

MANITOBA CLEAN ENVIRONMENT COMMISSION

BIPOLE III TRANSMISSION PROJECT
PUBLIC HEARING

VOLUME 27

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Transcript of Proceedings
Held at Winnipeg Convention Centre
Winnipeg, Manitoba

MONDAY, MARCH 4, 2013

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APPEARANCES

CLEAN ENVIRONMENT COMMISSION

Terry Sargeant - Chairman
Pat MacKay - Member
Brian Kaplan - Member
Ken Gibbons - Member
Michael Green - Counsel to the Board
Cathy Johnson - Commission Secretary

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Bruce Webb
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MANITOBA HYDRO

Douglas Bedford - Counsel
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Brian Meronek - Counsel
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MANITOBA WILDLANDS

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GREEN PARTY OF MANITOBA

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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 Monday, March 4, 2013

2 Upon commencing at 9:00 a.m.

3

4 THE CHAIRMAN: Good morning everyone,
5 welcome back. I hope you all had a productive,
6 hard working intercession. I hope that some of
7 you were able to get away to some sunnier climes
8 to escape this rather nasty winter we have had so
9 far. Although it hasn't been much so far,
10 apparently we are going to see some more winter
11 later today. Although, as Ed Tymofichuk was
12 reminding me earlier, this is really nothing
13 compared to another March 4th storm that some of
14 us in this room are old enough to remember, and
15 many of you probably weren't even around that
16 particular day.

17 As you will notice I'm sure, one of
18 our panelists is not here. Wayne Motheral has
19 escaped to sunnier climes and is on a long
20 previously established vacation, so he will not be
21 with us for the next two weeks.

22 I would remind all of you about our
23 admonitions against cell phones. If you have them
24 with you, please turn them off, or turn them on to
25 buzzer or vibrate, a silent buzzer, no sound,

1 please.

2 We are back here to resume the
3 hearings into the Bipole III application by
4 Manitoba Hydro. When we adjourned on
5 November 22nd, we established that with some
6 exceptions only, and I am going to underline only,
7 outstanding issues would be dealt with during this
8 resumption. The principle outstanding issue, as
9 we all know, which was the reason for the
10 adjournment, is the rerouting of the final
11 preferred route in three different areas.

12 When we adjourned in November there
13 were some exceptions, one of which was cross
14 examination of Dan Soprovich who had produced a
15 paper in respect of moose in the west central part
16 of Manitoba. This paper had not been filed with
17 the Commission under the required two-week
18 timeframe. So he may be available for
19 cross-examination. We do know that the proponent
20 does not wish to cross-examine him. I'm not sure
21 if other parties do.

22 A second exception was the
23 presentation by York Landing First Nation. As you
24 will recall, they were scheduled to appear in
25 November, but because of a snowstorm at that time

1 in Northern Manitoba, they weren't able to get
2 here.

3 A third exception is that we allowed
4 Pine Creek First Nation to postpone their
5 presentation until now, in large part because the
6 rerouting in two particular areas affected or
7 might affect their First Nation.

8 A fourth exception is that the Wuskwi
9 Sipiik First Nation, which is along the preferred
10 route in Western Manitoba, has asked to make a
11 presentation, and they will be doing so later in
12 this proceedings.

13 And subsequent to the adjournment, two
14 additional subjects came up, one of which arose
15 out a letter -- arose out of questioning by the
16 panel and a letter that the panel wrote to the
17 proponent in early December, just seeking further
18 information on the suggestion of moving, or
19 terminating Bipole III at Dorsey and moving Bipole
20 II to the Riel station.

21 And finally -- sorry, not finally, a
22 second matter that has arisen, in early January
23 the Bipole III Coalition filed a motion seeking to
24 introduce further evidence on the matter of
25 routing part of the transmission line, including

1 running it for a short period underground. This
2 motion was allowed. They will be bringing
3 evidence on this tomorrow.

4 And then finally, in early November,
5 Manitoba Hydro undertook to provide further
6 information about forest fragmentation in response
7 to queries from panel members. This response has
8 now been received and will be addressed some time
9 during the next eight days.

10 We have scheduled two four day weeks.
11 We see no reason, and I want to capitalize and
12 underline and bold the word "no," we see no reason
13 why we cannot complete the public hearing part of
14 this review in that time. I will warn you that if
15 it appears that we might be running short of time,
16 we will sit into the evenings.

17 A very quick overview of the hearings
18 today. Manitoba Hydro will make presentations and
19 be available for examination on the rerouting to
20 the final preferred route. Tomorrow the Bipole
21 III Coalition will present their evidence.
22 Thursday, Pine Creek First Nations will make their
23 presentation. Thursday -- did I say Thursday, I
24 meant Wednesday. Thursday we will deal with the
25 Commission's letter to Manitoba Hydro about the

1 Bipole III to Dorsey question, as well as we will
2 hear from York Factory First Nation.

3 Next week will be Wuskwi Sipihk, the
4 panel members' final questions, proponent
5 rebuttal, final arguments, and adjournment of the
6 hearings.

7 So any other procedural matters to
8 deal with at this time?

9 Okay, Mr. Dawson.

10 MR. DAWSON: Thank you, Mr. Chairman.
11 Just very briefly, if I may, just for the sake of
12 creating a record, I would like to convey my
13 client's objection to a number of matters that are
14 ongoing here this morning.

15 First, I draw to the panel's attention
16 and establish on the record that despite the
17 directions of this board, or this Commission, the
18 proponent has not circulated its supplemental
19 filings within the deadlines that the panel had
20 proposed. More particularly, the TAC comments did
21 not arrive until well into the time distance.
22 This of course has impacted the ability of many
23 parties, I imagine, to make an adequate and full
24 response and to investigate the evidence.

25 The appropriate remedy my client would

1 suggest would be not to proceed with these
2 hearings, simply because the proposed deadlines
3 have not been met.

4 I move on to my next point. I object
5 to the content of some of the material that the
6 proponent has put forward in its purported
7 supplemental filing, as well as what I am guessing
8 to be part of its proposed presentation.

9 Mr. Chairman, you very accurately have
10 summarized the very limited scope of what we are
11 trying to do in the appendage to the original
12 hearing dates, and some of the material in the
13 supplemental filings, as well as I understand some
14 of the materials that will be included in this
15 morning's presentation, go well beyond that. And
16 I note, for example, an entirely additional
17 chapter that the proponent has put forward
18 relating, for example, to Aboriginal
19 consultations. To the extent that these
20 Aboriginal consultations go beyond the very
21 limited scope that the panel has set for these
22 hearings, we object and argue that they are
23 irrelevant.

24 THE CHAIRMAN: Sorry, Mr. Dawson,
25 relevant or irrelevant?

1 MR. DAWSON: We object and say they
2 are irrelevant. If I said relevant, thank you for
3 correcting me.

4 THE CHAIRMAN: No, I didn't hear you.

5 MR. DAWSON: I forgot the acoustics, I
6 forgot that we are back in the room that silence
7 reigns.

8 So I am going to ask that the board
9 simply note this objection. I do not think it is
10 practical, nor do I think it is appropriate that
11 I, or indeed any other participant, should run to
12 the microphone to object each and every time that
13 Hydro might veer away from the limited scope that
14 the panel has set for these hearings. So if I may
15 to that extent simply say that, to the extent to
16 this morning that I hear presentations that veer
17 away from what the limited scope is, let me object
18 ahead of time and ask the board to stop Hydro at
19 that point. But simply because, and again I point
20 out for those who are reading the transcript, that
21 although Hydro, the proponent, has a microphone
22 that may allow it to interrupt the proceedings at
23 any time, all of the participants have to scurry
24 from their desks some distance away from the one
25 and only one microphone that's available to

1 participants. So clearly to raise an objection
2 after each question would simply be impractical as
3 well as, frankly, tiresome for the panel to see
4 somebody waddling forward, and by that I
5 especially mean me.

6 Then my third point relates to what
7 you, Mr. Chairman, had referred to as the
8 Soprovich cross-examination. Given that the
9 proponent is not intending to cross-examine
10 Mr. Soprovich, might I point out -- and again
11 there was a multitude of voices on behalf of
12 Peguis at that particular time, but I suggest that
13 an objective reading of what actually happened was
14 we had a presentation, we didn't have a witness.
15 Any presenter may come forward, and if the
16 presenter is so well organized as to bring slides,
17 as to bring paperwork, the panel I assume would
18 receive this. And we have heard some
19 presentations that frankly are off the wall. And
20 we have heard other presentations that are
21 particularly useful and helpful. But it has never
22 been the plan for any of the participants or the
23 proponent to especially cross-examine any of those
24 presenters. To that extent I'm suggesting that
25 Mr. Soprovich and his comments simply be treated

1 not as a witness, for he was not, but simply as a
2 presenter. I don't think that any of my learned
3 friends or other participants have any questions
4 that it intends to direct to Mr. Soprovich, but on
5 that ground it may simply help the board, rather
6 than worry about cross-examination on those
7 points.

8 And those are my comments. Thank you,
9 Mr. Chairman.

10 THE CHAIRMAN: Thank you, Mr. Dawson.
11 Don't run away, I may have a question or two. Let
12 me assure you that we are not worrying about it,
13 but it is a matter for consideration.

14 Just on your last point and
15 Mr. Soprovich, now I was under the impression, and
16 you referred to the multitude of representation
17 for Peguis First Nation, I was under the
18 impression that Ms. Whelan-Enns brought
19 Mr. Soprovich as a witness. I mean, if
20 Mr. Soprovich was here as a presenter, then your
21 comments are absolutely correct. But if he was
22 presented as a witness, then he has to be
23 available for cross-examination by other parties.

24 MR. DAWSON: If I may suggest,
25 Mr. Chairman, I don't recall that. What I do

1 remember is Councilor Sutherland coming forward
2 and clarifying on the point of whether or not
3 Mr. Soprovich spoke in his personal capacity or
4 whether he spoke on behalf of Peguis First Nation.
5 And in that respect, Councilor Sutherland, who of
6 course is a councilor for Peguis, indicated that
7 Mr. Soprovich was speaking on behalf of the First
8 Nation. It has never been my recollection,
9 although I haven't recently reviewed the
10 transcript of that particular one, but my
11 recollection is that you are quite correct,
12 Ms. Whelan-Enns made the arrangements for
13 Mr. Soprovich to appear, and I was permitted to
14 lounge in the back and watch things unfold. But I
15 noted that he spoke in the context of Mr.
16 Sinclair, who also gave a lengthy presentation
17 with slides, about traditions relating to Peguis
18 and other Aboriginal groups. And I always took
19 these as presentations that were organized perhaps
20 by Ms. Whelan-Enns on behalf of Peguis, but I
21 didn't ever think they were intended to be the
22 substantive evidence that a witness, in the sense
23 of our own witness that we had called in the
24 course of these hearings, might have been.

25 THE CHAIRMAN: I would note that

1 although Ms. Whelan-Enns has not received
2 participant funding for these proceedings, she was
3 granted status as a participant, so she is
4 entitled to bring witnesses as witnesses.

5 MR. DAWSON: If I may correct you on
6 that, though, Ms. Whelan-Enns is apparently acting
7 on behalf of a group called Manitoba Wildlands,
8 not -- she would not have received, she would not
9 be registered as a participant on behalf of
10 Peguis, if I may suggest that. But in any event,
11 we are returning to the multitude of voices as
12 opposed to the actual topic of Soprovich, and I'm
13 just offering this in case it helps.

14 THE CHAIRMAN: Yeah. We don't need to
15 pursue that very much, if you are correct that
16 nobody wishes to cross-examine him, then it is
17 really a moot point and we will accept it as
18 presentation.

19 Your point on Aboriginal
20 consultations, now, correct me if I'm wrong, but
21 are you saying that there were Aboriginal
22 consultations beyond the consultations surrounding
23 the reroutes and the FPR?

24 MR. DAWSON: Now it is my turn to say
25 I'm sorry, I didn't hear that?

1 THE CHAIRMAN: You refer to Aboriginal
2 consultations and that Hydro provided an
3 additional chapter on Aboriginal consultations.
4 Now, is your concern that they've engaged in, or
5 at least reported on Aboriginal consultations
6 beyond the area where the reroutes of the FPR are?

7 MR. DAWSON: Although much of the
8 consultation information that's set out there
9 would relate to the reroutes, I note, for example,
10 that there are some candid letters that have been
11 set out that go well beyond anything relating to
12 the rerouting process. And to the extent that we
13 hear about the Aboriginal consultation process,
14 beyond the specific consultations that were
15 conducted relating to these reroute proposals, it
16 is my submission that that purported evidence
17 would go beyond the scope of what the board has
18 allowed us to put forward. To the extent that the
19 board would allow us to do more, the response of I
20 think many participants, and I know that standing
21 behind me very likely is the voice of Pine
22 Creek -- they will speak for themselves, I'm not
23 speaking on their behalf -- who also have concerns
24 about the material that's before the board, as it
25 goes beyond the reroutes.

1 And to the extent that Hydro intends
2 to speak about anything that it should have
3 frankly slipped in before these hearings, these
4 resumed hearings began, it is too late.

5 To the extent that Hydro thinks that
6 it is going to bolster what it said in the first
7 round, it is too late. Why is it too late?
8 Because correctly, based on what I understand the
9 outline and agenda is this morning, Mr. Chairman,
10 this panel will not allow me, for example, to
11 bring forward my own evidence again, just because
12 I forgot something, or that I would like to
13 respond in a general way to something that I might
14 have said earlier. To do otherwise would, of
15 course, open up a vicious circle where everybody
16 would constantly present evidence. So to the
17 extent that Hydro, either in writing or through
18 its witness panel in these supplementary, shall we
19 call it, hearings, purports to go beyond the
20 limited scope that this panel has fixed, my
21 submission is that that purported evidence is
22 simply out of order, it is out of time, it hasn't
23 been put forward in the appropriate way and ought
24 to be simply disregarded, if not absolutely
25 interrupted and stopped.

1 THE CHAIRMAN: I hear you, and for the
2 most part I agree with you, although I do find a
3 little bit of an irony in that many of us,
4 including people on this panel and many of you
5 participants, have been complaining all along that
6 getting some of this information out of Hydro was
7 like pulling the proverbial hen's teeth.

8 MR. DAWSON: Certainly, Mr. Chairman,
9 plenty of problems with the way in which the
10 proponent has handled Aboriginal consultations.
11 And indeed my own client has a view that it
12 expressed in the preliminary hearing as to the
13 role of consultation and accommodation in this
14 entire process. And we are not going to revisit
15 that, the board has ruled on that. If we are
16 revisiting that, it is not in this forum. But it
17 is a series of problems, and that brings me to my
18 last housekeeping point.

19 I note that throughout, and he is not
20 here and he hasn't asked me to make this request,
21 my learned friend, Mr. Madden, on behalf of the
22 Manitoba Metis Federation, has frequently written
23 letters, even going to the pre-hearing stage, to
24 the board setting out objections and concerns.
25 Some of those objections and concerns he has put

1 on the record, but many of them he has not. To
2 the extent that the board is not already
3 considering his letters, that is Mr. Madden's
4 letters sent at any time in relation to this
5 hearing to the board as evidence, as part of the
6 record, I would ask that Mr. Madden's collected
7 correspondence be entered as an exhibit. We
8 already have all got copies of it, the board has
9 it as well. But I'm worried that his useful and
10 pertinent comments and objections may not make it
11 on to the record and it is important, of course,
12 that they are.

13 THE CHAIRMAN: Mr. Dawson, I would
14 point out that all correspondence, all material,
15 everything that is sent to the Commission does go
16 on the public record. So Mr. Madden's letters,
17 going back a year, year and a half, in respect of
18 the Bipole III hearings are part of the record,
19 including his most recent letter which we received
20 over the weekend.

21 MR. DAWSON: That's all I wanted to
22 make sure of. I know that there is a public
23 posting, but there is a difference between that
24 and the record in the administrative law sense.
25 But you, Mr. Chairman, have definitively stated

1 that you believe it is part of the record and,
2 therefore, there is nothing more for me to say,
3 you have done exactly what I was asking for.

4 THE CHAIRMAN: Thank you, Mr. Dawson.

5 MR. DAWSON: Those are my comments,
6 barring any further questions.

7 THE CHAIRMAN: Thank you. I have no
8 further questions.

9 Any other -- Mr. Mills?

10 MR. MILLS: Thank you and good
11 morning, Mr. Chairman. We just have a few
12 housekeeping points.

13 As well we found that some of the
14 correspondence post January 28th between Hydro and
15 MMF was in fact introducing information that we
16 thought was perhaps out of order.

17 Second point, we agree with
18 Mr. Dawson's concerns with regards to the TAC
19 comments, although we do wish to proceed. We were
20 expecting an awful lot more from the TAC process.
21 We had received Mr. Hannon's assurance back on
22 August 16th that Conservation would take the lead
23 and would collect TAC comments. And there have
24 been references to MAFRI contributing to that
25 process. We observe that Ms. Dagdick sent out 24

1 TAC requests and received less than eight
2 responses, a few of which are observations with no
3 comment. So we express our disappointment in TAC,
4 but we will carry on.

5 Finally, I believe Manitoba Hydro and
6 ourselves had asked that Mr. Soprovich return as a
7 witness so that we could examine him. On further
8 review, we don't need him and don't wish him to be
9 here. So if that will help with your timing --
10 and if Hydro, as I understand, may not need him as
11 well, we would be pleased if Mr. Soprovich not
12 consume time that we would rather have.

13 THE CHAIRMAN: Thank you. I believe
14 that Mr. Soprovich will be here with the Wuskwi
15 Sipiik First Nation, but if no one wishes to
16 cross-examine his presentation from the fall, that
17 would save us a moment or two.

18 MR. MILLS: Okay.

19 THE CHAIRMAN: Thank you, Mr. Mills.

20 MR. MILLS: Thank you.

21 THE CHAIRMAN: Any other housekeeping
22 comments before we turn to the presentation?

23 Having seen none, I would just like to
24 note to the proponent some of the comments that
25 have been made and some of the comments that I

1 have made in respect of new information that --
2 what we should be considering today. The only new
3 information we should be considering is in respect
4 of the reroutes of the FPR.

5 Now, I believe, yes, all of you were
6 sworn in last fall, so I would note that you still
7 remain under your promise to tell only the truth,
8 as I'm sure you would anyway.

9 So who is taking the lead,
10 Mr. McGarry? Mr. Osler?

11 MR. OSLER: Good morning,
12 Mr. Chairman. Panel, good morning.

13 The panel today is focused on the
14 Bipole III supplemental environmental assessment
15 report on the route adjustments which was filed on
16 January 28th, 2013. It assesses the extent to
17 which the December 2011 EIS for Bipole III is
18 modified by the three route adjustments requested
19 by Manitoba Conservation and Water Stewardship to
20 the final preferred route for the HVDC
21 transmission line component of this project.

22 The three route adjustments were
23 proposed to address concerns in Western Manitoba
24 regarding Woodland caribou in the Wabowden area
25 and moose in game hunting areas 14, Moose Meadows

1 as it is called, and 19A/14A.

2 This supplemental report relies
3 throughout on the original EIS filed in
4 December 2011, and supplements the EIS as required
5 to reflect changes to potential environmental
6 effects of the project expected as a result of
7 these three route changes. Except for the route
8 change in the Wabowden area, the route adjustments
9 examined in the supplemental report were not
10 selected after carrying out the same consultation
11 or routing assessment process used to select the
12 final preferred route that was assessed in the
13 December 2011 EIS. And therefore, the assessment
14 for the route changes in game hunting areas 14,
15 Moose Meadows, and 19A/14A has a higher potential
16 than in the original EIS to find adverse residual
17 effects that could have been avoided had the
18 typical site selection environmental assessment
19 routing process been followed.

20 The final preferred route, as
21 described in the December 2011 EIS, continues to
22 be available in each instance as a default
23 preferred route option that was selected and
24 assessed in the original EIS based on the
25 unmodified site selection environmental assessment

1 process.

2 The supplemental report assesses the
3 extent to which the route adjustments result in
4 changes to mitigation and expected residual
5 effects for each valued environmental component or
6 VEC, including the Woodland caribou and the moose
7 VECs.

8 In summary, the supplemental report
9 concludes that the three route changes are not
10 expected to change the assessment conclusions in
11 the December 2011 EIS for any VECs except as
12 follows: First, the route change in the Wabowden
13 area reduces scientific uncertainty and concerns
14 regarding potential residual effects of the
15 project on the Wabowden boreal Woodland caribou
16 valuation range.

17 As regards mining industry concerns
18 about this route change, Manitoba Hydro will
19 discuss with the mining industry potential
20 additional mitigation measures to address concerns
21 about magnetic fields from operation of the
22 project HVDC transmission line interfering with
23 the ability of mining companies to conduct
24 geophysical mineral exploration in the Thompson
25 nickel belt.

1 Second, the route change in game
2 hunting area 14, Moose Meadows, will intersect
3 considerably more high quality moose habitat
4 within the 4.8 kilometre buffer area adjacent to
5 the route, and intersect or come in proximity to
6 additional areas of high moose density in
7 proximity to existing access that will result in
8 more challenging mitigation on the potential
9 effects associated with access along the adjusted
10 route.

11 And finally a third, the route change
12 in game hunting areas 19A/14A will result in
13 potentially significant adverse residual effects
14 on culture of Camperville, Pine Creek First Nation
15 and Duck Bay. And uncertainty is noted as to
16 whether the ongoing adverse effects in this regard
17 will remain moderate in magnitude and medium term
18 in duration.

19 Now, the panel will review the
20 supplemental reports as follows: First, Pat
21 McGarry and John Dyck will review the overall
22 supplemental report, including the assessment
23 process for all VECs, other than caribou, moose,
24 culture and heritage, the four which I just
25 highlighted, which will be addressed separately

1 and subsequently.

2 Trevor Joyal will review the
3 environmental assessment consultation program
4 carried out regarding these route changes as
5 addressed in chapter 3 of the supplemental report.

6 Virginia Petch will then address and
7 review the assessment regarding the effects of the
8 route adjustments on culture and heritage.

9 And finally Doug Schindler and Jim
10 Rettie will review the assessment regarding the
11 effects of the route adjustments on boreal
12 woodland caribou and moose.

13 Pat?

14 MR. MCGARRY: Good morning
15 Mr. Chairman, Commissioners, it seems like a short
16 three and a half months since we last met, but it
17 is always a pleasure to be here. I say that now.

18 THE CHAIRMAN: It is always a
19 pleasure.

20 MR. MCGARRY: I would like to go over
21 the assessment report that was done for the three
22 alternative routes that we conducted over the last
23 three and a half months since we last met.

24 So in our presentation, which I will
25 make jointly with John Dyck here, is to go through

1 a number of items, purpose and objectives, the
2 background and how we got here, overview of the
3 route adjustment areas, the assessment approach,
4 and of course the results of that assessment, and
5 finally I will wrap up with a summary for the
6 entire assessment as well as for each individual
7 section under review.

8 So the purpose of this assessment was
9 primarily to address concerns related to moose and
10 Woodland caribou, by assessing the alternative
11 routes in three areas, as requested by Manitoba
12 Conservation and Water Stewardship. These three
13 alternatives were developed in conjunction with
14 and agreed to by Conservation and Water
15 Stewardship under the requirements of
16 Environmental Approvals and Wildlife Branches.

17 We also want to document the
18 environmental assessment and the consultation that
19 was conducted on these new route segments. Our
20 objectives were to conduct environmental
21 assessment and determine any changes in the
22 effects of the VECs, review mitigation and the
23 significance determination as originally
24 considered in the original EIS.

25 We considered the values and

1 perspectives on a number of environmental
2 components, biophysical, socioeconomic, land use,
3 technical/cost criteria, as well as the
4 consultation conducted with government,
5 Aboriginal, stakeholder, and other public input.

6 By way of background, the original TAC
7 response to the EIS was provided to Manitoba Hydro
8 May 17th, 2012, which requested at that time a
9 review of routing the Wabowden caribou range, as
10 well as the Mafeking to Birch River segment,
11 commonly known as Moose Meadows. That was
12 followed August 29th, 2012, with a letter from
13 Conservation, again requesting revisions to Moose
14 Meadows and the caribou range, as well as route
15 revision in game hunting area 19. And the fourth
16 area at that time was the Red River to Steeprock
17 Wildlife Management Area. In a previous
18 presentation in the fall, we indicated why that
19 was not pursued, that last one in the Red Deer
20 River area.

21 On October 29th, we presented three
22 new alternative routes in the areas requested.
23 November 13th, Manitoba Hydro requested a hearing
24 adjournment to conduct the assessment on the
25 alternative routes.

1 What guided us in our process was the
2 November 9th letter from Manitoba Conservation and
3 Water Stewardship to conduct the assessment on
4 three alternative routes.

5 So from November through to January,
6 November 2012 through January 2013, we went out
7 and conducted our assessment and public
8 consultation. And this report is a summation of
9 that assessment and period of time.

10 That report was submitted to
11 Conservation and Water Stewardship on
12 January 28th, 2013, as originally agreed to at
13 adjournment.

14 The TAC review was conducted in
15 February 2013. And the last item I will point out
16 here was there was a letter from Conservation to
17 the Commission, February 20th, indicating that the
18 report submitted was sufficient and TAC comments
19 can be dealt with through licensing conditions.

20 The approach to this assessment --
21 pardon me, I'm going to outline here, where you
22 see blue lettering in these slides are
23 corrections, so I will put these on the record as
24 we go through, they are relatively minor
25 corrections. But as you see, blue lettering come

1 up in this presentation, I will speak to that and
2 correct that information for the record.

3 So the assessment approach was to
4 provide sufficient detail of any identified
5 effects to be considered by the Commission, the
6 affected parties and registered participants, as
7 was originally indicated in the November 9th
8 letter to Manitoba Hydro. And I realize primarily
9 on the December 2011 EIS, the slide originally
10 said "as printed November 2011." That's a
11 correction, December. We retained the assessment
12 of effects from that EIS, it is the primary
13 resource document, and it is supplemented as
14 necessary.

15 The site selection process was
16 modified, as Mr. Osler pointed out, from the
17 original EIS. There was no preliminary assessment
18 for consultation on the adjusted final preferred
19 routes, they were done by a slightly different
20 process.

21 The assessment considered potential
22 changes and effects to the VECs, as in comparison
23 to what was originally reported in the EIS. And
24 the components were reviewed in environmental,
25 socioeconomic components.

1 Spatial boundaries were used again,
2 same as the original EIS, local study area, three
3 mile corridor, and a project footprint of 66 metre
4 right-of-way.

5 The Aboriginal traditional knowledge
6 and traditional land use knowledge studies were
7 reviewed. And this was from existing, there was
8 not new Aboriginal traditional knowledge studies
9 or information collected. There was certainly
10 input from First Nations and others, which
11 Mr. Joyal will go through in the environmental
12 assessment consultation process.

13 The results have relative comparisons
14 to the FPR, so you will see comparisons between
15 the adjusted final preferred route and the final
16 preferred route in this presentation.

17 The assessment also identified any new
18 environmentally sensitive sites and/or mitigation
19 measures.

20 The significance evaluation is based
21 on the whole Bipole III route. It is an important
22 point to consider. There will be constant
23 reference to the original EIS. The assessment or
24 evaluation conclusions are based on the whole
25 route.

1 The components assessed for this study
2 are outlined here, similar to the original EIS. I
3 don't need to name all of these, but as Mr. Osler
4 pointed out, there will be individual
5 presentations for a number of components. For
6 mammals you will see later a presentation on
7 Woodland caribou and moose. And there will be a
8 separate presentation on heritage and culture by
9 Ms. Petch.

10 Now I'm going to turn it over to
11 Dr. Dyck to describe the routes that were
12 reviewed. The three areas, again, are the
13 Wabowden area, game hunting area 14 known as Moose
14 Meadows, and game hunting areas 19A and 14A, two
15 of those were for moose and one for caribou.

16 MR. DYCK: Thank you, Pat. Good
17 morning Mr. Chairman, Commissioners and
18 participants.

19 You are already familiar with the
20 three areas under review, we will jump right into
21 them, the first one being the Wabowden area. The
22 issue of primary concern in the area was the
23 Woodland caribou herd and the core winter habitat
24 within the area.

25 The Google Earth image that you see in

1 front of you assists you in orienting yourselves
2 to the study area in question. The area in purple
3 here, that's the FPR, the final preferred route
4 that was assessed in the 2011 EIS. The adjusted
5 preferred route is in green. And as you can see,
6 it parallels existing infrastructure, including
7 PR 373, that is also known as the Jenpeg Road or
8 Cross Lake Road. Highway number 6, which is this
9 route here that continues on to the south at
10 Ponton, and there is an existing 230 kV
11 transmission line that runs parallel to Highway 6
12 to the Ponton Station, as well as the HBR railway
13 in area. So the adjusted final preferred route
14 very much follows that infrastructure.

15 Noted already is that the AFPR is very
16 similar to the preliminary preferred route that
17 was identified in the initial site selection
18 process by Manitoba Hydro. The dominant land uses
19 in the area are forestry, mineral exploration,
20 mining and resource harvesting.

21 And very apparent, especially along
22 PR 373, there is a number of harvest areas,
23 especially on the north side of the road, and the
24 routing takes advantage of those.

25 Already mentioned, the various

1 infrastructure that it follows, the route revision
2 eliminates approximately 49 kilometres of new
3 right-of-way, paralleling existing infrastructure.
4 It reduces the overall line length by
5 approximately 9 kilometres. It minimizes
6 potential effects on the winter core habitat to
7 Woodland caribou in the area. And you will hear
8 more about that in a follow-up presentation. And
9 it also improves separation between Bipoles I and
10 II, which was a great concern to Manitoba Hydro.

11 Of concern to the mining sector, as
12 already indicated, the AFPR does traverse through
13 the Thompson nickel belt, through that area. In
14 the map that you see before you, it is just a
15 little bit more apparent where that infrastructure
16 is that the FPR is following.

17 Going over to game hunting area 14,
18 also know as Moose Meadows, already identified
19 that the major concern there was moose habitat,
20 fragmentation through the area and of the habitat
21 and potential new access development.

22 Again, with the imagery in front of
23 you, we can orient you to the study area. Highway
24 10 running north to south through the general
25 area, and of note is that Highway 10 is very much

1 right at the base of the Porcupine Mountain and
2 Provincial Forest. It is, in particular right
3 through this area here, it is right at the base of
4 the slope, whereas on the west side of the
5 highway, you have some pretty steep hills, but
6 right immediately to the east it becomes
7 relatively flat in comparison.

8 The final preferred route, as it was
9 assessed in the 2011 EIS, the FPR running closer
10 to the existing infrastructure, the Sapotaweyak
11 Road, and the communities of Bellsite and
12 Mafeking.

13 The lighter areas that you see are
14 agricultural lands, both north of Mafeking,
15 adjacent to Mafeking, and this is in the Bellsite
16 area. The AFPR through this area is approximately
17 3 kilometres longer than the FPR. It routes
18 closer to the existing linear infrastructure that
19 was already mentioned, the highways. Also
20 included through there is the abandoned railway
21 line. And it passes adjacent to the Bell and
22 Steeprock Canyon's protected area. This is the
23 hatched item, or the land feature that you see
24 right in this area here. So the routing is
25 staying just to the east of it.

1 It also traverses through the
2 Porcupine Provincial Forest in this area for
3 approximately 6 kilometres.

4 And along with that, obviously one of
5 the dominant land uses is forestry and some
6 agriculture, as the line is routed through a
7 little bit of agricultural land and along the
8 fringes of that farmland, particularly in the
9 south and southeast of Bellsite.

10 Moving along to game hunting area
11 19A/14A, similar to game hunting area 14, the
12 major concern in the area is moose habitat,
13 fragmentation of that habitat, and the potential
14 development of additional access between highway
15 number 20 and PR 271.

16 And this, for orientation purposes
17 again, this is Highway 10 east of the Duck
18 Mountain on this side. This is Highway 20 going
19 over to Camperville, Pine Creek and Duck Bay. And
20 this is PR 271 running straight across on the
21 south end here.

22 North of Highway 20 the terrain is
23 probably wetlands site, much of that is Black
24 Spruce treed wetland sites, and with some sand
25 ridges in between. And you can just vaguely see

1 some of those sand ridges that occur in that area.

2 South of Highway 20 the terrain is
3 quite different, it is a lot of upland sites.
4 Those are predominantly hardwood forested and some
5 agricultural fields.

6 Core to the area, particularly the
7 gray shade that you see in here on the screen, is
8 a wetland area. Much of that is a myriad of
9 beaver floods in the area, and that is part of the
10 area that's to concern of Manitoba Conservation.

11 The AFPR is approximately 4 kilometres
12 longer than the FPR. It traverses approximately
13 20 kilometres of the Porcupine Provincial Forest
14 versus 15 kilometres for the FPR. The Swan
15 Pelican Provincial Forest on this map is indicated
16 in light green shading that you see there. It
17 intersects north of Highway 20 approximately
18 14 hectares of the sandy ridges that are also
19 associated with the much talked about blueberry
20 areas within the area.

21 Of note in the south, in this area
22 here, the aspect is to the east, the land however
23 is relatively flat once you get away from the
24 highway edge here, where you have a bit more
25 slope, and it slopes very gently to the east at

1 about 2.8 metres per kilometre.

2 The AFPR is routed particularly in
3 this area here to traverse along the fringes of
4 the agricultural lands that are developed in this
5 area and to the east of it.

6 Land use in the area north of PTH 20
7 includes forestry and, hence, the Swan Pelican
8 Provincial Forest, gathering, and cultural
9 activities; while south of PTH 20 it includes
10 ranching and forage crop production and cultural
11 activities as well.

12 Of note is, and again previously
13 discussed, a large portion of the area to the
14 south includes, is owned and leased under a bison
15 ranch operation.

16 One other point I wanted to make in
17 this area here is that the darker areas, including
18 the gray shades that you see here, is largely a
19 forested type of environment that is considered
20 habitat to wildlife. And of course, we have the
21 Duck Mountain which is also a forested
22 environment. We have the agricultural lands to
23 the north and the agricultural lands between the
24 two bodies, and we have one forested or
25 primarily -- dominantly forested corridor

1 connecting the Duck Mountain and that area. So
2 that's a particular concern and should be noted.

3 In terms of the assessment for the
4 biophysical components that I will be addressing,
5 a couple of things we wanted to point out here,
6 first off is that, again, as Pat already
7 indicated, that the assessment was conducted in
8 the same fashion as the original assessment on the
9 Bipole III project, and that is the use of VECs or
10 valued environmental components. The tables that
11 you will see in the following slides have been
12 taken directly from the supplemental report. They
13 identify the VECs that are pertinent to the
14 project, and they identify all of the VECs that
15 were used for the Bipole III EIS. And they also
16 indicate their applicability or not applicability
17 to the AFPR. In other words, does the VEC -- is
18 it pertinent to the adjusted route areas? For
19 example, if a wildlife species is not, if the
20 range doesn't extend into the AFPR, then it was
21 not considered to be relevant.

22 So specific to terrain and soils, the
23 potential effects of the project to include
24 erosion, compaction, rutting or terrain stability.
25 The assessment indicated that there are more

1 organic soils in the Wabowden AFPR than in the
2 FPR, and that speaks somewhat to the instability
3 of soils, the potential for presence of permafrost
4 in the Wabowden area where that permafrost does
5 not exist in the game hunting areas 14, 19A or
6 14A.

7 Specific to the AFPR in 19A and 14A,
8 they avoid the agricultural lands.

9 And the one other consideration that
10 was taken into account in the assessment is
11 whether or not there were any intersections of the
12 AFPRs with any single or rare enduring features
13 within the study areas. Those rare or enduring
14 features were provided by Protected Areas
15 Initiative, and are features that they look for
16 when they look at protecting areas.

17 Given the above, the route adjustments
18 do not alter the 2011 Bipole III EIS effects
19 assessment.

20 Specific to groundwater, the two VECs
21 used for this biophysical discipline are water
22 quality and aquifer productivity. As we can
23 see -- or both VECs are used in the assessment for
24 all three AFPRs. The potential effects include
25 contamination or impairment from project

1 activities and local conditions. And risk of
2 effects to these VECs are the same for both the
3 AFPRs and the FPRs in all three route adjustment
4 areas.

5 Sensitive sites such as artesian
6 springs or wells were not identified anywhere
7 along the AFPR areas. Therefore, the route
8 adjustments do not alter the 2011 EIS assessment
9 results.

10 For the aquatic environment, the VECs
11 include surface water quality and fish habitat,
12 and again these are applicable to all three AFPR
13 areas.

14 The potential effects include loss or
15 alteration of riparian habitat and potential
16 sedimentation in the aquatic environment. These
17 effects are similar between AFPR and FPR in all
18 cases.

19 In the Wabowden area, both routes
20 cross four streams. These are distinct streams.
21 One of the streams along the AFPR was classified
22 as having important fish habitat. And that's
23 namely Kiski Creek.

24 For game hunting 14, the AFPR has
25 eight streams versus 18 streams for the FPR. This

1 is a function of the terrain that the routes cross
2 through where the AFPR, as I mentioned before, on
3 the toe of the Porcupine Mountain, and where the
4 landscape is a little more defined, and the
5 streams are maintained in very defined channels
6 and not so much in the flatter land out further
7 east where the FPR is located.

8 Two of the streams which are common to
9 both routes have been classified as having
10 important fish habitat, and these are the
11 Steeprock and Bell Rivers.

12 In game hunting area 19A and 14A, the
13 AFPR has 14 stream crossings versus 17 along the
14 FPR. This one is a little bit reverse because the
15 AFPR is further to the east from the FPR where
16 some of the streams have merged by the time they
17 get to the location of the FPR.

18 Six of the AFPRs have been classified
19 as having important fish habitat, and the largest
20 common streams in the area are the North Duck
21 River, the Slater and the Pine Rivers.

22 The effects can be mitigated by way of
23 applying the Department of Fisheries and Oceans
24 operational statements and by conducting most of
25 the work during the winter months. As a result,

1 the route adjustments do not alter the 2011 Bipole
2 III EIS effects assessment results.

3 Specific to the terrestrial ecosystems
4 and vegetation discipline, the VECs are plant
5 species and communities of not sufficient concern,
6 and grassland and prairie areas. The plant
7 species and communities of conservation and
8 concern are applicable to the Wabowden AFPR and
9 also to game hunting area 19A, 14A, whereas the
10 grasslands and prairie areas is not applicable to
11 the Wabowden AFPR. That feature is not found
12 anywhere in that study area.

13 The potential effects include loss or
14 disturbance of plants or their habitats of
15 conservation concerns. No listed species were
16 identified in the local study area or in the
17 right-of-way, either by MESA or SARA.

18 The non-listed species of conservation
19 concern were identified, and that includes the
20 oblong-leaved sundew, S3, in the Wabowden AFPR,
21 but only in the local study area.

22 The lyre-leaved rock cress and timber
23 oat grass, both of which are S2 ranked, occur in
24 the game hunting area 19A and 14A, both in the
25 local study area and also in the right-of-way.

1 Native grasslands/prairie areas is
2 identified in game hunting area 14, also in game
3 hunting area 19A and 14A, are within the local
4 study area, but not in the right-of-way itself.

5 In all cases, locations, any known
6 locations of species of concern or native
7 grassland prairie areas that I haven't identified
8 are also listed as environmentally sensitive sites
9 and included in the environmental protection plan
10 for construction and will be addressed with
11 mitigation as outlined in chapter 6 of the
12 supplemental report.

13 By way of mitigation and the
14 assessment, the route adjustments do not alter the
15 2011 Bipole III EIS effects assessment results for
16 terrestrial ecosystems and vegetation.

17 Looking at mammals and habitat, as
18 already indicated, we will leave moose and caribou
19 to another presentation. I will speak briefly to
20 American Martin, beaver, wolverine and elk.

21 The coastal and barren ground caribou
22 do not overlap with any -- their ranges do not
23 overlap with any of the AFPRs and are therefore
24 not addressed.

25 The effects on mammals and habitat,

1 including mortality factors, loss and alteration
2 of habitat, fragmentation, and sensory disturbance
3 are not materially altered by the AFPRs. In other
4 words, these effects are similar in all cases
5 between the two routes.

6 The assessment, therefore, focuses on
7 habitat, high quality habitat within the areas.

8 Specific to Martin in the Wabowden
9 area, approximately 1.2 per cent of the high
10 quality habitat within the local study area would
11 be affected by the AFPR. Similarly, in game
12 hunting area 14, approximately 2.5 per cent of
13 that high quality habitat would be affected.

14 Whereas in game hunting 19A/14A, there is very
15 little of that high quality habitat available,
16 just because of the difference in habitat types,
17 and none of it is affected by the AFPR.

18 Of note, though, is that more Martin
19 habitat is affected by the AFPR right-of-way for
20 both Wabowden and game hunting 14 than the FPR in
21 those areas.

22 THE CHAIRMAN: Can I just ask a
23 clarification? The bracketed numbers, the 45.7
24 square kilometres, is that the 1.2 per cent, or is
25 that the whole LSA?

1 MR. DYCK: That's the LSA, the
2 right-of-way is 1.2 per cent of that.

3 THE CHAIRMAN: So the LAS in 19A/14A
4 is only 0.2 square kilometres?

5 MR. DYCK: That's correct.

6 The route adjustments do not alter the
7 2011 Bipole III EIS effects assessment results.

8 Specific to beaver, and the approach
9 is in the same format here, the amount of very
10 affected, 1.7 per cent of the LSA would be
11 affected; for game hunting area 14, 2.4 per cent;
12 and in game hunting area, 19A/14A, approximately
13 2.1 per cent of the high quality habitat is
14 affected within the local study area.

15 In all three segments the amount of
16 high quality habitat in the right-of-way for the
17 AFPR is higher than for the FPR. The route
18 adjustments do not alter the 2011 Bipole III
19 effects assessment results.

20 For wolverine, the approach is
21 somewhat different just because the wolverine
22 species is a habitat generalist, and obviously
23 they are also very widespread in the area, in the
24 terrain that they inhabit. It is mostly
25 associated with the Wabowden AFPR and very

1 uncommon in the game hunting areas 14 and 19A/14A.
2 The risk to the species from project effects would
3 be disturbance of their dens, particularly when
4 they are having their young. And this is
5 considered to be unlikely as the AFPR in the
6 Wabowden area is routed to parallel existing
7 linear infrastructure, as we talked about before.
8 And given the species inherent avoidance of these
9 type of infrastructure and disturbance, the
10 likelihood of disturbing their dens is remote.

11 Given that information, the route
12 adjustments do not alter the Bipole III EIS
13 effects assessment results of 2011.

14 Specific to elk in game hunting area
15 14, I should note that the elk range does not
16 affect -- does not affect the Wabowden AFPR area,
17 that's well outside of the range of the elk. So
18 we look solely at game hunting 14 and 19A/14A.
19 1.2 per cent in game hunting area 14 of the high
20 quality habitat would be affected by the
21 right-of-way, and 1.1 per cent of the habitat in
22 the LSA of the 19A/14A.

23 And this is an error here, this is --
24 I'm not quite sure where those figures came from,
25 but it is a reflection of the area in the entire

1 study area. That is incorrect. The correct
2 numbers in game hunting 14 are 1.2 per cent, and
3 in game hunting area 19A/14A is 1.1 per cent.

4 You can see that there is a large
5 amount of habitat available within the local study
6 area.

7 In both the Moose Meadows and game
8 hunting area 19A/14A segments, the amount of high
9 quality elk habitat in the right-of-way for the
10 AFPR is higher than for the FPR. However, habitat
11 is not a limiting factor in these areas.

12 The majority of the negative effects
13 on elk habitat and their populations in the
14 project study area were mitigated for during the
15 planning and routing process. The AFPRs do not
16 change that outcome. The route adjustments,
17 therefore, do not alter the 2011 Bipole III EIS
18 effects assessment results.

19 Specific to birds and their habitats,
20 of the 21 bird VECs that were identified for the
21 Bipole III EIS -- yes, sir?

22 MR. GIBBONS: Also for clarification,
23 on the previous slide for elk, the third bullet
24 currently reads more elk habitat in GHA 14 and
25 19A/14A than FPR. Does that mean more elk habitat

1 in the AFPR than --

2 MR. DYCK: Yes, more elk habitat is
3 affected by the FPR than the AFPR in those areas.
4 The other piece of that information is that there
5 is more habitat available in the study area as
6 well.

7 MR. GIBBONS: Thank you.

8 MR. DYCK: 18 of the bird VECs were
9 addressed in the effects assessment for the AFPRs.
10 The three that have been, or do not overlap with
11 the AFPR areas are the Least Bittern, the
12 Ferruginous Hawk and the Burrowing Owl. Other
13 ones that are not affected by the Wabowden AFPR
14 include the Redheaded Woodpecker, the Loggerhead
15 Shrike, the Sprague's Pipit and Golden-winged
16 Warbler and the Canada Warbler, also the
17 Whip-poor-will.

18 Others excluded for the game hunting
19 14 include the Bald Eagle, and also the Loggerhead
20 Shrike and Sprague's Pipit, and for game hunting
21 14 -- 19A/14A, the Bald Eagle is also excluded.

22 Looking specifically at the habitat
23 then, and again for reasons that the potential
24 project effects, including mortality factors,
25 disruption of movements, and environmentally

1 sensitive sites are not materially affected by the
2 adjustment of the routes. And again, these
3 effects are similar, whether it is the AFPR or the
4 adjusted route.

5 The assessment, therefore, focuses on
6 habitat, that are either being lost or altered.
7 In the Wabowden AFPR area, either there is no
8 change or less habitat lost or altered for 16 of
9 the VEC species. More habitat will be affected
10 for five of the VEC species within that areas, and
11 those species include Bald Eagle, Pileated
12 Woodpecker, Yellow Rail, Short-eared Owl and
13 common Night Hawk.

14 For game hunting area 14 there is
15 either no change or less habitat lost or altered
16 for 14 VEC species, but more habitat will be
17 affected for 7 of the VEC species, including the
18 Great Blue Heron, Ruff Grouse, Pileated
19 Woodpecker, Common Night Hawk, Whip-poor-will,
20 Olive-sided Flycatcher and Canada Warbler.

21 For game hunting 19A or 14A, there is
22 either no change or less habitat lost or altered
23 for nine VEC species. However more habitat will
24 g3 affected for 12 VECs, including the Mallards,
25 Sandhill Crane, Great Blue Heron, Ruff Grouse,

1 Sharp-tailed Grouse, Pileated Woodpecker, Yellow
2 rail, Redheaded Woodpecker, Common Night Hawk,
3 Olive-sided Flycatcher, Canada Warbler and Rusty
4 Blackbird.

5 With mitigation as outlined in chapter
6 6 of the supplemental report, it is not expected
7 that the route adjustments will affect and alter
8 the 2011 Bipole III EIS effects assessment
9 results.

10 For amphibians and reptiles, there are
11 two VECs that are applicable to the AFPRs for all
12 three of them, and that is the Wood Frog and the
13 Northern Leopard Frog.

14 Potential project effects include
15 habitat alteration, direct mortality, and sensory
16 disturbance. Less than 1.5 per cent of the
17 available habitat, which are wetlands within the
18 local study area will be affected. And this is
19 applicable accumulatively for all three AFPRs, as
20 well as within each individual AFPRs.

21 The Wabowden AFPR affects marginally
22 less habitat than FPR, whereas the other two AFPR
23 areas affect marginally more. Again, this is
24 reflective of the overall availability of habitat
25 within the local study area.

1 The route adjustments do not alter the
2 2011 Bipole III EIS effects assessment for
3 amphibians and reptiles.

4 MR. MCGARRY: Back to me. We will
5 give Dr. Dyck a rest now and I will complete the
6 presentation. We will go through the
7 socioeconomic effects assessment and then wind up
8 with the summary for each area.

9 So as previously described, these
10 tables represent the VECs that were actually
11 reviewed as part of the adjusted final preferred
12 route environmental assessment, and they are
13 broken down by a particular segment.

14 So for socioeconomic overall, the
15 Wabowden area was reviewed again for land use,
16 resource use and cultural and heritage resources,
17 as were actually all three of them, game hunting
18 area 14, and the AFPR for 19A/14A.

19 These were further broken down. So
20 under land use VECs, you can see in the left-hand
21 column. For the AFPR in the Wabowden area, there
22 is no overlap, or there is no change in the
23 effects assessment from the original EIS for these
24 parameters for those VECs, and were not considered
25 for Wabowden.

1 For game hunting area 14, private
2 forest lands, Aboriginal lands, designated
3 protected areas and Ag productivity were
4 considered. For game hunting area 19A and 14A,
5 designated protected areas were reviewed as well
6 as Ag productivity.

7 So for private forest lands under land
8 use, the AFPR affects private native forest stands
9 in game hunting area 14, approximately
10 10 hectares, 9.9. These are not registered as
11 wood lots. The effects assessment is not altered
12 from the original EIS and remains the same, and
13 the outcome not being significant for that
14 particular VEC.

15 For Aboriginal lands, the Wuskwi
16 Sipihk Reserve and TLE was reviewed in the
17 vicinity of the Bellsite that was shown in
18 previous mapping. We may have a map there coming
19 up. That TLE was avoided, it was in the area
20 along with reserve land for the Wuskwi Sipihk
21 First Nation. The actual right-of-way does not
22 affect these lands and they were avoided. Again,
23 this does not alter the residual effects
24 assessment results from the original 2011 EIS as
25 being not significant.

1 Here is the map. Green again being
2 AFPR, and there is TLE for Wuskwi Sipihk First
3 Nation here which was avoided. There is an offset
4 between that land boundary and the location,
5 proposed location of the AFPR.

6 In the Bellsite area as well there is
7 TLE land that was avoided to the east, or pardon
8 me, the west of Highway 10, so it wasn't
9 interfered with or crossed. And the protective
10 areas of Bell & Steeprock Canyons, you can see
11 there again the route was located to avoid that
12 protected area.

13 There is additional land for Wuskwi
14 Sipihk over here on the original FPR.

15 So, again, under land use for game
16 hunting area 14, the AFPR traverses the Porcupine
17 Provincial Forest for approximately 6 kilometres.
18 That designation as provincial forest does allow
19 for industrial development, including Hydro. We
20 are in proximity to an existing linear structure,
21 being Provincial Trunk Highway 10, and an existing
22 transmission line.

23 The AFPR is located 100 metres east of
24 Bell Steeprock Canyon protected area. And this
25 was reviewed by Protected Area Initiative staff

1 within Manitoba Conservation.

2 For game hunting area 19A/14A, the
3 AFPR traverses the Swan Pelican Provincial Forest
4 for approximately 21 kilometres. Compatible land
5 uses in the forest reserve do include forestry and
6 mining.

7 Again, the outcome of that review
8 related to land use does not alter the residual
9 effects assessment as presented in the original
10 2011 EIS.

11 This is just a slide again to -- or a
12 map to show the location of the particular area in
13 this case, and the offset, there is a slight
14 offset there to accommodate the protected area
15 interest.

16 Again, this slide is to show the route
17 through the Swan Pelican Provincial Forest. The
18 AFPR in green here for the game hunting area 14,
19 or 19A/14A does pass through a larger portion of
20 the Swan Pelican Provincial Forest than the
21 original FPR.

22 Looking at agriculture productivity as
23 a VEC under land use, the AFPR reduces effects to
24 lands under crop and livestock production. You
25 will note a correction here in the slide from what

1 was printed in blue. So this bullet now reads
2 AFPR reduces effects to lands under crop and
3 livestock production. The word "annual" is
4 removed and the words "and livestock" added.

5 For game hunting area 14, so the Ag
6 portion of the length of the FPR was approximately
7 40 per cent, and for the AFPR in that same area is
8 about 25 per cent. This represents a correction
9 too. That first check mark under that bullet
10 should read "from 40 per cent of length for FPR to
11 25 per cent for AFPR." The number 13 being
12 removed.

13 So then under game hunting area 14,
14 the management unit severances, or a division of
15 Ag lands for management is reduced from 16
16 kilometres on the FPR to 1 kilometre for the AFPR.

17 Under game hunting area 19A/14A, first
18 check mark reads "virtually avoids crop and
19 pasture lands." This is a correction, the word
20 "annual" is removed and "pasture" is added. So it
21 reads "virtually avoids crop and pasture lands."

22 Reduces management unit severances
23 from 9 kilometres on the FPR to 1 kilometre for
24 the AFPR. This route also traverses a bison ranch
25 area. The lengths that are given here is

1 approximately 15 and a half for the AFPR route
2 passing through that area versus 13.2 kilometres
3 for the FPR through that bison ranch area.

4 The outcome under this VEC is it does
5 not alter the residual effects assessment result
6 for the 2011 EIS, not significant.

7 Now moving on to resource use. Again,
8 this is a table to indicate which VECs were
9 reviewed for which segments. Commercial forestry
10 was reviewed for all segments. Mining and
11 aggregate was reviewed in the AFPR in Wabowden.
12 Rec and tourism came up for Wabowden as well, but
13 not the other segments. And domestic resource use
14 was reviewed for all three segments.

15 Under commercial forestry VEC, the
16 AFPR increased the amount of affected forest land
17 affected in all three areas. It increases the
18 long-standing timber effects in game hunting area
19 14, and game hunting area 19A/14A, and increased
20 effects to Provincial forests as linear distances
21 through them has increased. The AFPR affects 7
22 new high value forest sites in the Wabowden area
23 and one in game hunting area 19A/14A. The outcome
24 is the effects assessment is not changed from the
25 original EIS and the effect remains not

1 significant.

2 In the Wabowden area mining aggregates
3 was reviewed again because the original FPR had
4 moved outside the Thompson nickel belt area of
5 mineral interest. The revised route, the AFPR was
6 back into the Thompson nickel belt. The issue of
7 a potential shadow effect from the operation of a
8 HVDC line affecting geophysical surveys was
9 reviewed. There is certainly a potential for such
10 an effect.

11 Also in reviewing the number in the
12 area of mining claims and exploration leases
13 increases for the AFPR over the FPR.

14 The mitigation relating to the
15 presence or the operation of a HVDC line in the
16 Thompson nickel belt area could include
17 pre-construction geophysical surveys before
18 operation, and some post survey data analysis, and
19 perhaps research and development to fine-tune the
20 technique for processing of data to eliminate the
21 signal from the actual operation of the HVDC line.

22 The outcome was, it does not alter the
23 residual effects assessment result of the 2011
24 EIS.

25 Again, in the Wabowden area there was,

1 in relation to recreation and tourism, there is a
2 general permit on record for a campground trailer
3 court on Kiski Lake on Provincial Highway 10 and
4 the HBR line. That to our knowledge has not been
5 developed to date. Manitoba Hydro will consult
6 with the permit holder to minimize potential
7 effects.

8 For reference, the AFPR is located
9 approximately 367 metres southeast of the HBR
10 line.

11 The effect, again, the assessment does
12 not alter the residual effects assessment from the
13 original EIS.

14 Going to domestic resource use for the
15 Wabowden area, traditional land use and knowledge,
16 the FPR overlaps with large animal harvest and
17 fishing areas in the Wabowden area.

18 The routing of the AFPR adjacent to
19 existing linear infrastructure will hopefully
20 limit the effects on the large animal harvest and
21 the fishing areas, because the access already
22 exists moving closer to linear infrastructure.

23 In game hunting area 14, Moose
24 Meadows, Aboriginal traditional knowledge and
25 traditional land use studies were received during

1 the original process through Wuskwi Sipihk, I
2 believe subsequent to that, and also from Dawson
3 Bay, Barrows, Red Deer and the MMF.

4 Domestic resource use in the AFPR
5 includes travel routes, multiple use areas,
6 gathering, wood, berries, plants, seneca root,
7 hunting, deer, moose, elk, bear, upland game birds
8 and waterfowl. There is one area identified by
9 the MMF for plant gathering that's intersected by
10 the AFPR right-of-way.

11 In game hunting area 19A/14A, the ATK
12 studies received again from Wuskwi Sipihk and Duck
13 Bay, Pine Creek, Camperville and the MMF were
14 reviewed. Intensive domestic resource use has
15 been identified in areas of the north and south of
16 Provincial Trunk Highway 20. Blueberry and
17 medicinal plant collection in the Swan Pelican
18 Forest Reserve, there is Spruce and Diamond Willow
19 harvesting south of Provincial Highway 20. There
20 is deer, moose and bear harvest between Highway 20
21 and Pulp River, some farm gardens east of Pulp
22 River.

23 The environmental assessment
24 consultation process input on the AFPR registered
25 greater concern for negative effects with the AFPR

1 over the FPR. The outcome does not alter residual
2 effects assessment result of the 2011 EIS. And
3 the cultural values and effects will be discussed
4 in an additional presentation coming up.

5 So moving to the summaries, one for
6 biophysical and socioeconomic, and then we will go
7 segment to segment.

8 So overall specifics of biophysical
9 VECs was addressed. Project residual effects are
10 very similar to the AFPR and the FPR. With the
11 prescribed mitigation in chapter 8 of the 2011
12 EIS, residual effects are not expected to be
13 significant at the AFPR level.

14 In addition, chapter 6 of the adjusted
15 final preferred route has listed mitigation as
16 well.

17 The route adjustments do not alter the
18 2011 Bipole III EIS effects assessment results,
19 with the exception, as Mr. Osler pointed out, of
20 Woodland caribou, where uncertainty is reduced.
21 This is for biophysical.

22 Project residual effects to terrain,
23 soils, groundwater, aquatic environment,
24 terrestrial ecosystems and vegetation, mammals and
25 habitat, birds and habitat, amphibians and

1 reptiles remain not significant.

2 Summary for socioeconomic, potentially
3 significant effects on culture in game hunting
4 areas 19A/14A. Uncertainty on magnitude and
5 duration of those effects. Again, with prescribed
6 mitigation in chapter 8 of the 2011 EIS, residual
7 effects are not expected to be significant for the
8 AFPR overall. Route adjustments do not alter the
9 2011 Bipole III effects assessment results.

10 Now, going section by section, or AFPR
11 by AFPR, we added this hopefully to help sort out
12 by individual area what had changed from -- or
13 what was new in terms of the effects assessment
14 related to these segment changes.

15 So for Wabowden area, Woodland
16 caribou, the AFPR reduces uncertainty and
17 increases confidence in the effects prediction
18 over the FPR. For moose, reduced fragmentation
19 and parallel to existing infrastructure is the
20 improvement in the area. For Martin, American
21 Martin, slightly more high quality habitat
22 affected in the AFPR compared to the FPR. For
23 birds, unchanged or less habitat affected for 16
24 species and more for five species. Dr. Dyck
25 listed those species and they are listed in the

1 report.

2 For vegetation, there is no protected
3 or regulated listed species found in these areas.
4 There is one species of Conservation concern, the
5 oblong-leaved Sundew, S3. No residual effects on
6 vegetation.

7 For aquatics, both the AFPR and the
8 FPR cross four creeks in the Wabowden area.
9 Sensitivity rating is moderate for all four on
10 AFPR, three moderate and one low for the FPR.
11 AFPR crosses Kiski Creek which is rated as
12 important fish habitat, being the main change
13 between the two.

14 For culture and heritage, no heritage
15 sites along the AFPR. One new environmentally
16 sensitive site at Kiski Creek. No change in
17 culture assessment from the original EIS.

18 For resource use, mining, the AFPR
19 crosses several mineral claims in the Thompson
20 nickel belt previously avoided by FPR. New
21 mitigation has been proposed.

22 For domestic resource use, areas of
23 traditional fishing and hunting overlap with the
24 AFPR, as contained in the MMF ATK report.

25 Game hunting area 14 summary, this is

1 Moose Meadows, for moose there is more high
2 quality habitat in the local study area for the
3 AFPR than the FPR, approximately 28 square
4 kilometres. Slight increase too for the
5 right-of-way in regards to moose habitat.
6 Mr. Schindler and Dr. Rettie will expand on this.

7 For American Martin, slightly more
8 high quality habitat -- habitat affecting the AFPR
9 over the FPR. For birds, unchanged or less
10 habitat affected for 14 species, and more for
11 seven species. Again, to correct the record here,
12 your printed edition does not have "unchanged" in
13 this bullet, so bullet number 3 reads, "birds
14 unchanged or less habitat affected for 14 species
15 and more for seven species."

16 For vegetation, there is no list of
17 species and no species of Conservation concern.

18 There is native grassland prairie,
19 which is a flat land community of Conservation
20 concern in the local study area only.

21 For aquatics, the adjusted final
22 preferred route in game hunting area 14 crosses
23 fewer sites than the FPR routing. The
24 right-of-way for the AFPR crosses 8 water courses,
25 half of which are fish habitat. Two of those were

1 rated as important.

2 The culture and heritage, there are
3 five registered archeological sites within the
4 local study area of the AFPR. There is no change
5 in culture assessment from the original EIS in
6 game hunting area 14.

7 Under land use, AFPR traverses 6
8 kilometres of provincial forest, passes Bell
9 Steeprock Canyon protected area. AFPR crosses
10 less agricultural land than the FPR. And there is
11 one kilometre of management unit severance for the
12 AFPR compared to 16 for the FPR.

13 For domestic resource use, traditional
14 use area for berry picking, medicinal plant
15 gathering, Seneca root, all within the local study
16 area of the AFPR.

17 The next sentence is crossed out as it
18 is a duplicate sentence. So to correct the
19 record, the third bullet on the slide has removed
20 one sentence that was duplicated.

21 The final point is the AFPR avoids
22 many of the water course crossing compared to the
23 FPR, providing somewhat less access for fishing
24 than the FPR.

25 Moving to game hunting area 19A/14A,

1 the summary, for moose, there are comparable
2 amounts of moose habitat in the AFPR and the FPR,
3 with slightly more in the local study area in
4 comparison to the original FPR.

5 Birds, unchanged or less habitat
6 affected for nine species and more habitat
7 affected for 12 species. There is a correction
8 here on the slide from the printed material. The
9 second point has been corrected to read birds
10 unchanged, which is a new word added, or less
11 habitat affected for nine species and more for 12
12 species.

13 Under vegetation there are no listed
14 species regulatory wise. There are two species of
15 Conservation concern, Lyre-leaved rock cress and
16 timber oat grass, both rated as S2 by the Manitoba
17 Conservation data centre. There are no residual
18 effects on the AFPR. The native grassland and
19 prairie areas are in the local study area only.

20 For aquatics, FPR crosses 17 water
21 courses while the AFPR crosses only 14, six which
22 have important fish habitat.

23 For heritage, 25 registered
24 archeological sites within the local study area
25 indicating a high likelihood of encountering more

1 sites nearby.

2 For culture there is expected adverse
3 residual effects on the cultural integrity of the
4 identified local communities. Increase magnitude
5 from small in the EIS to moderate, which should be
6 considered potentially significant. The
7 conclusion is, not significant with uncertainty
8 regarding magnitude and duration. And this will
9 be the subject of another presentation.

10 Under land use, the AFPR traverses
11 part of the Swan Pelican Provincial Forest, it
12 crosses less agricultural land than the FPR.
13 There is one kilometre of management unit
14 severance agriculturally for the AFPR compared to
15 nine for the FPR.

16 Under domestic resource use, the AFPR
17 traditional use areas for berry picking, medicinal
18 plant gathering, seneca root, Diamond Willow and
19 Spruce all within the local study area of the
20 adjusted final preferred route.

21 Moose, elk and bear harvesting also
22 occur in the general area under domestic
23 resources.

24 That is the end of this presentation.

25 THE CHAIRMAN: Thank you. Can I just

1 seek a little guidance? Do you wish to have the
2 cross-examination now or hear the other
3 presentations and do all of the cross-examination
4 at once?

5 MR. MCGARRY: I believe we were going
6 to go right through.

7 THE CHAIRMAN: Do all of the
8 presentations? I mean, it occurred to me right
9 near the end that, particularly on the cultural
10 area, we couldn't get into until we heard the
11 final, or heard that presentation.

12 Okay. We well take a break now for 15
13 minutes and come back and carry on with further
14 presentations from the proponent.

15 (Hearing recessed at 10:29 a.m. and
16 reconvened at 10:45 a.m.)

17 THE CHAIRMAN: Okay. Can we get back
18 to work, please?

19 MR. MCGARRY: Excuse me, Mr. Chairman,
20 we just want to put on the record, there is a
21 handout at the back of the room that many people
22 have now, and that is a comparison table of the
23 outcomes of the assessment for each of the three
24 sections comparing the AFPR to the FPR. I just
25 wanted to let you know it is there, and we have

1 introduced it in into the record. It is not new
2 material, it is from -- it is a summary from the
3 presentation.

4 THE CHAIRMAN: Thank you.

5 MR. MCGARRY: With that, Mr. Chairman,
6 I will turn it over to Mr. Joyal to make his
7 presentation on the environmental assessment
8 consultation group.

9 MR. JOYAL: Thank you, Mr. McGarry,
10 Commissioners, participants. Nice to see you all
11 again.

12 I will be running through our
13 consultation program that was undertaken for the
14 route adjustments from November to present. So on
15 a quick overview, our purpose and objectives and
16 the methods we used to notify the methods of
17 participation, feedback, incorporation of
18 feedback, routing suggestions and continued
19 engagement. As a quick note, this is the back
20 side of our comment sheet which we utilized to
21 receive feedback from participants.

22 So to remain consistent with the
23 purpose and objectives of the previous EACP
24 rounds, we wanted to make sure that we shared
25 project information as it became available to

1 obtain feedback into the assessment process, to
2 understand local issues pertinent to the proposed
3 adjustments, integrate issues and concerns in the
4 assessment process, as well discuss appropriate
5 mitigation measures. And this is all outlined in
6 section 3.1 and figure 3.1-1 in the supplemental
7 report.

8 On this slide here starting
9 November 2012, our planning process, our
10 notification, activities being undertaken,
11 incorporation of feedback and report creation
12 occurred in January 2013.

13 So to begin, our methods of
14 notification, direct mailings, postcards, posters,
15 radio, newspaper, and the Manitoba Hydro website
16 were all utilized. And just as a quick note, this
17 is the postcard, or the back side of the postcard.
18 The route adjustment postal code notification
19 which I will talk about in a bit more detail, and
20 this is all in section 3.2 in the adjustment
21 report.

22 So the direct mailings were used to
23 notify the landowners, municipalities, Northern
24 Affairs community councils, First Nations, the MMF
25 and other interested stakeholder groups. In

1 total, 216 packages were delivered by Canada Post,
2 and each one contained a letter outlining the
3 current engagement process. For landowners, they
4 contained the affected parcels in both the FPR or
5 AFPR, and associated 1 to 50,000 scale mapping.
6 We utilized localized and study area mapping as
7 well, so larger scale.

8 Inside they found a regional open
9 house and/or landowner information centre
10 schedule. And as well the website and toll free
11 information line and contact information was
12 provided.

13 For the posters and postcards, posters
14 were placed in 23 locations, usually in areas of
15 high traffic such as post offices, grocery and
16 convenience stores, community billboards and
17 restaurants.

18 That's a photo of the poster itself,
19 all three adjustments listed, all locations of the
20 regional open houses, a quick blurb of why we are
21 coming out to speak with everybody. And as well,
22 for the postcards we did -- 2,712 postcards were
23 distributed. And we kept with an irregular ten by
24 six shape so it stuck out from the regular mail
25 when you open your mailbox. These are all

1 discussed in sections 3.2.4 and 3.2.5.

2 We utilized audio and newspaper
3 consistent with previous rounds of the EACP,
4 utilizing both the local and regional newspapers
5 as well as radio stations. They were either
6 posted or announced for a two-week period prior to
7 any regional open house. In total 12 newspapers
8 and 216 radio spots were utilized to notify the
9 public of Manitoba Hydro's activities.

10 This is the Swan Valley times
11 newspaper advert. Due to their location, Birch
12 River, Swan and Cowan were included in this
13 advertisement. Whereas the Free Press contained
14 all five locations, the Opasquia Times would have
15 The Pas and Thompson newspaper.

16 Our project website was updated
17 frequently, still the same material that was
18 presented earlier was there as well. The project
19 description, where we were, the process and
20 status. Materials, we posted any reports. We did
21 provide mapping of each of the adjustments, and as
22 well access to all letters, including
23 electromagnetic field brochures and any other
24 brochures that we created.

25 All locations of regional open houses

1 were advertised on our website as well. And we
2 still had the complete EIS filing, and when it was
3 filed on January 28th, our website also had the
4 supplemental report placed on it.

5 The information line and email address
6 remains operational and it is still responding to
7 questions from the general public. These are
8 listed on materials and/or locations, including
9 the posters, newspaper, and in all of the letters.

10 We also list them on the contact sheet
11 takeaway which we created for open houses. These
12 sheets had the Manitoba Hydro website, the
13 Manitoba Hydro email address, the information
14 line, as well as a website link to the Clean
15 Environment Commission's home page, to understand
16 that process that was being undertaken as well.

17 There is one correction, 24 calls and
18 7 emails have been received since November 14th,
19 we got one on Friday. So that's just a quick
20 update. They were all either answered or
21 responded to in a timely manner. And it is
22 staffed by myself, or voice mail is always there
23 in case I'm not. This is discussed in 3.2.7.

24 So, remaining consistent with previous
25 EACP practices, methods of participation included

1 stakeholder meetings and council meetings,
2 regional open houses, landowner information
3 centres, leadership meetings, community open
4 houses, the information line and email address
5 were always available. And these are discussed in
6 sections 3.2.7 and 3.3.

7 Four stakeholder meetings, nine
8 meetings were held with 13 entities, municipal
9 leadership and stakeholder groups. These include
10 Manitoba Lodgers and Outfitters, Protective Areas
11 Initiative, RM town of Minitoas, RM of Mountain,
12 Ducks Unlimited, IRMT Northeast and Western, the
13 Moose Management Committee, and the G7, which is
14 seven municipal and town councils that meet
15 annually.

16 We always give a presentation of all
17 three of the route adjustments. We always left
18 the floor open for questions and answers. And we
19 left all materials, including mapping. And all
20 meeting summaries are provided in appendix 3C.

21 For landowner information centres and
22 regional open houses, we held five landowner
23 information centre days and six regional open
24 houses. We aimed to minimize travel distance from
25 the adjustment areas, but we also included

1 Winnipeg so interested individuals and resource
2 users that may reside in Winnipeg.

3 In total 107 attendees signed in to
4 either a LAC or regional open house. This is not
5 including community open houses. So the six
6 communities where they were held were Cowan, Birch
7 River, Swan River, Winnipeg, Thompson and The Pas.

8 This is one of our stations, which I
9 will talk about in just a second. We split them
10 into a station-like setting with a large scale map
11 at each one of the adjustment areas, 50,000 scale
12 mapping, and a justification for each one. And
13 these maps were available to take home or to
14 provide specific site information, and submit with
15 comment forms as well. This is all in section
16 3.3.3.

17 So like I said, station set-up for
18 each one, justification for each of the
19 adjustments being looked at, 1 to 50,000 scale
20 mapping, and map books which were created similar
21 to what we had done for round 4, and as well large
22 scale mapping of the entire Bipole route, the
23 lovely map that we dragged with us on the road,
24 the story boards and the tangible pieces, the
25 conductor, the insulator, caribou collar, bird

1 diverter. The construction slide show, it is
2 about 110 slides, which was well received by all
3 individuals who attended the open houses, and
4 outlined the construction process for a
5 transmission line of this magnitude.

6 As well Google Earth was always
7 readily available and utilized to show proximity
8 to specific landholdings, as well as the terrain
9 and landscape that existed in some of these areas.

10 For community open houses and
11 leadership meetings, they were held with First
12 Nation communities. One community open house was
13 held with Wuskwi Sipiik First Nation. Leadership
14 meetings or meetings with representatives of
15 council include Sapotaweyak, Ebb and Flow, Pine
16 Creek, and others as well. Northern Affairs
17 communities councils, leadership meetings were
18 held with four communities, and as well community
19 open houses were held with eleven communities.
20 Some communities opted for just a community open
21 house as opposed to a leadership meeting, or some
22 had both.

23 All of these were the same format as
24 stakeholder meetings and regional open houses.
25 The station was set up, as well as materials for

1 feedback. And as well, as outlined in the report,
2 there is outstanding and ongoing engagement.
3 Unfortunately, due to a death in the community we
4 were unable to get into Pine Creek last week. We
5 are still working with Ebb and Flow, Treaty II,
6 for upcoming meetings. Still trying to get a
7 meeting with Pelican Rapids as well as Ochekwi
8 Sipi. These are all discussed in section 3.4 and
9 3.4.4.

10 This is a cut from the report, the red
11 is the regional open houses, the blue is the
12 community open houses. In this, if you do add
13 them up, it is 180. Since filing we did hold the
14 Wuskwi Sipi First Nation community open house
15 where 17 individuals signed in. A total of 197
16 participants signed in to either community or
17 regional open house.

18 Some methods to receive feedback came
19 from comment sheets, landowner information centre
20 forms, the email address, the toll free project
21 line, discussions with open house attendees, as
22 well as stakeholder meetings.

23 So to go through each one of the
24 adjustment areas, Wabowden will be the first,
25 there was general acceptance by the public for the

1 proposed route adjustment following existing
2 infrastructure and limiting new access into areas
3 previous undisturbed.

4 From the phone line as well as the
5 email address, a staging site camp or storage area
6 has been offered by Ponton at the junction of
7 Highway 6, to supply either camp, diesel fuel,
8 they were willing, due to the proximity of the
9 AFPR, FPR in that vicinity.

10 There was a general concern with
11 regards to access to right-of-way by all-terrain
12 vehicles and snowmobiles.

13 So the feedback for GHA 14 and Moose
14 Meadows, there was positive and negative views of
15 this route, or of these routes. It was well noted
16 by all participants that wildlife concerns would
17 exist along either route being pursued. On the
18 AFPR migration corridor, it was claimed to exist,
19 population decline overall in the entire area, and
20 that there exists presence of moose on both --
21 there is presence of moose on both routes.

22 As well, access increase for hunting
23 and snowmobiling viewed both positively and
24 negatively, depending on what you were doing on
25 the landscape.

1 There were some private land concerns
2 north of Mafeking with regards to use and
3 increased access to privately owned parcels due to
4 the clearing.

5 Wuskwi Sipihk First Nation noted that
6 they had some Treaty Land Entitlement concerns in
7 their ability to pick treaty land, and this could
8 be on either of the routes picked in the area.

9 Vegetation management, use of
10 herbicides was brought up substantially in this
11 area, as well as line of sight.

12 Protected areas, Steeprock Canyon, a
13 meeting with Protected Areas Initiative, in
14 wanting a buffer of 100 metres between the edge of
15 the right-of-way and this protected area.

16 Going into GHA 14A/19A, many claim
17 this area is berry capital, but the adjusted
18 preferred route was both viewed positively and
19 negatively on berry collection, predominantly
20 based on where you would be harvesting berries.
21 Some people found it affected more of their usual
22 area to harvest and some found it to be much
23 better.

24 There are moose hunting effects with
25 the AFPR over the final preferred route, Crown

1 versus private access. Currently the FPR
2 traverses private land on Provincial Trunk Highway
3 20, whereas the AFPR traverses Crown land at PTH
4 20. There were concerns that individuals would be
5 hunting moose from the roadway and be able to
6 easily access the right-of-way off PTH 20 due to
7 it being Crown and not having to traverse private
8 land to access this right-of-way.

9 It was noted that there were heritage
10 concerns east of Briggs Spur and in the Pine River
11 area.

12 Line of sight was also brought up as a
13 concern, especially with the AFPR and the ability
14 to see down the right-of-way for a lengthy period
15 of time.

16 THE CHAIRMAN: Sight should be
17 S-I-G-H-T, is that correct?

18 MR. JOYAL: Sorry, yes.

19 Feedback again for GHA 14A/19A,
20 vegetation management with regards to pesticide
21 use and berries and water streams. Many indicated
22 that moose hunting was successful in the past, 20
23 years ago, but very little moose located along the
24 final preferred route, based on people's
25 observations. And as well individuals noted that

1 better habitat was being crossed with the AFPR
2 versus the FPR. That's predominately the Briggs
3 Spur area, where the AFPR just skirts better moose
4 habitat as opposed to going in a bit deeper with
5 the AFPR into the Swan Pelican Forest Reserve.

6 As well, since we were out on the
7 road, we didn't close this to any feedback with
8 regards to any other pieces of the project, still
9 answered questions. The east side of the course
10 came up, construction activities, training and
11 employment opportunities, EMF, frequent
12 discussion, noise, and as well dealing with some
13 outfitting concerns that came forth with
14 notification methods.

15 So for incorporation of feedback,
16 discipline specific commentary for wildlife,
17 vegetation and aquatics was provided to all
18 specialists to share with discipline specialists
19 for their individual assessments. We also
20 factored in notification methods and efficacy
21 based on how people felt and how we notified them,
22 and how they heard about our activities, as well
23 taking the information on mitigation measures and
24 undertaking our community engagement processes a
25 step further with the environmental protection

1 plan meetings.

2 We did receive routing suggestions, as
3 I mentioned earlier, the PAI requested that
4 Bell-Steepprock Canyon, a buffer of 100 metres.
5 There were landowners that provided us with a
6 combination of both the FPR and AFPR, in GHA 14A
7 and 19A, FPR north of 20 and AFPR south of 20.

8 There was some slight modifications
9 for private land ownership suggested of moving a
10 half mile east, north of Mafeking, or following
11 the half mile line if the AFPR is pursued in the
12 Moose Meadows area. And one route was also
13 provided to us by representatives of Pine Creek
14 for the avoidance of the Bison ranch in GHA
15 14A/19A. And these are discussed in section
16 3.5.5.

17 Once again, ongoing engagement; there
18 is engagement for the environmental protection
19 program and access management plans slated to
20 happen with First Nation and Northern Affairs
21 communities. We are always willing to meet with
22 interested parties, and to continue getting into
23 some of the communities that we were not able to,
24 modifying the process slightly, talking about the
25 findings of the EA, the EPP process, and the

1 meetings that will be coming up.

2 We will leave the email address and
3 project phone line operational and manned. And we
4 will update the website as new information becomes
5 available to the public, and notify the public of
6 the outcomes of these hearings.

7 So in summation, we utilized a variety
8 of notification methods to inform the public of
9 Manitoba Hydro's activities. We used a variety of
10 engagement mechanisms to receive feedback. We
11 believe we provided ample opportunity for
12 individuals to participate. All materials that
13 were provided were well received by participants
14 and we will continue with our engagement processes
15 with the public. Thank you.

16 MR. OSLER: We will go now to Virginia
17 Petch on the culture and heritage.

18 MS. PETCH: Mr. Chairman,
19 Commissioners, participants, ladies and gentlemen,
20 good morning.

21 Today I am presenting the results of
22 the evaluation of the adjusted final preferred
23 route, AFPR, on culture and heritage resources.
24 The evaluation was conducted based on methods that
25 were used in the December 2011 EIS.

1 I am going to begin by reviewing table
2 4.3-6, culture and heritage resources VECs
3 affected by AFPR changes. This table indicates
4 for each of the three AFPR changes those effects
5 that will be considered further to assess the
6 effects of AFPR changes. These are marked with a
7 X.

8 VECs marked NA will not be discussed
9 further than a brief overview, as there was no
10 basis to expect that the AFPR changes will have
11 any detectable effect on the VEC.

12 And here you can note that in terms of
13 culture in the Wabowden and GHA 14 Moose Meadows
14 areas, there is no change in the effects
15 assessment of the December 2011 EIS due to the
16 AFPR changes.

17 However, the AFPR change in the GHA
18 14A/19A areas will move the HVDC line construction
19 and ongoing operation into a culturally sensitive
20 area that is avoided by the FPR.

21 With the existing environment for the
22 AFPR, Wabowden area, just to reiterate, there are
23 no heritage resources currently registered with
24 the Province of Manitoba archeological and
25 heritage inventory, and no sites occur within the

1 three mile buffer of the Wabowden route adjustment
2 area. As well, an ATK workshop for Wabowden was
3 declined and no other ATK was available.

4 This is a map of the Wabowden area
5 route adjustment. I have circled an area at Kiski
6 Creek, that this area was not affected in the
7 original EIS, however, we have marked this as an
8 environmentally sensitive site which will be
9 monitored during construction.

10 This is a map of the Moose Meadows
11 area, and I have a lens just to the right of the
12 slide that shows an inset of heritage resources
13 that have been identified in the Moose Meadows
14 area. These were avoided by the FPR.

15 In Moose Meadows the AFPR brings the
16 HVDC line closer to registered archeological
17 sites. We have five known sites noted in the
18 vicinity of the Bell River crossing southwest of
19 Bellsite. And these are in close proximity to the
20 AFPR.

21 Now, recently the historic resources
22 branch through TAC has recommended an HRIA, or
23 heritage resource impact assessment of this AFPR
24 through Moose Meadows if this route is selected.
25 As well the HRPP, which is the heritage resources

1 protection plan, which is part of the
2 environmental protection plan, will also be
3 implemented.

4 The archeological record and the ATK
5 for this area, Moose Meadows, indicates that an
6 important relationship exists between the low
7 lands and the escarpment. This was identified in
8 the Barrows, Camperville, Pine Creek, and Duck Bay
9 ATK workshops and the MMF self-directed study as
10 an area of high resource use. And again just
11 showing the relationship of the archeological
12 sites to the AFPR.

13 In total we have six archeological
14 sites located within the Moose Meadows AFPR, five
15 of which are in relatively close proximity to the
16 AFPR. This table identifies the sites, provides
17 site type, cultural affiliation, artifact
18 recoveries, site status, site priority as
19 identified by the Provincial inventory, and
20 measures the distance from the centre of the
21 right-of-way to the site.

22 Now we move into the GHA 14A/19A AFPR,
23 you will notice on this map a large number of
24 registered archeological sites. If you look to
25 the right of the map to the AFPR, shown by the

1 green line, you will notice a number of red
2 squares in close proximity to the AFPR. The
3 purple line indicates the FPR that was discussed
4 in the EIS. The red sites in the previous map
5 represent registered archeological sites. This
6 means that the sites have been given a designated
7 number and a site inventory form has been
8 submitted to the historic resources branch of
9 Manitoba Culture, Heritage and Tourism. And again
10 there are 25 registered sites within the AFPR.

11 The cultural occupations include late
12 Palaeo period, about 9,000 years ago, Archaic,
13 about 5,000 years ago, and Woodland, beginning
14 about 2,000 years ago. And here is a table of the
15 archeological sites that have been identified
16 within this particular area, along with their site
17 type, their cultural affiliation, types of
18 artifacts that were recovered, site status, site
19 priority and distance from centre. And again,
20 just to show again where the archeological sites
21 are located in regard to the AFPR.

22 The Bipole III ATK workshops held in
23 Pine Creek First Nation, Duck Bay and Camperville
24 indicate intensive, concentrated and extensive
25 widespread use and occupancy in the GHA 14A/19A

1 AFPR area.

2 This map is a composite of the total
3 ATK from Pine Creek, Duck Bay and Camperville in
4 the GHA 14A area. The blue lines show
5 Camperville's ATK for this area. The green lines
6 indicate Duck Bay's ATK, and the purple represents
7 Pine Creek ATK.

8 The ATK maps from these communities
9 indicate that this is a critical area for
10 supporting cultural activities and knowledge,
11 which is a means of perpetuating traditional
12 knowledge and understanding of the physical and
13 cultural world.

14 The ATK indicated that this area has
15 been used traditionally for over 100 years by the
16 communities. Medicinal plants are gathered here,
17 berry picking, and the social cohesion arising
18 from extended harvesting periods were all noted by
19 participants of contributing significantly to the
20 practices, traditions, and health and well-being
21 of the three communities.

22 And this area is the GHA 19A area.
23 And again, we can see traditional land use and ATK
24 occurring, again with the blue being the
25 Camperville, the green being Duck Bay, and the

1 purple being the Pine Creek areas that were
2 discussed in the ATK workshops.

3 One thing that came across with all of
4 the communities and with others is that the
5 blueberry patch, this is time and again noted as
6 being one of the most important resource
7 harvesting and social activities of the
8 communities in this area.

9 Blueberry picking provides a critical
10 source of annual income for many of the members of
11 these three communities, as well as Wuskwi Sipihk
12 and other nearby First Nation and NACC
13 communities.

14 The GHA 14A/19A areas have been said
15 to produce the best blueberries, and many refer to
16 this as the blueberry capital. But the patch is
17 more than a place for gathering blueberries, it is
18 a place for securing healthy food, healthy fruit
19 to store up for winter. The patch is a place for
20 teaching and reminding young people of their
21 ancestors who did these same activities hundreds
22 of years ago. The blueberry patch is a place
23 where the rhythm of nature plays out, fires renew,
24 winter quiets the land, berries become hardy
25 adjusting to dry and wet seasons.

1 The area north and south of PTH 20 in
2 particular is one of several areas that are used
3 collectively by both First Nations and Metis. It
4 is accessible by young and old from all three
5 communities and their extended families, and it is
6 an important area for the transmission of
7 knowledge and culture.

8 Both Metis and First Nations
9 interviewees noted the presence of stone
10 projectile points throughout the GHA 14A and 19A
11 area, and also the presence of burials. One
12 burial has recently been identified 330 metres
13 from the AFPR. Other burials are known to exist
14 in this area. Manitoba historic resources branch
15 has requested that a HRIA, or heritage resource
16 impact assessment, of GHA 14A and 19A area of the
17 AFPR should occur if this route is selected.

18 As for the effects of the AFPR through
19 GHA 14A/19A on culture and heritage, the AFPR
20 change in the GHA 14A/19A will move the HVDC
21 construction and ongoing operation into a
22 culturally sensitive area that is avoided by the
23 FPR. The area north and south of PTH 20 will be
24 adversely impacted by this AFPR route change. The
25 AFPR will fragment a culturally sensitive area

1 resulting in expected adverse effects on the
2 cultural integrity of the identified local
3 communities due to changed character of the
4 fragmented area, the potential for increased
5 access by others, and community members' concerns
6 about having a high voltage transmission line
7 situated over these important traditional berry
8 and medicinal plant gathering areas.

9 Parts of the AFPR area in GHA 14A/19A
10 have been subject to agricultural uses, rural
11 development and borrow operation. However, it is
12 understood from the Bipole III ATK workshops that
13 were conducted at Pine Creek, Camperville and Duck
14 Bay, that medicinal plant gathering continues to
15 use much of the affected area for gathering
16 specific plants not disturbed to date by other
17 projects and activities.

18 In looking at the residual adverse
19 effects, the following table summarizes the
20 residual adverse effects of the AFPR on culture
21 and heritage.

22 For heritage resources, during the
23 construction phase there was a potential
24 discovery -- potential for discovery of unknown
25 heritage resources. However, the overall

1 assessment is not significant. For operation,
2 again a residual effect is the potential discovery
3 of unknown heritage resources. And again, the
4 overall assessment is not significant. This is
5 because we have the Heritage Resources Act, we
6 have the process of heritage resource impact
7 assessment, and the HRPP as part of the
8 environmental protection plan protecting heritage
9 resources.

10 For culture, in construction the
11 residual effect considered is that of impairment
12 of aboriginal culture. We have a magnitude that's
13 considered moderate, and an overall assessment of
14 potentially significant.

15 This leads into the next phase where
16 we look at societal importance, which is
17 identified as being moderate. We have frequency
18 of high, and reversibility -- it is reversible,
19 but with a caveat -- and overall not significant.
20 And this is for the whole project, not just for
21 this particular area.

22 For operations, again we have
23 impairment of aboriginal culture. The magnitude
24 here again is moderate and the overall is
25 potentially significant. The societal importance

1 is moderate, frequency is high, and reversibility
2 is reversible, but again with a caveat. The
3 overall is not significant, but you will note that
4 underneath that we have uncertainty noted. And
5 this will be discussed in a little bit.

6 Aside from avoiding this culturally
7 sensitive area through routing of the HVDC
8 transmission line elsewhere, as was achieved with
9 the FPR in the original EIS, Manitoba Hydro is not
10 aware of mitigation measures likely to alleviate
11 adequately these expected adverse residual effects
12 on culture from the AFPR route change in the GHA
13 14A/19A area.

14 Manitoba Hydro will carry out the
15 mitigation and the environmental protection plans
16 as described in the EIS to minimize impact on
17 specific resource use by communities in the GHA
18 14A/19A areas, to review concerns that arise about
19 the project and opportunities for cultural
20 preservation occasioned by the project.

21 The original EIS assessment of the
22 project's adverse residual effects on culture from
23 the HVDC transmission line component during
24 operation concluded that these effects are
25 expected to extend beyond the local study area and

1 into the project study region, be medium in term
2 of duration, that is last during the assumed
3 operation period of the project, and through
4 avoidance of this culturally sensitive area be
5 small in magnitude.

6 No established threshold of acceptable
7 change was identified in the EIS with regard to
8 cumulative effects on the VEC.

9 With regard the AFPR, chapter 4
10 concludes that the HVDC transmission line within
11 the GHA 14A/19A area route change is expected to
12 have detectable adverse residual effects on
13 culture. It will increase the expected magnitude
14 of the residual adverse effect on this VEC from
15 small, as assessed in the FPR, to moderate, and
16 will result in an assessment of a potentially
17 significant adverse effect on the project -- of
18 the project on culture based on criteria in
19 chapter 4 of the EIS.

20 Consideration of other assessment
21 criteria as required in chapter 4 of the EIS
22 confirms that the affected cultural, culture VEC
23 in this instance is of moderate societal
24 importance, with high frequency, that is occurring
25 at regular intervals throughout the life of the

1 project, and potentially reversible only upon
2 project decommissioning.

3 Overall, without an established
4 threshold of acceptable change, the assessment is
5 not able to conclude that the residual adverse
6 effect is significant. However, uncertainty is
7 noted as to whether the ongoing adverse effect
8 will remain moderate in magnitude.

9 The original EIS assessment of the
10 project's adverse residual effects on heritage
11 resources from the HVDC transmission line
12 component during operation concluded that these
13 effects are expected to be small in magnitude and
14 of no overall significance. The HRPP, as part of
15 the environmental protection plan, will mitigate
16 any adverse residual effects, and as noted, the
17 Provincial resources branch has indicated that a
18 heritage resource impact assessment must take
19 place should the AFPR be selected.

20 In summary, no residual adverse
21 effects to culture and heritage are expected in
22 the Wabowden AFPR. No residual adverse effects
23 are expected to culture or heritage in the GHA 14
24 Moose Meadows area. Five registered archeological
25 sites in the Bell River crossing are not within

1 the transmission line right-of-way. All
2 archeological resources are protected by
3 Manitoba's Heritage Resources Act, and any sites
4 that are discovered during construction and
5 operation are also protected. And as noted
6 earlier, the historic resources branch has
7 requested an HRA should this line be chosen.

8 The GHA 14A/19A AFPR is expected to
9 have detectable adverse residual effects on
10 culture. This will increase the expected
11 magnitude of the residual adverse effect on this
12 VEC from small, as assessed with the FPR, to
13 moderate. It will result in an assessment of a
14 potentially significant adverse effect of the
15 project on culture based on criteria in chapter 4
16 of the EIS. Again, this area is subject to an
17 HRIA.

18 And that is the end of my
19 presentation. Thank you.

20 MR. OSLER: We will now go to the
21 moose and caribou, or caribou and moose,
22 Mr. Schindler and Dr. Rettie.

23 While they are coming up, I would just
24 note that when we were checking the document, the
25 resources of the report, it seems at the end of

1 the appendix 1A, the frequently referenced letter
2 from Manitoba Conservation, the number one letter
3 that directed this take place, was not in fact
4 included. So we have copies available today which
5 we can provide, the November 9, 2012 letter from
6 Manitoba Conservation and Water Stewardship.

7 MR. SCHINDLER: Good morning,
8 Mr. Chairman, Commissioners, all participants. My
9 colleague, Dr. Rettie, and I thank you for the
10 opportunity to be back here at the hearings, and
11 we are looking forward to presenting you
12 information on moose and boreal caribou on the
13 adjusted route, as well as our EIS analysis on
14 moose and caribou hunting area 14, Moose Meadows,
15 and the GHA 14A/19A areas.

16 So please let me start off with boreal
17 caribou. I will get organized here.

18 I'm going to be quite brief in the
19 interest of time, due mainly to the fact that the
20 adjusted routing in the Wabowden area has resulted
21 in a reselection of the preliminary preferred
22 route which was the original preferred alternative
23 for boreal Woodland caribou in the area.

24 Perhaps some background here. As you
25 may recall, a number of specific activities were

1 undertaken as part of the original EIS, and were
2 expanded upon in the supplemental caribou report
3 provided for these proceedings. The selection of
4 the preliminary preferred route, PPR, was based on
5 an extensively monitored program that has been
6 previously presented in the hearings.

7 In summary, we utilized the historical
8 and current Woodland caribou collaring data and
9 specific analysis to identify core winter and
10 summer habitat, as well as known calving areas.

11 Habitat modeling was undertaken using
12 the collar data to further augment our
13 understanding of habitat selection and supply in
14 the project study area, and within the Wabowden
15 evaluation range. These processes provided the
16 basis for selecting the PPR, as well as to provide
17 the best possible routing for the FPR after the
18 concerns relating to the Thompson nickel belt were
19 addressed.

20 The supplemental caribou report
21 provided detailed analyses of potential calving
22 habitat, winter habitat, and the overall
23 availability of these habitat types within the
24 Wabowden range. We found that these habitat types
25 were not limiting. However, avoidance was the

1 main criteria for route selection and assessment.

2 We also noted that boreal Woodland
3 caribou are currently protected from hunting under
4 the Manitoba Endangered Species Act, and the
5 concerns related to predation and habitat
6 fragmentation were key elements of the EIS.

7 Finally, our cumulative effects
8 assessment on boreal caribou ranges intersecting
9 the FPR provided evidence in support of our
10 conclusions that the Bipole III HVDC line did not
11 contribute significantly to disturbance threshold
12 established for boreal Woodland caribou provided
13 by Environment Canada.

14 As noted earlier in the discussions
15 that there was some scientific uncertainty
16 regarding the not significant conclusion that we
17 originally had for the FPR, and then a number of
18 mitigation and monitoring recommendations were
19 made to provide the basis for adaptive management.

20 I will carry on here. I think you
21 have seen these slides maybe in a little different
22 perspective that Pat showed. I would like to
23 bring your attention to -- this is an overall map
24 of the FPR and the AFPR in the portion of the
25 affected Woodland Wabowden range. If I can draw

1 your attention to the various features that we
2 have here -- I'm trying to get this arrow to work.
3 I think I have it up here.

4 You can see the summer core areas that
5 were defined through some of the collaring
6 activity. And the green areas represent core
7 winter habitat that was also identified. Note
8 that boreal woodland caribou are more
9 concentrated, if you will, during winter, and
10 dispersed during the summer months.

11 Note that the FPR intersects summer
12 core areas near Highway 6, which would be this
13 area here. But these areas are in proximity to
14 existing linear development, so they are somewhat
15 disturbed already. So the areas where they do
16 intersect core summer range is within the
17 proximity of those features.

18 Also note that the FPR, this was
19 referred to as the fish hook area, this routing
20 was taking advantage of an area that did not have
21 as heavy use as these two core areas, but it still
22 intersects those two core areas as defined through
23 our collaring program.

24 I'm going to just briefly go through
25 the conclusions that Pat had brought up. But the

1 potential for the AFPR, in terms of the length of
2 the transmission line, it eliminates the
3 requirement of approximately 49 kilometres of the
4 new right-of-way through the Wabowden range. The
5 FPR follows existing right-of-ways in disturbed
6 areas, as was articulated by Pat as well,
7 resulting in no new additional fragmentation or
8 access within the area.

9 I believe it was also mentioned that
10 there are a number of forestry operating areas
11 that exist along 373 that also provide areas that
12 are previously disturbed where the transmission --
13 the AFPR is being routed.

14 Use of those small core areas, those
15 summer range areas up towards Buckle Lake, north
16 of 373, the use of those areas is not expected to
17 change as a result of the AFPR. So these are the
18 main points regarding the AFPR and the Wabowden
19 area. The reduction in the new right-of-way by
20 the Wabowden range by some 49 kilometres, and
21 following existing right-of-ways in disturbed
22 areas is preferred.

23 Also by avoiding the area of core
24 winter habitat between those two little areas that
25 I have shown you on the map overall reduces the

1 scientific uncertainty regarding the conclusions
2 of not significant in the original EIS.

3 With the mitigation and moderation
4 described in the EIS and the associated adaptive
5 management, the AFPR alternative reflects the
6 original preliminary preferred routing and is a
7 preferred alternative.

8 So I'm going to switch to moose now.
9 We will present you with information on the AFPR
10 areas in Western Manitoba starting with the Moose
11 Meadows AFPR segments, followed by the GHA 14A/19A
12 segment. We will then provide you with some of
13 the results of our enhanced analysis on moose
14 populations in Western Manitoba, followed by the
15 overall conclusions on AFPR in this region.

16 A little bit on methods here.
17 Following the identification of the AFPR segments
18 related to moose, we undertook a number of field
19 investigations and desktop analyses to facilitate
20 environmental assessment of these routes. These
21 included some aerial surveys to delineate moose
22 distribution in areas of concern. And due in part
23 to concerns raised by as to the efficacy of our
24 original high quality habitat model, combined with
25 various other concerns expressed by participants

1 regarding moose avoidance of disturbed areas, we
2 undertook to verify our model by assessing moose
3 locations relative to various features on the
4 landscape, including high quality moose habitat.

5 We also reviewed information from the
6 environmental assessment consultation process. We
7 looked at that information and undertook to assist
8 us, where possible, where that information would
9 help us with our final conclusions.

10 Based on other concerns, in response
11 we took an enhanced assessment of moose
12 populations in the region to determine if moose
13 decline could be attributed to increases in linear
14 feature density on the landscape or other habitat
15 factors that may be influencing moose densities
16 and response within the region. We evaluated all
17 potential factors of mortality and undertook moose
18 population modeling, which Dr. Rettie will be
19 discussing after I go through the first part of
20 this presentation.

21 So I would like to start out with the
22 Moose Meadow survey that was undertaken. If I
23 could draw your attention to this area that's
24 delineated in light gray.

25 Note that due to concerns expressed by

1 reviewers that the Bipole III HVDC may have
2 regional effects, including potential for effects
3 on the Porcupine Mountains, which would be this
4 game hunting area 13, as well as all of game
5 hunting area 14, and some issues that were
6 discussed in terms of moose migration potentially
7 off the slopes that are in 13, into the Moose
8 Meadows area. We defined this survey area fairly
9 broadly, partly to provide baseline data for
10 future monitoring of the effects of Bipole in this
11 area.

12 Note that the area of survey in
13 gray -- I have got some numbers here -- note that
14 the area is approximately 925 square kilometres
15 and represents 13 per cent of game hunting area
16 13, or the Porcupine Mountains, which is this area
17 here, and about 12 per cent of game hunting area
18 14, which is on the other side of the road.

19 And the Moose Meadows area as
20 delineated in red, as provided to us by Manitoba
21 Conservation and Water Stewardship, is a small
22 percentage of the overall game hunting area. You
23 will note that these purple lines -- we flew an
24 intensive survey within the area that is outlined
25 in gray, which represented a total count of all

1 moose within the area. The purple lines represent
2 a kernel distribution. We did not want to plot
3 the actual locations of moose. It is recommended
4 to us in typical practice not to publish actual
5 point locations of moose. It can potentially
6 provide a hunting map for somebody if they so
7 choose. So if you can imagine within these areas
8 that we are generating producing a kernel
9 estimator similar to what we used for caribou, it
10 is showing the concentration areas of where moose
11 were seen.

12 And again I relate here, and here
13 is -- the FPR is in green and the AFPR is in a
14 shade of purple, and that is the area. If you can
15 notice that the areas that we found moose were
16 concentrated within the areas of game hunting area
17 13 along the edge, and we also had some
18 concentration areas near Bellsite, near the bottom
19 end of the FPR segment, and at the top end, and
20 also along the AFPR segment near Mafeking.

21 Now, the results of our surveys. We
22 saw a total 207 moose. Of these, 26 were observed
23 in the actual Moose Meadows area and 86 moose were
24 observed in game hunting area 14, within those
25 areas that I previously identified.

1 Note that elk observation and data in
2 game hunting area 14, most of the elk were
3 observed in or near agricultural areas in fringe
4 lands near farms.

5 Also of interest and to be discussed
6 later is the calves per 100 cows. And Dr. Rettie
7 will be discussing some of the dynamics of the
8 population in terms of the cow/calf ratios
9 observed across the study area.

10 This is another slide of high quality
11 modern moose habitat relative to the FPR and AFPR.
12 I would like to reaffirm that the original high
13 quality moose habitat model was developed with the
14 entire project area using the LCCEB, which was
15 considered to be the consistent classification
16 data base that we had available to us that was
17 consistent across the project study area.

18 It should be understood that there is
19 a scale of habitat quality across the landscape
20 and that there is everything from low, medium to
21 high quality habitat, and that the original model
22 again was developed to identify the best of the
23 best.

24 Just a summary, and I think you have
25 seen these figures already, but in terms of the

1 amount of model habitat, you have seen some of
2 these numbers. In the FPR area, relative to the
3 AFPR area, the AFPR area, as you can see, within
4 the three mile buffer, and then within the
5 right-of-way, there is a larger percentage of high
6 quality modelled habitat within the AFPR area
7 versus the FPR.

8 Now, I'm going to show you some --
9 hopefully you will find these interesting. This
10 is the area that was surveyed, just a bit of a
11 blow up of that zone. We are looking at the FPR
12 and the AFPR area. I'm going to show you some
13 pictures and images of what we observed during our
14 field work.

15 Three areas in particular, looking at
16 the habitat composition within the area, we have
17 the AFPR area in near the Mafeking zone, we have
18 got some pictures from that particular area. And
19 we will walk our way across the landscape as we
20 proceed with this presentation.

21 So in the long sections of the AFPR,
22 we find a number of areas similar to this. You
23 will notice the patchy nature and abundance of
24 willow and shrubs in proximity to mature conifer
25 forest. From a moose perspective, this is good

1 habitat. And that food is proximately covered,
2 and that cover can provide both escape cover and
3 thermal cover.

4 These areas, in along the AFPR, there
5 is a lot of previously disturbed areas, and appear
6 to be as a result of past small scale forestry
7 operations. Here is a bit of a close up, you will
8 notice the shrub component in the more open forest
9 areas. If you are on the ground in these areas,
10 line of sight would be quite limited, however
11 there is limits of a palatable browse here for
12 moose.

13 Also we found a number of smaller
14 trails coming in from the west side off
15 agricultural land and other distributors. So
16 there is a fair number of trails that do intersect
17 the AFPR in that particular area.

18 The second area that I'm going to show
19 you is what we might call the heart of the Moose,
20 main Moose Meadows area, the core of the area.
21 The following slides will illustrate what type of
22 habitat we did see in that area. So maybe I will
23 just jump to that.

24 In the main area of the Moose Meadows
25 we find -- you will immediately notice large

1 tracts of natural bogs which are well defined by
2 the LCCEB imagery used for assessing habitat as
3 part of the Bipole III project. These are typical
4 bog and wetlands habitats that are found along the
5 FPR. You will notice stunted live Spruce and
6 Tamarack trees, many of which have since died,
7 likely as a result of age or poor site conditions.

8 In these areas you will find plant
9 species associated with bog habitats, sphagnum
10 moss, horsetail, and ericaceous shrubs such as
11 Labrador tea. You will also notice that there is
12 shrub cover emerging out -- and also note some of
13 the adjacent heavy spruce areas. And I will show
14 you what those heavy spruce areas look like. Here
15 is examples of some heavy treed conifer. You will
16 find these islands of Black Spruce within these
17 large open bogs. There are dense stands of Black
18 Spruce and Tamarack, and they are found on the
19 better drained soils. So the trees tend to grow a
20 little more robustly on these upper sites.

21 Again, the understory here is
22 consistent with ericaceous low-lying shrubs, which
23 are considered to be low quality forage for moose.
24 These areas provide very good cover for moose
25 however, particularly during the summer as they

1 provide a cool damp micro climate during the hot
2 summer days.

3 And this slide shows a closer view of
4 the understory in those wide open bogs that are
5 found within the Moose Meadows area. And you
6 again see the stunted Black Spruce and Tamarack,
7 they are the trees that appear to not have
8 needles, and this would not be considered typical
9 moose habitat.

10 And I will show you what is -- what we
11 are referring to as willow areas in the southern
12 part of the Moose Meadows area. And we found
13 there was some -- I apologize for the slide due to
14 the falling snow, however, it does illustrate the
15 extent of willow habitat in this particular area.
16 You can also see from the slide that it is a very
17 open canopy with the occasional taller Spruce and
18 Tamarack tree scattered throughout.

19 Again, if we look closer at the dense
20 willow shrub layer in this particular area, we did
21 observe a good number of moose that are occupying
22 this particular habitat. So this was a definite
23 area that moose were really liking. So this
24 willow habitat, and I'm showing you -- again, we
25 are not showing you the moose points, but I can

1 tell that you within those areas identified in red
2 that there was definitely some very good
3 utilization by moose.

4 So there has been some speculation
5 regarding the expanse of these willow areas within
6 the Moose Meadows. So we looked more closely and
7 we utilized the forest resource inventory as part
8 of our enhanced analysis. And we did -- we were
9 able to determine the extent of those particular
10 willow habitats.

11 Okay. Here we go. Based on this
12 enhanced mapping, you can see the extent of the
13 yellow willow areas. Just note that they are
14 adjacent to the Bellsite drain, which is in this
15 particular area here. And that the large willow
16 area, the expanse of it we calculated to be
17 approximately seven and a half to eight kilometres
18 in size.

19 And just reflecting back, those purple
20 areas reflecting the heart of the Moose Meadows
21 were those other areas that I showed you. So the
22 yellow areas are the extent of those willow
23 habitats.

24 I'm going to turn our attention to the
25 Bellsite area, which is an area where we do have

1 another little core observation area of moose, a
2 hot spot, if you will. This picture provides an
3 example where moose are found in the Bellsite
4 area. You will notice the proximity to low
5 intensity agricultural areas, and the patchwork of
6 disturbance throughout the area. You can see the
7 disturbance patterns in proximity to cover being
8 mature spruce, and mixed wood areas and more open
9 areas, providing again some good foraging habitats
10 and proximity to cover.

11 If you have got a sharp eye, you can
12 see there is a moose actually standing in that
13 particular patch of habitat.

14 We had some very good data in terms of
15 where these moose were located, so we undertook a
16 bit of an analysis to look at what types of
17 features these moose were being found in relation
18 to. We tested moose observation data against a
19 random data set to detect any statistical
20 significance in any of our observations.

21 So here you can see that we have
22 observed locations on the left, and random
23 locations which would be a random generated number
24 that was generated in GIS. And you can see in all
25 cases that the features that we measured, compared

1 to the observed values, compared to the random
2 moose values, in all cases were closer to those
3 features than those random locations that we
4 plotted within the survey area.

5 I will draw your attention to the high
6 quality habitat on the bottom. We have a P value
7 of .0001, which represents a very good statistical
8 evaluation of that particular site being closer.
9 And I guess the best way to describe the P value
10 would be the probability of obtaining a test
11 result at least as extreme as the observation. So
12 what we are assuming is a P value that is
13 typically .05 or less gives us a very good
14 indication that that test result is significant.

15 So move on specifically now to game
16 hunting area 19A and 14A. Similar to the Moose
17 Meadows area, we conducted a total count survey
18 within the area defined. We have got PR 20 up
19 here, and PR 217 to the south. So we conducted a
20 total count similar to what was conducted for the
21 Moose Meadows and Porcupine block. And again the
22 contour lines represent the concentrations where
23 moose were observed based on a kernel analysis,
24 and again not showing the specific locations of
25 moose.

1 So moose were generally thought to be
2 more abundant in the western portion of this area,
3 which is the main part of game hunting area 19A.
4 We also observed a number of trails throughout the
5 area. There were snowmobile trails throughout
6 some of the core areas that are determined by
7 these areas through there. So there is quite a
8 bit of human activity that exists in that
9 particular area. We observed 91 moose within that
10 area.

11 And this slide illustrates the results
12 of the aerial surveys relative to the high quality
13 habitat.

14 We did not run the statistics that you
15 saw previously for Moose Meadows using these data,
16 however intuitively one would imagine that we
17 would get very similar results as many of these
18 moose seem to be associated with fringe
19 agricultural lands and disturbed areas.

20 So, again, this is just reiterating
21 what was already presented, but in terms of the
22 AFPR and FPR within the game hunting area 19A/14A
23 segment, the FPR versus the AFPR are quite similar
24 in terms of the amount of modelled high quality
25 habitat that's being intersected, both by the

1 three mile study area and the actual right-of-way.

2 So I'm going to move on to the
3 enhanced assessment here. The main purpose of the
4 enhanced assessment of the AFPR on moose was to
5 assess historical and current information on moose
6 habitat in Western Manitoba, to identify if
7 possible any relationship between landscape or
8 linear feature density that has occurred in the
9 past, present or future, that could possibly
10 explain moose decline.

11 Concern has been expressed during
12 these proceedings that increased linear
13 development will result in further population
14 decline. Thresholds of disturbance have not been
15 identified for moose as they have been for boreal
16 Woodland caribou, such as we wanted to attempt to
17 see if there was any relationship between some of
18 the linear densities as they relate to population
19 density through time.

20 So we undertook a number of activities
21 to assess possible major changes in landscape
22 conditions that include the assessment of fire
23 history, as well as looking at various habitat
24 metrics, or landscape patterns that may have
25 changed through time as a result of past human

1 activity. We conducted some linear regression
2 analyses comparing historical moose densities to
3 habitat patterns in linear feature densities. We
4 also conducted population modeling, as I indicated
5 previously, on moose populations, which Dr. Rettie
6 will be discussing shortly.

7 So this is our study area. You will
8 note the game hunting area boundaries. We have
9 the Bipole III transmission line outlined in pink.
10 And you will note that within these, there is game
11 hunting areas that have been defined by Manitoba
12 Conservation and Water Stewardship. And these are
13 units by which all wildlife species are managed
14 through hunting regulations. These game hunting
15 boundaries have remained quite static through
16 time. And Manitoba Conservation occasionally
17 inventories the moose in these areas and other
18 species at the game hunting area level.

19 Various land inventory data were
20 available for the region and included mainly the
21 forest resource inventory. This information is
22 not updated that frequently, and as you can see,
23 the FPR data that was available for a number of
24 game hunting areas in our study area through time
25 is quite -- it is not necessarily consistent for

1 all game hunting areas through time.

2 So we reviewed what data were
3 available to us through time in terms of the
4 available landscape data. We also looked at other
5 sources of data that might help us understand the
6 level of fragmentation and level of linear
7 development that has occurred on the landscapes
8 through time.

9 So without getting into detail, these
10 are some of the data that we were able to acquire,
11 things like old road maps, historical road maps
12 from Manitoba Infrastructure and Transportation.
13 We also had mining data that we looked at other
14 disturbances as well, such as mining. And we got
15 that from the Manitoba Mines Branch data set,
16 drill holes up to 2008. We had fire history data
17 that we had from Manitoba Conservation, and the
18 forest resource inventories for those decades that
19 I indicated. We had Tolko harvest information
20 from 1968 to 2011, as well as more current
21 Louisiana Pacific harvest data, and plant harvest
22 data up to 2022. So we had the historical
23 harvesting information, as well as the current and
24 future.

25 So we had to create a common land

1 cover data base using all of these different
2 types -- not so much different types of forest
3 inventories, but different areas of forest
4 inventories, some of which have slightly different
5 names for the same habitat type. So we created
6 habitat classifications that were common through
7 all decades using the FRI. And the
8 classifications that we keyed in on were, you
9 know, contiguous, mature forest, shrublands and
10 wetlands were our main habitat types that we
11 looked at in terms of their structure and
12 composition through time.

13 Here is just an example of some FRI
14 from the 1980s. As you can see there is a whole
15 myriad of different cover types that may have
16 different types of classifications or different
17 heights, but they are representative of larger
18 communities or habitat classifications. And this
19 indicates how we stratified our habitat looking at
20 the landscapes through time. So we simplified the
21 data to show contiguous forest, contiguous
22 wetlands and shrublands.

23 In a lot of habitat modelling it is
24 not uncommon to assess habitat in terms of a
25 habitat or patch metrics, which can be generated

1 in a GIS environment from software using landscape
2 data such as the forest inventory, or LCCEB.

3 The shape and distribution of habitat
4 patches and other landscape features can affect
5 the use of landscape by wildlife. These are the
6 same metrics that we used in the boreal Woodland
7 caribou resource selection modeling, and all of
8 the patch methods were generated in a commonly
9 used program called Patch Analyst. And here we
10 just have some of the more common metrics that can
11 relate to determining use of a particular species
12 on a landscape, such as a moose. Things like I
13 will just look at edge density, the amount of edge
14 relative to the landscape area, this is
15 essentially a measure of whether it is very round
16 or smooth, or whether it has got a lot of edge
17 associated, which might be an aspect that moose
18 may prefer. The number of patch size might be
19 important. And the number of patches on a
20 landscape might also be a metric that might help
21 us detect what is going on with that landscape
22 through time, with the effects of harvesting, road
23 development, et cetera. So these were the metrics
24 that we looked at.

25 So if we looked at all of the

1 available data that we had in terms of the
2 landscape, and we also were limited by the amount
3 of aerial survey data that were available, so
4 ideally it would have been nice to be able to fill
5 in all of these holes in terms of having good
6 moose population estimates by area, by game
7 hunting area. But, however, that was not
8 possible. But we were able to get from Manitoba
9 Conservation all of their historical survey data
10 and we ended up with eight records essentially of
11 events that we could assess on the landscape, the
12 population density relative to the amount of
13 linear feature on the landscape, as well as some
14 of those patch metrics that I just described.

15 Here is an example of linear
16 disturbance over time. You can see in the purple
17 lines it would have been from the 1980s, which
18 shows up a different colour on my screen, but
19 those purple lines and the more brown lines,
20 pardon me, represent additional access that we
21 would find today. So you can see there has been
22 some additional access associated primarily with
23 forestry operations.

24 Here is an example of how we were able
25 to look at shrublands. This is the amount of

1 shrublands as identified in the 1980s, according
2 to the resource inventory. And then if we cast
3 ahead into the 1980s, you can see that the shrub
4 component has increased again, likely due to
5 forestry activities.

6 We also looked at fire activity, and
7 we were able to plot and look at the differences
8 within these landscapes by game hunting area using
9 fire as well as, in this case, these would be
10 considered shrublands. This is a 1980 fire. So
11 that area for that decade would represent a shrub
12 land component throughout that ten-year period.

13 So in summary, I have talked about
14 those eight records, those eight events that we
15 were able to conduct some analysis on, looking at
16 the amount of productive moose habitat within
17 those areas, the area of -- the era of landscape
18 data that was available to us, and the years where
19 we had population surveys. And we also indicated
20 years of major burn.

21 For those decades that we had survey
22 data, we averaged the densities to reflect the
23 landscape conditions that were associated during
24 that particular era.

25 So you can see we ended up with those

1 eight records that allowed us to conduct some
2 linear regression analysis. The analysis was
3 conducted using the moose density data to detect
4 for any significance along the landscape in linear
5 densities metrics that I previously described to
6 you.

7 The whole point of this was -- do any
8 of these variables explain population decline or
9 population density? Can we use these variables to
10 predict whether a moose population or whether the
11 Bipole III line will, in fact, result in the
12 tipping of the scale, so to speak, in terms of
13 linear density?

14 So here is an example of our linear
15 regression analysis that we conducted for a number
16 of variables across the entire data set.

17 If you can note here that the linear
18 regression relationship of moose density, as a
19 response variable to the percentage of shrub,
20 shows that there is perhaps a positive
21 relationship. However, the significance -- and
22 again I relate back to this P value, being very,
23 very high in terms of its P value, suggesting that
24 this is not a significant relationship.

25 Here is another example of plotting

1 moose density to road density, or a linear feature
2 density. And again, you can see these dots
3 represent each of those eight records. And
4 although there is a positive slope, again, the
5 significance does not show up here. And we do not
6 have any relationship significant in terms of --
7 although it says that the higher the road density,
8 the more moose you have, but again this is not
9 significant.

10 An example of one relationship that we
11 did find significant was the moose density
12 relative to the percentage of wetland on the
13 landscape. And this was perhaps the only
14 significant finding that we did find within our
15 analysis. So that you could see as the amount of
16 wetland on the game hunting area level increases,
17 moose densities do tend to decrease.

18 And just reflecting here in terms of
19 the Moose Meadows area, there is a great amount of
20 wetland, and I thought I would just display this
21 particular image in terms of the model wetland
22 within the Moose Meadows area.

23 So, in summary, results of single and
24 multi-regression analysis did not yield any
25 potential threshold value or significant

1 correlations that could be related to moose
2 density. Higher densities of moose were
3 associated with more shrub land or contiguous
4 mature forest, higher densities of linear features
5 in roads, and higher linear feature of road
6 length. However, in all cases these relationships
7 were not significant.

8 In spite of the fact that we were
9 unable to detect any significant relationship
10 between disturbance and moose density, we further
11 assessed future disturbance in a similar fashion
12 to what was done for the boreal Woodland caribou
13 supplemental report. We used the data from the
14 Louisiana Pacific 20 year forest management plan
15 to assist future habitat disturbance. And there
16 is also a limited amount of mineral exploration
17 that was utilized to assess future disturbance.
18 You can see that the contribution of the Bipole
19 III transmission line is quite small.

20 In comparison to other thresholds that
21 had been adapted for ecosystem management and
22 cumulative effects assessment, you can see that
23 the future linear disturbance as a result,
24 including Bipole and the future activities that
25 were identified for those game hunting areas, that

1 compared to these thresholds, if you wish, for
2 ecosystem sustainability and managed forest and
3 industrial environments is still far below, or
4 within the range of some of these targeted
5 critical thresholds that have been identified.

6 THE CHAIRMAN: Mr. Schindler, would
7 this -- I'm not sure, would this be an opportune
8 time to break for lunch or would you rather plow
9 through?

10 MR. SCHINDLER: Well, that is good
11 timing, because that was my part and Jim is up
12 next.

13 THE CHAIRMAN: Okay. We will break
14 for lunch now and then resume with Dr. Rettie
15 after lunch. So come back in an hour at 1:15,
16 please.

17 (Hearing recessed at 12:15 and
18 reconvened at 1:15 p.m.)

19 THE CHAIRMAN: Welcome back. I'd like
20 to welcome a number of students from the
21 University of Manitoba Faculty of Engineering,
22 Environmental Studies class, who are here for a
23 bit of a visit to see how this procedure works.
24 I'll let you know, particularly whoever is in the
25 hot seat at the time, they have to leave in about

1 an hour, so don't take it personally, it's not
2 because of anything you might have said. They
3 have to get back to their campus for yet more
4 classes. So welcome.

5 And we're continuing with I believe
6 Dr. Rettie making a presentation on continuing the
7 presentation on moose.

8 MR. SCHINDLER: If I could,
9 Mr. Chairman, for the record, there was a
10 correction on slide 51. That's the slide that's
11 on the screen. It makes reference in the text box
12 to the right of the figure that there is an R
13 squared value of 0.36 and a P value of 0.11. I'd
14 like to correct that to reflect what is in the
15 figure, which would be an R value of 0.16 and a P
16 value of 0.33.

17 I had one other comment to make, which
18 is right at the end of my presentation and I just
19 wanted to make reference, and it's in our report
20 relative to the percentage of future forest
21 harvest area. In our report in terms of future
22 disturbance in game hunting area 19A, we are aware
23 of the bison ranch that exists. The extent of
24 that bison ranch, and the effects that may be
25 associated with, in terms of future habitat loss

1 or what have you with the moose population in game
2 hunting area 19A, is essentially an unknown at
3 this time. But we are aware of that, and it does
4 have some potential ramifications to moose area
5 19.

6 MR. RETTIE: Good afternoon,
7 Mr. Chairman, commissioners, ladies and gentlemen.
8 I'm going to proceed now with some work that we
9 did on population modeling of moose populations in
10 western Manitoba. In the absence of data that
11 support a relationship between regional moose
12 population declines and habitat or landscape
13 features, which was the information that
14 Mr. Schindler presented just prior to lunch, we
15 undertook a population modeling exercise to aid us
16 in narrowing the potential causes and magnitude of
17 moose population declines. We did this to help us
18 understand any potential effects of the Bipole III
19 AFPRs on moose populations in western Manitoba.

20 So our objectives were to consider
21 factors that may limit moose populations in
22 western Manitoba. And for clarification, a
23 limiting factor is any factor that quantifiably
24 reduces a population from maximizing its growth.
25 So particular to the modeling that I'm going to

1 discuss this afternoon, and in most cases as well,
2 a limiting factor is something that would tend to
3 increase mortality or cause a reduction in
4 reproduction in some way. So, there is a
5 candidate list of factors that I'm going to
6 discuss with you, and we considered all of the
7 factors on this list, and I'm going to go through
8 how we included them in the models.

9 So the first thing we're going to talk
10 about is diseases and parasites. I'm going to
11 discuss the role of predation or the potential
12 role of predation, the role of licensed hunting,
13 and then a catch-all category of other, which as
14 you will find out plays a large role in our
15 inability to explain exactly what's happening with
16 the moose populations. But there is a large
17 amount of other mortality that must be occurring
18 in order for the populations to be doing what we
19 observed.

20 So to begin with, for diseases and
21 parasites, we began by looking through the
22 literature for information relative to moose
23 populations in western Manitoba. We consulted
24 with Manitoba Conservation and Water Stewardship.
25 We consulted with the Canadian Cooperative

1 Wildlife Health Centre in Saskatoon, with
2 Saskatchewan Environment, with veterinarians in
3 MAFRI. And with respect to external parasites,
4 consulted an expert at the University of Manitoba
5 as well.

6 The first thing on our list here is
7 chronic wasting disease. Chronic wasting disease
8 is a transmissible spongiform encephalopathy.
9 It's similar to BSE, mad cow disease, but it
10 affects servants, so members of the deer family.
11 It has never been detected in any species in
12 Manitoba. So contrary to what Mr. Soprovich
13 argued, there has never been a case of chronic
14 wasting disease from this province. In Canada,
15 it's found in Saskatchewan and Alberta, it has
16 been working its way slowly eastward, but it is
17 still a long way away from the Manitoba border.

18 The second one on our list is
19 brainworm, *Parelaphostrongylus tenuis*, and there
20 has been a single verified case in moose in
21 Manitoba. We got this from the Canadian
22 cooperative wildlife health centre. This was an
23 individual animal that was collected south of the
24 Trans Canada highway, on the western side of the
25 province near Cromer. It was submitted by a

1 Federal official, rather than somebody from the
2 province here. There have been verified cases of
3 P Tenuis in deer in the study area, and there are
4 verified cases of P Tenuis in moose across the
5 border in Saskatchewan, fairly close to the
6 Manitoba border. So they had a fairly good set of
7 records for suspected cases that were submitted,
8 as well as those which were confirmed following
9 investigation.

10 So our conclusion is that it is likely
11 that P Tenuis is present in the study area, and it
12 is likely that at times it may infect a moose.
13 But the prevalence is likely low.

14 The final one on our list here is
15 winter tick. And it can -- occasional outbreaks
16 of winter tick can yield mass mortality in moose.
17 It is more dependent on environmental conditions
18 rather than on the density of moose populations.
19 And from consultation with individuals with
20 Manitoba Conservation and anecdotal evidence that
21 appears in the literature, there's evidence that
22 suggests that about a third of the moose
23 population in western Manitoba may have died in
24 2002. And the best piece of information that we
25 have that confirms that is information from moose

1 population surveys conducted in Riding Mountain
2 National Park, which are conducted annually, and
3 they do show rapid population decline in that
4 interval.

5 Moving on to predation; predators in
6 the area include black bears and wolves. And a
7 regional study conducted in Riding Mountain
8 National Park shows that wolves consume
9 approximately three times as much elk as they do
10 moose. So, when given an option, they prefer to
11 prey on elk as opposed to moose. From other North
12 American studies, wolf and bear predation is
13 highest on moose calves. And additionally to the
14 point on the slide, predation on moose calves
15 occurs mostly before the end of summer. So in
16 western Manitoba, where winter moose surveys show
17 that there are more than 50 moose calves per
18 hundred cows, which is a fairly high recruitment
19 rate, that's long after most predation would have
20 occurred, and that's a high recruitment rate.

21 So in general, those recruitment rates
22 that we're observing throughout the study area are
23 inconsistent with high levels of predation, either
24 by wolves or by bears, where we would expect to
25 see recruitment levels lower, and predation would

1 have occurred prior to the time at which surveys
2 are conducted.

3 So this figure shows moose population
4 densities through time from western Manitoba and
5 from eastern Saskatchewan. So there's potential
6 for disease and parasites in all of these
7 populations. There's also potential for winter
8 tick outbreak. The blue line may not show up
9 clearly as blue. The upper line here that's
10 broken in a couple of places, that is moose
11 populations within Riding Mountain National Park.
12 So this line here is .6 animals per square
13 kilometre, this is .8, you can see the moose
14 populations in Riding Mountain are relatively high
15 and consistent through time. This goes back to
16 the late 1970s and goes right through to present
17 day.

18 Now Riding Mountain National Park has
19 a diverse prey base. It has thriving wolf and
20 black bear populations, but it does not have
21 hunting.

22 The three reddish lines, which may be
23 more clear on your handouts than they are on this
24 slide, these lines here, this is the lower of the
25 three, this is the middle most, and there is a

1 third one right here. Those are all from moose
2 populations in wildlife management zones in
3 eastern Saskatchewan that come close to the
4 Manitoba border. And again, those populations are
5 subject to predation, as are all of those
6 populations and they are also subject to licensed
7 hunting. The populations that we see down near
8 the bottom here are all Manitoba populations. So
9 they are the ones with the lowest densities out of
10 all of these.

11 To try to demonstrate this somewhat
12 graphically, and I don't know how well this is
13 showing up, the darker colours here are associated
14 with higher densities in moose. And we have
15 divided this into two time periods, and these two
16 time periods were chosen because we had population
17 estimates from more of the area -- more of the
18 wildlife management zones in Saskatchewan, and
19 game hunting areas in Manitoba than we did for
20 other periods. So opportunistically, we had stuff
21 from the early to mid '90s and from the late
22 2000s. So if we note here in Riding Mountain
23 where the colour is darkest, it's still darkest in
24 the later period. In Saskatchewan, we've got one
25 moose population here which increases through that

1 time. Another one that decreases slightly. But
2 the ones in Manitoba, game hunting area 18 here,
3 has shown a decline, game hunting area 14 has
4 shown a decline. The white spaces unfortunately
5 are populations for which we don't have density
6 information for those time periods.

7 So essentially note that the
8 populations in the un hunted areas in Riding
9 Mountain stayed high, and in Saskatchewan one
10 increased, one decreased, but in general they
11 compare favourably with the populations of
12 Manitoba.

13 So in conducting the modeling, where
14 possible, we use empirical data from the study
15 area, that was our first choice. Where we had
16 empirical data to put into the models from our
17 study area, that's what we chose. And what we had
18 was winter survey data from western Manitoba,
19 which showed a cow/calf ratio of 56 calves per 100
20 cows, and a bull to cow ratio of 66 bulls per 100
21 cows. In essence for every 100 cow moose
22 observed, there were 56 calves and 66 bulls. Now
23 one thing I do need to note here is that the
24 cow/calf ratio presented here of 56 per 100 is
25 slightly higher than that that appeared in the

1 enhanced assessment of the AFPR document that was
2 submitted on February 25th, discovered a minor
3 area of calculation. In that document, the number
4 that shows up is 52 calves per 100 cows, and the
5 number that I found that is the correct value to
6 use is 56. The values that I'm going to show in
7 the model outputs here reflect the revised value.
8 The conclusions of the modeling don't change.
9 There is some slight variations in the numbers
10 that the models put out, but the overall
11 conclusions don't change.

12 So beyond the empirical data that we
13 have for the study area, our next choice of data
14 source is with the literature. And the literature
15 is fairly clear that annual adult female survival
16 is approximately 90 percent. So in a range of 88
17 to 92 percent per year. And the other thing is
18 that there's a 50/50 sex ratio at birth. So those
19 are the values that were built into our models.

20 So to look specifically at the input
21 parameters, the key values here are the female
22 survival rates. That's what I want you to focus
23 on for a moment. This column here shows female
24 survival rate, and I want you to look at the
25 survival rate for yearlings and for prime aged

1 adults, both at 91 percent per year and for older
2 adults it's at 81 percent per year. There is a
3 slight decline in survival as animals get older.
4 And taken together, and accounting for the number
5 of individuals that would be in each one of these
6 age classes, this amounts to 88 percent survival
7 for adult female animals on an annual basis. Now
8 that's the key assumption that we made in this
9 model. These adult female survival rates are the
10 key assumption of the models. We had no empirical
11 data, and so this is an important feature of the
12 models.

13 The male survival rates that were
14 selected here are values that essentially related
15 to the female survival rates. These are the
16 values that were chosen that generate the 66 bulls
17 per 100 cows that we saw in the survey. So
18 obviously in order to have -- if we have a 50/50
19 sex ratio at birth and we have fewer males than
20 females in late winter, it tells us that the male
21 survival is lower than female survival. And so by
22 playing with the values proportional to the female
23 values, by reducing them by a fixed amount, I
24 arrived at these numbers as being sufficient to
25 generate the observed sex ratio during the winter

1 survey. And the calf survival rates I'm going to
2 talk about with the next slide. And we had a
3 terminal age for animals of each sex.

4 So the next slide, the values in this
5 slide, again, they are consistent with the
6 literature. But the most important thing is when
7 we combine the age specific parturition rate, the
8 proportion of animals that are giving birth in
9 that age class, so yearlings, none of them are
10 giving birth. Animals that are two year old at
11 the time in which they are having their first
12 calf, we allow 30 percent of two year olds to be
13 giving birth, and then older than that we were up
14 to over 90 percent for prime aged adults, and
15 70 percent for older age adults. Again, twinning
16 rates, same thing, there was an age specific
17 difference. These values -- we could have chosen
18 any values at all to put into these, but the most
19 important thing is that when we combine the
20 parturition rate and the twinning rate and the
21 calf survival rate that we dictated in the
22 previous slide, the end result is that -- I will
23 come to these points in a moment -- the end result
24 is that by choosing these values, we come up with
25 the 56 calves per 100 cows in late winter. So it

1 could be argued that perhaps the pregnancy rate,
2 the parturition rate should be lower or higher.
3 If I changed that, I would have to change the
4 twinning rate or I would have to change the
5 survival rate because collectively they come
6 together to specify 56 cows per 100 calves in late
7 winter. So it matches the empirical data
8 collected by Manitoba Conservation.

9 So just for clarification, the
10 twinning rate of 30 percent, that's 30 percent of
11 the 91 percent would have had twins.

12 The next slide that I'm going to put
13 up here, ignoring the right-hand column for a
14 moment, this is -- the information in the two
15 left-hand most columns is information that I
16 presented to you on October 31st. At that point,
17 I had the parameters listed down the left-hand
18 column. I had values for moose populations in the
19 centre. I had a comparative column for caribou
20 values in the right hand most column. So you may
21 recall that slide. So these are the same values
22 that I'm showing here for moose as I showed to you
23 four months ago. But what I want to do here is
24 show you a comparison of the values, the general
25 values that are appropriate for moose, and how

1 they compare to the values that went into our
2 models. So generally two and a half years age of
3 maturity, while in the model we allowed 30 percent
4 of them to be one and a half years old when they
5 became reproductively mature, and the remaining
6 70 percent at two and a half years. So that's
7 consistent. Up to 90 percent pregnancy rate, you
8 see that we have lower than 90 percent pregnancy
9 rate here. Twinning rates up to 80 percent,
10 typically 25 to 50. We have specified 30 percent
11 for all animals over two years old. And what that
12 does when you combine all of these values in these
13 top three columns, is it gives us a fecundity
14 rate, calves born per female. Again, the
15 comparative value in the literature, it could be
16 as high as almost one and a half.

17 So given the fecundity rate that we've
18 got and calf survival rate we've got, it gives us
19 an annual recruitment rate with these parameters
20 specified, with the survival parameters specified
21 that I gave you earlier, gives us an annual
22 recruitment rate of 0.56. That's consistent with
23 the observations made in aerial surveys by
24 Manitoba Conservation. The adult female survival
25 rate, as I mentioned earlier, when weighted for

1 the different age classes, it is 88 percent
2 survival annually. Again that is consistent with
3 what's found in the literature. And those two
4 things together give us a potential population
5 growth rate, a Lambda rate of 1.13. So that could
6 be argued to be higher, could be argued to be
7 lower, but that's consistent with the best
8 empirical evidence that we've got, as well as the
9 best information we have from the literature.

10 So just again to confirm, going back
11 to our survey data; calf/cow ratio, 0.56, bull to
12 cow ratio, 0.66; annual adult female survival our
13 model has .88; and a 50/50 sex ratio at birth.
14 Those are the parameters that went into the model.

15 This is a fairly involved slide and
16 I'm going to try to go through it slowly. If I
17 can get you to focus for a moment on the top line.
18 The time intervals that I used when building
19 models were time intervals that were set by us
20 having survey data at the beginning of the
21 interval and again at the end of the interval. So
22 in this case for game hunting area 14/14A, there
23 was a Manitoba Conservation survey done in 1983
24 where the result was 1,560 moose as an estimate.
25 In 1992 Manitoba Conservation did its next and

1 moose survey in this game hunting area and it
2 estimated that there were 2,480 animals. So we
3 ran -- I ran a population model excluding licensed
4 hunting and just using the parameters, the base
5 parameters that went into the model, and concluded
6 that the potential population would have been
7 around 4,400 animals, had that population grown
8 freely without any additional limiting factors.

9 When we add in a licensed harvest
10 mortality, and while this is presented as a
11 percentage here, in fact we used the mean number
12 of moose killed per year given to us by Manitoba
13 Conservation. And when we added in licensed
14 harvesting mortality, instead of going up to
15 2,480, or rather instead of going up to the
16 potential of 4,400 animals, it went up to just
17 over 2,000. So what that suggests is that our
18 model allowed, with 8 percent mortality from
19 hunting, allowed a population to grow to 2,000.
20 And in fact, the estimate from Manitoba
21 Conservation is that that population grew to close
22 to 2,500. So our model may be underestimating the
23 potential growth for these populations, or that
24 could be survey error.

25 So moving on to the next time period,

1 1992 to 2002, again there's 2,480, that's the 1992
2 estimate. It's our starting population estimate
3 for the next time interval. 494 is the population
4 estimate for 2002, again from Manitoba
5 Conservation Wildlife survey. Running a base
6 model, it suggests that in that 10 year time
7 period, this population could nearly triple from
8 almost 2,500 to almost 7,500 animals. When we
9 account for 12 percent annual licensed harvest
10 mortality, the population would still have had the
11 possibility of increasing to close to 5,900
12 animals. But in fact, we saw population that
13 declined by 80 percent to just under 500 animals.
14 So I went in and I started adding an additional
15 amount of mortality until I could drive that
16 population estimate, the model population
17 estimate, down to approximately what was observed
18 by Manitoba Conservation. And to do that, I had
19 to add 20 percent of the population succumbing to
20 mortality, each and every year for that 10 year
21 period. So in order to take this population of
22 2,500 more or less animals from 1992, allowing 12
23 percent of it to be harvested annually by licensed
24 hunters, another 20 percent of it disappeared
25 somewhere else in order to get us down to the

1 numbers observed.

2 So in 2002, you may recall, or you may
3 not, that earlier I mentioned a winter tick
4 outbreak which was assumed to have happened in
5 2002, and assumed to have taken out a third of the
6 moose population. Well, this population estimate
7 of 494 made by Manitoba Conservation would have
8 occurred in late winter. Winter tick kills
9 animals in the spring. So to account for that I
10 took 494, I removed a third of it, and rather than
11 starting my next interval with 494 animals, I
12 started it with 329. So that's two-thirds of the
13 population. So if we allow that winter tick
14 killed a third of the population there, again, we
15 ran a base model, just over 900 animals were
16 possible by 2011, accounting for hunting
17 mortality, which hunting had been seriously
18 curtailed by Manitoba Conservation at this point,
19 the model with licensed hunting still allowed for
20 a population of nearly 900 animals, but in fact
21 the population declined to 148. So again, we have
22 lost more than half the population in that nine
23 year interval. And again, that requires nearly 20
24 percent of the population to have succumbed to
25 some other source of mortality.

1 So I did the same thing for the other
2 game hunting areas, and had similar results
3 although the magnitude of other mortality required
4 is somewhat different. So game hunting area 12
5 during the 1990s, 12 percent licensed hunting
6 mortality, we were required to add another
7 6 percent mortality to get to the observed
8 population decline. Game hunting area 13/13A,
9 from '97 to 2007, the additional mortality was
10 5 percent. In the most recent couple of years in
11 game hunting area 13/13A, 23 percent. These are
12 the two values for game hunting area 14/14A that I
13 just spoke about. Game hunting area 18 to 18C, in
14 the early years in the 90s and through to 2007, 4
15 to 6 percent additional mortality, and most
16 recently 20 percent additional mortality. So
17 there is a lot of unexplained mortality required
18 in order to account for the population declines
19 that have been seen here.

20 So to go back through the limiting
21 factors that we had, and the information that we
22 had available to us, moose recruitment rate is
23 high. Manitoba Conservation and Water Stewardship
24 tell us that. High recruitment rates are
25 associated with low predation rates; that comes

1 from the literature. Given normal adult survival,
2 the population should be growing. So the normal
3 adult survival is what I put into the population
4 models and it tells us that the population should
5 be growing, with the amount of observed licensed
6 hunting. But the observed population decline that
7 we have seen, it requires high and persistent
8 additional sources of mortality. And our models
9 again told us that. So in game hunting area
10 14/14A, there's an unexplained 20 percent of the
11 population annually required to disappear
12 somewhere other than to licensed hunting, other
13 than to the base survival which accounts for
14 normal rates of predation, normal rates of
15 disease. 20 percent per year for a 20 year period
16 to get us from moose population year 2,500 in 1992
17 to moose population of about 150 in 2011.

18 So our survey data are inconsistent
19 with high predation rates. Recruitment is high.
20 There is no evidence for disease related
21 mortality. The models have accounted for winter
22 tick mortality, and each one of those populations
23 that spanned that 2002 year where winter tick
24 mortality was presumed to have occurred, there was
25 a third of the population removed at the

1 appropriate time interval. So that's already been
2 accounted for.

3 The models account for a maximum
4 effect of licensed hunting. So even though most
5 hunting will occur on adult male moose, in the
6 model it was specified that it was non-selective.
7 So basically if there were a hundred moose taken,
8 they were taken out in proportion to their age and
9 sex. And the other unknown mortality rate is very
10 high.

11 Now the point that I'd like to make is
12 the purpose of modeling is to use existing data to
13 include all of the available information and to
14 make the fewest assumptions required. In this
15 case, the single assumption that was made was that
16 adult female mortality is consistent with that
17 observed in the literature. And the outcome of
18 that is to come up with a working hypothesis that
19 fits the data and requires the fewest assumptions.
20 And by process of elimination, non-licensed
21 hunting is the best working hypothesis. If we
22 have accounted for disease, we have accounted for
23 parasites, we have accounted for licensed hunting,
24 the survey results suggest that it's not
25 predation, the best working hypothesis, and this

1 isn't an answer, it is not a conclusion, is that
2 it's non-licensed hunting.

3 So in the end, the plausible additive
4 effect of access related mortality from Bipole III
5 from hunting or predation is insignificant by
6 comparison. There's a large amount of hunting
7 that's gone on there historically, and it's not
8 related to the linear features of Bipole III. And
9 essentially there is a far greater potential for
10 that other mortality to explain decline and the
11 additive effect due to access is very small by
12 comparison, because it is associated with a very
13 small part of the regional moose range.

14 MR. SCHINDLER: I guess I will wrap it
15 up here. Within our report that we are enhancing,
16 analysis report, we had a section just trying to
17 put things into somewhat of a perspective in terms
18 of what is understood about moose response in
19 areas perhaps that have had a significant
20 disturbance, linear development, and following
21 some type of a management prescription, whether it
22 be a hunting closure or access management where
23 moose populations actually responded in a very
24 positive way. We have provided some examples here
25 in the eastern region of Manitoba, Crichton 2004

1 did document a positive increase in the Happy Lake
2 area moose population within game hunting area 26
3 on the east side. That was a positive response
4 following intensive access development, forestry
5 operations, and that positive response was a
6 result of both access management and hunting
7 closures within that area. There was a similar
8 but less dramatic increase that was also observed
9 in another study area as part of a cooperative
10 moose management program in eastern Manitoba,
11 where there was a positive response within an area
12 that was remained open to hunting, but access was
13 controlled only from the perspective of keeping
14 trucks out, and not Aves and snowmobiles. So it
15 was some access restrictions.

16 I spent some time discussing with some
17 of the people in Saskatchewan and unfortunately
18 there's not a lot of published data in terms of
19 moose response after disturbance, but Saskatchewan
20 has monitored the effectiveness of road management
21 in wildlife refuges in forest harvest areas to
22 protected moose from overhunting, and they have
23 documented increases in local moose populations
24 both after large area and corridor game refuges.
25 Large area refuges would be a refuge within quite

1 an extent of an area and road refuges or game
2 corridor refuges would be refuges that they have
3 established along roads that there would be no
4 hunting within 300 metres of each side of the
5 road. There was a major study that was done in
6 Ontario, Rempel, 1997, illustrated that moose
7 population rates of increase were positive in
8 unmodified clear-cut areas and remained constant
9 in modified clear cuts. And what they thought,
10 that the modified clear cuts had more access
11 associated and they thought that the response of
12 the modified cuts was a consequence of hunting.

13 In all of these examples, hunting of
14 moose was considered to be the main variable in
15 explaining moose response. And there is no
16 documented effects or concern regarding increased
17 predation by wolves as a result of these increased
18 access and fragmentation within these areas. So
19 those were some examples that we wanted to
20 provide.

21 So concluding; based on our analysis,
22 we were unable, with the data that was available,
23 to determine a threshold or something that would
24 explain some type of a landscape feature or an
25 increase in linear density that, you know, could

1 be attributed to something like Bipole that would
2 result in further effects to those moose
3 populations.

4 So the increase of linear densities
5 within the game hunting areas that we have
6 described, 12, 14 and 19A, as a result of Bipole
7 are minimal, and well below those linear densities
8 found in the literature for ecosystem management
9 and moose management.

10 Some quick conclusions on game hunting
11 area 14. The Moose Meadows segment of the AFPR,
12 it has 35 square kilometres, or 21.98 percent of
13 high quality moose habitat within the local study
14 area. Within the 3-mile corridor, compared to the
15 FPR, the local study area has a 6.59 kilometres,
16 so the AFPR in the Moose Meadows, and we have
17 described that, contains more high quality moose
18 habitat. And based on the results of aerial
19 surveys conducted on December 4th and 6th, the
20 AFPR, compared to the FPR intersects, or comes in
21 proximity to some additional areas of high moose
22 density such as the Bellsite area which are in
23 close proximity to existing access.

24 The GHA 19A and 14A segment of the
25 AFPR, as we have discussed in our presentation,

1 the amount of high quality habitat within the
2 local study area and the right-of-way is
3 comparable. Based on the results of the aerial
4 survey we conducted between February 4th and 5th,
5 2013, the AFPR compared to the FPR intersect
6 areas, the AFPR intersects less areas of the
7 observed moose. However, we are aware that
8 Manitoba Hydro has indicated some additional
9 specific mitigation measures for approximately
10 eight kilometres of the FPR to further reduce the
11 potential impacts to moose in that game hunting
12 area 19A, 14A.

13 So overall, based on the results of
14 our enhanced analysis and the proposed and
15 enhanced mitigation that has been recommended, the
16 conclusions in the EIS remain consistent with
17 those predictions in the original Bipole EIS and
18 the Bipole III technical report, and the route
19 adjustment supplemental report for the Bipole III
20 transmission line. The residual effects on moose
21 resulting from the project, whether it be the AFPR
22 or the FPR remain as not significant. Thank you.

23 MR. OSLER: Mr. Chairman, just to
24 conclude --

25 THE CHAIRMAN: Mr. Osler.

1 MR. OSLER: So the panel has reported
2 on and reviewed the supplemental report. The
3 overall conclusions I stated earlier, which were
4 that there were no changes in the EIS assessment
5 from the original December report, except for the
6 ones that we have dealt with today in some detail
7 on caribou with respect to an improvement in the
8 Wabowden area, the extensive concerns and issues
9 examined with respect to moose in both the Moose
10 Meadows area and the game hunting areas 19A and
11 14A, and the issues which arise in the Wabowden
12 area with respect to mining, which are being
13 addressed through mitigation discussions and the
14 issues which arose out of this examination with
15 respect to culture in 19A and 14A, which Ms. Petch
16 has gone into in some detail.

17 With respect to the slide 76 of the
18 presentation you just had on moose, there is a
19 reference to additional specific mitigation
20 measures per eight kilometres in the event that
21 the FPR route was retained in the area, game
22 hunting areas 19A and 14A. Those measures are
23 discussed or summarized in a letter of
24 February 25th of this year, which has been
25 provided on the record to all the participants.

1 That's all. Thank you.

2 THE CHAIRMAN: Thank you. We'll now
3 turn to participants cross-examination. We'll
4 follow the order of questioning that we used
5 before the break. So TCN, I don't believe there's
6 anybody here from TCN today. Pine Creek is next.
7 Mr. Mills.

8 MR. MILLS: Thank you, Mr. Chairman,
9 I'd love to give you a sense of how long we'll be,
10 but I suggested to the secretary we're probably an
11 hour. We have received so much information today
12 that is good information, but a lot of it is new
13 to us. And with first blush, I'd just like to
14 observe in advance that we will ask you for a bit
15 of latitude as you may sense we overlap or cross
16 paths with previous lines.

17 Chief Boucher would have liked to have
18 been here today, but as a result of a tragedy in
19 his community he wasn't able to attend. He sends
20 his regrets. In conversation he did ask, and I'll
21 just get past this point quickly, that he'd like
22 to thank Manitoba Hydro for their commitment to
23 working with us. And those were Chief Boucher's
24 words this morning.

25 We would like to start with the

1 supplementary information that we were provided
2 with. It's difficult for us to put it together in
3 themes, Mr. Chairman, so I think we'll just
4 quickly pass through it and ask our questions.

5 THE CHAIRMAN: Thank you.

6 MR. MILLS: In wondering what to
7 expect from Hydro, we referred to the August 16th
8 description of consultation, and we understand
9 that what we have been provided with is Hydro's
10 position on consultation. And we were reminded of
11 the Province of Manitoba's Justice representative,
12 Mr. Hannon, confirming that so long as every
13 reasonable effort is made to inform and consult,
14 such effort would suffice.

15 We'll start with the Bipole III
16 transmission project route adjustment supplemental
17 report. And we'd like to go through it and ask a
18 series of questions, and I don't know who to
19 direct them to. So I will direct them to the
20 panel of Mr. McGarry, Pat, maybe if you can hand
21 these off as you see fit.

22 Under the executive summary, you
23 indicate that the GHA 19A and we will focus all of
24 our questions on the 19A portion of your work.
25 I'm quoting on the second page. The FPR

1 intersects a relatively undisturbed area of moose
2 habitat south of provincial trunk highway 20 and
3 west of Pine Creek, and the AFPR shifts the route
4 to the east. I guess right off the top, Pine
5 Creek First Nation is terribly concerned about the
6 conflict with the very large fenced enclosure that
7 we believe straddles both of these routes. So I
8 guess to quickly cut to the chase, Pat, could you
9 give us an understanding of your understanding of
10 the location, size, potential conflict of that
11 fenced enclosure?

12 MR. MCGARRY: Good afternoon,
13 Mr. Mills. In terms of the bison ranch enclosure,
14 we are aware of it as you are from the
15 documentation provided to us by Manitoba
16 Conservation. The area is relatively large, as
17 you saw on the map that was circulated. The
18 lengths of our line, either the FPR or the AFPR
19 were indicated in the presentation as to distance.
20 Both of those routes pass through that bison area.
21 The degree of enclosure, we don't know. We just
22 know there's land holdings that appear to be for
23 the bison ranching. So for us to determine any
24 potential effect of that on say moose, it is not
25 possible at this time. We don't know the intent

1 of the development, how much is going to be
2 fenced, what will be included or excluded. It's
3 all very preliminary information, and we have not
4 been able to assess that to any degree as part of
5 our current review.

6 MR. MILLS: Thank you. On the next
7 page under GHA 19A and 14A, you make reference to
8 members of Pine Creek First Nation suggested that
9 the AFPR be adopted north of provincial trunk
10 highway 20, and then travel east to an unused road
11 allowance close to the community of Camperville to
12 avoid crossing this bison ranch, that I think we
13 are in agreement we don't know the extent of it.
14 As I read through the community consultations, I
15 find several references to not only Pine Creek,
16 and I'll get to them as we pass through, but at
17 least three other groups or organizations that
18 made reference to a concern of this conflict.

19 Pine Creek attended on two occasions
20 and provided Manitoba Hydro with an alternate to
21 the alternate preferred route, which our client,
22 Pine Creek First Nation, was comfortable would
23 address their concerns. And we find very little,
24 if any, mention of that in the supplementary
25 documents. Could you maybe flush out a bit to us

1 the extent to which you considered what Pine Creek
2 provided you with in terms of an alternate to the
3 alternate preferred route?

4 MR. JOYAL: Mr. Mills, on page 3-34 of
5 the supplemental report, bullet number five is a
6 reference to Pine Creek First Nation presenting a
7 route adjustment to Manitoba Hydro on two separate
8 occasions, the Cowan open house and in a meeting
9 with yourself and Manitoba Hydro representatives.
10 This, as you noted, travels north of PTH 20 and
11 moves further east towards the Community of
12 Camperville and Pine Creek. At the point of when
13 we received it, it did fall outside of the area
14 being studied for these adjustments. And as it
15 states in bullet A of that same page, the
16 adjustment falls outside of the area surrounding
17 the route under review. Currently Manitoba Hydro
18 has noted this modification and will review
19 pending the outcomes of the regulatory process, as
20 no decision has been made in that area.

21 MR. MILLS: Yes, I read that, pending
22 review and will consider in the future. Is there
23 a mechanism that would allow us to incorporate
24 that minor revision that Pine Creek would like to
25 see after this CEC process and recommendation is

1 over?

2 MR. MCGARRY: Not in our mind. But it
3 could come through licensing, I suppose. What we
4 have laid out here is what we were requested to do
5 in terms of looking at alternative routing. On
6 another point, we don't necessarily see classing
7 of this bison closure as a conflict as perhaps
8 some of your members do see it that way. We're
9 not on the same page. Putting a transmission line
10 through essentially a pastured environment is
11 compatible use for a transmission line and a
12 livestock operation. So to the degree that you
13 have introduced an alternative route, it is not
14 under consideration. It was noted, and those who
15 feel it's important to review that can make a
16 decision on that. But for now, we were just
17 assessing the AFPR and the FPR.

18 MR. MILLS: Thank you. Mr. McGarry, I
19 guess, when I go to introduction 1.2.1, background
20 to proposed route adjustments, you described to
21 Manitoba Conservation and Water Stewardship that
22 provided Hydro with a letter that Manitoba Hydro
23 in consultation with Wildlife and Ecosystem
24 Protection and Lands Branches provided detailed
25 options, including maps. You don't mention MAFRI

1 there. Did you receive any input or information
2 from MAFRI or did you request any input or
3 information from MAFRI in your research?

4 MR. MCGARRY: The involvement of MAFRI
5 wasn't directly done by us but through TAC
6 consultation of the report. We have had some
7 conversations I think during the EIS with that
8 particular government agency, but we didn't gather
9 specifically, other than what was provided to us
10 from MAFRI, in terms of a Crown land lease
11 information.

12 MR. MILLS: Thank you. Well then
13 let's go back to TAC. I trust you have the
14 information that was provided to us on that. We
15 note that Conservation distributed your proposal
16 to MAFRI. They were asked to comment. And we
17 can't find any MAFRI response or comment. Dennis
18 Schindler at MAFRI was asked by Elise to make
19 comment, and we can't find any comment from MAFRI
20 in the TAC. If you don't have any contact with
21 MAFRI, could we agree that MAFRI and agricultural
22 conflicts haven't been considered in this review?

23 MR. MCGARRY: Agricultural land use
24 has definitely been considered in this review of
25 the two routes. The report has a section on the

1 review of agriculture and measurements thereof in
2 terms of the AFPR in relation to the FPR in terms
3 of the amount of land it crosses for agricultural
4 production. So that has been included. We
5 received the same TAC comments as everyone else.
6 I don't have it in front of me but if there is
7 nothing from Mr. Schindler, then we wouldn't have
8 it either.

9 MR. MILLS: So if we're looking to
10 MAFRI for their information on this bison herd,
11 its size, location, right-of-way, fence lines,
12 orientation, we can't seem to find any
13 information. And I take it you don't have any
14 either, is that fair to say?

15 MR. MCGARRY: Well, the only
16 information we have is what was provided by
17 Ms. Dagdick, which was a summary of Crown land
18 holdings for two operations for bison ranching.

19 MR. MILLS: Yes. Okay. Thank you.
20 In your letter on the 23rd to Elise Dagdick, under
21 GHA 19, you indicate that the FPR is in a
22 relatively undisturbed area. Yet subsequently,
23 you and I exchanged some information that seem to
24 indicate that a very large portion of the FPR
25 passes through those lands that you just

1 described. Could you and I agree now that
2 relatively undisturbed area, based upon the
3 information that we now have, is not an accurate
4 description of the route through the FPR?

5 MR. MCGARRY: Not exactly in terms of
6 agreement. As you saw in our presentation, what
7 we did identify for -- which might remain as
8 somewhat undisturbed is an eight kilometre stretch
9 where we didn't observe fence lines or other
10 relatively easy access to the centre of GHA 19.
11 So that central portion of where the FPR passes
12 through game hunting area 19, in my mind remains
13 relatively undisturbed. But at the north end and
14 the south end there is clearly access.

15 MR. MILLS: Thank you. Moving along
16 on 1(a) 21 under the TAC review, we received
17 November 9th correspondence from a Ryan Coulter
18 with Provincial Highway Planning and Design
19 Branch. Pat, are you aware that Pine Creek First
20 Nation has raised concerns with Hydro with regard
21 to unlit intersections and the possible conflict
22 of construction traffic and school buses during
23 hours of winter construction? Have you heard any
24 of that discussion?

25 MR. MCGARRY: Yeah, I believe you put

1 on the record recently those concerns representing
2 your client, regarding construction traffic and
3 intersections.

4 MR. MILLS: I see. We raised those
5 similar concerns with the province through our
6 Conservation discussions and yet we find no
7 response or consideration of it anywhere. Are you
8 aware of, or did you receive any, was that matter
9 discussed in meetings that aren't documented? Or
10 are you aware of any consideration or any advice
11 put to you by Conservation that Highway Planning
12 and Hydro should consider this point?

13 MR. MCGARRY: I can't say that I'm
14 aware of any such discussion between us and
15 Manitoba Highways relating to intersection
16 control.

17 MR. MILLS: So it's fair to say that
18 that serious concern that we raised wasn't
19 discussed between Hydro and Conservation or
20 between Hydro and Transportation?

21 MR. MCGARRY: I can't say with
22 certainty, but I'm not aware. And in terms of the
23 effects, we still have to go through the
24 construction process that will engage the
25 community. Those concerns you and your community

1 have will be discussed at that time, if there
2 seems to be need to address some of those issues.

3 MR. MILLS: Trying to move along, 2.4
4 GHA 19A again, on the last page. The statement is
5 made, "The route was selected in consultation with
6 wildlife officials from Manitoba Conservation and
7 Water Stewardship." Was there any attempt at the
8 time that you were consulting with wildlife
9 officials to consult with Pine Creek First Nation
10 management or governance with regard to this
11 revised route prior to it being tabled on October
12 29th? In your memory, was there any discussion or
13 consultation with Pine Creek before this alternate
14 preferred route was tabled?

15 MR. MCGARRY: No, the process was that
16 we were requested by Manitoba Conservation and
17 Water Stewardship to meet and review with Wildlife
18 branch on alternative routing. And that was done
19 through the course of several meetings in
20 different regions to come up with that routing.
21 And that eventually is what was accepted in the
22 process.

23 MR. MILLS: Well, you referred to, the
24 route was selected in consultation with Wildlife
25 officials. And we understood that Pine Creek was

1 to be involved in the consultation, and we thought
2 that the definition of consultation was every
3 reasonable effort.

4 Would you agree with me that no
5 reasonable effort was made to consult with Pine
6 Creek First Nation prior to the alternate
7 preferred route being presented?

8 MR. MCGARRY: On that particular
9 selection of an adjusted route, no, there wasn't
10 consultation. But that is a different process in
11 the sense that the consultation followed the
12 selection. It's part of the assessment process.

13 MR. MILLS: So consultation with Pine
14 Creek was after the fact?

15 MR. MCGARRY: Not after the fact, it
16 was after in the sense of chronological time, but
17 in a process it was slightly different from say
18 selecting an alternative route, as we did in round
19 two and three, there was some initial
20 consultation, but the movement toward the
21 preferred route usually came later in the process.
22 In this case, we started with an alternative
23 preferred route. So the process was modified, but
24 it did allow for input and consultation with First
25 Nations.

1 MR. MILLS: Thank you. Moving along
2 to 3.3.4, stakeholder project meetings, you know,
3 the word stakeholder fascinates me, so I have
4 looked everywhere for a definition. And isn't the
5 Province of Manitoba a stakeholder in Bipole III?

6 MR. JOYAL: Well, yes, in the sense of
7 Conservation, we do meet with Conservation as
8 well, yes.

9 MR. MILLS: Okay. So you go to great
10 length to provide us with confirmation of all the
11 meetings you held with stakeholders. Yet I
12 continually hear people talk about, well, we met
13 with Conservation on such-and-such a date, or we
14 had a discussion with Conservation on
15 such-and-such a date. And I look through all of
16 your stakeholder reports that you provide, and I
17 don't find any record of any consultation with the
18 stakeholder, the Province of Manitoba. So clearly
19 in Hydro's opinion, either the Province of
20 Manitoba is not a stakeholder, or you choose to
21 withhold your consultation with that stakeholder.
22 Help me to understand this?

23 And the reason I ask clearly is we'd
24 like to know what you guys talk about. Because it
25 seems a lot comes out of those conversations, and

1 we don't get to them. Is the Province a
2 stakeholder? Are there minutes of your meetings
3 with that stakeholder, and would you undertake to
4 provide us with copies of the minutes of those
5 meetings?

6 MR. MCGARRY: The Province is a
7 stakeholder. I guess you need to distinguish, one
8 being a licensing body and one providing other
9 conservation information. When it's run through a
10 licensing body such as the environmental approval,
11 a lot of it is done by correspondence, which is
12 all on the record, as to what the input and output
13 of a process was. It's usually process related.

14 The conversations with Wildlife
15 branch, for instance, were with the presence of
16 environmental approvals branch. So in that
17 regard, I mean, it's transparent because there is
18 correspondence that is provided to the record for
19 everybody to see.

20 MR. MILLS: Well, Pat, I'm sorry, I
21 disagree with you on it's transparent. We have
22 some knowledge, it's been referenced verbally by
23 your staff and by an assistant Deputy Minister,
24 that there was a meeting on February 6th, I
25 believe. CEC may have been present. But there

1 were discussions, and there have been discussions,
2 we're told, that had been held with yourselves and
3 the province with regards to this bison ranch.
4 And we can't seem to gain access to those
5 discussions. So I ask again, and I won't belabour
6 the point, will you undertake to provide us with
7 the minutes of your meetings with Conservation
8 that are not included in the supplementary
9 information you have provided us with?

10 MR. MCGARRY: There were meetings,
11 again, through a process and through a TAC
12 process. I don't believe there were actually
13 meeting minutes recorded because it was a process
14 issue and some initial presentation of material.
15 In terms of bison ranch, the information you have
16 seen, other than we know it's there, we don't know
17 the size or scale of development, has not been
18 part of our assessment. So I'm not sure that
19 there's much to be gleaned there. And I don't
20 believe we do have minutes for that particular
21 meeting.

22 MR. MILLS: So you hold meetings with
23 the province to discuss all of this information
24 and minutes aren't taken?

25 MR. MCGARRY: Not officially. I

1 suppose we all have our notes, but not as such.
2 But, again, in that case it was preliminary
3 presentation of material we had regarding the
4 assessment. If the prime concern is bison
5 ranching, it was not a big part of the discussion,
6 other than to acknowledge its presence.

7 MR. MILLS: So I take it I'm not going
8 to get to see anything with regards to your
9 meetings with the province?

10 MR. MCGARRY: That would be correct.
11 We frankly don't have those minutes because they
12 weren't recorded as such, or become part of any
13 record. It was mainly for information, and to
14 discuss enhancement in that meeting was
15 actually -- a big part of that was enhanced
16 mitigation, which did result in that letter from
17 myself to Ms. Dagdick on that discussion.

18 MR. MILLS: Thank you. I'd like to
19 move into the appendix 3(c) meeting notes. There
20 is two Pine Creek First Nation meetings
21 referenced, one on December 5th, and the other on
22 December 18th, page 3(c)6 and 3(c)7.

23 Trevor, you would probably be best to
24 respond to this. And I apologize, Mr. Chairman,
25 I'm going to very briefly drift back over to a

1 previous matter. Bear with me for just a few
2 seconds.

3 Our records indicate that at the Clean
4 Environment Commission hearing in Dauphin, there
5 were at least 90 Pine Creek First Nation members
6 in attendance. And at the community meeting which
7 was held, there were at least 104 Pine Creek First
8 Nation members present. Do those numbers come
9 close to your sense of the size of those
10 representations?

11 MR. JOYAL: I don't remember 90, but
12 there was a substantial amount of Pine Creek
13 members at the CEC hearing in Dauphin.

14 MR. MILLS: Okay.

15 MR. JOYAL: For your secondary
16 meeting, what date was that?

17 MR. MILLS: I believe it was
18 October 15th, we met at Pine Creek First Nation
19 and discussed many of the matters we're talking
20 about here.

21 MR. JOYAL: I wasn't at that meeting
22 but would have to find out.

23 MR. MILLS: Okay. I can assure you
24 that the log was 104 Pine Creek First Nation
25 Members.

1 Just to put Pine Creek's concerns in
2 perspective with you, would it be fair to say that
3 for one group to have two presentations with you
4 approaching 100 members, that that would be far
5 and away the most significant in terms of size of
6 presentations you received?

7 MR. JOYAL: I guess it would all be
8 relative. In TCN during round four, we did have
9 437 attendees at one open house.

10 MR. MILLS: Did you really?

11 MR. JOYAL: Yeah.

12 MR. MILLS: I didn't know that. All
13 right. We thought we took the prize.

14 MR. JOYAL: It would be in the round
15 four summary of the previous session.

16 MR. MILLS: Okay. I didn't know that.
17 Thank you.

18 If we carry on to record of meeting
19 3(c)14, the meeting was with moose management
20 committee. I note that LP was present, Manitoba
21 Conservation was well represented, Manitoba
22 Trappers Association was well represented, Moose
23 for Tomorrow, MMF and MMF were well represented.

24 On 3(c)16, pardon me, at the top of
25 3(c)16 there was a question of whether the GHA 19A

1 adjustment would go through the bison ranch.
2 Manitoba Hydro indicated that the line would be
3 adjacent to the bison ranch and may go through a
4 corner of the ranch.

5 Is that information correct as we know
6 it today, Pat?

7 MR. McGARRY: No, I guess we did not
8 have the information at the time. There was some
9 speculation, I guess, inaccurate on the location
10 of the combined holdings for those bison ranch.
11 And so those comments predated current knowledge.

12 MR. MILLS: So that statement then is
13 incorrect?

14 MR. McGARRY: In the sense, yes,
15 because now from our recent estimates and recent
16 information, as we show in the presentation, our
17 line length for either route in that area is 15
18 and a half kilometres in the AFPR and 13.2 for the
19 FPR.

20 MR. MILLS: You give us to a decimal
21 point the length of the conflict. Do you know
22 exactly where the fence lies?

23 MR. McGARRY: Where the fence lies?

24 MR. MILLS: Yes.

25 MR. McGARRY: No, not exactly. The

1 mapping that we have done is on land holdings. We
2 don't know the extent of the fencing.

3 MR. MILLS: I see. And those are the
4 land holdings based on the two lists that Elise
5 gave you?

6 MR. MCGARRY: Based on those two lists
7 and the combined information we got from 2011
8 repro map.

9 MR. MILLS: Okay. So did you include
10 the numbered company or the -- we understand that
11 there are five corporations that hold, that that
12 range includes. Did you include all five or just
13 the two?

14 MR. MCGARRY: Mr. Dyck compiled it for
15 us and indicated just three.

16 MR. MILLS: Okay. We'll try and keep
17 moving.

18 At the Camperville community open
19 house, summary 3(c)28, the community, 12
20 attendees, and of the 12 there were multiple
21 references and concerns over the bison ranch.
22 That was noted on January 9th. That's what I'm
23 reading -- John Dyck was recorded by?

24 MR. JOYAL: Yes.

25 MR. MILLS: So we have Pine Creek

1 raising concerns over the bison ranch, we have the
2 moose group raising concerns over the bison ranch,
3 we have Camperville raising concerns over the
4 bison ranch, we're sharing with you alternative
5 route to avoid the bison ranch. And we come here
6 today not, in fairness, Pat, not even knowing --
7 we come here today with Manitoba Hydro not even
8 knowing really where the fences of the bison ranch
9 sits. Is that fair comment?

10 MR. MCGARRY: In terms of the fencing,
11 yes. But, again, getting back to the idea of
12 conflict, we're trying to build a transmission
13 line. And in terms of compatibility of use
14 between a transmission line and the bison ranch,
15 big, small or in between, is not that big a factor
16 in terms of the overall impact assessment, because
17 we don't see that conflict, and that putting
18 transmission lines through pasture land or other
19 unused land such as in that area doesn't present
20 an impediment to routing.

21 MR. MILLS: We agree. However, I
22 think it does affect concerns about moose
23 management, and I think we'll get to that.

24 Moving on, 3(f)2, Manitoba Hydro makes
25 the statement that a representative of Pine Creek

1 First Nation attended the Cowan open house and
2 presented a routing option for consideration to
3 avoid the bison ranch. No specific rationale was
4 provided for avoidance of the bison ranch.

5 I was present for that discussion and
6 I was present for the concerns expressed about the
7 bison ranch at your offices. Is that a fair
8 statement that Pine Creek has provided Manitoba
9 Hydro with no specific rationale for avoidance of
10 the bison ranch?

11 MR. JOYAL: From the discussions with
12 the individual in Cowan, who did come, who did
13 state -- prior to your arrival, he did note that
14 we should just be avoiding the bison ranch. No
15 further detail as to why was provided to me during
16 that discussion.

17 MR. MILLS: Thank you. We'd like to
18 move in to 4.8 and a discussion of the aquatic
19 environment. We retrieved from the original EIS
20 sites 233 to 246 inclusive. We heard in your
21 presentation references to the numbers of
22 waterways that are crossed in the final preferred
23 route and in the alternate final preferred route.

24 And we seem to agree with you that
25 you're talking about site 233 being the North Duck

1 passing through the Slater, the Pine, the North
2 Pine you refer to it, and it is the South Pine,
3 some other unnamed waterways. We observed that on
4 several of these waterways, I'll take the North
5 Duck which is site 233 of your original EIS, fish
6 habitat present, yes; DFO Manitoba watershed
7 classification, A; fish habitat classification
8 important; sensitivity rating high.

9 So you now ask us to consider an
10 alternate final preferred route that moves a
11 significant distance down the Slater, but I guess
12 you are telling us that -- pardon me, that's the
13 North Duck, I apologize, site 233. The alternate
14 final preferred route moves a significant distance
15 down all of those watersheds. And it's clear to
16 me that because of frozen waterways, you are not
17 able to repeat those classification and
18 sensitivity studies. But considering the
19 importance and sensitivity of those waterways, do
20 you think it would be in order for you to go back
21 to those in the spring and have a good look at the
22 proposed new crossings, if the alternate final
23 preferred route or some other route is where you
24 choose to cross those waterways?

25 In other words, is Hydro confident

1 that we can rely upon those crossing reviews that
2 are now not location appropriate? We're talking
3 about the same waterways but we're talking about
4 different crossing locations.

5 MR. MCGARRY: Yeah. Well, they are
6 location specific. The assessment, though, we had
7 our aquatic consultant prepare stream booklets
8 which rated the crossings based on known
9 measurements, either acquired from other studies
10 or from remote sensing and observation. And also
11 to make the assessments on suitability, or
12 sensitivity and importance of fish habitat.

13 Those are reasonable assessment tools,
14 in my mind. They will give us a pretty good idea
15 of what's there. And considering the type of
16 development which is the transmission line
17 crossing, and the fact that DFO has agreed by
18 creating operational statements that allow a
19 developer proponent to work in these environments
20 with very little impact on fish habitat, which we
21 are confident we can do. And I would say DFO
22 agrees with that process. As such, I personally
23 don't see the need to go back and survey them,
24 except in terms of, if there are slope
25 sensitivities or other erosional concerns that

1 would be picked up in a pre-construction survey,
2 we might have to modify our approach to that
3 development.

4 Also it depends on the construction
5 schedule. Right now it's planned for winter. And
6 if it were to change, then the operational
7 approach in mitigation would have to change as
8 well.

9 MR. MILLS: We were not in
10 disagreement with you on this matter. I guess in
11 closing, and I see Mr. Penner's here, we had asked
12 this with the other route, but we understand that
13 the Bipole towers tend to be 400 metres on centre?

14 MR. MCGARRY: The average span
15 distance is 480 metres, approximately.

16 MR. MILLS: And in your documentation
17 you refer to tower spotting being a mechanism that
18 you can employ to ensure that sensitive areas are
19 avoided. In other words, not simply running down
20 the Bipole right-of-way 480 metres apart, but
21 placing towers, and perhaps shortening or possibly
22 even adding additional towers in order to avoid
23 sensitive sites.

24 Would it be possible for Manitoba
25 Hydro to centre line span these waterways that are

1 of concern to Pine Creek? In other words, rather
2 than doing what perhaps might be expedient, but
3 rebalancing the Bipole layout so that the 480
4 metre span pushes the towers 240 metres from the
5 centre line of waterways? Is that something that
6 you could consider for us?

7 MR. MCGARRY: I mean, theoretically it
8 can be considered, but it depends on the site
9 circumstance whether, you know, a 230 metre buffer
10 is really needed.

11 The current prescription is generally
12 30 metres of riparian buffer for the stream
13 crossings.

14 All the towers will be above high
15 water mark, and they are positioned by the
16 construction department to make sure that those
17 towers are not in locations where they would
18 interfere with the riparian process above the high
19 water mark and so on. I mean, we can pose that
20 question, but again we would base it on case by
21 case and need, environmental need.

22 MR. MILLS: I guess just before we
23 leave the supplementary, we have included the TAC
24 comments with it, and then we'll go into the
25 information you have just provided us with.

1 On February 20th, or shortly
2 thereafter, we received the TAC comments that I
3 suspect you did at the same time. In reviewing
4 them, and we haven't been able to get a handle on
5 the full consideration of TAC. The only
6 information we have is that on February 1st, when
7 the TAC requests went out, they were forwarded to
8 24 individuals. And as we review the TAC
9 response, it seems to have come back from eight
10 individuals.

11 Of those eight individuals, I have
12 highlighted some of their observations, and I'd
13 just like to poll you on these and if you can give
14 us some comfort as to how you are addressing them.

15 Adara Kaita, Crown lands programs and
16 policy manager, indicates that they have -- or she
17 indicates with regard to GHA 19A, that
18 authorization approval from the director of
19 forestry branch is required and that the lands
20 have been coded for hay and grazing, which do not
21 support development, and additional comment from
22 the regional lands manager will be required.

23 Have you received authorization or
24 approval from the Director of Forestry Branch at
25 this time, or can you give me some sense of when

1 you would expect to receive that?

2 MR. DYCK: We would expect that that
3 would be received as a matter of course of
4 licensing of the project, that wouldn't be
5 received before that, or as a separate process.

6 MR. MILLS: Okay. She indicated that
7 additional comments from the regional lands
8 manager will be required. Have you received any
9 additional comment from the regional lands
10 manager?

11 MR. MCGARRY: No, we haven't.

12 MR. MILLS: You haven't. As a result
13 of TAC, have you requested those, or have you
14 requested the authorization or approval from the
15 Director of Forestry as yet?

16 MR. MCGARRY: No. Again, it's
17 contingent on licensing and the selection of the
18 final preferred route in that area.

19 MR. MILLS: Okay. She also indicated
20 that the regional forester, Bruce Holmes, is to be
21 contacted. Has he been contacted?

22 MR. DYCK: As part of the concerns
23 that he raised in regards to the adjusted
24 preferred routes, both in game hunting area 14, as
25 well as 19A and 14A, I was in contact with him to

1 just clarify some of his concerns and to address
2 them, yes.

3 MR. MILLS: Okay. We have never seen
4 his concerns, and you just indicated that he has
5 concerns and that you have clarified them. Could
6 we get some information from Hydro in that regard?

7 As I had said earlier, there seem to
8 be these conversations with Conservation that we
9 don't get access to. We'd love to know what his
10 concerns are and we'd love to know what your
11 mitigation or response to those concerns is.
12 Could we have those?

13 MR. MCGARRY: Well, we'd have to look
14 into it. There is some e-mail from John Thorpe on
15 that as a result of a TAC comment, I believe.
16 So -- and I can't say for sure right now exactly
17 what we have our ability to provide.

18 MR. MILLS: Mr. Dyck just indicated he
19 shared information with Bruce Holmes, and that he
20 had offered him some assurances. Could we have
21 those assurances?

22 MR. DYCK: Did you say Bruce Holmes or
23 John Thorpe?

24 MR. MILLS: I said Bruce Holmes, the
25 regional forester. And you just responded by

1 describing a conversation you had had, and you
2 provided some of additional assurances.

3 MR. DYCK: Yes, sir. My understanding
4 was you were talking to me in regards to the area
5 19A/14A, and the regional forester for that area
6 is John Thorpe out of the Swan River office.
7 Bruce Holmes is the regional forester in the
8 Northeastern region out of Thompson. He would not
9 be involved in the game hunting area of 19A or
10 14A.

11 MR. MILLS: Well, with respect to
12 Provincial Conservation, it indicates that you
13 were to contact Bruce Holmes. I'm trying to move
14 along.

15 Mr. Duncan's memorandum of
16 February 15th, which I believe you have a copy of,
17 indicates that after considering all available
18 Wildlife information, Wildlife branch notes that
19 moose management concerns would be reduced by
20 adopting the AFPR versus the FPR in GHA 14. And
21 he goes on to indicate that either the FPR or AFPR
22 will create human access and wolf predation
23 challenges in 19A.

24 We can't really question what he meant
25 as he's not here and not available to us. So I'll

1 pass on that.

2 He does indicate on several occasions
3 that he has considered all available Wildlife
4 information, and as you know, we dispute that.

5 As part of the 8 of 24 TAC comments
6 that they at least provided us with, James
7 Stibbert on February 14th, it's part of the TAC
8 review, he indicates that -- my highlights are:

9 As the information provided contained
10 no information on drinking water
11 sources or systems, ODW cannot comment
12 on whether the proposed route changes
13 would have any adverse effect on
14 public or semi public water systems."

15 Would you agree with Mr. Stibbert that
16 you provided no information on drinking water
17 sources or systems?

18 MR. MCGARRY: Not for this assessment.
19 But, I mean, it was one of our VECs to get water
20 and water quality, groundwater. The degree we
21 needed for this development was pretty minimal.
22 For mobile construction camps, if we need water,
23 we'll most likely haul it. And the Office of
24 Drinking Water has a higher public need in
25 protecting water for users. The type of

1 development we are talking about here in
2 transmission line, we don't expect to have any
3 effect on drinking water, at least from a
4 groundwater source. That's what we reviewed in
5 our VEC.

6 MR. MILLS: Of the 8 TAC responses
7 that Ms. Dagdick was able to receive, Kevin
8 Jacobs, at the behest of Sharon Gurney, responded
9 with regards to water quality management. He
10 indicated that he's reviewed the documents on
11 behalf of Water Quality Management and has no
12 substantive comment at this time.

13 So I guess water quality wasn't
14 presented to you as a concern by TAC and,
15 therefore, you don't have any additional comments
16 or information with regard to concerns expressed
17 on water quality?

18 MR. McGARRY: No, other than what we
19 said in the AFPR report in regards to groundwater
20 quality.

21 MR. MILLS: Thank you. Gordon Hill,
22 impact assessment archeologist, indicated that the
23 developer, i.e. Manitoba Hydro, must contract a
24 qualified architectural consultant to conduct a
25 heritage resources impact assessment. Have you

1 contacted a qualified architectural consultant?

2 MR. MCGARRY: We're probably going to
3 use an archeological consultant but --

4 MR. MILLS: I am sorry, did I say
5 architectural? My past creeping in. So thanks,
6 Pat.

7 MR. MCGARRY: We haven't as such, but
8 we have noted that TAC comment from Mr. Hill and
9 we'll endeavour to fulfil that need.

10 MR. MILLS: Okay. As we're crossing
11 that point, and it's a bit of a stray, but we
12 suspect that there's information that was
13 accumulated as part of this process, that's held
14 by Triple M, or MMM, or a company of some such
15 name. And we have heard rumours that that
16 information may not be available as a result of
17 disagreements with Hydro.

18 Is there information outstanding that
19 has been assembled or collected that that
20 organization has not provided to you?

21 MR. MCGARRY: No. Anything we, in our
22 relationship with MMM, anything we contracted with
23 them was provided. We have the information we
24 requested and, in my mind, there's nothing
25 outstanding from them.

1 MR. MILLS: Okay. Trying to move
2 along. If you go to the executive summary, your
3 page 4 of 438 is all I can help you with, lower
4 left corner. At the bottom of that page, you make
5 mention that members of the Pine Creek First
6 Nation suggested that the AFPR be adopted north of
7 Provincial Trunk Highway 20, and then travel east
8 to an unused road allowance closer to the
9 community.

10 Pat, I have heard so much discussion
11 of attempting to avoid adding linear components in
12 order to assist the moose population. My client
13 encourages you to consider a revision to
14 incorporate an unused road allowance, and it
15 doesn't seem to be able to gain any traction with
16 you. We're conflicted. The community is trying
17 to provide you with a solution to the cultural
18 issues that we're going to talk about later. They
19 are looking for ways of reducing cuts through the
20 landscape. They are looking for ways to reduce
21 the effects on the moose habitat. And they are
22 drawing to your attention something that would --
23 that they like that would help to resolve some of
24 the cultural issues that we're going to get to.
25 And we can't even seem to get it considered.

1 Can you help me out why that is? It
2 comes up at this point in your summary, so I'd
3 like to address it.

4 MR. MCGARRY: In regards to road
5 allowance, I believe that was the subject of an IR
6 last year sometime. I can't say specifically in
7 this case, but the road allowances offer, unused
8 road allowances offer limited opportunity.
9 However, I respect your point about looking for
10 solutions. We're open to that in a sense. But in
11 this process, what's before us are essentially two
12 alternatives, the FPR and the AFPR. Suggestions
13 on routing can't really be accommodated per se
14 until we land on which route we're going to use in
15 this area. And there are reasonably two good
16 choices there. I think the problem for Pine Creek
17 and the expression of their concerns is that
18 perceived conflict between the bison ranch and the
19 two routes that now go through it. But both of
20 those routes offer different opportunities for
21 routing that may alleviate some or all concerns,
22 and they are on the table as such.

23 Additional movement of the line
24 routing for review and assessment, as you know, is
25 a three to three and a half month process. We

1 have gone through the assessment of the FPR. We
2 have landed on that. We were asked by the
3 province to look at additional routing, which we
4 have done. So I think this process has to
5 conclude on that basis. But respecting that, yes,
6 people may have opinions on where they think the
7 route should go.

8 MR. MILLS: I'll touch back into your
9 supplementary once more. Under 1.0 introduction,
10 1.2.1, your document makes the statement that
11 Manitoba Conservation and Water Stewardship
12 requested that Manitoba Hydro, in consultation
13 with Wildlife and Ecosystem Protection and Lands
14 branches provide detailed options and a
15 recommendation for the most suitable option to
16 relocate the proposed HVDC line.

17 And I take it that as a result of that
18 request, the alternate preferred route was closed
19 in on and presented for consideration. It seems
20 to me that they asked you to provide detailed
21 options on, and a recommendation for the most
22 suitable option. Were other options provided as
23 requested, before the alternate final preferred
24 route through 19A was settled on?

25 MR. MCGARRY: There were other routes

1 that were suggested by Wildlife branch. There was
2 three in the Moose Meadows area. I can't say for
3 sure what was put on the table to look at in game
4 hunting area 19 before we landed on the AFPR, but
5 it was held through several meetings to review
6 those alternatives and land on a route that seems
7 to satisfy the primary concern at that time, which
8 was moose.

9 MR. MILLS: Okay. As you may sense,
10 our client isn't wild about either of the two
11 routes, and they believe there is a hybrid
12 available which would work for them. Could you
13 provide us with the other options that you
14 considered in 19A before you settled on the
15 alternate final preferred route presentation?

16 MR. MCGARRY: Once I know what they
17 are, because my memory is foggy on this because it
18 occurred in September, October last year. I
19 suppose we have some record of it somewhere of
20 what was on the table at that time.

21 THE CHAIRMAN: Okay. Mr. Mills, isn't
22 that something that you could make in your
23 presentation when you do that on Thursday?

24 MR. MILLS: Yes. I'll move on.

25 THE CHAIRMAN: Or Wednesday, whatever

1 day it is.

2 MR. MILLS: So I guess in closing, the
3 only open question is, I would ask you if you
4 could undertake to provide us with any
5 correspondence you have had with Conservation or
6 the Province that hasn't been provided in the
7 supplementary, so that we could review it. And I
8 didn't hear an answer?

9 MR. MCGARRY: In terms of
10 correspondence, we'll check. We think the record
11 is reasonably complete, but we can do a check for
12 you to see if any correspondence we have had
13 directly with Environmental Approvals Branch has
14 not been included. But as far as I recall, what's
15 on the record is pretty much all the
16 correspondence we have had, but we'll check.

17 MR. MILLS: Thank you. Mr. Chairman,
18 that completes our review of the supplemental
19 assessment, and now we'd like to go through the
20 information that was provided this morning.

21 THE CHAIRMAN: How long do you think
22 you might be?

23 MR. MILLS: Same time. How far in are
24 we? I don't have a watch.

25 THE CHAIRMAN: Well, you have done an

1 hour now.

2 MR. MILLS: Forty-five minutes.

3 THE CHAIRMAN: Okay. Let's go for
4 about 15 or 20 minutes, and then we'll take a
5 break and carry on.

6 MR. MILLS: There are four distinct
7 presentations, and we'll break those off as you
8 see fit.

9 And I guess, and again I'm not sure
10 who is best, so Mr. McGarry, Pat, I'll ask you.

11 The Bipole III transmission project
12 supplemental environmental assessments on route
13 adjustments which you provided to us for the first
14 time this morning, we'd like to go through to page
15 9, where you made the statement -- Mr. Dyck made a
16 reference to some agricultural land and you make
17 the statement in, I don't have a slide number on
18 this, but it's the bottom slide on your page 9,
19 assessment results biophysical, that AFPR avoids
20 agricultural lands.

21 Our understanding is that any form of
22 livestock enclosure, feed lot, grazing, is managed
23 under MAFRI, and that it is viewed as agricultural
24 lands. Has Hydro slipped up in not considering
25 MAFRI's land issues with regards to livestock when

1 you make the statement that AFPR avoids
2 agricultural lands? It seems to us that it passes
3 right through agricultural lands, that being the
4 bison enclosure. If that's just misspeak --

5 MR. MCGARRY: Yeah, the AFPR, the
6 criteria applied generally to routing, although
7 not necessarily in this case, but as a consequence
8 of the route chosen, cultivated croplands in
9 particular are generally avoided, or more so for
10 the AFPR than the FPR.

11 MR. MILLS: We'd agree with you. But
12 would you agree with me that you do not avoid
13 livestock agricultural lands?

14 MR. DYCK: If I can just add to that?
15 That statement was -- it's unclear in the slide
16 that it was specific to the Wabowden AFPR area,
17 and there is no agricultural lands in that area.

18 MR. MILLS: I see. It's immediately
19 below the GHA 19A slides, so I thought it might
20 have had some relation.

21 MR. DYCK: It's under terrain and
22 swallows.

23 MR. MILLS: Okay.

24 MR. DYCK: And that was the
25 biophysical effects assessment on that discipline.

1 MR. MILLS: You make reference as you
2 go on in that presentation to your LSA
3 measurements with regard to GHA 1A, and you refer
4 to them a couple of times. The numbers you use,
5 do they exclude the 70 square miles of bison
6 lands, or do they include all of the lands in the
7 area?

8 MR. DYCK: Are you talking about the
9 local study area calculations on habitat?

10 MR. MILLS: Yes.

11 MR. DYCK: They would be included in
12 all of those calculations. Those values are based
13 on land cover. They have nothing to do with
14 property ownership or the way it's managed.

15 MR. MILLS: Okay. So if there's a
16 fenced enclosure within those LSA's, you have
17 included that land in your calculations?

18 MR. DYCK: Yes, that's correct.

19 MR. MILLS: If I go through page 20 in
20 your presentation, socioeconomic, you say that GHA
21 19A virtually avoids annual croplands. Could we
22 agree that you're not referring to traditional
23 crops when you make that statement?

24 Pine Creek First Nation harvests 22
25 different traditional products from those lands.

1 And you make the statement that you avoid annual
2 croplands. When you make that statement, have you
3 considered any Aboriginal croplands or any
4 Aboriginal harvesting areas?

5 MR. MCGARRY: Not as such. We're
6 talking about commercial agriculture in the sense
7 of annual cultivated land for crop production.

8 MR. MILLS: Okay. So when you are
9 doing a socioeconomic assessment of the effect of
10 GHA 19A, and when you lead us to believe that
11 there's no effect on annual croplands, you are not
12 considering Aboriginal crops, are you?

13 MR. MCGARRY: No, but that is
14 considered under culture, as Ms. Petch reviewed
15 this morning.

16 MR. MILLS: Okay. Have you been to
17 the Forks and enjoyed the booth that sells Pine
18 Creek First Nations traditional crops?

19 MR. MCGARRY: No, I haven't.

20 MR. MILLS: We'll have lunch there one
21 day, Pat.

22 MR. MCGARRY: I'll put it on my
23 agenda.

24 MR. MILLS: Great. To pass through to
25 page 25 of this report, at that time there was

1 talk about concerns, conservation concerns for
2 some forms of vegetation and the effects.

3 Did your process request or obtain any
4 information beyond the ATK that has been referred
5 to with regards to Pine Creek First Nation's
6 traditional crops?

7 MR. MCGARRY: What we had for ATK or
8 traditional land use study, there was not new
9 information sought for this assessment, but all
10 that information was reviewed. And also through
11 the consultation process that is documented here,
12 we have had, as you know, discussions with the
13 Pine Creek First Nation. And to the degree that
14 came up in those discussions, it would have been
15 recorded.

16 MR. MILLS: The First Nation has
17 indicated to both Provincial Conservation and
18 Hydro that there are 22 traditional crops that
19 they attempt to harvest through both of these
20 routes. I'm just asking you when you did your
21 "vegetation review" Did you consider those 22
22 types of vegetation?

23 MR. MCGARRY: I don't have the whole
24 list here, but certainly plant species or other --
25 or woody species for that matter that were of

1 interest, or have been listed to a certain degree
2 in the presentation, the complete list would have
3 to come from our botanical consultant. But, yes,
4 certainly common species of berries were
5 considered. The amount of area was identified
6 along the AFPR and the FPR as part of the
7 botanical review.

8 MR. MILLS: You indicated on page 26,
9 bottom slide, that you had concern for two
10 species, the lyre-leaved rock cress and timber oat
11 grass, and we were wondering if you had concern
12 for the conservation of any of the traditional
13 species that are through both of those routes?

14 MR. MCGARRY: Yes, we do. And
15 actually the slide above on page 26, on domestic
16 resource use, list some of the species that we
17 understand are important to Pine Creek First
18 Nation and others, including, well, areas for
19 berry picking, medicinal plant gathering, seneca
20 root, et cetera, that are considered as part of
21 the review and recognized as important to Pine
22 Creek in this case.

23 MR. MILLS: Well, just let me be
24 specific, Pat, and then I'll try and move on.
25 Seneca root, is it Hydro's sense that it's --

1 which of the two routes would better serve Pine
2 Creek's First Nations Seneca root harvesting?

3 MR. MCGARRY: I couldn't say right
4 off. I know it was reviewed, I know Ms. Petch
5 mentioned it in her presentation of the high value
6 along the AFPR in particular for the traditional
7 plant harvesting. And that was recorded and
8 noted, along with heritage interest, which
9 ultimately that information lead to a conclusion
10 on culture which includes traditional use of being
11 potentially significant effect.

12 MR. MILLS: Thank you for that. I
13 would like to move on to, Trevor, your
14 presentation. Thanks, Pat.

15 Trevor, under the direct mailings, you
16 indicate all of the manners in which you covered
17 the map. Manitoba Hydro is, I'm sure is well
18 aware of who the consultants are who represent
19 some of the various stakeholders. Did you attempt
20 to provide that information directly to myself?

21 MR. JOYAL: Sorry, I am just trying to
22 find out. You're saying whether or not we sent
23 the letter directly to you? No, we did not send
24 it to you. We did send it to Chief and Council.

25 MR. MILLS: Thank you. Again, and I

1 think we skated all around this, but page 6,
2 stakeholder, stakeholder meetings, we believe that
3 the Province of Manitoba are significant
4 stakeholders in this. And we observe again that
5 you don't seem to share with us any of the
6 communication, meetings, discussions, sharing of
7 information that you had with that stakeholder.
8 But you, with zeal, share with us details of
9 meetings you held with most all of the other
10 described stakeholders. Was it a conscious
11 decision not to provide your stakeholder
12 consultation with the Province in this process?
13 Again, am I missing something, Trevor?

14 THE CHAIRMAN: Mr. Mills, I think you
15 made your point in respect of the Province as a
16 stakeholder. I'm not quite sure where you're
17 going with this.

18 MR. MILLS: It was for emphasis,
19 Mr. Chairman. Thank you. I'll move on.

20 I think that's all for Trevor's
21 presentation. The culture and moose are going to
22 be quite some time, Mr. Chairman. You wanted to
23 take a break?

24 THE CHAIRMAN: Okay. We'll take a
25 break now and come back in 15 minutes.

1 (Hearing recessed at 3:00 p.m. and
2 reconvened at 3:15 p.m.)

3 THE CHAIRMAN: Okay. Can we resume,
4 please. Mr. Mills still has the floor, continuing
5 cross-examination. Go ahead, sir.

6 MR. MILLS: Thank you, Mr. Chairman.

7 Mr. McGarry, I missed one point and
8 I'd just like to step back briefly. The alternate
9 final preferred route pushes Bipole into the
10 forest reserve to the north. TAC had no comment
11 on that and it strikes us as odd that there would
12 be no concern about putting Bipole into the
13 Swan-Pelican forest reserve. Was there any
14 comment or was there any discussion with
15 Conservation or Forestry with regards to the
16 rationale for doing that?

17 MR. DYCK: Mr. Mills, that was the
18 correspondence I mentioned to you before that I
19 did have and had received from Mr. John Thorpe,
20 the regional forester in the Swan River region.
21 And he explained his concern about routing through
22 the provincial forest both in the Moose Meadows
23 area as well as the Swan Pelican provincial
24 forest.

25 MR. MILLS: Is that correspondence in

1 the supplemental document package?

2 MR. DYCK: That I'm not 100 percent
3 sure of.

4 MR. MILLS: I haven't been able to
5 find it.

6 MR. DYCK: I'll have to check that.

7 MR. MILLS: Would you undertake to
8 provide me with that correspondence?

9 MR. DYCK: I'll check on that, yes.

10 MR. MILLS: Would you undertake to
11 provide me with that correspondence if you have
12 it?

13 MR. DYCK: I'll pass it on to Manitoba
14 Hydro.

15 MR. MCGARRY: Depending on the nature
16 of that correspondence, if it's just the e-mails
17 or any formal notes, probably not. If it
18 represents some official correspondence, we'll
19 review that. But the nature of routing through
20 provincial forests reserve is more one of a forest
21 value and compensation costs for doing so. There
22 are some opinions expressed I believe by Forestry
23 Branch. To what degree they are official, they
24 didn't come through TAC directly or not. In any
25 event, it's not an incompatible use necessarily.

1 I believe that the type of development we're
2 talking about is permissible within a provincial
3 forest.

4 MR. MILLS: So Mr. Dyck answers a
5 question advising me that there's correspondence
6 which provides that assurance. But, Pat, you
7 advise me that you're not going to let me read
8 that correspondence. Do I understand this?

9 MR. MCGARRY: Well, it depends what it
10 is. We're both speculating now on what that
11 discourse was all about and what it involved. If
12 it was simply an e-mail or a discussion, we may
13 not. But I mean the subject matter, I have
14 explained to you the nature of it and our
15 perspective on the routing in a provincial forest
16 reserve, I'm not sure the record requires anything
17 further along that line unless it was official
18 correspondence, and I don't believe we have
19 official correspondence. But again we'll check.

20 MR. MILLS: Mr. Dyck, who was the
21 correspondence with?

22 THE CHAIRMAN: I think he stated that
23 a number of times and it's on the record.

24 MR. MILLS: Okay, great. I'll get it
25 there, thank you.

1 Virginia, good afternoon.

2 MS. PETCH: Good afternoon.

3 MR. MILLS: Thank you for your
4 presentation. We enjoyed and appreciated it
5 although we have some comments which we'd ask you
6 to help us with.

7 Your concerns about the archeological
8 sites within the GHA 19A area, as I go to page 7
9 of your presentation, we observe now and we have
10 observed in the past that the majority of the
11 archeological sites are adjacent to roadways. And
12 we suspect that there are archeological sites all
13 over the region but that the density that you show
14 is not related to where artifacts exist but is
15 related to the accessibility to roadways that
16 allowed those artifacts to be discovered.

17 MS. PETCH: The sites that you see on
18 that map are sites that had been registered with
19 the Province of Manitoba over time. Most of these
20 sites were found in the 1960s as part of the
21 glacial Lake Agassiz survey which was the
22 University of Manitoba, University of Winnipeg and
23 with some help from the province on conducting
24 this particular survey. So the sites are those
25 sites only that are registered with the province.

1 It does not include all the other sites that or
2 other artifacts that had been found by private
3 collectors in their fields and other places. It
4 is only those sites that had been registered with
5 the province and had a designated number that
6 identifies them in the provincial registry.

7 MR. MILLS: Thank you. Virginia, when
8 you undertook the Bipole III ATK workshop in Pine
9 Creek First Nation, did that process advise the
10 band members you interviewed of the preferred
11 route of Bipole III?

12 MS. PETCH: At the time that we did
13 the ATK studies --

14 MR. MILLS: Yes.

15 MS. PETCH: -- we did not use a
16 preferred route line, we looked at the areas that
17 people discussed as a whole as areas that they
18 went into and had knowledge of.

19 MR. MILLS: So you did not indicate to
20 those people you interviewed, and if I go to page
21 9, the bottom slide, you show a matrix of areas
22 which were identified as being of ATK concern.
23 When you obtained that information, the people
24 providing it were not aware of the Bipole III
25 route when they provided you with that?

1 MS. PETCH: We had had an initial
2 opening meeting in which Mr. Johnson had provided
3 some very high level maps as to where the route
4 could be. But the NTS, the national topographic
5 maps that we used did not have the lines marked
6 on. They were independent of any artificial
7 barriers. This was strictly what the people knew
8 about the land that they used.

9 MR. MILLS: So you are assuring me
10 that that map of the areas of concern was
11 generated without the participants knowing the
12 Bipole III route that was being proposed?

13 MS. PETCH: They may have known
14 approximately where it would have been based on
15 Mr. Johnson's presentation. But during the
16 interviews that we conducted, it was not part of
17 our process. The information that was shared with
18 us from the different communities was unbiased as
19 to any barriers that may be imposed on the land.

20 MR. MILLS: So you're comfortable that
21 that ATK review that you are relying upon is
22 appropriate for considering both the two routes
23 that are under consideration?

24 MS. PETCH: As far as the amount of
25 data and knowledge that we gathered from the

1 communities, it reflected only a few hours of
2 interview with the community. It did not reflect
3 the totality. And so this area is representative
4 of what we know about particular land use by the
5 three communities involved.

6 MR. MILLS: You just said that it
7 reflected the few hours of consultation with the
8 community. Are you aware that the current Chief
9 and Council of Pine Creek First Nation has refuted
10 the ATK that you are relying upon and has
11 requested additional work in that regard?

12 MS. PETCH: I was not aware that they
13 had refuted it. I knew that there was some
14 discussion about it.

15 MR. MILLS: Have you considered or
16 have you been asked by Hydro to consider doing
17 additional work on the Pine Creek First Nation ATK
18 in light of the concerns that the community has
19 and the additional complexity of two routes under
20 consideration?

21 MS. PETCH: Not at this time.

22 MR. MILLS: On page 13, Virginia,
23 Signs of the Past, you indicated that one burial
24 ground has recently been identified 330 metres
25 from the alternate final preferred route. We, as

1 well, recently became aware of a substantial
2 burial ground. Are you referring to a site where
3 the, it's old age, but where the route turns
4 north? I believe it's Birch River? Is that the
5 corner where the route divides? Where the
6 alternate final preferred route turns due north.

7 MS. PETCH: No, it is almost due north
8 of Briggs Spur.

9 MR. MILLS: Really? We recently
10 became aware of six mounds immediately north of
11 where the two routes diverge at the southern end
12 of the divergence. We'll share that with you just
13 as soon as we will be able to confirm it.

14 MS. PETCH: Is that in the Briggs Spur
15 area that you're talking about?

16 MR. MILLS: No, it's at the south end
17 of the route, where the green path turns north.
18 Immediately adjacent to that, we have just become
19 aware of six burial mounds.

20 MS. PETCH: I believe in the ATK that
21 was gathered back in 2009/2010, that members of
22 the different communities mentioned that there
23 were burials in these areas and these were noted
24 on the map as general areas. We did not have any
25 site specific information as to where they were

1 located as a point on the map.

2 MR. MILLS: We acknowledge and
3 appreciate your professional integrity in the
4 statement you make on page 17 that the alternate
5 final preferred route will result in an assessment
6 of a potentially significant adverse effect of the
7 project on the adjacent community. You didn't use
8 the words "adjacent community," but I was
9 wondering if you could elaborate on your statement
10 "Will result in an assessment of a potentially
11 significant adverse effect of the project on,"
12 could we agree on Pine Creek First Nation?

13 MS. PETCH: It would be on all the
14 communities involved in that area.

15 MR. MILLS: Finally at the bottom of
16 page 17, you indicate that it's potentially
17 reversible. We have heard that Bipole III has a
18 life span of 100 years. So are we both talking
19 about this potentially being reversible in a
20 hundred and some odd years?

21 MS. PETCH: Potentially but not
22 probable.

23 MR. MILLS: You don't say that. So do
24 we agree that in fact Bipole III probably has an
25 enduring effect on the related communities?

1 MS. PETCH: For this particular AFPR.

2 MR. MILLS: Virginia, thank you, those
3 are all of our points.

4 The last presentation we heard and
5 what we'd like to talk about is the adjusted route
6 assessment for boreal woodland caribou and moose.
7 And I apologize to the two gentlemen, I had
8 forgotten your names.

9 MR. RETTIE: Jim Rettie, R-E-T-T-I-E.

10 MR. SCHINDLER: Doug Schindler,
11 S-C-H-I-N-D-L-E-R.

12 MR. MILLS: I noted the cut-off, Doug
13 and Jim, and I'll try and hand off my questions if
14 I can at those lines.

15 Our client is just concerned about the
16 GHA 19 area. So although we have read and
17 appreciate all of the other fine work you did,
18 we'd like to talk about your comments on GHA 19A.
19 If you could go to page 16 of your presentation,
20 the top slide, you show 91 moose observed and you
21 seem to indicate the areas where the moose were
22 sighted; is that correct? Page 16 GHA 19A AFPR
23 survey area has a map showing 91 moose observed?

24 MR. SCHINDLER: Yes, I've got one
25 page.

1 MR. MILLS: We got shorted, we got the
2 small print.

3 MR. RETTIE: If you notice actually in
4 the bottom right-hand corner --

5 MR. MILLS: I'm sorry, slide 31.
6 Sorry, I can be taught.

7 MR. SCHINDLER: Okay, we're here.

8 MR. MILLS: As you show the purple
9 areas of where moose were observed, between the
10 two Bipole routes under discussion, there's a
11 small almost circle of approximately I'd suggest
12 two or three miles in diameter. Do you see the
13 area I'm talking about?

14 MR. SCHINDLER: Yes, I think I know
15 what you are talking about.

16 MR. MILLS: Well, I believe that that
17 area is currently within a large fenced enclosure
18 of bison-proof mesh. So I'm wondering when you
19 observed moose in that area? Was there a date
20 when those 91 moose were observed?

21 MR. SCHINDLER: Yes, it was the 4th of
22 February, 4th of February.

23 MR. MILLS: 2013?

24 MR. SCHINDLER: Yes. Did you want me
25 to comment on that little circle?

1 MR. MILLS: Yes.

2 MR. SCHINDLER: We did observe fences
3 in the area, definitely. It was difficult to
4 determine the extent of the fence or where cross
5 fences, a number of cross fences. But there were
6 some moose that were found inside the enclosures.

7 MR. MILLS: Did you advise
8 Conservation of that?

9 MR. SCHINDLER: I don't believe
10 there's a requirement to advise.

11 MR. MILLS: Did you share this
12 information with Conservation?

13 MR. SCHINDLER: Conservation I believe
14 through this process has seen these slides. Our
15 presentation has been submitted so they had seen
16 it.

17 MR. MILLS: On slide 39, you listed
18 your data sources. There's no list of MAFRI. Did
19 you receive any data from provincial lands?

20 MR. SCHINDLER: I believe I mentioned
21 during my discussion in terms of the bison ranch
22 in particular at the time of the writing, our
23 knowledge of the extent and expanse of the bison
24 ranch were unknown. We did not receive any data
25 particularly for this from Crown lands.

1 MR. MILLS: Let's pick up on that
2 right now. Do you have any idea of the size of
3 the herd within the fenced lands that these two
4 routes will cross through?

5 MR. SCHINDLER: We observed the herd,
6 we did not count them, but it is sizeable. And I
7 would not be able to give you a number
8 specifically on the size of the bison herd.

9 MR. MILLS: We recently had an
10 assistant deputy minister advise us that it's
11 4,000.

12 MR. MCGARRY: Just for the record,
13 there was mention of a rough population estimate
14 in the AFPR report, page number I'll have to find
15 you.

16 MR. MILLS: 2000, yes, I saw that,
17 thanks.

18 In your survey of this area, you
19 indicated that we are aware of the bison farm.
20 Can you give me a better description of how aware
21 you are? Do you know how big it is? Do you know
22 the extent of the fences that criss-cross the
23 Bipole right-of-ways?

24 MR. SCHINDLER: Yeah.

25 MR. MILLS: And was that information

1 considered in this report that you have provided
2 us with? I don't see many references to it.

3 MR. SCHINDLER: As I indicated when we
4 flew the survey, we did notice the extent of the
5 ranch and there were fences that would, you know,
6 kind of come to an end, cross fences. It was
7 difficult to discern. But I have since seen a map
8 and I think I indicated in our report that we did
9 not have that data at the time of the report. But
10 just from if you want to call it ballparking in
11 terms of the size of the lands that are identified
12 under disposition of lease, it's a fairly large
13 chunk of our survey area. Probably somewhere in
14 the vicinity of 20 percent of the land area there
15 in the area that we surveyed.

16 MR. MILLS: You said you didn't have
17 the information at the time. Do you feel you have
18 it now?

19 MR. SCHINDLER: There still seems to
20 be some question as to, you know, how long the
21 land is going to be leased for, the extent of it.
22 I don't believe we have or we don't have the
23 precise locations of fences or areas that are
24 specifically being grazed.

25 MR. MILLS: Okay. Well are we making

1 something out of nothing? We assume Pine Creek
2 First Nation, that a bison-proof fence, a fence
3 designed to enclose bison, would be a moose-proof
4 fence. Would you agree with me?

5 MR. RETTIE: Yeah, I think I'm not
6 certain how high the fence is.

7 MR. MILLS: Six feet.

8 MR. RETTIE: Then, no, I wouldn't
9 consider it to be moose proof. It would be at
10 least semi-permeable to moose. I know in Alberta,
11 in Elk Island National Park which is completely
12 fenced to enclose bison, the fence there is at
13 least eight feet high and moose can't go over it.
14 So a six foot fence, they could cross. Although I
15 have no idea how frequently they would do that.

16 MR. MILLS: Tragically we have at
17 least two confirmed reports of moose hanging up on
18 the fence, but we'll get to that.

19 So we're concerned about and we have
20 put all of this time and effort into studying the
21 effect of the Bipole III right-of-way on the moose
22 population. And the Bipole III right-of-way, as
23 it passes through this region, is about 80
24 kilometres in length I believe. Yet we have made
25 no mention or shown no consideration for perhaps a

1 greater length of bison-proof fencing which runs
2 down the middle of a 50-foot wide cleared
3 right-of-way. Do you think that it's fair of this
4 process to consider this presentation on moose
5 without fully understanding the extent and the
6 conflict of that fence with the right-of-way? Mr.
7 Schindler?

8 MR. SCHINDLER: I believe I mentioned
9 in my presentation and in terms of assessing the
10 cumulative effects of future disturbances on that
11 moose population in game hunting area 19 would
12 certainly be a concern to understand the full
13 effects of perhaps a bison ranch, and to
14 understand what the dynamics of that particular
15 system is.

16 MR. MILLS: Would you agree with me
17 that we don't understand it today?

18 MR. SCHINDLER: I agree that we do not
19 have enough information as biologists do to assess
20 that. However in terms of the cumulative effect
21 relative to the Bipole III transmission line, that
22 is the approach we took in terms of our
23 conclusions relative to the Bipole III line.

24 MR. MILLS: Would you agree with me
25 then that your conclusions are based on incomplete

1 information?

2 MR. SCHINDLER: Not necessarily.

3 MR. MILLS: Do you have the bison
4 information?

5 MR. SCHINDLER: We do not have all of
6 the data on the bison ranch, no. However, by
7 looking at the effects that we have looked at in
8 terms of linear densities, looking at landscape
9 features and what the effects of Bipole III are on
10 that particular moose population, would not be
11 significant.

12 MR. MILLS: Well, you say that, sir,
13 and you wake me up, because your slide 44 under
14 GHA 19, summary of analysis, you have no
15 information for 19. Your slide 49, summary of
16 data, you have no information for GHA 19. Your
17 information contained in model results other
18 mortalities, your slide 69, you have no GHA 19A
19 data whatsoever. So you're missing data in every
20 presentation you provide me with. You admit that
21 you don't know the extent or limits or margins of
22 this very large VEC. We have heard 70 square
23 miles, we have heard 4,000 animals, we have heard
24 50 miles of moose-proof fencing with respect to
25 arguments over how high a moose can jump. And yet

1 you tell me that you are confident in your
2 conclusions. Am I missing something?

3 MR. SCHINDLER: No.

4 MR. MILLS: Thank you.

5 MR. SCHINDLER: I should mention the
6 fact that Manitoba Conservation has never
7 completed a population estimate on moose in game
8 hunting area 19. So you are very correct, it was
9 challenging to try to include 19, 19A within our
10 analysis framework, so I would agree with you
11 there.

12 MR. MILLS: When this started back on
13 August 16th, we were lead to believe that
14 Conservation would take the lead on this process
15 but that MAFRI and other provincial departments
16 would contribute through there. We know full well
17 that MAFRI has an awful lot of information that we
18 haven't been able to get to us and it's clear that
19 you haven't received. But you have said to me you
20 have been able to obtain from Conservation all of
21 their available data. Are you comfortable with
22 that statement?

23 MR. SCHINDLER: Yes, for moose, yes,
24 definitely.

25 MR. MILLS: Well, we haven't been that

1 successful, so would you undertake to provide us
2 with all of the available data that you have been
3 able to obtain from Conservation?

4 MR. RETTIE: With respect to game
5 hunting area 19, all of the available data is
6 zero. There is no data. They have never done a
7 survey there.

8 MR. MILLS: Thank you. It's taken us
9 since August 28th to hear that statement.

10 So I'll move on. But to be clear,
11 MAFRI, Lands, Conservation has provided you with
12 no data on game hunting area 19A. That's what you
13 just said.

14 MR. RETTIE: I said with respect to
15 surveys. I believe that we have information on
16 moose hunting in game hunting area 19. Although
17 I'm not certain. I can take that as an
18 undertaking, and if we have it, I'd be happy to
19 provide it to you.

20 MR. MILLS: Would you, please, thank
21 you.

22 MR. MCGARRY: Mr. Mills, I'd just like
23 to clarify. You mentioned MAFRI, there's
24 information from MAFRI, Manitoba Agriculture and
25 Food, there's information from Conservation on

1 moose, I believe Dr. Rettie was speaking to
2 information relating to moose. The information we
3 have from MAFRI was already stated in relation to
4 land holdings for bison ranch, just to clarify.

5 MR. MILLS: Thanks, Pat. Your slide
6 59, when you were talking about you were doing
7 some, starting to take us through an analysis of
8 what's happening to the moose. And I forget who
9 was at bat at the time. But one of you indicated
10 that you had consulted with and provided a long
11 list of the consultation that had taken place in
12 order to allow you to continue that study. Did
13 you consult with any Aboriginal hunters?

14 MR. RETTIE: No.

15 MR. MILLS: So if I go to slide 74,
16 your conclusions, you tell us that you conclude
17 that the increase of linear density in 19A as a
18 result of Bipole III are minimal and well below
19 linear density thresholds. Then you go on to say
20 the residual effects on moose resulting from the
21 project are not significant. And these are your
22 professional stated conclusions. Yet you have
23 just told me that there is an arguably massive
24 issue in the middle of these two routes that the
25 province has provided neither of us with any

1 concrete information on. And we're here today
2 being assured that we have all the information or
3 that we have sufficient information to consider
4 these two routes as they affect moose in this
5 region.

6 I'm sorry, gentlemen, but it seems to
7 me that there's an awful lot missing for us to be
8 drawing conclusions. Would you agree with me?

9 MR. SCHINDLER: I believe as we went
10 through our analysis and, you know, looked for
11 some type of a landscape threshold in terms of
12 disturbance, linear feature densities, and we
13 looked at the entire region, we were not able to
14 come up with that threshold. And the work that we
15 did on assessing population decline and some of
16 the factors in terms of other mortality and
17 hunting, that appears to be a factor in those
18 populations. And so that's what our conclusions
19 were based on, on the regional assessment. We
20 have not been able to pinpoint any particular
21 metric or landscape disturbance that is driving
22 those moose populations. So that is what we based
23 our conclusions on. Recognizing that game hunting
24 area 19 is a very large area, it is a fairly large
25 area. It is somewhat fragmented, and there's

1 various parts of the game hunting area that are
2 agricultural lands, and others that are contiguous
3 forests. In terms of the entire game hunting
4 area, the bison ranch takes up a relatively small
5 portion of the entire game hunting area.

6 MR. MCGARRY: I'd just like to speak
7 to that too. Keep in mind the conclusions are
8 based on analysis of the project effect on moose
9 and moose populations. The bison ranch, if it
10 were to be considered with more complete
11 information, would be more of a cumulative effects
12 assessment. But for the conclusion on the effects
13 of Bipole III in area, and on the route as a
14 whole, that's what the conclusion speaks to.

15 MR. OSLER: Well, if I could just add
16 one thing, because you had a slide earlier, 31
17 from this presentation by these gentlemen.

18 MR. MILLS: I'm not sure who I'm
19 talking to anymore.

20 MR. OSLER: Sorry, over here. You had
21 a slide 31 where you were interested in the circle
22 where there were some moose, and you assumed the
23 moose were probably on the other side of the fence
24 inside a bison ranch, if I remember you correctly?

25 MR. MILLS: That circle I believe lies

1 entirely within a moose-proof fence.

2 MR. OSLER: Right. Well, we can
3 debate the ability to be moose proof if there are
4 moose in there but effectively for all those
5 people in the room, I mean, the bison ranch area
6 we are talking about lies south of PH 20, right?
7 And it's all in that area that's reflecting both
8 of these two route alternatives, south of that
9 road. And you have evidence that says that about
10 15 and a half kilometres of it, of the route in
11 the AFPR go through the ranch and about 14.2
12 kilometres of the FPR go through the ranch?

13 MR. MILLS: Mr. Osler, if I can help
14 you? As you look at that slide, the pink line
15 that runs vertically north/south --

16 MR. OSLER: Right.

17 MR. MILLS: -- which is the alternate
18 preferred route.

19 MR. OSLER: Right.

20 MR. MILLS: If you were to move that
21 line three miles to the east, it would fall
22 outside of the bison ranch and outside of the
23 moose-proof fence. And that would be the route
24 that my client offered to Manitoba Hydro that
25 wasn't able to gain any traction.

1 MR. OSLER: Right. But the subject
2 that is in the evidence, and you'll discuss it I'm
3 sure in your presentation, but if you go to the
4 west, you can see where the moose circles to the
5 west of the small one, go vertically, probably
6 somewhere around the line where those moose
7 circles are on the eastern edge there is about
8 where the bison ranch area probably exists in the
9 discussions that people have, without knowing
10 where fences are and everything else at the
11 moment.

12 The point is, if they are doing an
13 assessment of moose effects, whatever this ranch
14 is, wherever it is, exactly where the fences are
15 and whether they are moose proof or not, is what
16 it is.

17 The transmission line, the point being
18 made by the experts is the transmission line
19 whether we go with FPR or AFPR is no different and
20 has no effect on the bison. And as far as we can
21 see is having no effect on the moose, if they are
22 being kept out of the area or only a few of them
23 get into it. That's the evidence.

24 MR. MILLS: Well, the moose experts I
25 think would agree, because it was some of their

1 earlier testimony, the concern is that the Bipole
2 III right-of-way acts as a lead or a path, and
3 that the moose may or may not follow it. And if
4 it's followed, they may come in conflict with
5 dissecting fence lines.

6 It's also of concern because the bison
7 fencing comes with a 50-foot wide right-of-way
8 which is clear-cut, as Hydro staff are aware, and
9 as you will know having flown over and seen it.

10 And we just see, or our opinion is
11 that the concerns that are addressed with the
12 right-of-way providing additional access are added
13 to the additional access, which the bison fencing
14 is already providing. All of that area can now be
15 walked on foot, or as we have, travelled by
16 snowmobile because of the fence clearing. And we
17 just believe that these two intersecting grids of
18 right-of-way, right-of-way and fencing aren't
19 understood, haven't been considered, and should
20 be. We're not suggesting a right or a wrong, but
21 we believe clearly that Manitoba Hydro's and Clean
22 Environment Commission's moose review has not
23 considered --

24 THE CHAIRMAN: You're getting
25 argumentative.

1 MR. MILLS: -- more right-of-ways.

2 Thank you.

3 THE CHAIRMAN: Mr. Mills, you're
4 getting argumentative.

5 MR. MILLS: I appreciate that.

6 THE CHAIRMAN: And that might be
7 correct in your presentation on Wednesday or your
8 final argument next week.

9 MR. MILLS: We'll move on. Whoever
10 would have the best sense of moose knowledge, do
11 moose have a keen sense of smell?

12 MR. SCHINDLER: Yes.

13 MR. MILLS: When they sensed a very,
14 very, very large herd of an atypical animal, would
15 they be attracted to it or driven from it? 4,000
16 bison producing 20 tonnes of waste a day, would
17 the moose be attracted to that or would they sense
18 that as difficulty and move away from it?

19 MR. RETTIE: I have no idea. I know
20 that there's a considerable moose population
21 penned in with bison in Elk Island, the park that
22 I mentioned earlier. And they share the range as
23 well with elk.

24 MR. MILLS: So in your moose study,
25 you haven't considered the relationship to the

1 very large herd of bison in terms of smell, or
2 sense of the two animal herds?

3 MR. RETTIE: Where I have observed
4 them together, they are sharing the range, they
5 are interspersed.

6 MR. MILLS: So you have considered
7 that in this case?

8 MR. RETTIE: I haven't thought about
9 it but --

10 MR. MILLS: Okay. Moose vision, do
11 they have acute vision?

12 MR. RETTIE: Not as good as their
13 sense of smell.

14 MR. MILLS: Okay. Would a 6 by 12
15 welded wire gauged fence, is that something that
16 they would see or discern as they travel? I guess
17 you haven't considered it?

18 MR. SCHINDLER: We haven't researched
19 or dived into the literature on that particular
20 subject. We do know that they become quite aware
21 of their environment. I know that they are
22 very -- their senses allow them to move through
23 the woods in a very quiet manner, and detect
24 danger, those types of things. So I would imagine
25 they would be able to detect a fence.

1 MR. MILLS: Just in closing, we had
2 asked for some undertakings. And Pat, you skated
3 on me twice. Could I have an undertaking, just
4 yes or no, please, save us the time, to have
5 copies of all of your correspondence with
6 Conservation with regard to this matter?

7 MR. MCGARRY: I'd prefer to skate a
8 third time, but the answer would be no, put to me
9 that way.

10 MR. MILLS: Thank you. That completes
11 our questions. Thank you, Mr. Chairman.

12 THE CHAIRMAN: Thank you, Mr. Mills.

13 MMF would be next, but Mr. Madden is
14 caught somewhere between Yellowknife and Calgary
15 and Winnipeg because of snowstorms apparently.
16 Bipole, I understand, has no questions. The
17 Coalition, Consumers has no questions. Peguis I
18 don't believe is here, so Manitoba Wildlands.

19 MS. WHELAN ENNS: Gaile Whelan Enns
20 here. I am going to be asking questions for
21 Manitoba Wildlands specifically, and I'd
22 appreciate if the transcript can show that. Thank
23 you.

24 I have three Powerpoint presentations
25 sort of in the order that we have gone through

1 them today, and notes as we heard from the panel,
2 or panels for Manitoba Hydro. So I'm going to
3 stay in that kind of a linear order.

4 Starting then I guess with Mr. Dyck.
5 You made a comment that we have heard before with
6 respect to most of the work for these route
7 changes then in the transmission system called
8 Bipole III being done in the winter. I think we
9 should all be able to take that as applying to the
10 whole system, because we have heard it before, and
11 it applies then to these changes?

12 MR. DYCK: It would apply to most of
13 these adjusted preferred route areas because they
14 are heavily interspersed with wetlands. So it
15 would be almost impossible to work in those
16 environments in the summer.

17 MS. WHELAN ENNS: Good, thank you.

18 This is from page 15 in the Powerpoint
19 presentation. I wanted to ask a little bit more
20 about the data sources regarding birds. And I ask
21 whether, for instance, some of the new national
22 databases, including through international bird
23 areas and important bird areas, both those systems
24 were used in preparing this supplementary EIS?

25 MR. DYCK: As was indicated early on

1 in the presentation, the same approach was taken.
2 All of the same data sets were used, including and
3 important bird areas and migratory routes and so
4 on that were used for the initial route
5 assessments.

6 MS. WHELAN ENNS: Thank you. I'm
7 going to try to be a bit more specific in my
8 question then. These databases now are largely
9 contributed to by citizens and by amateurs and by
10 bird watchers across the country. And Canada is
11 much in the lead in terms of the system through
12 the Americas. So I'm going to ask again then,
13 you're using the databases that are being
14 assembled where it is citing this also from these
15 networks of bird watchers and citizens?

16 MR. DYCK: You're referring to the
17 Bird Atlas that's being compiled on an ongoing
18 basis by Canadian citizens and bird watchers?

19 MS. WHELAN ENNS: The Bird Atlases by
20 different Provincial jurisdictions are part of the
21 undertaking in terms of what the databases are
22 being used for. We're not very close at all,
23 though, to the Bird Atlas in Manitoba. They are
24 working on their second iteration or version in
25 Ontario. So it varies across the country.

1 MR. DYCK: I believe that information
2 has been used as anecdotal information as it would
3 apply in terms of the routing. That type of
4 information is used to monitor for the most part
5 long-term bird populations in different regions.
6 So it doesn't necessarily apply on a very
7 localized basis to an assessment of a project.

8 MS. WHELAN ENNS: Thank you. I think
9 the next question is for Mr. McGarry, assuming my
10 notes are correct. And it refers to page 17 in
11 your presentation. There's fairly specific
12 content about avoiding Treaty Land Entitlement
13 lands in your presentation. I'd like to know, and
14 this is a citizen who is always trying to be able
15 to understand things First Nation and Aboriginal
16 whether or not there was any accommodation, again
17 in this supplementary EIS work, for land
18 acquisition that's ongoing, land acquisition that
19 may happen, whether there were any discussions by
20 the affected first nations? So you've got about
21 eight in the cold corridor, and certainly a
22 handful of those affected by the changes? This is
23 a little bit of a more complex question. But I'd
24 like to know whether Manitoba Hydro has taken into
25 account the fact that first nations affected by

1 the route changes are still in the midst of
2 selecting land, and whether there were any
3 discussions with first nations who are still in
4 the midst of selecting land with respect to the
5 route changes?

6 MR. MCGARRY: We looked at TLE, Treaty
7 Land Entitlement lands. We actually did have that
8 discussion with Wuskwi Sipihk. We know they have
9 outstanding Treaty land to select. They are aware
10 of our project, our proposal, and I believe they
11 have their own mechanisms for pursuing that Treaty
12 land selection. We went, based on what currently
13 occurs, anything further to that process on their
14 Treaty land selection is up to them. Our
15 information is out there in terms of what our
16 intentions are.

17 MS. WHELAN ENNS: Thank you. Is it a
18 correct assumption that there was no similar
19 session with Sapotaweyak Cree Nation?

20 MR. MCGARRY: I can't say for sure on
21 Sapotaweyak. But, again, the process is well
22 known for TLE selection and they are aware of our
23 intentions. And at this time we are not
24 traversing any Treaty Land Entitlement.

25 MS. WHELAN ENNS: Thank you. I've got

1 a note for page 21 that has to do with mining.
2 I'd like to know whether or not Manitoba Hydro
3 specifically, and there's some very interesting
4 recommendations or possible mitigation approaches
5 in your presentation. So I'd like to know whether
6 or not there were meetings with the Manitoba
7 association, Mining Association of Manitoba,
8 excuse me, MAMI, as in MAM Inc., regarding the
9 route changes?

10 MR. MCGARRY: No, there haven't been.
11 There was a letter sent to the association for
12 them to become aware of our adjusted final
13 preferred routes and for them to have opportunity
14 to meet with us and discuss their impressions of
15 the route changes. A meeting was offered and not
16 taken.

17 MS. WHELAN ENNS: Thank you. My next
18 question is on the same topic, because again you
19 are identifying some specific things in terms of
20 aerial survey and geomagnetic work and so on to do
21 before construction. Okay. And they are good to
22 see, frankly, okay.

23 What I'd like to know, though, then is
24 whether or not you have sat down and talked to the
25 Geological Survey of Manitoba? They generally set

1 their work plan spring through fall as much as two
2 years ahead. So has there been any preparation
3 then with the Geological Survey of Manitoba to
4 take these steps you are recommending?

5 MR. MCGARRY: No. Partly because this
6 is offered by Manitoba Hydro to undertake this
7 work. The Geological Survey Manitoba has been
8 involved in earlier discussions we had with MAMI
9 before we submitted the EIS. What's on the table
10 now is for a discussion with the mining industry
11 as potential mitigation to us traversing the
12 Thompson nickel belt.

13 MS. WHELAN ENNS: Thank you for the
14 clarification that this would be work that
15 Manitoba Hydro is offering to undertake. Have you
16 taken a look then at the requirements in terms of
17 what is public and what is not public, concerning
18 the results of this kind of work under the Mines
19 Act?

20 MR. MCGARRY: We are aware of some
21 privacy concerns. But if we undertook the work,
22 we would attempt to make that public through the
23 Mining Recorder's Office.

24 MS. WHELAN ENNS: Thank you. I'm now
25 on page 23 of that presentation. It's not

1 absolutely clear to me but it may be an easy one
2 to answer. And that is, what forms of technical
3 support, assistance, additional ATK studies and so
4 on has Manitoba Hydro offered First Nation
5 communities affected by these route changes?

6 MR. MCGARRY: Manitoba Hydro hasn't
7 offered any additional ATK studies at this point
8 to First Nations that we're discussing with. What
9 we have offered is to meet on environmental
10 protection measures, monitoring and mitigation,
11 and other potential site concerns they may have
12 once we get to construction stage. Actually, that
13 process will take place well in advance of
14 construction. It's ongoing right now to discuss
15 with First Nations protection measures and
16 mitigation specific to those communities.

17 MS. WHELAN ENNS: Thank you. I wanted
18 to ask Mr. Joyal a couple of questions next. You
19 could probably predict what I'm going to ask, but
20 let's do it in pieces.

21 You were describing, and your
22 presentation is very thorough in terms of all of
23 the steps for notification and access to materials
24 and the meetings that were held with stakeholders
25 and communities regarding these route changes.

1 What I'd be interested in knowing is whether
2 Manitoba Hydro made a decision, a specific
3 decision not to provide those same materials to
4 the participants in the CEC hearings?

5 MR. JOYAL: As in you're talking about
6 the materials that we presented? As every
7 participant is an active member in the review of
8 this process, every participant was sent a letter
9 outlining our activities, open houses, and
10 opportunity to meet if there was a request.

11 MS. WHELAN ENNS: So you referenced
12 map books that were available in these meetings.
13 So are those same map books available to the
14 participants in these proceedings?

15 MR. JOYAL: If you would like them, I
16 do have them, yes.

17 MS. WHELAN ENNS: This is an unusual
18 supplementary filing overall, unusual to have an
19 adjournment, and we are all I think doing our
20 level best. I just wanted to acknowledge that in
21 terms of all the parties in the room. On the
22 other hand, it's an exception in my experience
23 over most of two decades for the sets of materials
24 that I just asked about, and the EIS supplementary
25 materials not to be provided to the participants

1 in the hearings on paper and thumb drives. And
2 it's literally the only exception in the last six
3 months in our office, and there's four others that
4 have arrived from Manitoba Hydro on paper and on
5 thumb drives. That's the reason for my first
6 question.

7 Now, I want to ask again whether there
8 was a specific decision made not to provide the
9 supplementary EIS binders on paper, and either
10 DVDs or thumb drives regarding this supplemental
11 EIS to the participants.

12 THE CHAIRMAN: I don't think that's
13 relevant. That's an administrative matter that
14 you should take up with the Commission secretary.

15 MR. ENNIS: Thank you.

16 MR. JOYAL: Just as an addition, all
17 materials, any request, especially the map book or
18 maps were available to all participants at open
19 houses or by phone calls as well.

20 MS. WHELAN ENNS: Thank you. I don't
21 have a page number here in front of me, but the
22 reference was to section 3.5, and it has to do
23 with the Bell River Steeprock protected area. The
24 first question would be whether this hundred
25 metres buffer was described by Manitoba

1 Conservation to Manitoba Hydro as a policy, as a
2 standard usual buffer?

3 MR. JOYAL: Not generally. During the
4 meeting with protected areas initiative, they had
5 done they're own measurement and believed it was
6 approximately 30 metres away from the edge of the
7 boundary and the edge of the right-of-way.
8 Through discussion with them at that meeting, they
9 requested a hundred metre buffer if the AFPR was
10 pursued in the GHA 14 area. But by no means
11 saying it was a standard distance.

12 MS. WHELAN ENNS: I'm inclined to ask
13 questions because these are canyons and because
14 none of the uplands are part of the protected
15 area, which overall reduces sustainability and
16 leaves some long-term risks to the protected area.
17 It's just one I have dealt with for about 10
18 years. The sort of related question then would be
19 whether you have done any analysis, and I'm now on
20 the right-of-way, whether you have done any
21 analysis in terms of the right-of-way and species
22 then in the hundred metre buffer, and/or in the
23 right-of-way that would move back and forth
24 between these canyons, these waterways, the
25 riparian areas, and whether you did any analyses

1 of specific species movement, given the
2 right-of-way is still pretty close?

3 MR. MCGARRY: Could you clarify the
4 question, please?

5 MS. WHELAN ENNS: Yes. And I will
6 sort of briefly say what I said earlier, and that
7 is this particular protected area was designated
8 where none of the uplands are protected. So
9 you've literally got the waterways, riparian and
10 the sides. That in fact has significant -- on a
11 conservation biology basis, significant potential
12 risk in terms of sustainability over time. So
13 that's why I'm asking questions about the hundred
14 metre buffer. And also wondering whether or not
15 Manitoba Hydro took a look then at species
16 traffic, species activity moving from the
17 protected area in and out of the right-of-way,
18 whether you did any analysis in terms of species
19 at risk? And I'm on plants, so I'm sorry if I
20 wasn't clear.

21 MR. MCGARRY: I don't think it was
22 specific to the species movement. What was looked
23 at was Conservation Data Centre data for plant
24 communities or species of Conservation concern and
25 those were noted in the assessment.

1 MS. WHELAN ENNS: Thank you.

2 Mr. Joyal is turning pages, I'm just checking.

3 MR. JOYAL: I'm just getting the
4 meeting notes from that meeting with protected
5 areas.

6 MS. WHELAN ENNS: Okay. Can I go on
7 in the meantime?

8 MR. JOYAL: Yes, for sure.

9 MS. WHELAN ENNS: All right. Because
10 I was going to ask Dr. Petch some questions.

11 MR. JOYAL: She's all yours.

12 MS. WHELAN ENNS: It's a long panel.
13 It's a full table.

14 You have provided us with the dates
15 for certain path sets of archeological field work
16 and information about these sites. I was
17 wondering if you can tell us, and I don't know the
18 answer myself, whether there has been any
19 archeological assessment in the Bell
20 River/Steeprock Canyon area and in the protected
21 area since the protected area was designated? Do
22 we have anything up to date.

23 MS. PETCH: I do not believe it's been
24 updated.

25 MS. WHELAN ENNS: Okay, thank you.

1 You also mentioned, you made a couple
2 of references again to the fieldwork, the
3 archeological fieldwork from the '60s, in terms of
4 many of the sites that were in evidence in your
5 Powerpoint presentation to date.

6 Same question then, is that the most
7 recent archeological work in terms of the areas
8 that we're looking at for the route changes?

9 MS. PETCH: That was probably the
10 largest study that was done, and it was done at
11 the beginning when archaeology was becoming a
12 science, and there was this need to understand the
13 archeological record of the province. There have
14 been a number of smaller studies that had been
15 done both by the province and by private
16 researchers throughout the area. For myself, when
17 I was doing my masters, I did salt making in
18 Manitoba. So anywhere that you want to know where
19 there is salt making in Manitoba, I know where it
20 is. But there have been other studies related to
21 different kinds of assessment processes within the
22 area, but none quite as large as the one that we
23 have right now.

24 MS. WHELAN ENNS: What would, in your
25 estimation, be required to be sure that we know

1 what is in there archeologically speaking?

2 MS. PETCH: Well, there's two answers.

3 It would be wonderful to see all kinds of
4 archeological research happening, which is very
5 expensive. But we do have the Heritage Resources
6 Act which protects all heritage resources,
7 regardless of the nature of the resource. And as
8 part of the Act, we have section 12.2, which gives
9 the Minister the opportunity to call for a
10 heritage resource impact assessment should the
11 need arise. That is done through the screening
12 process with HRB, Historic Resources Branch. And
13 so that is the process that's usually followed.

14 As well for Manitoba Hydro Bipole III,
15 we have the heritage resources protection plan,
16 which is part of the environmental protection
17 plan, which is going to assist if any sites are
18 found while the construction is happening.

19 MS. WHELAN ENNS: Thank you. Do you
20 think that predictive modeling has a place in
21 determining potential risk and potential number of
22 archeological sites, again sticking to the areas
23 for this supplemental EIS?

24 MS. PETCH: Predictive modeling will
25 assist in determining where particular sites may

1 occur based on certain variables that one will
2 choose for a specific landscape. It is a means of
3 looking at particular areas and selecting high,
4 medium and low potential sites, and taking a
5 sample of those sites and going into the field and
6 investigating those areas. But it is not the only
7 tool that we use. We have the historical record.
8 We have the records of Aboriginal traditional
9 knowledge, and a large number of other studies
10 that have been done that all work together to
11 provide us with a good understanding of a
12 particular area. So predictive modeling is only
13 one tool that we use.

14 MS. WHELAN ENNS: Thank you. Your
15 presentation today is, if I may from my
16 perspective say somewhat cautionary in terms of
17 the Moose Meadows. And that's part of why my
18 question about predictive modeling.

19 Are the sites that we know of, are
20 they proportionally mostly Aboriginal?

21 MS. PETCH: All the sites that we have
22 identified in the EIS are Aboriginal sites. These
23 sites were, you have to understand, were done 50
24 years ago at a time when there was a thirst for
25 knowledge of things in the ancient past. Whether

1 or not historic sites were overlooked at that
2 time, I don't know. But I know today, when any
3 archaeologist goes out to do fieldwork, we're
4 looking at the realm of human occupation from
5 deglaciation right up to 50 years ago.

6 MR. ENNIS: You made a reference to
7 ATK and land use going back a hundred years today.
8 Is that reference because you are working in human
9 memory, you know, as in one lifetime plus?

10 MS. PETCH: This was the record that
11 was provided to us by members in the community
12 that their grandparents, they remember their
13 grandparents telling them about their
14 grandparents. So we're going back three
15 generations, at least a hundred years.

16 MS. WHELAN ENNS: And I'm asking for
17 clarification because that's not even close to
18 Treaty time now, in terms of how far we're going
19 back. And living memory is generally three
20 generations, so I take your point.

21 I wanted to ask a little bit about
22 polygons on your charts in your Powerpoint
23 presentation. And that is, are the polygons
24 substantiated and supported by data points, or are
25 they drawn based on what you are hearing in

1 interviews -- where it was drawn in an area versus
2 based on however many data points?

3 MS. PETCH: The polygons on the maps
4 that I had up are the product of points, lines and
5 polygons. The information that was put together
6 as a composite map, these would be the outer
7 boundaries of the data that was collected.

8 MS. WHELAN ENNS: I'm understanding
9 from the earlier answer from Mr. McGarry that you
10 had essentially used the previous surveys,
11 interviews, and ATK information?

12 MS. PETCH: That's correct.

13 MS. WHELAN ENNS: And that means there
14 was no new ATK gathering or interviews or surveys
15 or group sessions with respect to the
16 supplementary EIS?

17 MS. PETCH: That's correct.

18 MR. ENNIS: I think I'm going to move
19 to Mr. Schindler and Dr. Rettie now. Small
20 caution in terms of what I'm working with here.
21 I'm going to take a fast run through it, also the
22 PowerPoints at the end. And there may be a little
23 bit of moving back, but I'm doing my best here.

24 I would like to ask both of our
25 experts with respect to moose about collaring

1 methods. You all know I'm not a scientist, but I
2 am being briefed about and working on learning
3 about some of the new work for large mammals for
4 sure, but very specifically for all the ungulates,
5 that's going on here in Manitoba, that does not
6 use collaring. So this is mitochondrial DNA work,
7 and it's going on with respect to caribou in
8 Northern Manitoba now. And I wanted to ask you if
9 you could, either or both of you, let me know, let
10 us all know whether you are familiar with these
11 new methods, whether you have used them at all in
12 terms of acquiring data regarding, in this case,
13 moose?

14 MR. RETTIE: I am familiar with them,
15 though not in their application to moose. I have
16 seen reference in the literature and I'm aware of
17 the work that has gone on with caribou. It's used
18 extensively for grizzly bear work, yeah. So I
19 haven't used it and I'm aware of it.

20 MR. SCHINDLER: I am in the same
21 position as Dr. Rettie. Typically DNA studies are
22 used at a landscape level, looking at genetic flow
23 in and out of various areas. So, yes, we are
24 familiar with that technique.

25 MS. WHELAN ENNS: My recollection of

1 your initial presentation and the collaring
2 information in it was that you had showed how many
3 collars failed. And my understanding is that this
4 is one of the reasons why the search for a DNA
5 approach. Does this vary a lot or is there a high
6 level of collar failure, regardless of the, you
7 know, the species or the location?

8 MR. RETTIE: Generally, my
9 understanding for DNA approaches is not due to
10 collar failure, it's used on bears because they
11 are very difficult to keep collars on. Their body
12 shape is such that they tend to lose their
13 collars. And they are also very rare, for
14 grizzly bears at least.

15 The work that's been applied to
16 caribou, again, it's not due to collar failure, or
17 even the inability of animals to retain collars,
18 but rather it's a preferred method in some areas
19 because it's non-invasive. It's seen as a method
20 that does not require handling of animals. And
21 there are some particularly Aboriginal groups that
22 are sensitive to having animals handled.

23 MS. WHELAN ENNS: Collaring, though,
24 is combined with aerial surveys, which is fairly
25 intrusive; is that correct?

1 MR. RETTIE: It can be.

2 THE CHAIRMAN: I think we are
3 revisiting areas that were covered before
4 Christmas. Now we're talking about the rerouted
5 areas.

6 MS. WHELAN ENNS: Thank you,
7 Mr. Chairman. It's Dr. Manseau's (ph) work that
8 I'm referring to, at the University and the
9 Federal Government department.

10 Again, this looks from my notes like
11 this is Dr. Rettie, but I'm open to correction on
12 that. I wanted to ask about the wasting diseases
13 and your comments in your presentation, starting
14 with whether or not there is any Johne's, or
15 Johne's disease in Manitoba, whether that was
16 taken into consideration in the supplementary EIS?

17 MR. RETTIE: That was not taken into
18 consideration, no. To my knowledge, that's not a
19 wasting disease, that's related to tuberculosis I
20 think.

21 MS. WHELAN ENNS: I think there's some
22 debate, and it is a non scientist asking the
23 question.

24 MR. RETTIE: It's not a transmissible
25 spongiform encephalopathy, I believe it's some

1 variant of tuberculosis.

2 MS. WHELAN ENNS: How long then do you
3 think, Dr. Rettie, it would take for the instances
4 that you referenced that are in Saskatchewan to be
5 more evident in Manitoba?

6 MR. RETTIE: That's a good question.
7 It seems to be moving more slowly eastward than
8 westward. In Saskatchewan, it's more commonly
9 found, it's most commonly found in elk and in mill
10 deer. Mill deer, the distribution eastward from
11 central Saskatchewan is not very high. There are
12 mill deer that get into Manitoba but their
13 densities are not high. I think it's about, going
14 east to west across Saskatchewan, I think it's
15 about two-thirds of the way eastward from the
16 Alberta border towards Manitoba. It is on the
17 move and it will travel with animals. So I'm not
18 certain what the Provincial Government here has in
19 terms of a surveillance program. But chronic
20 wasting disease will likely arrive here.

21 MS. WHELAN ENNS: Would you recommend,
22 in terms of the environmental protection plan and
23 the monitoring for Bipole III, specific of course
24 to these adjustments in the route, that Manitoba
25 Hydro work in, and continue to work with the

1 province in terms of these wasting diseases?

2 MR. RETTIE: I think that the
3 occurrence and the distribution is such that
4 that's a Provincial Government responsibility, and
5 they have to set up a broad monitoring network if
6 they want to catch it as it arrives.

7 MS. WHELAN ENNS: Thank you. On page
8 36, you appear to have come to a conclusion that
9 the explanation for the decrease in the moose
10 population and, again, in these GHAs, is
11 non-licenced hunting. Do you mean that
12 non-licensed hunting is Aboriginal hunting?

13 MR. RETTIE: That would include
14 Aboriginal hunting, that would include illegal
15 hunting, any rights-based hunting would be in
16 there. And that's, again, as I pointed out in my
17 presentation this morning, that would be my
18 working hypothesis given the evidence at hand.

19 MS. WHELAN ENNS: Thank you. Because
20 there's been this additional supplementary EIS
21 work, I'd like to ask whether or not this time the
22 national recovery strategy for Woodland caribou
23 was taken into account, and specific to these
24 herds?

25 MR. SCHINDLER: You're talking in

1 regard to the Wabowden Evaluation range?

2 MS. WHELAN ENNS: Um-hum.

3 MR. SCHINDLER: The cumulative effects
4 assessment that we did conduct in the
5 supplementary caribou report, that analysis was
6 applied to the AFPR, and there was really no
7 change whatsoever in the results of the looking at
8 future disturbance and the relationship of the
9 transmission line on that landscape threshold that
10 Environment Canada has established. As a matter
11 of fact, it was much less because we were
12 following within existing linear features where
13 the 500 metre buffer of linear disturbance would
14 benefit, reduce the overall impact of Bipole.

15 MS. WHELAN ENNS: I just want to ask
16 you a quick question in terms of the higher
17 standards in terms of maintaining intact habitat,
18 so look at the number, if I may. It's on the
19 screen.

20 So Wabowden is in good condition by
21 these new federal recovery standards. The
22 requirement, Mr. Chair, is for 65 percent of the
23 habitat moose are using to stay intact, and this
24 Wabowden herd is below that. So I'm just going
25 to --

1 THE CHAIRMAN: Well, I believe this
2 was covered before Christmas, but I'm not sure
3 about the specific reference to the Wabowden herd.
4 Mr. Schindler or Dr. Rettie?

5 MR. SCHINDLER: Well, I think we
6 discussed the cumulative effects components of
7 that. I don't have that information right here
8 because that was part of the previous, but the
9 level of disturbance, it says the 65 percent
10 threshold of the area that should be undisturbed.

11 MS. WHELAN ENNS: Thank you now. The
12 reason I'm asking it again, of course, is because
13 in the previous presentation, you were indicating
14 that you had used the new national recovery
15 strategy. And it had only just been finalized and
16 made public. So that's part of why I'm asking
17 today. And the main over-arching question then is
18 whether this supplementary EIS for the route
19 changes does take into account the new national
20 recovery strategy standards for the caribou? And
21 I am hearing a yes from you?

22 THE CHAIRMAN: He's already answered
23 that, yes.

24 MS. WHELAN ENNS: Thank you.

25 THE CHAIRMAN: So please don't repeat.

1 MS. WHELAN ENNS: I'm going to turn to
2 some pages quickly. This page 16, it's
3 Mr. McGarry and Mr. Dyck. What is your definition
4 of marginally, marginally less habitat?

5 MR. DYCK: What page were you
6 referring to?

7 MS. WHELAN ENNS: Yes, page 16,
8 assessment results biophysical, and you're on
9 amphibians and reptiles, and you have used
10 marginally twice.

11 THE CHAIRMAN: I think that's pretty
12 self-evident.

13 MS. WHELAN ENNS: Well, we can pass,
14 Mr. Chair.

15 MR. DYCK: The assessment is based on
16 the available habitat within the local study area
17 and what is affected by the right-of-way, the
18 footprint of the project, within that section of
19 the right-of-way, or of the adjusted route. And
20 in this case for the Wabowden area, there is a
21 little bit less of area affected within that
22 right-of-way versus the FPR.

23 MS. WHELAN ENNS: Thank you. Was
24 there a decision taken in terms of the
25 supplemental EIS to stay in the GHAs? The reason

1 I'm asking that, Mr. Dyck, is because some of us
2 think actually in the forest units. And I sort of
3 expected to see the forest management units also
4 in what you're presenting.

5 MR. DYCK: Are we talking about
6 amphibians?

7 MS. WHELAN ENNS: No, I'm sorry, I'm
8 on page 21. But it connects to various other
9 things you've got on your presentation, and it's
10 therefore not just one page.

11 Was the decision taken to use the GHAs
12 as the basis for your analysis, the framework for
13 anything that you were providing, and was a
14 decision not to use the forest management units?

15 MR. DYCK: It just simplified things
16 in terms of the approach and the perspective on
17 how the area was assessed in terms of the
18 socioeconomic perspectives. Certainly, the
19 forestry, if you're doing the actual calculations,
20 it would be applied at the forest management unit
21 level.

22 MS. WHELAN ENNS: Thank you.

23 Dr. Petch, page 17 in your
24 presentation, again trying to avoid repetition,
25 but I had -- I perhaps didn't fully understand

1 what -- and slide is a real challenge in terms of
2 how much you're trying to get into it. So I'd
3 like to know whether or not you actually are
4 saying that there's an ability to reverse any
5 impacts on the cultural site?

6 MS. PETCH: What slide are we looking
7 at?

8 MS. WHELAN ENNS: Page 17, lower
9 slide.

10 MS. PETCH: I think I commented on the
11 potential reversibility with Mr. Mills, that there
12 is -- there was the potential only upon
13 decommissioning, but it's probable that, given
14 culture, that there will be things lost.

15 MR. ENNIS: Thank you. And that was
16 at the hundred year point? Did I hear that
17 correctly earlier that you are suggesting
18 decommissioning would be about a hundred years?

19 MS. PETCH: That's what was mentioned
20 to in the --

21 MS. WHELAN ENNS: Thank you.
22 Mr. Chair, I've got one more to go through and
23 there's very little here. Oh, if I may, and this
24 is on forestry, but it's Dr. Schindler and
25 Dr. Rettie.

1 I was struck by the fact that you were
2 using the FRI from the 1980s. And maybe I don't
3 understand why that point in time, and whether
4 that has to do with specific species. But the FRI
5 in Manitoba has been dramatically changed.

6 MR. SCHINDLER: The reason we looked
7 at different eras of forest resource inventory was
8 to examine the landscape patterns and the amount
9 of disturbance for those decades and compare. So
10 we had to use those data that related to the era
11 of aerial survey data that we had. So landscape
12 changes through time. The forest inventory is an
13 ideal tool to look at compensation, patch size,
14 amount of linear features, et cetera. So that's
15 why we used whatever data that was available.
16 Historical data was very important.

17 MS. WHELAN ENNS: You would stay
18 within the elements of the FRI that are continuous
19 throughout in making these comparisons, right?
20 I'm just thinking about the workshops I have been
21 in about the changes and improvements in the FRI
22 that are in the last decade or so.

23 MR. SCHINDLER: And I think that we
24 explained our normalization, or creating a common
25 land cover through time essentially simplifying,

1 if you will, to some degree the cover types, so
2 that we didn't have that confounding confusion
3 between different FRIs, but looking at some of the
4 basic cover types that exists from one FRI to the
5 next.

6 MS. WHELAN ENNS: Thank you very much.
7 I want to thank the panel, and I'm finished,
8 Mr. Chair.

9 THE CHAIRMAN: Thank you, Ms. Whelan
10 Enns.

11 Do any members of the public have
12 questions for this panel? Seeing none, the panel
13 members have some questions. I'm going to start
14 off.

15 We have heard an awful lot about this
16 bison ranch today. And up until a few weeks ago,
17 the only thing I knew about this bison ranch was a
18 few references by Mr. Mills complaining about
19 5,000 bison being in the creeks. But now we hear
20 that it's somewhat more significant than that.

21 Does Manitoba Hydro have a map of this
22 bison ranch, where the fencing is?

23 MR. MCGARRY: Yes, I do. If you'd
24 like me to bring it up, I can do so.

25 THE CHAIRMAN: We don't need to see it

1 right now. Perhaps if you could even just make it
2 available to all of the participants? I'm not
3 sure, it was in the --

4 MR. MCGARRY: It was provided to
5 Ms. Dagdick at Conservation. It is draft
6 information, this is based on property tables that
7 were given to us from Ms. Dagdick, and our own
8 review of the repro maps. It doesn't represent
9 the entire -- it may not represent, it is draft
10 information is what I'm trying to say. And in
11 terms of the total number of properties, and also
12 we have incomplete information on the fence line.

13 THE CHAIRMAN: Now, I have also been
14 told, and I don't know the degree of accuracy, but
15 I have heard that this operator also has access to
16 other Crown land immediately adjacent that he
17 plans to put a fence around. Are you aware of
18 that?

19 MR. MCGARRY: We're not sure what the
20 plans of that particular development are right
21 now.

22 THE CHAIRMAN: Has anyone consulted
23 with the local rural municipality or with Manitoba
24 Crown Lands? I believe most if not all of the
25 lands on this ranch are Provincial Crown lands?

1 MR. JOYAL: They are not all Crown
2 leased lands, there are some privately owned land.
3 We have met with the RM of Mountain, which is the
4 municipality that would house this, and they did
5 not bring any concerns to our attention.

6 We have notified the individuals, as
7 they have fallen on the FPR as well as the AFPR,
8 when we do our general notification. So these
9 landowners have been informed but have not
10 participated in any process with us.

11 THE CHAIRMAN: You haven't heard
12 anything from the landowner in what he or she
13 thinks of it?

14 MR. JOYAL: They have been notified
15 for round four and this subsequent round, and have
16 not attended an open house landowner information
17 centre or called us.

18 THE CHAIRMAN: Okay. I mean, I just
19 find it surprising that nobody has a map of the
20 fencing. And so if at all possible, I think it
21 should be made available to all of the parties to
22 this proceeding.

23 Now, I'm going to bounce all over the
24 place. I think I have covered the ranch for now.
25 I will likely have some questions for Mr. Mills

1 when he makes his presentation in a couple of days
2 on behalf of Pine Creek First Nation.

3 When you are looking at the rerouting
4 in 14A/19A, did you look at running it over on the
5 west side closer to the highway? I realize that
6 there's cultivated farmland in that area, but was
7 that considered at all?

8 MR. MCGARRY: Again, Mr. Chairman, you
9 are probably stretching my memory on this. We did
10 have another route segment in that area
11 originally, the alternative route stage I believe.
12 C19 is the original segment in that area which was
13 not chosen, but it was further west towards
14 Highway 10.

15 At the time of our review with
16 Wildlife branch and Manitoba Conservation last
17 fall, as Mr. Mills had asked about, the
18 alternatives that were reviewed were based on a
19 single criteria at that point, and we landed on
20 the one in the AFPR in relation to moose, and then
21 the assessment followed from that.

22 THE CHAIRMAN: Bouncing around some
23 more, the blueberry patch, I think it was stated
24 this morning that it's more in the alternative
25 FPR, the AFPR than in the FPR; is that correct?

1 MR. DYCK: The information wouldn't be
2 definitive in terms of the actual area. There is
3 a rough estimate of area that's affected, that's
4 area of sand ridges where the blueberry patches
5 that are most likely to occur. That results in
6 about 14 hectares that would be affected by the
7 AFPR. I don't have a number for the FPR, but it
8 probably doesn't vary much from that area. Much
9 of the AFPR terrain east and southeast of -- how
10 do I explain this without a map -- it's in the
11 proximity of Cowan is where most of the sand
12 ridges are. Once you move further to the
13 southeast and closer to Highway 20, we are into an
14 extensive wetland there where it is very unlikely
15 to encounter blueberry patches.

16 THE CHAIRMAN: Thank you. There is no
17 rhyme nor reason to the order of my question. So
18 medium term duration, I believe somebody this
19 morning said that that was the life of the
20 project, which would be a hundred years; is that
21 correct?

22 MR. MCGARRY: I believe that was
23 defined. I don't know if Mr. Osler can remember
24 the criteria from chapter 4 of the original EIS,
25 but the term was defined. My recollection, it was

1 50 years for use in significance evaluation.

2 THE CHAIRMAN: Even 50 years is quite
3 a long time.

4 MR. OSLER: I've got chapter 4. The
5 actual definition at page 4-33 of the original EIS
6 was medium level. Medium was effects that extend
7 throughout construction and operation phases of
8 the project, i.e. up to 50 years. And I think in
9 my presentation to the panel, we discussed some of
10 the implications of taking that type of a
11 definition of medium term versus something that is
12 a bit shorter. But the EIS was carried out based
13 on that definition. And I think that's all that
14 people were talking about earlier. I think the
15 question raised the point of about a hundred years
16 versus 50 years.

17 THE CHAIRMAN: Thank you. And this
18 question is probably directed to Mr. Schindler,
19 and it's slide number 11 where you're looking at
20 GHA 14 and the AFPR at the southern route. Were
21 you saying that this goes through high quality
22 habitat for moose, that that stretch where it sort
23 of turns away from the highway and goes back to
24 join the FPR?

25 MR. SCHINDLER: South of Bellsite?

1 THE CHAIRMAN: Yes.

2 MR. SCHINDLER: Yes. That area is not
3 only high quality habitat, but that area was part
4 of a high density aerial survey block that was
5 identified by Manitoba Conservation in their
6 survey of January 2011. So I mentioned that the
7 areas where we saw concentrations of moose was
8 very similar to what the Conservation had
9 indicated or found within their surveys that were
10 conducted in 2011. So that is essentially, if you
11 will, a bit of a hot spot, or an area where that
12 is considered a high density moose area.

13 THE CHAIRMAN: Okay. Now, you also
14 spoke about enhanced mitigation involving the FPR.
15 Now, is that something that can be applied in
16 other places? I didn't fully understand your
17 concept of enhanced mitigation.

18 MR. SCHINDLER: Yeah, I think Cam made
19 mention of a letter that there was some indication
20 that Hydro was looking at some enhanced mitigation
21 in the game hunting area 19A/14A. I think what I
22 was trying to illustrate there, in terms of the
23 FPR relative to mitigation, and I think if we
24 reflect back to maybe some of the reasons why the
25 FPR was selected in terms of mitigation,

1 particularly through those Willow areas where the
2 vegetation is quite short in, you know, I have
3 heard Hydro discuss potentially shorter tower
4 spans to lift the conductor higher. Some of the
5 things that have been recommended for area 19
6 would be access so that maybe you access it from a
7 different area. There is a number of, in my
8 opinion, types of mitigation that certainly could
9 be applied in sensitive areas such as these.

10 THE CHAIRMAN: Thank you.

11 MR. MCGARRY: I would just add to
12 that, there was a letter where we provided
13 additional measures that we would consider as
14 enhanced mitigation in game hunting area 19A/14A
15 specific to the FPR, in the event that a decision
16 was made based on our assessment to shift back to
17 the FPR. The Wildlife Branch had made it quite
18 clear that they still believed that area was
19 critical for moose, and as such the discussion
20 evolved to what could be done to enhance
21 mitigation to protect moose in that area, over and
22 above anything else that we had already suggested?

23 MR. OSLER: And just to conclude that,
24 the letter is focused on access related matters
25 and, you know, talks about extra measures for a

1 particular area to not encourage more access and
2 not to clear anymore trees than absolutely
3 required, like limiting it only to danger trees
4 and trees in excess of 17 metres along the
5 right-of-way, things like that.

6 That type of an approach is applicable
7 to that type of an area but might not be very
8 applicable if you were talking about an area where
9 you had an open access, one way or the other, and
10 not very many trees, which are some of the other
11 pictures that you had of some of the other areas.
12 So this was very specific to the option of
13 retaining the FPR in 19A.

14 THE CHAIRMAN: Thank you. Now, after
15 all these presentations and having gone through
16 the literature that has been provided to us, and
17 today's presentations and discussions, it's not
18 clear to me which of these routes Manitoba Hydro
19 would prefer. I think in the Wabowden area, I get
20 the impression that that one is clear, that it's
21 the AFPR. In 14, the Moose Meadows area, I'm not
22 quite so certain, and I'm quite a bit less certain
23 in 14A/19A.

24 So is Hydro taking a position on
25 these, and if so, you know, we'd like to know

1 sometime before next Thursday, or do you want us
2 to toss a coin and make the decision?

3 MR. MCGARRY: Mr. Chairman, we can
4 offer an opinion on what we think might be
5 appropriate in this case, if you would entertain
6 it. And I agree with you, the Wabowden area would
7 seem to make more sense for Bipole III to take the
8 FPR, or AFPR in terms of the final preferred
9 route. For game hunting area 14, Moose Meadows,
10 we believe that either route is probably
11 acceptable in that area based on the review of
12 moose and other factors. For game hunting area
13 19A/14A, based on the outcome of the assessment,
14 our leanings would be back to the FPR as a
15 solution in that area.

16 THE CHAIRMAN: Thank you. That's all
17 the questions I have for now. We will require
18 this panel back again probably on Wednesday for an
19 hour or two. I think out of just a sense of
20 fairness, we'll have to give Mr. Madden an
21 opportunity, and I kind of suspect he'll have a
22 question or two in this regard.

23 Mr. Mills has indicated to me earlier
24 that he doesn't think his presentation will take
25 anywhere near the whole day, so we should be able

1 to slot it in sometime Wednesday afternoon.

2 Now, panel members. Mr. Gibbons, any
3 questions?

4 MR. GIBBONS: Some of these might be
5 short snappers, I'm not sure.

6 First starting with Mr. McGarry and
7 Mr. Dyck, and I'll let you two decide who should
8 answer what at this stage. I think you have
9 answered this before, but I am not certain, and if
10 you did I can't remember what the answer was.

11 On page 7, the lower slide, you are
12 talking here about the route through GHA 14.
13 Could you clarify for me why the existing linear
14 development, the abandoned railway line was not
15 made use of in either of the proposals, the FPR or
16 AFPR?

17 MR. MCGARRY: That suggestion has been
18 made in the past. Generally, we find, and in this
19 case we reviewed in the game hunting area 19A the
20 use of an abandoned rail right-of-way. Generally
21 what we find is, number one, the right-of-way is
22 too narrow, it's usually in the 20 metre range,
23 which means we'll have to get additional property
24 either on one side or both. There also tends to
25 be residential farm developments very near the

1 rights-of-way. I guess the third factor is the
2 railways go through communities, so like
3 Bellsite -- I am not sure about Bellsite --
4 Mafeking certainly. So they are limited in terms
5 of opportunity for routing and were so in this
6 case as well.

7 MR. DYCK: Also the rail line is
8 routed through Bellsite as well. The rail line is
9 routed through Bellsite, the Community of Bellsite
10 as well.

11 MR. GIBBONS: Yes, Mafeking as well.

12 MR. DYCK: Yes.

13 MR. GIBBONS: That's fine. I was just
14 looking for a reminder of what that purpose was.

15 The second question has to do with
16 page 21, the top slide, there is a reference to
17 the -- this is under resource use, commercial
18 forestry as it affects, i.e, the AFPR affects
19 seven new high value forest sites in Wabowden area
20 and one in GHA 19A/14A.

21 On the surface, that would make it
22 appear as though that increases the pressures on
23 these forest sites. But I'm wondering, is there
24 something unsaid there, that is to say, is this in
25 comparison to the FPR, or would the FPR have also

1 affected new high value forest sites? In other
2 words, is there a trade-off there? If so, there's
3 only one side of the equation indicated.

4 MR. DYCK: Yes, you are correct.

5 There are some high value forest sites along the
6 FPR as well in the Wabowden routing area. I don't
7 have an exact number of how many of those are, but
8 they are much advanced in their growth and stage
9 of growth. And they are more difficult to tell
10 from the photography where exactly they exist.

11 And the one area in the game hunting 19A/14A area
12 is a harvested hardwood site that's probably been
13 harvested by Louisiana Pacific in the last decade
14 or so.

15 MR. GIBBONS: Thank you.

16 MR. DYCK: The seven sites in the
17 Wabowden area along the AFPR are predominantly
18 right along PR 373.

19 MR. GIBBONS: Similar question on page
20 26, lower slide, in the comparison between -- and
21 this is on the aquatics, the FPR crosses 17 water
22 courses, the AFPR crosses 14, six of which have
23 important habitat.

24 Can I presume there were some
25 important habitat in the FPR as well? In other

1 words, it seems again like something might be left
2 out of the comparison, or is it that 17 water
3 courses in the FPR included no important water
4 habitats? I expect not, but just for
5 clarification?

6 MR. MCGARRY: Yes, Mr. Gibbons, if I
7 was quicker, it may be in this chart. Can I defer
8 that to a quick look and get back to you on that
9 information?

10 MR. GIBBONS: Well, on the surface if,
11 I mean, the exchange of 17 water courses for 14
12 seems fine until you find out that six of them are
13 important, whereas in the other case none of them
14 were important as habitats. So if we could get
15 that clarified?

16 MR. MCGARRY: Yes. They would have
17 been rated, it's just we're trying to find it
18 right now.

19 MR. GIBBONS: They were sort of short
20 snappers. It doesn't necessarily require long
21 explanations.

22 I think I'll hold off the rest of
23 these then until Wednesday because we are running
24 late. And as you have said earlier, there is
25 perhaps not as long a presentation as we had

1 expected.

2 THE CHAIRMAN: Mr. Mills?

3 MR. MILLS: Yes, we were talking about
4 the bison fence, and I had some information I
5 wanted to provide. Mr. Tyson Gilles, the land
6 manager at MAFRI, indicated to us within the last
7 week that he has a complete and accurate plot of
8 the fences around the bison farm. We asked him
9 for that information. He said he had provided his
10 entire file to his ADM and that he can't share it
11 with us. And he wasn't prepared to provide us
12 with any further information other than he knows
13 exactly the extent of the bison fencing. He had
14 forwarded to the MAFRI ADM, and he wasn't at
15 liberty to provide it to us.

16 As well, a Mr. Dave Yunker at Lands in
17 Dauphin, as a result of a DFO complaint, undertook
18 two inspections, one in 2009, the other in 2011,
19 with regards to the extent of the fencing.

20 We asked him if we could have that
21 information. He said he had submitted it to his
22 superior, a lady by the name of Jen at
23 Conservation. And I have logged five phone calls
24 to Jen. She won't provide me with the information
25 or return my call.

1 The information does exist,
2 Mr. Chairman. Through the section 35 we had
3 encouraged Conservation to obtain this information
4 from MAFRI and Lands. And when the TAC
5 information came out and it was lacking, we were
6 frustrated and sensed that we'd be here today.
7 The information exists, it's current, the Province
8 has it, and they are unwilling or not prepared to
9 provide it to us. They may give it to you, they
10 might give it to Hydro, but they are adamant they
11 will not give it to us.

12 THE CHAIRMAN: Thank you, Mr. Mills.

13 Mr. McGarry, I don't know if you got
14 those names, but perhaps you might request that
15 information from MAFRI and/or the Lands Branch?

16 MR. MCGARRY: To acquire the bison
17 information?

18 THE CHAIRMAN: Yes.

19 MR. MCGARRY: As it is germane to this
20 process? The information and the issue seems to
21 be --

22 THE CHAIRMAN: I think the location of
23 the fencing around the ranch is relevant to this
24 process, because your line will be going through
25 the ranch one way or the other.

1 MR. MCGARRY: We could make the
2 request, as you indicate, Mr. Chairman, although
3 that information may be some time in coming.

4 THE CHAIRMAN: Well, if you could make
5 the request as soon as possible and let us know,
6 and if you are not able to get it, then maybe we
7 will have to -- well, not maybe, we will have to
8 find some other way of getting that information.

9 MR. MCGARRY: As you wish.

10 THE CHAIRMAN: Okay. I think we'll
11 adjourn for today. It's been a full day and it's
12 the first of eight. We have a number of documents
13 that need to be placed on the record. So back
14 here tomorrow morning at 9:00 a.m. We'll have
15 Mr. Meronek and his more or less day long
16 presentation. Good evening.

17 (Adjourned at 5:00 p.m.)

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OFFICIAL EXAMINER'S CERTIFICATE

Cecelia Reid and Debra Kot, 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
by us at the time and place hereinbefore stated to
the best of our skill and ability.

Cecelia Reid
Official Examiner, Q.B.

Debra Kot
Official Examiner Q.B.

A				
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