protected lands that Bipole III touches. This has
12 to be reserved to protect the Aboriginal and Metis
13 traditions and peaceful way of living in harmony
14 with mother nature and her ecosystems. It is not
15 to be used as recreational activity for others,
16 when in reality it is in the Aboriginal natural
17 grocery store and way of life.

18 Number 6: No animals or birds shall
19 be killed in the right-of-way areas or the
20 artificially touched areas, except by Aboriginal
21 people and the Metis people of the traditional and
22 treaty lands. These right-of-ways land are
23 unnatural and give all predators, humans included,
24 an unfair advantage over the wildlife. Severe
25 fines shall be enforced and all future hunting

1 rights taken away if found guilty of hunting in
2 the ROWs. These hunting practices and bylaws, if
3 necessary, shall be for all corridors that are
4 human made in the province to preserve fairness
5 and equality to the species and protect
6 traditional lands, culture and heritage.

7 Number 7: Prohibiting and potentially
8 fining any construction worker or contractor or
9 person who hunts on behalf of the Aboriginal
10 people. For example, I currently know of Hydro
11 workers, contract workers who have gone on hunting
12 expeditions with the Aboriginal people, who they
13 have killed the animal, caught the fish and gave
14 and/or sometimes had to give to the Aboriginal
15 people, either because they could, or the
16 Aboriginal person had the animal ticket. However,
17 the problem with this is that this is also killing
18 the ability of the Aboriginal people to feed
19 themselves and to pass on these skills to the
20 young to carry on the cultures and traditions of
21 feeding their families and communities. It
22 further decreases the animal, bird and fish
23 populations unnecessarily. It is exactly what the
24 ATK is worried about. And Hydro calls this
25 insignificant, and it is anything but. And it

1 requires an environmental officer and an ATK
2 officer to restore this harmony.

3 Number 8: No herbicide use in any
4 where of Bipole III and for the life of the
5 project. As a Crown corporation, and most of this
6 right-of-way is in protected, fragile, high water
7 tables, environmentally sensitive, it only makes
8 the best common sense to make sure that
9 environmental, animal, and human sustainability
10 that we do so without chemical warfare. It shall
11 only increase the health and wellness of those who
12 come into contact with the ROWs, et cetera.

13 Number 9: Winter construction must be
14 taken advantage of to decrease our footprint on
15 the natural order, GHG emissions have to be offset
16 and minimized to our best abilities.

17 Number 10: Hire ATK landscape
18 architects, archeologists, Shaman, Environmental
19 Officers, ATK officers and include NGOs to help
20 harmonize the environmental insignificant to
21 significant from short term to medium to long term
22 effects of the Bipole III project area for its
23 entire life until it is decommissioned.

24 Number 11: Once again the voices and
25 the spirit of the people believe that the CEC

1 hearings should be third party and neutral, not
2 connected to the governments or the body of power;
3 example, the developer. That the Commission
4 should be from another province, or at very least
5 50 per cent of the panelists from other provinces.

6 Number 12: Utilizing local Aboriginal
7 assistance and ATK, environmental officer, et
8 cetera, shall transplant all affected areas that
9 would otherwise be destroyed or negatively
10 disturbed in the ROW and all other areas torn up
11 or dug up areas by this or past projects. There
12 is no reason to be disrespecting the existing
13 natural local environment when it is needed to
14 restore environmental harmony, healing eyesores on
15 the landscape in other places of decommissioning
16 older projects that we as a society have long been
17 overdue in cleaning up. We shall also respect the
18 saskatoons, raspberries, strawberries, blueberries
19 and so on, that are the local fruits in your
20 natural organic grocery store, and we shall
21 transplant them if they are in Hydro's way too.

22 Number 13: Garbage sewer, drinking
23 water, surface water, ground water, lakes and
24 waterways, rivers and streams, bogs and ferns,
25 wetlands, peat lands and beaches and so on.

1 Manitoba Hydro and contractors are responsible for
2 proper sustainable management under the
3 Environment Act for the full life and
4 decommissioning of the Bipole III project. We
5 will not do like what we have done to Churchill or
6 other Hydro projects, and make or leave this place
7 an absolute mess, a sad and dangerous eyesore.
8 Yearly, excess garbage, metal energy, hazardous
9 materials, waste projects and sewage, if
10 necessary, shall be transported out of this area
11 and returned to the proper recycling depots.

12 Number 14: Hire and train the
13 Aboriginal and Metis locals to monitor, run and
14 own the service industries and trades needed to
15 operate, police, patrol, protect and report on the
16 Hydro production systems, ROWs and to continually
17 record, share and upgrade the Aboriginal
18 traditional knowledge.

19 Number 15: Visually mark, record and
20 study all protected plants, animals, nests, dens,
21 fish, birds, buffers, setback areas, et cetera, in
22 order to help assure survival and protection for
23 the life of the project.

24 Number 16: To effectively monitor and
25 record information heritage, culture,

1 socio-economic, environmental, caribou and moose
2 management, water, air and land management, hire
3 environmental officers and ATK truth keepers to
4 help maintain the harmony and accountability to
5 the Aboriginal people, Hydro and the public.

6
7 Number 17: Every area that the EIS,
8 TAC, VEC, ATK, and MMF have said to be reviewed
9 similar to past CEC hearings, we have to set up a
10 follow-up and accountability to-do list. For
11 example, the Manitoba floodway hearings has to be
12 reviewed in a three year, five year, ten year, et
13 cetera, follow-up for all parties that have
14 originally participated in this hearing, as well
15 as future stakeholders, Aboriginals and general
16 public. It works. It gives us all the chance to
17 fix the harmonies when they are broken down,
18 community by community. When we know better, we
19 do better. Just take some time -- and patience
20 comes in here -- things do get better. Future
21 studies are also needed as stated by fellow
22 presenters just like they were in the floodway
23 hearings.

24 Number 18: Based on the complexity
25 and negative insignificant to significant damages

1 we shall be utilizing the precautionary principle
2 that Bipole III project shall be accountable to
3 the affected parties and general public for
4 follow-up and clean-up for its entire life until
5 decommissioned. Follow-up every three to five
6 years to be overseen by the Clean Environment
7 Commission.

8 Number 19: Bipole III and the dam
9 shall honour the Environmental Act, and shall also
10 include the Sustainable Development Act.

11 Number 20: Wetlands, Peat lands,
12 muskeg, permafrost, fern areas, et cetera, need to
13 be visually marked and relocated if it is in the
14 right-of-ways or landscape that shall be
15 destroyed. These areas that would have been
16 otherwise destroyed or negatively altered can be
17 set aside for the decommissioning of Bipole III or
18 used to decommission other nearby old hydro sites
19 with ATK and Conservation's approval, ground
20 truthing and overseeing.

21 21: Every tree that is cut down, we
22 hire the ATK to plant the same amount of new ones
23 in nearby areas to offset the homes, feeding,
24 wood, lungs and filtering that the sacred tree
25 energy does for our environments.

1 22: There will be a ban put on
2 spreading any manure or human waste on the
3 right-of-ways of the entire Bipole III and other
4 hydro power line corridors. These active wastes
5 are the fuel for unwanted adverse climate changes
6 encouraged by the methane and other gases and
7 temperature shifts associated with manure
8 landscape management. Example, the tornado that
9 hit us so darn hard over by Elie touched down on
10 lands that were saturated with manure and
11 fertilizers. And if the whole point is to
12 increase Bipole III and other hydro lines safety,
13 then we shall do all in our powers to keep these
14 lands natural, neutral, chemical free and out of
15 Mother Nature's cleaning tools of wind and water
16 in her nasty damaging forms when our modern day
17 ways tip the scale of overloading. We get it, we
18 are fast learners and we don't want unwanted
19 tornadoes. And we will keep all waste lagoon
20 systems from a 3 to 5 mile radius of the
21 right-of-ways and any hydro infrastructures.

22 Number 23: In securing the power and
23 the future power in Manitoba, it is a priority
24 then to not put all of our eggs in one basket. We
25 would like to see a percentage of Manitoba Hydro's

1 profits off Bipole III designated yearly towards
2 energy development in other forms, be it
3 conservation, education, electrical, solar,
4 excluding any more wind development energy,
5 including hydrogen, magnetic and geothermal and,
6 of course, more money budgets to be spent for
7 hydro/energy conservation programs and creative
8 ingenuity development.

9 Number 24: We have to go out of our
10 way to protect the moose, caribou, wolf and
11 protected species of birds, plants, bugs,
12 reptiles, animals, fish, culture, heritage sites
13 and burial grounds. Saying it is insignificant
14 destroys and disrespects all harmony. The CEC and
15 the Conservation has respected all of this in
16 every other hearing outcomes. It is in our own
17 very best interest and our birth right to protect.
18 We lost the sacred Bison, and we will not lose any
19 other four legged creatures. We have no educated
20 reason to lose any form of life with this project.

21 Number 25: Very interested in hearing
22 what other CEC hearings across Canada standards
23 and recommendations have been. Have we even
24 looked? Is a better environmental wheel already
25 invented that could aid us in effectively

1 communicating, trusting and moving forward in
2 equal responsibility to the successful outcome
3 that's developing harmoniously, economically safe,
4 effective Hydro corporation, one that could teach
5 the world how we did it right, peacefully and
6 respectfully to all life. The same vision that we
7 have for bringing awareness and protection to our
8 sacred polar bears and our world Unesco heritage
9 site and their environmental changing realities.
10 The positive circle of energy by doing things the
11 very best we can, shall bring jobs and people and
12 life to our dear province. We can make a
13 difference. We are the heart of the continent for
14 a reason, because we have heart and we dare to
15 care and share.

16 Number 26: If a disturbed herd of
17 caribou or some rutting moose, or a pack of hungry
18 wolves moved in beside you in your neighborhood,
19 do you think you would notice? Of course you
20 would. Do you think your children would notice?
21 Of course they would. How would you get to work?
22 Who would walk your children to school? What
23 would change for you in your environment and for
24 exactly how long? Well, the same truths hold true
25 for the caribou and moose and wolves and Fox Lake

1 and other Aboriginal communities when Bipole III
2 moves in beside them, because that's their new
3 neighbour. Of course they are going to notice.
4 Of course it is going to change their lives
5 forever. We, the people of Manitoba, fellow Hydro
6 users, have a responsibility to bring, to restore
7 and to protect the harmony and sacred
8 environmental life for these families, for these
9 people and for these animals.

10 From a healing perspective, we, and I
11 personally, accept Bipole III on the west side.
12 The west is the best side. We accept the social
13 responsibility of protecting our province's
14 largest energy source and also our cash cow.
15 However, in doing so we also take on and accept
16 the responsibility of listening to, and respecting
17 and taking the very best advice that every
18 presenter and written submission has so
19 passionately, professionally and perversely
20 prepared to mitigate and bring harmony to Bipole
21 III and its success.

22 I believe in tomorrow now and a much
23 greener Manitoba. It is time to come peacefully
24 together and make Manitoba the best place to live,
25 work and raise our families. I thank you for your

1 time and attention. I look forward to all
2 affected parties, environmental groups working
3 together respectfully and peacefully, in order to
4 achieve the best management principles in moving
5 Bipole III and our energy industry forward while
6 maintaining our core harmony with all forms of
7 sacred life. Meegwetch, thank you, merci
8 beaucoup. I'm extremely grateful for the
9 opportunity to speak and share my truths.

10 THE CHAIRMAN: Thank you very much,
11 Ms. Kennedy-Courcelles. We don't have any further
12 questions for you. Thank you, as always, for a
13 very heart felt presentation. Thank you for
14 taking the time to come in this afternoon.

15 MS. KENNEDY-COURCELLES: Thank you.

16 THE CHAIRMAN: Now, I'm not sure, is
17 Eugennie here? I'm going to canvass and see who
18 else on our afternoon list is here. David Grant,
19 I don't believe is here yet. Vicki Poirier?
20 Garry McLean? Eugennie Mercredi.

21 Ms. Whalen-Enns.

22 MS. WHALEN-ENNS: Mr. Chairman, just a
23 small additional piece of information that was
24 recommended to me over the lunch break to provide
25 this information to members of the panel and

1 and the CEC panel for allowing me to participate
2 at these Clean Environment Commission hearings on
3 Bipole III.

4 Tansi! nina-oma, Ka-pa-puk-o-wisqwew!

5 Ka-ki-now-ki-at-mis-ka-tin-awow oti ka-peyek, mina
6 Manito ni mi now ni pey kiskwe wi-new!

7 My traditional name is Butterfly
8 Woman. My English name is Eugennie Mercredi. I'm
9 a former women's traditional chief and a former
10 Councillor for Cross Lake band for three years,
11 and currently as a Community Health Representative
12 Worker for Cross Lake Health Services. I greet
13 you all for being here and I give thanks to the
14 creator for what I'm going to share. I speak as
15 an individual concerned citizen and for all who
16 cannot speak for themselves of Pimicikamawuk, and
17 as an activist who cares for mother earth's
18 environment who gives us life.

19 First of all, as a woman, women are
20 life givers who bring life, and all women should
21 be respected and treated equally. And then we can
22 all have that balance in life. If we don't
23 realize that women are a sacred part of life, then
24 we don't respect our mother earth, environment,
25 lakes, rivers and swamps and animals, trees and

1 water, air are like veins and are poisoned every
2 day by today's society. The poison water is
3 flowing every day in our society over greed, money
4 and power.

5 All of us human beings that live on
6 this sacred turtle island are all responsible to
7 take care of this land that God, the mighty
8 creator, created for all of us to live and sustain
9 all of us. And we must take care of it
10 collectively so that other generations that are
11 coming along can use it the same way as we occupy
12 this land as long as we live today. I believe
13 that our ancestors are watching over us and took
14 care of this sacred land that God gave us to live
15 in peace, harmony and as long as we live in life.

16 Secondly, today, we see a lot of
17 changes in our life times, a lot of climate
18 changes, and a lot of destruction of resources by
19 corporations taking control over this turtle
20 island. We have to awaken up our society today.
21 Destruction of resource has a lot of impact on us
22 because mother earth is dying. If we don't take
23 care of this land, we will all die.

24 We, Pimicikamak have been greatly
25 impacted by Manitoba Hydro developments because of

1 water regime, erosions on shorelines, islands
2 disappearing each time the water fluctuates.
3 Adverse effects have occurred and continue to
4 occur as we speak on our lands, traditional
5 pursuits, traditional hunting rights, traditional
6 fishing rights and gathering medicines. Our
7 lifestyle and way of life has changed dramatically
8 since Manitoba Hydro dam development when the
9 Northern Flood Agreement was signed when Manitoba
10 Hydro built Jenpeg Generating Station in our
11 territory five, treaty lands, without our consent
12 or Crown consultation.

13 Pimicikamawuk is surely affected by
14 the Lake Winnipeg Regulation and Churchill River
15 Diversion projects in Northern Manitoba, and we
16 still have long outstanding claims for our people
17 that haven't been dealt with. Like Manitoba Hydro
18 compensations for lost loved ones to the families.
19 As a Northern Affairs Agreement Treaty Signatory,
20 the Pimicikamawuk are affected and must be
21 consulted about every Hydro project, including
22 Bipole III.

23 Thirdly, our ancestors long time ago
24 were self-sufficient and didn't need any welfare
25 or hydro to come and take over our lakes and

1 trees, and tell us how to live a better life. And
2 today we still continue living under massive
3 destruction and ongoing effects.

4 The effects of this Bipole III
5 transmission project are unpredictable. The
6 future generations that are unborn won't see the
7 great lakes or the mighty Nelson River, or rivers
8 of our mother earth environment that were so
9 natural and pure back then. When I was a child
10 and partly when I was a youth, I can recall our
11 people talking about the impacts that were going
12 to occur, and they knew that it wasn't going to be
13 the same anymore, the way it was in their times.

14 I see the changes, what they were
15 talking about today. I remember, me and my
16 brother, used to go down to the lake, in the
17 winter time, and get a pail of water to drink for
18 supper, for our dearest mother to cook, and we
19 didn't have to pay for our water back then,
20 because it was so pure and natural back then, my
21 grandparents protected us and warned us what the
22 future will be like for us to survive.

23 I see that today in our society, a lot
24 of changes -- a lot of change, and now we pay for
25 our water to drink and are limited the usage of

1 water and sewer services each day. And have
2 massive Hydro bills that our people cannot afford
3 to pay bills, bills of \$300 to \$5,000, up to
4 \$10,000 of their outstanding power is constantly
5 threatened every day to be cut off.

6 We have 95 per cent are unemployed
7 living on welfare, living on poverty, and losing
8 our young people over suicides because they have
9 nothing to look forward to. And families get
10 devastated and the whole community gets affected
11 when we lose our youth through suicide. And we
12 have lack of housing, and our population is
13 growing of 10,000 and only 800 houses.

14 A lot of burial sites have been
15 destroyed and disturbed from our lands because of
16 water fluctuations, and have been flooded out, and
17 this continues to happen in our sacred lands of
18 our treaty five territories.

19 We, the Pimicikamawuk, struggle to
20 carry on, but we will never surrender our lands to
21 survive and our traditional ways of life and our
22 values have been impacted and continue to impact
23 us greatly. Yes, the future proposed Bipole III
24 project will greatly impact on our future
25 generations and the unborn that are coming along.

1 Finally, we, the Pimicikamawuk have
2 been waiting patiently with Manitoba Hydro experts
3 to work with us collaboratively to compensate for
4 our Northern Flood Agreement broken promises that
5 haven't been fulfilled yet. The 35 years of
6 interim water power licence that Manitoba Hydro
7 carries and for the next 50 years. As nations, we
8 have the final say if the final licensing will go
9 through because we Aboriginal peoples are the
10 rights holders of this land.

11 We inherit the land from our ancestors
12 graves, treaty land entitlements, and peace
13 keepers and protectors of this land, therefore you
14 must work with all nations and must realize that
15 we are the ones that agree or disagree with the
16 future of Manitoba Hydro proposed developments,
17 including Bipole III.

18 I strongly recommend the CEC panel
19 make clear Aboriginal treaty rights and treaty
20 land entitlements as spoken by elders, women,
21 youth and our leaderships to bring awareness and
22 update of this Bipole III project which we have
23 not been consulted about. Our water is
24 contaminated, a lot of mercury, we are limited to
25 fishing and hunting rights in our territories. It

1 seems that our people get punished more and more
2 when we make movements as we are the ones that did
3 something wrong, and a lot of broken promises of
4 the Northern Flood Agreement don't want to be
5 dealt with what the agreement says.

6 Manitoba Hydro and staff and all of
7 the experts get paid from our value resource, and
8 Pimicikamawuk are not employed or can't pay any
9 experts to use for our own lawyers too, and
10 experts and consultants to start working with us,
11 instead Manitoba Hydro provides their own experts
12 when they work with us and pay their staff and
13 double charge for their service they do for us,
14 and yet we pay to Manitoba Hydro for giving us
15 power and yet they should be paying us something
16 back and employ our people like promised to clean
17 the environment, clean up the mess, to employ our
18 own people, prevent further harms and respect
19 Pimicikamawuk of who we are, and may the creator
20 watch over us in the future and do it right.

21 Thank you for listening to me. Ekosani
22 Nitotemitik.

23 THE CHAIRMAN: Thank you very much,
24 Ms. Mercredi. We have no questions for you.
25 Thank you for preparing and presenting this

1 presentation today.

2 Are either of Mr. Grant, Ms. Poirier
3 or Mr. McLean present yet? Okay. They had been
4 scheduled for a bit later, so we will take a time
5 out and when they show up, we will reconvene and
6 hear their presentations.

7 (Proceedings recessed at 1:49 p.m. and
8 reconvened at 2:24 p.m.)

9 THE CHAIRMAN: Okay. We have two more
10 public presenters, so we will continue with our
11 proceedings. Pardon me, are you both going to be
12 presenting? So you will need to have two
13 microphones then, because you have to speak quite
14 close to the microphone to be picked up by the
15 recorder and sound system. So could you please
16 introduce yourselves for the record?

17 MR. GRANT: My name is David Grant,
18 I'm an engineer and just speaking as a citizen.

19 THE CHAIRMAN: Thank you.

20 MR. GRANT: And they are two separate
21 presentations.

22 THE CHAIRMAN: Okay. We need to swear
23 both of you in before we start the presentation.
24 Could you introduce yourself?

25 MS. POIRIER: I'm Vicki Poirier, I

1 don't normally swear -- it is a joke.

2 THE CHAIRMAN: It is actually more of
3 affirmation than anything.

4 David Grant: Sworn

5 Vicki Poirier: Sworn

6 THE CHAIRMAN: Go ahead.

7 MR. GRANT: I guess my first thought,
8 I attended a session here, not here, but one of
9 these sessions a couple of weeks ago, and I
10 remembered that oath being voiced by each speaker.
11 And it struck me that there is a certain, that
12 reminds me that there are people that I would
13 allege that are misleading these hearings, and
14 they aren't here, and they are probably in
15 violation of that very obligation. And one of
16 them is that these hearings are theoretically to
17 protect the environment and to make sure that this
18 Commission brings to the attention of authorities
19 things that could be bad for the environment. One
20 of the things that I've noticed over the last
21 decade, because I have been at CEC hearings
22 before, is in -- I have been involved in approval
23 processes in other jurisdictions, in those cases
24 for the proponent, regarding a nuclear public
25 facility, we had to go through approvals

1 processes.

2 And there the approval process is a
3 rational one. It involves approval of the general
4 principle before anybody spends much money on it.
5 And in Manitoba it is different. In Manitoba we
6 build the thing, then the government calls the
7 hearing, and at that point we decide what little
8 tweaks it might need, but we don't get to decide,
9 gee, that's a bad idea.

10 And when Eldorado wanted to build a
11 plant in Blind River, the idea was proposed, a few
12 drawings prepared, and then the hearings went
13 ahead. Eldorado would never have been allowed to
14 build a uranium refinery outside of town before
15 those hearings had been concluded. Whereas in
16 Manitoba, Hydro is a long way down the road
17 towards having this transmission addition
18 complete. It is a little late now to stop and
19 say, gee, that's a bad idea.

20 So for the authorities to set this
21 time of the year, or this time of 2012, as the
22 right time to have these hearings is, I would
23 propose, a fraud, in that we will all do our best,
24 and you the Commissioners will all do your best to
25 present a report that will include all of these

1 facts and concerns, but it is all meaningless
2 because the thing is going ahead.

3 As I say, if this had been Eldorado's
4 Blind River Refinery, and we had the walls up and
5 the equipment ordered, the Ontario Government and
6 the Federal Government would have been very
7 displeased.

8 So you can say we do things
9 differently here in Manitoba, but it is somewhat
10 fraudulent for any of us here to believe, that if
11 one of us brings up an idea that would really
12 obviate this transmission line, it is too late.
13 That Hydro has already committed to be spending
14 whatever, two and a half, \$3 billion, no matter
15 what the Commission says.

16 So anyway, without belabouring the
17 point, I would still like to make that point. I
18 think it is original, I didn't see anybody bring
19 that point up before, that the timing of the
20 hearings is suspect. And for the government to
21 mislead Mr. Sargeant into thinking that this
22 Commission is timed and fully authorized to bring
23 all the right salient points to the government's
24 attention, I think it is -- we won't say
25 pointless, but it is not as effective as it could

1 have been a few years ago.

2 Anyway, so moving on to valid points,
3 or specific factual issues, one of the things that
4 was mentioned in the previous event was cultural
5 issues, where putting a power line overhead an
6 empty piece of bush that may be sacred or may not
7 be requires some research. We were told we need
8 to do a little research to see whether people,
9 long forgotten, buried their dead in that piece of
10 land. And that is interesting. Having a power
11 line over a burial ground doesn't mean it doesn't
12 serve that purpose anymore. But the reason that
13 that possible graveyard becomes an issue for Hydro
14 is because of the cultural value that that
15 community places on that land if the relatives are
16 buried there.

17 One of the things I noticed at the
18 time, I was sitting with a group of friends and
19 they made presentations that night. And my
20 thought to them was that some aspects of this
21 project strongly offend my culture. And I was
22 questioning whether my culture is, and cultural
23 background is substantially worth less than the
24 people from Swan Lake First Nation. I would
25 suggest that it is not. And if my culture would

1 normally demand that the project be done
2 differently than it is being planned, then I would
3 suggest that if the project has to hop over a bit
4 or take some extra time to consider the possible
5 burial ground, then the idea of doing things
6 wrongly, as they are proposed, and violating my
7 culture, is worth considering. But it is in the
8 preamble from the government, the government's
9 guidelines for this hearing are that certain
10 things like the reliability of putting an
11 important power line through bad storm country,
12 ice country, and saying that reliability -- well,
13 that's Hydro's reason for building the thing --
14 but reliability is not in the purview of this
15 body. This body is not allowed to comment on,
16 gee, that's a bad place because we always have ice
17 there. Again, that's something that the
18 government, because this Commission is a creature
19 of the Provincial Government, they get to set the
20 rules. And unfortunately, one of the rules saying
21 that reliability is not an issue is unfortunate.

22 Cost is not an issue. And yet one of
23 my culturally important facets is that myself and
24 my -- the known generations before me have been
25 concerned about wasting money. We got where we

1 are by being fiscally conservative, and
2 politically, who knows where, all over the place,
3 but fiscally very careful with our money. And to
4 see this project apparently squandering such a
5 large amount of money, it is more than
6 distasteful, it is culturally offensive. Anyway,
7 that was the second issue.

8 The other one is the environmental
9 cost. Like this is an environmental Commission
10 and it strikes me that one of the few things that
11 you can do that is environmentally benign is to do
12 approximately nothing. But once you build
13 something, once you burn something, or weld
14 something together, or plate it, you have done
15 some harm to the environment. And certainly the
16 lowest cost in environmental terms is to postpone
17 action, and to leave the trees standing, and all
18 of that other stuff. Although, I won't go too far
19 down this road, but keep in mind the popular
20 mythology is that the tree will save us from
21 global warming. That denies the fact that a tree
22 may take in 500 tons of CO2 from the air but --
23 and if you burn that tree, you get those 500 tons
24 back in the air right away. If you let it sit
25 benignly in the forest floor, it makes a lot of

1 methane. So for those 1,000 units of CO2 taken
2 from the air, you get at least double that in
3 global warming potential. So the tree versus the
4 gravel parking lot, the parking lot doesn't take
5 CO2 from the air, but at least it doesn't make
6 methane. Those are chemistry thoughts that nobody
7 in the media seems to latch on to. I think they
8 are definitely true, and I think any expert
9 analysis would confirm that.

10 I guess the other issue is the fact
11 that Hydro was not able at their public
12 accountability meeting to confirm where the Bipole
13 III materials would be coming from. We know the
14 transformers are local and so on, but there is a
15 whole lot of steel. And because the project is
16 based on the lowest cost, we are lead some time
17 ago by the media to believe that a lot of this
18 angle iron will be coming from India. It is not
19 the fact that India can make it cheaper than
20 Selkirk, Selkirk makes angle iron and we plate it,
21 I think the main thing there is that India can
22 have a fairly competent engineer design each
23 structure, because each structure is going to have
24 a careful engineering design, mechanical
25 engineering design, is that here an engineer

1 working away here at a Winnipeg contracting office
2 would be bringing in 100, maybe 130,000 with
3 fringe benefits, and the Indian engineer would be
4 working for probably a tenth of that or less. So
5 Hydro and the suppliers are going to be going
6 off-shore for their technical expertise. And
7 that's something that Hydro may be able to -- we
8 know the Quebec Government is able to specify it
9 has to be local, and we can specify it too.

10 So completely unrelated to the
11 environment and everything else, but certainly
12 there are a lot of patriotic Manitobans who would
13 love to see more of that work done here. And I
14 was talking to one of the First Nations guys
15 sitting beside me last time, and he was concerned
16 that his people, his First Nations people be given
17 an opportunity to tighten the bolts, to put these
18 towers together. And I'm suggesting that it would
19 be even nicer if Manitoba engineers were deciding
20 whether that piece of angle iron was strong
21 enough, and certifying the drawings, and that
22 Manitoba labourers be punching the holes in the
23 angle irons and plating it too. So nothing to do
24 with the environment, but that's something that
25 would make it a whole lot less distasteful.

1 Thank you for your time. Thank you.

2 THE CHAIRMAN: Thank you, Mr. Grant,
3 Ms. Poirier?

4 MS. POIRIER: Can you hear me okay?

5 THE CHAIRMAN: Yes.

6 MS. POIRIER: Okay. My name is Vicki
7 Poirier, I have a Bachelor of Education. In
8 regards to my family, I am a direct descendant of
9 Marie Anne Gaboury, Jean Baptiste Lagimodiere, who
10 were also my distant cousin, Louis Riel's
11 grandparents.

12 My grandmother, who is now 98, grew up
13 in the residential school system. She says it was
14 the best time of her life, and would not cash a
15 cheque from the government for the hardship of
16 going there. She moved from the Northwest Angle
17 Reserve to Fort Frances with her husband so he
18 could work in the paper mill. And he also enjoyed
19 a membership with the Knights of Columbus. Our
20 culture is based on hard work, resourcefulness,
21 and being very thrifty. I also pay my Hydro bill.

22 BP III going down the west side of
23 Manitoba lakes goes against everything I believe
24 to be right, violating my core traditions. It
25 will be way more expensive and wasteful going this

1 route. The Provincial Government should know
2 better.

3 It is time to encourage Northern
4 Manitoba Aboriginals to be more resourceful and
5 less dependent. Moose, caribou, and ducks are
6 available. There is absolutely no need to truck
7 in Alberta cow products to the reserve. Sure,
8 truck in powdered milk, but not whole milk. And
9 encourage them to make their own bread, like I do.
10 Shut down these dependent failed reserves that
11 resemble concentration camps, I don't mean all
12 reserves, I mean the ones that are flooded every
13 year. We move the people to the city, they get
14 back home to moldy houses, no water, or whatever.
15 I'm talking about the ones that aren't working,
16 there is no jobs -- maybe a couple of jobs. All
17 of these young adults living there, new teenagers,
18 budding adults, and there is no jobs. There is
19 just one gas station, the one store, whatever.
20 That's what I call a failed reserve. It is just
21 not enough jobs, it fosters dependence.

22 Powdered milk is light weight and
23 non-perishable and there is no good reason it is
24 not the only milk choice in Northern Manitoba. We
25 use it, we drink it, I put it in my tea. It

1 doesn't go bad when we go on holidays.

2 A Hydro line does not bother a forest.

3 In fact, if you are lost, it may save your life by

4 following it. Build Bipole III the way you want,

5 from the northeast to southeast, by going the

6 furthest route possible if you must. We all know,

7 Hydro is ultimately controlled by the Provincial

8 NDP, and that is what they want, it appears, it

9 appears to me anyway.

10 Manitoba can also continue to build

11 dams half the size they could have been to appease

12 some, and buy your angle iron from India instead

13 of Selkirk for some reason I don't understand.

14 They used to make hydro poles in Selkirk. We

15 could easily bring in some of the old retirees to

16 train a bunch of young new workers to make the

17 whole thing here in Manitoba, with Manitoba

18 workers.

19 Also if we did that, you see sooner or

20 later that these baby boomers that remember how to

21 do this aren't going to be around to train new

22 young people. This is an opportunity to do it

23 now. If we didn't do it now, we might never be

24 able to do it because nobody will know how. They

25 are still around, we could bring them back in to

1 train new people, or continue to violate my core
2 traditions by not being resourceful and thrifty
3 and not letting Manitobans do this hard work.

4 I'm very disappointed in the direction
5 and wastefulness of the Provincial Government.
6 Thank you for listening.

7 THE CHAIRMAN: Thank you, Ms. Poirier.

8 MS. POIRIER: Questions?

9 THE CHAIRMAN: I don't think so, it
10 doesn't appear. Thank you both very much for
11 taking the time to come in and make these
12 presentations today.

13 MS. JOHNSON: Mr. Chairman, while we
14 are sitting here, I will put the documents we do
15 have on record. WPG number 12 will be
16 Mr. Soprovich's presentation, number 13 will be
17 the Peguis First Nation map with the Bipole III
18 corridor, and number 14 will be Ms. Mercredi's
19 presentation, and number 15 will be Ms. Kennedy
20 Courcelles' presentation.

21 (EXHIBIT WPG 12: Mr. Soprovich's
22 presentation)

23 (EXHIBIT WPG 13: Peguis First Nation
24 map with Bipole III corridor)

25 (EXHIBIT WPG 14: Ms. Mercredi's

1 presentation)

2 (EXHIBIT WPG 15: Mrs. Kennedy

3 Courcelles' presentation)

4 THE CHAIRMAN: Thank you. Is

5 Mr. McLean here yet? No. He was scheduled at

6 2:45, we will wait a bit longer, so we will take

7 another time out. And perhaps Mr. McLean will

8 show up.

9 (Proceedings recessed at 2:34 p.m. and

10 reconvened at 3:00 p.m.)

11 THE CHAIRMAN: Okay. I think we have

12 given Mr. McLean sufficient time, so I think we

13 will stand down for the day. We are back here

14 tomorrow morning. Mr. Williams will have his

15 final witnesses up first thing in the morning,

16 followed by some questioning from panel members of

17 some Hydro officials. I doubt very much we will

18 take the full day tomorrow. If we are lucky we

19 will be done by noon, but no promises.

20 (Proceedings adjourned at 3:04 p.m.)

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DEBRA KOT and CECELIA J. REID, duly appointed
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hereby certify the foregoing pages are a true and
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by us at the time and place hereinbefore stated to
the best of our skill and ability.

Cecelia J. Reid
Official Examiner, Q.B.

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