

MANITOBA CLEAN ENVIRONMENT COMMISSION

BIPOLE III TRANSMISSION PROJECT

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Transcript of Proceedings

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THURSDAY, OCTOBER 4, 2012

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## APPEARANCES

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

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## MANITOBA METIS FEDERATION

Jason Madden - Counsel

## MANITOBA WILDLANDS and SAPOTAWEYAK CREE NATION

Gaile Whelan Enns

## GREEN PARTY OF MANITOBA

James Beddome

## PEGUIS FIRST NATION

Robert Dawson - Counsel

## TATASKWEYAK CREE NATION

Ian Cluny  
Shaun Keating

APPEARANCES CONTINUED:

PINE CREEK FIRST NATION  
Charlie Boucher  
Warren Mills  
John Stockwell

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1 Thursday, October 4, 2012.

2 Upon commencing at 9:00 a.m.

3

4 THE CHAIRMAN: Let's get under way for  
5 this morning.

6 We had made arrangements, yesterday for, to  
7 accommodate Mr. Williams, and Mr. Madden, who had  
8 other commitments yesterday and were unable to engage  
9 in the examination yesterday.

10 Mr. Williams will be asking questions on  
11 the first and second presentations if he has any.  
12 The first being the reliability, and planning and  
13 design, and the second being the, consultation  
14 process that we considered yesterday.

15 And then Mr. Madden will ask questions on  
16 the consultation proceed. Mr. Williams?

17 MR. WILLIAMS: Yes. And good morning, Mr.  
18 Chairman, and members of panel, and good morning to  
19 the Hydro panel, I haven't had an opportunity to meet  
20 them.

21 My questions this morning will be  
22 mercifully brief, certainly our client does  
23 appreciate the accommodation. And, I can also  
24 indicate that although my appearance may be somewhat  
25 disheveled this morning, when you see me later on in

1 the hearing, I will look a lot better.

2 Mr. Joyal a question to you, just a couple.  
3 In terms of the EACP, what, if any consultations did  
4 Manitoba Hydro undertake in Winnipeg, or the Winnipeg  
5 region?

6 MR. JOYAL: Meaning an open house or  
7 general meeting in itself?

8 MR. WILLIAMS: Either, sir.

9 MR. JOYAL: We held an open house in  
10 Winnipeg through each round of the EACP, as well in  
11 Round 3 we did meet with the City of Winnipeg.

12 MR. WILLIAMS: And in terms of your  
13 information sessions, open houses or meetings with  
14 special interest groups, what, if any, focused on  
15 consumers as an interest group?

16 MR. JOYAL: To my knowledge, none had  
17 approached us with an interest in the project.

18 MR. WILLIAMS: Thank you, Mr. Chairman, for  
19 that opportunity.

20 THE CHAIRMAN: Thank you. Mr. Madden?  
21 On the EACP, Mr. Joyal's submissions, presentation.

22 MR. MADDEN: I want to go to -- good  
23 morning, my name is Jason Madden for the Manitoba  
24 Métis Federation.

25 I want to go to slide, I am going to run

1 into problems, it is page 2 the first slide. Goals  
2 and Standards of the EACP. And on that slide there  
3 is a bullet that says CS standards, and it goes  
4 through early notification, accessible information,  
5 shared knowledge, sensitivity to community values,  
6 reasonable timing, appropriate levels of  
7 participation, adaptive process, and transparent  
8 results.

9 Can you explain to me, clearly we aren't in  
10 a CEAA process, but how was that incorporated into  
11 the EACP.

12 MR. JOYAL: The CS standards were used as a  
13 means to evaluate the efficiency of the process and  
14 to modify accordingly. And Table 1 of the EACP  
15 technical report, outlines what we did for each one  
16 of those pieces.

17 MR. MADDEN: Can you explain to me a little  
18 bit more what adaptive process means? Does adaptive  
19 process mean that if additional information becomes  
20 available you may have to adapt?

21 MR. JOYAL: The adaptive process section  
22 isto outline the process in which we are undertaken.  
23 As I mentioned yesterday in my presentation making  
24 modifications to notification methods or materials  
25 that were presented.

1                   MR. MADDEN: So, if additional information  
2 became available, and I will just be saying, you  
3 know, we have additional sensitivity towards moose,  
4 or moose populations here are collapsing, or  
5 something else has happened that the EACP, following  
6 those principals, would adapt to address those? Ie.  
7 Having more meetings in that area, maybe doing more  
8 focused interviews, having an open house in Swan  
9 River, et cetera? Would you, would that, would that  
10 be what adaptive process would mean?

11                   MR. MCGARRY: Good morning, Pat McGarry. If  
12 you are speaking of moose issues, in particular  
13 areas, we gathered information late in the process  
14 from the province, and we were analyzing that. That  
15 is a very specific issue. And as you will see in  
16 our response to Manitoba Conservation, we are talking  
17 with the Province about particular issues with moose  
18 in areas I believe are of interest to Mr. Madden.  
19 And the adapt -- the opportunity for that adaptation in  
20 the process would have been after we filed the EIS.

21                   MR. MADDEN: So you weren't aware of the  
22 Moose closures, prior to December, or when did you  
23 file again, sorry?

24                   MR. MCGARRY: Our filing was December 21,  
25 2011.

1                   MR. MADDEN: You weren't aware of moose  
2 closures that occurred prior to that date when you  
3 filed your EIS?

4                   MR. MCGARRY: Yes, we were aware of moose  
5 closures, the closures, I believe for rights based  
6 hunting occurred in July of 2011. We are very late  
7 in our process. Our biologists were aware of this  
8 occurrence, but we would defer to our experts on, on  
9 mammals, and moose in particular, to review that  
10 issue.

11                  MR. MADDEN: My question isn't about -- and  
12 I am going to elaborate on that much further, when  
13 your expert is on that. My questions are about  
14 shouldn't the, when that information became  
15 available, and, it did become available before the  
16 EIS was filed, that your EACP should have adjusted,  
17 or adapted using the language, to recognize there is  
18 an issue there, maybe we want to go back, and  
19 investigate a little bit more.

20                  That is, I am looking at it through the  
21 lens of the EACP. I am not looking at it through,  
22 we are going to have a long discussion about what  
23 should have been done about the moose, specifically.  
24 But this is more in the lens of if you are saying  
25 that the process is adaptive, if issues emerge, you

1 would think that the public consultation process  
2 would adapt to that. And do a little bit more work  
3 on those issues, as they did emerge.

4 MR. MCGARRY: Yes, the, part of the issue,  
5 yeah, I would agree that adaptation of the nature you  
6 speak might be reasonable. The adaptation in our  
7 presentation deal with, consultation was a lot of it  
8 was about going from round to round, and improving,  
9 or adapting our communication methods to improve  
10 engagement, and involvement.

11 At that time of the issues of Mr. Madden  
12 speaks, in July of 2011, we were already into writing  
13 final reports, our Round 4 process, consultation  
14 process, had already more or less completed its  
15 course at that point. And, we were in the process  
16 of writing up final materials for the EIS submission  
17 in the end of November of 2011.

18 MR. MADDEN: Just so I understand, you had  
19 finished, in Manitoba Hydro's perspective, you had  
20 finished your EACP by, before the four -- before the  
21 Moose closures?

22 MR. MCGARRY: Depends which moose closures  
23 you speak. I know there are a number of closures, I  
24 don't have a full list of when, and where.

25 MR. MADDEN: First round.

1           MR. MCGARRY: First round closures, again,  
2 I don't have a list for that. The closures were  
3 done by the province. We had plenty of discussion  
4 and consultation with the Province during the, or the  
5 resource managers. During that period the, the  
6 criticality in their mind of the issue relating to  
7 moose had not begun brought forward to us in Round 4,  
8 it came later.

9           MR. MADDEN: So let me break that out a  
10 bit. So, you are saying that you weren't made  
11 aware, the Province didn't make you aware that --  
12 the closures didn't happen overnight. There was a  
13 process leading up of people writing to the Province,  
14 and making the point about the closures. So you  
15 weren't made aware of that by the province, about the  
16 concerns already in the area prior to the closures?  
17 Are you saying that?

18           MR. MCGARRY: In our discussions with  
19 wildlife officials, resource managers, the nature of  
20 the issue, and again, we are talking in general,  
21 maybe we should be more specific of the areas of  
22 interest. What seems to be in play, and, in focus  
23 are game hunting areas, 19, and 14, and 14A. And,  
24 for those areas that subsequently the tack process  
25 for Manitoba Conservation has asked us to review in

1 that area. And that only came to us, in May of  
2 2011 -- 2012, pardon me. So the severity, I guess,  
3 in their mind of the issue in that area didn't come  
4 through the channels that we would have expected them  
5 to, in Round 4. And we were, we were at the end of  
6 our process by then.

7 MR. MADDEN: Okay. So in essence, you  
8 didn't have the chance to adapt, because you didn't  
9 have the knowledge prior to the conclusion of the  
10 EACP?

11 MR. MCGARRY: That would be somewhat  
12 accurate, that we, the adaption, at that point,  
13 opportunity had more or less passed for us. But the  
14 issue certainly hasn't gone away. We are well aware  
15 of it. We are in discussions now with Wildlife  
16 Branch, and I imagine your organization as well. It  
17 is an ongoing process, and that is documented in the  
18 record, in our response to Manitoba Conservation.  
19 Forgive me, I forget the date. September 17. We  
20 will have to give you the date on that.

21 MR. MADDEN: Just last question on it, were  
22 you not aware. Manitoba Conservation had not  
23 conveyed to you the critical situation about moose  
24 that required closures, and I want to clarify one of  
25 your points, it is not just closures with respect to

1 the Constitutional rights holders, all moose hunting  
2 in that area is closed. That wasn't conveyed, there  
3 was no indication, or Manitoba Conservation didn't  
4 convey the concerns, or the potential closures, prior  
5 to Manitoba Hydro finishing Round 4?

6 MR. MCGARRY: Just to be clear on that, the  
7 closures had been going on, I guess, since sometime  
8 in 2011 in those areas. Our biologists were aware  
9 of the closures, but they were not aware of the --  
10 partly because the resource manager had made those  
11 decisions on closures. We were conducting  
12 environmental assessment in those areas, and, the  
13 critical nature of the population was not conveyed to  
14 us, however, as Mr. Madden pointed out, we were aware  
15 of some closures, some of them very late.

16 MR. MADDEN: I want to move onto, it is on  
17 page 4, I think that you don't have double-sided, or  
18 two slides on each one, so it is the slide that says  
19 Meetings. It includes community, municipality,  
20 First Nations leadership, is there a reason why Métis  
21 leadership were not included in that slide, or were  
22 there not meetings with Métis as part of the 244  
23 meetings?

24 MS ZEBROWSKI: There were two meetings  
25 with Manitoba Métis Federation representatives during

1 the EACP process, or there was, I think many meetings  
2 with the Manitoba Métis Federation, but there were  
3 two that were formally part of the EACP process.

4 MR. MADDEN: Where were those held?

5 MS ZEBROWSKI: I don't have the location.  
6 I can give you the date.

7 MR. MADDEN: I guess my key point on it  
8 isn't the dates, or, were these actually meetings  
9 held in communities, or were these held with the  
10 Manitoba Métis Federation in Winnipeg?

11 MS ZEBROWSKI: I believe they were held  
12 with Manitoba Métis Federation in Winnipeg.

13 MR. MADDEN: None of these meetings  
14 included meetings up in Camperville, Duck Bay, they  
15 were just meetings with the home office in Winnipeg?

16 MS ZEBROWSKI: There were meetings in Duck  
17 Bay, and Camperville, I believe, as part of the EACP  
18 process, at which Métis people living in those  
19 communities may very well have attended. But the  
20 meetings specifically with the Manitoba Métis  
21 Federation were held with the Manitoba Métis  
22 Federation representatives in Winnipeg, is my  
23 understanding.

24 MR. MADDEN: There weren't any meetings  
25 with Métis locals, located in the areas of the

1 backwards banana.

2 MS ZEBROWSKI: To the best of my knowledge  
3 the meetings were with the specific geographic  
4 communities not with the Métis locals, that is  
5 correct.

6 MR. MADDEN: Can I ask a question, too, and  
7 there are a lot of meetings, and are these meetings  
8 also counted in the Aboriginal Consultation meetings,  
9 are there overlap, or are these distinct, that we are  
10 calling these EACP meetings, and then the other  
11 meetings that we will come up to next in your  
12 presentation, are Aboriginal engagement meetings, or  
13 are these kind of the same? They are double, I  
14 wouldn't say they are double counted, but we are  
15 talking about the same meetings, there isn't another  
16 244 meetings, plus another batch specific of what you  
17 called Aboriginal engagement?

18 MS ZEBROWSKI: There is some overlap  
19 between the processes. In my presentation, I spoke  
20 to the, the numbers of meetings that I spoke to in  
21 relation to EACP were the Aboriginal, and northern  
22 community meetings that took place. Certainly,  
23 Manitoba Hydro had many meetings with different  
24 communities. Sometimes those were started in  
25 different contexts, or they were ongoing, and it

1 might be a bit confusing, but I think the ones we  
2 counted as EACP meetings were ones that typically  
3 happened at the beginning of a round or in response  
4 to a mail out.

5 I wanted to add to my previous answer, my  
6 understanding why there weren't meetings with locals,  
7 is that when we were working with the Manitoba Métis  
8 Federation, we received direction to deal with the  
9 home office in Winnipeg, and, they would direct us to  
10 the MMF locals, if they deemed that appropriate.

11 MR. MADDEN: And did, so can we, is there a  
12 breakdown so we can understand, in one place, because  
13 I am trying to, from the different technical reports  
14 understand, and I think the Chair asked for this  
15 yesterday, of just what meetings are under what  
16 process, or which ones are overlap meetings that have  
17 been counted in both? Is that possible? In one,  
18 in a chart format?

19 MS ZEBROWSKI: In Appendix 5B of I believe  
20 it is Chapter 5, it is called Meetings and Open  
21 Houses and all of the EACP meetings Aboriginal, and  
22 non-Aboriginal are included in that chart.

23 MR. MADDEN: So in that list all of your  
24 Aboriginal meetings are actually included?

25 MS ZEBROWSKI: No, just the EACP meetings.

1 MR. MADDEN: Okay. On your direct  
2 mailings presentation, or slide, it is on page 7 of  
3 the documents that were handed out. So, the 4210,  
4 were the MMF locals included on those direct letter  
5 mail outs?

6 MS ZEBROWSKI: The MMF locals were not  
7 included, because again we were directed to direct Al  
8 all of our communications to the Manitoba Métis  
9 Federation home office in Winnipeg.

10 MR. MADDEN: In the work plan that was  
11 engaged between Manitoba Hydro, and MMF, was funding  
12 provided to do that mail out?

13 MS ZEBROWSKI: I believe there was funding  
14 for the Manitoba Métis Federation to engage with the  
15 Métis community. And to develop an engagement  
16 process.

17 MR. MADDEN: Did it include specifically,  
18 the ability to do a direct mail out, funding for  
19 that? The work plan, is very task specific, and, as  
20 we will discuss more in the aboriginal consultation  
21 one, there wasn't funding specific for this.

22 MS ZEBROWSKI: No, but, I believe if the  
23 Manitoba Métis Federation had requested, Manitoba  
24 Hydro certainly would have done the direct mailings  
25 on our own to the MMF locals if that had been

1 requested of us.

2 MR. MADDEN: So going to routing next. On  
3 page 12. I wasn't quite clear yesterday, when it  
4 was explained to me, and it didn't come out in the  
5 technical reports about this suggestion or  
6 recommendation of diagonal routing that was then  
7 incorporated subsequent to Round 3, or in Round 3.  
8 Can you elaborate on exactly what that is?

9 MR. JOYAL: During Round 3 of the EACP when  
10 we proposed alternative routes, there was numerous  
11 concerns with regards to diagonal routing through  
12 quarter sections of agricultural land on how that  
13 would interfere more so with agricultural operations  
14 as opposed to routing on the half mile and mile line.  
15 Therefore, in, in determining the preliminary  
16 preferred route, and determining the alternate  
17 routes, those with diagonal routing were rated a  
18 higher concern from a public perspective.

19 MR. MADDEN: Was that the same in relation  
20 to Crown lands?

21 MR. JOYAL: Predominantly agricultural  
22 zones, where the diagonal routing was located was  
23 removed, in certain pasture and forage it was less of  
24 a concern with regards to diagonal routing.

25 MR. MADDEN: Less of a concern to who?

1           MR. JOYAL: Those operating the machinery  
2 on the agricultural farm. Say, if it is pasture and  
3 forage, natural hay lands, they were, there was not  
4 as much of a, from a public perspective, it was not  
5 portrayed to us that there was a large concern with  
6 diagonal routing through marginal, or pasture lands,  
7 as opposed to heavy industrial agricultural areas.

8           MR. MADDEN: But my question is more  
9 specific to, was that principal applied to Crown  
10 lands, where there maybe moose habitats, or  
11 fragmentation may occur? And maybe you can, Manitoba  
12 Hydro, can flag for me, if I am getting into your  
13 routing analysis, and this is probably a little bit  
14 more technical, but that the point is, is that  
15 running diagonal, as opposed to taking existing  
16 routes through Crown lands have more of an impact on  
17 moose habitats, or cause of fragmentation than  
18 following already existing routes. So the issue,  
19 and maybe you aren't, this panel isn't the the one to  
20 answer those sorts of questions, it is a future one,  
21 but, that is my question.

22           THE CHAIRMAN: I think that is more  
23 appropriate to the routing, which should be later  
24 today.

25           MR. MADDEN: I just didn't want to lose my,

1 I wanted to park it.

2 THE CHAIRMAN: I am not worried about you  
3 losing any of your questions, Mr. Madden.

4 MR. MADDEN: I don't want to be the road  
5 kill like I saw yesterday. I don't want to be shut  
6 down. And, I don't, I don't want to have to come  
7 back to it. But, I want to park that, that I have  
8 questions, about how that was incorporated.

9 On your last slide of PPR Adjustments. Or  
10 not last slide, but it is called PPR Adjustments, and  
11 it has bullet points, feedback from Round 4 meetings,  
12 47 individual routing suggestions, land owners,  
13 stakeholders, First Nations, and community members  
14 considered by project team. There is nothing there,  
15 with respect to comments back from Métis?

16 MS ZEBROWSKI: I think the main input from  
17 the Manitoba Métis Federation was coming through  
18 their self-directed report, and I don't believe that  
19 we had their self-directed report, or information  
20 from it at that time.

21 MR. MADDEN: But you had First Nations at  
22 that time?

23 MS ZEBROWSKI: We had a number of  
24 different processes with First Nations, and from some  
25 First Nations, we may have had information at that

1 time. Yes.

2 MR. MADDEN: Okay, we will go more into  
3 detail when we get to that ATK of when the First  
4 Nations were. Is this with, in relation to those  
5 workshops, your public workshops, or is this in  
6 relation to the ATK of the PPR Adjustments?

7 MR. JOYAL: All information we had at the  
8 time was incorporated from those who participated in  
9 the EACP.

10 MR. MADDEN: So you did have some First  
11 Nations ATK at the time that were incorporated?

12 MS ZEBROWSKI: That is my understanding,  
13 yes.

14 MR. MADDEN: We will talk a bit more about  
15 that, when we get to it. I have nothing further.

16 THE CHAIRMAN: Thank you, Mr. Madden.  
17 Ms Whalen-Enns, do you have any questions of Hydro  
18 officials in respect of the first presentations, that  
19 we have canvassed so far?

20 MS. WHALEN ENNS: Yes, I do, I was  
21 assuming -- it is in the transcript, I was assuming  
22 starting with Mr. Penner.

23 THE CHAIRMAN: Mr. Penner? No, right  
24 now, we are canvassing the opening presentations from  
25 Monday afternoon, Mr. Tymofichuk, Mr. Neufeld, Mr.

1 Mazur, we are also canvassing the EACP, with Mr.  
2 Joyal. You weren't here yesterday afternoon, for  
3 those cross-examinations. Do you have any questions  
4 of those?

5 MS WHALEN ENNS: No, thank you, Mr.  
6 Chairman.

7 THE CHAIRMAN: Thank you. We will move  
8 on momentarily, to the next section, which will be  
9 the site selection. I would just like to take a  
10 couple minute break, so we can pull out some papers,  
11 I am also not sure if we need the presentation on the  
12 screen or not. Would that be helpful, or --

13 MR. MCGARRY: It would for some of us.

14 THE CHAIRMAN: I am thinking the same  
15 thing, if it is not too difficult, if you could pull  
16 up that presentation, and just have it available.

17 MR. MCGARRY: We can do that, Mr.  
18 Chairman.

19 THE CHAIRMAN: This isn't the official  
20 morning break, it is a brief pause. Just let me know  
21 when you are ready to go.

22 MS JOHNSON: Mr. Chairman, just as we are  
23 waiting, could I just remind the speakers to speak a  
24 little more clearly and slowly? The transcribers had  
25 a heck of a headache doing yesterday's transcripts.

1 Thank you.

2 MR. MCGARRY: Mr. Chairman, we have our  
3 presentation ready to go. Mr. Mathewson (ph), here  
4 to the left is setting up the oriented map viewer, if  
5 that would be desirable. So, we are ready to go on  
6 the presentation.

7 THE CHAIRMAN: Thank you, Mr. McGarry. We  
8 will be examining, questioning, Manitoba Hydro on the  
9 presentation that was made Tuesday afternoon, on  
10 route slash site selection, that was the presentation  
11 made by Mr. McGarry, and Mr. Dyck.

12 So, in order, Tataskweyak?

13 MR. KEATING: Shaun Keating, Tataskweyak  
14 Cree Nation.

15 I refer to Slide 39. And we just wanted a  
16 couple of acknowledgments from Manitoba Hydro.

17 THE CHAIRMAN: Could you identify the  
18 slide a little more, what page, is it on, and, they  
19 don't have the --

20 MR. KEATING: Page 39, entitled Component  
21 Site Selection. And that slide notes that the, that  
22 the converter station site is located in the Fox Lake  
23 Resource Management Area. And, we would like an  
24 acknowledgment by Hydro, that it is also located in  
25 the Split Lake Cree Resource area as defined bit 1992

1 agreement.

2 MR. MCGARRY: Yes, I believe that is  
3 correct, although I will have somebody with more  
4 knowledge on the boundaries speak to that, but I  
5 believe that is correct.

6 MR. KEATING: And the second  
7 acknowledgment that we would like is that TCN was not  
8 engaged by Hydro with respect to the site selection,  
9 although the Manitoba Crown has initiated section 35  
10 consultation with TCN.

11 MR. MCGARRY: I would like to correct the  
12 record apparently I misspoke on the Tataskweyak Cree  
13 Nation resource area, if I am correct. I believe  
14 the Keewatinoow site is actually outside of that  
15 area.

16 MR. KEATING: No, it is outside of the  
17 Resource Management Area. But, it is inside their  
18 broader traditional resource area as defined by the  
19 1992 agreement.

20 MR. MCGARRY: I am sorry, we will have to  
21 take that, I will get back to you with the  
22 correction, apparently I am not the one with the  
23 knowledge on this.

24 MR. KEATING: With respect to the second  
25 request for acknowledgment.

1 MR. MCGARRY: I am sorry, you will have to  
2 repeat the question, please.

3 MR. KEATING: That Hydro did not engage TCN  
4 with respect to the site selection.

5 MR. MCGARRY: Are you referring  
6 specifically to the Keewatinoow site?

7 MR. KEATING: Yes.

8 MS ZEBROWSKI: I believe that there was  
9 not specific involvement in the site selection,  
10 although there were conversations about the  
11 Keewatinoow site, and offers of providing tours.  
12 And there were some discussions at the table that we  
13 have been having with TCN about that.

14 MR. KEATING: Thank you.

15 THE CHAIRMAN: Thank you, Mr. Keating.  
16 Pine Creek, Mr. Warren -- pardon me, Mr. Mills.

17 MR. MILLS: Thank you, Mr. Chairman, I  
18 suspect, you have called me worse.

19 THE CHAIRMAN: Well, it is your first  
20 name, very fine first name it is, too.

21 MR. MILLS: Good morning, Manitoba Hydro,  
22 Mr. McGarry, it is our turn. Some of the questions  
23 that I need to ask relate to a sequence that we  
24 haven't passed yet. So Mr. Chairman, we are going  
25 to be discussing the involvement of Pine Creek in the

1     ATK process as it affects the route selection, so I  
2     am going to ask you to give me some latitude as I  
3     attempt to attach to what we will be talking later  
4     about.

5             Mr. McGarry, Chief and Council in the  
6     community of Pine Creek First Nation have a clear  
7     sense that Manitoba Hydro perhaps in some brief way  
8     has listened to them, but that it hasn't had any  
9     effect on your preferred route selection.     And, they  
10    have asked me to have that discussion with you, and  
11    my hope, with clean hands, is to have you convince me  
12    that that has in fact happened.

13            As I have raised previously, the concerns  
14    of the community are the effect on the watershed.  
15    Bipole III crosses four significant waterways, all of  
16    which flow down into the Pine Creek Basin.     Pine  
17    Creek currently, and for quite sometime has been a  
18    saturated community, and one of the concerns that I  
19    would like to talk to you about is how you have  
20    incorporated watershed effect in your route  
21    selection.

22            The other concern is, is animals, and I  
23    understand that the 30th, and 31st, will be dedicated  
24    to the discussion of moose, and caribou, so I will  
25    defer to that.     We are also concerned about the plant

1 growth, and traditional crops within the Bipole III  
2 right of way. And more fairly within the Bipole III  
3 effect. As an example, and we will address it with  
4 other Hydro specialists, but the use of herbicides  
5 adjacent, or upon traditional blueberry crops, and  
6 traditional medicines, is of great concern to the  
7 community.

8 And finally the ongoing maintenance of the  
9 right of way, and how you choose to do that, is of  
10 great concern. This morning I have received your  
11 documents on clearing, and I appreciate that. It  
12 was good reading, but we really haven't had time to  
13 absorb it.

14 Mr. McGarry, perhaps you could describe to  
15 me, and, I think the best example, and I would like  
16 to use an example we prefer anecdotal information  
17 rather than broad descriptions. Manitoba Hydro, I  
18 guess, hired some agents to meet with a few of the  
19 band members on March 25, 2010. Deirdre graciously,  
20 and promptly, and I thank you, provided us with the  
21 transcripts of that meeting. There were 87 points  
22 that were specifically documented in this process.

23 And, could you give me a very brief  
24 description of how you incorporated that into your  
25 preferred route, and what, if any, changes, you made

1 to your preferred route based upon this very  
2 significant document package that you prepared?

3 MR. MCGARRY: Yes, you have given us a  
4 fairly long list, forgive me if I don't touch on all  
5 of your points, I am sure you will remind me. In  
6 terms of how we included ATK information, and some of  
7 that material that you have in front of you in the  
8 route selection process was recorded, as you will  
9 see, in the record for Chapter 7, Table 7A-1, which  
10 is the matrix for Section 8. Some of that  
11 information that did come through that process, is  
12 recorded right on those sheets in terms of areas of  
13 importance, and significance to Pine Creek First  
14 Nation.

15 And of those 87 points, although, I haven't  
16 counted them or recorded them as such from that  
17 documentation in front of you, not all of them would  
18 necessarily speak to routing. I know there is a  
19 number of things of interest to the First Nation that  
20 may not have directly spoken to route selection.

21 Those areas that did, that come to mind are  
22 certainly the use of traditional berry picking areas,  
23 medicinal plant gathering. That was recorded as  
24 part of the input, and did lead us to consideration  
25 of, in the route selection process, of a number of

1 segments. And I am not sure if you want to turn to  
2 the matrix, but --

3 MR. MILLS: I don't have it, can you put  
4 it up on the screen.

5 MR. MCGARRY: Nevertheless --

6 MR. MILLS: I am familiar with it. Talk  
7 me through it.

8 MR. MCGARRY: There are a number of  
9 segments that, that Section 8, it would take me a  
10 minute to get it up here. I will leave it to the  
11 Chairman whether he wants to see that right now, or  
12 we can talk to it in more general terms.

13 THE CHAIRMAN: Maybe you can speak to it  
14 in general terms that is fine for now.

15 MR. MCGARRY: Thank you Mr. Chairman.  
16 There is a number of segments in that section. One  
17 of them which is termed B 21 that did pass fairly  
18 close to Pine Creek First Nation. And the input on  
19 vegetation did get a higher rating from input from  
20 Pine Creek and others in the area, Camperville too.  
21 That, was part of the criteria that was reviewed, and  
22 actually it did contribute to us choosing another  
23 segment in that area. Specific, very specific to  
24 that area, and that was segment B B-3, so, in all of  
25 these as a stakeholder balance.

1           Now it was Pine Creek's input by itself the  
2 driving force, in this case, I would say it is a good  
3 piece of it, however we do multi-criteria evaluation,  
4 and the selection did move away from what we believed  
5 were sensitivities of the First Nation.

6           MR. MILLS: Is it fair to say that your  
7 decision to move away from the First Nation was  
8 caused by the First Nation?

9           MR. MCGARRY: What we recorded is there was  
10 an interest in berry picking in the area, and, that  
11 the alternative route selected was further removed, I  
12 believe, from that area of interest. Although, it  
13 didn't completely avoid it. It was, the selection  
14 was as you asked, is, was influenced by input.

15           MR. MILLS: With regards to the berry crop,  
16 and I am -- I would like to touch upon another  
17 section of our process, in your site selection -- in  
18 your route selection, would you, would you include  
19 within the route selection processes over portions of  
20 that route? To be specific, would you, would your  
21 matrix include consideration for not using herbicides  
22 through the berry crop, as an example, or direct  
23 question? As Hydro reviews the ATK, and confirms  
24 that the berry crop, and the berry fields are of huge  
25 significance to the First Nation, does your preferred

1 route selection say we are going to go this way, but  
2 we are going to advise our line clearing crews, that  
3 where we cross the Pine Creek watershed, we are not  
4 going to use herbicides on this route?

5 MR. MCGARRY: That is a form of mitigation.  
6 Issues, like that are generally treated as something  
7 that can be mitigated. In this case the use of  
8 herbicides, yes, Hydro, does not need to use them  
9 when requested to do so for certain sensitivities.  
10 And we are going to continue that conversation with  
11 Pine Creek, through review of the Environmental  
12 Protection Program. And if that is the sensitivity,  
13 we have other methods of vegetation control.

14 MR. MILLS: I appreciate that. So, in  
15 summary, your route selection does attach mitigation  
16 concepts to it, or is your route selection  
17 independent of mitigation concepts? Do you make a  
18 decision to follow a route further away from Pine  
19 Creek, and do you attach to that decision, or that  
20 preference, subject to licencing, that herbicides,  
21 and respect of the watersheds over this portion, are  
22 imbedded within that decision?

23 MR. MCGARRY: Mitigation is part of it.  
24 The idea of using herbicides, or not using herbicides  
25 wasn't directly incorporated. It was treated as if

1 there was an issue brought forward to us, in this  
2 case, Pine Creek's concern over use of herbicides,  
3 that was considered as mitigation. But, the first  
4 determinant in route selection from the information  
5 received from Pine Creek was more about the location,  
6 not about the use of, or the approach to vegetation  
7 control.

8 MR. MILLS: A final question, and Mr.  
9 Bailey earlier on touched on it, he made reference to  
10 the fact that increased growth and vegetation does  
11 seem, in his research, to have a positive effect on  
12 DC line effects. Does your route selection include  
13 descriptions that through this area rather than a  
14 clear cut right of way we will consider individual  
15 site clearing? Or does your route selection merely  
16 conclude a path, and leave those decisions to someone  
17 who I might need to talk to about that later?

18 MR. MCGARRY: The route selection matrix,  
19 keep in mind, was a picture in time. This route  
20 selection matrix was used in, at the preferred  
21 routing stage. And wasn't, isn't necessarily  
22 updated from there. What you asked, will be, you  
23 know, is part of ongoing discussion with Pine Creek,  
24 and we have upcoming meetings, and if there are areas  
25 of interest, we are open to discussing them.

1 MR. MILLS: In closing --

2 THE CHAIRMAN: I want to interrupt, I want  
3 to remind a couple of people at the back of the room  
4 about my admonition about conversations in the  
5 audience, Mr. Beddome, and Hamilton, that is directed  
6 to you. I am sorry, Mr. Mills.

7 MR. MILLS: No problem, thank you. In  
8 closing, Mr. McGarry, you have indicated that there  
9 will be ongoing discussions with my client. Who  
10 specifically? There is so much and so many of Hydro,  
11 who specifically would those conversations best take  
12 place with? Help me with the corporate directory.

13 MR. MCGARRY: Well-being somewhat new to  
14 Hydro, I have trouble with the corporate directry  
15 myself. In this case not. Mr. Mathewson, I  
16 believe, sitting to my left here has been leading  
17 environmental protection discussions, with the First  
18 Nations. He is not alone, and I can't guarantee it  
19 will be him, but that is a starting point.

20 MR. MILLS: I see. We have contact in the  
21 Community next Thursday, would, would those best able  
22 to have those conversations, be able to be present at  
23 that time? We would really rather not speak to the  
24 messenger. The Chief and Council senses that too  
25 much of that has taken place. The previous agents

1 who appeared in the community had, didn't even carry  
2 Hydro business cards. So I would really like to make  
3 the most effective attachment in these discussions.

4 MR. MCGARRY: Ongoing discussion on  
5 environmental protection planning, and other plans of  
6 Hydro for implementation will involve Hydro personnel  
7 directly.

8 MR. MILLS: We have a meeting in the  
9 community next Thursday, will those people be  
10 present.

11 MS ZEBROWSKI: If I might. My  
12 understanding is that the meeting next Thursday, was  
13 a Crown consultation meeting which we had been  
14 invited to, to share information about the project,  
15 and answer questions, that may come up.  
16 Because there were some additional issues that Pine  
17 Creek had identified to us, we were attempting to  
18 bring some individuals who are not involved in this  
19 process here, and who might be available to attend  
20 that meeting.

21 However it was also our intention that we  
22 would be meeting with communities specifically to  
23 talk about the Environmental Protection Plan, and,  
24 some of these discussions might be more relevant at  
25 that time, when we can have a meeting of that sort in

1 order to get into the level of detail that the  
2 community might wish on some of those issues.

3 It wasn't our intent to come to the Crown  
4 consultation meeting, and over take that meeting.  
5 Because I understand that meeting to have a different  
6 purpose.

7 MR. MILLS: I wasn't aware of the second  
8 meeting, you make reference to. But, the community  
9 looks to meet directly with Hydro, and I would just  
10 encourage you -- the last meeting in the community,  
11 the residual feeling was you sent the messengers.  
12 And, if you could send knowledgeable people to these  
13 meetings, it would help greatly. And I would  
14 encourage to you do that.

15 MS ZEBROWSKI: Just to clarify, that  
16 second meeting hasn't yet been set up. But it is  
17 our intention to meet with Pine Creek, to talk about  
18 the Environmental Protection Plan.

19 MR. MILLS: To be clear, this is our  
20 first, first reference to that second meeting,  
21 Deirdre. So, thank you, Mr. Chairman those are my  
22 questions.

23 THE CHAIRMAN: Thank you, Mr. Mills. Mr.  
24 Madden?

25 MR. MADDEN: Mr. Madden for the Manitoba

1 Métis Federation.

2 I want to start with, I have it as the  
3 third slide, the second page on the ones that are  
4 double. I have two slides on each. And, the  
5 statement of Objectives, it says, Site project  
6 components with least negative effects on people, and  
7 environment. Can you elaborate on what is meant by  
8 least?

9 MR. MCGARRY: I don't think we defined it  
10 specifically as least, minimal might be another  
11 synonym. Again the route selection process is a  
12 balance of multi-criteria. So the objective maybe  
13 least or minimal.

14 MR. MADDEN: How you determine least, or  
15 minimal, is based upon the factors you describe as  
16 opportunities, or how you value balancing those  
17 interests? Correct?

18 MR. MCGARRY: It is a balance, if that is  
19 what you mean.

20 MR. MADDEN: I guess least is in the eye of  
21 the beholder. If you value certain interests as  
22 these are opportunities of -- because we value not  
23 having these types of impacts, versus a different  
24 type of impact. Do you, are you following me on, I  
25 am trying to understand how you get to that final

1 permutation of what is least, the least or minimal,  
2 is based upon what Hydro values. Correct?

3 MR. MCGARRY: The entire process is set up  
4 with multi-criteria, it also looks at opportunities.  
5 Least is a relative term, in terms of values, I  
6 wouldn't say they are exclusive to Manitoba Hydro.  
7 The criteria are fairly encompassing, and did, as we  
8 indicated, include the ATK, and the First Nation  
9 input.

10 MR. MADDEN: Can you, and this would be  
11 helpful for all of Hydro's representatives, Métis are  
12 not First Nations. There are Métis communities,  
13 there are First Nations communities, they are both  
14 Aboriginal groups under the Constitution. And it  
15 would be helpful, and respectful for Manitoba Hydro  
16 to use that language consistently. It is just for  
17 myself as a Métis person, it is like nails on a chalk  
18 board every time you do it. So please just say First  
19 Nation, and Métis, it makes it clearer, they are not  
20 the same group.

21 MR. MCGARRY: I apologize, I thought I said  
22 Métis, and First Nation, I will be careful to clarify  
23 that. I meant no disrespect.

24 MR. MADDEN: Thanks. The assessment of  
25 minimal is based upon the seven criteria, that you

1 explained yesterday, these are the areas that we  
2 looked at to create your charts?

3 MR. MCGARRY: I am not sure about the  
4 seven. There was 23 overall criteria for  
5 socio-economic, biophysical, technical, and land use,  
6 plus another four criteria for response, and input  
7 making that 27. And 28th, what the ATK, ATK input  
8 as I indicated several days ago.

9 MR. MADDEN: So the ATK was only one of the  
10 27?

11 MR. MCGARRY: Actually, it did get some  
12 weight in the sense that ATK input could influence,  
13 or raise the level of constraint for, for the 23  
14 criteria on the left side of the chart.

15 MR. MADDEN: When it you receive the ATK  
16 information, when was that factored in?

17 MR. MCGARRY: The chart assembly of all of  
18 the information came after Round 3. And, the work  
19 occurred between December 2009 and March of 2010.

20 MR. MADDEN: So for the ATK studies you  
21 received after March of 2010, how were those  
22 incorporated, or were they?

23 MR. MCGARRY: They weren't available,  
24 obviously, for the piece that we are talking about,  
25 the route selection matrix, which, as I indicated,

1 was a tool used in a space of time. And there were  
2 subsequent process after that as indicated in our  
3 route selection process. So the ATK reports, that  
4 came in, self-directed ATK reports that came in later  
5 were reviewed by our specialists. So, from that  
6 point, within the time that we had them prior to  
7 finalizing our material, and some of it was in the  
8 summer of 2011, and we finalized the reports in  
9 November, our specialist did receive that information  
10 for consideration in their technical reports.

11 MR. MADDEN: And based on that, were any  
12 subsequent changes made to that, the preferred final  
13 route, that information received?

14 MR. MCGARRY: Not that I recall, but the  
15 type of information that we were getting wasn't  
16 necessarily driven at route preference, or route  
17 requests for alteration. A lot of the traditional  
18 use information that we received related more to  
19 areas of interest, and traditional use areas. And at  
20 that point it, it moved into, if it was moose for  
21 instance, then it would move to our moose specialist  
22 for review.

23 MR. DYCK: Just to add to that, there were  
24 a couple the changes made based on the ATK  
25 information received.

1           MR. MADDEN: I guess, and we are going to  
2 have to talk about this in ATK, when we get to the  
3 ATK stuff, I have challenges. ATK don't tell you  
4 where to put a route, ATK show you where, how  
5 aboriginal peoples, use the land to get some sense of  
6 what is important to them. It is not about  
7 collecting information of saying don't put there, it  
8 is about this is how they used the land, so you may  
9 have to adjust the route based upon what that global  
10 usage is. It is not a pinpoint science. I think  
11 we will have a much broader discussion on that.

12           But the point I, how I, how I assess your,  
13 your statement, and I just want to, don't want to put  
14 words in your mouth, but want to understand, what you  
15 are saying is when you saw the, or when Manitoba  
16 Hydro saw the MMF's report of saying that illustrates  
17 to a large extent, have you a large Métis community,  
18 and this is their bread basket, or this is where  
19 there is a high intensity of hunting, and you are  
20 putting new linear corridors in there. That wasn't  
21 enough to say, well, maybe we should look at this?  
22 When you combine that also with moose close, moose  
23 hunting closures in that area. Rather than -- we  
24 will get into this more, but rather than following  
25 existing linear corridors, there is a decision made

1 to say let's cut a new one.

2 MR. MCGARRY: We, at the time we were  
3 reviewing this, related to moose, it has to be put in  
4 the perspective of the potential effect to the  
5 project. And, which our specialist did in that  
6 particular case of moose. So, we had the specialist  
7 analysis advising us on it. There is habitat  
8 review, and background information gathered. And we,  
9 the, the specialist in this case didn't advise us  
10 that there was a particular critical issue, with  
11 moose in that area. And it is only subsequent to  
12 that it has risen up the issue scale significantly,  
13 since we filed, and, we are aware, and dealing with  
14 it.

15 MR. MADDEN: Going back, I don't want to  
16 re-ask the question, but I am going to make it  
17 specific, when you are, in all of your meetings with  
18 Manitoba Conservation, or the Crown prior to the  
19 completion of Round 4, and coming up with the final  
20 preferred route, there is no one from the Manitoba  
21 government that is saying we are hearing from  
22 Aboriginal people concerns about moose hunting in  
23 this area, which is, I think your S7, S7 in the map?

24 No one from the Crown is giving any  
25 indication to Manitoba Hydro of saying, and this is

1 before the closures in 2010, of saying, we are  
2 hearing, we are getting letters from the Aboriginal  
3 people about concerns about depletion of moose  
4 hunting populations?

5 MR. MCGARRY: We would have to examine our  
6 record, which is also available to you, in section  
7 five. I can't look up the specifics of all of the  
8 informations received from each meeting, but it would  
9 have been there, and that was our source of  
10 information, and meeting with resource managers to  
11 gather that. I would have to review those letters  
12 again. But keep in mind, the Moose issue, in  
13 particular, the area that we were traversing did not  
14 come up on our radar as being significant habitat.  
15 But this debate I will leave to our experts, our  
16 mammal experts in moose. But, as I understand it,  
17 the, the reservoir, and the Moose habitat is far  
18 better, in the adjoining Duck Mountain forest reserve  
19 than it is where we routed.

20 MR. MADDEN: You would agree with me,  
21 following an existing route is likely better than  
22 adding in a new linear corridor in an area?

23 MR. MCGARRY: There are constraints both  
24 ways, whether it is mammal habitat, or agricultural  
25 interests, again there had to be balance in that

1 particular area between who was using the land, and  
2 what they were doing with it. We, we made a  
3 decision based on that balanced information.

4 MR. MADDEN: And you never received any  
5 information about, from the Crown about the  
6 importance of the area to Aboriginal people's for  
7 moose hunting?

8 MR. MCGARRY: Again, I would have to check  
9 all of the records from the Province on what they  
10 said about moose at the time, and also records of  
11 meetings from your organizations, as well.

12 MR. MADDEN: Can you explain to me, and, I  
13 guess we are specifically talking about this area,  
14 why, what was the constraint, or what was the concern  
15 about following Highway 10 versus a new linear  
16 corridor?

17 MR. MCGARRY: Well, without going into  
18 detail here, I guess we could --

19 MR. MADDEN: We would like you to go into  
20 detail, because this is the -- this is it for us.  
21 Why can't, why would you not use -- we want to  
22 understand why you wouldn't follow a pre-existing  
23 linear corridor, that is there as opposed to cutting  
24 a new one diagonally through an area that there is  
25 moose habitat, and the experts will talk about that.

1 Of what the, what the balance was, or how the  
2 interests were, or even if the interest was  
3 identified?

4 MR. MCGARRY: I believe it was, I will turn  
5 it over to my colleague, Mr. Dyck.

6 MR. DYCK: The data on the habitat that, is  
7 within that area was evaluated. The habitat in  
8 fact, even if you look at the aerial photography,  
9 will show you that the habitat value for moose is  
10 much higher closer to the highway, where we chose not  
11 to route. There is a rule of thumb that says, yes,  
12 routing adjacent to linear features should be the way  
13 to go, but that doesn't necessarily hold true, if you  
14 want to take a holistic view of what is in the area.  
15 The line where this routes through predominantly a  
16 fen environment. Bog and fen environment.

17 MR. MADDEN: Sorry what.

18 MR. DYCK: Bog, and fen environment.

19 MR. MADDEN: The existing one?

20 MR. DYCK: Muskeg is a common term, that is  
21 not known as being very good moose habitat. Most  
22 folks are familiar that hunt moose, would not be  
23 looking in a fen for moose. So, that is --

24 MR. MADDEN: I am not following, you are  
25 saying that where the existing line is, or, are you

1 talking about the final preferred route.

2 MR. DYCK: That's correct.

3 MR. MADDEN: The final preferred route is  
4 not in an area where it is good moose habitat versus,  
5 you are saying that along where the current linear  
6 corridor is, that is an area of good moose habitat?

7 MR. DYCK: Yes, it is, if you are talking  
8 about moose habitat that is correct. I think what  
9 you are trying to allude to is the area is more  
10 remote where the fen and the bog is, and there is  
11 good reason for that, because it is a fen and bog,  
12 and it is not amenable to most land use activities,  
13 but it is not good moose habitat.

14 MR. MADDEN: But it is used for moose  
15 hunting?

16 MR. DYCK: The general area is. Yes.

17 MR. MADDEN: Moose Meadows is where, where  
18 essentially the line, now goes?

19 MR. DYCK: I would say the general area is  
20 used for hunting, I don't know that meadows, in  
21 particular. They are, I am not sure how easy it is  
22 to get in there.

23 MR. MADDEN: Are you speaking for yourself,  
24 or, are you speaking for, that Aboriginal people  
25 don't use it for --

1           MR. DYCK: Anybody that is try to go get  
2 around the countryside.

3           MR. MADDEN: So, can you explain to me why  
4 the choice for not following -- is there an ability  
5 to follow the existing linear corridor? Because, I  
6 think what we are going to have is a discussion  
7 between our experts on the choice made. Are you  
8 saying that the simple choice, is Hydro believes that  
9 your actually, it is better for the Moose if you are  
10 actually not following the linear, the existing  
11 linear corridor, or were there other things  
12 considered?

13           MR. DYCK: I think you are mixing up what I  
14 said. We were talking about habitat. Habitat  
15 value, and important habitat. So habitat value is  
16 better closer to the highway and to the existing  
17 transmission line that is there. And the reason  
18 being, is there is a slope there that comes off the  
19 foot of the Porcupine Mountains. So the country,  
20 that land in particular, is better drained, and, it  
21 supports better vegetation, full grown forest,  
22 deciduous, mixed wood forest, whereas when you get  
23 into the flat country further to the east, you are  
24 getting into a bog, and into a fen, and it is just  
25 not the same. It doesn't support that type of

1 habitat.

2 MR. MADDEN: So Hydro's belief is that for  
3 the moose populations in that area, cutting a new  
4 linear corridor, is a better option?

5 MR. MCGARRY: I don't think we said that.

6 MR. DYCK: We talked about habitat value,  
7 and the initial assessment on that area it was talked  
8 about habitat value.

9 MR. MADDEN: Answer yes or no to my  
10 question. Is it Hydro's position, that creating a  
11 new linear corridor is better for moose hunting  
12 opportunities in that area than following an existing  
13 linear corridor?

14 MR. MCGARRY: We weren't attempting to  
15 improve access, if that is what you mean, and it  
16 wasn't selected on that basis. Access is an issue,  
17 it is a residual issue of having a transmission line  
18 right of way that we are aware of. And, we actually  
19 have access management plans in draft stage to try  
20 and address some of the access issues associated with  
21 the going through, in this case, moose habitat  
22 country. And, maybe not that great moose habitat,  
23 but at any rate, access is an issue.

24 So, it wasn't selected with, with that in  
25 mind in terms of trying to protect, or not protect

1 moose. It was a routing decision based on review of  
2 alternatives, which we documented in the chart. The  
3 other alternative was to go straight south, and,  
4 several miles to the east of Highway 10. Highway 10  
5 is not, it is a fairly curvilinear feature in that  
6 area, so as we have pointed out to Manitoba  
7 Conservation, any, any consideration of routing is  
8 multiple stakeholder based. Some of it comes from  
9 local interests, whether it is in moose, or related  
10 to moose. There are other interests related to  
11 agricultural, and routing and fragmentation as well.

12 MR. MADDEN: I appreciate that. What I am  
13 trying to get at is at the end of the day the Crown  
14 needs to balance that there aren't just adjustments  
15 made for people who don't like to see the  
16 transmission line out their window, there are  
17 actually Constitutional rights at issue, I am not  
18 raising that that needs to be addressed here, I am  
19 fleshing out that you haven't considered that in  
20 trying to -- in your routing option, you didn't  
21 consider try to go maximize, or promote moose hunting  
22 opportunities in the line selection in this quadrant?

23 MR. MCGARRY: Certainly not. We were,  
24 that moose hunting, better or worse, is not, it is an  
25 artifact, perhaps, but it is not something we would

1 have considered.

2 MR. MADDEN: I want to go onto the page  
3 that starts with Biophysical, and Socio-Economic  
4 constraints. And --

5 THE CHAIRMAN: Page number.

6 MR. MADDEN: Sorry, page 4, and I am not  
7 sure, I think slide 7. So these identify  
8 biophysical and socio-economic constraints. Can you  
9 explain how these were identified? Were these  
10 included on a map in order to assess, or how were,  
11 how were these identified?

12 MR. MCGARRY: They were identified by the  
13 team as potential constraints, and were mapped. I  
14 think we showed that to you in the earlier  
15 presentation. The constraints mapping, and how it  
16 was assembled.

17 MR. MADDEN: And in that assembly closures  
18 to moose hunting, or those wouldn't be considered  
19 constraints in Manitoba Hydro's assessment?

20 MR. MCGARRY: They weren't specifically  
21 identified. Again the hunting in this province is  
22 managed by Manitoba Conservation and Water  
23 Stewardship, game hunting closures, open and close on  
24 an annual basis.

25 MR. MADDEN: I appreciate that. But you

1 have to appreciate the position that the Aboriginal  
2 people are in. We keep on hearing, not this wicket,  
3 that wicket, not this wicket, that wicket. What we  
4 are raising in order to make a solid record, is look,  
5 someone has to essentially reconcile, or deal with  
6 this, and so why I am asking the question isn't  
7 because I am, haven't read the technical report, or I  
8 don't understand. It is that I am trying to make it  
9 very clear what Hydro didn't consider, and maybe  
10 Hydro, and in Hydro's opinion, it didn't have to  
11 consider that. But, clearly the Crown does.  
12 So, that, that is the point of the questions. If, if  
13 I am not trying to trap you, in any thing, I am just  
14 trying to get that clearly you didn't consider these  
15 issues?

16 So, on biophysical, and socio-economic  
17 constraints, I am going back to this, and the third  
18 bullet says Areas of special interest, high and  
19 moderate priority areas, protected areas initiative,  
20 PAI. Is this bullet specific to those PAI areas,  
21 and maybe you can explain those a bit, what those  
22 are. Or, at the beginning, where it says areas of  
23 special interest, is it broader, are people coming in  
24 saying to you, you know, what, this is an area that  
25 is used significantly for an aboriginal people for

1 moose hunting, or is this really specific to what the  
2 Manitoba government defines as protected areas of  
3 interest?

4 MR. MCGARRY: That bullet is specific to  
5 provincial areas of interest as defined, or given to  
6 us by the Protected Areas Initiative.

7 MR. MADDEN: So if one of the ATKs came  
8 back and said look at this area, it is significant to  
9 an Aboriginal people for a specific type of hunting,  
10 would that be added into your biophysical, and  
11 socio-economic constraints, if that was, that the  
12 ATKs were done in time, could they ever have been  
13 added in to your constraints analysis?

14 MR. MCGARRY: This constraints process was  
15 right at the beginning of the process and it didn't  
16 exclude any future interests, or concerns. It was a  
17 starting point. And the whole process evolved from  
18 there. As additional information was gathered  
19 through multiple rounds of consultation, and  
20 engagement, the route review was refined based on  
21 that information. This was just a starting point.

22 MR. MADDEN: Going back to your  
23 conversations with Manitoba Conservation, at any  
24 point in time did they raise that they were in  
25 negotiations with the Métis about harvesting in this

1 area?

2 MR. MCGARRY: Again, I would have to check  
3 the record, which is available in Appendix F  
4 something, F something, in Chapter 5.

5 MR. MADDEN: I think you can assume I have  
6 read the record. What I guess I am asking, if it  
7 is not there, and it wasn't identified as an issue  
8 that Manitoba Conservation raised with you, then it  
9 probably, I can assume that it wasn't raised. If it  
10 is not, if it is not in your record, if it is not in  
11 your technical reports, then it wasn't raised by  
12 Manitoba Conservation with Manitoba Hydro?

13 MR. MCGARRY: If it is not in that record,  
14 to my knowledge then it wasn't raised.

15 MR. MADDEN: Okay. If it was, if you did  
16 have that information initially, would an Aboriginal,  
17 an area of high intensity Aboriginal use, could it  
18 have been added as constraint? I know you have  
19 already answered, look we had to work with what we  
20 had at the time, and we appreciate that. But if it  
21 was brought to you saying, look, this is how this  
22 Aboriginal group use a territory, could that have  
23 been added into the constraints analysis, and then  
24 factored into how you assessed, or routed?

25 MR. MCGARRY: We are going back, in time,

1 and hind-casting here. When we received  
2 information, we used it. Did it need to appear in  
3 this constraints table if we had it? It would be  
4 hard to say at this point. But the process overall  
5 always allowed for that input. So whether it  
6 appeared in Step One on a constraints table did not  
7 reduce its importance, or consideration through the  
8 process.

9 MR. MADDEN: But you just indicated that,  
10 you just answered, when I asked you about, well, did  
11 you factor in, you know choosing the route in  
12 relation to increasing opportunities for moose  
13 hunting, or keeping that, that wasn't put into the  
14 analysis in actually directing the route. So,  
15 clearly if you had that information in advance, what  
16 I think we are getting to, is you didn't have the  
17 information, but if you did have that information in  
18 advance, yes, naturally, it would have been factored  
19 in. But if Manitoba Conservation isn't raising it  
20 with you, you don't have the information to add it  
21 into the constraints, correct?

22 MR. MCGARRY: Yes. But you got to keep in  
23 mind, as issues, and areas of importance that come up  
24 to First Nations, and Métis community every piece of  
25 information, or traditional use area doesn't

1 necessarily speak to routing in all cases. So it  
2 has to be specific to what the type of use is, and  
3 what the issue is. Whether we would consider it for  
4 avoidance, or constraint or not.

5 MR. MADDEN: I appreciate that. But, I  
6 guess my point is that, if it illustrates that this  
7 is a significant area for this group. They don't  
8 have any other options. It is not just Hey, go  
9 this, go over there. Then that would have been, if  
10 Manitoba Conservation had provided you with that  
11 information it would have changed how, it could have  
12 changed how you would have potentially routed in this  
13 area?

14 MR. MCGARRY: I would say could have, but I  
15 won't speculate on the past.

16 MR. MADDEN: Absolutely. Can we go onto  
17 the next slide on the bottom of my page, but it is  
18 probably just your next slide, and at any point in  
19 time, did you have First Nation Reserves, and Treaty  
20 Land Entitlement selections, at any point in time did  
21 you add in where Métis had ongoing litigation, or  
22 existing claims, or potential existing claims? So,  
23 for example, the postage stamp province, of where the  
24 existing MMF claim is, Treaty Land Entitlements are  
25 lands that haven't been designated as reserves, but

1 are potential areas that could be turned into  
2 reserves as part of Treaty Land Entitlements. Was  
3 that, were those -- was that litigation factored in,  
4 or put into the constraints, or even considered?

5 MR. MCGARRY: Well we obtained our data  
6 from, I believe from the right sources to identify  
7 these, locations, names, and Treaty Land Entitlement  
8 selections. So it was based on the data that we had  
9 available.

10 MR. MADDEN: What are the right sources?

11 MR. MCGARRY: I will have to consult my  
12 colleagues on that. We will have to clarify the  
13 source of the data for that later.

14 MR. MADDEN: Can that be an undertaking  
15 that you will provide of what the source is. I have  
16 read the technical reports, and I don't know how it  
17 was -- I am trying to understand what is the  
18 process. Did you write to Aboriginal Affairs, and  
19 Northern Development, and say, you know, did you use  
20 their mapping system, did you write to Manitoba  
21 Conservation, I am trying to -- that is what I am  
22 looking at is who, was there a letter, was there a  
23 communication, was there a meeting of saying tell us  
24 where these claims are?

25 MR. MCGARRY: We will undertake to get the

1 sources of data for you.

2 MR. MADDEN: Thanks. Onto Technical  
3 Engineering Constraints, that is the next slide.  
4 And you have line length within project study area as  
5 the last bullet. Can you explain that to me? Is  
6 it that the goal was to stay under 1300 kilometers,  
7 or you can't make it over 14 or you lose load factor,  
8 I am trying to understand what exactly that means, or  
9 what is imbedded in that.

10 MR. MCGARRY: It was just a criteria, and  
11 consideration related to cost. The longer the line  
12 the more it cost Manitoba Hydro to build. Amongst  
13 all of those other criteria within the project study  
14 area it was a consideration.

15 MR. MADDEN: So in, and going back to your  
16 options on the preferred route, the one that would  
17 have hugged I guess the far west side of what we are  
18 calling the bread basket, or the west side corridor,  
19 that would have added significant distance to the  
20 line versus going through, around Highway 10, and  
21 then going diagonally? Was that the consideration  
22 of why that going around the moose area entirely was  
23 not chosen?

24 MR. MCGARRY: We are just referring to the  
25 record here for Section 7. Line length did get a

1 high rating for which was called segment A15, which  
2 was the far westerly choice in that section.

3 MR. MADDEN: So cost clearly, in routing  
4 options, and I am not talking about the east side,  
5 but cost on the west side clearly was something that  
6 was a significant driver for Manitoba Hydro?

7 MR. MCGARRY: I would not say significant.  
8 If you look at the chart, A15, I think of all of the  
9 segments we rated, numerically, it had the highest  
10 score, so, if you work through all of the criteria,  
11 you will see there is a lot of issues related to  
12 selections of that far west route.

13 MR. MADDEN: So the next slide is Potential  
14 Routing Opportunities. And, do you, here I am to  
15 take it that these are opportunities are a good  
16 thing. These are positives? You see them as, this  
17 is a better than, I guess -- better than other  
18 options?

19 MR. MCGARRY: They represent areas that  
20 might have less issue. And we call them  
21 opportunities. There is some that can be a  
22 preference to use existing rights of way to align  
23 with.

24 MR. MADDEN: And opportunities in whose  
25 perspective? So for example, and I will go to the

1 bottom one, unoccupied Crown lands. Aboriginal  
2 peoples have rights to harvest on unoccupied Crown  
3 lands, having more of that is a good thing, having  
4 less of that is not. The other perspective of the  
5 people who have private property, are going to say,  
6 well use those unoccupied Crown lands, don't come  
7 near my house. There is a perspective here, that  
8 one, some groups may not see those as quote unquote  
9 opportunities. You would agree with me on that?

10 MR. MCGARRY: Yes, I am sure there are  
11 different perspectives on that.

12 MR. MADDEN: But from Hydro's perspective  
13 these are opportunities, these are positives?

14 MR. MCGARRY: Yes. And they were  
15 considered, but obviously not universally adopted  
16 either.

17 MR. MADDEN: But they were considered, I  
18 guess with a check mark, or a more positive  
19 disposition than others would, would be of going on  
20 private lands, and having to pay land owners?

21 MR. MCGARRY: Can you rephrase that, I am  
22 not sure what exactly --

23 MR. MADDEN: Sure, my understanding, and  
24 maybe I am not -- but I consider opportunity as a  
25 positive. I see it as this has more benefit than,

1 we would view this more beneficially than something  
2 else. And so, I want to understand that I agree,  
3 that you went through the assessment on this, but you  
4 would be predisposed to making choices around these  
5 opportunities rather than going on private lands?

6 MR. MCGARRY: Generally, areas with  
7 unoccupied Crown land, there is some agriculture in  
8 some areas, but not everywhere, so it depends on the  
9 location.

10 MR. DYCK: If I can, I would like to add  
11 that the municipalities, and land owners in those  
12 regions, would also see those as opportunities, and  
13 provided that feedback to us.

14 MR. MADDEN: Absolutely, and all I am  
15 saying is there is perspective on whether that glass  
16 is half full, or whether that glass it half empty, it  
17 depends on what side you are sitting on of whether  
18 you value those lands for harvesting opportunities,  
19 or whether you value them for I don't want to see it  
20 outside of my window. Right?

21 MR. MCGARRY: Sorry, the perspectives are  
22 different, if that is what you are implying.

23 MR. MADDEN: And in Manitoba Hydro's ranking  
24 though, the one perspective of trying to avoid, or  
25 using unoccupied Crown lands, that you agree with

1 that perspective more than not?

2 MR. MCGARRY: Again, it is issue specific.  
3 What we said was, that it was a consideration and not  
4 universally adopted. Some people see, if you are a  
5 resource harvester, your perspectives will change  
6 some will see it as a plus, some will see it as a  
7 minus.

8 MR. MADDEN: You can't have it both ways.  
9 We see these as opportunities, and then say -- and I  
10 am not, I am not disputing that you go through an  
11 entire assessment process, but the way that you see  
12 the world, or the perspective -- why put it on the  
13 deck, if you don't see it as an opportunity? Is it  
14 that it is a positive, that using these as opposed to  
15 others, this is a positive?

16 MR. MCGARRY: I don't dispute that, we have  
17 identified it as what we thought was the, what we  
18 believe is the potential routing opportunity, to use  
19 unoccupied Crown land.

20 THE CHAIRMAN: Mr. Madden, I would like to  
21 take this opportunity, before you move to the next  
22 slide, to have a break. So, we will come back, in  
23 about 20 minutes, at ten to.

24

25 (HEARING RECESSED AT 10:33 A.M.)

1 HEARING RECONVENED AT 10:51.A.M).

2 THE CHAIRMAN: Okay, can we come back to  
3 order, Mr. Madden, continuing.

4 MR. MADDEN: Mr. Chair, I wanted to start  
5 to just see, I don't want to put this to, I want to  
6 see if the Commission is is willing to just accept, I  
7 have press releases of when, I think it would be  
8 helpful for the Commission to have of when the  
9 government actually closed the moose hunting areas,  
10 that we have talked about.

11 And, I was wondering, if I could hand those  
12 up, and, have those introduced as an exhibit. I  
13 just think it is helpful, because we are going to  
14 start getting into --

15 THE CHAIRMAN: Is this what was in on our  
16 tables this morning?

17 MR. MADDEN: Yes. I have additional  
18 copies, I didn't get 50 made, I have enough copies  
19 for whoever wants, I also e-mailed them out. And I  
20 would ask if we could mark these as exhibits, I think  
21 we are at MMF 2, 3, 4.

22 THE CHAIRMAN: The Commission Secretary, is  
23 on a call right now, so perhaps, when she returns you  
24 could bring that up again.

25 MS MAYOR: Can I provide these to the

1 witnesses?

2 THE CHAIRMAN: Yes, please.

3 MR. MADDEN: So, Mr. McGarry, wanting to go  
4 back to the slide starts with Pre Routing Activities,  
5 Rounds 1, and 2, 2008 and 2009.

6 THE CHAIRMAN: Could you give us the page  
7 please.

8 MR. MADDEN: Page 7 of mine.  
9 Can you explain to me, what happens, when does  
10 Manitoba Hydro get the direction from the Crown to  
11 proceed with planning for down the west side, Bipole  
12 III down the west side?

13 MR. MCGARRY: I am sorry, when did we get  
14 permission?

15 MR. MADDEN: Direction, the letter from the  
16 government, we have made our choice, and here it is,  
17 please start preparing looking at Bipole III down the  
18 west side of the province.

19 MR. MCGARRY: You mean as opposed to the  
20 east side of Lake Winnipeg?

21 MR. MADDEN: Yes.

22 MR. WILLIAMS: I think it is in Chapter 1  
23 of the EIS, letter from the government.

24 MR. MADDEN: When is that letter?

25 MR. MCGARRY: I think it is 2007.

1 MR. MADDEN: When in 2007.

2 MR. MCGARRY: I would have to check.

3 MR. MADDEN: I have been trying to get a  
4 timetable to assist everyone in just understanding  
5 when, when different things are happening. So, is  
6 it possible for you to get that information, or, does  
7 someone else know that information?

8 MR. MCGARRY: Somebody will check it right  
9 now.

10 THE CHAIRMAN: It is dated September 20,  
11 2007.

12 MR. MCGARRY: Thank you, Mr. Chairman.

13 MR. MADDEN: So you received that direction  
14 on September 20th, 2007, and, it says Rounds 1 and 2  
15 start 2008, and 2009. So there is a year that, when  
16 in 2008 is the first round started?

17 MR. MCGARRY: It was before I was on the  
18 team, I just know it was going on in 2008. Exact  
19 start date we will find here quickly.

20 MR. MADDEN: But before the public  
21 consultation, the public consultation isn't immediate  
22 after you receive the direction from the government?

23 MR. MCGARRY: I don't believe so, I think  
24 it started the following year.

25 MR. MADDEN: And the study area data, on

1 that slide it says Study area data, info acquisition,  
2 multiple sources, government, communities,  
3 municipalities, organizations, Manitoba Hydro, First  
4 Nations, landowners and public. Are the Métis  
5 included within that study area, or info acquisition?

6 MR. MCGARRY: Not as represented here, but  
7 check the record, when we initiated discussions with  
8 MMF.

9 MR. MADDEN: This is in relation to, I  
10 guess generally drawing the backwards banana, or the  
11 study area, is that, is that what this is specific  
12 to?

13 MR. MCGARRY: I think it was general in  
14 nature, but the project study area would have been  
15 created probably in that timeframe of sometime in  
16 2008. I am not sure why it is the inverted banana.

17 MR. MADDEN: As you see up on the map  
18 there, it is, the general identification of your  
19 study area, that is what is taking place in 2008,  
20 '09. And my understanding is that you are  
21 indicating in order to cast the net wide, you  
22 broadened different sources of information. If I am  
23 not, if I am not understanding it correctly, this is  
24 what I understand also from the technical report, is  
25 that in order to draw that study area, you brought in

1 multiple sources of consideration, and you are  
2 listing them right in the dec.

3 MR. MCGARRY: They were probably done  
4 concurrently in order to gather data, and use it. It  
5 would have been based on probably, a preliminary  
6 project study area in that time.

7 MR. MADDEN: And at that time, do you know  
8 if engagement was with the Métis in relation to  
9 defining the initial study area?

10 MS ZEBROWSKI: That was before my time  
11 with Manitoba Hydro, I would have to go back and  
12 see when the initial engagement with the Manitoba  
13 Métis Federation was on Bipole III.

14 MR. MADDEN: That would be appreciated.  
15 Related to that, did Manitoba Hydro receive any  
16 information, research, general knowledge from  
17 Manitoba Conservation about where potentially areas  
18 of importance to the Métis would be based on the  
19 research they had done, or the litigation that they  
20 were in, or in this point in time, the Goodon  
21 decision that came down, which recognized Métis  
22 rights in the southern part of the province, was any  
23 information provided? It is not in the technical  
24 reports, so I am assuming that it is back to my same  
25 point that that information wasn't provided by the

1 Crown to Manitoba Hydro to feed into the initial  
2 study area data info collection?

3 MR. MCGARRY: Not to my knowledge. But, I  
4 didn't join the team until early 2009. We are not  
5 aware of it. But, at this time we were collecting  
6 regional, general information. So it may not have  
7 been provided by the Province.

8 MR. MADDEN: Can you validate that, I  
9 appreciate you weren't there, but Manitoba Hydro  
10 corporate, someone should know whether any  
11 information was provided on that, and that is just my  
12 question. If, someone can undertake to get a yes or  
13 no answer to that. That would be helpful.

14 MR. MCGARRY: I believe we can do that,  
15 hopefully fairly quickly.

16 MR. MADDEN: Okay. I want to go now to the  
17 map. And I have to tell you, the I am going to, I  
18 have so many different maps, I am not quite sure  
19 which one, but it is essentially the section, Section  
20 8, and I really want to have an understanding of why  
21 the choice was made of not following Highway 10,  
22 which is, which was one of the options. In the map  
23 I have it was the Option A. And then what was  
24 ultimately decided, was to not follow Option A and it  
25 was modified. I am trying to understand how that

1 change was made.

2 MR. MCGARRY: Sorry, which map are you  
3 referring to?

4 MR. MADDEN: I am looking at Appendix 7A,  
5 it is your, it is is those charts you have for the  
6 CEAA process, where you have in the corner, the map  
7 of the section, and then you have the chart on top.  
8 And you have then three different options.

9 MR. MCGARRY: Would this be the figure you  
10 are referring to?

11 MR. MADDEN: Yes. I think it is the one,  
12 sorry, the, the area above.

13 MR. MCGARRY: Did you want to look at a  
14 specific portion of the chart?

15 MR. MADDEN: I don't think that is  
16 necessary, what I would like to understand is the  
17 route that was on, and maybe if you can go to the  
18 map, I think I have the wrong map. So I am looking  
19 at Section 7 -- Sorry.

20 MR. MCGARRY: It is coming.

21 MR. MADDEN: So, my understanding is C19 is  
22 the route that we have talked about of following  
23 Highway 10 -- sorry, what -- not Highway 10. The  
24 choice between following C19 to going down, B16.  
25 Can you explain to me how that choice was made?

1 MR. MCGARRY: Do you want to work through  
2 the entire chart?

3 MR. MADDEN: I would like to understand  
4 what is the underlying drivers of why that route was  
5 chosen versus what was the, the final preferred route  
6 versus that other route, that in my understanding,  
7 follows existing linear corridors.

8 MR. MCGARRY: Just looking at the chart  
9 here C19 had a numeric score of 26 going in. The  
10 chosen segment B18 had a score of 15, which wasn't  
11 obviously the whole story here. But the reasons for  
12 the scoring for C19 related to, I see aquatics,  
13 culture and heritage got a high score, resource use,  
14 land use, TLE, resulting in that score. Where as  
15 B18, had a high, pardon me for resource use, and TLE.  
16 So, there is difference in -- in terms of scoring  
17 that was followed by the response portion, which  
18 reflected the input from the four groups identified  
19 aboriginal, municipal, stakeholder, general public.  
20 And, then on the far right, the consensus committee  
21 made a selection based on all of that information to  
22 choose the segment chosen.

23 MR. MADDEN: And you are saying that the  
24 difference, the differential between them is 14 and  
25 15. So, there is not a significant distinction

1 between.

2 MR. MCGARRY: Actually, B18 was the main  
3 segment. B19, B20, was also evaluated together you  
4 needed both of them to get through the section.  
5 Where as A15 was one section through the entire, or  
6 one segment through the entire section. And, C19  
7 presented another choice, but if it had been chosen  
8 would still require C19, C 20.

9 MR. MADDEN: C19 though, is along an  
10 existing linear corridor.

11 MR. DYCK: Only in the north part of the,  
12 of that route is it closer to the highway. There  
13 are some, some extensive habitat areas along that  
14 route as well. But then it comes down through the  
15 agricultural land at Bellsite, at Birch River, and it  
16 is right in the core of the Swan Valley agricultural  
17 lands. That is part of the reason is scored a lot  
18 higher in the land use.

19 MR. MADDEN: The driver was the  
20 agricultural lands, an attempt to avoid those by  
21 using C1.

22 MR. DYCK: Another important component was  
23 the culture and heritage resources in the area.

24 MR. MADDEN: Culture and heritage of, can  
25 you explain that, elaborate on that?

1                   MR. DYCK: I believe they registered sites  
2 by the Province.

3                   MR. MCGARRY: There is a note in the table  
4 as part of the record, so, you will see under C19,  
5 there is a note for the very high score related to  
6 culture and heritage. And I will just read it.  
7 Heritage resource concerns 46 archeological sites,  
8 one centennial farm, value, 161, which is a high  
9 score, very high score.

10                  MR. MADDEN: Where are those culture and  
11 heritage sites? Are they in the agricultural land  
12 areas, or are they in the northern part of C19?  
13 Because it wasn't clear from that, where the exact  
14 location of those culture and Heritage.

15                  MR. MCGARRY: We have an inventory, I am  
16 not sure we can bring that data up, but the  
17 archeologist recorded all of this information, and  
18 provided her input into the matrix.

19                  MR. MADDEN: On this chart there is only a  
20 little red, which is the aboriginal traditional  
21 knowledge information. Is that, is that all that  
22 was factored in.

23                  MR. MCGARRY: Yeah, that is what it  
24 recorded on this chart.

25                  MR. MADDEN: When was this chart done?

1 MR. MCGARRY: This chart was February,  
2 March, 2010.

3 MR. MADDEN: So you would not have received  
4 some of the relevant aboriginal traditional knowledge  
5 studies from, for example, the Manitoba Métis  
6 Federation at that time?

7 MR. MCGARRY: Again I would defer to the  
8 record, I know there had been some meetings at that  
9 point. But what was provided at that time, I would  
10 have to check the record, unless somebody else here  
11 knows it.

12 MS ZEBROWSKI: Sorry, can you repeat the  
13 question?

14 MR. MADDEN: That there wouldn't, Manitoba  
15 Hydro would not have been in possession of the  
16 aboriginal traditional knowledge study from the  
17 Manitoba Métis Federation at the time that this chart  
18 is being generated.

19 MS ZEBROWSKI: No we would not have had  
20 the report at that time.

21 MR. MADDEN: Can you provide the  
22 archeological citations of what, what was identified  
23 by, in relation to C19, or the troubles with C 19?  
24 Because we weren't able to fully understand why that  
25 was a considered a high value area based on the

1 report.

2 MR. MCGARRY: We were just checking our map,  
3 and we may not have that data later here, but we  
4 would refer to the archeologist report, which is in,  
5 it is in the technical reports. And we would have  
6 to check all of her tables to see what is recorded.

7 MR. MADDEN: It is not clear on, this is  
8 the challenge, it is not clear on what areas in that  
9 report, are being identified, if it is all C19, or  
10 whether it is some of C19, or exactly what it is.  
11 So, if, I guess, I will bring that up in the  
12 archeological report presentation, but if that can be  
13 provided in advance, it would be helpful. Of what  
14 you are saying that this is, was identified as a high  
15 value area for culture and heritage, and I am  
16 attempting to understand what exactly that was.

17 MR. MCGARRY: We will check the record,  
18 hopefully there is enough information that is already  
19 there in the technical report to satisfy your  
20 interest there.

21 MR. MADDEN: So, can I take it that all of  
22 these charts or routing selections were done prior to  
23 some or many of the aboriginal traditional knowledge  
24 studies being provided?

25 MR. MCGARRY: We have a list of dates when

1 we received the self-directed ATK reports. Many of  
2 them were after this chart was done.

3 MR. MADDEN: Once again, there were no  
4 adjustments made based upon those reports to the  
5 final preferred route?

6 MR. MCGARRY: I have to get my timing  
7 right. There were adjustments made to the route, it  
8 was subsequent to Round 4 for TCN between Rounds 2,  
9 and 3, we made -- or 3, and 4, I believe there was  
10 another adjustment as well, so we do have record of  
11 adjustments made as a result of information we  
12 received.

13 MR. MADDEN: Can we go onto Section 8, now,  
14 the one that we previously had up? And here, there  
15 is a lot of red in relation to my understanding, it  
16 would be Aboriginal traditional knowledge added in  
17 for Camperville, Pine Creek, can you explain to me,  
18 are these, these aren't self-directed studies, these  
19 are the workshops that Manitoba Hydro undertook?

20 MR. MCGARRY: That's correct.

21 MR. MADDEN: And, Mr. Chair, I guess I am  
22 going into -- I guess one of the challenges we have  
23 is the methodology used for the ATK. And I think I  
24 may be just a little bit before. And I would like  
25 to -- because I guess one of the challenges that the

1 Manitoba Métis Federation has, and I think others  
2 has, is our understanding of ATK is you look at the  
3 community, you get an adequate sampling from the  
4 community, and then you can use that Aboriginal  
5 traditional knowledge to see where the critical areas  
6 are. But you need to have a critical mass, or  
7 essentially, an effective representation from that  
8 community to get a general sense. And you know, well  
9 there is disagreement on exactly how much of a sample  
10 you require, it is between five and ten percent.

11 And, I guess one of the challenges we have,  
12 with how Manitoba Hydro has done this is that they  
13 have just identified people would showed up at  
14 workshops, and there is no methodological approach to  
15 try to get a certain percentage of a specific  
16 community.

17 And I, I just, I need to kind of go at that  
18 issue in order to come back, and say, well, this,  
19 really doesn't represent, these choices, or this  
20 input fed in isn't truly representative of how those  
21 communities in the area would use the resources.  
22 So, I want to be able to come back to this, but I  
23 also recognize that these are not the ATK experts who  
24 undertook the methodology for the workshops.

25 THE CHAIRMAN: You will be able to come

1 back.

2 MR. MADDEN: Then I will move on. For the  
3 Red Deer River area, can we go to that slide.

4 MR. DYCK: What slide number is that?

5 MR. MADDEN: I don't have my glasses. You  
6 indicate in your presentation a significant amount of  
7 TLE claims by SCN.

8 THE CHAIRMAN: What page is that.

9 MR. MADDEN: I am on page, sorry, Mr.  
10 Chair, I am on page 26. And, I don't know, what  
11 slide number it is. It starts with overview of FPR.

12 MR. MCGARRY: I have Slide 52.

13 THE CHAIRMAN: I think that is it. Yes.

14 MR. MADDEN: So it says, Limited  
15 opportunity to route through area due to wayside  
16 park, and TLE west of and that is Provincial Highway  
17 10.

18 MR. MCGARRY: That's correct.

19 MR. MADDEN: Can you explain where, can you  
20 actually explain where those TLE claims are?

21 MR. DYCK: He is just bringing up a  
22 different map with that information on there. All  
23 of what you see in red are First Nation, and TLE  
24 lands. This is the area around Dawson Bay, and this  
25 is along the Red Deer River, up to, and adjacent to

1 Highway 10 immediately adjacent to the west.

2 MR. MADDEN: Can you explain to me why,  
3 following the purple line is existing Highway 10,  
4 correct?

5 MR. MCGARRY: No, this in this case, that  
6 is an alternative route, I believe, we will just get  
7 a different layer up here. You have it in map form  
8 there, that is the highway, and the red indicates the  
9 Treaty lands.

10 MR. MADDEN: So, explain to me, and there  
11 is an existing corridor there along Highway 10.

12 MR. MCGARRY: An existing transmission  
13 line, yes.

14 MR. MADDEN: Explain to me, why the TLE  
15 claims would be, would create a limited opportunity?

16 MR. MCGARRY: One of the routing criteria,  
17 is not to go through those areas, so the opportunity  
18 is presented pretty much in this area here, that is  
19 left to cross the river, and the highway in that  
20 area. The park is immediately adjacent.

21 MR. MADDEN: But, if, and I don't  
22 understand why, in that area, it wouldn't, I guess,  
23 introducing a new linear corridor in order to avoid  
24 what may, or may not potentially be ultimately  
25 reserve lands, or part of a TLE settlement, I am not

1 quite sure of why that would be avoided if, or  
2 attempted to be avoided when it may actually affect  
3 moose opportunities for other Aboriginal peoples, in  
4 the area?

5 MR. MCGARRY: You are asking why we would  
6 avoid TLE?

7 MR. MADDEN: Yes. When there is an  
8 existing linear corridor.

9 MR. DYCK: I think there is a confusion,  
10 the linear corridor is where we are crossing, the  
11 existing linear corridor, is right adjacent to the  
12 highway, you can actually see the line there. That  
13 is the other transmission line that is there. And,  
14 the highway, of course, is another corridor.

15 MR. MADDEN: But you won't follow the  
16 existing, you are essentially introducing a new  
17 linear corridor, with the final preferred route, so  
18 the green line, is as opposed to following Highway  
19 10.

20 MR. MCGARRY: Yeah, we developed a segment  
21 there, to paralleling Highway 10 wasn't necessarily  
22 desirable, in terms of its curvilinear nature, and  
23 routing transmission lines are generally fairly  
24 straight, where it is possible to do so. But, not  
25 in all cases.

1           MR. DYCK: The other thing that feeds into  
2 it, further to the north where we are crossing the  
3 overflowing river there are TLE lands there as well,  
4 we had to circumvent them to the west which brought  
5 the line out that much from the highway, and there is  
6 was a straight line, as you see there. Mostly, in a  
7 southerly direction.

8           MR. MADDEN: So the green line or the new  
9 route, is actually through unoccupied Crown lands,  
10 undisturbed, unoccupied Crown lands?

11          MR. DYCK: Depends what you mean  
12 undisturbed. There is all kinds of activity that has  
13 occurred in there, including forest activities, and  
14 mining exploration.

15          MR. MADDEN: It is also an area where  
16 harvesting is undertaken there.

17          MR. DYCK: Definitely, there are resource  
18 harvesters working in the area.

19          MR. MADDEN: Can we go to overview of FPR,  
20 My page 37, Red River to Riel, CS. And I, I wasn't  
21 quite able to follow exactly where is this route  
22 going through where there is unoccupied Crown lands  
23 that are undisturbed, or is this a pre-existing  
24 route?

25          MR. MCGARRY: I don't believe there are

1 unoccupied Crown lands in this area.

2 MR. MADDEN: Is it a forested area?

3 MR. MCGARRY: Intensive agricultural area.

4 MR. MADDEN: Where does, and so all of it  
5 is on private lands for the entire area, Red River,  
6 to Riel converter station?

7 MR. MCGARRY: Not entirely, some of it  
8 adjacent to existing rights of way for Manitoba  
9 Hydro.

10 MR. MADDEN: I think that is all, thanks.

11 THE CHAIRMAN: Thank you, Mr. Madden.

12 Mr. Meronek?

13 MR. MERONEK: They call me the Binder King  
14 back at the office.

15 THE CHAIRMAN: I notice the pile is even  
16 larger today than yesterday.

17 MR. MERONEK: It is a constant issue of  
18 overhead costs at our office.

19 Morning panel, especially, Mr. McGarry. I  
20 note Mr. McGarry, over the last couple of days, you  
21 have switched chairs from time to time, is that an  
22 environmental mitigation, or avoidance impact?

23 MR. MCGARRY: I think some of my colleagues  
24 don't wish to sit beside me, but I am not sure.

25 MR. MERONEK: Not surprisingly I am going

1 to be addressing the agricultural matters. I just  
2 want to get some background understanding.

3 In terms of agricultural assistance, would I be  
4 correct to surmise that Manitoba Hydro engaged the  
5 services of, as their expert J and B Nielsen  
6 Associates Ltd?

7 MR. MCGARRY: That's correct.

8 MR. MERONEK: Were there any other  
9 specialists in the agricultural realm engaged by  
10 Manitoba Hydro to assist it?

11 MR. MCGARRY: Not as such. Some members of  
12 the team have agricultural experience.

13 MR. MERONEK: Such as yourself?

14 MR. MCGARRY: I have some. Yes.

15 MR. MERONEK: Would it be fair to say that  
16 when it came to agricultural expertise, Manitoba  
17 Hydro relied upon the specialist that it engaged in  
18 that regard?

19 MR. MCGARRY: The specialists were part of  
20 a team, in terms of route selection their input was  
21 garnered and entered along with a lot of others as  
22 part of a team.

23 MR. MERONEK: My question is specific in  
24 terms of agricultural methods, agricultural  
25 specialties? Would Manitoba Hydro have relied upon

1 the agricultural consultant in that regard?

2 MR. MCGARRY: Yes, we relied on our  
3 agricultural expert.

4 MR. MERONEK: Now there were many technical  
5 reports that were compiled in order to assist  
6 Manitoba Hydro. And in, in response to one of the  
7 first IRs, from the Commission it is Manitoba Hydro  
8 II 001J, there was an attempt to flesh out from  
9 Manitoba Hydro any specific references or conclusions  
10 in the various technical reports with which Manitoba  
11 Hydro did not agree. Do you recall that particular  
12 information request.

13 MR. MCGARRY: Are you refer to that IR 1J?

14 MR. MERONEK: Yes.

15 MR. MCGARRY: If you could give me a second  
16 to find it. While we are looking it up, do you wish  
17 to proceed, and hopefully we could follow along. I  
18 hate to delay the hearing.

19 MR. MERONEK: It is a fairly cryptic  
20 statement at the end of the information request.  
21 The last sentence says, "Manitoba Hydro has not  
22 identified a particular reference or conclusion in a  
23 consultants report with which it disagrees." Do you  
24 see that, sir?

25 MR. MCGARRY: Yes, I do.

1 MR. MERONEK: Does that still stand solid  
2 ground?

3 MR. MCGARRY: I believe so.

4 MR. MERONEK: Now when it comes to  
5 agricultural land, in terms of determining as part of  
6 the environmental assessment objective, in terms of  
7 least negative effects, Manitoba Hydro would have  
8 identified, firstly the use of agricultural land,  
9 correct?

10 MR. MCGARRY: I am not sure what, we  
11 identified agricultural use of land, yes.

12 MR. MERONEK: And prior -- I have trouble  
13 with this word, prioritize -- just as a side bar, I  
14 always thought it was priorize, I went to the  
15 dictionary and I stand corrected.

16 THE CHAIRMAN: I was told recently either  
17 one is acceptable. I have similar confusion.

18 MR. MERONEK: Can I use priorize then?  
19 Then the agricultural land would be priorized as part  
20 of the agricultural component assessment, correct?

21 MR. MCGARRY: This in the agriculture tech  
22 report, there is a list of what the priorities were.  
23 Agricultural land use was identified, and there is  
24 variations on that, as you move through agricultural  
25 regions.

1 MR. MERONEK: Let me just say, if you are  
2 not comfortable with any of these questions and want  
3 to defer them to the consultant, I would be pleased  
4 to have that punted. And of course, intensive use  
5 would be identified as a priority in terms of  
6 agricultural land from an assessment perspective.

7 MR. MCGARRY: It was, but in certain areas  
8 that intensity or use of agricultural land was not  
9 avoidable.

10 MR. MERONEK: And some of the features and  
11 constraints identified would, to determine, or  
12 identify, and compare alternate routes, would include  
13 farm yards, houses, and structures, correct?

14 MR. MCGARRY: Correct.

15 MR. MERONEK: Livestock?

16 MR. MCGARRY: Correct.

17 MR. MERONEK: Irrigation.

18 MR. MCGARRY: Correct.

19 MR. MERONEK: Row cropping.

20 MR. MCGARRY: Sorry I missed that? Yes.

21 MR. MERONEK: Intensive crop production?

22 MR. MCGARRY: Yes.

23 MR. MERONEK: Impact on production.

24 MR. MCGARRY: Yes, if you are following  
25 that list, yeah.

1 MR. MERONEK: Impact on agricultural field  
2 activities?

3 MR. MCGARRY: We are trying to follow the  
4 list as well, if you are using it.

5 MR. MERONEK: It is on page 21 of Chapter  
6 4, I have recited the ones that are found there, and  
7 I want to add to that list, if I may.

8 MR. MCGARRY: Before I say yes, we would  
9 like to follow the list, and know the ones you want  
10 to add.

11 MR. MERONEK: I have named the ones on page  
12 21.

13 MR. MCGARRY: Thank you.

14 MR. MERONEK: Would aerial spraying being  
15 included as well?

16 MR. MCGARRY: I don't believe as an  
17 avoidance, except it would have some common practice  
18 under intensively farmed areas.

19 MR. MERONEK: What about liquid manure  
20 applications?

21 MR. MCGARRY: Not as such. No.

22 MR. MERONEK: Who would have made those  
23 decisions?

24 MR. MCGARRY: The team would have, we rely  
25 on advice from our experts, and other knowledge.

1 MR. MERONEK: One of the parameters with  
2 respect to structures, was that structures, including  
3 houses, and sheds, and barns within 270 meters of the  
4 line were identified correct?

5 MR. MCGARRY: That's correct.

6 MR. MERONEK: So that was a threshold which  
7 Manitoba Hydro wanted to use to try to avoid these  
8 structures?

9 MR. MCGARRY: Not as such. It was used  
10 more as an inventory to get some idea of how many  
11 structures, and residents might be affected by a  
12 selection.

13 MR. MERONEK: I am curious at 270 meters,  
14 is there any magic to that number?

15 MR. MCGARRY: Yes, and no. I think the  
16 number was requested, but initially it was, there was  
17 some confusion over the separation distance for  
18 evaluation. Whether or not we included from the  
19 centerline, or from the edge of right of way. I  
20 think the original intention was to inventory within  
21 two hundred meters of the right of way, and the  
22 number morphed to 270. But we also included  
23 calculations for 100, and 200 meters as well.

24 MR. MERONEK: Was there a threshold beyond  
25 which Manitoba Hydro felt it not appropriate to build

1 a transmission line?

2 MR. MCGARRY: The main criteria for routing  
3 in agricultural area, is that no permanent structures  
4 are allowed within a right of way. So, that, 66  
5 meters of right of way, no permanent structures.  
6 So, if we routed in an area where there was a  
7 dwelling, residence, a hog barn, obviously, they  
8 would have to be removed. Beyond that, the, for EMF  
9 or other reasons, there is not a set separation from  
10 the edge of right of way.

11 MR. MERONEK: There was some general  
12 guidelines set out in the EIS in Chapter 4 for  
13 routing of transmission lines. And let me just  
14 recite them to you. One of them was to route on or  
15 adjacent to a road allowance, correct?

16 MR. MCGARRY: Yes.

17 MR. MERONEK: One was to follow an  
18 established linear disturbance where possible?

19 MR. MCGARRY: Correct.

20 MR. MERONEK: One was to route along a half  
21 mile to avoid farm yards, livestock farms or  
22 irrigation pivots and other higher priority  
23 obstacles.

24 MR. MCGARRY: Correct.

25 MR. MERONEK: One was to avoid in field

1 placement in crop land.

2 MR. MCGARRY: Correct.

3 MR. MERONEK: In field placement being a  
4 transmission line some distance into a field.

5 MR. MCGARRY: Yes, although the  
6 interpretation of what was in field was clarified  
7 along the way, that for Bipole III transmission line,  
8 the requirement is that the right of way must start  
9 at a property boundary or road allowance, meaning  
10 that the centerline would always be at least 33  
11 meters in field.

12 MR. MERONEK: So when the phrase in field  
13 is found, it is, as I understand it, it means a line  
14 right of way within no less than 33 meters, up to 42  
15 meters?

16 MR. MCGARRY: There was an adjustment made  
17 to routing between Provincial Trunk Highway 16, and  
18 Riel station in the intensively cropped area to move  
19 the centerline from 33 meters, to 42 meters in field  
20 to a large, to allow for a large farm implements.  
21 To have sufficient space to get around the structure.

22 MR. MERONEK: And the last one on my list  
23 is diagonal placement was to be avoided if possible.

24 MR. MCGARRY: In intensively cropped areas,  
25 yes.

1 MR. MERONEK: Was there any priority with  
2 respect to those guidelines established by Manitoba  
3 Hydro in terms of ranking?

4 MR. MCGARRY: We have listed them as general  
5 guidelines, the priority was in the agricultural  
6 technical report I believe. Where farm dwellings,  
7 livestock handling facilities were prioritized.

8 MR. MERONEK: One of the other  
9 considerations that I noted, is that adverse  
10 environmental and beneficial effects on potential  
11 valued environmental components, or VECs, were  
12 assessed, correct?

13 MR. MCGARRY: VECs, were part of the  
14 assessment, yes.

15 MR. MERONEK: And there was an attempt,  
16 where possible, to quantify these environmental  
17 effects?

18 MR. MCGARRY: Depends which VECs you are  
19 talking about in terms of quantifying.

20 MR. MERONEK: I am looking generally at  
21 literature I am reading at Chapter 4. There was an  
22 attempt to quantify VECs, where possible.

23 MR. MCGARRY: Quantify in sense of  
24 evaluate, I would agree. In terms of numbers of  
25 moose, or birds it would be on a population base, and

1 there would be an attempt at quantifying, but overall  
2 for all VECs, it would be a valuation.

3 MR. MERONEK: It says where not possible,  
4 qualitative methods were used.

5 MR. MCGARRY: Yes.

6 MR. MERONEK: The environmental impact  
7 statement, also says that Socio-Economic conditions  
8 lent themselves to quantification.

9 MR. MCGARRY: Sorry I missed the end of  
10 that.

11 MR. MERONEK: Socio-economic conditions  
12 lent themselves to quantification.

13 MR. MCGARRY: What page reference is that.

14 MR. MERONEK: Page 28 of Chapter 4.

15 MR. MCGARRY: Just trying to identify the  
16 line for context. Socio-economic indicators for the  
17 ones in our route selection matrix, I am just  
18 thinking out loud here, land use was quantified in  
19 terms of where they occurred. Let me just look at  
20 the rest of the socio-economic indicators.

21 MR. MERONEK: I don't want to belabor it.  
22 Let me go directly to my question. Was there a  
23 quantitative assessment, in terms of agricultural  
24 lands made by Manitoba Hydro, and more specifically  
25 in terms of the economic impact that Bipole III might

1 have on agricultural lands?

2 MR. MCGARRY: Specific economic analysis  
3 related to impacts of Bipole III, and agricultural  
4 lands wasn't done as such. The way that potential  
5 effect on agriculture was evaluated on types of land,  
6 and the list of criteria, that Mr. Meronek previously  
7 went through.

8 MR. MERONEK: In terms of mitigation  
9 measures, these are my words, there appears to be a  
10 ranking, that the first, first objective is to avoid  
11 an adverse impact. Correct?

12 MR. MCGARRY: Generally that is true.

13 MR. MERONEK: If that can't be accomplished  
14 then to minimize the impact?

15 MR. MCGARRY: Yes.

16 MR. MERONEK: To the extent there can't be  
17 mitigation, then compensation would be the method to  
18 ameliorate any harm.

19 MR. MCGARRY: Yes.

20 MR. MERONEK: Now, is there, is it just a  
21 judgment call as to when something can't be avoided,  
22 but it -- let me back up. Is there a judgment call  
23 between assessing something that can't be avoided but  
24 can be mitigated?

25 MR. MCGARRY: Could you rephrase that?

1           MR. MERONEK: In terms of the, the three  
2 aspects that I just mentioned to you, is it a  
3 judgment call for Manitoba Hydro to say something  
4 can't be avoided, and therefore, we will try to  
5 minimize the impact?

6           MR. MCGARRY: Depending on what it is. It  
7 may go straight from we can't avoid it, to  
8 compensation. If there is mitigation we would look  
9 at that first.

10          MR. MERONEK: It is a judgment call.  
11 There isn't any kind of a measurement that is  
12 factored in here?

13          MR. MCGARRY: Judgment, in the sense, once  
14 we have decided that something is not avoidable, it  
15 is not so much judgment as reality at that point.

16          MR. MERONEK: Okay. I want to talk about  
17 some of the specific mitigation measures, or as they  
18 relate to specific applications. And if you are not  
19 comfortable with answering these questions, we will  
20 leave it for the consultant. One of my favorite  
21 topics, is liquid manure applications. I hope it is  
22 not a reflection on my questioning. But that is not  
23 something that was included in the agricultural  
24 technical report? That topic?

25          MR. MCGARRY: I believe that is correct.

1 MR. MERONEK: Was that a consideration that  
2 was made by the consultant, or was it made by  
3 Manitoba Hydro, or a combination?

4 MR. MCGARRY: It wasn't a deliberate  
5 decision of exclusion, more that wasn't seen as a  
6 particularly larger issue than conventional farming  
7 practice for cultivation. And this highly depends  
8 on the type of liquid manure application you are  
9 speaking to.

10 MR. MERONEK: Sure. Manitoba Hydro has  
11 not done a study with respect to the implications of  
12 Bipole III as it relates to liquid manure application  
13 in livestock or hog barn applications, correct?

14 MR. MCGARRY: Has not done a study.

15 MR. MERONEK: Manitoba Hydro does not  
16 precisely how many livestock operations using liquid  
17 manure applications would be impacted?

18 MR. MCGARRY: We don't know that number.

19 MR. MERONEK: Manitoba Hydro does not know  
20 how many hog operations using liquid manure, would be  
21 affected by the Bipole III?

22 MR. MCGARRY: I missed the first part of  
23 the question.

24 MR. MERONEK: The same would prevail for  
25 hog operations, Manitoba Hydro does not know how many

1 hogs operations may be impacted?

2 MR. MCGARRY: We could easily acquire that  
3 number. It would be recorded in the number of barns  
4 or structures within the 200, or 270 meter zone.

5 MR. MERONEK: The point is Manitoba Hydro  
6 has made a determination to deal with this issue on a  
7 compensation basis.

8 MR. MCGARRY: Yes, to the degree we affect  
9 the operation, we would consider it for compensation.

10 MR. MERONEK: But it wasn't important  
11 enough, in Manitoba Hydro's view, to look at it from  
12 a mitigation, minimizing the impact basis?

13 MR. MCGARRY: No, it wasn't. But as I said  
14 before, depending on the type of application, if it  
15 is done by implement, or by umbilical, does make a  
16 difference.

17 MR. MERONEK: Aerial spraying. I think  
18 Manitoba Hydro concedes that is a widespread  
19 management practice.

20 MR. MCGARRY: I would say yes.

21 MR. MERONEK: And in the responses to the  
22 forms that were filled out by those who filled them  
23 out. The statistics that I saw show that it, of  
24 those who responded, about a hundred used aerial  
25 spraying as part of their farming management

1 practices?

2 MR. MCGARRY: I believe that was in Chapter  
3 5, we will take it as you say.

4 MR. MERONEK: Subject to check. Page 53.  
5 The exact number or percentage of crops utilizing  
6 aerial spraying was not determined by Manitoba Hydro,  
7 correct?

8 MR. MCGARRY: No, but the areas, where  
9 aerial application is done varies from year to year  
10 as the crops are rotated, and the producers decisions  
11 are made. It depends on climate, weather, a number  
12 of factors, as to whether that is going to occur, and  
13 we were looking at a preferred route in one area, so  
14 to come up with an acreage for aerial application, is  
15 not really practical, on a one-year basis.

16 MR. MERONEK: Well, I know there are, I  
17 know there are constraints and features, and  
18 considerations, but Manitoba Hydro Hydro didn't deem  
19 it appropriate to do a study to determine over a span  
20 of time how many, how much land could be affected by  
21 aerial spraying; is that correct?

22 MR. MCGARRY: No, we didn't calculate the  
23 amount of area affected. But it would depend again,  
24 on the operator, and the configuration of the land,  
25 and the management practice. Putting a transmission

1 line along a road right of way, or along property  
2 boundary will have an effect on aerial application,  
3 but doesn't necessarily eliminate that whole  
4 management parcel.

5 MR. MERONEK: You are relying upon your  
6 agricultural consultant for that assessment? Or  
7 statement?

8 MR. MCGARRY: Yes.

9 MR. MERONEK: Okay. In any event, again,  
10 that was another example of where Manitoba Hydro  
11 decided to deal with this aspect in terms of  
12 compensation versus minimizing sorry, taking  
13 mitigation measures?

14 MR. MCGARRY: To the degree, that we  
15 thought there was reasonable mitigation, for aerial  
16 spraying, we have indicated that. It has moved to  
17 compensation to deal with the effect.

18 MR. MERONEK: Irrigation. Does Manitoba  
19 Hydro agree that where there is a conflict that  
20 occurs between tower placement, and safe irrigation,  
21 tower placement should be relocated if possible?

22 MR. MCGARRY: Tower placement hasn't been  
23 done yet. It can be a consideration, but it may not  
24 be possible for all irrigated parcels, which  
25 irrigation, a lot of it is done by movable pivots,

1 and does change from field to field every year.

2 MR. MERONEK: One of the recommendations by  
3 your consultant was to do a study to see if a  
4 transmission line could be placed 42 meters into an  
5 irrigated field to allow a circular quarter section  
6 pivot up to the road allowance, you are aware of  
7 that?

8 MR. MCGARRY: Yes.

9 MR. MERONEK: Manitoba Hydro hasn't  
10 followed that recommendation to date to do a study?

11 MR. MCGARRY: Not a study as yet. No.

12 MR. MERONEK: Is it intending to do a  
13 study?

14 MR. MCGARRY: I am not sure we have landed  
15 on that, I think we want to meet and talk with land  
16 owners as part of our process to acquire easements.  
17 I think we will learn much more through that process,  
18 in terms of the potential implications, because they  
19 will be discussed at that time as to how we are  
20 affecting the operation, and what we might have to  
21 compensate for.

22 MR. MERONEK: Again, that aspect is in the  
23 realm of compensation?

24 MR. MCGARRY: Sorry, that aspect is what?

25 MR. MERONEK: The irrigation issues are

1 going to be dealt with in the form of compensation.

2 MR. MCGARRY: There is, as you described  
3 potential for some mitigation with tower placement,  
4 but it may not be possible in all cases.

5 MR. MERONEK: In terms of advances in  
6 agricultural technology, in one of the information  
7 requests, Manitoba Hydro IV, 134, Manitoba Hydro  
8 indicated that it had considered reasonably  
9 foreseeable agricultural practices in terms of its  
10 routing plans. And, gave as an example, larger seed  
11 drills and sprayers. Do you see do you recall that?

12 MR. MCGARRY: I will look for the  
13 reference.

14 MR. MERONEK: Does it sound familiar.

15 MR. MCGARRY: No, not entirely. I would  
16 prefer to have a quick look at it. Sorry, if you  
17 wish to carry on, I will listen. And --

18 MR. MERONEK: Sure, I was going to ask, and  
19 will ask given that the line is expected to be there  
20 for a hundred years, as I understand it, in terms of  
21 life of the line, how did Manitoba Hydro go about  
22 considering reasonably foreseeable agricultural  
23 practices? Was there a study done, was there, were  
24 experts in the, in the agricultural implement field  
25 consulted with? What exactly did Manitoba Hydro do?

1           MR. MCGARRY: I believe we relied on advice  
2 from our expert. It is not something that I would  
3 have been able to respond to in terms of future  
4 implement size.

5           MR. MERONEK: In terms of access, new, and  
6 existing, I know this probably pertains more to non-  
7 agricultural land, but is there any, is Manitoba  
8 Hydro doing any assessment, as to whether there is  
9 going to be new access to agricultural land that is  
10 going to have to be forged?

11           MR. MCGARRY: You mean in terms of people  
12 say being able to access agricultural land because we  
13 have created a right of way?

14           MR. MERONEK: Yes, is Manitoba Hydro going  
15 to have to create new access routes to get to  
16 agricultural land?

17           MR. MCGARRY: Well, I guess I need to  
18 clarify access, the presence of a transmission line  
19 right of way does present potential access, but I am  
20 sure cropped areas would be managed by the land  
21 owners area. Access for construction is a different  
22 issue, but not an issue in intensively cultivated  
23 areas.

24           MR. MERONEK: To the extent that access to  
25 agricultural land is required, again that gets dealt

1 with in terms of compensation?

2 MR. MCGARRY: If you mean there is damage,  
3 or effect from access to farm land for construction,  
4 yes, it is compensated.

5 MR. MERONEK: I wonder if you could put up  
6 on the board Section 10.

7 MR. MCGARRY: Yes, we will try and do that.  
8 I believe while we are looking for it, did you want  
9 to.

10 MR. MERONEK: I am going to go into Section  
11 10 in some detail, but I just want to start with the  
12 overall formulation of what is being accomplished, or  
13 what was being done in these particular sections.  
14 First of all, there are, there are 23 criteria that  
15 have been identified as features or constraints,  
16 correct? There we go.

17 MR. MCGARRY: 23 criteria on those four  
18 components, as we described there are others.

19 MR. MERONEK: Right. So for each of the 23  
20 constraints, biophysical, socio-economic, land use,  
21 and technical, was there a, an expert or consultant  
22 for each one of those categories who were engaged?

23 MR. MCGARRY: For the most part I would say  
24 yes. There may be an exception, that somebody on  
25 the study team provided, but in general there were

1 experts for most disciplines.

2 MR. MERONEK: And each specialist or expert  
3 would be free on a judgmental basis, or in their  
4 expert opinion, to fill in those boxes, where  
5 applicable, say, for vegetation?

6 MR. MCGARRY: Yes, they were asked to take  
7 each section, and each segment, and independently  
8 rate it.

9 MR. MERONEK: Each specialist for all of  
10 the sections would have had that opportunity to have  
11 input into all of the sections?

12 MR. MCGARRY: Where it applied, caribou,  
13 for instance, would have been applied in northern  
14 sections, but caribou wouldn't have shown up as an  
15 appraisal in farm sections.

16 MR. MERONEK: That is an exception, for the  
17 most part experts were involved in some rating of all  
18 sections?

19 MR. MCGARRY: For all the most part, yes.

20 MR. MERONEK: For agriculture, that would  
21 have been Mr. Neilsen?

22 MR. MCGARRY: Yes.

23 MR. MERONEK: So there was no rating  
24 between those particular, sorry, no weighting between  
25 those particular criteria, 1 to 23, save and except

1 for the, the one exception, and that is the ATK?

2 MR. MCGARRY: Sorry, I lost the first part  
3 of your question.

4 MR. MERONEK: There is no weighting between  
5 those 23 criteria.

6 MR. MCGARRY: The weighting, as I explained,  
7 came in the form of six of those criteria on the  
8 chart have opportunity to score higher. And, we  
9 went over that the other day just briefly, birds,  
10 mammals, caribou, core communities, fragmentation,  
11 and culture and heritage were six criteria that could  
12 score higher than other criteria on that chart.

13 MR. MERONEK: Specifically with respect to  
14 agricultural in those areas that we will come to  
15 later, where there is intensive agricultural farming.  
16 It wasn't given a specific higher rating, than any of  
17 the other features, correct?

18 MR. MCGARRY: No, it was not. But, if I  
19 may, the criteria in question, that did have an  
20 opportunity when you got into intensively cropped  
21 areas, their contribution to scoring either  
22 diminished to zero, or very low scores.

23 MR. MERONEK: But not for everything,  
24 correct?

25 MR. MCGARRY: I am sorry.

1 MR. MERONEK: Not for every category?

2 MR. MCGARRY: Not for for every category.

3 MR. MERONEK: In terms of, if you could  
4 move the map up so we can see it. Each section,  
5 and, there are 13 sections, were separately measured  
6 and assessed, correct?

7 MR. MCGARRY: Correct.

8 MR. MERONEK: When you put it all together,  
9 it looks like one of my children's jigsaw puzzles,  
10 what is the magic behind, or the rationale behind  
11 those boundary lines for each section? For example,  
12 why couldn't Section 10 have been squared off?

13 MR. MCGARRY: Generally they correspond to  
14 decision points which was often confluence or  
15 divergence in routing. So the beginning of Section  
16 10 for instance, there is a confluence that required  
17 a decision going forward at the north and south  
18 boundaries of the study area, the east boundary,  
19 again, required a decision to move on. Either  
20 confluence or divergence of one of the segments.

21 MR. MERONEK: Do you want to define  
22 confluence for me in this context?

23 MR. MCGARRY: You can see there, let's use  
24 the pointer. Coming in to the section here, we have  
25 a confluence of B and C -- sorry, A and C routes.

1 Actually, all three of them here. And obviously  
2 meant a decision had to be made going through the  
3 rest of the section. There is one alternative here  
4 that was proposed. This is a sub route B. B just  
5 means B to B6, or 6th one of that nature. So it is  
6 actually a sub route.

7           Going forward, to the east, again, we had a  
8 confluence here, which meant another decision going  
9 forward. So, this was just decided that we needed a  
10 decision point here. And, as you can see going  
11 further east into Section 11, these two segments did  
12 not have a decision point, but this one kind of  
13 forced the issue there.

14           MR. MERONEK: That is helpful, but, it is  
15 maybe my question that is awkward. Why couldn't  
16 that section have been squared off? Why is it that  
17 shape? Is there some geographic feature, that would  
18 require, would have required that particular  
19 configuration?

20           MR. DYCK: Maybe I can speak to that, the  
21 confluence, and divergence that he is talking about  
22 is at the point of a node. In other words there is  
23 an opportunity to go from one route to another by  
24 connection line, or a sub route that would enable us  
25 to make a decision, at that point to, to, if you know

1 the criteria pointed to the direction that we should  
2 be going onto a different route at that point, then,  
3 that could be accommodated at that point.

4 It wouldn't make a lot of sense to evaluate  
5 a segment of a route halfway, or three quarters of  
6 the way without having an opportunity to move to an  
7 alternative at that point.

8 THE CHAIRMAN: Mr. Meronek, I am going to  
9 take this opportunity to break for lunch.

10 MR. MERONEK: Could I just ask one more  
11 question.

12 THE CHAIRMAN: Okay.

13 MR. MERONEK: Thank you. Would it be a  
14 correct observation to make, that depending upon the  
15 configuration of the section, of the size of the  
16 section, could have an impact on the overall rating,  
17 in that particular section?

18 MR. MCGARRY: Could have, but, I think we  
19 chose the section boundaries, in a reasonable fashion  
20 with the a limited amount of geography, we broke up  
21 the landscape enough, we believe, to make decisions  
22 on that basis.

23 MR. MERONEK: Thank you, Mr. Chairman.

24 THE CHAIRMAN: We will break for one  
25 hour, so come back for one o'clock, please.

1 (PROCEEDINGS RECONVENED AT 1:00 P.M.)

2 THE CHAIRMAN: Can we come back to  
3 order, please. The examination of Hydro in terms  
4 of route and site selection. Mr. Meronek, you may  
5 continue.

6 MR. MERONEK: Mr. Chairman, four days  
7 into the hearing and I have just for the first  
8 time read the sign "Speak into the microphone."

9 Mr. McGarry, if we could just go back  
10 into the map for section 10.

11 MR. MCGARRY: Yes, we'll do that.

12 MR. MERONEK: Great, thank you. I  
13 just want to get some clarification because I'm  
14 not sure my question was understood, or  
15 appropriately asked, or whether I just didn't  
16 understand the answer. But with respect to the  
17 boundaries in section 10, was there any  
18 geographical impediment which created that jog in  
19 section 10, as opposed to having it squared off?

20 MR. MCGARRY: In here?

21 MR. MERONEK: That triangle.

22 MR. MCGARRY: As I'm pointing to here?

23 MR. MERONEK: Yes.

24 MR. MCGARRY: I believe it's more a  
25 function of the alternative route selections that

1 the segments lined up in a framework there. They  
2 are behind the black line. There are smaller  
3 black lines that represent some other sub routing  
4 in the area.

5 MR. MERONEK: First, and I'll ask this  
6 globally, for sections 10 through 13 inclusive,  
7 were there any geographical impediments which  
8 dictated a particular boundary for each of those  
9 sections?

10 MR. MCGARRY: Not as such, although  
11 the Red River did create one boundary in between  
12 section 11 and section 12, a crossover.

13 MR. MERONEK: Well, the Red River was  
14 crossed over, but it wasn't a boundary as such,  
15 was it?

16 MR. MCGARRY: Well, you just asked  
17 about geography, and I guess by -- and possibly  
18 physiography. The Red River coincided with a  
19 decision point too, the crossing had some  
20 significance as to where it went and became  
21 somewhat of a boundary.

22 MR. MERONEK: Was there any impediment  
23 or any particular reason why, for example,  
24 sections 10 through 13 couldn't have been  
25 considered as one entire segment for the purposes

1 of evaluation?

2 MR. MCGARRY: I would say that they  
3 were selected to coincide with the alternative  
4 route selections and the opportunities. That  
5 taking segments that are too large, it might blur  
6 some of the potential impact criteria and  
7 evaluation of criteria if we took too big of  
8 sections or segments at a time.

9 MR. MERONEK: Would you agree with me  
10 that the overwhelming aspects of sections 10 to 13  
11 are intensive agricultural land?

12 MR. MCGARRY: It is the most  
13 significant land use. But other criteria in the  
14 matrix were still valid at that point, both being  
15 technical land use, culture and heritage in  
16 particular, and there are probably others,  
17 population density, level of development. They  
18 are all considerations along with agriculture.

19 MR. MERONEK: I understand that, and  
20 I'm not suggesting they should have been  
21 eliminated. But wouldn't it have been intuitively  
22 more prudent to give more weighting than to  
23 agricultural components of those sections than to  
24 weight them equally in terms of all of the other  
25 criteria?

1                   MR. MCGARRY: I don't think so. I  
2 mean, as you noticed in section 10, for instance,  
3 the agricultural criteria universally got a high  
4 rating reflecting the area it was in, which is a  
5 test of agricultural land. That created its own  
6 significance within the framework.

7                   MR. MERONEK: That gave it three  
8 points, right?

9                   MR. MCGARRY: Sorry?

10                  MR. MERONEK: It gave it three points?

11                  MR. MCGARRY: Yeah, but as we have  
12 stated before, that numeric rating was not the  
13 only criteria in making that routing decision.

14                  MR. MERONEK: Just looking at section  
15 10 again, can you blow that up a little bit, as in  
16 enlarge it? Now, you talked about confluence, and  
17 I think you used other terms, but help me  
18 understand, the preferred route there is C-26,  
19 correct?

20                  MR. MCGARRY: Correct.

21                  MR. MERONEK: And that's measured by  
22 the green over the hatch?

23                  MR. MCGARRY: That's correct. But  
24 keep in mind this is preliminary preferred routes,  
25 so there are some modifications when we got the

1 final preferred route.

2 MR. MERONEK: Is this just a technical  
3 glitch, but should there have been green following  
4 C26 up to A18 C25.

5 MR. McGARRY: I think that's correct,  
6 that the only way to get there would be along that  
7 segment.

8 MR. MERONEK: All right. If you  
9 accept that the green should have been extended to  
10 the boundary along A18 and C25, if you look to the  
11 rating, those components would add up to 30  
12 points, correct?

13 MR. McGARRY: Yes, they would, but it  
14 wasn't evaluated in that additive sense.

15 MR. MERONEK: What was it that, for  
16 example, swayed the decision to take a rating of  
17 30 over a rating, say for BB6, which goes from  
18 beginning to end in that route with a rating of  
19 18?

20 MR. McGARRY: Because we did not, by  
21 design did not add segments together. The  
22 attached segments within a section were considered  
23 independently, scores weren't additive in making  
24 that determination.

25 MR. MERONEK: No, but correct me if

1 I'm wrong, BB6 is being compared to all of the  
2 other alternatives within that section, correct?

3 MR. MCGARRY: Yes, to each independent  
4 segment, yes.

5 MR. MERONEK: Okay. And it ended up  
6 with, relatively speaking, a much lower score than  
7 the section that was ultimately chosen?

8 MR. MCGARRY: Only if you chose to  
9 interpret it the way you have, which was to add  
10 two segment scores together, which we did not. We  
11 looked at the -- and it happened in other sections  
12 as well. The segments were rated independently  
13 because of the way it was laid out, and the  
14 selection of one sometimes necessitated the  
15 selection of another. And by that point, we would  
16 have examined connecting sections to evaluate  
17 potential effects.

18 MR. MERONEK: And so the reason why  
19 segment C26 is the way it is, is because it  
20 intersects at some point with another alternative  
21 route?

22 MR. MCGARRY: Sorry, it's at the  
23 confluence on the east side of these two segments.  
24 At this end, it was compared primarily across here  
25 with one connecting segment, A18 C25.

1 MR. MERONEK: I'm not following that.

2 Could you run that by me again? I can understand  
3 why it started on the east where it did, but why  
4 did C26 end there?

5 MR. MCGARRY: It was an artifact of  
6 the way it was laid out. But coming off the Arden  
7 ridge and the section before at section 9, we had  
8 a major confluence of routes due to some  
9 constraints. A number of different options were  
10 developed as alternative routes and this is the  
11 way they were laid out.

12 MR. MERONEK: Now, in round 4 when the  
13 final preferred route selection was made, the  
14 stakeholders were advised that there would be --  
15 minor adjustments would be considered, correct?

16 MR. MCGARRY: Yes, that's part of  
17 round 4.

18 MR. MERONEK: And as I understand the  
19 filing as it related to sections 9 through 13, let  
20 me pause there, sections 9 through 13 are all  
21 intensively agricultural land, at least in section  
22 9 until PTH 16, correct?

23 MR. MCGARRY: Yes, from PTH 16 to  
24 Riel.

25 MR. MERONEK: And so the minor

1 adjustments that were reflected were seven changes  
2 made around the route and they are identified on  
3 page 49 of chapter 7?

4 MR. MCGARRY: Yes, we had a map at the  
5 presentation that laid out all of the segments  
6 that were considered, the alternative segments and  
7 the subsequent adjustments that were introduced at  
8 that time. If you wish we can pause and bring  
9 that map up from the presentation?

10 MR. MERONEK: No, I just wanted to get  
11 a magnitude of the changes that were made once the  
12 final preferred route was identified. And by and  
13 large, these adjustments related to moving a tower  
14 here or an angle there, or moving from a half mile  
15 line to elsewhere, things of that nature?

16 MR. MCGARRY: Actually between  
17 sections 10 and 11, the selected segments didn't  
18 line up, and that was allowed for in the process,  
19 so that we needed to introduce segments to  
20 reconnect the initial preferred selected routes.

21 MR. MERONEK: Now, in that process  
22 when the stakeholders, in specific regard to  
23 landowners, the concerns that the landowners  
24 expressed to Manitoba Hydro really related to  
25 agricultural concerns. Would you agree with that?

1                   MR. MCGARRY:  Primarily I would say  
2    that's true, although there was overriding issues,  
3    you are aware of east versus west, and I suppose  
4    you can say that was agriculturally based.

5                   MR. MERONEK:  Apparently I can't go  
6    there.  But certain things that you didn't hear  
7    from the landowners were concerns over cultural  
8    heritage matters, or birds or reptiles or  
9    vegetation or categories of that nature, correct?

10                  MR. MCGARRY:  Not exclusively.  I know  
11    there were some landowners we met who were very  
12    concerned about natural resources, birds, wood  
13    lots, private wood lots and natural resources of  
14    that nature.  So I wouldn't say it's exclusively  
15    agricultural production that we heard about.

16                  MR. MERONEK:  Well, I didn't say  
17    exclusively, but overwhelmingly the concerns were  
18    agriculturally based, correct?

19                  MR. MCGARRY:  I would probably say  
20    that's accurate, yeah.

21                  MR. MERONEK:  Was there any reflection  
22    on maybe in that regard giving the stakeholders,  
23    being the landowners, some priority in terms of  
24    ranking concerns?

25                  MR. MCGARRY:  We didn't believe it was

1 necessary. The framework was, or the RSM, the  
2 method we chose we thought was robust enough that  
3 the agricultural issue was plain and apparent, and  
4 other particular criteria kind of dropped off at  
5 that point by zero scoring in the framework. And  
6 those that remained were still valid, and this is  
7 a multi stakeholder process.

8 MR. MERONEK: If you could just move  
9 up to the matrix on that particular image, and  
10 move over to response? Now, as I understand,  
11 under "Response" there are four columns,  
12 Aboriginal communities, municipalities,  
13 stakeholder group and general public?

14 MR. McGARRY: Correct.

15 MR. MERONEK: And in that regard, each  
16 of those groups had a one out of four input, or  
17 one out of 27 in total; is that correct?

18 MR. McGARRY: Sorry, each of those  
19 four groups had?

20 MR. MERONEK: Well, there are 23  
21 criteria on the -- in the first section, and then  
22 there's four more criteria in the second section,  
23 right?

24 MR. McGARRY: Correct, yes.

25 MR. MERONEK: Okay. And so out of

1 those responses, each group had an equal vote, so  
2 to speak?

3 MR. MCGARRY: In a sense, but you'll  
4 notice it's not recorded numerically, it's not  
5 quantified as such, and that's by design. So one  
6 side of the matrix is a numeric scoring, the next  
7 is to evaluate response, and then finally moving  
8 to the right for the --

9 MR. MERONEK: But not one group had  
10 more influence in terms of rating than any other  
11 group within that response category is what I'm  
12 trying to get at.

13 MR. MCGARRY: No, they were evaluated  
14 I think relatively equally.

15 MR. MERONEK: And in terms of the  
16 stakeholder group in the agricultural area,  
17 sections 9 through 13, who were the stakeholders  
18 there?

19 MR. MCGARRY: The stakeholders were  
20 farmers, producers, resource interests, First  
21 Nations, culture, heritage, technical, including  
22 farm groups such as Keystone Ag Producers.

23 MR. MERONEK: And that ubiquitous  
24 group had the same opportunity to influence the  
25 response as the general public did; is that fair?

1                   MR. MCGARRY: It was certainly a  
2 consideration. But as I said, we didn't quantify  
3 it to say that municipalities had 25 percent of  
4 the vote versus the general public. It wasn't  
5 evaluated in that sense. It was evaluated  
6 collectively.

7                   MR. MERONEK: And who represented the  
8 general public?

9                   MR. MCGARRY: That we would consider  
10 from open houses and individual landowners in some  
11 cases, if we were invited to attend on their  
12 farms. And they were also included in the  
13 stakeholder group.

14                   MR. MERONEK: I wanted to talk about  
15 tower placements in terms of the various  
16 categories, but would you be more comfortable if I  
17 ask that of the consultant?

18                   MR. MCGARRY: I can probably start on  
19 that. If it's all right with the Commission, I'll  
20 defer to our expert as necessary.

21                   MR. MERONEK: Okay. Are you familiar  
22 with the various tower placement locations that  
23 are recognized within routing expertise?

24                   THE CHAIRMAN: May I interrupt?

25                   Mr. Meronek, are you going to want to

1 revisit this with the tower expert when he or she  
2 appears?

3 MR. MERONEK: I was just giving Mr. --

4 THE CHAIRMAN: Maybe if you spend a  
5 few moments on it today, but leave the bulk of it  
6 rather than revisit it again.

7 MR. MERONEK: Sure.

8 Are you aware of a preference or a  
9 ranking with respect to the various locations on  
10 which tower placements are made?

11 MR. McGARRY: You mean from the design  
12 engineer side?

13 MR. MERONEK: No, from a routing  
14 perspective?

15 MR. McGARRY: Well, it's part of  
16 design, it's part of -- tower placement is  
17 discussed with landowners. And in some cases  
18 modifications can be made to accommodate, but not  
19 always. Tower placement in the agriculture zones,  
20 intensive agriculture zones is not really limited  
21 by foundation conditions to any great degree.

22 MR. MERONEK: I think I'll leave it  
23 for the consultant.

24 Could you turn up the agricultural  
25 technical report? I'm going to be referring to

1 that extensively -- not extensively, but for a  
2 little bit. And I'd like you to reference page 5.  
3 It's part of the introduction, but it's also  
4 recited on page 27, so it's the same narrative.  
5 But to the extent that it looks like that page had  
6 some interaction between the consultant and  
7 Manitoba Hydro, I wanted to ask you some  
8 questions.

9                   Firstly, the consultant indicated that  
10 the initial routing was placed on the half mile  
11 line where feasible. Do you see that?

12                   MR. MCGARRY: Yes.

13                   MR. MERONEK: And was that his  
14 decision as an expert or a specialist?

15                   MR. MCGARRY: I would defer to our  
16 expert on clarifying that.

17                   MR. MERONEK: Okay.

18                   MR. MCGARRY: My understanding is  
19 that -- well, I'll leave it to him to explain the  
20 half mile.

21                   MR. MERONEK: Sure. And then it says:

22                   "A decision was then made by Manitoba  
23 Hydro to place the transmission line  
24 on the road allowance."

25 Who at Manitoba Hydro made that decision?

1                   MR. MCGARRY:  Actually, I'm not sure  
2    this totally captured the issue that went on.  And  
3    I think we didn't provide proper instruction at  
4    the right time for initial routing that was done  
5    in 2008, 2009, as to where a transmission line of  
6    this magnitude could be placed.

7                   Mr. Nielsen was informed later on  
8    that, in fact, we couldn't run towers immediately  
9    adjacent to road allowances for the reasons stated  
10   on that page and that we needed our 33 metre  
11   offset.

12                  MR. MERONEK:  But is it accurate that  
13   Manitoba Hydro made the decision to place the  
14   transmission line on the road allowance?

15                  MR. MCGARRY:  You'll have to clarify  
16   what he meant by road allowance.  What we meant  
17   was that the transmission line right-of-way would  
18   start at the property boundary beside the road,  
19   meaning that 66 metres of right-of-way began at  
20   the edge of the road allowance, which we placed  
21   towers 33 metres into the field.

22                  MR. MERONEK:  And then it says further  
23   on:

24                  "Upon further review, Manitoba Hydro  
25                  determined that placement of towers

1 close to the road allowance had  
2 safety/reliability issues."

3 And two of them are identified, correct?

4 MR. MCGARRY: Was there a question?

5 Sorry.

6 MR. MERONEK: I'm asking you to  
7 confirm that the safety/reliability issues are the  
8 two headings that are identified on that page.

9 MR. MCGARRY: That's correct.

10 MR. MERONEK: So in terms of the  
11 iteration, there was an initial intention to place  
12 the towers on the half, one-half mile line. That  
13 got changed to road allowance. And then there was  
14 a further iteration by Manitoba Hydro because of  
15 reliability concerns and clearance violations; is  
16 that correct?

17 MR. MCGARRY: I think the first  
18 statement may not have explained the whole story,  
19 and I will ask Mr. Nielsen to speak to that when  
20 he's up in a future panel. But the routing  
21 considered being adjacent to road allowances and  
22 also half mile lines. The criteria wasn't that in  
23 agricultural areas we would stay on half mile  
24 lines, the criteria was to avoid farm dwellings,  
25 and that list you recited earlier, hog barns and

1 agricultural facilities. So the criteria were  
2 set. The criteria that would be on half mile line  
3 wasn't there per se, it was an opportunity as well  
4 as road allowance.

5 MR. MERONEK: The reliability concerns  
6 that are mentioned here relate to vehicle  
7 collisions with towers. I take it that's a  
8 concern that Manitoba Hydro had?

9 MR. McGARRY: Along with other  
10 criteria. The exposure of a fairly sensitive  
11 equipment and a 500 kV line carrying that amount  
12 of energy serving that amount of people, certain  
13 safety criteria were invoked by the designer.

14 MR. MERONEK: To the extent that that  
15 may have impacted an otherwise better routing, did  
16 Manitoba Hydro consider putting up barriers where  
17 there were towers?

18 MR. McGARRY: I don't believe so, but  
19 I would ask our expert on design to consider that.  
20 Also, the criteria included, there is also drain  
21 maintenance and other activities that go on  
22 adjacent to road allowances, and our facilities  
23 would be there for an extensive period, 50 plus  
24 years, that it was felt important to move infield  
25 due to potential risks adjacent to our structures.

1                   MR. MERONEK: I can only go by what I  
2 read in this report. I didn't see any mention of  
3 those concerns in there.

4                   MR. McGARRY: Sorry, no mention?

5                   MR. MERONEK: No, as a reason for  
6 moving.

7                   MR. McGARRY: Yes. Well, this came  
8 from the Ag specialist, so a full review actually  
9 would best be done with our construction design  
10 engineers.

11                  MR. MERONEK: The second reason that  
12 was given here, Manitoba Hydro moving further  
13 infield was a clearance violation with respect to  
14 signs?

15                  MR. McGARRY: I think the implication  
16 here is that between towers, wind can cause the  
17 conductors to swing out over the road allowance at  
18 its minimum height. The implication of signs, I  
19 would have to ask him, but at any point you have  
20 high energy conductors swinging into a public road  
21 allowance was generally not preferred by Manitoba  
22 Hydro.

23                  MR. MERONEK: Well, I mean, are there  
24 not other ways to skin a cat, such as prohibiting  
25 signs along those right-of-ways?

1 MR. MCGARRY: Perhaps, but I would  
2 defer to our designers and experts on that.

3 MR. MERONEK: Okay. In any event,  
4 it's my understanding from reading the report that  
5 for sections 10 through 13, based on all the  
6 agricultural analyses that the consultant went  
7 through, he chose route B; is that correct?

8 MR. MCGARRY: Yes. It's stated in his  
9 report, though, that was for an extended segment  
10 from Riel, I believe, to Long Plains.

11 MR. MERONEK: And Manitoba Hydro  
12 didn't follow that conclusion in the report that  
13 route B from Long Plains to Riel was the preferred  
14 route?

15 MR. MCGARRY: No, but Mr. Nielsen also  
16 participated and his ratings provided into the  
17 matrix as well.

18 MR. MERONEK: But there's nowhere in  
19 the report that he preferred the route that  
20 Manitoba Hydro eventually chose?

21 MR. MCGARRY: I'll have to check that.  
22 You'll have to look in section 9 and 10, there are  
23 conclusions there on his support for the project.

24 MR. MERONEK: All right. So we can  
25 read the report and draw our own conclusion from

1 that and I can ask him as well.

2 MR. MCGARRY: Yes.

3 MR. MERONEK: Thank you, Mr. McGarry.

4 Thank you, Mr. Chairman.

5 THE CHAIRMAN: Thank you, Mr. Meronek.

6 Consumers Association is next on the  
7 list, however, Mr. Williams has requested of me  
8 and I have agreed to defer his examination until  
9 tomorrow morning. He said that due to his  
10 commitments at the PUB earlier this week, he  
11 wasn't able to prepare. So next up then,  
12 Mr. Dawson, do you have any questions?

13 MR. DAWSON: Good afternoon,  
14 Mr. Chairman. I have no questions for this  
15 particular witness. My questions are for  
16 Ms. Zebrowski. I do wonder, though, if board  
17 counsel has a matter to deal with at this time and  
18 I'll return to my seat. Thank you.

19 THE CHAIRMAN: Mr. Dawson, it has been  
20 brought to my attention and we will deal with it  
21 later on this afternoon.

22 Ms. Whelan Enns, do you have any  
23 questions of these witnesses?

24 MS. WHELAN ENNS: The signs are very  
25 good. I'm going to move it forward and try to

1 make sure I'm audible. The first quick comment,  
2 if I may, and I'm going to put my name and my  
3 association into the transcript because of  
4 avoiding any mistakes then. So I am Gaile Whelan  
5 Enns. I'm the Director of Manitoba Wildlands, and  
6 these questions then are from Manitoba Wildlands.  
7 And I am working on paper, which has a little bit  
8 to do with my cranky old laptop and shortage of  
9 time.

10 What I have with me is a set of  
11 questions and tags that are in the document that  
12 was the Powerpoint presentation, okay. And then  
13 I've got some others that I'm going to basically  
14 check, because I think I'll have dealt with most  
15 of them. But that's why there's lots of yellow  
16 tags.

17 Then on page 3 of the route site  
18 selection presentation from Manitoba Hydro for  
19 Bipole III, we may in fact -- and this is for the  
20 Chair to determine -- but we may in fact, in terms  
21 of page 3 in the first slide, be at an undertaking  
22 or a reminder, you know, please advise me. So the  
23 bottom of that first slide on that page is a  
24 reference, of course, to public stakeholder and  
25 Aboriginal engagement at all stages. And the last

1 word from Manitoba Hydro on the request for  
2 Manitoba Conservation for full information  
3 regarding engagement with Aboriginal people and  
4 communities in Manitoba was on September 20th. So  
5 it's two weeks later. And at that time, the  
6 response in that letter from Manitoba Hydro  
7 regarding the request for a full report on this  
8 matter says in the letter that Hydro continues to  
9 work on responding to questions and will be  
10 arranging meeting with that department to review.  
11 So I wanted to just take the opportunity to say to  
12 the panel and to the Chair that we are two weeks  
13 later, and it would be helpful, given the number  
14 of participants that are referencing original  
15 communities, both First Nation and Metis, and just  
16 the amount of overlap in questions and content in  
17 the EIS, to have of the rest of that information.

18 THE CHAIRMAN: I am sorry, Ms. Whelan  
19 Enns, I'm not sure to what you're referring. Are  
20 we talking about the route and site selection?

21 MS. WHELAN ENNS: It certainly  
22 pertains to the route and site selection, and  
23 there are a number of references right through the  
24 presentation with respect to engagement with Metis  
25 and First Nation communities, and it's right there

1 on the first slide. So I'm again looking to you  
2 for advice on this, but basically asking perhaps  
3 for an undertaking so that Manitoba Hydro will  
4 answer?

5 THE CHAIRMAN: An undertaking to  
6 provide what?

7 MS. WHELAN ENNS: This is a  
8 September 20th letter back from Manitoba Hydro in  
9 response to the request from Aboriginal relations  
10 and Manitoba Conservation for full information in  
11 terms of engagement with Aboriginal, as in Metis  
12 and First Nation communities in Manitoba. It's a  
13 query.

14 THE CHAIRMAN: We'll try to figure out  
15 what you're talking about, but perhaps you and the  
16 secretary can speak after.

17 MS. WHELAN ENNS: We can certainly  
18 take a look at the letter from the 20th. Thank  
19 you.

20 Still on page 3 then if I could, and  
21 I'm going to change direction here a little bit to  
22 be able to see you. Would either Mr. McGarry or  
23 Mr. Dyck give us a layperson's explanation in  
24 terms of all the "areas" as in starting from the  
25 large study area with the three possible corridors

1 in it, through the project area and the local  
2 area? I'd appreciate hearing that. I have a  
3 couple of specific questions, but wanted to,  
4 rather than assume, ask you to give us that first?

5 MR. MCGARRY: Sorry, if I understand  
6 you correctly, you want a definition of the  
7 project study area, the local study area and  
8 project footprint perhaps?

9 MS. WHELAN ENNS: Yes. They nest,  
10 right, and you start with the study area which is  
11 almost 22 percent of the province, and you move  
12 through your assessment and your technical work  
13 through these areas in terms of the nesting and  
14 the gradual location of preferred route. I can  
15 state it and you can tell me if I'm off, if that  
16 would work better.

17 The study area then is where you  
18 started, it was about 22 percent of the province  
19 and it had a lot of lands and waters and a  
20 potential choice in terms of three options for the  
21 corridor. As you move to preferred corridor, you  
22 move to project area; is that correct?

23 MR. MCGARRY: I'll just quickly go  
24 through. The project study area was the large  
25 area you mentioned, affectionately called the

1 banana by some, or inverted banana, although we  
2 prefer banana. But it represents 20 percent of  
3 the province inland area, and we explained the  
4 study area boundaries for that. The next level  
5 was the local study area, which was when we  
6 selected route alternatives, we bounded them a  
7 mile on either side, or a mile and a half on  
8 either side, it's a three mile wide corridor. So  
9 when you're talking about alternative routes at  
10 that stage, which was round three, the  
11 representations of alternatives were considered as  
12 three mile wide corridors. By the time we got to  
13 preferred route in round four, we were now talking  
14 about a route that had a 66 metre wide  
15 right-of-way.

16 MS. WHELAN ENNS: And you get from  
17 study area to local study area to project area?

18 MR. MCGARRY: Project footprint.

19 MS. WHELAN ENNS: Thank you. The  
20 terminologies are used variously in the EIS and  
21 some of the technical report, so that's where I'm  
22 coming from with the question.

23 Then what I wanted to know is how you  
24 had taken into account, or whether you have, and I  
25 understand some of the responses we have had today

1 in terms of what was available to you when the EIS  
2 itself was filed as of last December, and that  
3 some things are since then. So I'm conscious of  
4 that. What I'd like to know is how the drill hole  
5 process was taken into account in arriving at  
6 what's in the EIS, and what's assumed then in  
7 terms of where drill holes are being located to  
8 test for where towers would be located, and where  
9 they are in relation to study area, local study  
10 area and corridor. Are they all in the corridor?  
11 Are they all in the preferred corridor?

12 MR. MCGARRY: The drilling program  
13 that's been going on for a number of years for  
14 various reasons from water sourcing to  
15 geotechnical considerations for future routes,  
16 routing and tower location. So the program has  
17 covered project study area, to alternative  
18 routing, to preferred route.

19 MS. WHELAN ENNS: I think you might  
20 want to consider having further information or one  
21 of your experts speak to this. Certainly affected  
22 communities along the corridor were notified in  
23 July of this year with specific indication of  
24 where test drill holes for Bipole III might be  
25 going to occur, with a request for an agreement to

1 that, you know. So I understand you must be  
2 drilling all of the time and you have a variety of  
3 projects, there's certainly a lot of transmission  
4 lines under discussion, including the five extra,  
5 for instance, for the northern converter station.  
6 But what I'm asking or trying to determine is  
7 whether the drill hole program for Bipole III was  
8 taken into account when the EIS was planned and  
9 prepared?

10 MR. MCGARRY: It was considered in the  
11 EIS as a potential effect, and there is mitigation  
12 specified for drilling in the environmental  
13 protection program portion of the EIS.

14 MS. WHELAN ENNS: Thank you. It's  
15 Mr. Monkman inside Manitoba Hydro that's doing all  
16 the notification to affected communities regarding  
17 all the drill hole program for Bipole III, which  
18 is one question.

19 The second one then I guess is  
20 somewhat associated, and that is whether or not --  
21 and there's a little bit of language inside the  
22 EIS in terms of the easements for the  
23 right-of-way. It's the same question. And that  
24 is, when the EIS was being planned and prepared,  
25 when you were in fact doing all your technical

1 preparation, did you consider -- and there's a  
2 slight reference to it, if you will, in the EIS  
3 documents, to the best of my knowledge -- did you  
4 consider more information and/or mapping clarity  
5 in terms of what the easements for the  
6 right-of-way were going to look like?

7 MR. MCGARRY: I'm not sure how the  
8 easement came into it from your perspective. But  
9 from ours, easement relates to property  
10 acquisition once we have a final preferred route.  
11 And we started that process, but not with actual  
12 acquisition, we started with easement discussions  
13 with landowners.

14 MS. WHELAN ENNS: Thank you. One of  
15 the challenges in terms of what a public interest  
16 participant might need to learn, or pay attention  
17 to, or ask about in a large Hydro project  
18 sometimes comes down to what appears to be  
19 missing. So again, the Manitoba government, and I  
20 certainly think this is both Manitoba Conservation  
21 and your utility, is definitely in the process now  
22 of notifying all communities with respect to the  
23 easements. And what is not clear technically in  
24 terms of the materials in hand so far is what is  
25 the right-of-way, what is the easement, are they

1 the same, are they identical, why then would there  
2 be very little and no technical information,  
3 slight mention of the easements in the EIS? So  
4 that's why I'm motivated to ask. These are both  
5 things that, again from a layperson's point of  
6 view, whether it's drill holes or easements, are  
7 form of tenure, form of land use, or a form of  
8 taking up. So it would be welcome to have more  
9 information, mapping, and a bit of clarity. And  
10 they are going on. I understand what you said  
11 about drill hole programs being ongoing all the  
12 time, but certainly the summer and early fall has  
13 been busy in both regards. I'm going to go on to  
14 the next question. Thank you.

15                   And I am on page 4. As I said at the  
16 beginning, Mr. Dyck, Mr. McGarry, either or both  
17 answers are just fine.

18                   I wanted to ask you a first question  
19 about Woodland Caribou that's also a little bit of  
20 a pattern. And that is there seems to be a fair  
21 bit of attention in your work and your assessment  
22 with regards to calving areas. How about  
23 wintering areas?

24                   MR. MCGARRY: That is definitely  
25 considered and I would defer questioning on

1 Woodland Caribou and use and habitat to our  
2 expert.

3 MS. WHELAN ENNS: Thank you. I'll  
4 certainly come back to it.

5 I'm on the top slide on that page.  
6 The other area of questioning has a little bit to  
7 do with the use you have made of the areas of  
8 special interest. So I'd appreciate knowing which  
9 year's data, that as of when year in terms of the  
10 areas of special interest. They have changed a  
11 fair bit since about -- between '05 and '07 is  
12 when they started to change dramatically. So  
13 could you tell me the year?

14 MR. MCGARRY: We had ongoing  
15 discussions with the protected areas initiative  
16 people and Manitoba Conservation, I'd have to  
17 check the date, but as recently as 2011.

18 MS. WHELAN ENNS: And the reason I'm  
19 asking is because it's almost 200 of them, and  
20 there have been a lot of changes in terms of  
21 what's mapped and what's in the data, hence the  
22 query in terms of which year.

23 There are also, again, and this will  
24 be here in my approach to your presentation and  
25 questions is the pattern. So there's a lot of

1 reference to wildlife management areas at  
2 different stages in your presentation and in these  
3 sections of the EIS.

4           What I have been looking for and not  
5 seeing, though, is a clear statement in terms of  
6 when a wildlife management area is a protected  
7 area and when it's not. So could you tell me  
8 whether in your methodology, the matrix, your  
9 weighting, whether all wildlife management areas  
10 were basically on the same level, if you will, or  
11 whether or not there was attention paid and  
12 greater weight to any wildlife management area  
13 that's protected by regulation from development?

14           MR. DYCK: The information that we  
15 have is that the wildlife management areas are in  
16 fact categorized or classified differently by  
17 Manitoba Conservation and Protected Areas  
18 Initiative. Protected Areas Initiative has some  
19 plans for some WMAs as well to extend additional  
20 protection to them. We were quite aware of that.  
21 We were engaged with Protected Areas Initiative  
22 throughout the process in discussing the areas of  
23 not only WMAs or wildlife management areas, but  
24 also other ASI's that they had, and to work with  
25 them on routing through that.

1                   There is proposed additions to the  
2 various wildlife management areas that we were  
3 aware of as well, south of The Pas in particular,  
4 and again we worked with Protected Areas  
5 Initiative to address the issues in those areas.

6                   In some cases such as the Churchill  
7 wildlife management area, the Tom Lamb wildlife  
8 management area, the proposed Summerberry and the  
9 proposed Red Deer wildlife management areas, we  
10 had no opportunity to avoid them.

11                   MS. WHELAN ENNS: Thank you. We  
12 started to protect wildlife management areas by  
13 regulation from industrial activity in Manitoba in  
14 1993. The same language has been used each time  
15 in the regulation in the Wildlife Act for what is  
16 now a 20 year period. So, an example would be,  
17 for instance, the Churchill wildlife management  
18 area, which was actually completely protected for  
19 about a four year period in the 1990s and is  
20 currently not. So that's the basis for where my  
21 questions are coming from. I think it's  
22 important, and there are some real strengths in  
23 your EIS with respect to Crown land designations  
24 and what the PAIs, the Protected Area Initiatives,  
25 what an area of special interest is. So on that

1 basis, because some of it is very strong, I do  
2 think it's important for you to also be  
3 knowledgeable about the wildlife management areas  
4 and what the regulatory pattern has been, as I  
5 said, now for 20 years.

6           The Act itself allows a fair bit of  
7 variation in terms of regulation and the  
8 management standards for wildlife management area.  
9 But again, the same protection language has been  
10 used in each instance where a WMA is actually  
11 protected for 20 years. So it's the regulatory  
12 framework, it's the public policy framework, and  
13 it's I think important for you to know what's a  
14 protected area. Again, there are real strengths  
15 in the material, which is why I'm being as  
16 specific with the question. I think this area is  
17 actually potentially important and relevant for  
18 all Manitoba Hydro projects, in terms of public  
19 lands and Crown land designations. So thank you  
20 on that one.

21           I wanted to ask a quick question about  
22 constraints. Constraints start at the bottom of  
23 page 4 and continue on the top of page 5, and  
24 again, it's a layperson's question. Did you --  
25 and I know this is shorthand, that the EIS is more

1 thorough, but what I was wondering when I looked  
2 at this, and wondering when I was reviewing  
3 portions of the EIS, is whether or not in your  
4 methods existing impacts, existing risk to a  
5 landscape, existing development -- and I'm now a  
6 little bit getting cumulative here in terms of  
7 cumulative impacts -- do you consider that  
8 constraint, when you're looking at routing and you  
9 are in fact looking at an area of Crown land, it's  
10 already got a lot of impacts, is that a  
11 constraint?

12 MR. MCGARRY: It depends whether we  
13 were looking for a routing opportunity or routing  
14 alternatives in an area. When we were doing such,  
15 the landscape fabric was known to us. If there  
16 were things that would impede or restrict  
17 development of the Hydro transmission line, we  
18 would look at that.

19 MS. WHELAN ENNS: And that's a quite  
20 relevant response. My question is from a more  
21 ecological point of view, and that is if you've  
22 already got impacts, ecosystem function issues, a  
23 lot of sustainability issues, whether that's a  
24 constraint for you in choosing your routing? But  
25 your answer's fine for now.

1 I have a quick question on peat lands  
2 in terms of the top of page 5. There is some  
3 references here in the third bullet, widespread  
4 permafrost and deep peat-land areas. And we all  
5 use the muskeg word also, don't we?

6 I think there's some debate, and not  
7 necessarily full information, inside government  
8 about permafrost in Manitoba. And it's shifting  
9 because the climate is shifting. So what I wanted  
10 to ask you is whether or not, again in your  
11 constraints, you are paying attention to where  
12 there's continuous permafrost versus  
13 discontinuous, and projecting changes in  
14 permafrost when you're routing?

15 MR. MCGARRY: We mapped permafrost, as  
16 you said, continuous, discontinuous. I'm trying  
17 to remember which technical report it's in. I  
18 think it's in soils and stream, so you'll find  
19 that information there. In terms of the future,  
20 it wasn't considered in that light. We were  
21 dealing with the conditions that are present  
22 today. And it's more of an engineering question.  
23 Once you have decided on a route from all the  
24 criteria that we reviewed, which is quite a few,  
25 once you have made that decision, the changes that

1 could happen in the environment in the future  
2 really will have to be dealt with on an  
3 engineering basis.

4 MR. DYCK: I would just add to that  
5 that there are mitigation measures prescribed for  
6 construction practices on permafrost sites to  
7 address those issues and to minimize the effects  
8 of construction of the project on permafrost.

9 MS. WHELAN ENNS: Thank you. I  
10 certainly saw some of that presentation on Monday  
11 in terms those issues, in terms of permafrost. I  
12 realize that your answers are to do with routing  
13 and to do with engineering. My questions have a  
14 little bit more of an ecological environmental  
15 basis, but thank you.

16 On the bottom of page 5, and again  
17 looking for patterns in the EIS and in the  
18 presentations, there is a pattern in terms of --  
19 and both the two previous participants asked  
20 questions in this area also. So the second bullet  
21 on this particular slide refers to other linear  
22 rights-of-ways, and using existing highway  
23 rights-of-ways railways, roads, and also  
24 transmission corridors which you would share.  
25 There was some sharing, for instance, mentioned in

1 a presentation this week with the Wuskwatim  
2 transmission corridor. There's a variety of  
3 references so far this week. So I would like to,  
4 and again I may be misinformed or making a wrong  
5 assumption, but I'd really appreciate knowing  
6 Manitoba Hydro's policy overall in terms of  
7 sharing transmission corridor.

8 My understanding, and I think that  
9 generally the public's understanding is that all  
10 of the reliability, and weather risk, extreme  
11 weather event risks, with respect to having Bipole  
12 III and II only in place now are real. So taking  
13 that as an assumption, my other assumption has  
14 been for years now that the policy of the utility  
15 is to avoid sharing corridors because of what can  
16 happen if you're having an extreme weather event.

17 THE CHAIRMAN: Was there a question in  
18 there?

19 MS. WHELAN ENNS: Yes. What is the  
20 policy of the utility with respect to risk where a  
21 transmission corridor is shared more than one  
22 line, more than one set of infrastructure?  
23 Because, again, the pattern throughout is about  
24 sharing and trying to minimize -- and I get  
25 this -- trying to minimize the impact in terms of

1 new corridor. So is my assumption incorrect about  
2 Manitoba Hydro's policy being to avoid sharing  
3 corridors because of risk during extreme weather  
4 events?

5 THE CHAIRMAN: That has been addressed  
6 in the opening statement by Mr. Tymofichuk.

7 MS. WHELAN ENNS: Um-hum.

8 THE CHAIRMAN: In which he stated that  
9 they had a policy of I believe it's 40 kilometre  
10 separation from Bipoles I and II.

11 MS. WHELAN ENNS: Um-hum.

12 THE CHAIRMAN: So you are aware of  
13 that?

14 MS. WHELAN ENNS: Yes, and I was here  
15 for that. That's part what I'm asking, Mr. Chair.

16 THE CHAIRMAN: But you know the answer  
17 to it, or are you talking about other corridors?

18 MS. WHELAN ENNS: I am -- I did hear  
19 that and I'm asking it because of the number of  
20 references to shared corridor. We haven't -- I  
21 haven't asked how close together, to take your  
22 point about distance. But if it's too much policy  
23 and not a routing question, we can certainly come  
24 back to it in a different matter.

25 MR. NEUFELD: Perhaps I'll respond to

1 that. So the issue with regard to the not wanting  
2 to share a common corridor, as Mr. Tymofichuk  
3 described, has to do with the Bipole systems which  
4 carry the bulk of the power from the north.

5 MS. WHELAN ENNS: Um-hum.

6 MR. NEUFELD: We don't have any hard  
7 policies as it relates to sharing or not sharing a  
8 common corridor between say a Bipole line and a  
9 230 kVAC line, or a 115 kV line.

10 MS. WHELAN ENNS: Thank you. That is  
11 the difference, it's not two Bipoles?

12 MR. NEUFELD: That is correct.

13 MS. WHELAN ENNS: Okay. Thank you.

14 I'm on page 7, and I am going to on  
15 the bottom of the page, ask a couple of questions  
16 about data management, if I may. I appreciate  
17 it's here in your Powerpoint presentation, I  
18 appreciate the offer also in terms of the access  
19 to the data portal, which we can come back to  
20 after this week.

21 My concern, and I have heard it voiced  
22 by others, has to do with the number of sets of  
23 data, or number of different databases being  
24 aggregated in order to arrive at the Bipole III  
25 data warehouse and all in database.

1                   So is there any concern about  
2 aggregating this? Is there a variance in your  
3 methodology? Do you take into account, if you  
4 take eight sets of data from different points in  
5 time and from different methodologies and handle  
6 in different GIS databases and combine them?

7                   THE CHAIRMAN: I don't fully  
8 understand the relevance of that question. The  
9 data information that's noted on page 7, I  
10 believe, was just their introductory to the  
11 beginning of their routing activities. I don't  
12 understand the relevance of the different types of  
13 databases that they keep?

14                   MS. WHELAN ENNS: Thank you,  
15 Mr. Chair. Generally in methodologies where  
16 there's different sets of GIS data being combined  
17 for, for instance, a routing exercise, there is a  
18 risk or a variance identified. You are right that  
19 we're talking about routing now, and that this  
20 applies to the different uses of this aggregate  
21 data for Bipole III.

22                   THE CHAIRMAN: Would you please stick  
23 to questions that are relevant to the route  
24 selection?

25                   MS. WHELAN ENNS: I'll rephrase.

1 Thank you.

2 Is there any identified risk for  
3 routing Bipole III from the combinations of  
4 several sets of data that you are relying on?

5 MR. MCGARRY: I'm not sure what risk  
6 in what sense. The data we have is all properly  
7 documented for our purposes and from reliable  
8 sources. We don't perceive a risk in the  
9 utilization of that data at this point.

10 MS. WHELAN ENNS: Good. Thank you.

11 On the top of page 9, and this is  
12 probably real quick because we're looking at the  
13 material that's been in the room this week. Is  
14 there a location in that chapter that provides a  
15 definition of fragmentation?

16 MR. DYCK: You're talking about  
17 chapter 7?

18 MS. WHELAN ENNS: Um-hum. Yeah, so  
19 the footer on the slide is 7224.

20 MR. DYCK: Yes, I think the chapter  
21 speaks to the identification of alternative routes  
22 in particular. The definition of fragmentation  
23 and how it was used would be in the wildlife, and  
24 the specific wildlife technical reports, including  
25 birds and mammals, caribou, and I believe there's

1 a specific report on fragmentation.

2 MS. WHELAN ENNS: Thank you. So we'll  
3 find it in different locations related to species.  
4 Thank you.

5 MR. DYCK: Right.

6 MS. WHELAN ENNS: When you were  
7 working to get your preferred order at the three  
8 mile or 4.8 kilometre width, are you in the local  
9 project area at that point, or local study area?

10 MR. MCGARRY: Yes, that was considered  
11 a local study area at that point.

12 MS. WHELAN ENNS: And in going to the  
13 width of the metre, width of the 60 metre  
14 corridor, do you continue to take into account in  
15 the 4.8 kilometre width the access trails, the  
16 access roads, where the burrow pits are going to  
17 be?

18 MR. MCGARRY: In terms of access, it  
19 was one of the criteria in the route selection  
20 matrix, so it was considered from a  
21 constructability point of view.

22 MS. WHELAN ENNS: Okay. Thank you.  
23 On page 11, this is the alternate route corridors  
24 evaluation selection slide, and it's a pattern in  
25 terms of maybe combining a question here. And

1 that is, do you know in terms of your engagement  
2 with Aboriginal communities at each of the four  
3 stages of the public process, how many of the 45  
4 Aboriginal communities that Manitoba Hydro  
5 identified in the motions response in August, how  
6 many of those 45 were engaged at each of the four  
7 stages?

8 MR. MCGARRY: We have that information  
9 somewhere. We'll have to dig it out in terms of,  
10 I believe it was in the chapter 5 terms of -- I'll  
11 have to check.

12 MS. WHELAN ENNS: I think this would  
13 be probably helpful in terms of the pattern and  
14 some of the questions to date to know how many of  
15 the 45 and which ones.

16 THE CHAIRMAN: Go ahead, Mr. Joyal.

17 MR. JOYAL: Thank you. Appendix B of  
18 chapter 5 outlines all the meetings that were held  
19 throughout each round of the EACP, and locations  
20 of the community open houses.

21 MS. WHELAN ENNS: Yes, I'm aware of  
22 the appendix. The context of my question had to  
23 do with the identification by Manitoba Hydro of 45  
24 and the relationship to that. So I'll take a look  
25 at the appendix. Thank you.

1                   On page 14, this is again sort of an  
2   obvious question from a public interest point of  
3   view, it appears that in accommodating mining  
4   interests that you went up to a 6 kilometre wide  
5   zone versus a 4.8 kilometre wide?

6                   MR. MCGARRY: Can you give me the  
7   slide number again?

8                   MS. WHELAN ENNS: Sorry, we're on page  
9   14, bottom of the page, "Mining Interests."

10                  MR. MCGARRY: Yes, somebody just  
11   pointed it out to me. The reference to 3 to 6  
12   kilometre wide wasn't the alternative route, that  
13   was the claim of the mining industry of the DC  
14   shadow effect on geophysical assessment.

15                  MS. WHELAN ENNS: And the range from 3  
16   to 6 kilometres had to do with their equipment in  
17   terms of the aerial geomagnetic work. Is that  
18   approximately correct?

19                  MR. MCGARRY: Yes.

20                  MS. WHELAN ENNS: And risk of this  
21   shadow?

22                  MR. MCGARRY: Yes. And that  
23   information came to us from the mining industry in  
24   terms of the distances.

25                  MS. WHELAN ENNS: Thank you. On page

1 16, the bottom slide, it's a little bit  
2 nonplusing. I know that there's a lot of  
3 challenges to put all of this into a Powerpoint  
4 presentation. The slide is still, of course,  
5 about mining interests, but Woodland Caribou is at  
6 the bottom of the page, bottom of the slide. So  
7 in your engagement with the mining industry, there  
8 was also concern about Woodland Caribou?

9 MR. MCGARRY: In reviewing options, we  
10 were reviewing a number of criteria. So there is  
11 mining interests, there is caribou, there is  
12 recreation, community interests, a number of items  
13 in our review.

14 MS. WHELAN ENNS: Thank you. I'll  
15 take that as a no, that it doesn't pertain to the  
16 mining industry in terms of Woodland Caribou on  
17 that slide?

18 MR. MCGARRY: If I may correct, I was  
19 looking at the wrong slide. What I see on the  
20 slide, which is the bottom of page 16 -- is that  
21 the one?

22 MS. WHELAN ENNS: Yeah, I think so.  
23 Yes. Sorry, yes.

24 MR. MCGARRY: Yes, it was the  
25 evaluation of four options and we talked about, if

1 we selected one of them, the possibility of using  
2 enhanced mitigation to deal with caribou issues.

3 MS. WHELAN ENNS: Thank you. On page  
4 20, the slide that's on the bottom of the page,  
5 this may be wider than the routing study itself,  
6 but again a pattern that's of interest overall in  
7 terms of the project. There is a reference then  
8 at the lower part of the slide in terms of  
9 monitoring -- well, basically in commitments and  
10 things for species and for access and so on that  
11 Manitoba Hydro is committing to with respect to  
12 this project. So the question, and I'm going to  
13 voice it, if it goes beyond the panel then we can  
14 come back to it. The question has to do with  
15 whether Manitoba Hydro would be cooperative and  
16 make sure that monitoring reports and information  
17 in terms of the various species and risks to the  
18 environment that these commitments pertain to,  
19 that Manitoba Hydro would make sure that these  
20 reports are available, shareable, accessible by  
21 the communities, by the hunters?

22 MR. MCGARRY: Yes. All our monitoring  
23 activities will be reported likely on an annual  
24 basis.

25 MS. WHELAN ENNS: So that's an

1 assumption perhaps under the Environment Act that  
2 the monitoring reports would be turned in once a  
3 month -- once a year rather, and be in the file?

4 MR. MCGARRY: I'm sorry, I missed the  
5 end of that?

6 MS. WHELAN ENNS: I'm going to try  
7 again. So if I'm understanding the answer, again  
8 the various monitoring reports are on an annual  
9 basis and that they are in fact turned into  
10 Manitoba Conservation and would be part of the  
11 registry, part of the licensing file?

12 MR. MCGARRY: Well, that's up to the  
13 licensing body, but we would offer to put them up  
14 on our website regardless.

15 MS. WHELAN ENNS: Good to hear. Thank  
16 you. I'm on page 22, bottom slide. I wanted to  
17 ask a question about Ralls Island. And there's a  
18 reference in terms of the overview of the route,  
19 approximately the bottom half of the slide. I'm  
20 fairly sure, because we looked in the EIS, that  
21 this question pertained to something that's  
22 absent. So we know from spring and summer of 2011  
23 that Ralls Island was at considerable risk of  
24 flooding and that there was a fair bit of  
25 emergency work done in terms of flood-proofing and

1 keeping secure the existing Manitoba Hydro  
2 infrastructure on Manitoba Ralls Island. So has  
3 that been taken into account in any way in terms  
4 of your planning Bipole III? Is there going to be  
5 additional flood-proofing needed? Is the access  
6 in and out -- I know it was the most water in 300  
7 years, but there certainly was a fair bit of  
8 commentary in the middle of last year about the  
9 risk to Ralls Island. So is that part of your  
10 planning for this project, flood protection of  
11 Ralls Island?

12 MR. DYCK: The transmission project,  
13 the construction of it and operation of it would  
14 not cause any change to any drainage patterns in  
15 the Ralls Island area, or anywhere else for that  
16 matter. So there shouldn't be any change to any  
17 type of condition that currently exists.

18 MS. WHELAN ENNS: Thank you, Mr. Dyck.  
19 My question, maybe, if I may state it at a  
20 slightly quicker way, is the current  
21 flood-proofing on Ralls Island sufficient for this  
22 project? I think it should be. I think this is  
23 an easy yes.

24 MR. MCGARRY: Whatever flood  
25 protection is there, I'm not aware of and I would

1 defer to our construction people if they thought  
2 they needed additional measures, but I don't  
3 believe so, to operate, or construct and operate  
4 the transmission line through the area.

5 MS. WHELAN ENNS: Thank you.

6 MR. PENNER: Can I add to that?  
7 Typically there will be design mitigation measures  
8 so that the foundations will be high enough that  
9 there shouldn't be any concern. There may be some  
10 mounding around foundations if it's a flooding  
11 area, but it will be within the tower base itself.

12 MS. WHELAN ENNS: Thank you,  
13 Mr. Penner. My sense again in the public  
14 information is that the flood-proofing that was  
15 done last spring and summer for Ralls Island is  
16 permanent. So I think this is probably in fairly  
17 good shape. But again, because we've been paying  
18 particular attention to risk, extreme weather  
19 events and so on, that's what we had in terms of  
20 flooding last year, hence the question. But thank  
21 you.

22 On page 25, there's a reference that  
23 doesn't say, the top of the page of the slide  
24 doesn't say South Saskatchewan Delta, but does  
25 refer to the upcoming wildlife management areas.

1 So I wanted to basically ask whether Manitoba  
2 Hydro, in its planning, was looking at all of the  
3 pieces of this potential upcoming significant  
4 protected area, because that is my sense from the  
5 EIS. I'm looking at your presentation materials  
6 and going, hmm, not necessarily that clear. But  
7 these WMAs, an expanded ecological reserve, and  
8 all of which are based on a couple of very  
9 significant areas of special interest are an  
10 intended upcoming new protected area. So the  
11 reason for the comment is that this slide  
12 basically is identifying what you weren't able to  
13 avoid in planning in that sub region, if you will.  
14 So I wanted to basically say that it's unfortunate  
15 that this was unavoidable. You had some very  
16 specific constraints right here in the west side  
17 of the province that are evident from the  
18 presentations and from the mapping products and so  
19 on.

20 THE CHAIRMAN: Ms. Whelan Enns, you  
21 should be asking questions, not making comments at  
22 this time, please.

23 MS. WHELAN ENNS: Thank you,  
24 Mr. Chair. I also wanted to again commend the  
25 utility.

1 THE CHAIRMAN: Please move on.

2 MS. WHELAN ENNS: Thank you.

3 On the bottom of page 26, could you  
4 let me know whether or not you have used any kind  
5 of predictive modeling when you, in fact, identify  
6 something as specific as a Bald Eagle nest or a  
7 Grebe nest, and/or wonder whether there's Blue  
8 Herons, because the data is really not  
9 insufficient. And I don't mean your data, I mean  
10 overall our knowledge of this part of the province  
11 and species. Do you use predictive modeling?

12 MR. DYCK: There is predictive  
13 modeling being used for habitat. I wouldn't say  
14 it's necessarily for nesting specifically. We did  
15 conduct aerial surveys, bird surveys in the area,  
16 so some of that data that was recorded during that  
17 time was part of the database.

18 MS. WHELAN ENNS: Thank you.

19 MR. DYCK: The bird biologist can  
20 speak to that more specifically later in the  
21 month.

22 MS. WHELAN ENNS: Thank you. On page  
23 35 there is another reference in terms of the use  
24 of existing corridors and transmission lines asked  
25 and answered. It's there again on the slide at

1 the top of page 37, asked and answered.

2 On page 38, this may well be something  
3 we have missed in the EIS materials, but we have  
4 certainly been learning them. I wanted to know  
5 whether you have calculated the number of corridor  
6 kilometres that are inside WMAs, whether you are  
7 crossing any conservation easement? And that's  
8 generally something I am not seeing. There's a  
9 little bit of content in the EIS itself, the  
10 number of kilometres of corridor that are through  
11 known identified moose habitat, number of  
12 corridors of the Bipole III that are going through  
13 or right by known environmental sensitive areas.  
14 Have you broken it out that way?

15 MR. DYCK: I believe a lot of that  
16 information is available in the land use report.

17 MS. WHELAN ENNS: And I may have  
18 missed it. Thank you.

19 On page 41 there's a reference to NERC  
20 reliability standards. Is there anywhere in the  
21 EIS, and we have not located this, where there is  
22 a clear statement of each of, or any of the  
23 aspects of the Bipole III project that need to  
24 meet and/or have been designed to meet NERC  
25 reliability standards or other NERC requirements?

1                   MR. MCGARRY: For the purposes of this  
2 slide, the reference to NERC reliability standards  
3 was based on siting rights-of-ways.

4                   MS. WHELAN ENNS: Um-hum.

5                   MR. MCGARRY: And part of that is  
6 their proximity to each other and any risk to the  
7 infrastructure, either from trees or from  
8 paralleling other transmission lines. I think  
9 that's what the NERC reference is for there.

10                  MS. WHELAN ENNS: That was my  
11 assumption, and I realize this is the routing  
12 section of the EIS. Some of my questions, though,  
13 have to do with patterns in the materials overall.  
14 And I think it would be very helpful for Manitoba  
15 Hydro to have indicated where you are fulfilling,  
16 or need to fulfil, or are reaching for NERC  
17 standards for the project overall. Thank you.

18                  On the bottom of page 42, there's a  
19 reference to Coastal Caribou. It's approximately  
20 in the middle of page. And again, I know this is  
21 a Powerpoint presentation, it's really a  
22 distillation. But I was struck by this because in  
23 the area where the northern converter station and  
24 then the ground electrode site is there is the  
25 potential for, well, a handful of different kinds

1 of caribou. So the question then would be, did  
2 you only concern yourselves with Coastal Caribou?

3 MR. MCGARRY: I think I'll defer some  
4 of that to our specialist, but there are three  
5 types of caribou in the area, and their use of the  
6 area was identified in the technical reports on  
7 caribou.

8 MS. WHELAN ENNS: Thank you. And I  
9 have read those. We are in a part of the province  
10 where there's considerable concern in the  
11 scientific community right now, so I'm trying to  
12 question on that basis.

13 I'm very close to the end of the tags,  
14 Mr. Chair.

15 On page 45, we're looking at the Riel  
16 converter station slide at the top of the page.  
17 And based on two recent requests by Manitoba Hydro  
18 personnel of our office to come in and update us  
19 and advise us with respect to a couple of  
20 transmission lines in the province, I wanted to  
21 ask if you could tell us how much Crown land was  
22 acquired for the Riel converter station site?

23 MR. MCGARRY: I believe most of it was  
24 private land, but I would defer that to our  
25 property department. And it is obviously next to

1 the City of Winnipeg, so my assumption is it was  
2 private land.

3 MS. WHELAN ENNS: I believe there is  
4 some Crown land, which is the basis for the  
5 question. Can you provide the information? I  
6 know most of it is private. That's quite evident  
7 in terms of location.

8 MR. MCGARRY: We can confirm that for  
9 you.

10 MS. WHELAN ENNS: Thank you.

11 MR. PENNER: Could I add to that? The  
12 Riel site, Manitoba Hydro has owned the Riel site  
13 since the early 1990s. Are you asking if it was  
14 purchased from the Crown prior to that or --

15 MS. WHELAN ENNS: Thank you,  
16 Mr. Penner. It's a basic question, and that is  
17 whether any of the land assembled for the Riel  
18 converter station site was Crown land at the time  
19 the site was being assembled? And yes, you're  
20 right, it's probably from the 1990's, and yes,  
21 most of it was private land. The question is, was  
22 there any Crown land?

23 THE CHAIRMAN: What's the relevance of  
24 that?

25 MS. WHELAN ENNS: The relevance,

1 Mr. Chair, has to do with the questions I'm sort  
2 of going to pass over because of time use, and  
3 that has to do with, again, the notification  
4 and --

5 MR. PENNER: I don't believe there was  
6 any Crown land purchased.

7 MS. WHELAN ENNS: Thank you. On the  
8 slide at the top of page 46, and based on being  
9 here when you presented, my understanding is that  
10 site 1C is your preferred option for the southern  
11 ground electrode site, and that it's not assembled  
12 yet, but it's in progress, and that it's all  
13 private land. Is that accurate?

14 MR. MCGARRY: I believe that's  
15 correct.

16 MS. WHELAN ENNS: Okay. Thank you.

17 On page 47, southern ground electrodes  
18 line rather than site this time, there is a  
19 reference to adjacent landowners notified. Was  
20 there, to the best of your knowledge, any  
21 notification in terms of any neighboring  
22 Aboriginal communities or First Nations or Metis  
23 communities?

24 MR. JOYAL: Notification was  
25 undertaken to those directly adjacent to the line

1     itself.

2                   MS. WHELAN ENNS:   Thank you.   If it's  
3     all right, Mr. Chair, I am going to take a quick  
4     run through these.   I think most of what I have  
5     left in front of me, we have dealt with.

6                   THE CHAIRMAN:   I would hope it's  
7     quick, Ms. Whelan Enns.

8                   MS. WHELAN ENNS:   Yes.   The first one  
9     that I think we haven't handled yet is for the  
10    biologist, taking the pattern and the referrals,  
11    so it will wait.

12                   The areas in the routing study and the  
13    decisions you have made in terms of the preferred  
14    corridor where you have identified unavoidable  
15    decisions, is there any plan, any discussion or  
16    any intention in terms of compensation for impacts  
17    on those unavoidable routing decisions?   An  
18    example would be the berry picking site.

19                   THE CHAIRMAN:   I think that's been  
20    asked and addressed a number of times.

21                   MS. WHELAN ENNS:   Thank you.   My notes  
22    are in good shape.   I thank the Chair and the  
23    panel.

24                   THE CHAIRMAN:   Thank you Ms. Whelan  
25    Enns.

1 Mr. Beddome?

2 MR. BEDDOME: Thank you very much,  
3 Mr. Chair. James Beddome, leader of the Green  
4 Party of Manitoba for the record.

5 Oh, can I apologize and ask if I might  
6 quickly go grab the MH 046 to refer to, that's the  
7 slide presentation. I apologize for that. Sorry  
8 about that.

9 I guess first kind of, it's in a  
10 little bit of a backwards order, this shouldn't  
11 take long, start on page 39 at the bottom of the  
12 page. And I think we went through this yesterday  
13 but it's just a real quick confirmation. And that  
14 is that the site selection of the northern  
15 terminus, you considered 10 alternative sites but  
16 they were all within close proximity of Conawapa,  
17 and that was based on the reference given to you  
18 in terms of site selection, correct?

19 MR. MCGARRY: I'm not sure what you  
20 mean by the records given to us?

21 MR. BEDDOME: I guess what I'm saying  
22 is that the northern point was largely  
23 established, there was some variation to consider  
24 10 alternative sites, but I think you said  
25 yesterday it was part of your terms of reference

1 was to locate the northern terminis close to the  
2 proposed Conawapa site?

3 MR. MCGARRY: There was certainly a  
4 technical basis for initial selection.

5 MR. BEDDOME: Okay. So that wasn't  
6 necessarily dictated by the site selection, that  
7 wasn't established up-front before you guys  
8 started trying to consider various alternative  
9 routes?

10 MR. MCGARRY: There is a number of  
11 sites that were reviewed for technical and  
12 environmental review.

13 MR. BEDDOME: Sorry, maybe I'm not  
14 being clear enough. I guess just on page 39, it  
15 says 10 sites all within 5 and a half kilometres  
16 of the proposed Conawapa site. So I'm just  
17 basically saying that your directive to start with  
18 was to build the northern converter station in  
19 close proximity to the proposed Conawapa site?

20 MR. MCGARRY: Yes, I am sorry if I  
21 misunderstood. Yes, that's correct.

22 MR. BEDDOME: And given that the  
23 southern terminis point, Riel, was licenced in  
24 2009, also there wasn't much ability for variation  
25 as to the southern terminis either, correct?

1                   MR. MCGARRY: Correct, yes, that site  
2 was established and under Hydro ownership.

3                   MR. BEDDOME: So you know, just to  
4 state the obvious then, given the directions and  
5 the previous directions from 2007, you were  
6 essentially left with the banana shape to work  
7 with in terms of routing?

8                   MR. MCGARRY: We weren't exactly left  
9 with, we established the study area boundaries  
10 with those considerations, and many others, to  
11 give us a large enough area to consider  
12 alternative routing.

13                   MR. BEDDOME: Okay. I guess, given  
14 the geography, that that's sort of effectively  
15 what was left. Would you not say that's correct?

16                   MR. MCGARRY: Can you explain sort of  
17 effectively what happened?

18                   MR. BEDDOME: Well, you know, you have  
19 the direction, the letter from then Finance  
20 Minister, now Premier Greg Selinger, from 2007  
21 saying the east side is sort of off the table.  
22 You know where your northern terminis is going to  
23 be. Roughly speaking, you're pretty much dead set  
24 on where your southern terminis is going to be,  
25 given, you know, lakes, and given that you

1 determined there wasn't enough room, nor would it  
2 be feasible from a reliability perspective line to  
3 build another line where Bipoles I and II were,  
4 where it is sort of, that's what was left over?

5 MR. MCGARRY: The study area  
6 boundaries were selected, yes, there's a start and  
7 end point, but that would be obvious, those are  
8 the areas. And the scale you're talking about,  
9 the area of generation, we needed a converter  
10 station in the area of generation in the southern  
11 portion of the province, we needed a termination  
12 that presented an injection point. But we needed  
13 a study area in between that was sufficiently  
14 large, which wasn't a leftover, it was selected.

15 MR. BEDDOME: Okay. All right. Fair  
16 enough. Thank you.

17 I think it doesn't matter for you to  
18 go to the slide, but on the slide on page 16 as  
19 well as in the EIS, page 3 -- chapter 3, page 29,  
20 just basically outlines that the precise locations  
21 from the towers aren't exactly determined yet; is  
22 that correct?

23 MR. MCGARRY: No, they haven't been  
24 exactly selected.

25 MR. BEDDOME: Do you think that that

1 makes a challenge in terms of trying to understand  
2 what impacts the corridor is going to have in  
3 terms of, although we're not exactly sure where  
4 the towers are going to be located, to a certain  
5 extent it's difficult to know exactly what the  
6 impacts might be.

7 MR. MCGARRY: No, this is unusual for  
8 a proponent to have a final design of that nature  
9 available for assessment, and the assessment is  
10 done on the basis of a transmission line. The  
11 tower's location will be reviewed in relation to  
12 environmental protection planning, where there may  
13 be some adjustments we can make, not in all cases,  
14 to accommodate such things as Prairie Skink, for  
15 instance, and its grass prairie habitat. Also for  
16 some landownerships, we may be able to  
17 accommodate, but not always.

18 MR. BEDDOME: And what processes or  
19 measures will be in place for the public or  
20 concerned stakeholders to provide input as to the  
21 exact location of the towers?

22 MR. MCGARRY: Our land team will be  
23 discussing with landowners, private landowners the  
24 specifics of location with Hydro people, and  
25 relation to some First Nation interests and

1 specific habitat interests, that comes through our  
2 environmental protection planning and working with  
3 our own construction people.

4 MR. BEDDOME: And if the towers needed  
5 to be sited on private lands, would there be any  
6 flexibility for the private landowners in  
7 determining that, or that would be off the table?

8 MR. MCGARRY: Sorry, I missed part of  
9 that?

10 MR. BEDDOME: Well, I'm assuming if  
11 the exact tower locations haven't been determined,  
12 what if they were running on private lands and  
13 what ability would there be for a landowner to  
14 say, you know, can you move it 50 metres this way  
15 or that way, or there is an Artesian well there,  
16 don't dig there. I don't pretend to know all of  
17 the factors that might come up, but --

18 MR. MCGARRY: Our land agents are  
19 collecting that information as they interview  
20 landowners. But the right-of-way is where it's  
21 proposed to be, on an easement, so it's not, if  
22 we're talking tower placement, it's not  
23 necessarily lateral deflection, it's more or less  
24 in a linear direction for private land.

25 MR. BEDDOME: Okay. Thank you very

1 much for that.

2 In terms of compensation for private  
3 land, the choice was to do a one time payment  
4 rather than an annual payment, correct?

5 MR. MCGARRY: That's correct.

6 MR. BEDDOME: And what was the  
7 rationale for that?

8 MR. MCGARRY: I'm going to defer that  
9 to our property department in terms of that. I  
10 know there was some preference by landowners, not  
11 always. Some landowners prefer to get lump sum  
12 payments, some don't. From an administrative  
13 point of view, it's easier to administer one-time  
14 payments.

15 MR. BEDDOME: And for upkeeping the  
16 corridor, that will be maintained by Manitoba  
17 Hydro, that's not going to fall on to the private  
18 landowners, their responsibility for that?

19 MR. MCGARRY: If it's on cultivated  
20 land, when we have an easement, we allow  
21 producers, the farmer to use that land. If there  
22 is -- under the tower itself, there is a tower  
23 payment that is part of the compensation package  
24 that accommodates in its value, we control related  
25 to the tower.

1                   MR. BEDDOME: And is there, when you  
2 are going through that, is there a differential in  
3 terms of compensation paid for the types of land?  
4 I'm thinking some marginal lands obviously aren't  
5 of the same value as some very rich agriculturally  
6 productive lands. That's taken into account.

7                   MR. MCGARRY: Yes, it is.

8                   MR. BEDDOME: And so I notice there  
9 was a preference for going for forage or pasture  
10 lines. Can you just outline in quick layman's  
11 terms what some of the environmental benefits of  
12 that would be?

13                   MR. MCGARRY: Sorry, to locate it on  
14 pasture lands?

15                   MR. BEDDOME: I think it says, I don't  
16 have the exact reference but I'm fairly sure in  
17 the EIS it indicates when you were going across  
18 agricultural lands, often was an attempt to locate  
19 forage and/or pasture lands to minimize impact. I  
20 just wanted you to provide a quick layman's  
21 overview as to how that minimizes impact?

22                   MR. MCGARRY: Where it occurs, for  
23 instance, in intensively cultivated areas, that's  
24 not available. But in areas where there is  
25 pasture and forage, transmission towers are more

1 of a compatible use than there would be on  
2 intensively farmed areas.

3 MR. DYCK: If I could just add to  
4 that. The equipment is usually a lot smaller  
5 that's associated with anything to do with cattle,  
6 and the cattle are not bothered by the  
7 transmission lines, and the equipment that's used  
8 either for haying or forage crop production is a  
9 lot smaller than intensive agricultural evidence.

10 MR. BEDDOME: And now the factor that  
11 likely forage lands are less valuable so you'd  
12 have to pay less compensation, was that part of  
13 the decision as well, or was it strictly more on  
14 the more compatible use?

15 MR. MCGARRY: We provided the Bipole  
16 III landowner compensation material which outlines  
17 the eligible compensation and the approximate  
18 value, and it is based on land use.

19 MR. BEDDOME: Now, not all of these  
20 agreements have been concluded with the private  
21 landowners, correct?

22 MR. MCGARRY: No, they wouldn't be,  
23 and they are preliminary at this stage, as  
24 mentioned before, because we don't have a licence.  
25 So it's a discussion in terms of, I believe in

1 terms of the easement.

2 MR. BEDDOME: So any and all landowner  
3 agreements will be made after licensing. I just  
4 want to confirm that.

5 MR. MCGARRY: I believe they will be  
6 finalized. The specifics of what that agreement  
7 is, I would have to defer to our property people.

8 MR. BEDDOME: Okay. And so if I have  
9 any further questions, I'll have to address later.  
10 I guess maybe this is more for the Chair or  
11 Manitoba Hydro, but do we know when the property  
12 people will be presenting, or presenting at panel,  
13 or if they will?

14 MR. BEDFORD: We're going to call a  
15 representative from the property department, and I  
16 anticipate that the week of October 29, not  
17 anticipating that he will put on a presentation  
18 such as we've seen from other witnesses. I rather  
19 think I will ask him a few questions to set the  
20 stage, and he'll be available to answer  
21 Mr. Beddome's questions and anyone else who has  
22 questions about the compensation policy for  
23 landowners.

24 THE CHAIRMAN: Thank you, Mr. Bedford.

25 MR. BEDDOME: Thank you very much,

1 Mr. Bedford. It's much appreciated. I just  
2 wanted to clarify that now while I was asking  
3 questions.

4 Now, when you guys did the assessments  
5 as to the agricultural lands, you only spoke with  
6 OPAM, the Organic Producers Association of  
7 Manitoba, correct?

8 MR. MCGARRY: Did we speak with them?  
9 Yes.

10 MR. BEDDOME: Were you aware that some  
11 organic producers utilize other certifying bodies,  
12 particularly, you know, not to say anything --  
13 nothing but love for OPAM, but they did try to  
14 apply some federal standards that weren't adopted  
15 and I believe it lead to some organic farmers  
16 utilizing other certification standards that they  
17 felt were more beneficial to their own individual  
18 needs. Is that something that you guys were aware  
19 of or took into account?

20 MR. MCGARRY: No. Our discussion on  
21 organic farming was with the producers and their  
22 association.

23 MR. JOYAL: Just to make an addition  
24 to Mr. McGarry's response. In information request  
25 301, you will see that one of the questions we did

1 ask landowners at our Landowner Information  
2 Centres on our form was whether or not they were  
3 organically certified, which would encompass all  
4 landowners.

5 MR. BEDDOME: And I noted two points  
6 on that, on CEC MH VI 301, you seem to reference a  
7 Landowner Information Centre form available at  
8 301(2). And I have looked and I can't find it, so  
9 I am not sure if there was maybe a small oversight  
10 in many of the responses. It is more a comment,  
11 but I wasn't able to locate it in my own records.

12 MR. JOYAL: If you'd like, we can get  
13 a photocopy for you.

14 MR. BEDDOME: That would be very much  
15 appreciated.

16 Now, in terms of the landowner centre  
17 form, the indication was that there were no  
18 organic producers that were identified, correct?

19 MR. JOYAL: I believe that's  
20 incorrect, but just let me double-check my  
21 numbers.

22 MR. BEDDOME: Okay, sure.

23 MR. JOYAL: If you go to figure 23 in  
24 the environmental assessment consultation report,  
25 it was a very limited number, I would say under

1 10, but there is some that have been noted as  
2 organically certified.

3 MR. BEDDOME: Thank you very much.  
4 For those producers, I'm assuming that -- well, I  
5 guess I'll back up. Herbicides at times are  
6 applied to the corridor depending, of course, on  
7 the location. That would be correct?

8 MR. MCGARRY: Sorry, could you say  
9 that again?

10 MR. BEDDOME: Herbicides are applied  
11 to the corridor at times to control invasive  
12 species and control vegetation. Would that be  
13 correct?

14 MR. DYCK: It's not a standard  
15 practice per se. There are various methods, a  
16 tool box of methods that Manitoba Hydro has to  
17 control vegetation. A vegetation management plan  
18 is prepared for any of right-of-way that needs  
19 vegetation control, and at that time, it's decided  
20 on what kind of a control practice will be put  
21 into place.

22 THE CHAIRMAN: Mr. Beddome, you're  
23 starting to go a bit afield from the area of site  
24 selection. You've touched on consultation and now  
25 on environmental management.

1 MR. BEDDOME: Well, it sort of deals  
2 with the site selection, but if there will be  
3 further witnesses where we can bring some of these  
4 questions forward, certainly we are willing to --

5 THE CHAIRMAN: There will be many more  
6 witnesses covering many areas. If you can bring  
7 it back to site selection, please?

8 MR. BEDDOME: Sure. Just in terms of  
9 site selection then, it was just for these 10  
10 producers in that area, I guess it's sort of --  
11 that was obviously something that was  
12 considered -- what will be the mitigative measures  
13 for them in terms of this route that was selected  
14 for these agricultural producers?

15 MR. MCGARRY: Mitigation for organic  
16 producers?

17 MR. BEDDOME: Yeah?

18 MR. MCGARRY: What's the mitigation  
19 for organic producers?

20 MR. BEDDOME: Well, I guess I'm  
21 assuming, let's assume invasive species was an  
22 issue, what would be --

23 THE CHAIRMAN: That's off the topic.

24 MR. BEDDOME: Okay. Fair enough.  
25 I'll come back to those later then.

1                   The next question just sort of is,  
2    what if a compensation agreement was concluded, it  
3    was a right-of-way where there was application of  
4    herbicides and someone wanted to convert the land  
5    to organic in the future?

6                   THE CHAIRMAN:   That's not relevant at  
7    this time.

8                   MR. BEDDOME:   All right.   Which  
9    witness will be talking about those issues then?

10                  THE CHAIRMAN:   Well, I can't identify  
11    him or her right now, but there will be plenty of  
12    opportunity to canvass most of that if it is  
13    relevant.

14                  MR. BEDDOME:   Okay.   Fair enough.

15                  And in terms of site selection, I just  
16    had sort of one last question, or a series of  
17    questions.   The worst case scenario for a  
18    converter station, as we discussed yesterday, will  
19    be a full-blown meltdown and fire, correct?

20                  MR. MCGARRY:   I believe that's what  
21    was discussed.   Whose presentation are you  
22    referring to?

23                  MR. BEDDOME:   I think it was Mr. Mazur  
24    who responded to that yesterday, but if you want  
25    to just answer the question.   A worst case

1 scenario will be a full-blown converter meltdown  
2 and fire; is that correct?

3 THE CHAIRMAN: How does that relate to  
4 site selection?

5 MR. BEDDOME: I will get to it in one  
6 moment.

7 MR. NEUFELD: Well, I don't think we  
8 used the language of full-blown meltdown.

9 MR. BEDDOME: Okay.

10 MR. NEUFELD: Fire is one cause for  
11 total destruction of a converter station. It's  
12 fairly low probability. Tornados are another,  
13 significant widespread icing will be another.

14 MR. BEDDOME: Okay. And in the event  
15 of a failure, there is a possibility or  
16 probability of a sort of contaminant leakage,  
17 correct?

18 THE CHAIRMAN: Possibility of?

19 MR. BEDDOME: Of a contaminant  
20 leakage, be that insulating oil, or any number of  
21 the other factors.

22 MR. NEUFELD: All that is correct. I  
23 believe Mr. Elder spoke to that yesterday when he  
24 spoke about oil containment facilities which are  
25 built beneath all oil, all of the apparatus which

1 contains oil.

2 MR. BEDDOME: Now to that end, I note  
3 that the Riel converter station is slated to be  
4 located right across from the Deacon water  
5 reserve. So the reason I was asking those  
6 questions was if perhaps someone on the panel  
7 could comment if we were to have, I used the term  
8 full-blown meltdown, I'll let you guys use  
9 whatever technical terms you see fit. If you can  
10 comment on the risks, and if that can result as to  
11 any sort of contamination as to Deacon, and if  
12 that was considered, and what measures are in  
13 place for that consideration?

14 MR. PENNER: I guess I can speak to  
15 that. The Riel converter station, a part of this  
16 project, Riel, the AC switchyard is under way and  
17 has three phases of containment. As Gerald  
18 Neufeld pointed out, under each oil filled piece  
19 of apparatus, we have a fast drain, essentially a  
20 basement that gathers any kind of oil from any  
21 kind of leakage. Then we also have a site  
22 perimeter that takes all of the run-off from the  
23 area and takes it through a set of ponds. So that  
24 there are essentially three separate processes for  
25 taking care of oil on site.

1                   MR. BEDDOME: So on that basis, you  
2 would think that the chance of any sort of  
3 contamination would be quite low?

4                   MR. PENNER: The chance of any  
5 contamination to Deacon's reservoir is extremely  
6 low.

7                   MR. BEDDOME: Would you wager to put  
8 any sort of magnitude to that probability?

9                   MR. PENNER: No, I would not put any  
10 magnitude or probability to that.

11                  MR. NEUFELD: You asked earlier  
12 whether we had taken into account the fact that  
13 the Riel station was directly adjacent to the  
14 Deacon's reservoir. Absolutely, yes.

15                  MR. BEDDOME: Okay. And in taking  
16 that into account, can you elaborate further on  
17 some of the considerations, rationale,  
18 discussions, et cetera?

19                  MR. NEUFELD: It's the facilities that  
20 Mr. Penner just described.

21                  MR. BEDDOME: Thank you very much.  
22 Much appreciated.

23                  THE CHAIRMAN: Thank you, Mr. Beddome.

24                         Are there any members of the public  
25 who have questions in respect of site selection?

1                   Mr. Bedford, would other witnesses be  
2 available to pursue examination after the break,  
3 Ms. Zebrowski and Mr. MacInnes in particular?

4                   MR. BEDFORD: Yes.

5                   THE CHAIRMAN: Okay. We'll take a  
6 break right now for 20 minutes. So please come  
7 back at five after 3:00 and we'll resume with  
8 yesterday morning's panel.

9                   (Recessed at 2:45 p.m.)

10                  (Reconvened at 3:05 p.m.)

11                  THE CHAIRMAN: Could we come back to  
12 order, please?

13                  The first matter of business I'm going  
14 to deal with is Mr. Dawson came forward earlier  
15 and asked a question about whether we were going  
16 to deal with something he brought to the attention  
17 of the Commission Counsel at lunch time. And I  
18 will do that now.

19                  Mr. Dawson spoke to Mr. Green just  
20 before lunch time about a connection between a  
21 member of the panel and one of the Hydro  
22 witnesses, specifically Patricia MacKay and  
23 Dierdre Zebrowski. And the connection is that  
24 Ms. MacKay, for most of her career, was a  
25 professor in the Department of Science at the

1 University of Manitoba, and a number of years ago,  
2 Ms. Zebrowski was a graduate student in that  
3 program.

4 I should note that the Commission does  
5 have a Code of Conduct that covers areas of bias  
6 and conflict of interest.

7 Two or three weeks ago, whenever it  
8 was when we got the list of witnesses from  
9 Manitoba Hydro, Ms. MacKay brought it to my  
10 attention the fact that one of the witnesses was  
11 somebody who had been in the graduate program when  
12 she was there, but with whom she had no  
13 significant direct connection. She was not the  
14 thesis supervisor for Ms. Zebrowski. So Pat and I  
15 talked about it at the time. I didn't think there  
16 was any need for concern. I didn't see it as a  
17 significant issue of any potential bias at all. I  
18 remain of that conviction. And if anybody  
19 disagrees with my view on that, I'd like them to  
20 say so right now. But it's pretty tenuous, it's  
21 many years ago, and I don't see any basis for an  
22 apprehension of bias in this regard.

23 While we are on the topic of complete  
24 transparency, maybe I should also bring forward a  
25 connection that I discovered yesterday morning

1 that I have with one of the Hydro panelists as  
2 well. In 1974, I was employed by Long Spruce  
3 Constructors, the principal contractor on the  
4 power dam. I had brought in a brand new trailer  
5 to live in, in the Town of Gillam. Shortly after  
6 I had moved in, I was transferred to the company's  
7 Winnipeg office so I put my trailer for sale. At  
8 that time, it didn't take long to sell a trailer  
9 in Gillam. If somebody had asked me on Tuesday  
10 who had bought my trailer, I could not for a  
11 minute have told you who it was.

12                   Yesterday morning, Finlay MacInnes  
13 told me that indeed it was he that bought my  
14 trailer. The price as I recall was \$14,000, which  
15 was fair market value for a brand new trailer at  
16 the time. So this happened 38 years ago, so I see  
17 absolutely no grounds for concern, but we like to  
18 be transparent here.

19                   So now moving right along, unless  
20 anybody wants to interject in this regard?  
21 Mr. Madden?

22                   MR. MADDEN: I'd like to say that I'm  
23 related to Mr. Kaplan. He doesn't know.

24                   I have two housekeeping issues. The  
25 first is the undertaking with respect to the

1 undisturbed Crown lands and Manitoba Hydro. I'm  
2 not expecting it today or tomorrow, I just want to  
3 get a general idea, we have an expert that's  
4 working on that and I'd like to have a general  
5 guestimate maybe by tomorrow of when that might be  
6 available, not to have it, but just to have an  
7 idea of when we would be able to have that?

8           The other question I have is more  
9 procedural, Mr. Chair, and this is my first  
10 appearance before the CEC. My co-counsel,  
11 Ms. Teillet has been here previously. Is the  
12 expectation of when we put up our experts that it  
13 would be of similar format of, i.e., they would be  
14 making a presentation and then cross-examination,  
15 or is it of a format where counsel is eliciting  
16 responses from them from a direct?

17           THE CHAIRMAN: Quite frankly, I think  
18 we would accept either one, so whatever you prefer  
19 to do. In the past, I'm trying to remember the  
20 Wuskwatim process, it was probably a combination  
21 of both, or one or the other, or whatever your own  
22 preference is. If you do the direct, they will  
23 still be subject to cross-examination by other  
24 participants and the proponent.

25           MR. MADDEN: Absolutely. I'm just

1 attempting to figure out. We're meeting with our  
2 experts next week, and I want them to know whether  
3 a Powerpoint presentation will be helpful or that  
4 we'll be doing it through direct.

5           Related to that, I wanted to seek the  
6 CEC panel's direction. We have, of course,  
7 experts on moose that will be testifying. And I'm  
8 wondering, in other joint review panels that I  
9 have been at, it's worked better when all of those  
10 experts are on at the same time, because you hear  
11 one thing and then you wait two weeks and it's not  
12 at the top of mind. I'm not quite sure if our  
13 moose experts are able to be here on the date  
14 that's tentatively scheduled. I'm just wondering  
15 if Manitoba Hydro has any flexibility on those  
16 dates and we could maybe have it all at the same  
17 time?

18           I guess, first, would that be a  
19 preference or would the panel be amenable to that;  
20 and then secondly, is there flexibility?

21           THE CHAIRMAN: I think the panel would  
22 be very amenable to that. What constraints there  
23 might be, I don't know, but I would ask that you  
24 and perhaps you and the Commission secretary and  
25 somebody from the Hydro team, would discuss that.

1 I know we're bringing in our own caribou  
2 specialist, so I don't know what his availability  
3 might be. Can you work that out off stage?

4 MR. MADDEN: Absolutely. Thank you.

5 THE CHAIRMAN: Ms. Mayor, you had a  
6 couple of things?

7 MS. MAYER: Yes, with respect to the  
8 undertakings. We do have an answer to one of  
9 them. It is our hope for those undertakings that  
10 were provided, certainly at least at the first  
11 three days of the hearing, that we'll have the  
12 answers by tomorrow, in answer to Mr. Madden's  
13 question. And I will get Ms. Zebrowski to answer  
14 one of them in a moment.

15 The only other housekeeping matter, I  
16 understand that there has been some materials  
17 provided with respect to the agricultural  
18 technical report and some appendices that were in  
19 error excluded from the EIS or weren't provided.  
20 Ms. Johnson has been provided with a copy and we  
21 just wanted to formally have that filed on the  
22 record, and copies are available for the  
23 participants. They can come to us and we'll  
24 provide written copies to them.

25 MS. JOHNSON: Those documents will be

1 MH 51.

2 (EXHIBIT MH 51: Documents re  
3 agricultural technical report and  
4 appendices from EIS)

5 THE CHAIRMAN: I'm sorry?

6 MR. BEDDOME: I'm not going to stay  
7 right until 5:00 today. Can I just grab that from  
8 the desk from Hydro? Thank you. Much obliged.

9 MS. MAYER: I will just turn the  
10 microphone over to Ms. Zebrowski. We had an  
11 undertaking with respect to Tataskweyak First  
12 Nation and their resource management area, so  
13 there was a clarification we were going to have  
14 her provide. Thank you.

15 THE CHAIRMAN: Thank you.  
16 Ms. Zebrowski.

17 MS. ZEBROWSKI: I just wanted to  
18 confirm the question was, from Tataskweyak Cree  
19 Nation, that Manitoba Hydro would acknowledge that  
20 the Keewatinoow converter station is located in  
21 the Split Lake resource area. And I just wanted  
22 to confirm that that is indeed stated in chapter 5  
23 and that can be found on page 531.

24 THE CHAIRMAN: Thank you.

25 Any other business we need to take

1 care of?

2 The Commission secretary has a number  
3 of documents, we will deal with them at about 5 to  
4 5:00 when we conclude.

5 That brings us then to beginning the  
6 examination of yesterday morning's panelists,  
7 Mr. MacInnes and Ms. Zebrowski.

8 Mr. Mills, do you have any questions?  
9 This is on the north, or the aboriginal technical  
10 knowledge presentations yesterday.

11 MR. MILLS: Thank you, Mr. Chairman.  
12 We'd like to ask questions of Mr. MacInnes and  
13 retire and allow others to pass through and come  
14 back to Ms. Zebrowski. We're not ready to handle  
15 them both.

16 THE CHAIRMAN: Yes.

17 MR. MILLS: Thank you.

18 Mr. MacInnes, I enjoyed your  
19 presentation on Gillam. I turned 18 in the Gillam  
20 Hotel and was called upon to serve a very dry,  
21 very large Tanquary martini to Prince Phillip when  
22 he toured the campsite. So I have a great  
23 affinity for Gillam. As a proud Manitoban, I  
24 really enjoyed the presentation and your show of  
25 the growth of the community.

1                   As a representative of a central  
2 Manitoba First Nation, it did raise some queries  
3 for me as to the bright light you shone on Hydro's  
4 relationship with the First Nations in and around  
5 Gillam, and I'd like to ask you a few questions  
6 and discuss that in a bit of detail.

7                   I will be asking the questions  
8 relative to my client, so I may need the Chair's  
9 consideration in that regard.

10                  THE CHAIRMAN: I'm not sure where  
11 you're going, but we will see.

12                  MR. MILLS: Great. Mr. MacInnes, I  
13 reviewed the INAC website this afternoon, and  
14 within 60 miles of Gillam, INAC, Aboriginal and  
15 Northern Development Canada, indicates that there  
16 are 840 registered Treaty Indians within 60 miles  
17 of Gillam. Does that number jive with Hydro's  
18 thoughts?

19                  MR. MacINNES: I could take your word  
20 for it.

21                  MR. MILLS: Okay. The wikipedia  
22 indicates that Gillam currently has a population  
23 of 1,200 people. Is that fairly accurate?

24                  MR. MacINNES: Yeah, I think I used  
25 the 1,300 based on an assessment done by one of

1 our consultants when we were looking at the  
2 school.

3 MR. MILLS: Okay. For your  
4 information, within 60 miles of the Gillam Hydro  
5 development, according to Aboriginal and Northern  
6 Affairs, there are 840 Treaty status Aboriginals.  
7 Within 60 miles of Bipole III, south and not  
8 including OCN, and north and not including Sandy  
9 Bay, there are 7,410 registered Treaty  
10 aboriginals. Does that surprise you? Candidly,  
11 there are 10 times as many registered Treaty  
12 Aboriginals within 60 miles of Bipole in central  
13 Manitoba as there are in the Gillam region.

14 MR. MacINNES: I do recognize the  
15 further you go south, the denser the population.

16 MR. MILLS: I see. It's oft repeated  
17 modern day Aboriginal legend that Manitoba Hydro's  
18 relationship with northern Aboriginals is a lot  
19 more gracious, and I'm being gracious in using  
20 gracious, than it is with its central and southern  
21 Aboriginal relationships. And I'd like to run  
22 some of that past you and ask you if you feel that  
23 the information I have would confirm that.

24 I just went to the Fox Lake web page.  
25 They indicate that they have a population of 500

1 people. Aboriginal and Northern Affairs indicates  
2 that the population is 145 people. They indicate  
3 that they have an adverse effects agreement with  
4 Manitoba Hydro, and that this agreement is in  
5 response to their concerns with the damages done  
6 to their watershed and their food sources. I'm  
7 quoting Fox Lake's web page.

8 I didn't drill into all of it, but it  
9 seems that Hydro is providing some compensation to  
10 them for the effect on the watershed and their  
11 food sources. And in light of Pine Creek's  
12 situation, I'd just like to shine a light on that  
13 so that we can compare and contrast what Hydro is  
14 doing with Aboriginal communities. I may be  
15 missing some amounts, but I'm reading from the  
16 document on Fox Lake's web page, and they list  
17 just some of the payments, and I'd like to scroll  
18 down them: A payment of \$3 million, a gathering  
19 centre, a payment of \$240,000, a payment of  
20 \$100,000 annually for 15 years, another annual  
21 payment of \$20,000 for 15 years, a lump sum  
22 payment of \$315,000, a lump sum payment of  
23 \$90,000, a lump sum payment of \$100,000, a lump  
24 sum payment of \$200,000, \$100,000 annually for 15  
25 years, and another lump sum payment of \$100,000.

1 They cap that by confirming that if they are late  
2 paying, they will provide 7.45 percent interest.

3 The numbers, as I add them, and my  
4 Blackberry calculator doesn't have enough memory  
5 to add up what you're paying Fox Lake, but just  
6 what Fox Lake confirms is \$10,045,000 for the  
7 adverse effects to their watershed and food  
8 source, again, Fox Lake's words. If I use INAC's  
9 population, you are compensating Fox Lake \$692,758  
10 per band member for adverse effects.

11 THE CHAIRMAN: Where are you going  
12 with this, Mr. Mills?

13 MR. MILLS: Well --

14 THE CHAIRMAN: You're supposed to be  
15 asking questions of his presentation yesterday.  
16 You're almost giving evidence here.

17 MR. MILLS: Well, I need it on the  
18 record, sir.

19 THE CHAIRMAN: Well, there will be  
20 other opportunities for you to do that.

21 MR. MacINNES: I'll be very brief.

22 THE CHAIRMAN: The opportunity now is  
23 to ask questions so that you can elicit  
24 information to use in your further presentations  
25 when it comes time to final argument.

1                   MR. MILLS: Thank you. My question  
2 is, could you encourage your peers at Manitoba  
3 Hydro to share the strong relationship style that  
4 Manitoba Hydro has in your Gillam community with  
5 other First Nations?

6                   MR. MacINNES: You give me a lot of  
7 credit for influence. I can't speak for anything  
8 except my division.

9                   THE CHAIRMAN: Please, Mr. Mills,  
10 limit your questions to matters that are within  
11 the presentation that we heard yesterday, within  
12 this review.

13                   MR. MILLS: I heard a glowing  
14 description of Manitoba Hydro's aboriginal  
15 relationship in Gillam, and I think they  
16 short-changed themselves, Mr. Chairman.

17                   THE CHAIRMAN: Yes, but your question  
18 was hardly relevant to this review and to Gillam.

19                   MR. MILLS: Well, my concern,  
20 Mr. Chairman, is Hydro's relationship with the  
21 First Nations that they affect.

22                   THE CHAIRMAN: But you will have other  
23 opportunities to make that argument, but this  
24 isn't the place. This is a cross-examination on  
25 specific evidence.

1                   MR. MILLS: I think I have no  
2 questions of his description of their great  
3 relationship with the Aboriginal members  
4 surrounding Gillam.

5                   THE CHAIRMAN: Do you have questions  
6 of Ms. Zebrowski?

7                   MR. MILLS: No, we'll come back to  
8 her. Thank you.

9                   THE CHAIRMAN: Well, we're doing both  
10 right now.

11                  MR. MILLS: As I indicated when I sat  
12 down, we aren't ready for Ms. Zebrowski. We  
13 wanted to pass over Mr. MacInnes and come back to  
14 Ms. Zebrowski.

15                  THE CHAIRMAN: We'll see. Thank you.

16                  MR. MILLS: We didn't realize that we  
17 were bundling witnesses.

18                  THE CHAIRMAN: Well, I had made it  
19 clear that we would be addressing yesterday  
20 morning's first panel, which was both Mr. MacInnes  
21 and Ms. Zebrowski.

22                  MR. MILLS: Well, with Mr. Joyal and  
23 Mr. McGarry, we were allowed separate  
24 presentations.

25                  THE CHAIRMAN: We did that for

1 different reasons, though, because of the length  
2 of the presentations. The two presentations  
3 yesterday morning were done in one, two hours or  
4 less, actually shorter.

5 MR. MILLS: If you can give me just a  
6 few minutes?

7 THE CHAIRMAN: We'll let you come back  
8 later.

9 MR. MILLS: All right, thank you.

10 THE CHAIRMAN: Mr. Madden.

11 MR. MADDEN: Mr. Dawson can go ahead  
12 of me.

13 THE CHAIRMAN: Oh, yes. I looked at  
14 the wrong place on the list. I am sorry,  
15 Tataskweyak. We're starting to get a little  
16 punchy after four days in these lovely chairs and  
17 I can't quite read my own list.

18 MR. KEATING: Shaun Keating,  
19 Tataskweyak Cree Nation.

20 I have three questions with respect to  
21 the CDI, and that would be pages 12 and 13 of  
22 presentation. The first question is, at the  
23 bottom of page 12 it mentions four to \$5 million  
24 annually. And I was wondering how that number was  
25 determined, what was the basis for it and what

1 kind of models may have been used to reach that  
2 number?

3 MS. ZEBROWSKI: As I referenced during  
4 my presentation, Manitoba Hydro had heard feedback  
5 that major transmission lines do not provide  
6 concrete benefits to communities. That was some  
7 of the feedback that we heard previously. And the  
8 CDI program was developed in response to that  
9 feedback. The four to \$5 million was based on  
10 looking at communities in the proximity of the  
11 general area, and the sizes and populations, and  
12 we wanted the program to be able to provide funds  
13 that might be reasonable to communities of  
14 different sizes in those areas, that the  
15 communities could reasonably do some reasonable  
16 community development projects with.

17 MR. KEATING: Thank you.

18 Second question; under the current  
19 design of the CDI, when would the payments start?

20 MS. ZEBROWSKI: The program is subject  
21 to receiving regulatory approval. So should  
22 Manitoba Hydro receive a licence for this project  
23 to move forward, at that point in time which  
24 communities are eligible would be confirmed, and  
25 Manitoba Hydro would begin a process to share the

1 participation agreement. And so within a year,  
2 because they are annual payments, we would be  
3 looking to do the first payment the first year  
4 after the regulatory approval is received.

5 MR. KEATING: Thank you. And third  
6 question; the last bullet on the last slide  
7 indicates that further information will be  
8 provided to eligible communities once regulatory  
9 approvals are received. What kind of further  
10 information is anticipated?

11 MS. ZEBROWSKI: At that time, we would  
12 be first off confirming, based on what route is  
13 approved, we would be providing information  
14 regarding which communities are eligible. We  
15 would be providing the participation agreement  
16 that I referenced. And we would also be  
17 confirming what the annual disbursement would be  
18 to each eligible community.

19 MR. KEATING: So would that include  
20 weighting criteria?

21 MS. ZEBROWSKI: Can you confirm what  
22 you mean by weighting criteria?

23 MR. KEATING: Well, currently as I  
24 understand it, there is at least a couple of  
25 criteria, whether the line -- the extent to which

1 the line goes through our resource management  
2 area, and also the proximity to a community. But  
3 I assume that those two criteria have to be  
4 weighted in some way?

5 MS. ZEBROWSKI: Information about how  
6 a community is eligible and how that relates to  
7 the disbursement would be provided at that time.

8 MR. KEATING: Thank you.

9 THE CHAIRMAN: Thank you, Mr. Keating.  
10 Mr. Dawson?

11 MR. DAWSON: Thank you, Mr. Chairman.  
12 I'm happy to oblige my friend, but I did not  
13 expect to do this today, which explains why I'm  
14 wearing the sweater of silence.

15 My questions are all for  
16 Ms. Zebrowski, so the other members of the panel  
17 may happily put their heads on the desk and ignore  
18 us. I'll start with a quick snapper.

19 In the course of your testimony  
20 yesterday, madam, you made reference to what you  
21 described as the challenges with engaging within  
22 northern communities, and gave as an example  
23 logistical challenges with travel. What are the  
24 other challenges that you were implying?

25 MS. ZEBROWSKI: Well, I think that

1 oftentimes, communities, there's the distances to  
2 travel so, for example, if you are having a  
3 regional open house, it can be difficult for when  
4 you have a remote area and you have a large number  
5 of communities, it's hard to pick one regional  
6 location that's easy for everybody to get to. And  
7 given the distance between communities, again, the  
8 regional model doesn't work as well. And also,  
9 just because of those challenges, when you're  
10 looking at perhaps in Southern Manitoba where it's  
11 a little bit easier to do the regional, to do  
12 regional models or to have, you know, because of  
13 the closer distances, it's easier to travel to  
14 communities and to hold meetings. In the north,  
15 where communities are farther apart, even to do  
16 meetings with individual communities, sometimes  
17 you need more time in terms of travel. So it was  
18 helpful to have a dedicated team that could put  
19 that time and effort in.

20 MR. DAWSON: Thank you. My next quick  
21 snapper, if I can, refers to a slide that you had  
22 posted as part of your presentation. In the paper  
23 handout it appears on page 10, and the slide is  
24 entitled "What We Heard," and then talks about  
25 project benefits. I'll give you a moment if you

1 want to turn to that.

2 MS. ZEBROWSKI: I'm ready.

3 MR. DAWSON: And the slide, just to  
4 make sure we're all on the same page, makes  
5 reference to these project benefits of, it's  
6 listed as training and employment opportunities.

7 I will just give Mr. Motheral a  
8 moment. For what it's worth, Mr. Motheral, I  
9 don't think you'll need the slide show.

10 MR. MOTHERAL: Pardon me?

11 MR. DAWSON: I don't think you'll need  
12 the slide show but I'm happy to wait if you'd  
13 like.

14 So again, this slide makes reference  
15 to project benefits that were being sought or  
16 requested in feedback, and it lists training and  
17 employment opportunities, business opportunities  
18 and financial benefits. That's the slide I'm  
19 referring to. You've got that?

20 MS. ZEBROWSKI: I do.

21 MR. DAWSON: Okay. And I'm correct to  
22 understand that these so-called project benefits  
23 are what members of the public, meaning in this  
24 case Aboriginal groups, communities, had come back  
25 to Manitoba Hydro with in terms of requests that

1 they thought might be appropriate project benefits  
2 that could come to their communities. Is that --

3 MS. ZEBROWSKI: I would not term it as  
4 requests. I would say that these are issues or  
5 topics that communities raised in the course of  
6 our conversations.

7 MR. DAWSON: Sure, that's fair enough.  
8 The first one, training and employment  
9 opportunities, can we narrow that down and can you  
10 tell me what they mean? Do they mean jobs with  
11 Hydro or jobs and training in general?

12 MS. ZEBROWSKI: I believe that in the  
13 cases where this was raised in the Bipole III  
14 discussions, this was largely related to training  
15 and job opportunities that may be available as a  
16 result of the Bipole III project.

17 MR. DAWSON: And then it makes  
18 reference to business opportunities. What would  
19 that be?

20 MS. ZEBROWSKI: Again, the same thing,  
21 the communities were interested to understand what  
22 the business opportunities might be that might be  
23 related to the Bipole III project.

24 MR. DAWSON: Sure. You just defined  
25 business opportunities by telling me it refers to

1 business opportunities. What do you mean by  
2 business opportunities?

3 MS. ZEBROWSKI: Business opportunities  
4 would be what is the available work that might be  
5 undertaken by, for example, a company, as opposed  
6 to employment.

7 MR. DAWSON: Okay. And financial  
8 benefits means what?

9 MS. ZEBROWSKI: When we heard, as I  
10 referenced in my presentation yesterday, when  
11 communities referenced financial benefits, one of  
12 the things that was referenced was looking for  
13 opportunities to be a partner in the project. And  
14 sometimes it was just referenced as high level, as  
15 communities who were interested in seeing  
16 financial benefits flow to their communities as a  
17 result of the Bipole III project.

18 MR. DAWSON: When you say a partner in  
19 the project, how is that different than business  
20 opportunities?

21 MS. ZEBROWSKI: I suppose it would  
22 depend on how one was defining that. At the  
23 level, or during the process when these comments  
24 were made -- I wouldn't speak for the communities  
25 to know what they were envisioning by that. I

1 think it could be business --

2 MR. DAWSON: No, no, understand what I  
3 am saying. You have put up slides. I am trying  
4 to figure out what the three groupings mean. It's  
5 your slides so I think it is fair for me to ask.  
6 I'm asking you what are financial benefits, and  
7 you said one of the part -- two parts -- one is  
8 they could be a partner in the project. And I'm  
9 now asking, that sounds to me like a business  
10 opportunity, so how is that different?

11 MS. ZEBROWSKI: I am referencing what  
12 communities shared with us, so I'm sharing that  
13 back, that this is what we heard. So what I'm  
14 saying is that I'm not sure -- for every community  
15 that may have referenced that, I would hesitate to  
16 define that on behalf of those particular  
17 communities. I'm saying it could probably be a  
18 number of things. Manitoba Hydro has entered into  
19 partnerships on our Wuskwatim project. We have  
20 entered into some partnership agreements related  
21 to our Keeyask project. So communities may have  
22 been aware of that and looking to see if we were  
23 going to possibly do something similar for the  
24 Bipole III project. Communities may have had  
25 different models in mind, I'm not sure. For the

1 conversations where I have been for, these kinds  
2 of details have not been specific.

3 MR. DAWSON: When you wrote on your  
4 slide these three headings, this obviously is a  
5 summary of many lines of feedback that you got.  
6 Am I correct?

7 MS. ZEBROWSKI: This would be what we  
8 heard over all the EACP process, through the ATK  
9 workshops, and from some of the ATK self-directed  
10 studies, and also through some of the bilateral or  
11 other conversations that we may have had with  
12 communities that fell outside of those two  
13 processes specifically.

14 MR. DAWSON: Sure. But what I'm  
15 suggesting is that if we went through the  
16 handwritten individual forms, not everyone said  
17 training and employment opportunities. They might  
18 have said I'd like a job out of the deal, and that  
19 someone somewhere summarized as being a training  
20 and employment opportunity. That's what happened  
21 here, isn't it?

22 MS. ZEBROWSKI: Yes.

23 MR. DAWSON: So these three headings  
24 are intended to be three distinct pools or  
25 categories of project benefits that arise out of

1 the feedback, right?

2 MS. ZEBROWSKI: I would say that this  
3 is an attempt to categorize what we heard.

4 MR. DAWSON: Sure. And I'm being  
5 generous in assuming that business opportunities  
6 is a separate category than financial benefits.  
7 And under financial benefits, you just told me  
8 that one of the meanings was a partner in the  
9 project. So I'm asking you how a partner in the  
10 project is different than a business opportunity?

11 MS. ZEBROWSKI: Well, I think that a  
12 business opportunity could be a contract as  
13 opposed to actual ownership, for example, in a  
14 project. It would be two different types of  
15 business opportunities.

16 MR. DAWSON: So a business opportunity  
17 is someone who enters into a contract, but a  
18 financial benefit would be someone in the broadest  
19 sense, whether an individual or a corporate body,  
20 that acquires ownership in the project?

21 MS. ZEBROWSKI: I think that would be  
22 one of the distinctions in terms of how we  
23 categorized what we heard.

24 MR. DAWSON: What would be the other  
25 distinctions that you categorized on what you

1 heard?

2 MS. ZEBROWSKI: Well, in some cases  
3 communities simply stated that they wanted to see  
4 financial benefits flowing to their communities  
5 from the project, without specifying the form or  
6 how they would envision seeing that happen, or  
7 what they would like to see Hydro do in that  
8 respect specifically.

9 MR. DAWSON: You're far too polite to  
10 put it this way, but would it be wrong for me to  
11 say that essentially some persons thought that if  
12 Hydro was going to financially benefit from the  
13 project and build it at potential environmental  
14 risk to these areas, that they simply were  
15 entitled to money as a result of that?

16 MS. ZEBROWSKI: Sorry, could you  
17 repeat that one more time?

18 MR. DAWSON: Sure. I'm just asking  
19 you in terms of this financial benefit, you said  
20 it's essentially a financial payment. Is it  
21 really just that someone thought that they were  
22 entitled to money simply because this project was  
23 being built by a Crown corporation that had the  
24 money, and that was potentially disrupting that  
25 person's lifestyle?

1 MS. ZEBROWSKI: I am not sure that I  
2 would put words into any community's mouth. This  
3 was something that they raised in the context of  
4 the project. I would draw your attention as well  
5 that the project benefits are discussed on page  
6 542 of chapter 5 of the EIS.

7 MR. DAWSON: Sure. But I'm looking at  
8 your slide and I'm asking you, when yesterday you  
9 testified, what you meant. I have read the  
10 material. I'm well aware of what the EIS says, I  
11 read that, anyone else can read that. What I'm  
12 interested in is what was said yesterday.

13 So we looked at what these three  
14 categories are. I'm going to ask you to suggest  
15 to me, why do you think these groups were  
16 suggesting those three project benefits?

17 MS. ZEBROWSKI: I think that whenever  
18 a project of this nature and size is going  
19 forward, it's natural that those that are in the  
20 vicinity of the project look at it from different  
21 perspectives. And perspectives would include what  
22 are the potential negative impacts of this project  
23 on me and my community. I think another  
24 circumstance or another perspective is also what  
25 are the potential positive outcomes of this

1 potential project on me and my community? And in  
2 terms of looking at what the potential positive  
3 outcomes might be, these are the types of project  
4 benefits that communities would look for.

5 MR. DAWSON: Quite separate from these  
6 project benefits, your slide show yesterday also  
7 made reference to the community development  
8 initiative, which we'll abbreviate as you did as  
9 CDI, right?

10 MS. ZEBROWSKI: Correct.

11 MR. DAWSON: And I understand you said  
12 in passing, and indeed it's in your slide show,  
13 that the CDI is contingent upon regulatory  
14 approval. By that you mean the Public Utilities  
15 Board, not this body, right?

16 MS. ZEBROWSKI: I mean upon receipt of  
17 a licence under the Environment Act.

18 MR. DAWSON: So the licence will  
19 trigger the flowing of the money, is that what you  
20 meant?

21 MS. ZEBROWSKI: Essentially, the CDI  
22 was developed specifically for the Bipole III  
23 project, so if the Bipole III project were not to  
24 receive approvals to move forward, then the CDI  
25 program would not be in existence.

1 MR. DAWSON: Okay. So when you said  
2 regulatory approval, it wasn't regulatory approval  
3 of the CDI, which is the way I was understanding  
4 it. What you mean is regulatory approval of the  
5 entire Bipole project?

6 MS. ZEBROWSKI: That is correct.

7 MR. DAWSON: You described the CDI as  
8 being a fund that would be worth somewhere in the  
9 range of four to \$5 million over 10 years. Is  
10 that correct?

11 MS. ZEBROWSKI: That is correct.

12 MR. DAWSON: So that works out by my  
13 poor math as between 400 and 500,000 a year?

14 MS. ZEBROWSKI: No, it's four to  
15 5 million per year over the 10 year period.

16 MR. DAWSON: So it's not divided by --  
17 that's the clarification I was trying to seek.  
18 Because I misunderstood again, thinking that you  
19 had said it was four or five, but you mean four,  
20 \$5 million paid every year for 10 years, and then  
21 you can come back to it and re-evaluate whether to  
22 pay it out?

23 MS. ZEBROWSKI: Correct.

24 MR. DAWSON: Okay. Now, of course, in  
25 these proceedings Hydro has proposed a final

1 preferred transmission route. And at the same  
2 time, I'm assuming of course Hydro recognizes the  
3 possibility that this panel might recommend to the  
4 Minister a different route. Is that something  
5 that Hydro considers at least, or has conceived as  
6 a possibility?

7 MS. ZEBROWSKI: Sure.

8 MR. DAWSON: And Hydro would also  
9 recognize that regardless of what this panel does  
10 in terms of its advice and recommendation, the  
11 Minister might in turn and independently settle  
12 upon a different route than the one that Hydro has  
13 preferred?

14 MS. ZEBROWSKI: Sure.

15 MR. DAWSON: You'd concede that  
16 changes to the routing in the way that I have just  
17 described, either arising by recommendations of  
18 this panel or the choice of the Minister, could  
19 potentially have different impacts than the ones  
20 that your -- sorry, we'll use your term --  
21 engagement process has determined would affect  
22 Aboriginal communities?

23 MS. ZEBROWSKI: Sorry, can you say  
24 that again?

25 MR. DAWSON: Sure. Let me be clear, I

1 don't want to at all trap you when I say  
2 consultation. I refer to consultation but we're  
3 going to use your term because it's elegant. What  
4 Hydro did was an engagement process. That's the  
5 term that you prefer?

6 MS. ZEBROWSKI: Sure, yes, I'd prefer  
7 that.

8 MR. DAWSON: Ignore me if I trip over  
9 consultation.

10 So what I said is that if a different  
11 route were ultimately imposed upon Hydro, then  
12 this would potentially have different impacts than  
13 the ones that your engagement process has  
14 identified with respect to Aboriginal communities,  
15 correct?

16 MS. ZEBROWSKI: I would say that would  
17 be correct. Could be a possibility, yes.

18 MR. DAWSON: Indeed. And you would  
19 also agree with me -- Mr. Penner, if you don't  
20 mind, I'm going to question the witness. Thank  
21 you.

22 You'd also agree with me that if the  
23 Minister or this panel chose to arrive at a  
24 different route, indeed even different Aboriginal  
25 communities than the ones for whom you have

1 collected feedback might be impacted?

2 MS. ZEBROWSKI: That seems within the  
3 realm of possibility, yes.

4 MR. DAWSON: Yes. There's no need to  
5 turn to it, but I notice at page 26 of the land  
6 and special interest and TLE technical report,  
7 that there is a reference to my client, Peguis  
8 First Nation. And it talks about Peguis First  
9 Nation in terms of the possibility of an alternate  
10 route. Ring any bells?

11 MS. ZEBROWSKI: I would like to look  
12 at that.

13 MR. DAWSON: Absolutely. It's page 26  
14 of the lands and special interest and TLE  
15 technical report. Just let me know when you have  
16 that?

17 MS. ZEBROWSKI: Can you remind me  
18 again where you were looking?

19 MR. DAWSON: Sure, I'm in the lands  
20 and special interest and TLE technical report, and  
21 I'm at page 26.

22 MS. ZEBROWSKI: Whereabouts on page  
23 26?

24 MR. DAWSON: The paragraph that begins  
25 "Peguis First Nation identified." Have I entirely

1 misled or do you have it there and are just  
2 reading it?

3 MS. ZEBROWSKI: No, I have it and I am  
4 reading it.

5 MR. DAWSON: Thank you. Please go  
6 ahead and refresh yourself.

7 MS. ZEBROWSKI: Okay.

8 MR. DAWSON: So the question that I  
9 asked is, this paragraph that you have now  
10 actually had a chance to read, and we might as  
11 well, since everybody else hasn't had the chance,  
12 I'll just read it and you can tell me if I've got  
13 it. I'm going to skip over parts, but that's just  
14 for the sake of making it a little more condensed.  
15 If you have a problem with that, you'll pipe up at  
16 your end.

17 "Peguis First Nation identified as  
18 part of their TLE...",  
19 and TLE, of course, Ms. Zebrowski, means Treaty  
20 Land Entitlement, right?

21 MS. ZEBROWSKI: Yes.

22 MR. DAWSON: "...as part of the TLE  
23 an area of land largely in the  
24 Interlake between Lakes Winnipeg and  
25 Manitoba and extending south of Dugald

1 on the east side of Winnipeg in the RM  
2 of Springfield where they are to  
3 receive the right of first refusal for  
4 any Crown land becoming available for  
5 sale or lease."

6 Skipping a bit. Five segments, and they are  
7 listed. And the final three nodes of the  
8 alternative routes are ranked medium, by Hydro  
9 that is, because of this potential conflict with  
10 Peguis First Nation interests. And it continues  
11 on.

12 "These segments are all located at the  
13 southern end of the alternative routes  
14 as they move toward the Riel converter  
15 station."

16 Did I grab that paragraph roughly okay?

17 MS. ZEBROWSKI: Um-hum.

18 MR. DAWSON: Okay. This extract makes  
19 reference to Peguis First Nation, which I think  
20 you are able to confirm is not one of the  
21 communities with which Hydro has engaged. I am  
22 correct?

23 MS. ZEBROWSKI: We have had some  
24 communications with Peguis First Nation regarding  
25 the Bipole III project, but they did not

1 specifically engage in an ATK workshop or in a  
2 self-directed study that was specific to Bipole  
3 III.

4 MR. DAWSON: And did you get a reason  
5 for the fact that they haven't engaged with Hydro  
6 in the way that some of the others have?

7 MS. ZEBROWSKI: My understanding is  
8 that Manitoba Hydro was in discussions with, had  
9 received interest from Treaty 1, as an  
10 organization, wishing to discuss the Bipole III  
11 project. And Manitoba Hydro had provided some  
12 information to the Treaty one representatives, who  
13 indicated that they would be representing the  
14 Treaty 1 First Nations with respect to the Bipole  
15 III project.

16 We subsequently in later rounds did  
17 hear back from some individual Treaty 1 First  
18 Nations that they wanted to be dealt with  
19 individually and not through the Treaty 1  
20 representatives. And we subsequently went ahead  
21 and did that.

22 In the course of the discussions with  
23 Treaty 1, there had been some initial discussions  
24 regarding some Aboriginal traditional knowledge  
25 work. In response to that, Peguis First Nation

1 had around the time, just as the preliminary  
2 preferred route was identified I believe, had  
3 identified to Manitoba Hydro by way of letter that  
4 they may be interested in undertaking some ATK  
5 work as per the proposal that was discussed with  
6 the Treaty 1 representatives.

7 My understanding is at that time,  
8 Manitoba Hydro did communicate back to Peguis  
9 First Nation by way of letter, again indicating  
10 that it was Manitoba Hydro's understanding that  
11 Peguis First Nation was not located within the  
12 project study area, but did attach to that letter  
13 information showing where the preliminary  
14 preferred route was going to be located, and  
15 indicated that Manitoba Hydro would welcome the  
16 opportunity to sit down and talk to Peguis First  
17 Nation and have some additional conversation, if  
18 upon review of that preliminary preferred route,  
19 Peguis had some concerns about that routing and  
20 wanted to talk further with Manitoba Hydro about  
21 that. We did not hear back from Peguis First  
22 Nation in relation to that communication.

23 Subsequent to that, I believe it was,  
24 I don't have the date in front of me but I think  
25 it was a good six months to a year later, we did

1 get a letter from Peguis First Nation indicating  
2 that they had undertaken land use and occupancy  
3 study that was not specific to Bipole III but was  
4 certainly specific to their community and their  
5 community's concerns, and indicated that they had  
6 started this project but were in need of some  
7 additional support to be able to conclude the  
8 activities related to that study, and requested  
9 that Manitoba Hydro consider providing some  
10 support for that, as they suggested some of the  
11 results of that study may indeed be applicable to  
12 the Bipole III project.

13                 Manitoba Hydro did provide a modest  
14 amount of support at that time, and indicated that  
15 we would be very interested in being -- in those  
16 results being shared with us, if at the end of the  
17 day the community determined that those results  
18 were indeed applicable to Bipole III or any other  
19 Manitoba Hydro projects or interests. And we did  
20 not to date hear back from Peguis with respect to  
21 any results related to that study.

22                 MR. DAWSON: When you initially  
23 approached, if I understand that chronology  
24 correctly, you approached Treaty 1 representatives  
25 rather than the individual First Nations that were

1 subject to Treaty 1, did I understand you  
2 correctly?

3 MS. ZEBROWSKI: No. This was before  
4 my time with Manitoba Hydro, so I'm relating the  
5 information as I understand it happened. I can  
6 confirm this. But my understanding is that  
7 through the EACP process, there was information  
8 sent to all of the individual Treaty 1 First  
9 Nations that were located within the project study  
10 area, as well as to Treaty 1 as an Aboriginal  
11 organization that may also have an interest in the  
12 project. And my understanding is that Treaty 1  
13 responded to those communications, but we did not  
14 initially have any response from the other Treaty  
15 1 First Nations. And when we sat down to meet  
16 with Treaty 1, based on their response, they  
17 suggested to us that they would be the  
18 representative body for the project.

19 Manitoba Hydro did request at that  
20 time that Treaty 1 provide us something in writing  
21 that confirmed that the individual First Nations  
22 were also in agreement that this was the correct  
23 arrangement. And we did not, I do not believe  
24 that we did ever receive anything in writing from  
25 the Treaty 1 representatives to that effect.

1 Although, I do believe that then subsequently some  
2 of the Treaty 1 First Nations did engage with  
3 Manitoba Hydro separately.

4 MR. DAWSON: I'm just looking for the  
5 comment that Mr. Joyal had made. So if I  
6 understand you correctly, Ms. Zebrowski, you wrote  
7 to all of the Aboriginal First Nations that are  
8 subject to Treaty 1. You also wrote to what you  
9 are describing as a Treaty 1 organization. The  
10 Treaty 1 organization came forward. You asked for  
11 authorization or some sort of written approval and  
12 you never got it; is that right?

13 MS. ZEBROWSKI: I would restate that I  
14 believe that the original communications,  
15 materials that were sent in respect to the EACP  
16 process went to the Treaty 1 individual First  
17 Nations that were located within the project study  
18 area. And we also sent through the EACP process  
19 the same information to Aboriginal organizations  
20 that may have an interest in the project, and  
21 Treaty 1 was one of those organizations.

22 We did have a response from Treaty 1  
23 initially. And at that time, we had not received  
24 responses from the individual Treaty 1 First  
25 Nations themselves. And when we met with Treaty

1 1, my understanding is that they indicated at that  
2 time that they would share information with the  
3 Treaty 1 First Nations, and that they would be  
4 representing them in terms of conversations with  
5 respect to Bipole III.

6 And Manitoba Hydro asked if they could  
7 provide something in writing that would confirm  
8 that, so we could be confident what authority the  
9 individual communities had provided them to  
10 represent their interests or to talk to Manitoba  
11 Hydro on their behalf with respect to the Bipole  
12 III project.

13 We did not get that confirmation in  
14 writing, I don't believe, and subsequent to that a  
15 number of the Treaty 1 First Nations located  
16 within the project study area did engage with  
17 Manitoba Hydro. For example, Swan Lake First  
18 Nation and Long Plains First Nation.

19 MR. DAWSON: And Dakota Tipi, Dakota  
20 Plain, correct? You have to say yes or no for the  
21 record, not just nod.

22 MS. ZEBROWSKI: Yes, except --

23 MR. DAWSON: Yes.

24 MS. ZEBROWSKI: Never mind, that's  
25 okay.

1 MR. DAWSON: So Hydro sent letters  
2 originally to these Aboriginal communities, didn't  
3 hear back from the majority; is that correct?

4 MS. ZEBROWSKI: Sorry, can you repeat  
5 the question?

6 MR. DAWSON: Sure. Hydro sent out  
7 letters with respect to its engagement process to  
8 Aboriginal communities that comprise Treaty 1,  
9 didn't hear back from the majority of them. Is  
10 that correct?

11 MS. ZEBROWSKI: We did not hear back  
12 from -- I do not believe, I would have to check  
13 the record because those early stages of the EACP  
14 were prior to my time at Manitoba Hydro.

15 MR. DAWSON: Just do your best.

16 MS. ZEBROWSKI: I just want to make  
17 sure I'm clear for the record. We sent out again  
18 letters to communities that were located within  
19 the project study area, yes. And we did not hear  
20 back in those initial stages of the EACP from any  
21 of the individual Treaty 1 First Nations.

22 MR. DAWSON: And at that point, you  
23 did not follow up with a further letter, correct?

24 MS. ZEBROWSKI: I believe that there  
25 were indeed follow-up letters and phone calls. I

1 don't have those records in front of me and I  
2 would have to go back and look for those.

3 MR. DAWSON: No, that's all right.

4 You didn't do any direct mailings to  
5 the individuals who reside on the reserves that  
6 were affected or could be affected by the project,  
7 did you?

8 MS. ZEBROWSKI: When we work with  
9 First Nations, we try to be respectful of the  
10 governments of those communities and deal directly  
11 with their leadership.

12 MR. DAWSON: Did you send one letter  
13 to each Aboriginal community or did you send, in  
14 addition to a general letter to I imagine the band  
15 office, letters to the Chief and band councillors,  
16 for example? And if you don't know, you can just  
17 undertake to answer.

18 MS. ZEBROWSKI: I believe that when we  
19 were sending out letters with respect to the EACP  
20 process, all of the letters would have been sent  
21 directly to the Chief and Council. And when there  
22 were open houses and those sorts of things going  
23 on, there would have been advertising done in  
24 terms of posters within the communities and  
25 advertisements on radio and local newspapers as

1 well.

2 MR. DAWSON: Before we jump ahead to  
3 the advertising, in your answer you said you sent  
4 letters to the Chiefs and band council members,  
5 but did that mean an individual letter to the  
6 Chief and councillor number one, councillor number  
7 2, councillor number 3, or was it an omnibus  
8 letter addressed to Chief and Council?

9 MS. ZEBROWSKI: I believe it would  
10 have been a letter addressed to Chief and Council.

11 MR. DAWSON: Okay. You mentioned the  
12 advertising that you did when you were getting  
13 ready to have community open houses. I understand  
14 that most of this advertising took place on the  
15 radio and also in regional newspapers. Is that  
16 fair?

17 MS. ZEBROWSKI: I understand that  
18 regional open houses were sometimes advertised by  
19 radio, but that within communities the  
20 advertisement was largely done by posters that  
21 were put up within the communities.

22 MR. DAWSON: There was no television  
23 advertising?

24 MS. ZEBROWSKI: I don't believe for  
25 the individual community.

1 MR. DAWSON: Just the extent of  
2 television advertising would have been the general  
3 ads that Hydro ran telling the world about Bipole,  
4 as opposed to something saying we are holding a  
5 community open house in your area?

6 MS. ZEBROWSKI: Correct.

7 MR. DAWSON: Okay. You didn't  
8 advertise on APT, that is Aboriginal People's  
9 Television?

10 MS. ZEBROWSKI: I don't believe so,  
11 but as I was not there at that specific time, I'm  
12 not sure what the process was for use for that.

13 MR. DAWSON: Would you undertake to  
14 determine whether or not Hydro advertised anything  
15 with respect to the Bipole III proposed project on  
16 APTV at the present time prior to this question?

17 MS. ZEBROWSKI: The consensus seems to  
18 be the answer is no.

19 MR. DAWSON: Mr. Bedford, will your  
20 client undertake as I have requested.

21 MR. BEDFORD: I think we can abide by  
22 the answer, no, we did not do that.

23 MR. DAWSON: Mr. Chair, will you  
24 direct the witness to undertake and provide the  
25 information that I am asking?

1 THE CHAIRMAN: And that information is  
2 simply whether or not they advertised on APTN?

3 MR. DAWSON: The witness and indeed  
4 the proponent generally has put evidence before  
5 this panel that it has, it would like the panel to  
6 believe, diligently pursued its obligation almost  
7 to pursue community relations, and it has bragged  
8 in its filings that it has filed on radio and it  
9 has filed in newspapers, and yesterday we heard at  
10 length about postcards that were too long to fit  
11 in mailboxes and be confused with anything else.  
12 I am asking whether or not they advertised a  
13 commercial on a specific radio station, or in this  
14 case, sorry, television station, I think it's a  
15 relevant question. And the Chair may rule me out  
16 of order if you'd like, but I think that that's a  
17 relevant question that this party could answer.

18 THE CHAIRMAN: I won't rule you out of  
19 order. I would say that you didn't need to have  
20 all the editorial comments as you went through in  
21 your last little intersession, however --

22 MR. DAWSON: You do understand --

23 THE CHAIRMAN: I'm sorry, I don't  
24 think it's unreasonable for Manitoba Hydro to  
25 provide an answer to that question.

1 MR. BEDFORD: And the answer is, no,  
2 we didn't advertise on the APTV.

3 THE CHAIRMAN: Then they provided the  
4 answer.

5 MR. DAWSON: They have indeed. And  
6 again, if I may explain, what becomes editorial  
7 comments to you, Mr. Chair, are in fact the basis  
8 of my argument should ultimately there have to be  
9 a different forum that reviews the decisions of  
10 this body. And that's the only reason that I go  
11 on at length to justify the reason for my point.

12 THE CHAIRMAN: Just by way of example,  
13 I don't think anybody said that the postcards were  
14 too large for the mailboxes.

15 MR. DAWSON: I think he said the  
16 postcards were too large to be confused with  
17 anything else in the mailbox.

18 THE CHAIRMAN: Yes, but they didn't  
19 say they were too large for the mailboxes. My  
20 mailbox in front of my house is probably about  
21 16 inches long, not 9 inches.

22 MR. DAWSON: If I said they were too  
23 large to fit in a mailbox, I misspoke. What I  
24 meant to say is exactly what you just said,  
25 Mr. Chair.

1                   Anyway, I have the answer to my  
2 question. We'll continue with advertising. Are  
3 we ready?

4                   MS. ZEBROWSKI: Certainly.

5                   MR. DAWSON: Are we ready?

6                   MS. ZEBROWSKI: Yes.

7                   MR. DAWSON: Did Hydro, as part of its  
8 Aboriginal engagements, advertise through, for  
9 example, banner ads, or any other sort of website  
10 advertisements on websites that might have been  
11 especially attracting the target audience?

12                  MS. ZEBROWSKI: I understand that  
13 there was some advertising on community websites,  
14 but largely for the regional community open houses  
15 not -- for the regional open houses as opposed to  
16 the specific community open houses.

17                  MR. DAWSON: So when you say there  
18 would have been advertising on community websites,  
19 what you mean is more like the equivalent of a  
20 notice that might have been sent to the band  
21 website in the hopes that it would be posted  
22 there? Do I have that correct?

23                  MS. ZEBROWSKI: I think it was largely  
24 related to regional open houses, for example, in  
25 Thompson, in that nature. I don't believe that

1 notices were put on websites specifically for the  
2 community open houses.

3 MR. DAWSON: And you certainly, it  
4 sounds like, did not pay, for example, to have a  
5 Facebook, an ad on Facebook that targeted persons  
6 who lived in Gillam?

7 MS. ZEBROWSKI: No, I don't believe  
8 that was done.

9 MR. DAWSON: I keep making the mistake  
10 of referring to consultation. I just want to now  
11 talk very briefly about how separate Crown  
12 consultation process is. And you have said very  
13 clearly, and you correct me if I have got it  
14 wrong, that Hydro has nothing to do with the Crown  
15 consultation process, except to attend when it's  
16 been invited and provide information. Is that  
17 right?

18 MS. ZEBROWSKI: That's my  
19 understanding of what our role is, yes.

20 MR. DAWSON: So there are certainly  
21 other persons in the broadest sense than Hydro who  
22 should be speaking to the question of Crown  
23 consultation in the general sense. I shouldn't be  
24 asking you these questions about Crown  
25 consultation?

1 MS. ZEBROWSKI: If there's questions  
2 about Crown consultation I can speak to, for  
3 example, which community consultation meetings  
4 Manitoba Hydro has been invited to attend and  
5 which ones we have attended. If you have  
6 questions related to the process that's been  
7 undertaken with respect to the Crown consultation  
8 and with whom, those are not questions that I  
9 could answer.

10 MR. DAWSON: Sure. And I shouldn't,  
11 for example, ask you how the Crown considered its  
12 Crown consultation obligations to arise. That's  
13 not a question for you, of course?

14 MS. ZEBROWSKI: Correct.

15 MR. DAWSON: Do you know if it's  
16 conceivable that the Crown consultation process  
17 could result in changes to what Hydro calls the  
18 final preferred route?

19 MS. ZEBROWSKI: I think that that  
20 could be conceivable.

21 MR. DAWSON: And if that were to  
22 happen, that would change, if I understand  
23 correctly, the very subject matter that is before  
24 this CEC panel, right?

25 MS. ZEBROWSKI: I suppose if there was

1 a new route that there would be a different thing  
2 that the Commission would have to consider.

3 THE CHAIRMAN: We'd have to start all  
4 over again.

5 MR. DAWSON: Thank you, Mr. Chair.

6 I look forward to it although I would  
7 ask for more comfortable chairs.

8 THE CHAIRMAN: I will agree with you  
9 on that.

10 MR. DAWSON: If there were such  
11 changes that arose as a result of a Crown  
12 consultation --

13 THE CHAIRMAN: Now, we're not talking  
14 about Crown consultation.

15 MR. DAWSON: The next sentence was  
16 going to be, what would Hydro do? So my question  
17 to the witness is --

18 THE CHAIRMAN: But that's a  
19 supposition related to something that's not before  
20 this panel, Crown consultation is not before this  
21 panel.

22 MR. DAWSON: It certainly is not,  
23 that's why we began by saying it's completely off  
24 the table.

25 THE CHAIRMAN: Well, then I think we

1 should leave the questions completely off the  
2 table.

3 MR. DAWSON: The subject of a Crown  
4 consultation, Mr. Chair, is distinct from the  
5 question of what Hydro thinks it might have to do  
6 if there were changes to the route that were  
7 suggested, whether those changes arise by reason  
8 of what this panel might decide about whether or  
9 not the Minister makes a choice, or whether or not  
10 the Crown consultations are there. So the  
11 question that I'd look to ask to the witness, and  
12 I'll simply tell you what the question is, is  
13 simply that if, in fact, a change were recommended  
14 or arose out of a Crown consultation process to  
15 the preferred route, would it be Ms. Zebrowski's  
16 preference to resume and reopen the EACP process  
17 with respect to Aboriginal groups to collect more  
18 feedback? This question allows Hydro to show  
19 itself open and receptive to groups, it allows it  
20 to show itself as it's advertised it to be.

21 THE CHAIRMAN: But, again, we're  
22 dealing with a supposition. A supposition that  
23 again I'll state is based on something that is not  
24 related to the review we're conducting before us.  
25 So I'd have to say your question is out of order,

1 so please move on.

2 MR. DAWSON: That's fine. Next I'd  
3 like to turn to what you have described in chapter  
4 6 and its accompanying things as constraints.

5 Now, I realize this is the -- I'll  
6 just recite it while you are retrieving it -- it's  
7 the Aboriginal Traditional Knowledge Technical  
8 Report 1. And if you are flipping to it, it's  
9 going to be page 87, there's a table there. And  
10 for the sake of the members of the panel who are  
11 eager to stand, I don't think there's going to be  
12 a need.

13 MS. ZEBROWSKI: Sorry, can you direct  
14 me again to where --

15 MR. DAWSON: Sure. I'm looking at a  
16 table that starts at page 87.

17 MS. ZEBROWSKI: Of technical report  
18 number 1?

19 MR. DAWSON: Technical report by  
20 Wotton. It's table 7 if that helps you.

21 While the witness gets her book out,  
22 I'll just say that the author, who is a  
23 consultant, has amazingly, in the first page of  
24 the executive summary, managed to use both a  
25 German word, gestalt, and then the Cree word for

1 the same notion in one sentence, and I thought  
2 that was something of an achievement. Do we have  
3 it?

4 MS. ZEBROWSKI: I have it.

5 MR. DAWSON: Thank you, because I  
6 didn't have any more stories. So we're looking at  
7 the Aboriginal Traditional Knowledge Report number  
8 1, and we're looking at page 87, a table, and it's  
9 entitled Table of Constraints. Do you have it?

10 MS. ZEBROWSKI: I have it.

11 MR. DAWSON: In the column on the  
12 left, there's a list of participating communities,  
13 right?

14 MS. ZEBROWSKI: Correct.

15 MR. DAWSON: And in the column at the  
16 far right there's a list of what's entitled  
17 constraints relating to each of those  
18 participating communities, right?

19 MS. ZEBROWSKI: Correct.

20 MR. DAWSON: And just for the sake of  
21 clarity, the word constraints refers to what?

22 MS. ZEBROWSKI: I believe this was  
23 used in the context of routing.

24 MR. DAWSON: Sure. If I can put words  
25 in your mouth and you tell me if I'm wrong, these

1 are considerations that Manitoba Hydro believes  
2 needs to be taken into account with respect to  
3 that specific community that's listed next to the  
4 constraints. Roughly that?

5 MS. ZEBROWSKI: I think that would be  
6 a fair approximation.

7 MR. DAWSON: I don't want to go  
8 through these one by one certainly, but I do have  
9 to flag a couple of them. At the foot of the  
10 first page of that table, the Community of Dakota  
11 Plain is listed, right?

12 MS. ZEBROWSKI: Correct.

13 MR. DAWSON: And the corresponding  
14 constraint there is marked as Treaty 1 and  
15 Aboriginal rights, correct?

16 MS. ZEBROWSKI: Correct.

17 MR. DAWSON: And if you turn the next  
18 page, the same thing appears for Dakota Tipi,  
19 correct?

20 MS. ZEBROWSKI: Correct.

21 MR. DAWSON: And if you go to the  
22 third page of the table, that same constraint  
23 appears for Long Plains?

24 MS. ZEBROWSKI: Correct.

25 MR. DAWSON: And on the third page,

1 again at the foot, there's an entry from OCN?

2 MS. ZEBROWSKI: Yes.

3 MR. DAWSON: Opaskwayak Cree Nation?

4 MS. ZEBROWSKI: Yes.

5 MR. DAWSON: And this time Treaty 5  
6 and Aboriginal rights, correct?

7 MS. ZEBROWSKI: Correct.

8 MR. DAWSON: And just for the sake of  
9 completeness, on the very last page of the table,  
10 Swan lake First Nation is shown as having Treaty 1  
11 and Aboriginal rights as its constraint, correct?

12 MS. ZEBROWSKI: Correct.

13 MR. DAWSON: Now, the word Aboriginal  
14 rights, what does that mean in that table?

15 MS. ZEBROWSKI: I would suggest  
16 actually that some of the questions in this regard  
17 could be directed towards the author of this  
18 report who will be testifying at the end of  
19 October.

20 MR. DAWSON: That's fine. I have no  
21 problem if you'd like to pass them on, as long as  
22 we have that witness and I have the opportunity to  
23 come back. So I'll keep asking some questions and  
24 you keep batting them to the poor Mr. Wotton and  
25 we can ask him when he comes about his German.

1 MS. ZEBROWSKI: This report was by  
2 Virginia Petch with Northern Lights Heritage  
3 Services.

4 MR. DAWSON: Well, I'm happy to make  
5 fun of her German as well.

6 You might be able to answer, if we  
7 don't know what Aboriginal rights are, can you at  
8 least tell me how the notion of Aboriginal rights  
9 might act as a constraint?

10 MS. ZEBROWSKI: That was why I wanted  
11 to refer the question to the specialist in this  
12 case.

13 MR. DAWSON: All right. Let me flip  
14 through and see if there's anything that I can ask  
15 for non specialist you.

16 I think I'll put that entire topic  
17 aside. I have made you pull out your binder for  
18 nothing, I'm sorry. I think that's all,  
19 Mr. Chairman, thank you for your time. Thank you,  
20 witness.

21 THE CHAIRMAN: Thank you. Mr. Madden,  
22 are you to follow or was there some arrangement  
23 for --

24 MR. MADDEN: Pine Creek.

25 THE CHAIRMAN: Okay, Mr. Mills.

1 MR. MILLS: I'm back.

2 Deirdre, good afternoon. Warren Mills  
3 for Pine Creek First Nation.

4 Dierdre, the environmental assessment  
5 consultation process as it relates to Pine Creek  
6 First Nation, what is the status of that?

7 MS. ZEBROWSKI: Sorry, can you say  
8 that one more time?

9 MR. MILLS: The EACP as it relates to  
10 Pine Creek First Nation, what is the status of  
11 that in Manitoba Hydro's opinion?

12 MS. ZEBROWSKI: I think, as  
13 Mr. McGarry referenced in his presentation, that  
14 the EACP as the distinct process which had four  
15 rounds is concluded, because the intent of that  
16 process was to provide information about the  
17 project as we were going through the site  
18 selection environmental assessment process and to  
19 get feedback from that. However, I would say that  
20 in terms of Manitoba Hydro's interest in talking  
21 to Pine Creek about the concerns that it raised  
22 through that process, I would say that that is  
23 ongoing. And as Pine Creek has recently indicated  
24 that -- well, Pine creek has recently indicated  
25 they have some interest in talking to Manitoba

1 Hydro about the Bipole III project. But in any  
2 event, as I referenced in my presentation,  
3 Manitoba Hydro had always intended to go back to  
4 Pine Creek to talk about the Environmental  
5 Protection Plan. We have not made arrangements  
6 for that meeting yet. Should Manitoba Hydro  
7 receive a licence for this project, the  
8 construction would start in the northern end of  
9 the project and work its way south. So our  
10 initial focus in terms of confirming and refining  
11 and updating the environmental protection plan has  
12 been in the north, and working in those segments  
13 of the line first.

14 As we move south, we certainly  
15 intended to go back and talk to Pine Creek,  
16 because as you have noted, Pine Creek has raised  
17 some concerns and issues that we would like to  
18 address and make sure that we have addressed  
19 properly through the environmental protection  
20 plan.

21 MR. MILLS: Thank you. Could we agree  
22 that with regard to the EACP, that there has been  
23 no progress whatsoever to date with Pine Creek?

24 THE CHAIRMAN: Can I just interrupt?  
25 We're talking about the Aboriginal engagement

1 here. The EACP was --

2 MR. MILLS: I'm referring to their  
3 Aboriginal engagement, the very first point,  
4 Mr. Chair.

5 THE CHAIRMAN: Yes, but.

6 MR. MILLS: Is that off topic?

7 THE CHAIRMAN: Well --

8 MR. MILLS: Their second Aboriginal  
9 engagement.

10 THE CHAIRMAN: I realize it's a fine  
11 line, but we have pretty well covered the EACP  
12 through the examination of Mr. Joyal. You can  
13 probably cover much the same thing and ask much  
14 the same questions, but keep it in the  
15 consideration of Aboriginal engagement.

16 MR. MILLS: My questions will be very  
17 brief and I am happy with yes and no answers.

18 THE CHAIRMAN: Go forward.

19 MR. MILLS: One to ten, where is Pine  
20 Creek in the EACP process?

21 MS. ZEBROWSKI: I'm not sure I  
22 understand your reference from one to ten.

23 MR. MILLS: Thank you, I'll accept  
24 that.

25 MS. ZEBROWSKI: Could I clarify?

1 MR. MILLS: Okay. Sure.

2 MS. ZEBROWSKI: I just wanted to  
3 reference that throughout the EACP process there  
4 was a meeting during round one with Pine Creek  
5 leadership. That was on June 19th of 2008.

6 In round two, there was a community  
7 open house held, I believe it was on December 11th  
8 of 2008.

9 MR. MILLS: I agree.

10 MS. ZEBROWSKI: And then there was  
11 also a leadership meeting held on, I think it was  
12 May 11th of 2009 -- or sorry, November 5th of  
13 2009. And in addition, there was the ATK  
14 workshops and the key person interviews that took  
15 place as part of those workshops. So that was the  
16 interaction that Manitoba Hydro had with Pine  
17 Creek during the EACP process.

18 MR. MILLS: The Aboriginal traditional  
19 knowledge process, I have information that  
20 indicates that you were in our community on  
21 March 25th and 26th, 2010, for that process.  
22 Would you agree?

23 MS. ZEBROWSKI: I believe that's  
24 correct.

25 MR. MILLS: Okay. Was your

1 representation Hydro employees or did you send  
2 agents or contractors to do that work?

3 I might help you, I have two names,  
4 and maybe if you could just tell me who they work  
5 for. Hani Khalidi, my notes indicate undertook  
6 it, and I'm sorry, I missed the other lady's name.  
7 My notes indicate an Emily Linnemann represented  
8 Hydro. Were they employees or were they agents or  
9 contractors?

10 MS. ZEBROWSKI: I believe that those  
11 individuals work for Northern Lights Heritage  
12 Services.

13 MR. MILLS: Is that a division of  
14 Manitoba Hydro or are they contractors?

15 MS. ZEBROWSKI: That's a consultant.

16 MR. MILLS: A consultant, thank you.

17 MS. ZEBROWSKI: But I would also add  
18 that my understanding is that during these  
19 workshops that usually Manitoba Hydro  
20 representatives will come and do an initial  
21 presentation to provide some context and  
22 information about the project, and then they would  
23 leave, and then the ATK workshop would begin. And  
24 I can double-check to see if that actually  
25 occurred at the Pine Creek one.

1 MR. MILLS: The very complete  
2 transcripts you provided me with do not indicate  
3 any of that, so if you could confirm that, I would  
4 appreciate it.

5 Were there standards provided or were  
6 there instructions given to these contractors that  
7 you sent to undertake the ATK workshop?

8 MS. ZEBROWSKI: I believe that there  
9 were, but I was not with Manitoba Hydro at that  
10 time so I would have to confirm what those  
11 instructions were.

12 MR. MILLS: Dierdre, have you  
13 reviewed the Pine Creek ATK workshop interview  
14 package?

15 MS. ZEBROWSKI: I have.

16 MR. MILLS: Are you comfortable with  
17 it? Do you find it complete?

18 MS. ZEBROWSKI: I have seen the  
19 review, the summary of it that's done in the ATK  
20 traditional report number 1. I have also reviewed  
21 the transcripts. I understand that there were  
22 also a number of maps that were provided back.

23 MR. MILLS: Yes.

24 MS. ZEBROWSKI: To the best of my  
25 knowledge, those are a complete representation of

1 what occurred at the workshop. If there was  
2 additional materials, I can inquire if there was  
3 additional materials that went --

4 MR. MILLS: So you're not aware of any  
5 holes or parts of the ATK that you thought might  
6 be missing?

7 MS. ZEBROWSKI: I believe the packages  
8 you have in front of you are the ones that were  
9 provided back to the community for their review to  
10 ensure that --

11 MR. MILLS: I'm aware of the  
12 community's opinion, I'm asking for your opinion.

13 MS. ZEBROWSKI: Are you asking if  
14 there are materials from the ATK --

15 MR. MILLS: Are you confident that the  
16 ATK workshop package of March 26th is a fair  
17 representation of the community's concerns?

18 MS. ZEBROWSKI: I think it's a fair  
19 representation, I would expect that it's a  
20 representation of the concerns that were raised  
21 during those two days.

22 MR. MILLS: Okay. Thank you. Is it  
23 Hydro's practice to pay or employ the people that  
24 are being interviewed in the ATK process?

25 MS. ZEBROWSKI: I believe that in some

1 cases there may have been honorariums paid to  
2 individuals that provided, or participated in the  
3 key person interviews during the workshop process.  
4 And I believe that in some cases, there may have  
5 been community coordinators hired within the  
6 community to assist in organizing and setting the  
7 workshop up.

8 MR. MILLS: Thank you. I believe Pine  
9 Creek has a population, a resident population of  
10 approximately 1,600. And I believe that your ATK  
11 appears to have interviewed 10 people. Are you  
12 comfortable with 10 of 1,600 as being  
13 representative, truly representative of the  
14 community's thoughts, opinions and resources?

15 MS. ZEBROWSKI: I think --

16 MR. MILLS: Is that a threshold that  
17 Hydro would generally be comfortable with, 10 of  
18 1,600?

19 MS. ZEBROWSKI: I think that that  
20 provides -- I would take a step back and say that  
21 I think that in terms of who was interviewed and  
22 who holds knowledge within the community that the  
23 community felt was important to share with  
24 Manitoba Hydro, that the community identified the  
25 people that would have been interviewed. I

1 believe that there was more than 10 people that  
2 would have participated in the workshops because  
3 there is group interviews as well. And the format  
4 of the workshops had sort of a group portion, but  
5 then there was also the key person interview  
6 portion. So I don't believe that the 10 people  
7 would have been the only ones that provided input.  
8 There would have been a larger group than that.  
9 But I would also say too that Manitoba Hydro has  
10 always been open to meeting with communities, and  
11 if communities had wanted to engage further and  
12 provide additional information to Manitoba Hydro,  
13 we certainly would have entertained that.

14 MR. MILLS: Hydro claims or alleges in  
15 the process that everybody who takes part in the  
16 process signs a consent to interview form. I can  
17 find 10 of those. If you can find more, would you  
18 provide them to me?

19 MS. ZEBROWSKI: If I can find more, I  
20 will provide them.

21 MR. MILLS: Thank you. Within the  
22 ATK, I found 80 references to instances where  
23 people interviewed don't appear to understand the  
24 English language very well. Does Hydro make it a  
25 practice, or do you consider providing translation

1 in this process?

2 MS. ZEBROWSKI: We do provide  
3 translators where they are requested by the  
4 community, or we provide funding or support so  
5 that the community can have the appropriate person  
6 there to do the translation.

7 MR. MILLS: Do your contractors do  
8 that?

9 MS. ZEBROWSKI: No, we would look to  
10 the community to identify the appropriate  
11 individual to do the translation.

12 MR. MILLS: So when this Northern  
13 Lights group comes into the community, are they  
14 instructed to call ahead and determine if  
15 translation will be required, or are they  
16 instructed to avoid people who trouble with the  
17 English language? Give me some comfort that  
18 language is respected in the ATK process?

19 MS. ZEBROWSKI: Again, these are  
20 questions that the specialist who undertook these,  
21 who planned and lead these workshops can answer in  
22 greater detail when she's here at the end of  
23 October, beginning of November. However, my  
24 understanding of how the process worked was that  
25 when Manitoba Hydro sent out the invitation

1 letters in May of 2009 for communities that  
2 indicated they were interested in holding an ATK  
3 workshop, there was usually meetings with the  
4 leadership, and the workshops were planned through  
5 that, in that respect. So through those meetings  
6 with leadership it would be identified if a  
7 community coordinator would be helpful, and if so,  
8 then Manitoba Hydro provided the funding for that  
9 in order to organize the workshops from within the  
10 community. And things like the need for  
11 translation would have been discussed and arranged  
12 at that time.

13 MR. MILLS: If I told you that your  
14 contractor had interviewed 10 people, four of whom  
15 have great trouble with the English language,  
16 three of whom were not resident in the community,  
17 and that those who undertook the interview  
18 represented two of the 27 families at Pine Creek,  
19 would that change your opinion as to whether or  
20 not this ATK is a reliable document?

21 MS. ZEBROWSKI: Well, the people that  
22 would have been chosen to do the key person  
23 interviews would have been identified by the  
24 community, so I would trust and look to the  
25 community to understand why those people were

1 chosen, and what particular knowledge, or the  
2 depth of knowledge that those people were  
3 considered to have. Because we would have looked  
4 to the community for that guidance.

5 MR. MILLS: It's not a question, but  
6 Thomas Nepinak, who your major contractor made  
7 contact with, lives off the reserve, is an  
8 employee of the Provincial Government, and invited  
9 his family members to the process. I'll just  
10 table that.

11 MS. ZEBROWSKI: I believe Thomas  
12 Nepinak is actually an employee of the West Region  
13 Tribal Council.

14 MR. MILLS: Funded directly through  
15 the Province of Manitoba department.

16 MS. ZEBROWSKI: But his employer is  
17 the West Regional Tribal Council.

18 MR. MILLS: The province provides the  
19 funding to employ him, yes. We're splitting hairs  
20 and it doesn't really matter.

21 Within the ATK, there are two  
22 statements that jump off the pages to me, and I  
23 will ask if you have furthered these to the  
24 process. Your agents summarize by saying, while  
25 several practices had been lost over time, many

1 people in the community still gather plants for  
2 sustenance and medicinal purposes. Blueberry  
3 picking is cited an activity that is still widely  
4 practised and relied upon by community members.

5           Would information such as that be  
6 passed onto, for instance, your line clearing  
7 process? My concern is herbicides, and the ATK  
8 conclusion that the blueberry crop is an activity  
9 that is still widely practised by many community  
10 members.

11           MS. ZEBROWSKI: I believe the process  
12 for using that information and considering that  
13 information would be through the environmental  
14 protection plan. And I understand, again, there  
15 will be more detailed presentation on that at the  
16 other end of this when we're back in Winnipeg  
17 again at the end of October. I believe that the  
18 environment protection plan incorporates  
19 mitigation and monitoring, not just for during  
20 construction, but there's also an Operational  
21 Environmental Protection Plan that's developed as  
22 well. And things such as the blueberry patches  
23 that you mentioned, and concerns over vegetation  
24 management for those sensitive sites would, I  
25 believe, be included in the Operational Protection

1 Plans.

2 MR. MILLS: I heard a fellow earlier  
3 today, his name escapes me, but he made the very  
4 strong statement that nothing about Bipole affects  
5 the watershed. And yet within the ATK, I find  
6 many references that the community members made  
7 to, where is all this water coming from, we have  
8 seen water like never before. Has that connection  
9 been made, or has your process drawn any sense of  
10 watershed concerns out of Pine Creek's or any  
11 other ATKs? The traditional knowledge of the  
12 community is that water is a concern and they  
13 refer to Bipole causing further concern. Has that  
14 concern been relayed to your process?

15 MS. ZEBROWSKI: I believe the  
16 information that came through the ATK reports and  
17 the ATK workshops, as has been referenced earlier,  
18 were involved, as Mr. McGarry had talked about the  
19 use of that. And I would have to refer you to the  
20 specialist to determine exactly how that  
21 information was used in terms of routing  
22 decisions.

23 MR. MILLS: Thank you.

24 MS. ZEBROWSKI: I would like to  
25 further clarify, if I may, that the statements

1 that you just referenced talked about, where is  
2 all the water coming from? So that would refer to  
3 an existing situation which would not be directly  
4 relevant to Bipole III.

5 MR. MILLS: Correct, yeah.

6 MS. ZEBROWSKI: And so I think  
7 Manitoba Hydro would note those concerns, that  
8 there's an existing situation. And I would have  
9 to leave to the specialists that Manitoba Hydro  
10 has in the area of hydrology to answer the  
11 question about what the impact of Bipole III might  
12 be in terms of whether it would have any  
13 additional impact on waterways in that particular  
14 area.

15 MR. MILLS: We'll be pursuing that,  
16 and I thank you for that answer.

17 Two final points. I read this the  
18 other evening at great length. I found 70 or 80  
19 questions that were asked by the community of your  
20 representatives, contractors, agents. Has Hydro  
21 reviewed the ATK and has there been any written  
22 response to the questions that were asked in the  
23 community workshops? And if they have, could you  
24 provide me with them?

25 MS. ZEBROWSKI: I would have to refer

1 you, in terms of how questions that were asked  
2 during the workshop, back to the specialists that  
3 ran those, whether those were done at that time.  
4 In terms of the broad level concerns that came out  
5 of that, Manitoba Hydro has looked at those  
6 concerns and has identified, as I referenced  
7 earlier, that we would want to go back and talk to  
8 Pine Creek First Nation to identify the mitigation  
9 measures that Manitoba Hydro is considering in  
10 relation to many of those concerns, and to confirm  
11 with the community that those mitigation measures  
12 are planned, and to get the community's input in  
13 those mitigation measures.

14 MR. MILLS: Dierdre, just in closing,  
15 could we agree that the people you chose to  
16 interview asked questions and that those questions  
17 have not been answered to them?

18 MS. ZEBROWSKI: Can you restate that?

19 MR. MILLS: Could we agree that the  
20 people you interviewed in the ATK workshop at Pine  
21 Creek asked questions, and that those questions  
22 have not been answered to them?

23 MS. ZEBROWSKI: I would not be able to  
24 agree to that statement because I would have to  
25 check back. As I said, I wasn't at those ATK

1 workshops so I can't confirm what answers, or what  
2 questions may have been answered directly at that  
3 time, nor if there was any follow-up  
4 correspondence with respect to specific questions.  
5 I would have to look into that.

6 MR. MILLS: I sense we both know that  
7 there hasn't been follow-up correspondence, so I'd  
8 like to pin you down. Will you provide me with  
9 whatever written response to the questions in the  
10 ATK workshop Hydro has provided?

11 MS. ZEBROWSKI: I can certainly  
12 undertake to do that.

13 MR. MILLS: Thank you. I had  
14 apologized previously on behalf of Pine Creek  
15 First Nation and I do so again. Through several  
16 changes in government and through the community  
17 being put under intervention by the Federal  
18 Government, the community has just now sort of got  
19 its nose above water. And part of the reason why  
20 you're enduring us is because we have a lot of  
21 catching up to do.

22 Hydro makes reference to self-directed  
23 ATK studies, and my question that the community  
24 asked me to ask, is it too late for us to enter  
25 into that process?

1                   MS. ZEBROWSKI: I think at this point  
2 in time, Manitoba Hydro is not contemplating  
3 providing support for further self-directed  
4 studies related to the Bipole III project,  
5 primarily because the self-directed ATK studies,  
6 as well as the ATK workshops, were intended to  
7 assist Manitoba Hydro in its site selection  
8 environmental assessment process, and that process  
9 has now concluded, which is why we are all here  
10 today.

11                   Having said that, certainly Manitoba  
12 Hydro would entertain talking further with Pine  
13 Creek about the Environmental Protection Plan and  
14 about Pine Creek's concerns that have been raised  
15 to date about that, or about various concerns and  
16 how we might be able to address those and work  
17 together to ensure that those are properly  
18 addressed through the environmental protection  
19 plan.

20                   MR. MILLS: Very early on, Dierdre,  
21 when I had asked you about the EACP process, you  
22 had seemed to suggest that as the work was  
23 starting in the north and it was going to take  
24 quite some time to get to Pine Creek, that we had  
25 time to undertake significant further

1 consultation. And I'm wondering why, if we are  
2 able to do that -- is there any reason why Pine  
3 Creek couldn't take advantage of a self-directed  
4 ATK study? Is it that funds don't exist, or is it  
5 that you don't wish us to do it, or is it that we  
6 don't have time to do it?

7 MS. ZEBROWSKI: I think that because  
8 the intent of the ATK program was to inform the  
9 route selection, and I think that through the ATK  
10 workshop, we have had some feedback from Pine  
11 Creek about what their concerns are, and in our  
12 recent conversations, again, that I gather have  
13 happened within the community since that time and  
14 that you yourself have relayed to me, that those  
15 concerns are primarily related to the current  
16 situation in terms of water and flooding in the  
17 community, and the current impacts that those are  
18 having on moose and on blueberries and on the  
19 fishing in Lake Winnipegosis. And I would suggest  
20 that, you know, based on that basis, we can  
21 certainly meet to talk about the Environment  
22 Protection Plan, and if there are concerns that  
23 the community has that are not related to the  
24 environmental protection plan, we can also discuss  
25 how we might go about addressing those concerns.

1 MR. MILLS: I apologize, my notes are  
2 scattered and I have just two very quick ATK  
3 questions.

4 The contractors you sent out to the  
5 community, were they advised to assure the  
6 community and members that they interviewed that  
7 their concerns, if found valid, would be  
8 considered or could affect the preferred route?  
9 In other words, was there a sense of encouragement  
10 given to the participation of the ATK process?

11 MS. ZEBROWSKI: I wasn't at those so I  
12 can't speak to the specific words that may have  
13 been spoken. But given the intent of the ATK  
14 workshops to inform Manitoba Hydro about the  
15 concerns that the community may have, as well as  
16 to inform the site selection environmental  
17 assessment process, I believe that there would  
18 have been an introduction that would share with  
19 community members what the intent of the ATK  
20 workshop was and Manitoba Hydro's intention of how  
21 it would use any information that was shared  
22 through that process.

23 MR. MILLS: Thank you. Just in  
24 closing ATK, I'd like to read Hydro's own summary,  
25 and I quote from Hydro's ATK summary:

1 "Some group members expressed a sense  
2 of futility in relation to their  
3 participation in the Bipole III ATK  
4 workshop. They feel as though they  
5 will not be heard and the line will go  
6 up regardless of their input. They  
7 are curious to know how Bipole I and  
8 II will affect their communities, as  
9 they had noticed that existing  
10 transmission lines in their area have  
11 affected their life. Band members are  
12 wondering about economic benefits for  
13 the community and Mr. Karl Johnson  
14 addressed the issues related to hiring  
15 practices."

16 Is Karl Johnson a Manitoba Hydro employee?

17 MS. ZEBROWSKI: Karl Johnson was a  
18 Manitoba Hydro employee. He is now retired.

19 MR. MILLS: Okay, thank you. We  
20 didn't understand who he was.

21 I'm trying to move along,  
22 Mr. Chairman.

23 Dierdre, are you familiar with the  
24 adverse effects agreement that Manitoba Hydro has  
25 with northern First Nations?

1 MS. ZEBROWSKI: Are you referring to a  
2 specific adverse effects agreement?

3 MR. MILLS: Fox Lake.

4 MS. ZEBROWSKI: Again, are you  
5 referring to a specific --

6 MR. MILLS: I understand that there  
7 was an adverse effects agreement between Manitoba  
8 Hydro and Fox Lake First Nation, in that Hydro  
9 acknowledged that their development had adversely  
10 affected the waterways and food sources of the  
11 community. Are you familiar with that, or is  
12 there someone else I should --

13 MS. ZEBROWSKI: We have a range of  
14 agreements with Fox Lake Cree Nation, so I am  
15 wondering if you can direct me to which agreement  
16 you are referring to specifically?

17 MR. MILLS: The published one on their  
18 website, I believe they refer to it as the JKD  
19 something?

20 MS. ZEBROWSKI: That would be the  
21 adverse effects agreement that's related to the  
22 Keeyask project in relation to the joint Keeyask  
23 development agreement.

24 MR. MILLS: Okay. So you're familiar  
25 with that.

1                   Has Hydro considered, or are you aware  
2 of Hydro -- has there been any discussion as to  
3 Hydro considering or pursuing adverse effects  
4 agreements with First Nations along the Bipole III  
5 route?

6                   MS. ZEBROWSKI: No. Manitoba Hydro is  
7 not generally considering adverse effects  
8 agreements in relation to the transmission line  
9 portion of the project specifically. I think I  
10 referenced earlier that we are having  
11 conversations with Tataskweyak Cree Nation in  
12 terms of their concerns. We are having  
13 discussions with Fox Lake Cree Nation with  
14 respect, or pursuant to section 8.5 of their ISA  
15 agreement that they have with Manitoba Hydro.

16                   In terms of other First Nations along  
17 the Bipole III transmission line, I think Manitoba  
18 Hydro would be -- we are interested in knowing  
19 what community concerns are and meeting with  
20 communities to talk about those concerns. As  
21 referenced by Mr. McGarry earlier, Manitoba  
22 Hydro's preference is always to first avoid any  
23 potential impacts on communities. If there is no  
24 way to avoid a potential impact, then Manitoba  
25 Hydro would want to discuss how we might mitigate

1 those impacts. And if those impacts are not, if  
2 we're not able to mitigate, then we might consider  
3 where we might go beyond that on a case-by-case  
4 basis.

5 MR. MILLS: If the cost of settlement  
6 or compensation was equal to or less than what you  
7 might spent attempting mitigation, would Hydro  
8 consider passing those funds along to the First  
9 Nation as opposed to spending them on ditches and  
10 culverts and the like?

11 MS. ZEBROWSKI: Sorry, can you say  
12 that one more time?

13 MR. MILLS: No. You know what, I'll  
14 let it go and I'll come back to it.

15 Within the information you provided  
16 us, I believe it's an appendix to your  
17 Environmental Impact Statement, Hydro goes to  
18 great lengths to describe a north of 53rd  
19 Aboriginal relationship, and it has to do with  
20 contracting and ability to participate, and the  
21 benefits to First Nations. You and I discussed  
22 that, I believe with Mr. Penner in your office,  
23 and we received some verbal assurances that it  
24 didn't really cut off at the 53rd parallel and  
25 that Hydro didn't view, although your published

1 documents refer to northern Aboriginal  
2 relationships, you indicated to me, or Hydro  
3 indicated to me that that wasn't really the case.

4 For the record now, could I get a  
5 greater comfort as to, does Hydro have a different  
6 policy for northern First Nations, central, or  
7 southern First Nations with regards to  
8 participation? And I'm referring to the -- my  
9 friend made reference to the benefits that First  
10 Nations could enjoy. The documents you provided  
11 do state that it's a north of 53rd understanding.  
12 And Pine Creek would like some comfort from you  
13 that there isn't a parallel cut-off to access to  
14 that. Can you provide that? It's in your EIS.

15 MR. PENNER: Mr. Mills is correct,  
16 there is a northern participating policy at  
17 Manitoba Hydro. He is also correct that we met  
18 with him and we talked about our Aboriginal, and I  
19 guess local hiring preferences. I referred to  
20 that in my presentation yesterday. And I guess I  
21 assured him the other day that there will be, for  
22 the central and southern sections, hiring  
23 preferences for Bipole III.

24 Is that what you're looking for?

25 MR. MILLS: I guess what I'd really

1 like, and I have to say for the record that you  
2 have been very forthcoming and very square with us  
3 in that regard. I'm just trying to get it on the  
4 record, the comfort level that we seem to get in  
5 our conversations with you. Pine Creek, to hit  
6 the nail on the head, is looking for something out  
7 of this process other than 500 pages of an ATK  
8 document. You know, the community keeps coming  
9 back to me, can you get us, you know, is there any  
10 meat on bone is a word that is an expression that  
11 I have heard. You and I have had conversations,  
12 the Chief has had conversations with you. For the  
13 record, I'm looking for a strong comfort level  
14 that Pine Creek First Nation will be given -- I'd  
15 love to hear you tell me that we'll be given last  
16 look or first right of refusal on a clearing  
17 section or something like that.

18 THE CHAIRMAN: We're starting to  
19 divert from --

20 MR. MILLS: Thank you, Mr. Chairman.

21 THE CHAIRMAN: -- the environmental  
22 engagement.

23 MR. MILLS: I'll back off.

24 THE CHAIRMAN: Okay.

25 MR. MILLS: What do you think,

1 Mr. Penner?

2 THE CHAIRMAN: No, no, I am saying  
3 you're starting to divert from the environmental  
4 engagement.

5 MR. MILLS: Well, it's the  
6 relationship with Aboriginals, sir, and I'm  
7 referring to the assurances that they give us.

8 THE CHAIRMAN: Well, Mr. Penner made  
9 comments yesterday and again just now that they  
10 would have some process for hiring preference in  
11 other parts of the construction.

12 MR. MILLS: Okay. Then simply in  
13 closing, the information provided to us indicates  
14 that the environmental -- pardon me, that the  
15 Aboriginal access to construction it seems, is  
16 clearly a stronger relationship north of the 53rd.  
17 I have received assurances verbally from Hydro  
18 that that isn't the case. Is that fair to say?

19 MR. PENNER: We have agreed to meet  
20 with Mr. Mills to discuss with Pine Creek, and we  
21 are not going to negotiate with Pine Creek through  
22 this process.

23 THE CHAIRMAN: Thank you.

24 MR. MILLS: I wasn't asking you to.  
25 We'll get to that.

1 THE CHAIRMAN: Mr. Mills, are you just  
2 about finished? We're getting towards the end of  
3 the day.

4 MR. MILLS: I'm very close, sir.

5 THE CHAIRMAN: You had two final  
6 questions about 25 minutes ago.

7 MR. MILLS: This is new to me. I have  
8 such a rich opportunity.

9 Finally, as you can sense, my client  
10 doesn't trust you. The CDI, and as you have  
11 described it, Dierdre, doesn't add to that. Would  
12 Hydro consider a mechanism to make the CDI process  
13 more transparent? My client fears that Fox Lake  
14 and Tataskweyak and your partners and good friends  
15 of the north will receive consideration in the CDI  
16 process.

17 THE CHAIRMAN: I think Mr. Penner just  
18 said that Hydro wasn't prepared to negotiate  
19 around these three or four or five tables.

20 MR. MILLS: I'm not asking him to  
21 negotiate, sir, I'm asking him, could you give me  
22 a better sense of who will be making the CDI  
23 distribution decisions?

24 THE CHAIRMAN: I don't know that  
25 that's relevant to our consideration here today.

1 MR. MILLS: Well, they have doled out  
2 \$5 million a year, Mr. Chairman.

3 THE CHAIRMAN: Yes.

4 MR. MILLS: And our sense is that  
5 there are millions and millions of dollars flowing  
6 into northern First Nations who are Hydro's  
7 partners, and there is little, if anything, coming  
8 to central and southern.

9 THE CHAIRMAN: And you'll get an  
10 opportunity to argue that as we move through this  
11 process. But today you're cross-examining Hydro  
12 witnesses on presentations that were made  
13 yesterday morning. You're going quite far afield.

14 MR. MILLS: They indicated to us that  
15 through the community development initiative that  
16 they would distribute four to \$5 million. Could  
17 Hydro give me a comfort level to take back to my  
18 client that those funds will be distributed  
19 equitably?

20 THE CHAIRMAN: We're not negotiating  
21 the terms of a program that Hydro is going to  
22 implement if they get a licence for this. That  
23 will come. And I'm sure you'll have an  
24 opportunity in conversations with Hydro officials  
25 at that time in the respect that you're asking

1 right now. So would you please either come right  
2 back -- you have really canvassed the Aboriginal  
3 engagement program as described yesterday quite  
4 thoroughly, so will you please bring it to a  
5 conclusion now so that we can perhaps all get out  
6 of here. It's getting late in the day.

7 MR. MILLS: My conclusion,  
8 Mr. Chairman, with respect, is the issue is of  
9 greater concern to my client than the time of the  
10 day is for the Commission.

11 THE CHAIRMAN: We are quite aware that  
12 the issue is of concern to your client, and you  
13 have had plenty of opportunity to canvass it this  
14 afternoon, and you will have many more  
15 opportunities. But in the last 15 or 20 minutes,  
16 your questions have diverged quite a way out of  
17 the scope of the cross-examination in front of us.

18 MR. MILLS: I'm following simply the  
19 documents they gave us.

20 THE CHAIRMAN: Yes.

21 MR. MILLS: We disagree. All right.  
22 Thank you, Mr. Chairman, have a good evening  
23 everyone.

24 THE CHAIRMAN: Thank you, Mr. Mills.  
25 Ms. Johnson, there are some documents to --

1 MS. JOHNSON: Yes. Mr. Madden has  
2 asked the two cases that he referred to in his  
3 opening comments be put on the record. That's  
4 Paul versus British Columbia Forest Appeals  
5 Commission, which will be exhibit MMF number 2.

6 (EXHIBIT MMF 2: Paul v. British  
7 Columbia Forest Appeals Commission)

8 MS. JOHNSON: Coquitlam First Nation  
9 versus British Columbia Utilities Commission, that  
10 will be MMF number 3.

11 (EXHIBIT MMF 3: Coquitlam First  
12 Nation v. British Columbia Utilities  
13 Commission)

14 MS. JOHNSON: The news release from  
15 the province as of May 26, 2011 is number 4.

16 (EXHIBIT MMF 4: News release from  
17 province, May 26, 2011)

18 MS. JOHNSON: The news release of  
19 July 4, 2011 will be number 5.

20 (EXHIBIT MMF 5: News release of July  
21 4, 2011)

22 MS. JOHNSON: And the moose  
23 conservation initiatives will be number 6.

24 (EXHIBIT MMF 6: Moose conservation  
25 initiatives)

1 THE CHAIRMAN: Thank you. Mr. Dawson?

2 MR. DAWSON: While we're dealing with  
3 administrative matters, I wonder if the secretary  
4 will be kind enough to assign an exhibit number to  
5 the written statement that Chief Glen Hudson of  
6 Peguis First Nation had intended to deliver in  
7 person and that was circulated generally on the  
8 list earlier this week.

9 MS. JOHNSON: Yes, that does have a  
10 written submission number. That's part of the  
11 record.

12 MR. DAWSON: All right. That's  
13 satisfactory, thank you.

14 MS. JOHNSON: And it also appears on  
15 the website.

16 MR. DAWSON: It certainly does, that  
17 certainly is true. Thank you very much,  
18 Mr. Chair.

19 THE CHAIRMAN: Thank you. Tomorrow  
20 morning, we will resume with cross-examination by  
21 Mr. Williams on the site selection. That will be  
22 followed by panel questions on site selection.  
23 Once we have concluded that, we will return to the  
24 Aboriginal engagement. And if we have time  
25 tomorrow, we may get to Mr. Penner and Mr. Elder

1 on construction and design, converter station  
2 construction and transmission line construction.

3 Mr. Madden?

4 MR. MADDEN: To speed up my cross  
5 tomorrow, is that list of the ATK workshops, the  
6 dates and the locations, that was an undertaking,  
7 is that available?

8 MS. MAYER: Sorry, yes, it is  
9 available. We just haven't made copies yet.  
10 Maybe we have. We actually have, yes.

11 MR. MADDEN: Thank you.

12 THE CHAIRMAN: Mr. Mills?

13 MR. MILLS: A very quick point,  
14 Mr. Chairman, and I don't know how I came to be in  
15 possession of this, but I have a copy of a  
16 memorandum that you sent to Tracey Braun on  
17 April 14, 2010. And you asked in it, under  
18 surface water, your words:

19 "Some discussion at the sub-basin  
20 level may be helpful. The effects may  
21 occur downstream of the action and  
22 they may be additive in parts of the  
23 sub-basin."

24 Was this answered or responded to, and if so, can  
25 I have that information?

1                   THE CHAIRMAN:  What that was,  
2  Mr. Mills, was the input from the Clean  
3  Environment Commission into the scoping document.  
4  Hydro had sent over a draft scoping document to  
5  Ms. Braun's shop.  It was circulated widely,  
6  including publicly.  Comments were provided back  
7  in that regard.  And that's what that letter is.  
8  So that went into whether --

9                   MR. MILLS:  Can you help me?  You  
10 raised the concern.  Was it answered and where  
11 would I find it?

12                  THE CHAIRMAN:  Well, it was our  
13 submission into the scoping document.  I can't  
14 tell you without looking at the letter and the  
15 scoping document whether or not that concern was  
16 incorporated into the scoping document.  But the  
17 scoping document was what Manitoba Hydro based  
18 their Environmental Impact Statement on.

19                  MR. MILLS:  If I can't find the  
20 response, and if you had asked the question, could  
21 I come back to you and ask you to pursue it?

22                  THE CHAIRMAN:  We'll get back to you  
23 in that regard.  But I'm not sure there is the  
24 answer you're looking for, not in specific  
25 response to that letter, but it may well be in the

1 Environmental Impact Statement.

2 MR. MILLS: Okay. It was your  
3 question, sir, thank you.

4 THE CHAIRMAN: Pending any other  
5 business that we absolutely have to deal with, we  
6 will adjourn for the day and be back here tomorrow  
7 morning at 9:00 --

8 Before we run off, just one final  
9 comment. Tomorrow is a lead-in day to a long  
10 weekend. I know that more than one person in this  
11 room wishes to leave town tomorrow evening, so  
12 we're going to end a little early. We're going to  
13 break, or we'll call it a day at the time of the  
14 afternoon break tomorrow at about 3:00 p.m.

15 (Proceedings adjourned at 4:55 p.m.)

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Debra Kot and Jill Proctor, duly appointed  
Official Examiners in the Province of Manitoba, do  
hereby certify the foregoing pages are a true and  
correct transcript of my Stenotype notes as taken  
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Debra Kot  
Official Examiner, Q.B.

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Jill Proctor  
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