

Subject: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

The attached material can be placed in the public registries for the above project:

Request for additional information: No additional information required.

Public Comments on the Environment Act Proposal:

Manitoba Metis Federation, July 24, 2019. (3 pages)

Technical Advisory Committee Comments on the Environment Act Proposal: (9 pages)

Manitoba Sustainable Development – Environmental Approvals Branch, Water Power Act Licensing, June 25, 2019

Manitoba Sustainable Development – Parks and Protected Spaces Branch, June 26, 2019

Manitoba Sustainable Development – Forestry and Peatlands Branch, July 17, 2019

Manitoba Sustainable Development – Office of Drinking Water, June 27, 2019

Manitoba Sustainable Development – Drainage and Water Rights Licensing Branch, June 26, 2019

Manitoba Sustainable Development – Northwest Region Integrated Resource Management Team, July 19, 2019

Manitoba Sport, Culture and Heritage – Historic Resources Branch, July 26, 2019

Manitoba Growth, Enterprise and Trade – Office of the Fire Commissioner, June 26, 2019

Manitoba Infrastructure – Highway Planning and Design Branch, Environmental Services Section, July 22, 2019

Bruce.



MANITOBA METIS FEDERATION INC.

300 - 150 Henry Avenue, Winnipeg, Manitoba R3B 0J7

Phone: (204) 586-8474 Fax: (204) 947-1816 Website: www.mmf.mb.ca

David Chartrand, LL.D. (Hon)
President

July 24, 2019

Mr. Bruce Webb
Water Development and Control Assessment Officer
Manitoba Sustainable Development
1007 Century Street
Winnipeg, MB R3H 0W4

VIA E-MAIL

Dear Mr. Webb,

Re: Manitoba Hydro-Grand Rapids Fish Hatchery Upgrade and Expansion

I am writing to you on behalf of the Manitoba Metis Federation ("MMF")—which is the democratically elected self-government representative of our Manitoba Metis Community (our "Community")—to outline the MMF's concerns with respect to Manitoba Hydro-Grand Rapids Fish Hatchery Upgrade and Expansion (the "Project"). Specifically, the MMF is deeply concerned with the lack of consultation and respect shown by Manitoba Sustainable Development ("MSD") for the concerns of our Community and the impacts of the Project on our constitutionally-protected rights, interests, and responsibilities.

To date, the MMF has not been consulted or notified by MSD regarding the Project. We have had no discussions regarding the impacts of the Project on the constitutionally projected rights, interests, and claims of our Community, how to mitigate such impacts, or to discuss and implement collaborative processes that respects our ongoing stewardship rights and responsibilities towards our traditional Metis territory on which the Project is located. This is entirely unacceptable. As further set out below, a respectful process of consultation with the MMF, on behalf of our Community, is clearly required, long overdue, and should begin immediately.

Our Manitoba Metis Community is an Indigenous community and Aboriginal people within the meaning of section 35 of the *Constitution Act, 1982*. Based on our emergence as a distinct Indigenous people in the Northwest prior to Canada becoming Canada, and Manitoba becoming Manitoba, our Community holds rights, interests, and claims throughout and beyond the province of Manitoba. Since 1982, our rights as Metis people have been recognized and affirmed as protected by section 35 of the *Constitution Act, 1982*. Some of our rights have been recognized by the courts (see for example, *R. v. Goodon*) and through agreements with the Crown (see for

example, the Manitoba Government-MMF Points of Agreement on Metis Harvesting in Manitoba, 2012). Our Citizens, including Harvesters, rely on and use the lands, waters, and resources of our traditional territory throughout the province of Manitoba—including in the area of the Project—to exercise their constitutionally-protected rights and maintain their distinct Metis customs, traditions, and culture.

The MMF is mandated to promote, protect, and advance the collectively held Aboriginal rights of our Manitoba Metis Community, including by engaging with governments, industry, and others about potential impacts of projects or activities on our Community. In 2007 the MMF adopted Resolution No. 8 that sets out the framework for engagement, consultation, and accommodation with our Community. Designed by Metis—for Metis—Resolution No. 8 sets out the process that is to be followed by governments, industry, and other proponents when developing plans or projects that have the potential to impact the section 35 rights, claims, and interests of our Community. It was unanimously passed by MMF Citizens and mandates a “one-window” approach to consultation and engagement with our Manitoba Metis Community through the MMF Home Office.¹

In consulting the MMF, on behalf of our Community, the Resolution No. 8 Framework calls for the implementation of five phases:

- Phase I: Notice and Response;
- Phase II: Funding and Capacity;
- Phase III: Engagement and Consultation;
- Phase IV: Partnership and Accommodation; and,
- Phase V: Implementation.

We understand that the Project will involve the expansion and upgrade of the Grand Rapids fish hatchery. This includes the construction and upgrade of infrastructure and the improvement of biosecurity protocols. There was an assessment of the potential effects from construction and operation; however, the MMF has been given no information regarding this assessment or has had no discussions about any permits or licenses applied for. The MMF is extremely disappointed that you have not consulted with us about the Project and its impacts on our Manitoba Metis Community’s rights, claims, interests, and responsibilities as stewards of our traditional territory.

The proposed Project is located entirely within our traditional Metis territory. It is in an area in which the provincial Crown has recognized the section 35 Metis harvesting rights of our community, including hunting, trapping, fishing, and gathering for food and domestic use, including gathering timber. Our Citizens, including Harvesters, continue to use and rely on this area to exercise their rights today. The proposed Project is therefore expected to have an impact on the rights, claims, and interests of our Community and, as such, consultation with the MMF through the processes as set out above will need to be followed.

¹ More information about Resolution No. 8 is available at: <http://www.mmf.mb.ca/docs/2013-Resolution%208%20Booklet-VFinal.pdf>

We would like to arrange a meeting between representatives of the MMF and MSD to discuss the Project and a process for ensuring the MMF is appropriately notified, consulted, and involved in Project-related opportunities. It is imperative that the MMF is informed as to the Project's potential impacts, both positive and negative, to our Community and their use of the lands, waters, and resources. Please contact me at your earliest opportunity via telephone at 204-586-8474, extension 234, or via email at jasmine.langhan@mmf.mb.ca to schedule a meeting to further discuss the Project, the Resolution No. 8 process, or if you require any further clarification on any matters raised in this letter.

The MMF looks forward to your response and to working collaboratively with you on this Project to ensure Metis-specific information and concerns are incorporated into a full, proper, and meaningful consultation process with our Community.

Kind regards,

A handwritten signature in black ink, appearing to read 'Jasmine Langhan', written in a cursive style.

Jasmine Langhan

MMF Engagement & Consultation Coordinator

Cc: MMF President's Office

Webb, Bruce (SD)

Subject: FW: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

From: Matthews, Rob (SD) <Rob.Matthews@gov.mb.ca>

Sent: June-25-19 7:10 PM

To: Webb, Bruce (SD) <Bruce.Webb@gov.mb.ca>

BU

Subject: RE: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

No concerns.

Rob Matthews
WPALS

Webb, Bruce (SD)

Subject: FW: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

From: Kelly, Jason (SD) <Jason.Kelly@gov.mb.ca>

Sent: June-26-19 8:02 AM

To: Webb, Bruce (SD) <Bruce.Webb@gov.mb.ca>;

BW

Subject: RE: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

Parks and Protected Spaces Branch has reviewed the proposal submitted pursuant to the Environment Act and have no comments or concerns to offer.

Webb, Bruce (SD)

Subject: FW: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

From: Epp, Jane (SD) <Jane.Epp@gov.mb.ca>

Sent: July-17-19 1:12 PM

To: Webb, Bruce (SD) <Bruce.Webb@gov.mb.ca>

BW

Subject: RE: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

Forestry and Peatlands has no concerns or comments.

Jane Epp

Webb, Bruce (SD)

Subject: FW: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

From: Vitt, Cory (SD) <Cory.Vitt@gov.mb.ca>

Sent: June-27-19 1:57 PM

To: Webb, Bruce (SD) <Bruce.Webb@gov.mb.ca>

BW

Subject: RE: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

No concerns.

Office of Drinking Water (ODW)

Cory Vitt, CMMA M.Eng. P.Eng.

(My name is Cory. Please refrain from any prefixes like "Mr. Vitt")

Approvals Engineer

Office of Drinking Water

Manitoba Sustainable Development

1007 Century Street

Winnipeg, Manitoba R3H 0W4

Phone: 204-806-1363

Fax: 204-945-1365

Email: Cory.Vitt@gov.mb.ca

Website: <https://gov.mb.ca/sd/water/drinking-water/>

Webb, Bruce (SD)

Subject: FW: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

From: Stonehouse, Perry (SD) <Perry.Stonehouse@gov.mb.ca>

Sent: June-26-19 1:44 PM

To: Webb, Bruce (SD) <Bruce.Webb@gov.mb.ca>

BW

Subject: RE: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

Drainage and Water Rights Licensing Branch has no concerns.

Perry R. Stonehouse

Director, Drainage and Water Rights Licensing Branch
Manitoba Sustainable Development
1129 Queens Avenue
Brandon, Manitoba R7A 1L9
Phone: (204) 573-4997

Webb, Bruce (SD)

Subject: FW: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

From: Armstrong, Mike (SD) <Mike.Armstrong@gov.mb.ca>

Sent: July-19-19 2:31 PM

To: Webb, Bruce (SD) <Bruce.Webb@gov.mb.ca> BW

Cc: Kitch, Ian (SD) <Ian.Kitch@gov.mb.ca>

Subject: RE: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

The NW Region has no comments or concerns with the proposed Grand Rapids Fish Hatchery Upgrade and Expansion.

Mike

Webb, Bruce (SD)

Subject: FW: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

From: +WPG574 - HRB Archaeology (SCH) <HRB.archaeology@gov.mb.ca>

Sent: July-26-19 11:48 AM

To: Webb, Bruce (SD) <Bruce.Webb@gov.mb.ca>

BW

Subject: RE: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

Hi Bruce,

The Historic Resources Branch has reviewed Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00. There are no concerns at this time since heritage protection measures have been outlined in the event that heritage resources are discovered.

Thank you.

Holly Cote

Municipal Heritage Consultant

Sport, Culture and Heritage

Government of Manitoba

Historic Resources

204-945-7259

Holly.Cote@gov.mb.ca

www.manitoba.ca



Webb, Bruce (SD)

Subject: FW: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

From: Garcia, Norman (OFC) <Norman.Garcia@gov.mb.ca>

Sent: June-26-19 10:38 AM

To: Webb, Bruce (SD) <Bruce.Webb@gov.mb.ca>

BW

Subject: RE: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

Good morning Bruce;

The OFC has no comments or concerns.

Regards,

Norman A. Garcia, P.Eng., MBA, BCQ, LEED AP BD+C

Building and Fire Safety Engineer

Office of the Fire Commissioner

508-401 York Avenue Winnipeg, MB R3C 0P8

P: 204-794-3840

Toll Free: 1-800-282-8069

norman.garcia@gov.mb.ca

www.firecomm.gov.mb.ca



www.manitoba.ca



Webb, Bruce (SD)

Subject: FW: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

From: Beck, Ashley (MI) <Ashley.Beck@gov.mb.ca> **On Behalf Of** +WPG969 - MIT Environmental Services Section (MI)
Sent: July-22-19 1:38 PM
To: Webb, Bruce (SD) <Bruce.Webb@gov.mb.ca> *BW*
Subject: RE: Request for Review/Comment by July 25, 2019: Manitoba Hydro - Grand Rapids Fish Hatchery Upgrade and Expansion File: 6012.00

Hi Bruce,

Thank you for giving us an opportunity to review. Manitoba Infrastructure has no comments or concerns.

Regards,
Ashley