

Appendix C

Indigenous Community Engagement

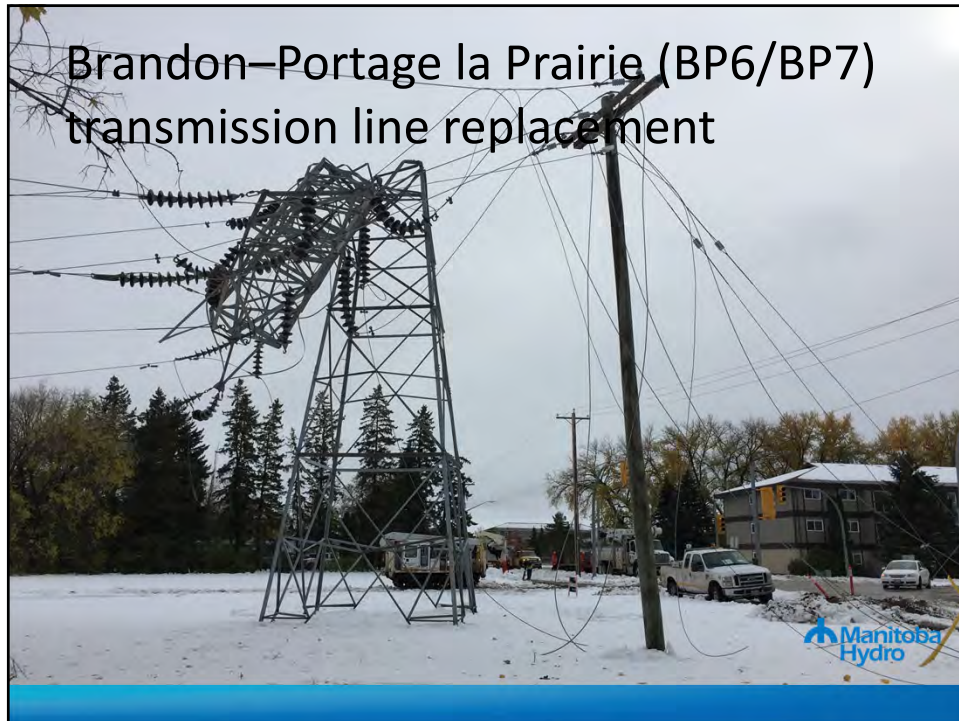
Round 1 engagement

The following presentation was shared during a meeting with Dakota Tipi First Nation on November 2, 2020

Attendees:

Dakota Tipi First Nation: Leanne Smoke and Darryl Taylor

Manitoba Hydro: Sarah Coughlin, Maria M'Lot and Ariane Dilay



1

Meeting outline

- Welcome
- Introductions
- Project presentation by Manitoba Hydro
- Discussion of alternative route segments
- Questions and answers
- Next steps and project timeline



2

Why is this project needed?

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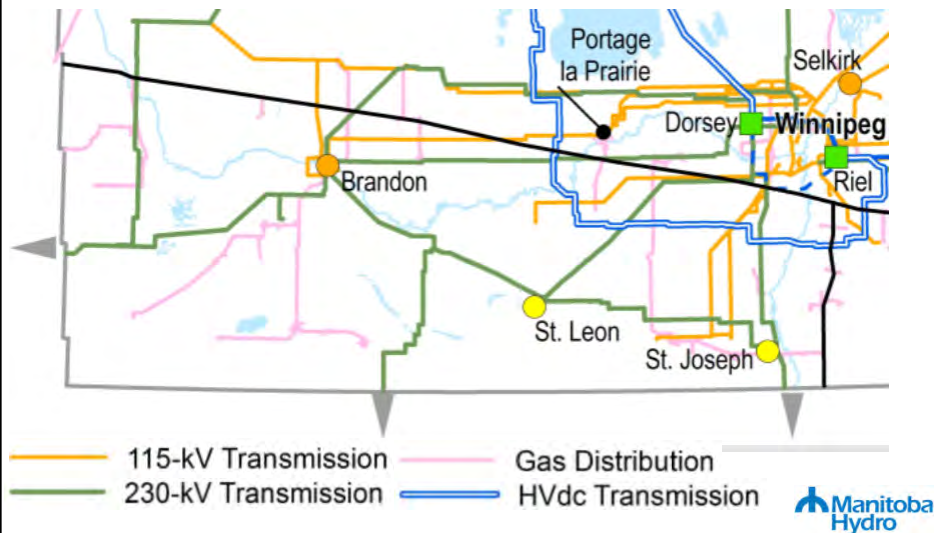
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Damaged tower in Portage la Prairie



3

System purpose



4

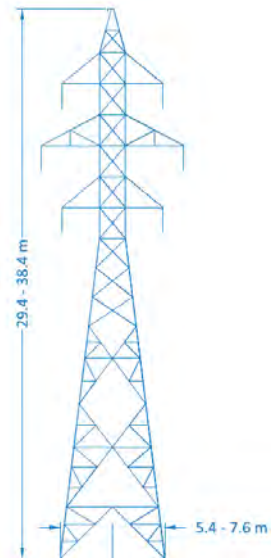
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Self supporting steel lattice towers

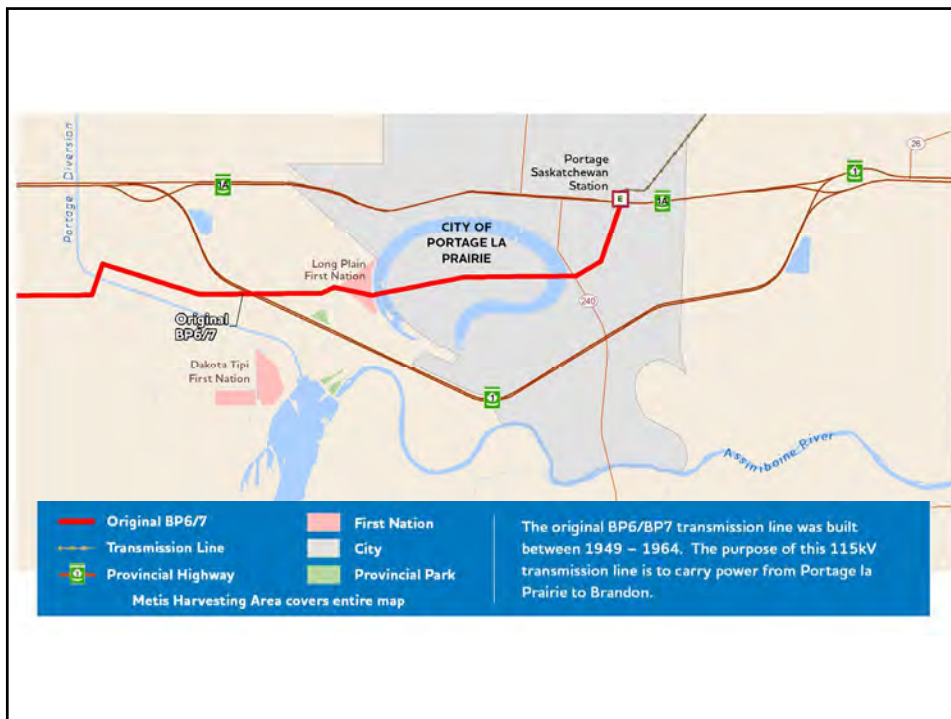
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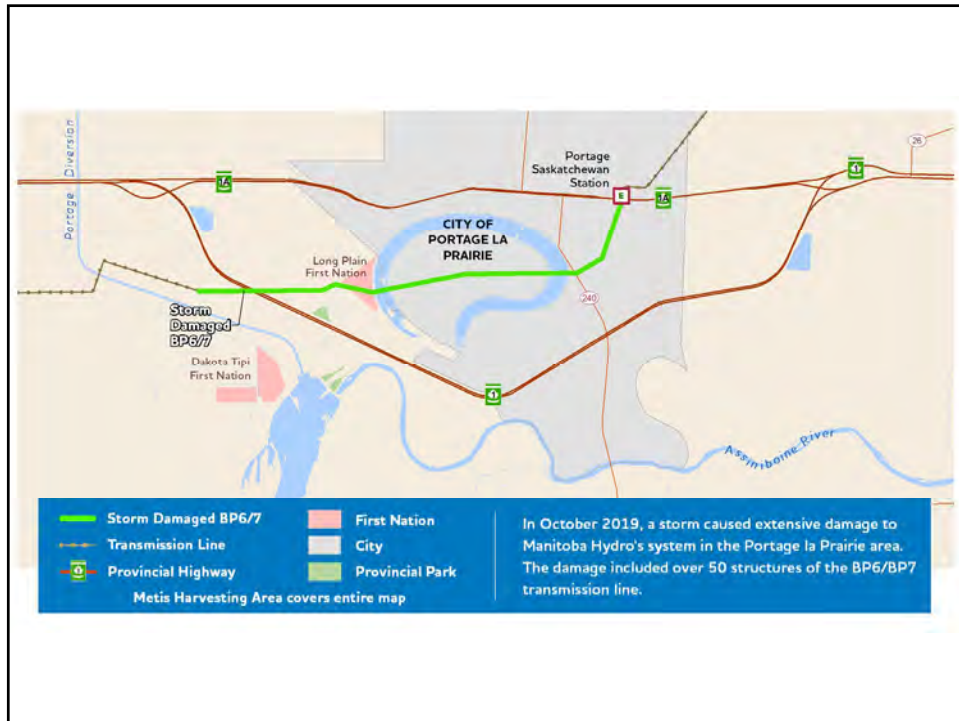
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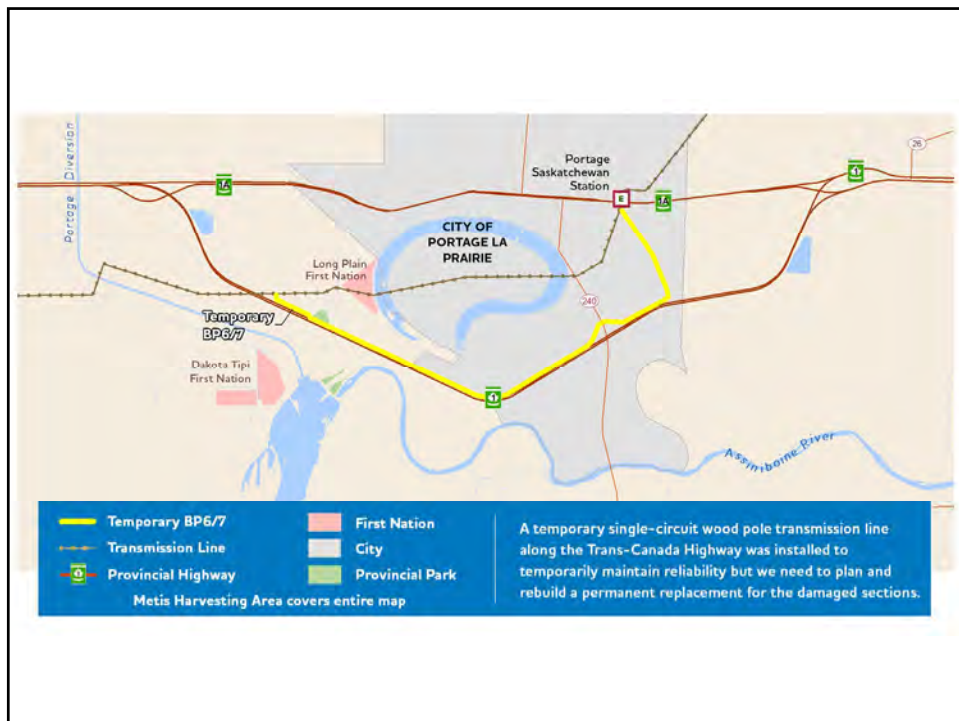
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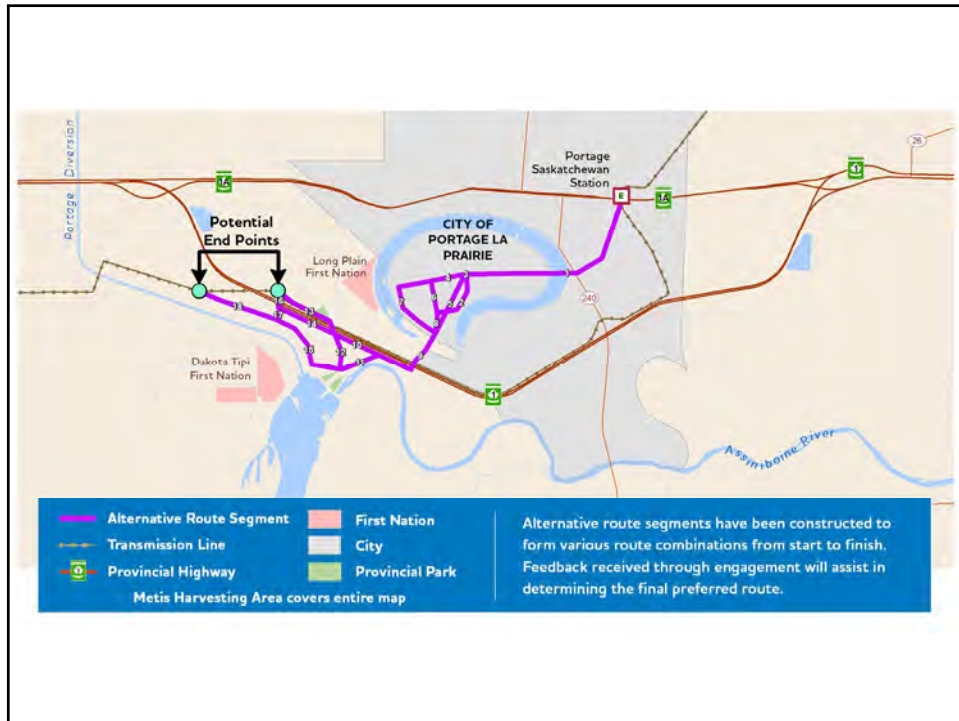
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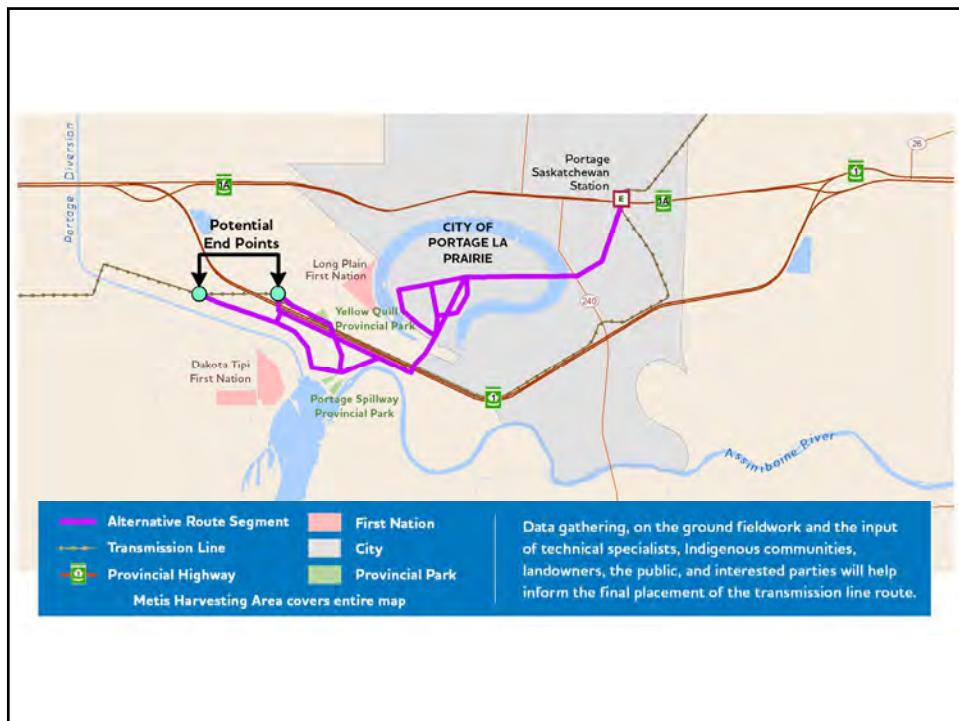
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8



9



10

Discussion

- General questions and concerns?
- Location specifics - segments
- Resources
 - [online feedback portal](#)
 - [map](#)

11

How does information inform decisions?



12

We are here

Round 1

- Alternative route segments: fall 2020


Round 2

- Preferred route: winter 2020

.....

Anticipated next steps

- File environmental assessment report: early 2021
- Regulatory review: 2021
- Construction start, if regulatory review is received 2022

 Manitoba Hydro

13

Dakota Tipi First Nation

- Key concerns
 - Heritage/archaeological concerns in the region
 - Island Park is a particularly sensitive area
- Initial input on routing preferences?

14

Proposed Valued Components

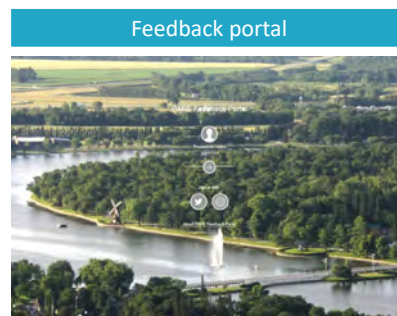
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15

We want to hear from you

- Online survey and feedback portal (until November 20)
- Virtual meetings
- Phone calls
- Emails



16

Thank you

We will share today's meeting notes

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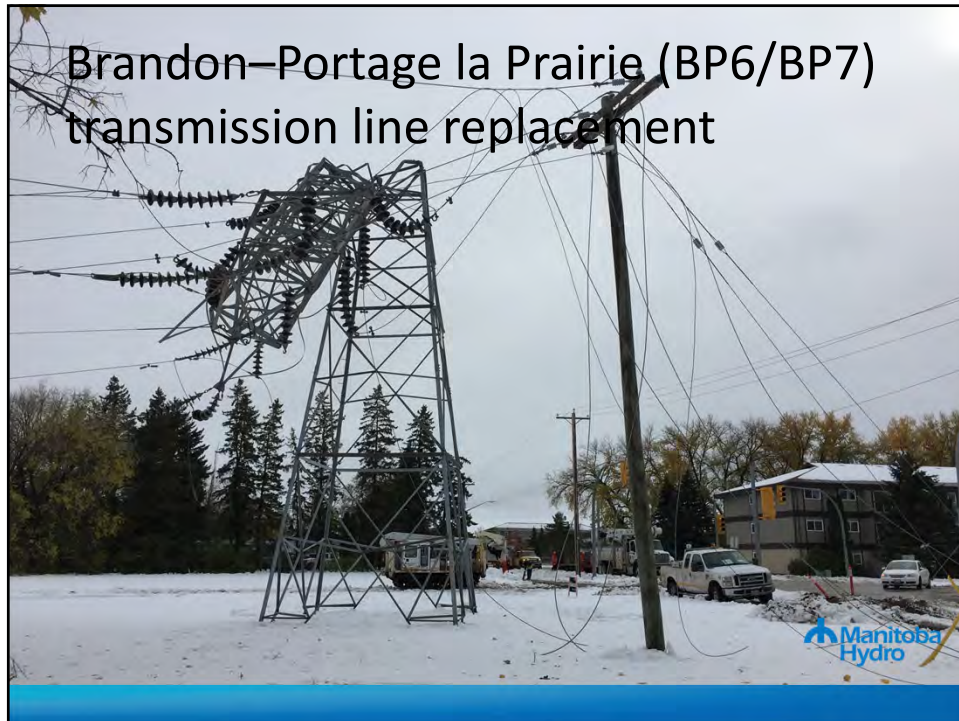
Round 1 engagement

The following presentation was shared during a meeting with Peguis First Nation on November 3, 2020

Attendees:

Peguis First Nation: Heather McCorrister, Roberta Flett and Mike Sutherland

Manitoba Hydro: Sarah Coughlin, Maria M'Lot and Ariane Dilay



1

Meeting outline

- Welcome
- Refresh from August 17, 2020
- Project presentation by Manitoba Hydro
- Discussion of alternative route segments
- Questions and answers
- Next steps and project timeline



2

Meeting Minutes

Meeting:	BP 6&7 and Portage area works discussion
Meeting Purpose:	Share information about Portage area works and understand preferred method of engagement with Peguis First Nation
Meeting Date:	August 17, 2020
Meeting Time:	2:00pm
Meeting Location:	Microsoft Teams
Meeting Facilitator:	Sarah Coughlin (MH)
Attendees:	Roberta Flett (PFN), Mike Sutherland (PFN), Heather (PFN), Maria M'Lot (MH)
Minutes Issued By:	Ariane Dilay (MH)

Next Steps:

Manitoba Hydro will send Peguis First Nation potential dates for a tour of the Portage area at the end of September
Manitoba Hydro will send the next communication about BP 6&7 in early September
Manitoba Hydro will send information about the MMTP Closing Ceremony and contact Wayne Manningway to assist in the ceremony

Topic: Portage area projects

Speaker:	Discussion:
MH	<ul style="list-style-type: none"> - Introduction and reason for the Portage la Prairie area projects - Manitoba Hydro shared information about upcoming work in the Portage la Prairie area, including the BP 6 & 7 project, CN 9 and D54N - Manitoba Hydro referenced a map to describe the potential reroute area of BP 6&7 and the location of the other projects - MH asked Peguis First Nation value what they in the area and what to consider when routing - MH would like to know PFN's preferred way to engage on the BP 6&7 and

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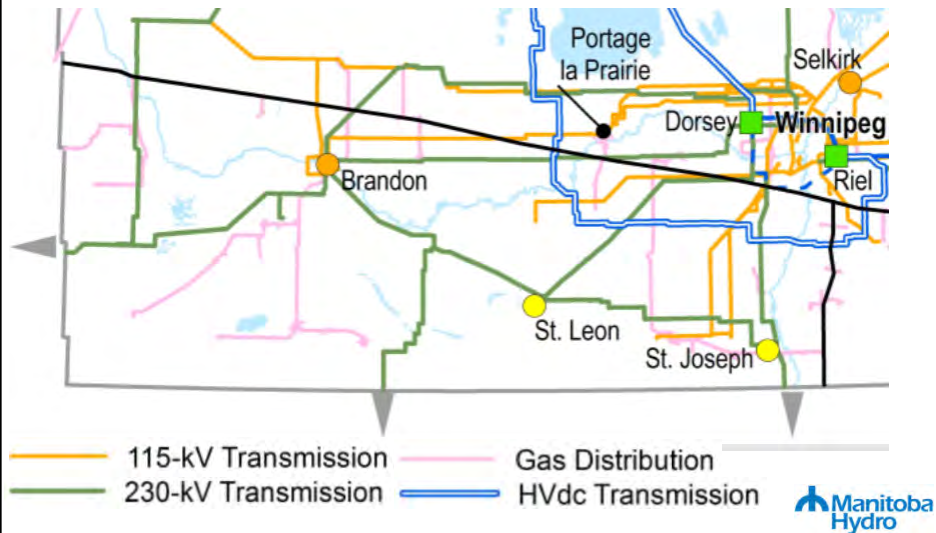
Damaged tower in Portage la Prairie



Manitoba Hydro

4

System purpose



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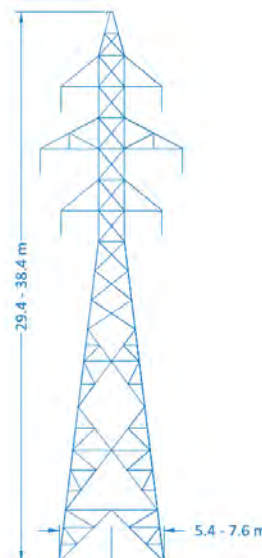
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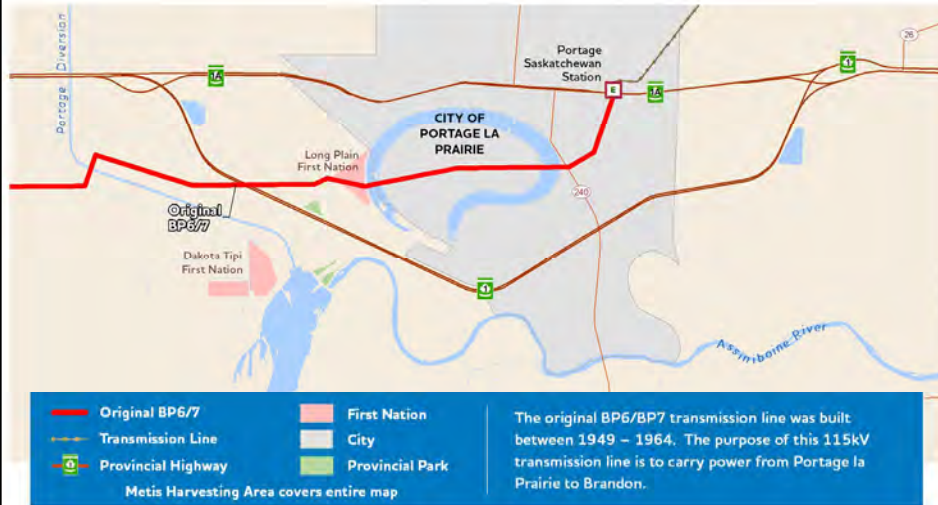
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Manitoba Hydro

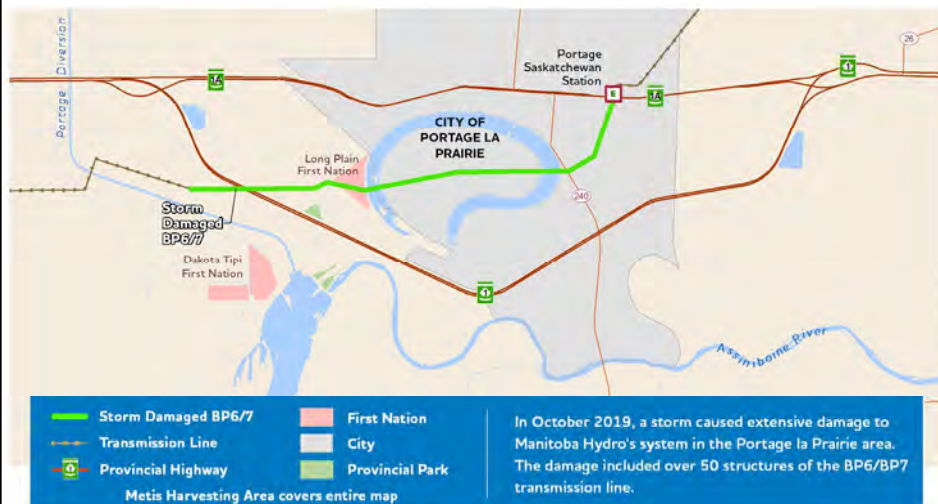
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Treaty 1 Territory



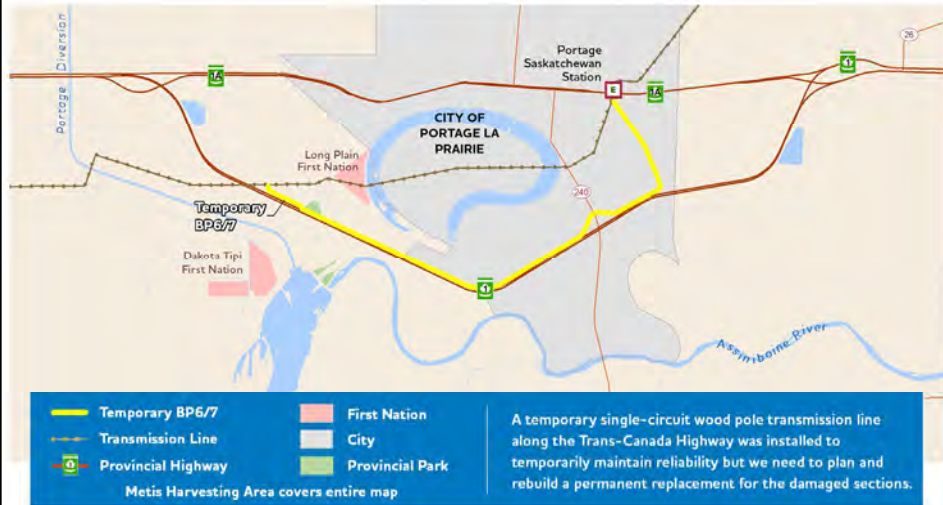
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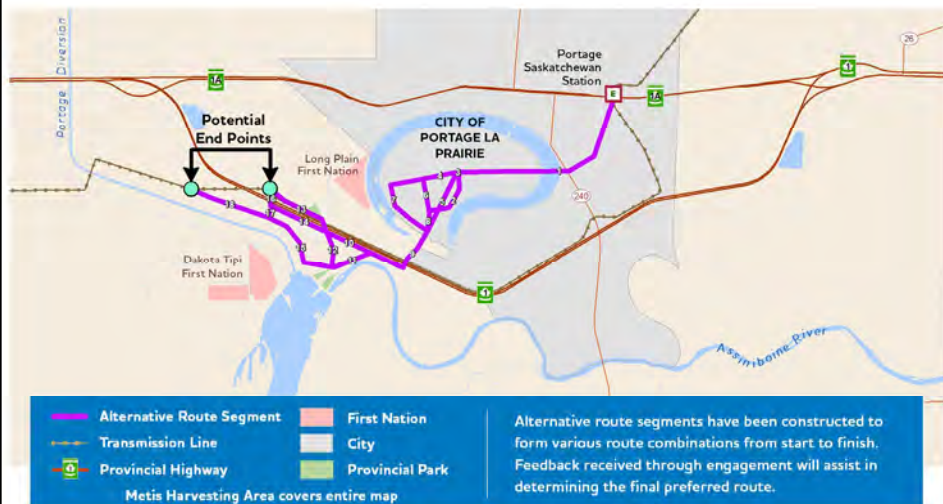
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Treaty 1 Territory



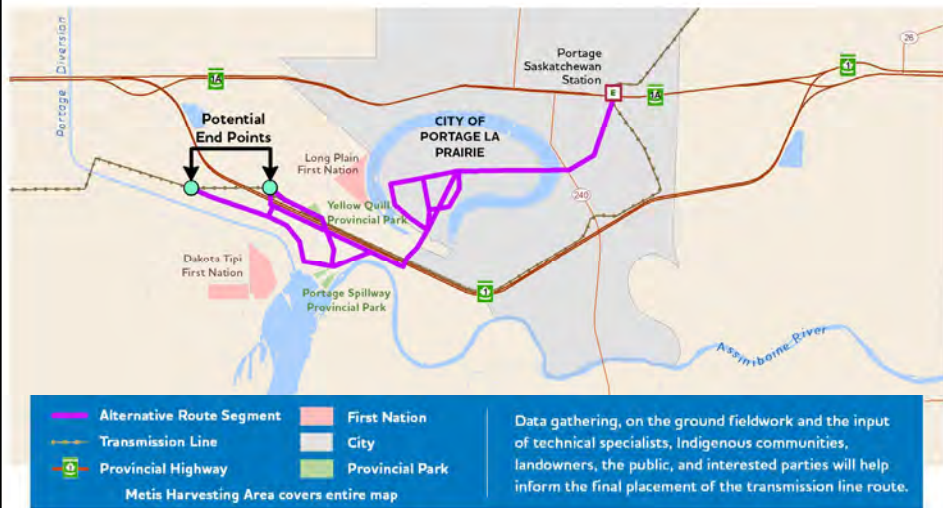
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Treaty 1 Territory



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Treaty 1 Territory



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Discussion

- General questions and concerns?
- Location specifics - segments

- Resources
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 - [map](#)

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How does information inform decisions?



Design



Location



Mitigation

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We are here

Round 1

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Round 2

- Preferred route: winter 2020

Anticipated next steps

- File environmental assessment report: early 2021
- Regulatory review: 2021
- Construction start, if regulatory review is received 2022



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Peguis First Nation

- Understandings to date:
 - Last met August 17, 2020, introduced project
 - Peguis First Nation is interested in engagement on Portage area projects
 - Work through the Consultation office (Mike Sutherland and Roberta Flett)
 - Would like to be made aware right away of who the contractor is so we can start those partnerships earlier
 - Would also like the contractor to be made aware of who the interested communities are when it comes to opportunities
 - Interested in a tour
 - Wanted to speak again once routes options were available
- Initial input on routing preferences?



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Proposed Valued Components

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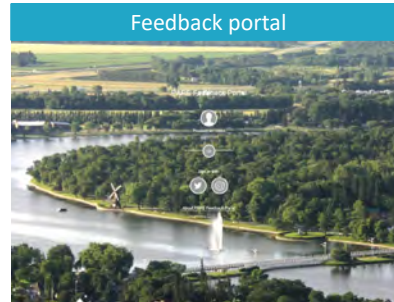


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We want to hear from you

Online survey and feedback portal

Tell us what you think about the proposed alternative route segments. The survey closes on November 20.



www.hydro.mb.ca/bp67

17

Thank you

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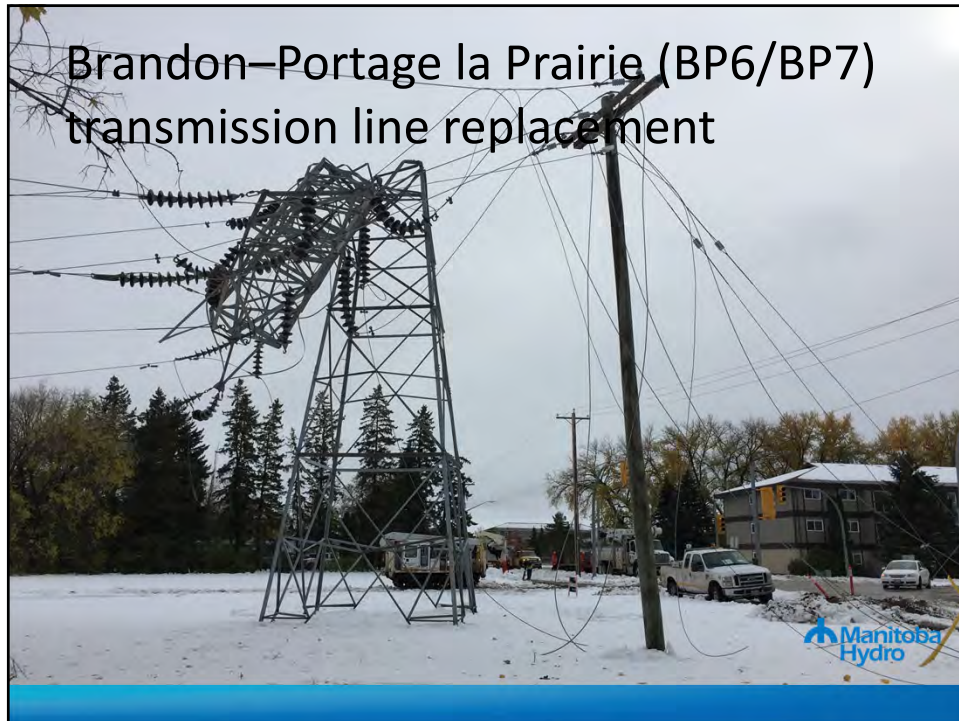
Round1engagement

The following presentation was shared during a meeting with Long Plain First Nation on November 6, 2020

Attendees:

Long Plain First Nation: Ralph Roulette Jr. and Shaun Peters

Manitoba Hydro: Maria M'Lot and Ariane Dilay



1

Meeting outline

- Welcome
- Introductions
- Project presentation by Manitoba Hydro
- Discussion of alternative route segments
- Questions and answers
- Next steps and project timeline



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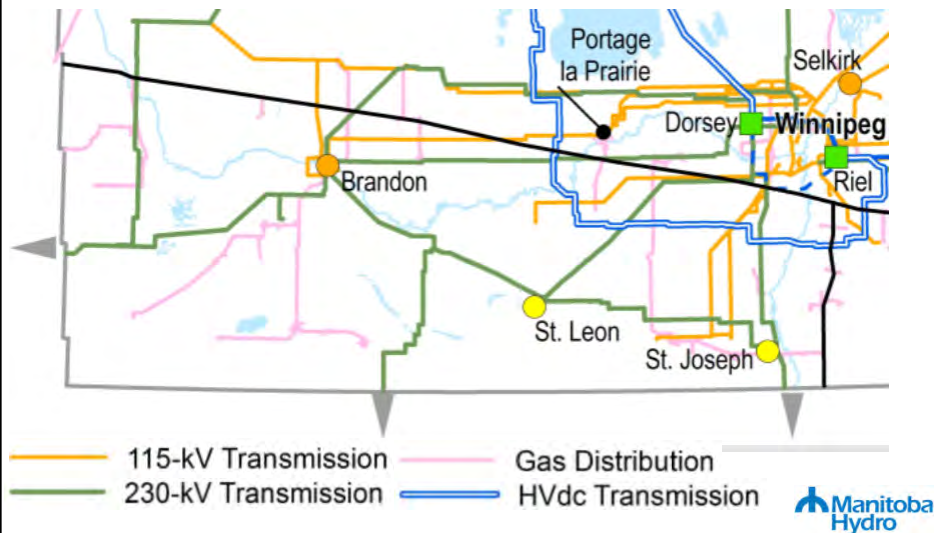
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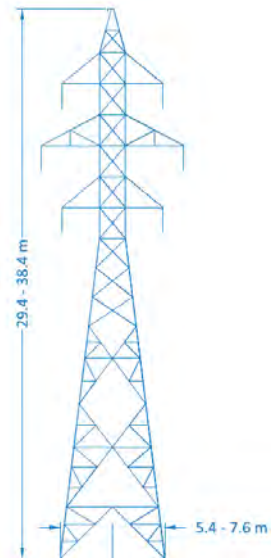
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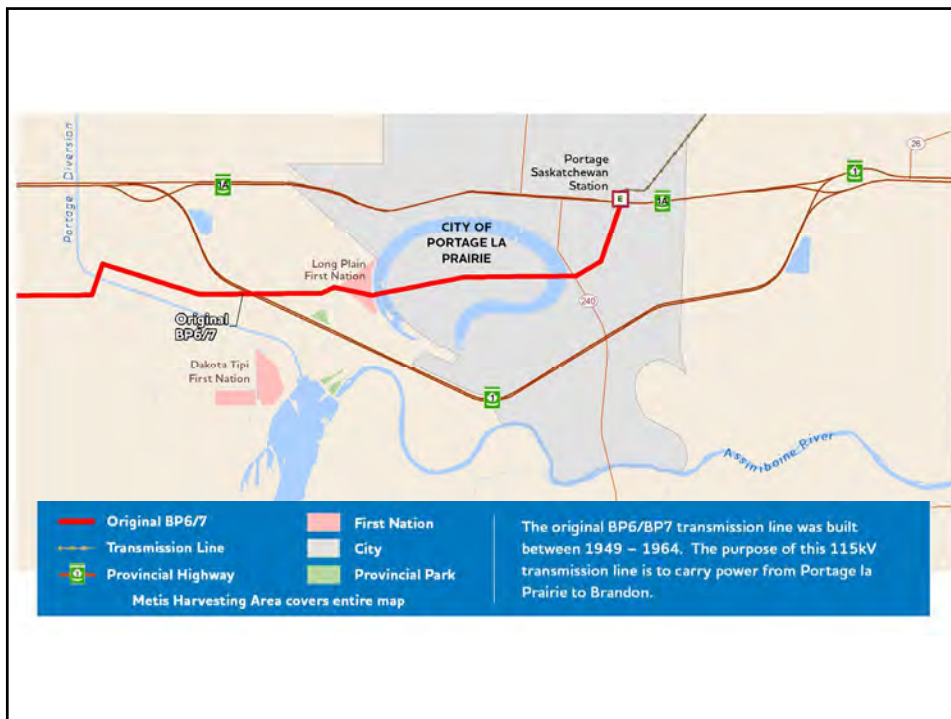
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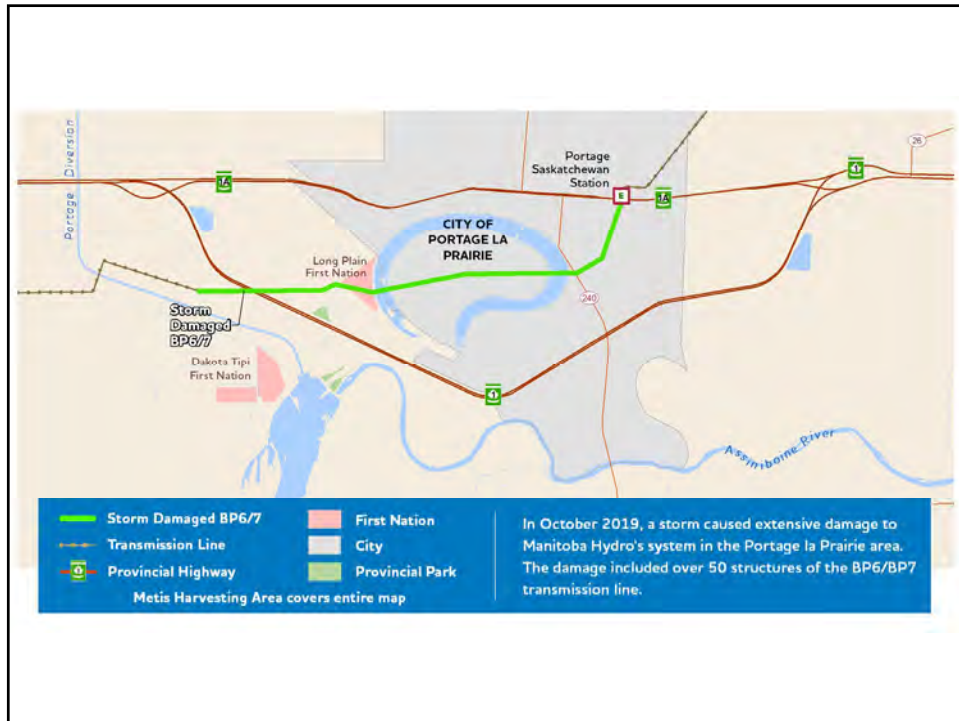


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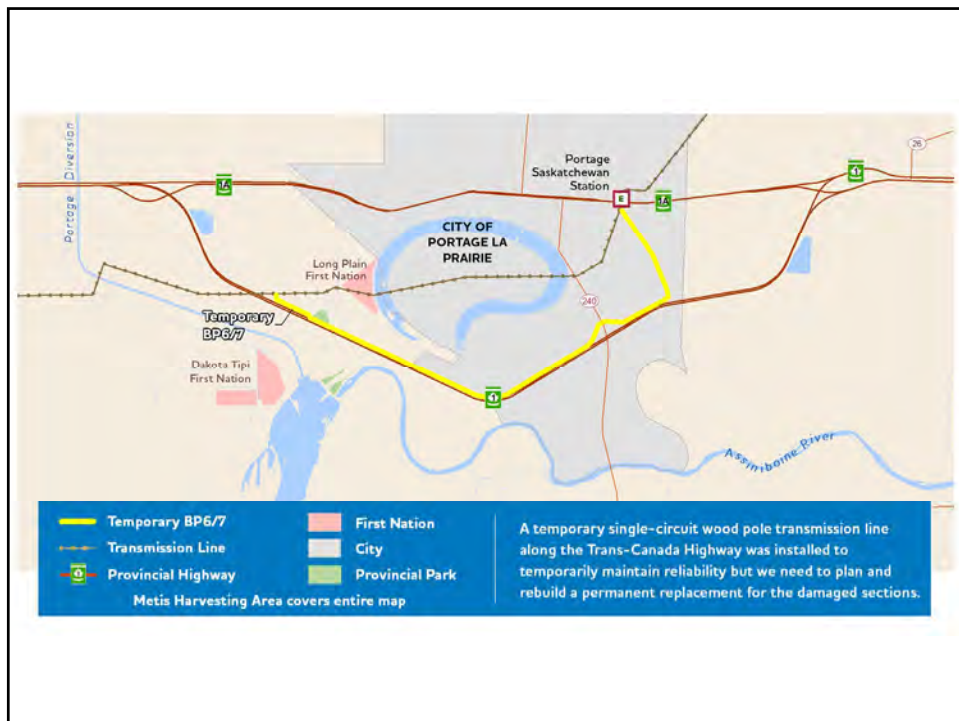
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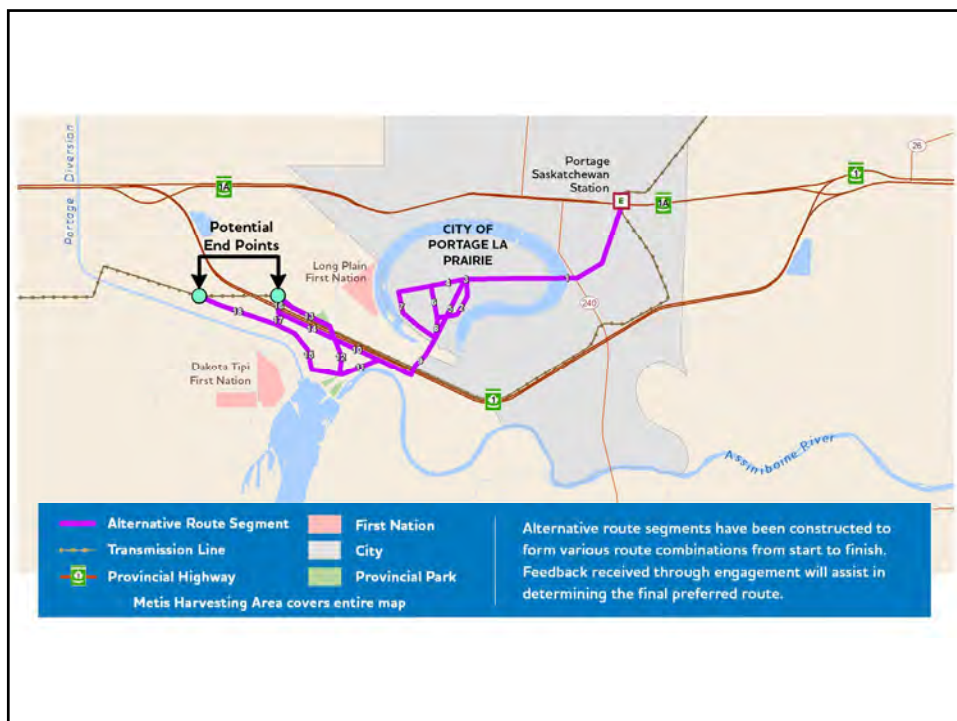


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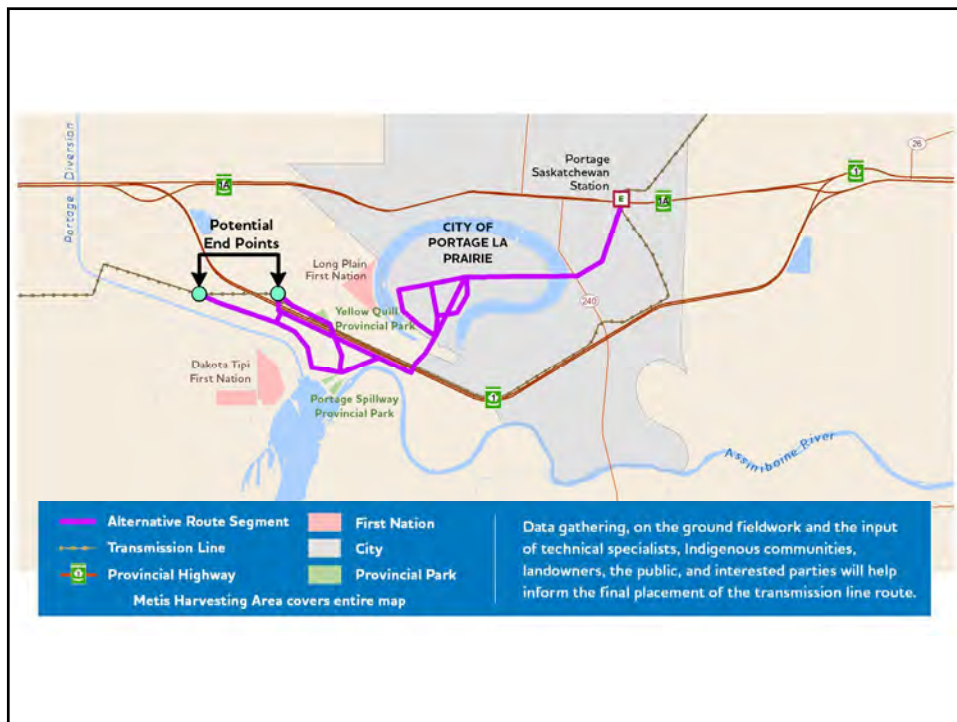
What we've heard from Long Plain First Nation

- Substantial development in the area
- Your community plans for ongoing use and development of the area
- Transmission line along north side of Highway 1 would conflict with future planned residential and commercial development

9



10



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Discussion

- General questions and concerns?
- Location specifics - segments
- Resources
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How does information inform decisions?



Design



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Anticipated next steps

- File environmental assessment report: early 2021
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Long Plain First Nation

- Preliminary routing preferences
- Key concerns?

Coordinator position

- Thoughts on this?



15

Proposed Valued Components

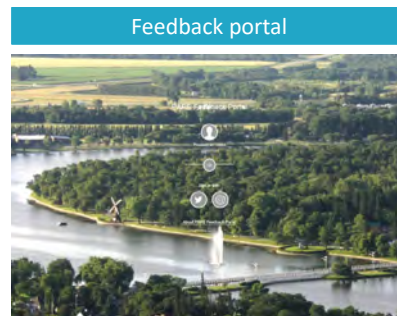
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- Emails
- Coordinator position



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Thank you

We will share today's meeting notes and coordinator details

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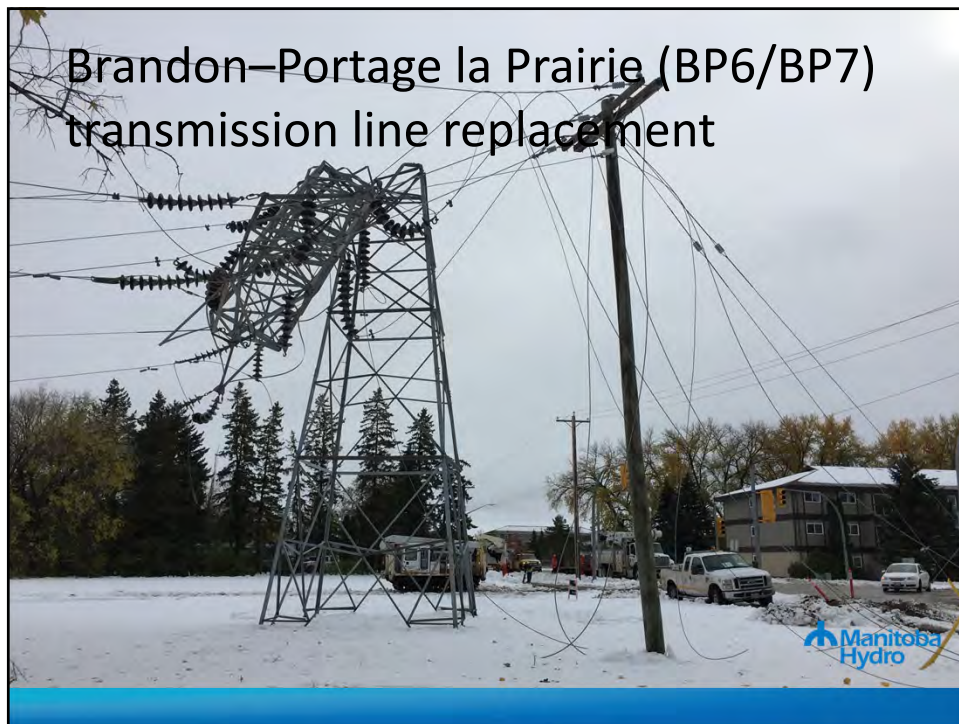
Round1engagement

The following presentation was shared during a meeting with the Manitoba Metis Federation (MMF) on November 9, 2020

Attendees:

MMF: Marci Riel and Jade Dewar

Manitoba Hydro: Sarah Coughlin, Maria M'Lot and Ariane Dilay



1

Meeting outline

- Welcome
- The Project
- Discussion of alternative route segments
- Questions and answers
- Next steps and project timeline



2

Communication to date

- August 4, 2020
 - Introduced project
 - Asked how the MMF would like to be engaged
 - Shared project newsletter
- October 16, 2020
 - Introduced project feedback portal and survey
- General discussion about better ways to engage on a series of projects in the Portage area



3

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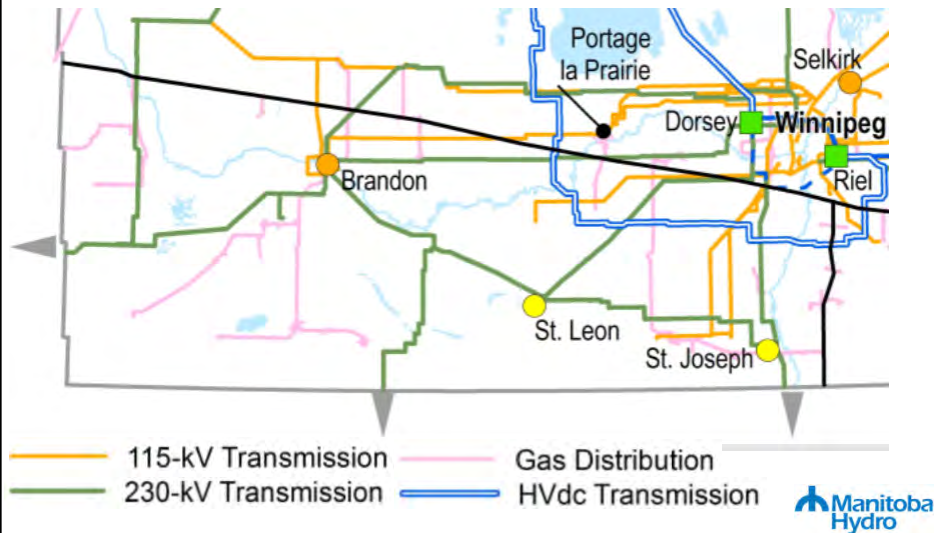
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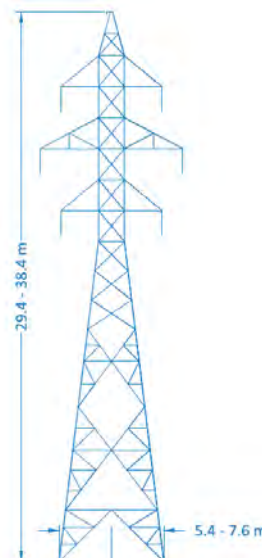
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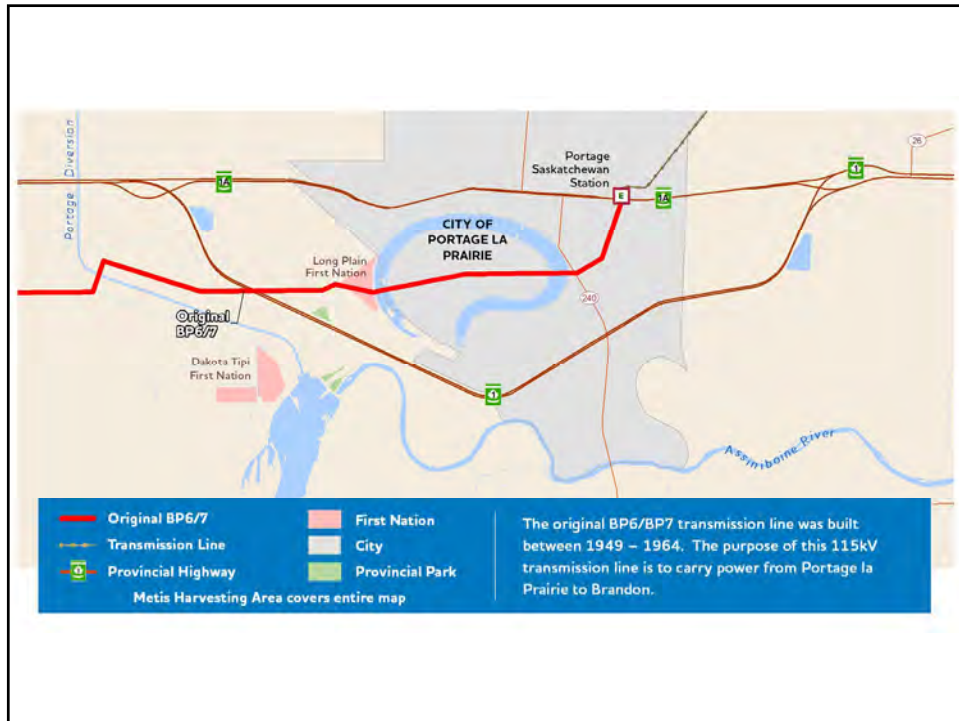
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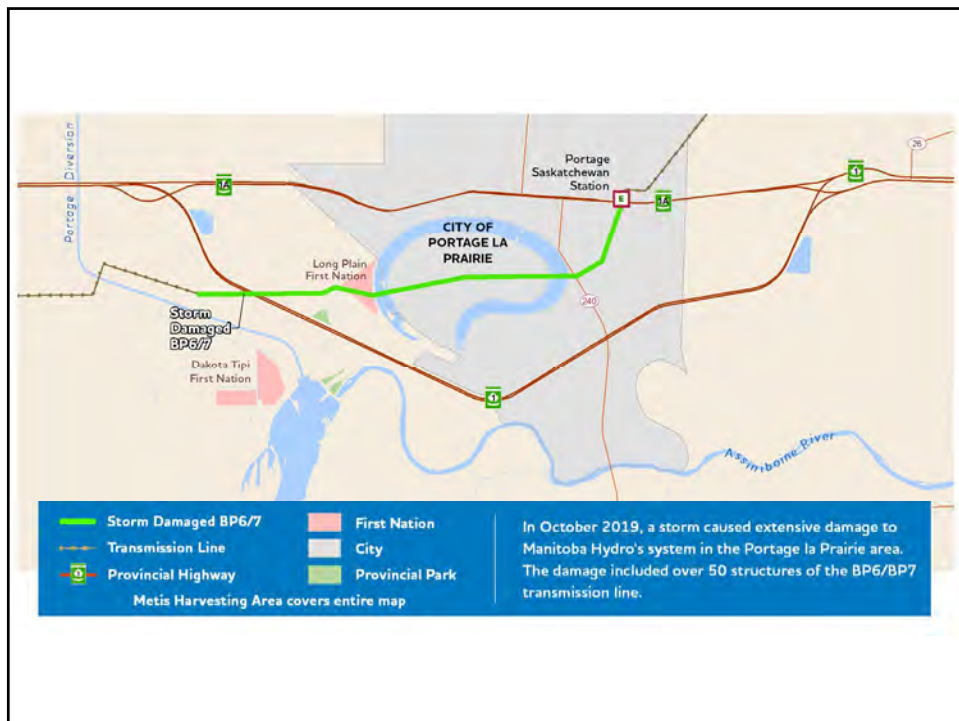


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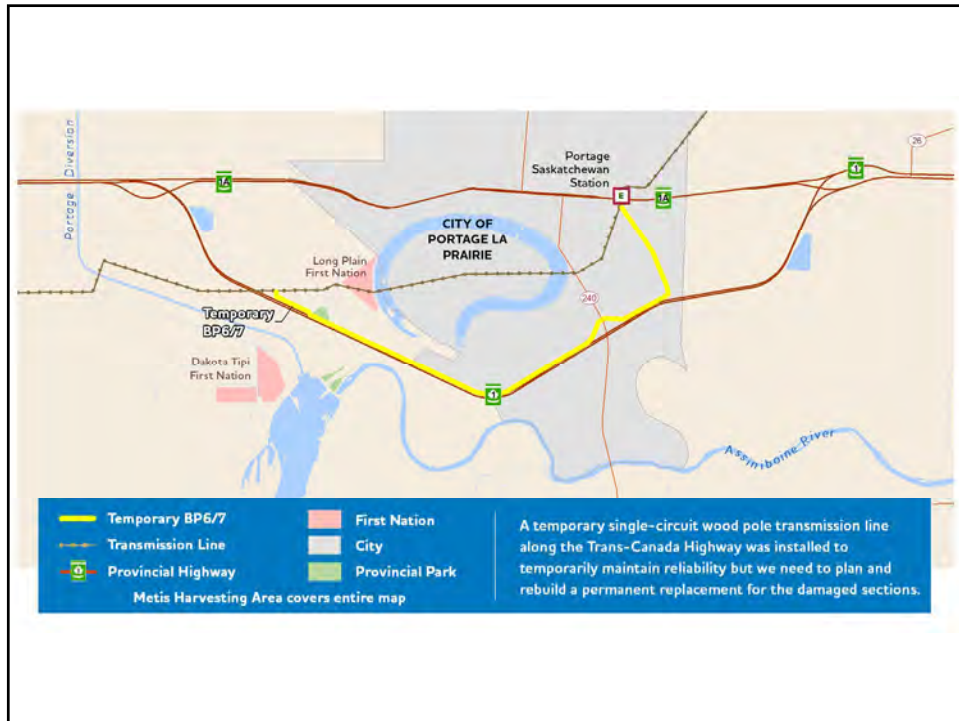
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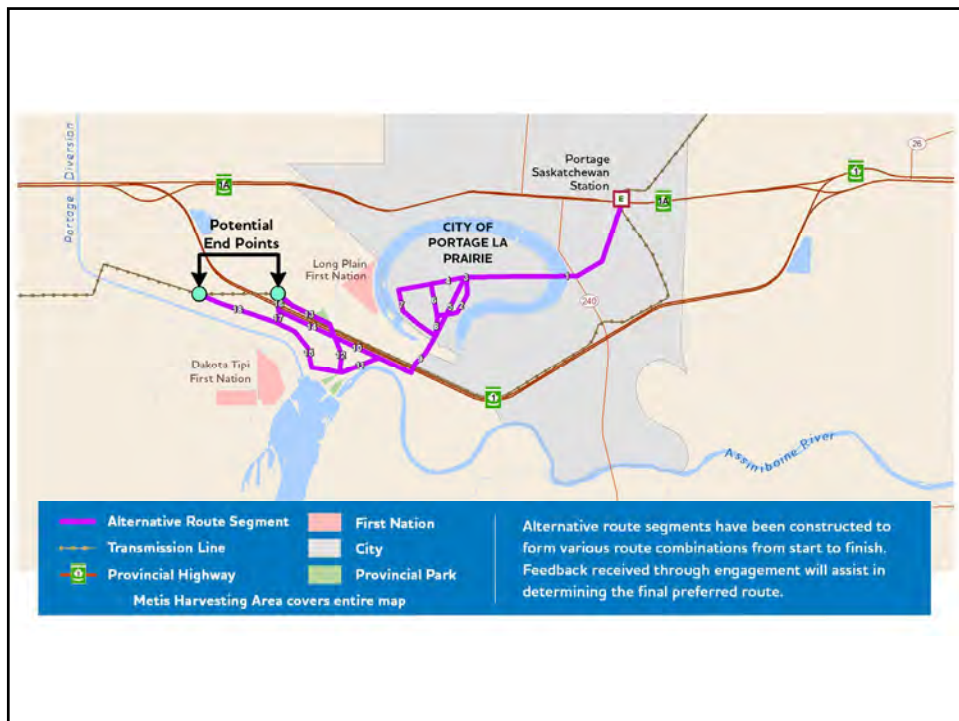
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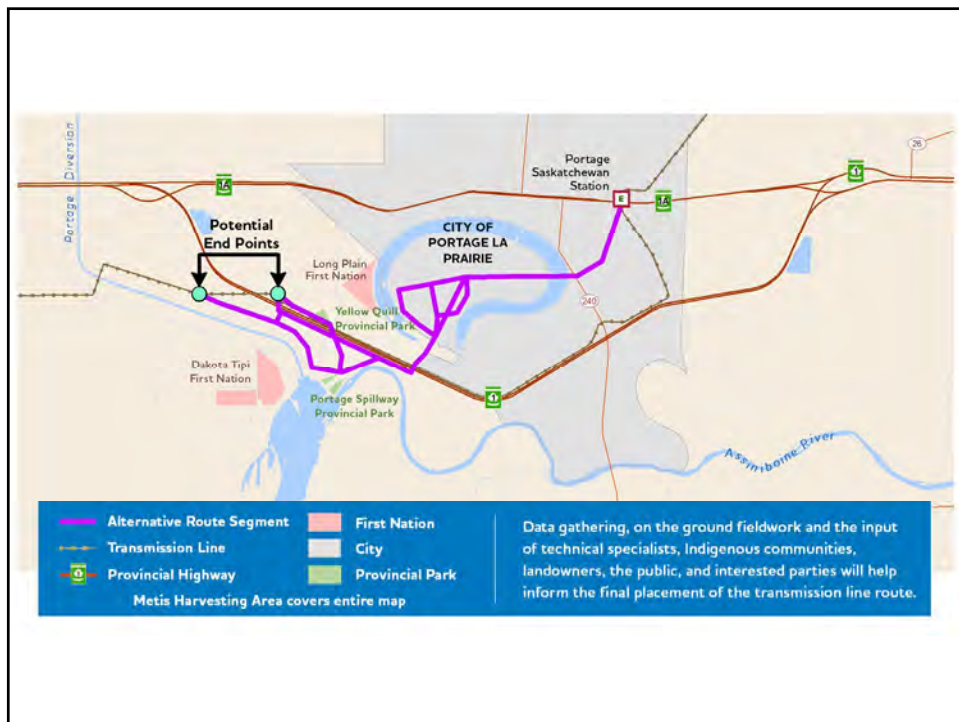
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How does information inform decisions?



Design



Location



Mitigation

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Discussion

- General questions and concerns?
- Location specifics - segments
- Resources
 - [online feedback portal](#)
 - [map](#)

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Round 1

- Alternative route segments: fall 2020

Round 2

- Preferred route: winter 2020

Anticipated next steps

- File environmental assessment report: early 2021
- Regulatory review: 2021
- Construction start, if regulatory review is received 2022



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MMF

- Understandings to date:
 - MMF is interested in engagement on Portage area projects
- Initial input on routing preferences?



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Proposed Valued Components

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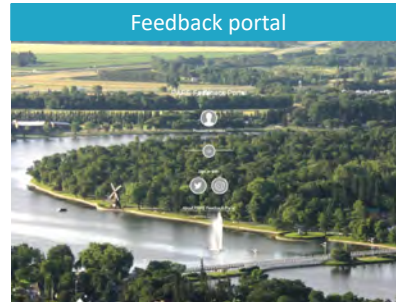


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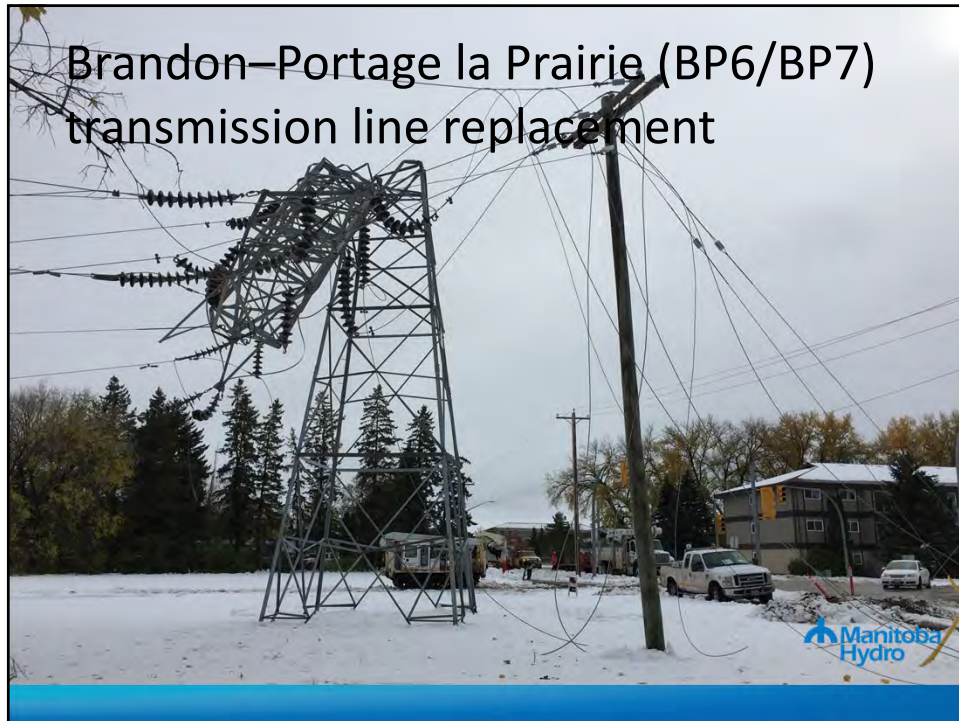
Round1engagement

The following presentation was shared during a meeting with the Portage Urban Indigenous Peoples Coalition (PUIPC) on November 9, 2020

Attendees:

PUIPC: Cornell Pashe and Darryl Taylor

Manitoba Hydro: Maria M'Lot and Ariane Dilay



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Meeting outline

- Welcome
- Introductions
- Project presentation by Manitoba Hydro
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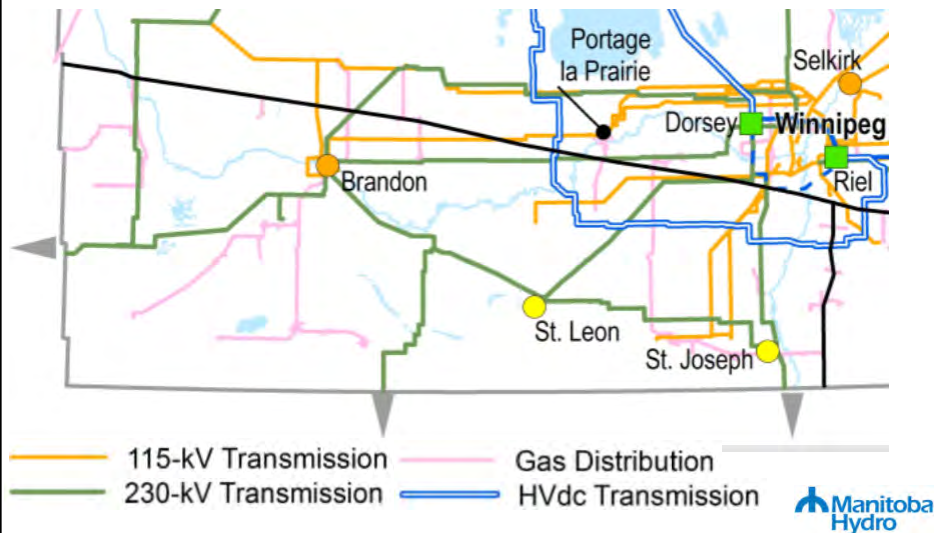
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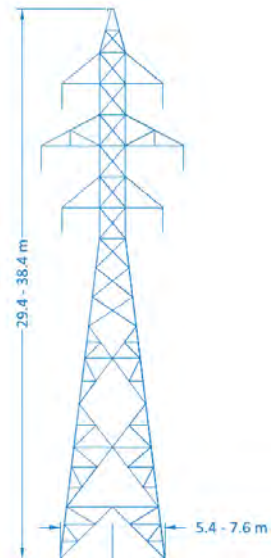
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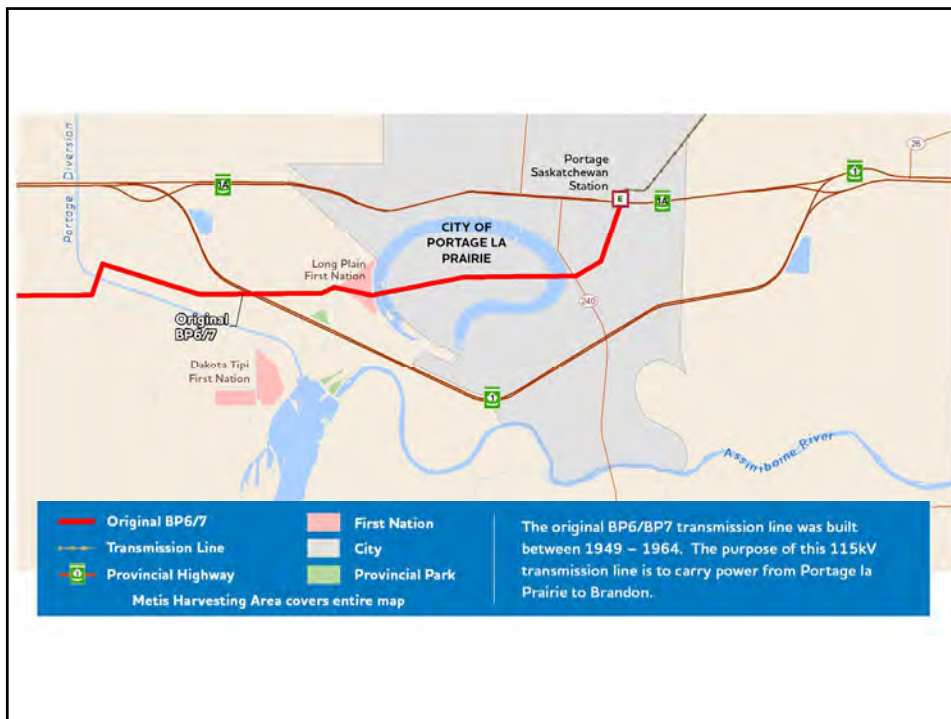
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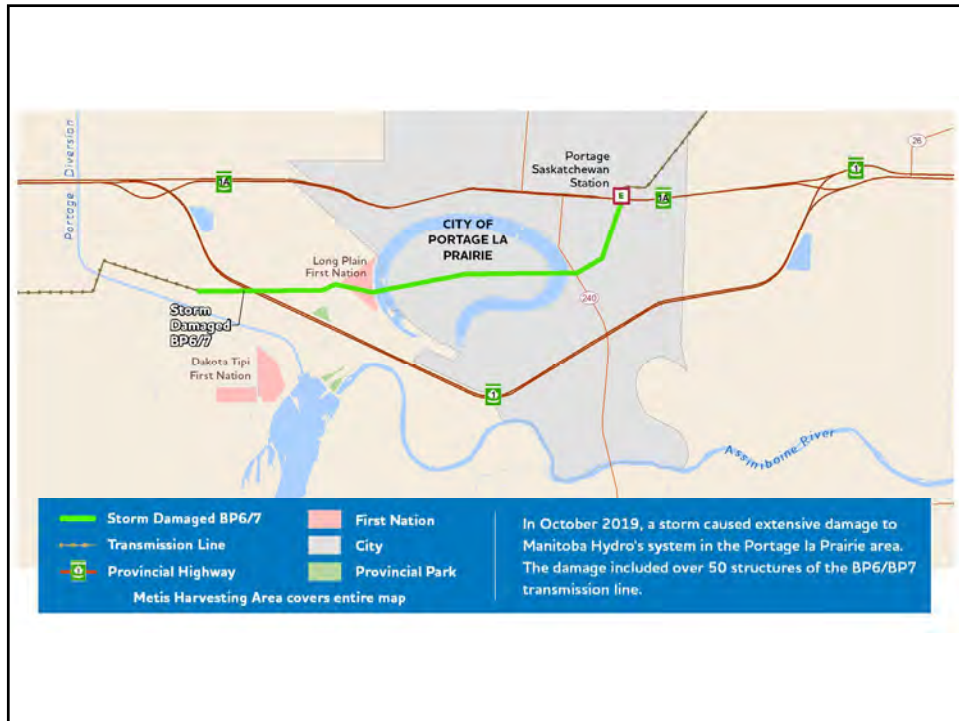


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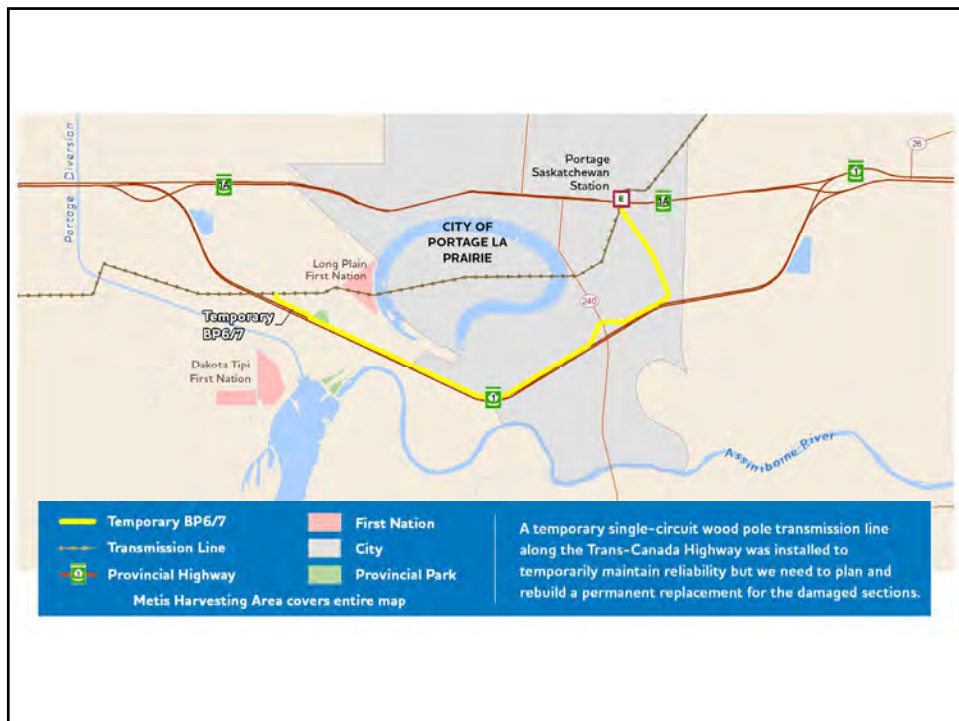
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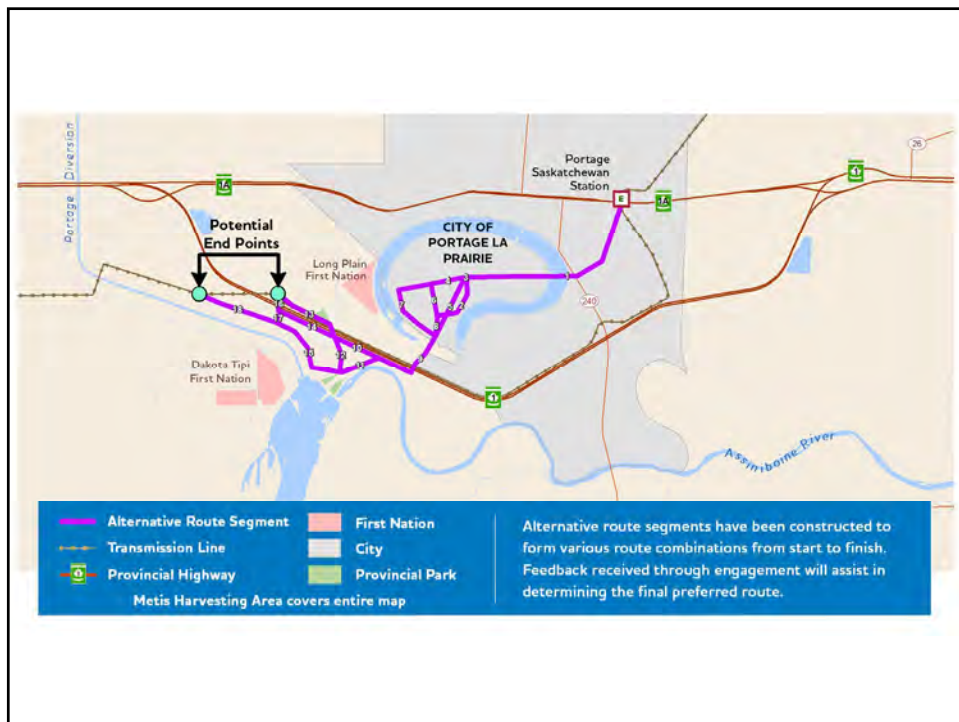
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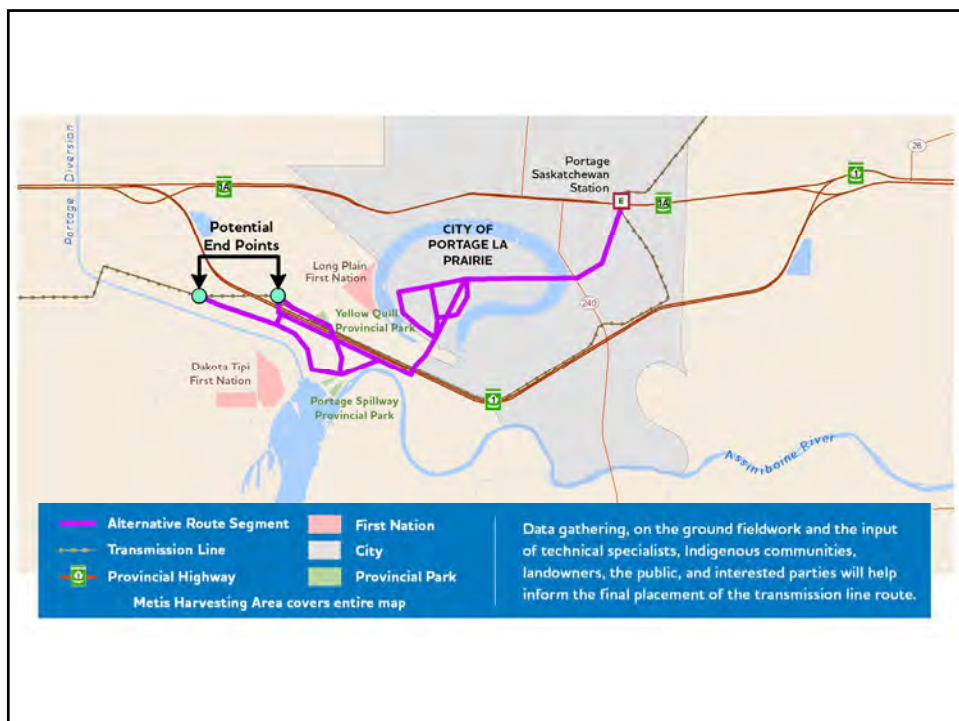
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Discussion

- General questions and concerns?
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- Resources
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 - [map](#)

11

What we've heard from PUIPC

- Key concerns and routing preferences
 - Heritage: Fort in the area south of highway 1, burials in the Portage area and on Crescent Island, old cemetery along Lot 99 that has washed away, Old Yellowstone Trail was a travel route
 - Crescent Island: used widely by many groups, historical value, intact Assiniboine forest, birds, white tailed deer, and important grave sites



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How does information inform decisions?



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Feedback portal

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1

Upcoming work:

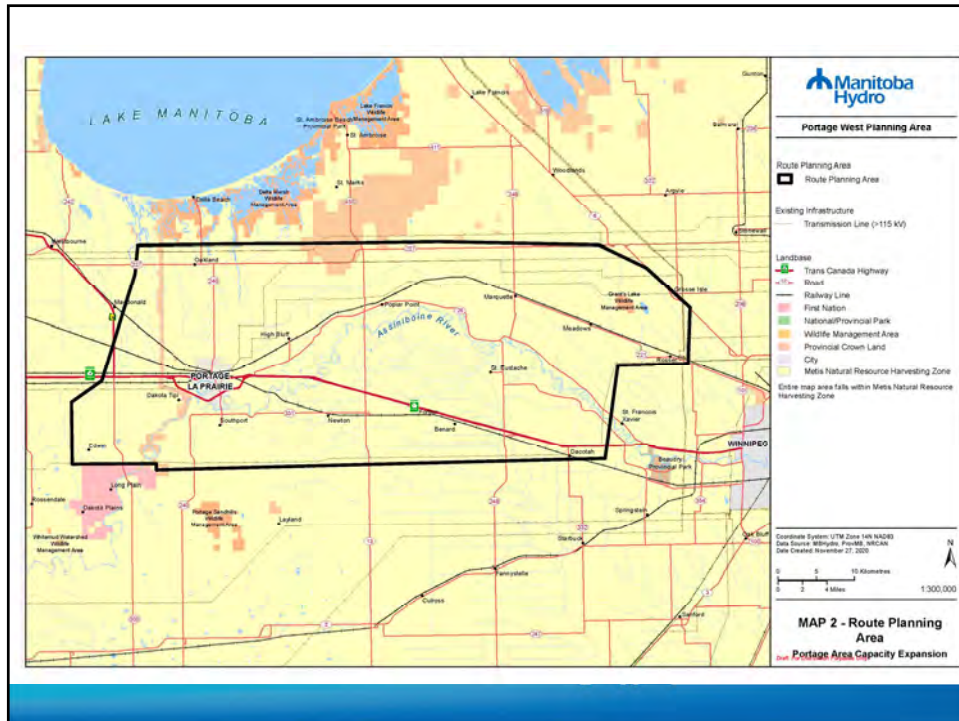
Repairs due to the October 2019 storm damage:

- Parkdale–Neepawa (CN9)
- Brandon–Portage la Prairie (BP6/BP7)
- Dorsey–Neepawa (D54N)

Portage Area Capacity Enhancement (PACE) –
Improving system reliability:

- Potential Dorsey to Portage 230 KV transmission line
- Potential new Portage la Prairie station

2



3

In previous projects

- Smaller projects and repair projects (i.e., BP6&7, CN9, D54N) MH would inform communities of upcoming work and seek information on any concerns
- Larger projects (i.e., Dorsey to Portage T-line) fund Indigenous knowledge studies or other forms of supported engagement

4

Challenges

- Project-by-project approach
- Indigenous knowledge studies often completed by third party
- Sometimes reports are submitted past key dates
- Siloed viewpoints



5

Opportunity

- Some have expressed desire to grow internal support for project engagement work, but resources are limiting
- Continuity between projects aids in knowledge-sharing across projects
- Ability to learn each other's processes more clearly



6

Indigenous Community and Assessment Coordinator

- Part time position
- Deliverable-based (no timesheets)
- Help facilitate communication between Hydro and the community.
- Help build skills in Indigenous knowledge within
- Assist in providing access to information regarding the Portage Area projects;
- Have a dedicated resource that would help move forward the engagement needs of the community with Hydro
 - Prepare routing briefs
 - Conduct interviews
 - Prepare an Indigenous knowledge study (or part of one)
- Help Hydro better understand and address any concerns raised in its engagement process and help try to resolve any issues identified



7

Phase 1 – BP6&7



8

Check In

5. Is this working meeting?

- Is the position working for both parties?
- Effective at information sharing
- Discuss training needs



6. Training Workplan and budget

- Develop training budget, schedule and workplan
- Coordinate with MH



9

Phase 2 – Portage Area Enhancement Projects (Potential T-line and Station)

8. Routing Brief

- Conduct 10 interviews
- Map any important sites and use of area
- Understand routing preferences



9. Prepare a Section of EA from perspective of your community

- Describe your community
- Describe potential effects of the project to your community
- Suggest mitigation measures



10. Review Traditional Practices and Culture Chapter

- Review a MH-prepared chapter that has considered input from Indigenous communities

7. Attend meeting with Project Team, other Coordinators, leadership, members



10

Schedule

- First routing brief January 15, 2021
- Input for EIS February 15, 2021
- Review chapter February 26, 2021

Phase 2 – dates not yet set (spring 2021-2022)



11

Coordinators information will inform the project



Design



Location



Mitigation

12

Thank you

The following presentation was shared during a community route ranking background meeting on February 10 and 11, 2021

Attendees on February 10, 2021:

Dakota Tipi First Nation: Darryl Taylor

Long Plain First Nation: Ralph Roulette Jr. and Shaun Peters

Portage la Prairie Planning District: Kinelm Brookes and Randy Fraser

The RM of Portage la Prairie: Kyle Hamilton

Manitoba Hydro: Maggie Bratland, Sarah Coughlin, Maria M'Lot, Lindsay Thompson and Ariane Dilay

Attendees on February 11, 2021:

Portage Urban Indigenous Peoples Coalition (PUIPC): Cornell Pashe

Manitoba Metis Federation (MMF): Tayler Fleming

City of Portage la Prairie: Jocelyn Lequier-Jobin

Manitoba Hydro: Maggie Bratland, Maria M'Lot and Lindsay Thompson

Community Ranking in Transmission Line Routing

Process overview

Maggie Bratland, Senior Environmental Specialist
Licensing and Environmental Assessment



1

Agenda

- Introductions
- Review of agenda and meeting purpose
- Background on transmission line routing and the BP 6/7 Project Timeline
 - How the MH process works
 - What we are proposing that is different this time
 - How community engagement informs the outcome
- What we heard during engagement to date
- Process discussion
- Wrap up

Manitoba Hydro BP 6/7 Community Ranking Discussion Feb 10, 11 2021

2

Objectives

- Share background on how we make routing decisions and answer questions
- You leave feeling like you understand how your participation will inform the routing process
- What do you hope to take away from today?

Manitoba Hydro BP 6/7 Community Ranking Discussion Feb 10, 11 2021

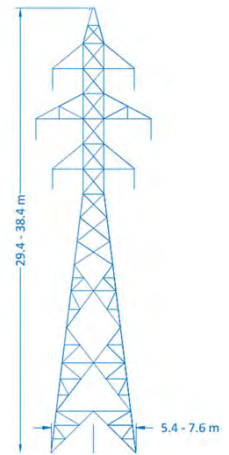
3

Goals of transmission line routing

Determine a
route for a
transmission line

Balance multiple
perspectives

Limit overall
effect



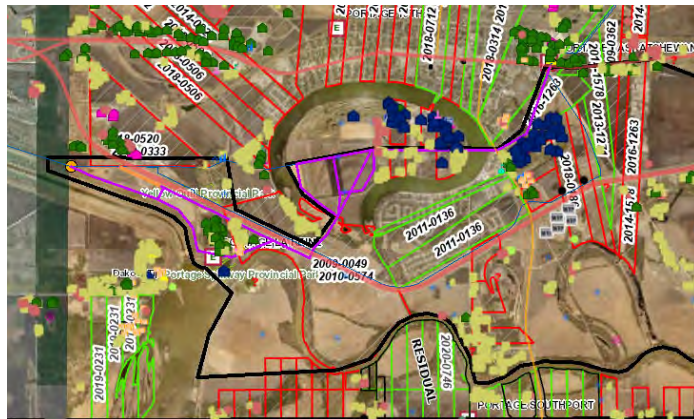
Manitoba Hydro BP 6/7 Community Ranking Discussion Feb 10, 11 2021

4

The diagram illustrates the initial stages of a project planning process. It begins with 'Start and End Points' and 'Study area', followed by 'Plan Routes', 'Gather local knowledge', and 'Study concerns and mitigation'. The process then moves to 'Narrow down options' and 'Project Team Review'. The final step, 'Pick Preferred Route', is highlighted with a blue border, indicating it is the current or preferred stage.

5

- Connect the start and end point
- Thread a needle through many constraints
- Many diverse interests , land uses and perspectives to consider



First we study the area

- Look for homes and other buildings
- Examine land use
- Identify existing linear infrastructure like pipelines, roads
- Map out areas of least preference



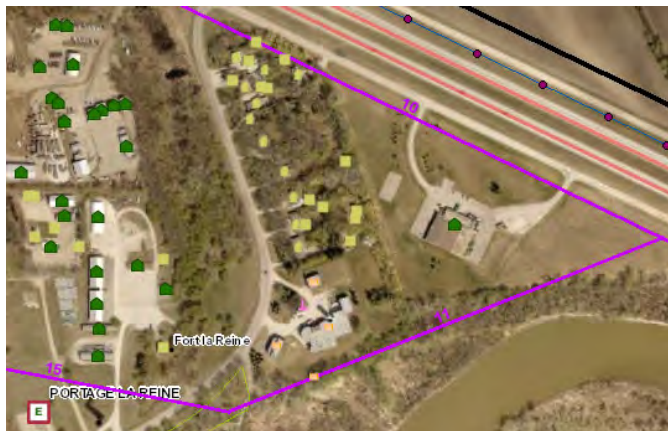
Manitoba Hydro

Manitoba Hydro BP 6/7 Community Ranking Discussion Feb 10, 11 2021

7

Routes are drawn to try and limit effects

- Avoid or limit effects to **residences**
- Avoid or limit effects to **land of importance to indigenous communities**
- Avoid or limit **environmental effects**
- Utilize** existing transmission facilities
- Parallel** or follow existing linear developments
- Avoid or limit effects to **recreational areas**
- Avoid or limit effects to **agricultural operations**
- Consider** length and cost of proposed facilities



Manitoba Hydro

Manitoba Hydro BP 6/7 Community Ranking Discussion Feb 10, 11 2021

8

Routes discussed in engagement and studied

Manitoba Hydro

Manitoba Hydro BP 6/7 Community Ranking Discussion Feb 10, 11 2021

9

Engagement and Further Study

- Gather local knowledge
- Build understanding of concerns and ways to mitigate

Manitoba Hydro

Manitoba Hydro BP 6/7 Community Ranking Discussion Feb 10, 11 2021

10

Management of potential effects

- **Mitigate** – finding ways to limit the degree of potential effects when a specific impact cannot be avoided.
 - Try to avoid effects that are difficult to mitigate.
 - If cannot mitigate , may need to compensate (ex. Purchase home)
- ➔
- How **effective** is the mitigation?
 - Effect - Mitigation = Residual
 - Goal is **small residual**

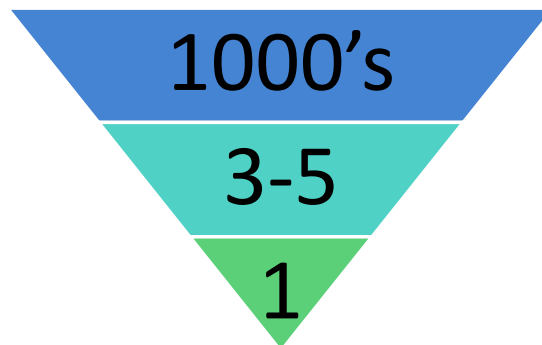


Manitoba Hydro BP 6/7 Community Ranking Discussion Feb 10, 11 2021

11

Project Team Selects 'Finalists'

- Using information from further study and engagement
- A set of criteria help compare dozens, sometimes thousands of alternatives
- Helps keep things 'straight'

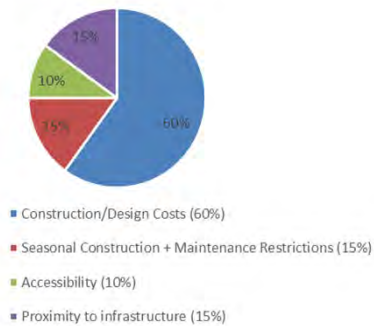


Manitoba Hydro BP 6/7 Community Ranking Discussion Feb 10, 11 2021

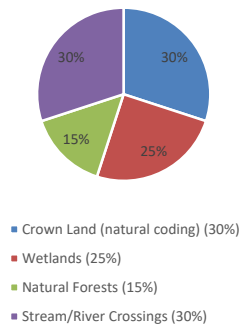
12

Criteria used to select finalists

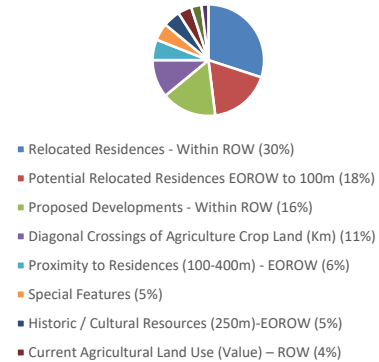
Engineering Criteria



Natural Environment Criteria



Built Environment



Manitoba Hydro BP 6/7 Community Ranking Discussion Feb 10, 11 2021

13

Preferred route picked from set of finalists

All of the information gathered considered

Routes compared against one another using a set of criteria and weighting

Using a 'model' makes the decision more structured, and clear.



Manitoba Hydro BP 6/7 Community Ranking Discussion Feb 10, 11 2021

14

Comparing Routes



- If a route is the **best** option, it gets a **1**
- If all routes are **equally good**, they all get a **1**
- If a route is the **worst** of all the options, it gets a **3**
- If the route is similar to the best option but not quite as good – gets a number larger than 1 , by as much to **represent the difference**



Manitoba Hydro BP 6/7 Community Ranking Discussion Feb 10, 11 2021

15

Compare 3 options for dessert

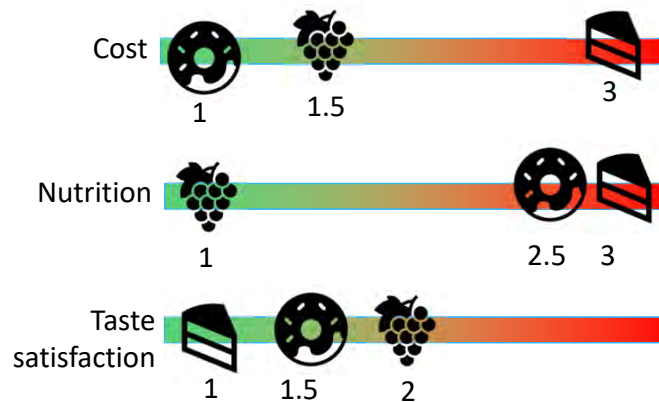
- cake
- fruit
- donut

Your **criteria** are:

Cost

Nutrition and

Taste satisfaction



How important is each criteria?

Manitoba Hydro BP 6/7 Community Ranking Discussion Feb 10, 11 2021

16

What should we choose?

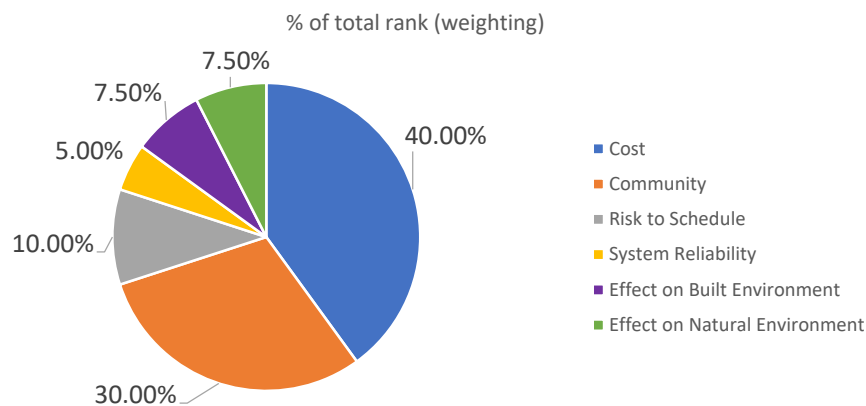
Criteria	%	Cake	Donut	Fruit
Cost	40%	3	1	1.5
Nutrition	30%	3	2.5	1
Expected taste sat	10%	1	1.5	2
		2.2	1.3	1.1



Manitoba Hydro BP 6/7 Community Ranking Discussion Feb 10, 11 2021

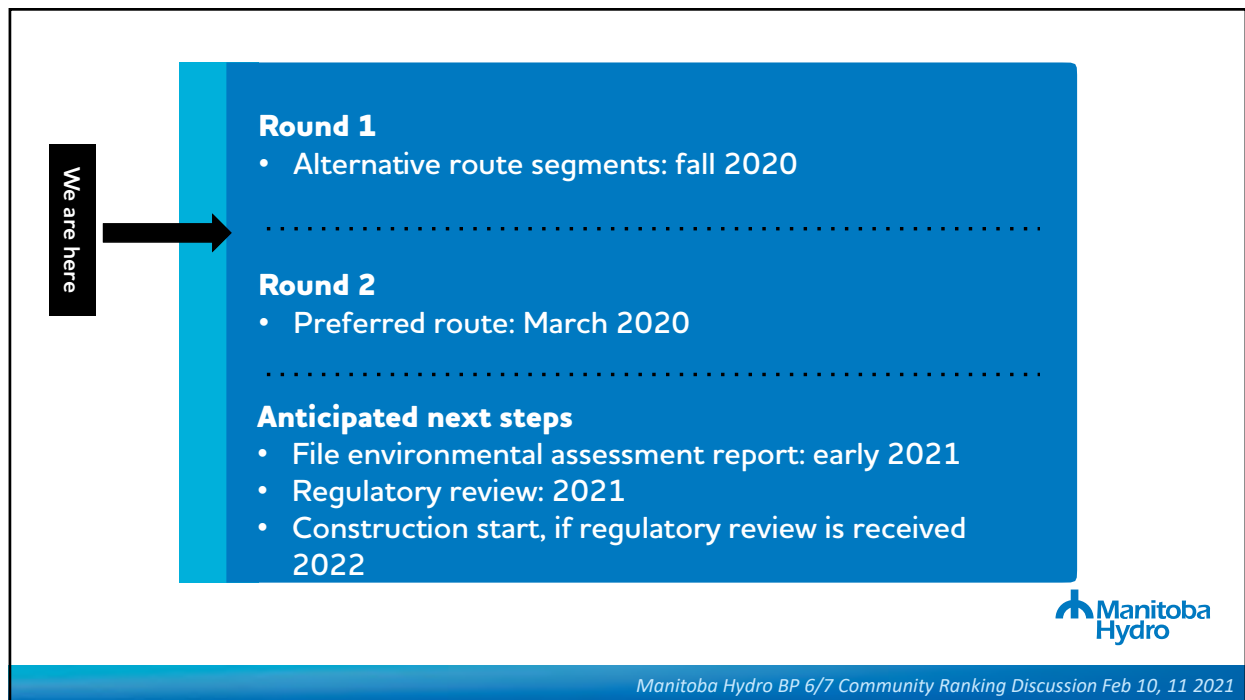
17

BP 6/7 Criteria and Weightings

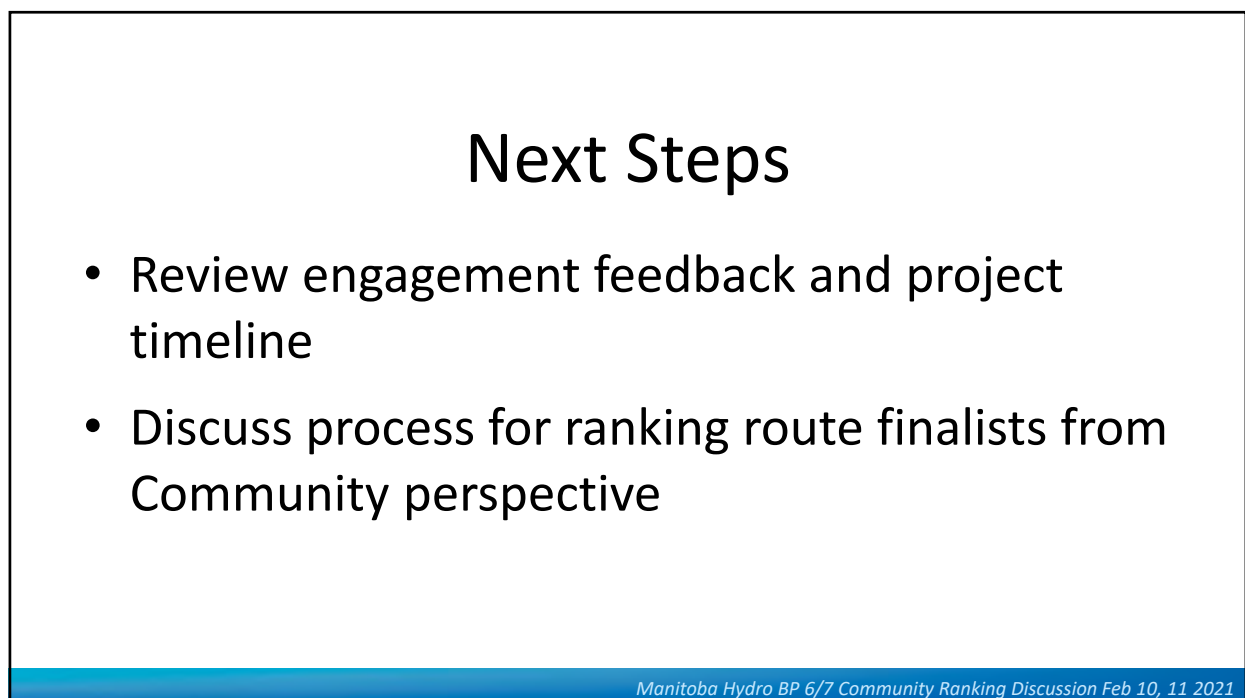


Manitoba Hydro BP 6/7 Community Ranking Discussion Feb 10, 11 2021

18



19



20

The following presentation was shared during a community route ranking meeting on February 18, 2021

Attendees:

Dakota Tipi First Nation: Darryl Taylor

Long Plain First Nation: Ralph Roulette Jr. and Shaun Peters

Portage la Prairie Planning District: Kinelm Brookes and Randy Fraser

The RM of Portage la Prairie: Kyle Hamilton

Manitoba Metis Federation (MMF): Jade Dewar

City of Portage la Prairie: Jocelyn Lequier-Jobin

Portage Urban Indigenous Peoples Coalition (PUIPC): Cornell Pashe

Manitoba Hydro: Maggie Bratland, Sarah Coughlin, Maria M'Lot, Lindsay Thompson, John Huillery and Ariane Dilay

Agenda

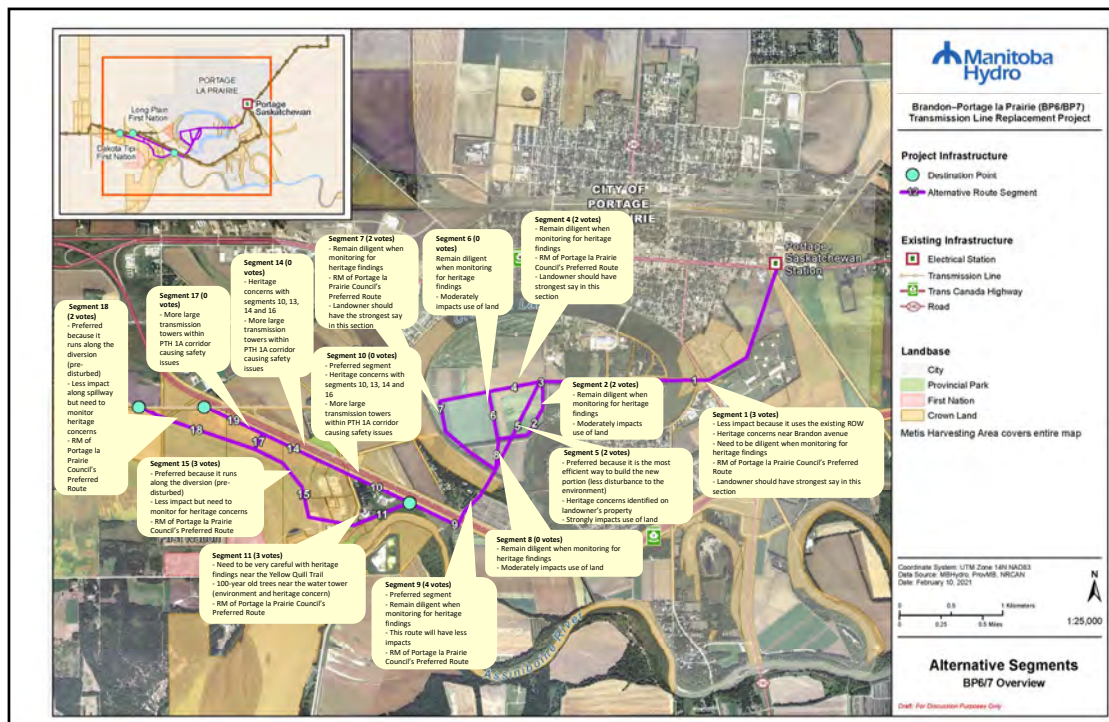
- Introductions and acknowledgement
- Quick review of last meeting
- Objectives for Today
- Route ranking exercise
- Break
- Review Results
- Wrap up

1

Attendees

- City of Portage la Prairie: Jocelyn Lequier-Jobin
- Planning District: Randy Fraser; Kinelm Brookes
- Long Plain First Nation: Ralph Roulette, Shaun Peters
- Dakota Tipi First Nation: Darryl Taylor
- Manitoba Metis Federation: Jade Dewar; Tayler Fleming
- RM of Portage: Kyle Hamilton
- Portage Urban Indigenous Peoples Coalition: Cornell Pashe
- Manitoba Hydro: Maggie Bratland, Sarah Coughlin, Ariane Dilay, John Huillery, Maria M'Lot, Lindsay Thompson

2



5

Objectives for Today

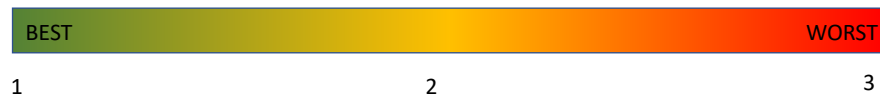


Score the four routes from best to least preferred on a scale between 1 and 3

6

When grading routes

- If a route is the **best** option, it gets a **1**
- If all routes are **equally good**, they all get a **1**
- If a route is the **worst** of all the options, it gets a **3**
- If the route is similar to the best option but not quite as good – gets a number larger than 1 , by as much to **represent the difference**



7

Objectives for Today

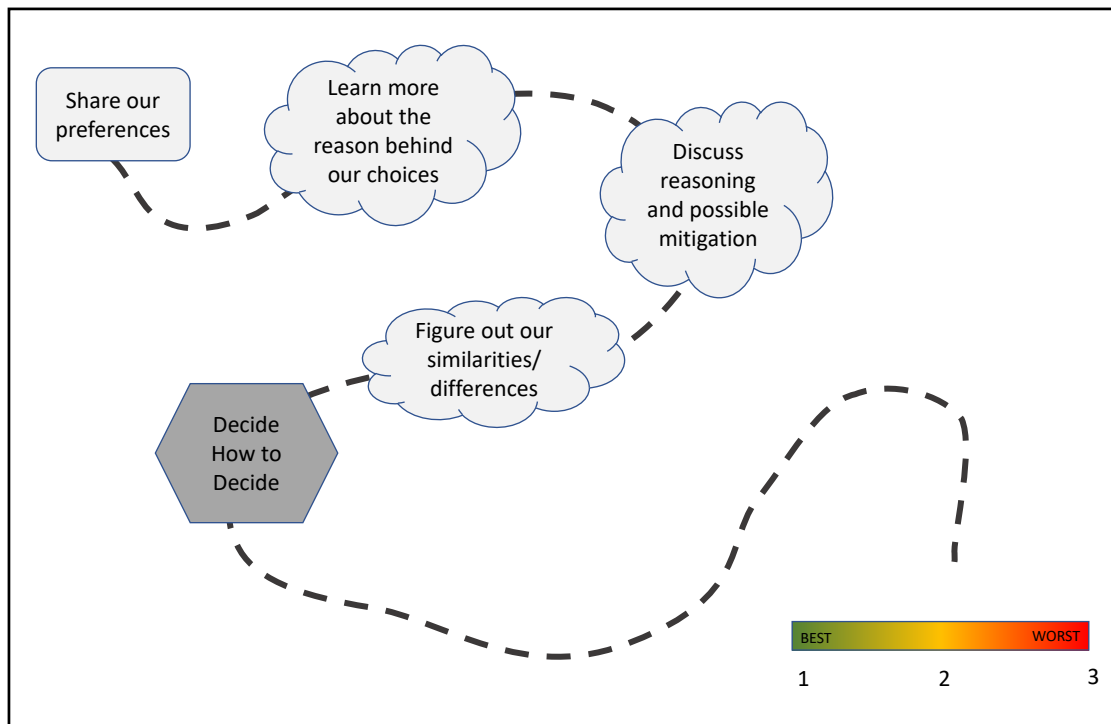


Score the four routes from best to least preferred on a scale between 1 and 3



Understand each others perspective a little better

8

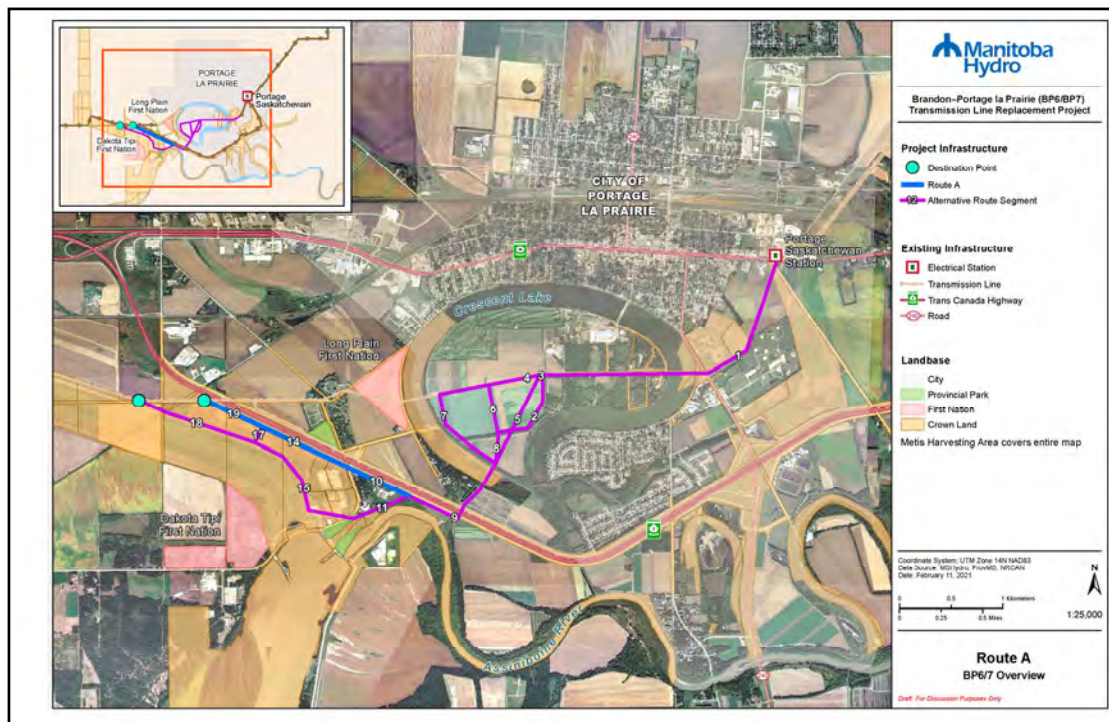


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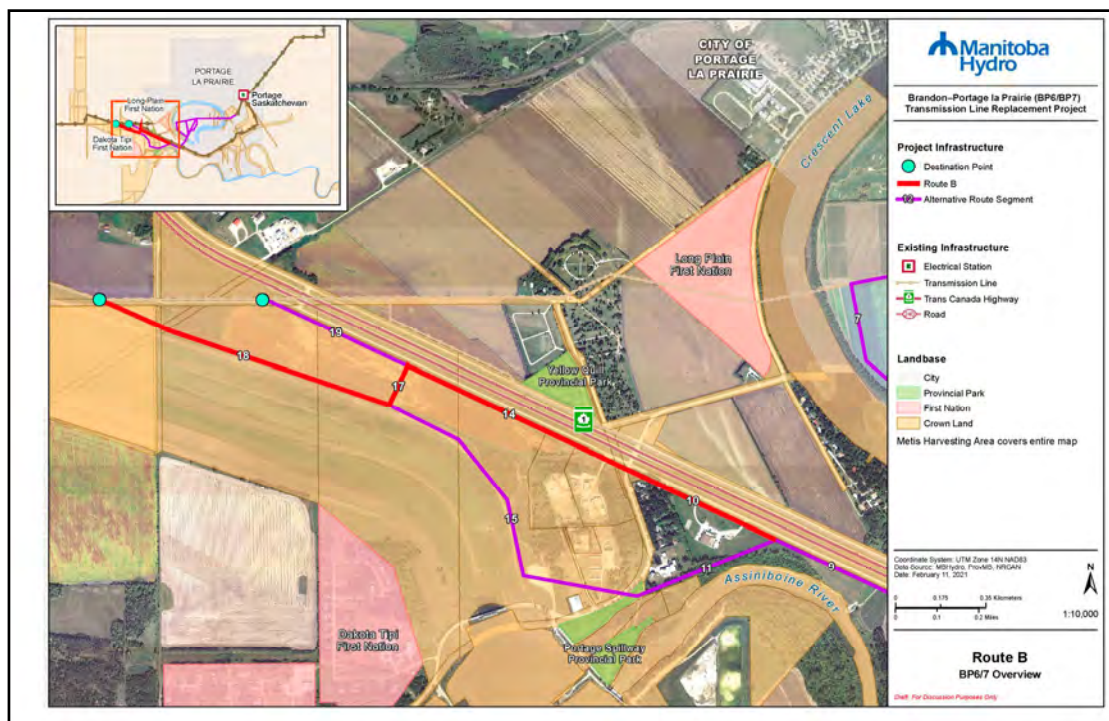
Poll Everywhere Question

- Grab link

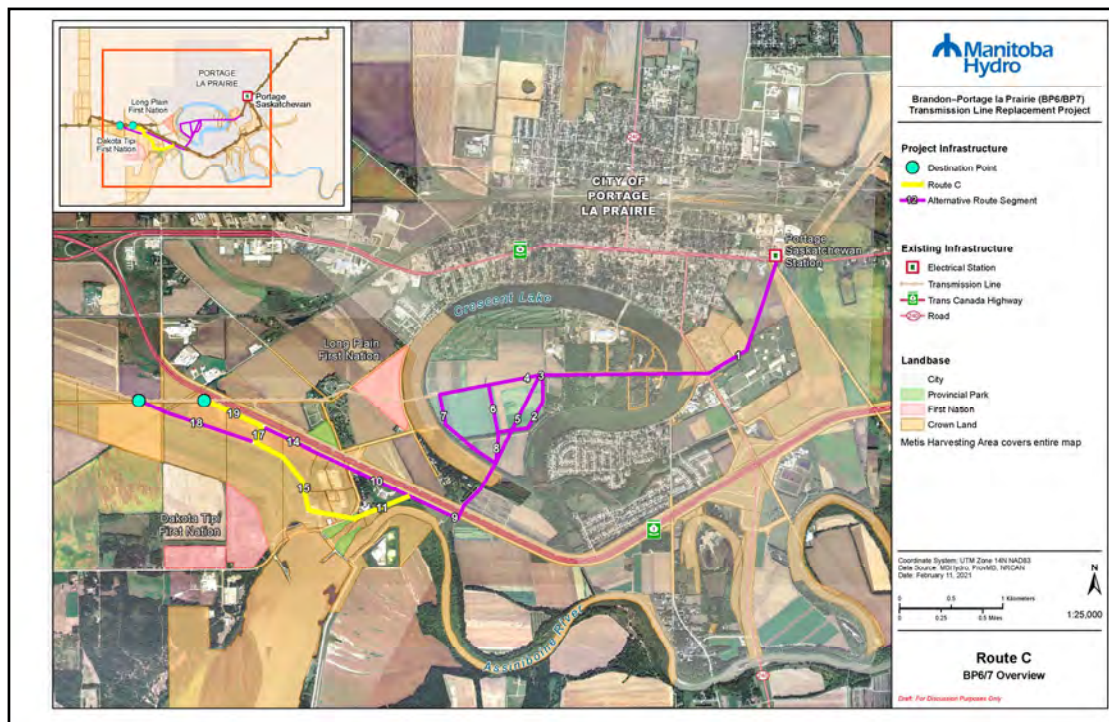
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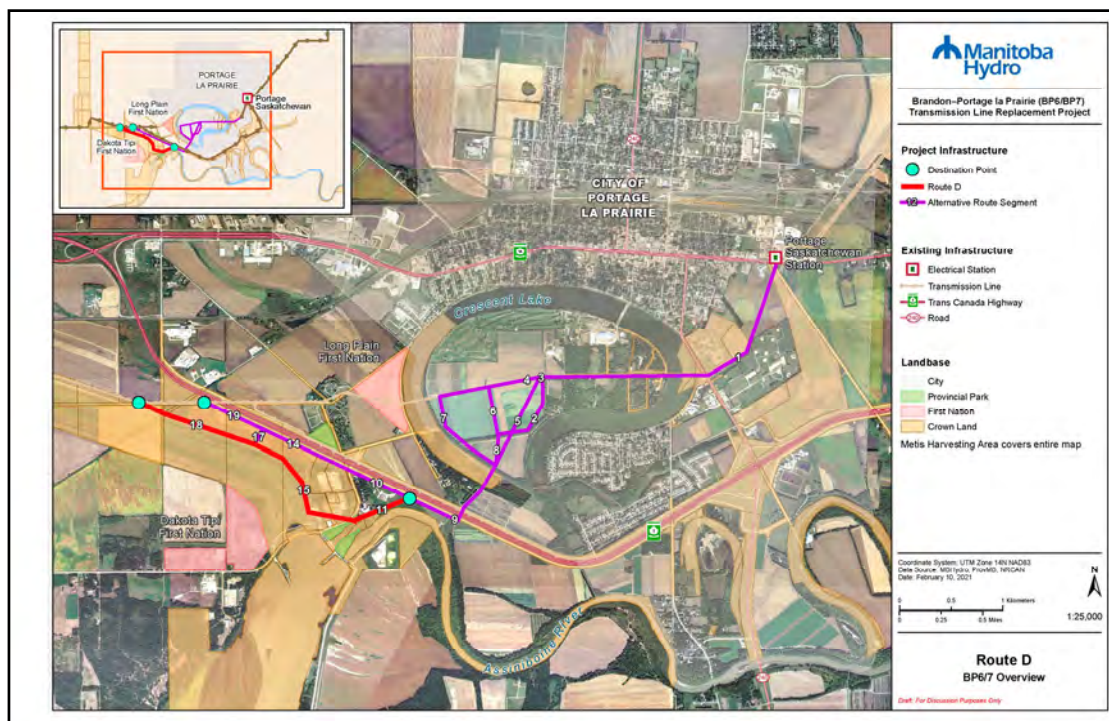
11



12



13



14

Group/Community	Order of Preference						Level
	1	Why?	2	3	4	Why?	
City of Portage la Prairie	D	Stays away from highway where the city has pipelines. Plan to add additional pipelines so would like room to expand	C	B	A	Opposite	2-3
Planning District:	D	Runs along diversion, less intrusive to houses	A	B	C	You could lump the last three together. Randy is sharing his own opinion. More to come from PD	3
Long Plain First Nation	C/ D	Due to infrastructure concerns			B	Disrupt peoples lives	5
Dakota Tipi First Nation	D	Runs adjacent to the floodway and doesn't affect housing. Opening access to fisher. D is less intrusive	C	B	A	Either or	3
RM of Portage	D	Avoids housing and intersection that may need expansion. And least impact on future development on south side of highway	C	B	A	Longest distance along hwy, bad for safety, and optics, house would require expropriation, existing sewer and pipelines owned by city	3
Manitoba Metis Federation	A	Highway is there already, less impact. Infrastructure is there already, leave it there. Be less invasive. Looks direct.	B	C	D	Indirectness of line. More impact.	3
Portage Urban Indigenous Peoples Coalition	D	Like bc less intrusive when it comes to other buildings. Open space – room to make it happen. Easiest.	C	B	A	Concerns with A due to storms, traffic, etc.	3

15

Some Typical Mitigation Measures



Homes



Trees



Heritage

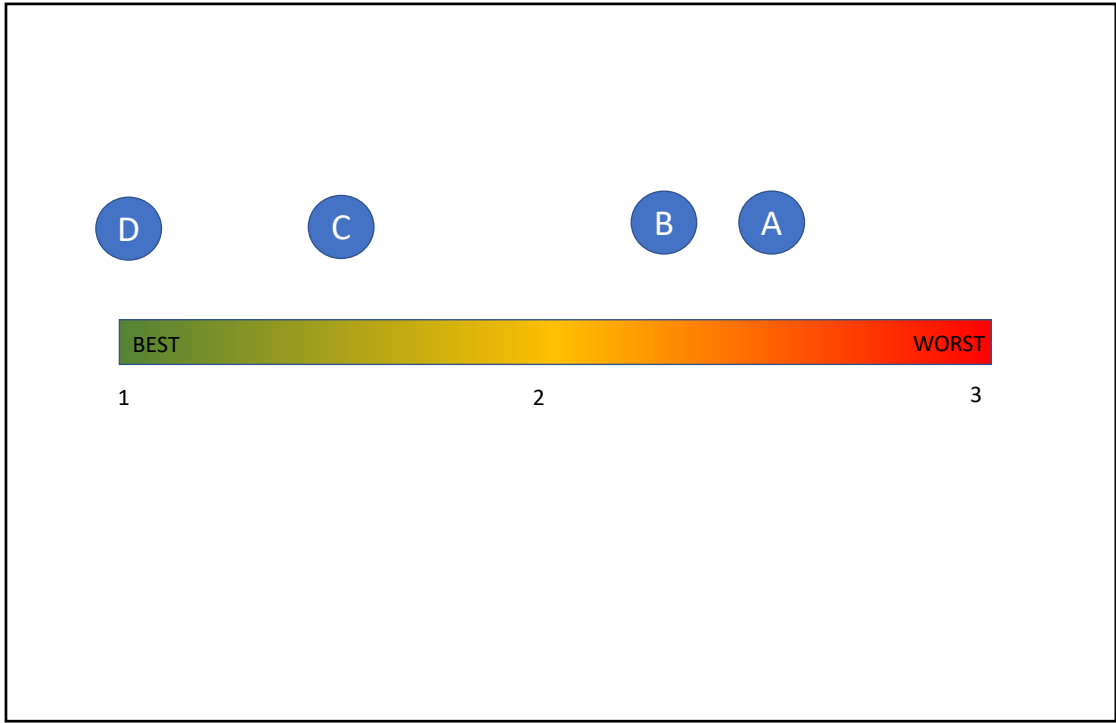


Water



The Land

16



17

Round 2 engagement

The following presentation was shared during a meeting with ICACs on March 3, 2021

Attendees:

Dakota Tipi First Nation: Darryl Taylor

Long Plain First Nation: Ralph Roulette Jr. and Shaun Peters

Manitoba Metis Federation (MMF): Marci Riel and Tayler Fleming

Manitoba Hydro: Sarah Coughlin, Maria M'Lot and Ariane Dilay

Environmental Assessment

BP6/7 Transmission Project

Indigenous Community Assessment Coordinators
March 2, 2021



1

Overview of Deliverable 3

- Prepare a section for inclusion in the traditional practices and culture section of the BP6/BP7 Environmental Assessment. This document is to include the following information:
 - a) A description of your community, at a level of detail deemed appropriate by you and your leadership;
 - b) A description or assessment of the potential effect of the BP6/BP7 Project on the traditional practices and culture of your community;
 - c) A suggestion of potential mitigation measures to reduce any adverse effects and enhance positive effects of the BP6/BP7 Project

2

2

a) Prepare a Community Profile

- a description of your Indigenous community in the Portage la Prairie area, at a level of detail deemed appropriate by you.
- this should take less than 8 hours to prepare
- tell us about your community and its culture

3

3

b) and c) Assessment of effects

Why?

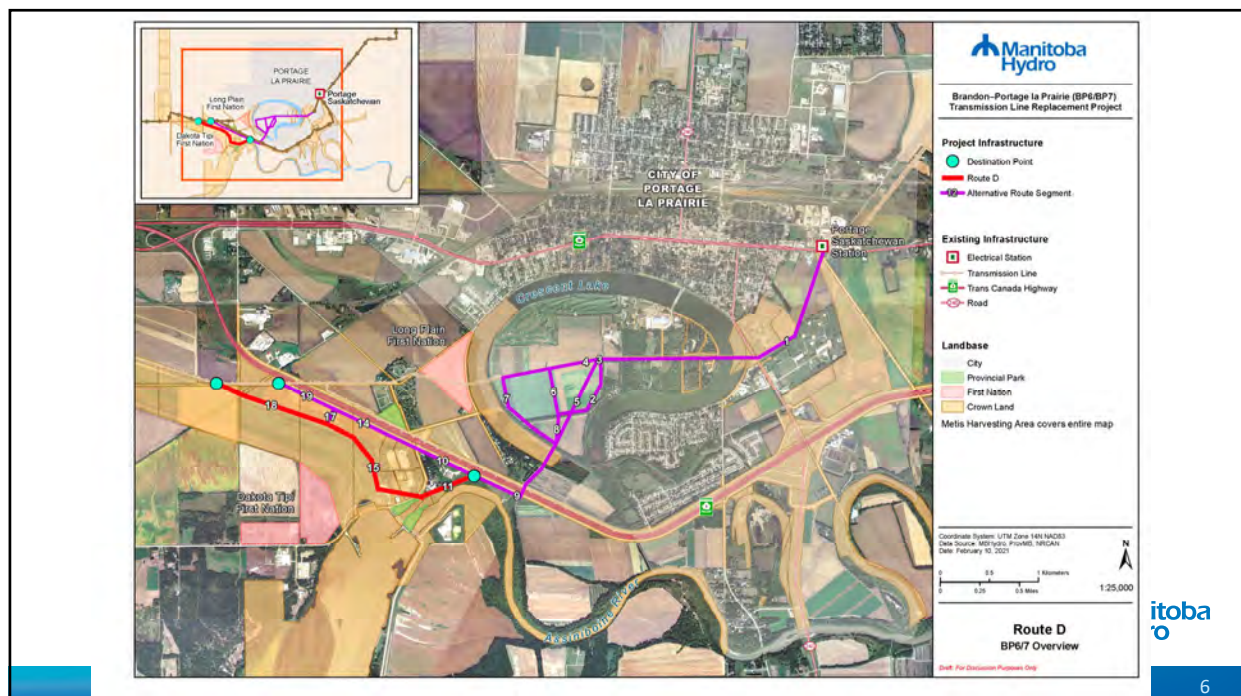
- We want to understand how the project may impact your community
- See what we can do to reduce those effects
- We want you to do this in a manner that makes sense to you and reflects your leaderships views.

4

4

Environmental assessment

- It's just a planning tool
- A process of conducting assessments has evolved over the last few decades
- It's far from perfect



Environmental Assessment Reports

- Can be very long and complex. This is not our goal. It should convey key concerns and meaningful ways to address those concerns.
- Usually include:
 - Description of the existing environment
 - An educated guess at how the project may change key parts of that environment
 - Suggestions on how to reduce that change



Focus the assessment



- We can't study everything – so focus to valued components or key topics important to your community. MH uses:
 - Is it important to people or very rare?
 - Is it a requirement of government?
 - Do we have data on the subject?
 - Is it a keystone species, or a component of the environment that represents health of many components?
 - Sensitive to change?
 - Will it actually interact with the project?
- Manitoba Hydro has sought feedback on BP6/7 since August of 2020. We've heard key themes that helped us select valued components

Through direction provided by the Province and engagement we learned these are important...



Some of these may be important to your community



Some of these may be important to your community



Some of these may be important to your community



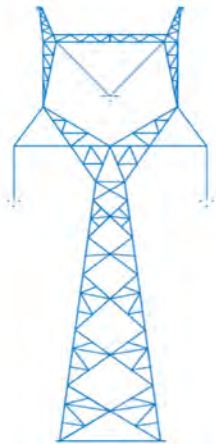
Assessed Effects to Each Valued Component

- What is the pathway of effect?

13

13

Project Components

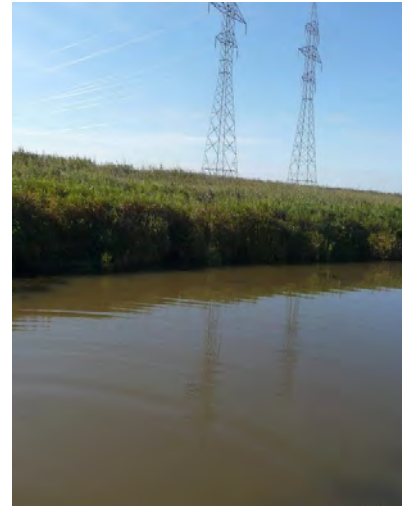
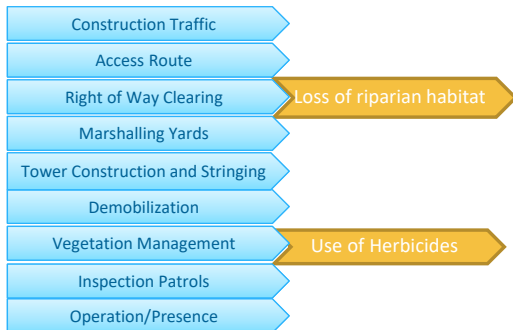


FISH AND FISH
HABITAT

 Manitoba
Hydro

14

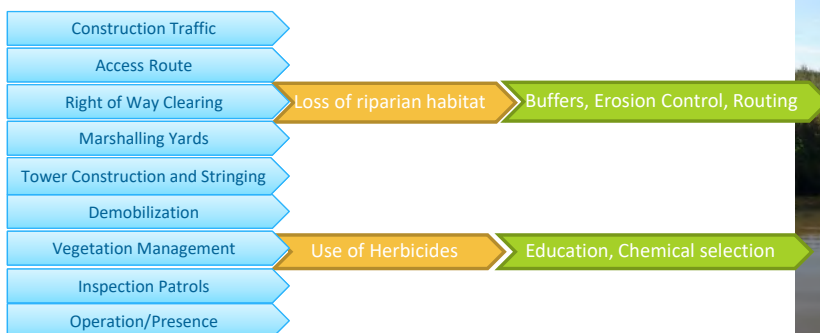
Fish and Fish Habitat



Manitoba Hydro

15

Fish and Fish Habitat



Manitoba Hydro

16

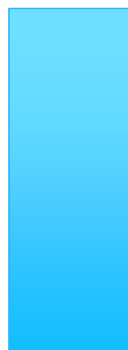
Describe the effect

- Is it a positive or negative effect?
- What is the magnitude of the effect?
- Will it be a single event, or happen frequently or continuously?
- What is the duration of the effect?
- Where is the effect likely to occur?
- Can the VC go back to existing condition (reversible/irreversible)
- What is the context? Is this a big deal?

17

17

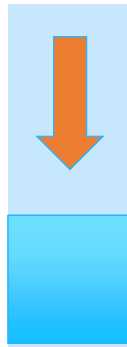
Effect



18

18

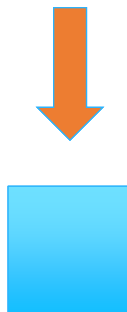
Effect + Mitigation



19

19

Effect + Mitigation = Residual Effects



Residual Effects

20

20

Make a clear statement

- With erosion control measures in place, and the planned buffers in use, effects to fish are predicted to be low in magnitude, short term, reversible and localized.
- Construction monitoring should take place

21

21

From Interviews and your knowledge

May have heard:

- themes / repeated concerns
- reference of use at a particular spot within the Project area
- A story important to the area and your culture
- Ideas or solutions that might be applicable here

22

22

Topics of Discussion/VCS

- Select topics valuable to your community to discuss and relevant to the project area
- Characterize the effects to those values
- Suggest solutions

Deliverable 2: Routing Brief

Prepared by Darryl Taylor for Dakota Tipi First Nation

Deliverable 2 - Routing Brief

Indigenous Community Assessment Coordinator – Darryl Taylor

January 15, 2021

Background and Methods

To understand community concerns within the BP6&7 Project area I conducted my own research and interviewed 11 people:

1. Cornell Pashe
2. Darlene Nadon
3. Linda Nadon (Pashe)
4. Frances Pashe
5. Florence Pashe
6. Colin James
7. Geneva Smoke
8. Diane Smoke
9. Clayton Smoke
10. Wesley Lake
11. Corinne Smoke

I have documented the outcome of these interviews in another document that I will attach to this brief. I followed the procedures suggested in the documents provided by Manitoba Hydro and have completed consent forms for each participant.

Summary of DTFN views and routing preferences:

Summary of Routing preferences

- No concerns with segment 1 on the right-of way. In the Cocoa flats (Wilkinson and Phoebe) area there are eight bodies. Monitor and be diligent to see if something else shows up in the



that area. Because the line already existed, it will be less intrusive. Once the line is on the Island, by Brandon Avenue there are tipi mounds and graves close to the line. This segment is not on any burials that we know, but there are important sites beside the line that should be respected.

- Segments 1-9 are private lands and Manitoba Hydro should be diligent because there are burials nearby (see map A, B)

- Our preferred route includes 18, 5, 11, 9, 3, 1. at number 11 we need to be very careful. This

Photo 1. Discovered remains at Wilkinson and Phoebe

was the yellow Quill Trail. We need to monitor construction carefully. There is no hunting being done in these areas because we're in an urban setting. There is no fishing being done except at the designated area. (see map C). This will be going along a man-made structure that has already disturbed the environment. 11, 9, 5 and 3 are the most efficient way to build the new portion as they are a straight line and less disturbance to the environment.

Summary of Views

Some Elders:

- How does Dakota Tipi benefit from this project? If DTFN is not being acknowledged by the province or the federal government, why would Manitoba Hydro acknowledge us now?
- What benefit do Indigenous people get from these projects?
- Will this create economic development for the area?

Some Elders

- Are positive about the benefits this project will bring.

One Elder

- Shared concerns about EMF? Does it cause cancer? Is this why LPFN doesn't want this on their property?
- Respect for the land is considered very important to Dakota people • If the project is approved Indigenous monitors

should be supported to monitor construction of the project

- A ceremony should precede construction
- Work should occur at a time to minimize impacts plants and wildlife

Important Activities that occur in the project area

- Island park has become a bigger tourist attraction over the past few years, building the new PCU complex and having adjacent water parks.
 - Yellowquill trail ran through the Island park which made the trail significant for heritage and cultural sensitivity, oral history identifying 3 potential chiefs' graves on private land.
- Other private landowners on the Island have indicated potential mounds and tipi rings on their property.
- Hunting does not occur because much of the land in the project area is private.

Outcome of my research and understandings

There are specific sites on Crescent Island that are very important to DTFN, see the map. These specific sites include:

- There is a known burial site located at 'A' on the attached map. Three Chiefs are buried here and this is considered a very important site.

Outcome of interviews

I have interviews scheduled for next week, and some people have spoken to me about their concerns. Some of that information is shared here, more will come in the next deliverable. Traditional activities occur in the Project area as indicated as D, E and F on the map.



Photos 2 and 3. Existing towers on Crescent Island.



Photos 4 and 5. Ecologically significant area along segment 1.



Photos 6 and 7 – Photo on left is looking east from Keesh. Photo on right is



looking east at segment 4-3.



Photos 8 and 9 – Photo on left is a segment on the north side with possible mounds (private land). Photo on right is segment 4.



Photos 10 and 11 – Segment 4, Mayfair lands.





Photos 12 and 13 – Photo on left is segment 6-8-9. Photo on right is by



segment 4 where three Chiefs are buried.

Deliverable 2: Routing Brief

Supporting letter from Chief Eric B.D. Pashe for Dakota Tipi First Nation



Maria M'Lot

Community Relations Advisor

Indigenous Relations | Manitoba Hydro

360 Portage Avenue (14) | Winnipeg, MB | R3C 0G8

Tel: (204) 360-3738

Cell: (204) 390-2468

Email: mmilot@hydro.mb.ca

January 27, 2020

**RE: Indigenous Community Engagement Letter
on Behalf of Dakota Tipi First Nation to Manitoba Hydro**

**Portage la Prairie - Brandon ("BP6/BP7")
Transmission Line Replacement Project**

Dear Maria and Manitoba Hydro,

This letter will serve as the official first correspondence on behalf of the Dakota Tipi First Nation regarding the Manitoba Hydro Portage la Prairie-Brandon (BP6/BP7) Transmission Line Replacement Project (First Draft Comments on behalf of the Dakota Tipi First Nation).

Dakota Tipi First Nation (DTFN) began the official consultation process, specific to this project, in November 2020 with Manitoba Hydro (MBH).

DTFN agreed for the approach that was proposed by MBH via meeting between DTFN and MBH on December 7, 2020:

- for the implementation of a Portage area part-time Coordinator that will lead and work through the consultation process for the concerns.
- Darryl Taylor, member of DTFN and Lands Manager for DTFN, was subsequently hired as the part-time Coordinator for this project (BP6 and BP7 project).

As reiterated in our ongoing discussions with Manitoba Hydro, and specific to the BP6 and BP7 Project for the purpose of this letter, Dakota Tipi First Nation would like to provide the following as our concerns specific to same (BP6/BP7):

- DTFN has concerns with respect to the land area alterations that may occur with the transmission line placement route. This includes concerns that the line placement areas may reduce medicinal vegetation in such areas (sage, sweet grass, cedar, Seneca root,

bear root, etc.). This also includes concerns that the line placement areas may be on a former or traditional burial ground or site (such as tobacco flag or tie placement areas).

- DTFN has concerns with respect to the wildlife population alterations that may occur with the transmission line placement route. This includes concerns that the line placement areas may reduce wildlife populations such as whitetail deer, porcupines, and rabbits which are a source for food and traditional use.
- DTFN has broad concerns with various industry development in the adjacent areas of the DTFN and traditional territory of the Dakota people. This concern is linked to the fact that the Dakota First Nations within Canada, with Dakota Tipi being one (1) of them, did not enter into a Treaty or surrender arrangement with Canada nor the Province of Manitoba in relation to traditional Dakota territory. This is an ongoing negotiation between the DTFN, and other Dakota Nations within Canada, with Canada and the Province of Manitoba.
- DTFN often seeks a process for strong consultation in these instances (energy development or improvement (ie. Transmission line replacement/ rerouting)). DTFN would like to see an increase in employment opportunities for these developments (either short and or long term employment) and quality accessibility to such employment for members of the DTFN.
- DTFN often seeks to have more involvement in economic development opportunities such as having the ability to bid on various areas of the construction sectors of such projects and being awarded such. DTFN does have some concerns with how development may impact local economic development and markets (businesses within the DTFN)
- DTFN seeks to mutually engage in a process for reconciliation and remediation of potential impacts, such as reiterated in these comments, that may occur as a result of industry and energy development within areas of the DTFN adjacent land areas and Dakota traditional territory.

In closing, these are ever evolving and changing concerns and aren't limited to that which is stated herein this letter. Dakota Tipi First Nation appreciates the continued collaboration and consultation on the projects that Manitoba Hydro performs.

Please do not hesitate to contact myself below if you have any additional questions, comments and/ or concerns regarding the content of this correspondence and related.

In closing and on Behalf of the Dakota Tipi First Nation



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Deliverable 3: Environmental Assessment

Prepared by Darryl Taylor for Dakota Tipi First Nation

Introduction Component to the Dakota Tipi First Nation

Project: *Manitoba Hydro* BP6 and BP7 Project
Traditional Knowledge Study

Date: March 15, 2021

Completed By: Darryl Taylor
Dakota Tipi First Nation Tribal Member
Industry and Lands Liaison Worker/ Lands Protector

Introduction:

The Dakota Tipi First Nation (DTFN) and *Manitoba Hydro* entered into a Traditional Knowledge (TKS) Study agreement in the fall of 2021. The purpose of the Study was to provide a framework that would enable the gathering and documentation of DTFN (TKS) and traditional knowledge information relevant to the proposed BP 6/7 project (the project).

The agreement acknowledged that the DTFN will take the lead in the planning and implementing of its own methods of research and will decide what level of information will be provided to *Manitoba Hydro* to assist in the assessment of potential project effects and potential impacts on the use of lands, waters, and resources by the DTFN community.

1.1 OVERVIEW OF THE DAKOTA TIPI OYATE BEING PART OF THE DAKOTA NATION and as it Relates to the Project

In the (TKS) study the DTFN intends to provide information about the cultural and historical context of the Dakota Tipi community and who we are as a part of the larger Dakota Nation.

While there are differing views on the extent of the Dakota Homeland or Traditional Territory, most sources agree that at the time of contact the Dakota People /Nation (which the Dakota Tipi People are apart of) used and occupied areas within the current jurisdictions of Canada and the United States, the North West Territories, Alberta, Saskatchewan, Manitoba and portions of Ontario.

The DTFN and several other Dakota Nations within Manitoba

are in a unique position, as they never adhered to a treaty and thus retain, hold and assert Aboriginal Rights and Title to areas within southern Manitoba, and areas the project traverses. Some of the Aboriginal Rights that DTFN exercise and assert include (but are not limited to) the right to hunt, fish, harvest land and water based resources, practice various forms of cultivation, build and occupy settlements, build and occupy camps and cabins, and the ability to travel to and access resource activity areas, etc..

The DTFN also asserts and maintain that it has never ceded its title or interests to its ancient homelands or traditional territory nor its inherent jurisdiction and decision-making authority in relation to the lands, waters, and resources.

Given this, at a minimum, *Manitoba Hydro* should begin its consideration of any potential known biophysical and socio-economic effects against these noted broad rights categories through portions of southern Manitoba.

1.2 Community at a Glance

In 1959 the *Old Sioux Village* near Portage La Prairie relocated to the current location site of the Dakota Tipi First Nation. In 1972 the community divided and thereby creating two (2) First Nations presently known as Dakota Tipi First Nation (IR No.#56 or 295) and Dakota Plains Wahpeton Nation (which borders the Long Plain First Nation, south of Edwin Manitoba Canada).

The Dakota Tipi First Nation was granted “Indian Reserve” Status in 1972.

Dakota Tipi First Nation is situated approximately 2 kilometers southwest of the city of Portage La Prairie, Manitoba, and is roughly 80 kilometers west of Winnipeg, Manitoba, and located on the Yellowquill Trail highway, just off of the TransCanada No. 1 Highway, and can be reached by a paved class "C" highway.

The current Dakota Tipi First Nation consists of Parish lot 25 and Parish Lot 24 and in 1985 the First Nation also secured Parish Lot 16, 17 and 18 for a total of 371.8 acres or 150.48 hectares.

The current population of the Dakota Tipi First Nation is approximately 275 people “on reserve on” and has on “off reserve” population of approximately 300 people.

1.3 Current Vision of the Dakota Tipi First Nation

The Dakota Tipi First Nation currently works with a number of industries and industry partners, such as *Manitoba Hydro*, in consultation to ensure the concerns of the Dakota Tipi Nation are dealt with in an according, proper and traditional way.

The Dakota Tipi Nation continues to work towards the goals and vision of itself as a part of the larger Dakota Nation in creation of a strong and viable future for its membership and in honour of the history of the ancestral Dakota people that which we derive from.

Deliverable 3: Environmental Assessment
Prepared by Adam Myran for Long Plain First Nation

Deliverable # 3

A description of the LPFN community in the Portage la Prairie area, at a level of detail deemed appropriate by the LPFN.

A signatory to Treaty 1, 1871, Long Plain First Nation is a proud, prosperous community of both Ojibway and Dakota people situated in the central plains region of Manitoba.

Long Plain has a population of over 4,500 with approximately 2,475 of its registered members living on reserve, 1940 living in urban areas and the remaining 60 living in other reserve communities.

Long Plain is Reserve No. 6 on a land base of 10,800 acres comprised of 3 reserves of which 2 are urban. Long Plain is situated in the south-central area of Manitoba, known as the "Central Plains Region". The reserve is located 14 km southwest of Portage La Prairie, and 98 kilometers west of Winnipeg and 10 kilometers south of the TransCanada Highway No. 1. The landscape of the reserve begins along the northwest and southeast banks of the Assiniboine River for approximately five miles and extending three miles west. A portion of the reserve also lies across Assiniboine River.

The urban reserves are situated along the city limits of Portage la Prairie (Keeshkeemaquah Reserve) and in the City of Winnipeg (Madison Indian Reserve No. 1). Long Plain has additional plans for Treaty Land/Reserve expansion in Manitoba. These plans are in various stages of the Addition to Reserve process.

The Portage and surrounding areas have been our people's traditional territory and homeland for thousands of years. The lands in the Portage area were historically considered Long Plain's traditional and tribal territory and are still currently used by Long Plain First Nation registered members for traditional hunting, harvesting and cultural practices.

Long Plain has a custom election system and a tribal government consisting of five; a Chief and four Councillors. Each of the five elected members are responsible for a diverse portfolio of Long Plain's programs and services that includes Arrowhead Development Corp., Economic Development, Gaming, Employment / Training / Daycare, Security / Fire, Education, Social Services, Membership, Land Management, Public Works, Justice / Legal, Recreation / Culture, Child & Family Services, Housing, Residential School, Health and Veterans Affairs.

The community has a diverse economic development portfolio including one of the most successful Petro Canada stations in all of Canada at the Madison Indian Reserve No.1, a thriving Hotel and Gaming Centre on the Keeshkeemaquah Reserve as well as recent acquisitions and builds that will only continue to make Long Plain a fixture in both the Economic and Local Landscape for future generations to come.

A description or assessment, from LPFN's perspective, of the potential effect of the BP6/BP7 Project on the traditional practices and culture of the LPFN community.

Long Plain is happy to be a part of these discussions and is grateful there is a consultation process with the potentially affected First Nations in the region.

We are also however reluctant to (and are not in a position to) grant a corporation 'carte blanche' authority for any future infrastructure conflicts that may arise, and they have in the past. The reality is after hundreds of years of socio-economic, spiritual and legal disparity, we simply do not know for

certain if these plans are over for instance, a familial or community burial plot from the 1790's. Perhaps it goes through the old lodging grounds of the regions most respected Medicine Man from an even earlier time which would no doubt be in abundance of our 4 Sacred Medicines (Sage, Cedar, Sweetgrass and Tobacco). Such a plot would no doubt have old ceremonial grounds that would still be respected and protected no matter how old they are, as such sites are identified and do exist within our Long Plain Reserve No. 6 borders today.

I am sure you can see our need to keep communication open and honest so that if and when matters like the examples presented here arise, proper consultation and due diligence can be performed.

That being said, the purposed route is not currently in any conflict therefor should have no immediate adverse effect on current traditional practices and culture of the LPFN Community, outside of perhaps the disturbance of wildlife habitats or migration routes that some families still rely on today as a source of food.

A suggestion of potential mitigation measures to reduce any adverse effect and enhance the positive effects of the BP6/BP7 Project.

Long Plain First Nation would like to see an effort made to harvest any sacred medicines that may be disturbed during the project in accordance with our spiritual protocols.

We have attached **Attachment A** for identification purposes.

In regard to any spiritual lodgings or landmarks, we would like the opportunity to consult with local Elders and knowledge-keepers on proper protocol if such an issue were to arise. There are many constructs we use on our spiritual journey including but not limited to, Arbours, Ceremonial Lodges, Rock Paintings and formations etc.

Also, if a rough count of large vegetation removals (trees and native brush etc.) exists we would like to see an effort made to either relocate or plant-new vegetation in accordance with our beliefs that we should live lightly on Mother Nature, take only what we need and replace what we take whenever possible.

Attachment A

Four Sacred Medicines:

1. Wild Sage



2. Closeup of Cedar Branches



3. Sweetgrass



4. Wild Tobacco



Deliverable 2 and 3: Routing Brief and Environmental Assessment
Prepared by the Manitoba Metis Federation (MMF)

Métis Specific Concerns

Brandon-Portage La Prairie (BP6/BP7)
Transmission Line Replacement

Manitoba Metis Federation

February 25, 2021



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Executive Summary

Through an assessment of our existing land use and occupancy database, we found that **Métis citizens are actively exercising their rights in the BP6/BP7 area.**

The presence of 80 existing Métis Knowledge features in the general project area indicates the potential for the Manitoba Métis Community to have additional specific knowledge to share about the route alternatives if given the opportunity. We would also like to engage Métis citizens for additional project specific information which can be used to inform Manitoba Hydro's full environmental assessment and EAP, construction and future operations of the line.

The presence of these 80 existing features near the BP6/BP7 project area, from past studies that were not focused on this project specifically, is evidence of the potential for impact to the Métis way of life from the BP6/BP7 project. Métis have Constitutionally protected rights to harvest, and any impact on these rights, claims or interests needs to be adequately and appropriately assessed and, if necessary, accommodated and mitigated for.

In the context of these conclusions, the Manitoba Metis Federation (MMF) has provided to Manitoba Hydro a set of recommendations in this report related to the current BP6/BP7 route selection process, recommendations for MMF's engagement and consultation in the BP6/BP7 going forward, and recommendations that may guide MMF's engagement and consultation on future projects such as the Portage Area Capacity Enhancement (PACE) project.

Métis Concerns with Transmission Lines

- Concerns about impacts to Métis rights, claims and interests.
- Concerns about Métis Valued Components being considered in the process.
- Concerns that contiguous Unoccupied Crown Land will not be maintained.
- Potential for impact to Lands for Métis Use
- Potential changes to wildlife habitat and the ability harvest in the area
- Cumulative effects of development on the ability to harvest.
- Numerous concerns related to transmission line project impacts including the following:
 - Aquatic harvesting and water quality
 - Chemical spraying
 - Human population increase pressures on harvesting
 - Impacts to animal health and habitat
 - Sensitive Habitat such as a swamp
 - Access to historic and culturally important harvesting areas and impacts on gathering berries
 - Economic impacts
 - Effects on commercial trapping
 - Wood harvesting impacts
 - Challenges presented by needing to change harvesting locations
 - Cultural impacts
 - Changes to the landscape and foreign objects
 - Aesthetic and visual concerns
 - Human health impacts and noise concerns
 - Safety
- Fears and psycho-social concerns
- Concerns with the administration of monitoring programs.



1.0 Introduction

1.1 Project Context

Manitoba Hydro is proposing to construct a double circuit transmission line between Brandon and Portage la Prairie, referred to as BP6/BP7 or the Project. This project is intended to replace or rebuild a section of the BP6/BP7 line that was damaged during a storm in 2019. Because development beside the line has grown and the requirements for right-of-way widths have increased since construction of the original BP6/BP7 line, Manitoba Hydro must consider different routes for the new BP6/BP7 line.

Manitoba Hydro and the Manitoba Metis Federation (MMF) have long been in negotiations around the terms of their engagement relationship. With the cancellation of the Turning the Page Agreement, there has been a gap in the funding of an Energy Liaison position at the MMF. In Summer 2020, Manitoba Hydro met with the MMF and informed them that the BP6/BP7 project was going to be initiated. Manitoba Hydro held meetings with MMF staff through the Fall and Winter 2020 with the aim of developing a contribution agreement to support a more fulsome consultation process on this Project with the MMF. The MMF received a draft contribution agreement from Manitoba Hydro in December 2020. The agreement proposed that a series of engagement activities be carried out by the MMF over the next two months. Because the MMF does not have an Energy Liaison employed at this time, it was not possible for us to mobilize to meet these aggressive timelines. We consider the contribution agreement negotiation process to be ongoing though some of the originally proposed timelines cannot be met.

On February 18, 2021, representatives from the Manitoba Metis Federation (MMF) participated in a Community Ranking Meeting organized by Manitoba Hydro. During the meeting, participants were asked to rank and provide feedback on four alternative routes (A, B, C and D) being considered for the Project. During the meeting, MMF representatives shared concerns that proper consultation has not occurred. MMF representatives shared that they participated in the meetings in good faith, but that a full and meaningful consultation process is required; the MMF still needs to consult with the Manitoba Métis Citizens to understand their perceptions and the potential for project impacts. The MMF representatives added that they understand that there are pressures to move things forward, but they cannot participate fully without the perspective of the Manitoba Métis Community.

In response to these concerns, Manitoba Hydro proposed to hold the ranking results for one week so that participants can come back to share key concerns within that time frame.

The MMF asserts that one week is not a reasonable time frame to consult with the Manitoba Métis Community in a meaningful way on this project. As the contribution agreement has not been finalized, we also lack the capacity funding to properly engage Métis citizens. However, we also do not want to miss the opportunity to have at least some input to the route selection process, so we have chosen to prepare this submission to Manitoba Hydro.



This report summarizes some of our key concerns regarding the routing of the BP6/BP7 line based on the information we have available at this time and outlines our recommendations for proper and meaningful engagement for a transmission line project, including the BP6/BP7 project as well as future projects such as the Portage Area Capacity Enhancement (PACE) project.

1.2 Regulatory Process

1.2.1 Environmental Assessment

General process overview

The BP6/BP7 Project requires an environmental assessment as a Class 2 development according to Manitoba Regulation 164/88 (the Classes of Development Regulation) under *The Environment Act* (Manitoba). The environmental assessment (EA) must be submitted to Manitoba Conservation and Climate for approval, and the Project will require a licence under *The Environment Act* prior to the initiation of construction.

As described in Section 1(1) of *The Environment Act*, the purpose of the EA process is to “ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for this and future generations”. Section 1(1)(b) of *the Act* provides for the environmental assessment of projects which are likely to have significant effects on the environment.

As part of its environmental assessment, Manitoba Hydro identified and evaluated alternative routes for the Project in fall 2020 and plans to select the preferred route in March 2021. The environmental assessment report is anticipated to be filed for regulatory review in early 2021, with construction planned to start in 2022 if regulatory approval is received.

Key Milestones

February 18, 2021 – MMF participated in a community ranking meeting with Manitoba Hydro

February 25, 2021 – Manitoba Metis community concerns to be shared with Manitoba Hydro

March 2021 - preferred route selection

Early 2021 - environmental assessment report to be filed for regulatory review

2022 - construction planned to start if regulatory approval is received



The Route Selection Process

For the purposes of assessing the environmental impacts of a Class 2 development, Section 11(9) of *the Act* sets out requirements including an assessment of alternatives to the proposed development processes and locations. The process defined by Manitoba Hydro for assessing alternative routes and selecting the preferred route for the Project is summarized in Figure 1 below (Manitoba Hydro, 2021). Route selection falls within Manitoba Hydro's Site Selection and Environmental Assessment (SSEA) process, which includes:

- Defining a project study area based on factors including community and public input, socio-economic, environmental, and technical (engineering) considerations.
- Identifying regional and site-specific constraints and opportunities for transmission line routing including potentially sensitive biophysical, socio-economic, and cultural features
- Identifying and evaluating alternative transmission line routes based on community/public input, local and Aboriginal Traditional Knowledge, socio-economic, biophysical, technical, and cost considerations.
- Selecting a preferred transmission line right-of-way and facility locations that, where feasible, minimizes potential adverse effects and enhances opportunities.
- Developing mitigation measures, where required, to address potential adverse environmental effects.

As described during the Community Ranking Meeting on February 18, 2021, Manitoba Hydro is now at the Pick Preferred Route step in this process.

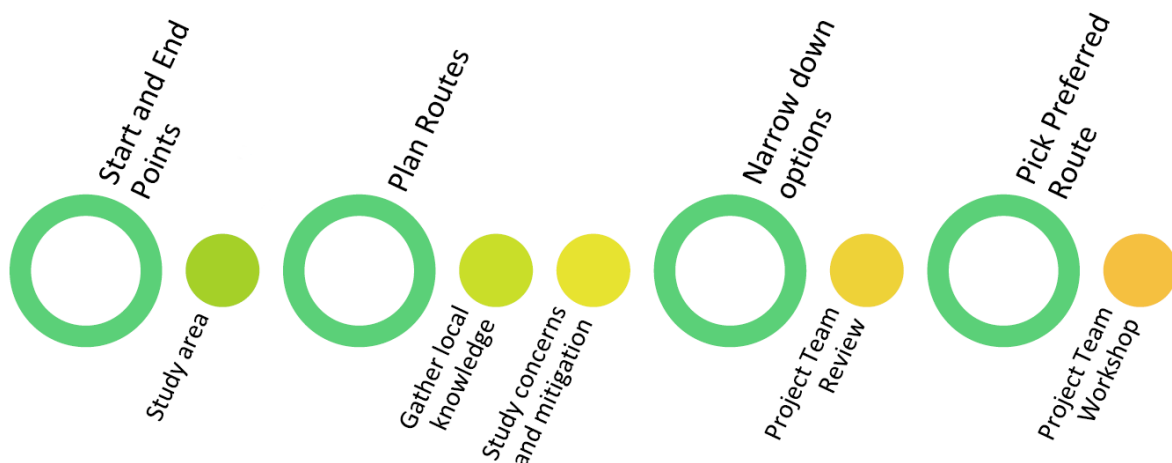


Figure 1. Manitoba Hydro Process for Route Selection



Environment Act Proposal for licensing

To obtain a Licence under *The Environment Act*, Manitoba Hydro must submit a complete Environment Act Proposal (EAP) to the Environmental Approvals Branch (EAB) of Manitoba Conservation and Climate. The EAP will consist of the following components (emphasis added):

- Cover Letter
- Environment Act Proposal Form
- Reports/Plans Supporting the Environment Act Proposal, including the Environmental Assessment Report. According to the Government of Manitoba's Environment Act Proposal Report Guidelines (March 2018), the EA Report should include the following sections:
 - Executive summary
 - Introduction and background
 - Description of proposed development, including construction, operation, maintenance, and decommissioning if applicable.
 - Description of existing environment in the project area, including **identification of Indigenous communities in the vicinity of the proposed development**. Existing environmental **information may come from sources including traditional ecological knowledge**.
 - Description of **environmental and human health effects of the proposed development, including potential impacts of the development on Indigenous communities**, including, but not necessarily limited to:
 - direct impacts on communities in the project area.
 - resource use, including hunting, fishing, trapping, gathering, etc.
 - cultural or traditional activities in the project area.
 - **Mitigation measures** to protect the environment and human health, and residual environmental effects.
 - **Follow-up plans, including monitoring and reporting.**
 - Conclusions
- Application Fee

The Government of Manitoba encourages proponents to consult with staff of the department, affected public, interested parties **and First Nation communities to identify issues and concerns prior to finalizing the EAP**, to allow for potential concerns to be addressed early in the process. The MMF assumes these guidelines are dated and that "First Nation" communities actually means "First Nation,



Métis or Inuit communities” and that it will be provided time and capacity funding to comment on the EAP.

After checking the EAP for completeness, the Government of Manitoba will place the EAP on the public registry and request public comments within a prescribed timeframe. A Technical Advisory Committee (TAC) consisting of provincial and federal government specialists will review the EAP and submit comments in parallel with the public review.

The EAB will then reviews all public and TAC comments on the EAP and may request additional information from Manitoba Hydro to address concerns. Guidelines may be completed for the proponent to prepare a full Environmental Impact Statement (EIS). If required, the EIS Guidelines and the EIS are also screened by the public and TAC.

If concerns warrant a public hearing, the Director of the EAB may recommend that the Minister request the Clean Environment Commission to hold a public hearing on the proposed development. Upon the Minister’s request, the Commission would conduct a public hearing and provide advice and recommendations to the Minister based on evidence received during the hearing process. While the MMF does not necessarily assume that the BP6/BP7 will require a public hearing, we would expect that we would be provided the opportunity for capacity funding to participate should a hearing occur.

At the end of the environmental assessment process, a decision will be made by the Director of the EAB for Class 2 developments to either issue a licence with limits, terms, and conditions, or to refuse a licence. The MMF expects that we would be provided capacity funding to comment on these conditions.

1.3 Environmental Assessments and Manitoba Metis Federation Consultation

There is a natural convergence between the conduct of an environmental assessment process and the Crown’s Duty to Consult and if necessary, accommodate Indigenous peoples for adverse effects to their rights (Bankes, 2009). Broadly, the environmental review process is often the only vehicle used by the Crown to identify and predict whether a proposed natural resources development project should proceed.

The Crown’s Duty to Consult is triggered when the Crown, as represented by Canada and/or a Province, “has knowledge, real or constructive, of the potential existence of the Aboriginal right or title and contemplates conduct that might adversely affect” (Haida Nation v. British Columbia [Minister of Forests], 2004 SCC 73, [2004] 3 SCR 511, para. 35) that right. Consultation must always be conducted “through a meaningful process” and with “the intention of substantially addressing [Aboriginal] concerns” (Haida Nation v. British Columbia [Minister of Forests], 2004 SCC 73, [2004] 3 SCR 511, para. 42). “Consultation that excludes from the outset any form of accommodation would be meaningless” (Mikisew Cree First Nation v. Canada 2005, para. 54). The ‘conduct’ of the Crown that may result in a



negative effect to a Métis right, claim or interest includes decisions to approve the construction and operation of natural resource development projects, such as a transmission line.

The conduct of environmental assessment processes is underpinned by the notion that a rational scientific method provides the basis for their execution and that “in order to be credible, the [EA] process must be based on scientific objectives, modeling and experimentation, quantified impact predictions and hypothesis-testing” (Noble, 2010).

In Canada, the requirement for the conduct of an environmental assessment is codified within legislation, both federal and provincial across the country. However, legislation setting out the Crown’s expectations on the requirements of the environmental assessment process, including scope, procedures, and methods, are not explicit with respect to the identification of adverse effects to Métis rights, claims or interests. Despite this lack of explicit guidelines, both federal and provincial regulatory authorities often rely on the results of the environmental assessment process as a resource to assist in predicting and managing adverse effects to Métis rights, claims or interests.

Consultation with the Manitoba Metis Federation, interwoven into the regulatory review process, can assist in the identification of impacts to Manitoba Métis rights, claims and interests and assist the Crown in its decision about whether a project should proceed. In the case of the EAP for the BP6/BP7 project, meaningful consultation with the Manitoba Metis Federation can also assist Manitoba Hydro in preparing mitigation measures, and follow-up plans, including monitoring.

2.0 Manitoba Métis Community

2.1 History and Identity

The Métis Nation—as a distinct Indigenous people—evolved out of relations between European men and First Nations women who were brought together as a result of the early fur trade in the Northwest. In the eighteenth century, both the Hudson Bay Company and the Northwest Company created a series of trading posts that stretched across the upper Great Lakes, through the western plains, and into the northern boreal forest. These posts and fur trade activities brought European and Indigenous peoples into contact. Inevitably, unions between European men—explorers, fur traders, and pioneers—and Indigenous women were consummated. The children of these families developed their own collective identity and political community so that “[w]thin a few generations, the descendants of these unions developed a culture distinct from their European and Indian forebears” and the Métis Nation was born—a new people, indigenous to the western territories (*Alberta (Aboriginal Affairs and Northern Development) v. Cunningham*, [2011] 2 SCR 670 at para. 5; 2008 MBPC *R. v. Goodon*, 59 at para. 25; *Manitoba Metis Federation Inc. v. Canada (Attorney General)*, [2013] 1 SCR 623 at para. 2).

The Métis led a mixed way of life. “In early times, the Métis were mostly nomadic. Later, they established permanent settlements centered on hunting, trading and agriculture” (*Alberta v. Cunningham*, at para. 5). The Métis were employed by both of the fur trades’ major players, the Hudson’s Bay and Northwest companies. By the early 19th century, they had become a major component of both firms’ workforces. At



the same time, however, the Métis became extensively involved in the buffalo hunt. As a people, their economy was diverse; combining as it did, living off the land in the Aboriginal fashion with wage labour (*MMF Inc. v. Canada*, at para. 29).

It was on the Red River, in reaction to a new wave of European immigration, that the Métis Nation first came into its own. Since the early 1800s, the Manitoba Métis Community—as a part of the larger Métis Nation—has asserted itself as a distinct Indigenous collective with rights and interests in its Homeland. The Manitoba Métis Community shares a language (Michif), national symbols (infinity flags), culture (i.e., music, dance, dress, crafts), as well as a special relationship with its territory that is centered in Manitoba and extends beyond the present-day provincial boundaries.

The Manitoba Métis Community has been recognized by the courts as being a distinctive Indigenous community, with rights that are recognized and affirmed in section 35 of the *Constitution Act, 1982*. In *Goodon*, the Manitoba court held that:

The Métis community of Western Canada has its own distinctive identity [...] the Métis created a large inter-related community that included numerous settlements located in present-day southwestern Manitoba, into Saskatchewan and including the northern Midwest United States. This area was one community [...] The Métis community today in Manitoba is a well-organized and vibrant community (paras. 46-47; 52).

This proud independent Métis population constituted a historic rights-bearing community in present day Manitoba and beyond, which encompassed “all of the area within the present boundaries of southern Manitoba from the present-day City of Winnipeg and extending south to the United States” (*R. v. Goodon*, at para. 48).

The heart of the historic rights-bearing Métis community in southern Manitoba was the Red River Settlement; however, the Manitoba Métis Community also developed other settlements and relied on various locations along strategic fur trade routes. During the early part of the 19th century, these included various posts of varying size and scale spanning the Northwest Company and the Hudson Bay Company collection and distribution networks.

More specifically, in relation to the emergence of the Métis—as a distinct Aboriginal group in Manitoba—the Supreme Court of Canada wrote the following in the *MMF Inc. v. Canada* case:

[21] The story begins with the Aboriginal peoples who inhabited what is now the province of Manitoba—the Cree and other less populous nations. In the late 17th century, European adventurers and explorers passed through. The lands were claimed nominally by England which granted the Hudson’s Bay Company, a company of fur traders’ operation of out London, control over a vast territory called Rupert’s Land, which included modern Manitoba. Aboriginal peoples continued to occupy the territory. In addition to the original First Nations, a new Aboriginal group, the Métis, arose—people descended from early unions between European adventurers and traders, and Aboriginal women. In the early days, the descendants of English-speaking parents were referred to as half-breeds, while those with French roots were called Métis.

[22] A large—by the standards of the time—settlement developed at the forks of the Red and Assiniboine Rivers on land granted to Lord Selkirk by the Hudson’s Bay Company in 1811. By 1869, the settlement consisted of 12,000 people, under the governance of Hudson’s Bay Company.



[23] In 1869, the Red River Settlement was a vibrant community, with a free enterprise system and established judicial and civic institutions, centred on the retail stores, hotels, trading undertakings and saloons of what is now downtown Winnipeg. The Métis were the dominant demographic group in the Settlement, comprising around 85 percent of the population [approximately 10,000 Métis], and held leadership positions in business, church and government.

The fur trade was vital to the ethnogenesis of the Métis and was active in Manitoba from at least the late 1770s, and numerous posts and outposts were established along cart trails and waterways throughout the province. These trails and waterways were crucial transportation networks for the fur trade (Jones 2014; Figure) and were the foundation of the Manitoba Métis Community's extensive use of the lands and waters throughout the province. In the early 20th century, the Manitoba Métis Community continued to significantly participate in the commercial fisheries and in trapping activities, which is well documented in Provincial government records.

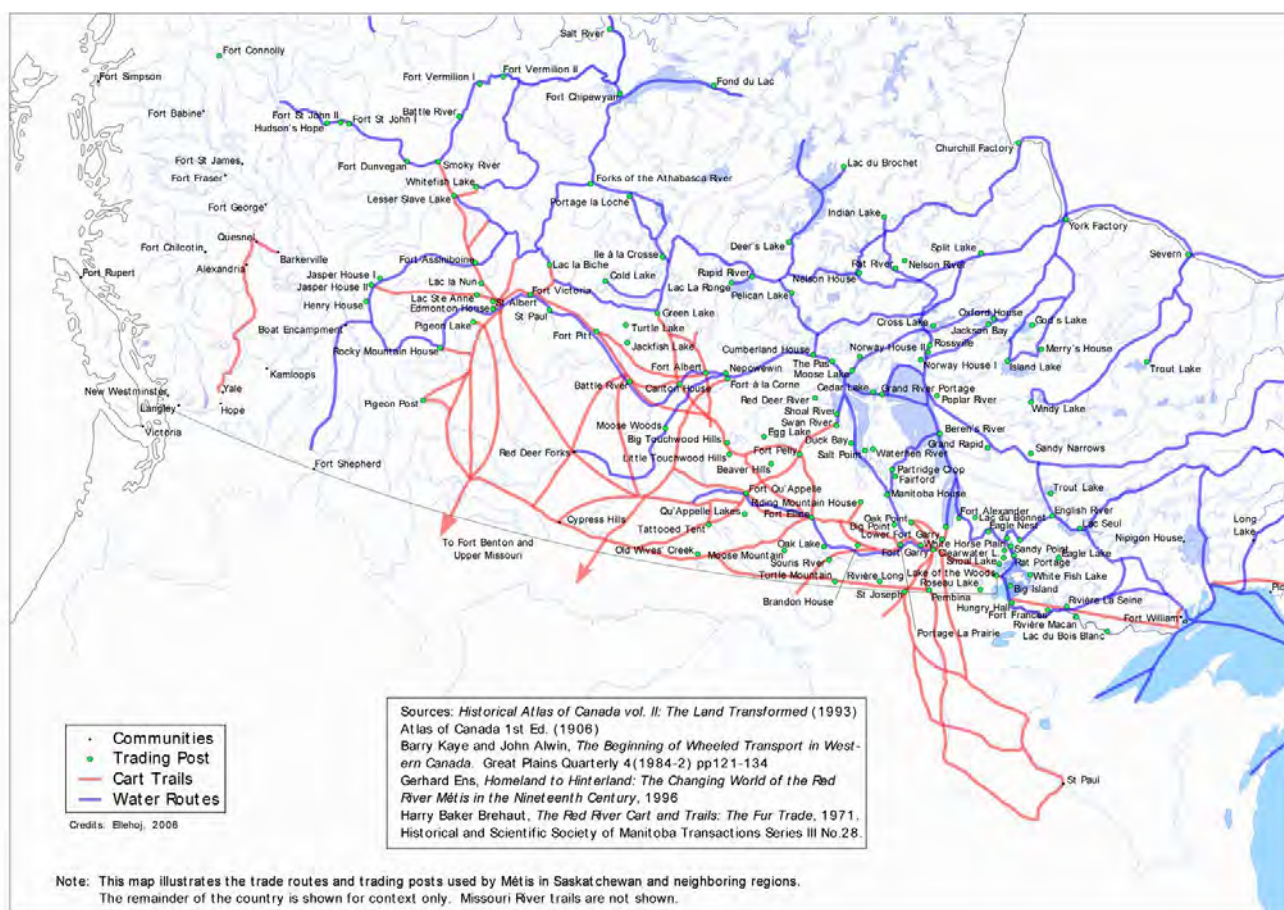


Figure 2. The Fur Trade Network: Routes and Posts Prior to 1870



2.2 Manitoba Metis Federation

The MMF is the democratically elected government of the Métis Nation's Manitoba Métis Community (Manitoba Métis Community). The MMF is duly authorized by the Citizens of the Manitoba Métis Community for the purposes of dealing with their collective Métis rights, claims, and interests, including conducting consultations and negotiating accommodations (as per MMF Resolution No. 8). While the MMF was initially formed in 1967, its origins lie in the 18th century with the birth of the Manitoba Métis Community and in the legal and political structures that developed with it. Since the birth of the Métis people in the Red River Valley, the Manitoba Métis Community—as a part of the larger Métis Nation—has asserted and exercised its inherent right of self-government. The expression of this self-government right has changed over time to continue to meet the needs of the Manitoba Métis Community. For the last 50 years, the MMF has represented the Manitoba Métis Community at the provincial and national levels.

During this same period, the MMF has built a sophisticated, democratic, and effective Métis governance structure that represents the Manitoba Métis Community at the local, regional, and provincial levels throughout Manitoba. The MMF was created to be the self-government representative of the Manitoba Métis Community—as reflected in the Preamble of the MMF's Constitution (also known as the MMF Bylaws):

WHEREAS, the Manitoba Metis Federation Inc. has been created to be the democratic and self-governing representative body of the Manitoba Métis Community.

In addition, the purpose “to provide responsible and accountable governance on behalf of the Manitoba Métis Community using the constitutional authorities delegated by its citizens” is embedded within the MMF's objectives, as set out in the MMF Constitution as follows:

- I. To promote and instill pride in the history and culture of the Métis people.
- II. To educate members with respect to their legal, political, social and other rights.
- III. To promote the participation and representation of the Métis people in key political and economic bodies and organizations.
- IV. To promote the political, legal, social and economic interests and rights of its citizens.
- V. To provide responsible and accountable governance on behalf of the Manitoba Métis community using the constitutional authorities delegated by its members.

The MMF is organized and operated based on centralized democratic principles, some key aspects of which are described below.

President: The President is the Chief Executive Officer, leader, and spokesperson of the MMF. The President is elected in a province-wide ballot-box election every four years and is responsible for overseeing the day-to-day operations of the MMF.

Board of Directors: The MMF Board of Directors, or MMF Cabinet leads, manages, and guides the policies, objectives, and strategic direction of the MMF and its subsidiaries. All 23 individuals are democratically elected by the citizens.



Regions: The MMF is organized into seven regional associations or "Regions" throughout the province (Figure 3.): The Southeast Region, the Winnipeg Region, the Southwest Region, the Interlake Region, the Northwest Region, the Pas Region, and the Thompson Region. Each Region is administered by a Vice-President and two executive officers, all of whom sit on the MMF's Cabinet. Each Region has an office which delivers programs and services to their specific geographic area.

Locals: Within each Region are various area-specific "Locals" which are administered by a chairperson, a vice-chairperson and a secretary-treasurer. Locals must have at least nine citizens and meet at least four times a year to remain active. There are approximately 140 MMF Locals across Manitoba.

While the MMF has created an effective governance structure to represent the Manitoba Métis Community at the local, regional, and provincial levels, it is important to bear in mind that there is only one large, geographically dispersed, Manitoba Métis Community. Citizens of the Manitoba Métis Community live, work and exercise their s. 35 rights throughout and beyond the province of Manitoba.

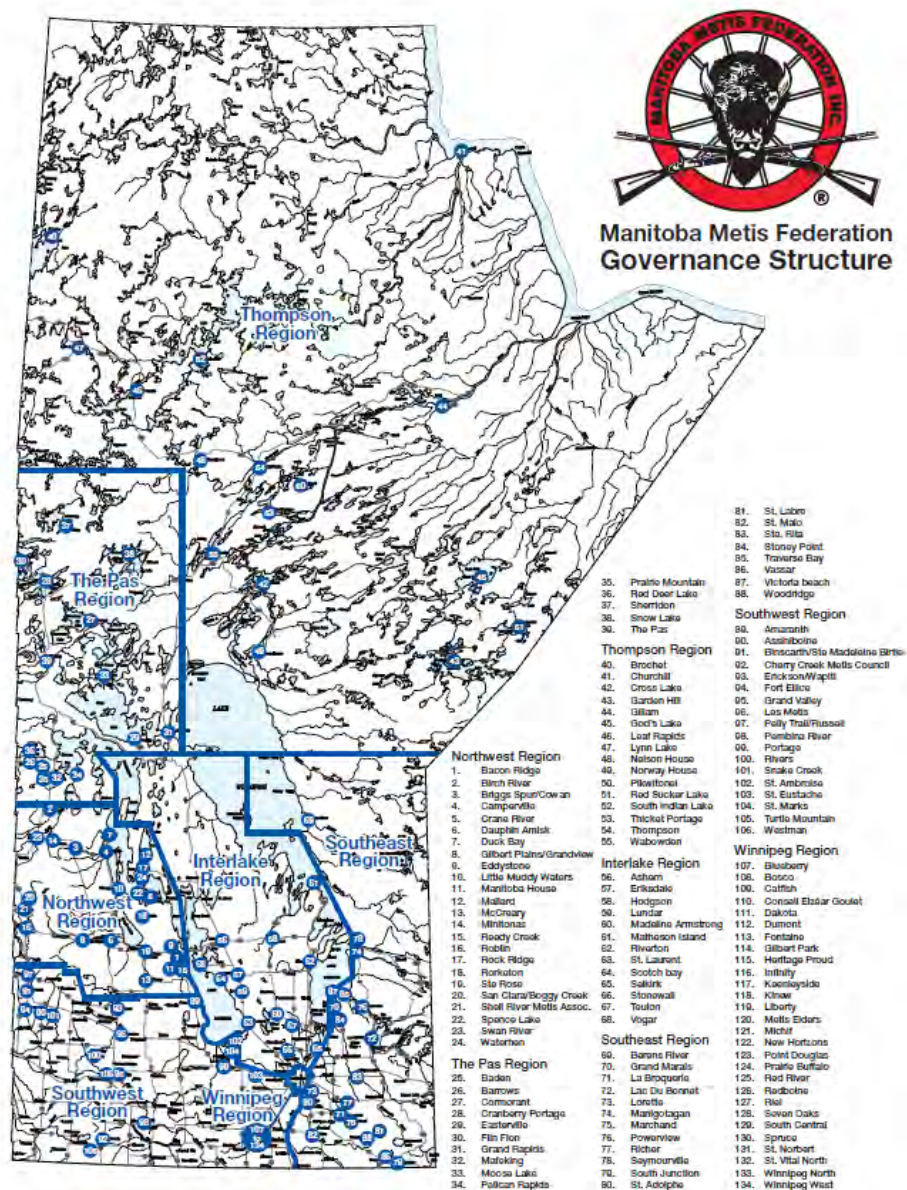


Figure 3. Manitoba Metis Federation (MMF) Regions

2.3 MMF Resolution No. 8

Among its many responsibilities, the MMF is authorized to protect the Aboriginal rights, claims, and interests of the Métis Nation's Manitoba Métis Community, including as related to harvesting, traditional culture, and economic development, among others.

In 2007, the MMF Annual General Assembly unanimously adopted Resolution No. 8 that sets out the framework for engagement, consultation, and accommodation to be followed by Federal and Provincial governments, industry, and others when making decisions and developing plans and projects that may impact the Manitoba Métis Community. Under MMF Resolution No. 8, direction has been provided by the Manitoba Métis Community



for the MMF Home Office to take the lead and be the main contact on all consultation undertaken with the Manitoba Métis Community. Resolution No. 8 reads, in part that:

...this assembly continue[s] to give the direction to the Provincial Home Office to take the lead and be the main contact on all consultations affecting the Métis community and to work closely with the Regions and Locals to ensure governments and industry abide by environmental and constitutional obligations to the Métis...

The MMF Home Office works closely with the Regions and Locals to ensure the rights, interests, and perspective of the Manitoba Métis Community are effectively represented in matters related to consultation and accommodation.

Resolution No. 8 has five phases:

Phase 1: Notice and Response

Phase 2: Funding and Capacity

Phase 3: Engagement or Consultation

Phase 4: Partnership and Accommodation

Phase 5: Implementation

Each phase is an integral part of the Resolution No. 8 framework and proceeds logically through the stages of consultation.

2.4 Manitoba Métis Community Rights, Claims, and Interests

The Manitoba Métis Community possesses Aboriginal rights, including pre-existing Aboriginal collective rights and interests in lands recognized and affirmed by section 35 of the *Constitution Act, 1982*, throughout Manitoba. The Manitoba court recognized these pre-existing, collectively held Métis rights in *R. v. Goodon* (at paras. 58; 72):

I conclude that there remains a contemporary community in southwest Manitoba that continues many of the traditional practices and customs of the Métis people.

I have determined that the rights-bearing community is an area of southwestern Manitoba that includes the City of Winnipeg south to the U.S. border and west to the Saskatchewan border.

As affirmed by the Supreme Court of Canada, such rights are “recognize[d] as part of the special aboriginal relationship to the land” (*R. v. Powley*, 2003 SCC 43, at para. 50) and are grounded on a “communal Aboriginal interest in the land that is integral to the nature of the Métis distinctive community and their relationship to the land” (*MMF Inc. v. Canada*, at para. 5). Importantly, courts have also recognized that Métis harvesting rights may not be limited to Unoccupied Crown Lands (*R. v. Kelley*, 2007 ABQB 41, para. 65).

The Crown, as represented by the Manitoba government, has recognized some aspects of the Manitoba Métis Community’s harvesting rights through a negotiated agreement: The *MMF-Manitoba Points of Agreement on*



Métis Harvesting (2012) (the *MMF-Manitoba Harvesting Agreement*). This Agreement was signed at the MMF's 44th Annual General Assembly and "recognizes that collectively-held Métis Harvesting Rights, within the meaning of s. 35 of the *Constitution Act, 1982*, exist within the [Recognized Métis Harvesting Zone], and that these rights may be exercised by Métis Rights Holders consistent with Métis customs, practices and traditions..." (*MMF-Manitoba Harvesting Agreement*, section 1). In particular, the *MMF-Manitoba Harvesting Agreement* recognizes that Métis rights include "hunting, trapping, fishing and gathering for food and domestic use, including for social and ceremonial purposes and for greater certainty, Métis harvesting includes the harvest of timber for domestic purposes" throughout an area spanning approximately 169,584 km² (the "Métis Recognized Harvesting Area") (*MMF-Manitoba Harvesting Agreement*, section 2; Figure). The MMF further asserts rights and interests beyond this area, which require consultation and accommodation as well.

Beyond those rights already established through litigation and recognized by agreements, the Manitoba Métis Community claims commercial and trade-related rights. Courts have noted that Métis claims to commercial rights remain outstanding (*R. v. Kelley* at para. 65). These claims are strong and well-founded in the historical record and the customs, practices, and traditions of the Manitoba Métis Community, and it is incumbent on the Crown and Proponents to take them seriously.

As noted above, the Manitoba Métis Community has its roots in the western fur trade (*R. v. Blais*, 2003 SCC 44 at para. 9 [*Blais*]; *R. v. Goodon* at para. 25). The Métis in Manitoba are descendants of early unions between Aboriginal women and European traders (*MMF Inc. v. Canada* at para. 21). As a distinct Métis culture developed, the Métis took up trade as a key aspect of their way of life (*R. v. Powley* at para. 10). Many Métis became independent traders, acting as middlemen between First Nations and Europeans (*R. v. Goodon* at para. 30). Others ensured their subsistence and prosperity by trading resources they themselves hunted and gathered (*R. v. Goodon*

Expansion of the Recognized Metis Harvesting Area

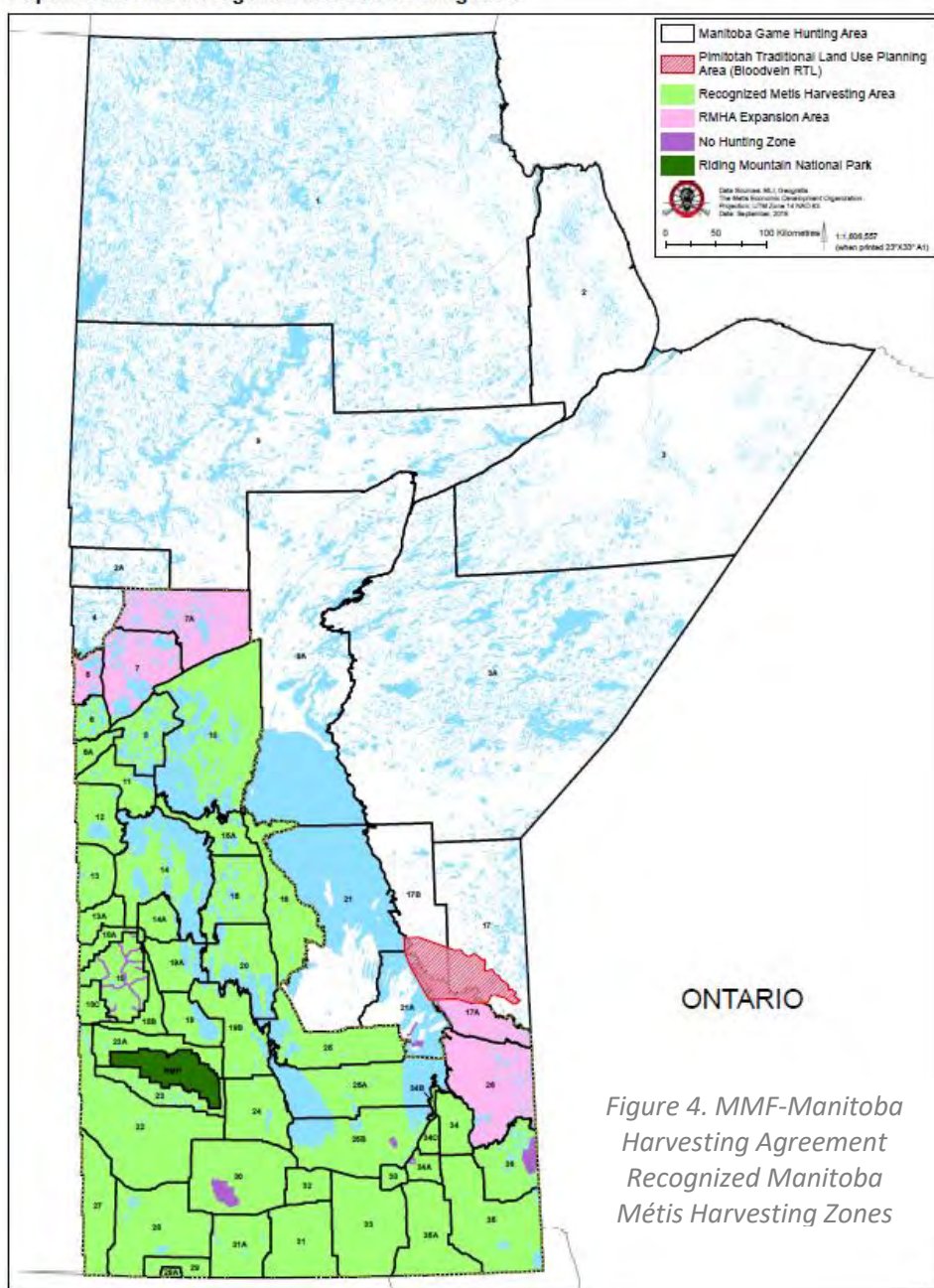


Figure 4. MMF-Manitoba Harvesting Agreement Recognized Manitoba Métis Harvesting Zones



at para. 31, 33, & 71). By the mid-19th century, the Métis in Manitoba had developed the collective feeling that “the soil, the trade and the Government of the country [were] their birth rights.” (*R. v. Goodon* at para. 69(f)). Commerce and trade are, and always have been, integral to the distinctive culture of the Manitoba Métis Community. Today, the Manitoba Métis have an Aboriginal, constitutionally protected right to continue this trading tradition in modern ways to ensure that their distinct community will not only survive, but also flourish.

Unlike First Nations in Manitoba, whose commercial rights were converted and modified by treaties and the *Natural Resources Transfer Agreement (NRTA)* (*R. v. Horseman*, [1990] 1 SCR 901), the Métis’ pre-existing customs, practices, and traditions—including as they relate to commerce and trade—were not affected by the *NRTA* (*R. v. Blais*) and continue to exist and be protected as Aboriginal rights. First Nations’ treaty rights in Manitoba are, for example, inherently limited by the Crown’s power to take up lands (*Mikisew Cree First Nation v Canada (Minister of Canadian Heritage)*, [2005] 3 SCR 388 at para 56). Métis rights, in contrast, are not tempered by the “taking up” clauses found in historic treaties with First Nations. Métis rights must be respected as they are, distinct from First Nations’ rights and unmodified by legislation or agreements.

In addition to the abovementioned rights to land use that preserve the Métis culture and way of life, the MMC has other outstanding land related claims and interests with respect to lands. Specifically, these claims relate to the federal Crown’s constitutional promise to all Aboriginal peoples, including Manitoba Métis, as set out in the Order of Her Majesty in Council Admitting Rupert’s Land and the North-Western Territory into the Union (the “1870 Order”) which provides

that, upon the transference of the territories in question to the Canadian Government, the claims of the Indian tribes to compensation for lands required for purposes of settlement will be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigines.

The manner in which the federal Crown implemented this constitutional promise owing to the Manitoba Métis—through the *Dominion Lands Act* and the resulting Métis scrip system—effectively defeated the purpose of the commitment. Accordingly, the MMF claims these federal Crown actions constituted a breach of the honour of the Crown, which demand negotiations and just settlement outside of the ‘old postage stamp province’ within Manitoba as well.

The MMF also claims that the *Dominion Lands Act* and the resulting Métis scrip system were incapable of extinguishing collectively held Métis title in specific locations where the Manitoba Métis Community is able to meet the legal test for Aboriginal title as set out by the Supreme Court of Canada. These areas in the province, which the Manitoba Métis exclusively occupied—as an Indigenous people—prior to the assertion of sovereignty, establish a pre-existing Métis ownership interest in these lands.

The MMC also has an outstanding legal claim within what was the ‘old postage stamp province’ of Manitoba relating to the 1.4 million acres of land promised to the children of the Métis living in the Red River Valley, as enshrined in s. 31 of the *Manitoba Act, 1870* (*MMF Inc. v. Canada* at para 154).

This land promised was a nation-building, constitutional compact that was meant to secure a “lasting place in the new province [of Manitoba]” for future generations of the Métis people (*MMF Inc. v. Canada* at para 5). This “lasting place” was to have been achieved by providing the Manitoba Métis Community a “head start” in securing lands in the heart of the new province (*MMF Inc. v. Canada* at paras 5-6).

Instead, the federal Crown was not diligent in its implementation of s. 31, which effectively defeated the purpose of the constitutional compact.



In March 2013, the Supreme Court of Canada found that the federal Crown failed to diligently and purposefully implement the Métis land grant provision set out in s. 31 of the *Manitoba Act, 1870* (*MMF Inc. v. Canada* at para 154). This constituted a breach of the honour of the Crown. In arriving at this legal conclusion, the Court wrote:

What is at issue is a constitutional grievance going back almost a century and a half. So long as the issue remains outstanding, the goal of reconciliation and constitutional harmony, recognized in s. 35 of the Constitution Act, 1982 and underlying s. 31 of the Manitoba Act, remains unachieved. The ongoing rift in the national fabric that s. 31 was adopted to cure remains unremedied. The unfinished business of reconciliation of the Métis people with Canadian sovereignty is a matter of national and constitutional import. (*MMF Inc. v. Canada* at para 140)

This constitutional breach is an outstanding Métis claim flowing from a judicially recognized common law obligation which burdens the federal Crown (*MMF Inc. v. Canada* at paras 156; 212). It can only be resolved through good faith negotiations and a just settlement with the MMF (see for example: *R v Sparrow*, [1990] 1 SCR 1075 at paras 51–53; *R v Van der Peet*, [1996] 2 SCR 507 at paras 229, 253; *Haida* at para 20; *Carrier Sekani* at para 32). Lands both within the ‘old postage stamp province’ as well as in other parts of Manitoba—since little Crown lands remain within the ‘old postage stamp province’—may need to be considered as part of any future negotiations and settlement in fulfillment of the promise of 1.4 million acres, together with appropriate compensation.

On November 15, 2016, the MMF and Canada concluded a *Framework Agreement for Advancing Reconciliation* (the “Framework Agreement”). The Framework Agreement established a negotiation process aimed, among other things, at finding a shared solution regarding the Supreme Court of Canada’s decision in *MMF Inc. v. Canada* and advancing the process of reconciliation between the Crown and the Manitoba Métis Community. It provides for negotiations on various topics including, but not limited to, the “quantum, selection and management of potential settlement lands.” Negotiations under the Framework Agreement are active and ongoing.

3.0 Métis Specific Concerns

3.1 BP6/BP7 Routing Input

During the Community Ranking Meeting with Manitoba Hydro on February 18, 2021, MMF representatives conveyed that Route A is the most preferred because the highway is already there so it is less invasive and is most direct, whereas Route D is the least preferred because of the indirectness of the line and more potential for impact.

3.2 Potential for Impact to Métis Rights, Claims and Interests

The MMF has a database of Métis Knowledge features that were recorded by the Manitoba Métis Community through past studies. While that data was not collected specifically to inform the BP6/BP7 Transmission Line Replacement, it is a useful starting point to begin to understand the Community’s rights, interests, and values in the Project area.



Our Métis Knowledge studies are conducted using a rigorous, legally defensible, methodology known as land use and occupancy mapping. These studies involve a desktop mapping exercise with individual Métis citizens and an interview that asks the land users to share their oral history and give their opinions on a specific project development. The data we collect is not comprehensive of all Métis Knowledge in an area. This is because we have not yet had the capacity to interview the entire population of Métis land users and because each interview is only a couple hours long and it is impossible to map each person's entire lifetime of knowledge in that time frame. For this reason, our database should be thought of as a snapshot of some Métis citizens knowledge in the area.

We have assessed our data and prepared a map in Figure 5 which summarizes previously collected land use, occupancy, and ecological knowledge features in the BP6/BP7 project area. There were ten citizens who had previously mapped some of their knowledge in the area. Collectively these participants recorded over 80 features in the areas overlapping or immediately surrounding the proposed routes.

The Métis Knowledge near the BP6/BP7 project routes has been summarized in the following categories:

- Reported change to water quality (1 participant)
- Fishing – walleye, pike, carp, mariah, sturgeon, catfish (8 participants)
- Hunting – grouse, waterfowl, turkey, deer (5 participants)
- Ecological knowledge – deer birthing area, plant gathering, deer hunting (1 participant)
- Historic trapping (3 participants)



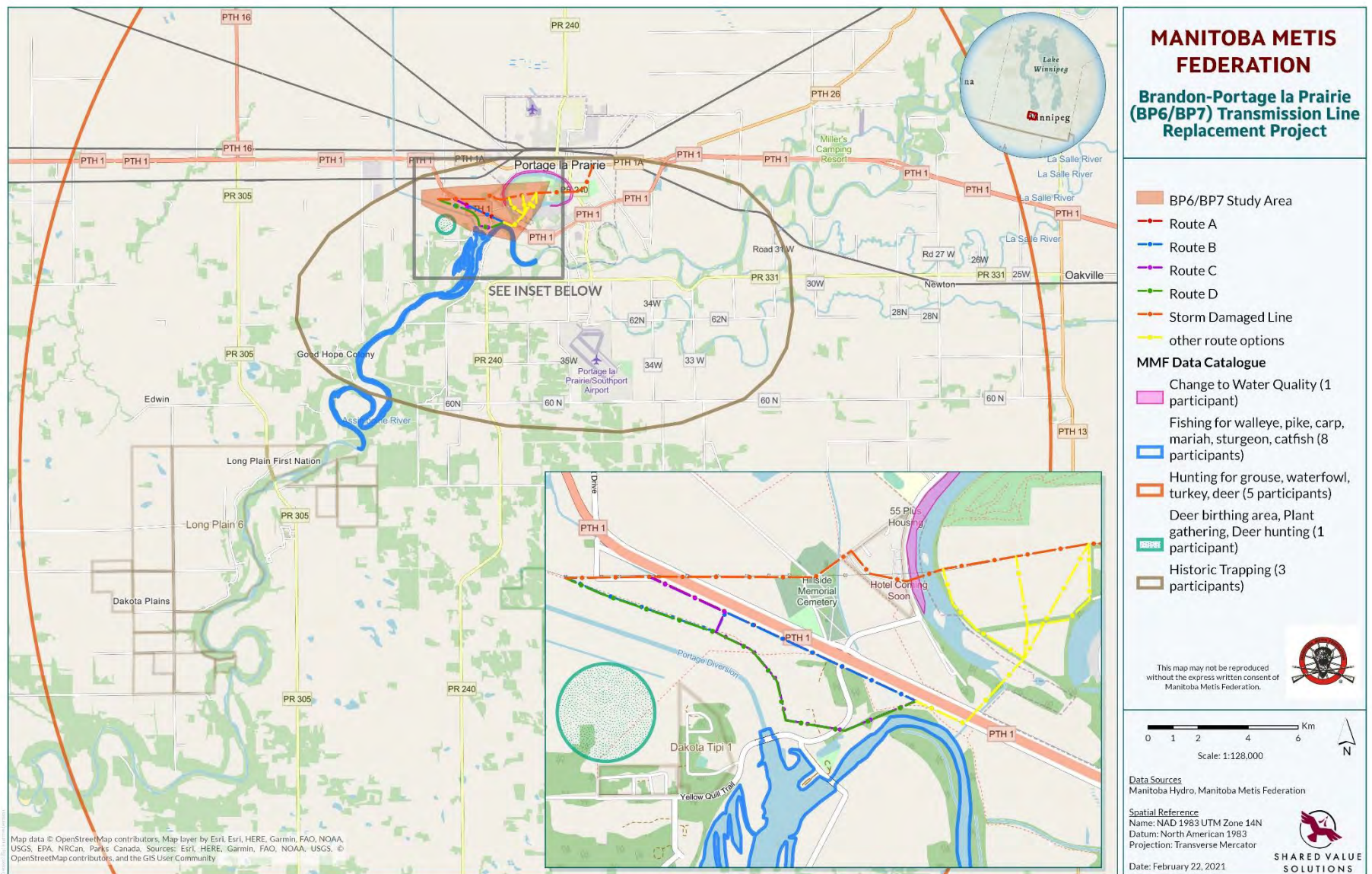


Figure 5. Previously Mapped Manitoba Metis Community Knowledge in the BP6/BP7 Project Area



3.3 Previously Recorded Métis Concerns

Because Manitoba Hydro only gave the MMF one week to put forward concerns with the BP6/BP7 route selection, we were not able to engage our citizens in any community meetings or primary research. However, we have looked to the concerns that the community voiced around previous transmission line developments and compiled those here for Manitoba Hydro's consideration in the route selection process.

The MMF has previously commissioned the following studies:

- Métis Land Use and Occupancy Study as input to the Manitoba to Minnesota Transmission Line Project by Calliou Group in 2017
- Métis Land Use and Occupancy Study as input to the Birtle Transmission Project by MNP in 2017
- Métis Land Occupancy and Use Study as input to the Bipole III Transmission Line Project by SVS in 2015.

We have summarized the concerns from these reports which have applicability for any transmission line development below.

3.3.1 Concerns Identified Through the MMTP Métis Land Use and Occupancy Study

Concerns about impacts to Métis rights, claims and interests.

The Manitoba Minnesota transmission project (MMTP) falls on portions of the Métis homeland in southern Manitoba. This report describes the history of the Manitoba Métis community in southern Manitoba, including reference to the Goodon decision where the court found a historic, rights-bearing Métis community to have existed in “all of the area within the present boundaries of southern Manitoba from the present-day City of Winnipeg and extending south to the United States and northwest to the Province of Saskatchewan” (para.48).

Concerns about Métis Valued Components being considered in the process.

Based on our initial review of the Project Scoping Document for the Manitoba Minnesota Transmission Line Project, we felt that it did not adequately describe the valued components (VCs) necessary to fully identify potential environmental effects to Métis rights, claims and interests. The MMF worked with our legal counsel and consultants to define potential Métis Specific Interests (MSIs), including VCs related to Métis rights and interests and then consulted the Manitoba Métis community about the MSIs. We decided that “Harvesting” and “Available Lands” would be measurable, have available information and potentially be affected by the Project.



In 2017, Calliou Group examined the potential effects of the MMTP on lands available for Métis use and harvesting using these two Métis Valued Components as a framework to assess the baseline data we collected. They conducted 47 in-person surveys and 121 paper surveys.

Concerns that contiguous Unoccupied Crown Land will not be maintained.

The report goes on to explain how important unoccupied land is to the Manitoba Métis as it represents areas where they have access to exercise their Métis rights that does not require permission. On all other land types, the exercise of Métis rights can be restricted from time to time under certain circumstances.

The study pointed out that the Manitoba Minnesota Transmission Project would result in a further reduction of the Manitoba Métis Community's ability to access unoccupied Crown land.


The Manitoba Métis Community would have the same concerns with the potential for loss of access to Unoccupied Crown Land with the BP6/BP7 projects and would request that route selection take in to account the objective to maintain as much contiguous Unoccupied Crown Land as possible.

Potential for impact to Lands for Métis Use

Through the survey conducted for this study, the Métis respondents reported that they would avoid transmission lines for future harvesting. They also said that they felt their access to lands for their harvesting would be affected. These findings are summarized in more detail on the next two pages.

Effective engagement on the BP6/BP7 project would include providing the MMF an opportunity to assess whether the Manitoba Métis Community who use the land near the BP6/BP7 project have similar or different opinions regarding transmission line developments and the potential for adverse effects.





Survey Participants expressed that they would avoid transmission lines dependent on the type of harvesting activity:

- **73% of identified hunters** would avoid transmission lines for hunting
- **72% of identified plant, mushroom and medicine gatherers** would avoid transmission lines for plant, mushroom and medicine gathering
- **64% of identified berry or berry plant gatherers** would avoid transmission lines for berry or berry plant gathering
- **61% of identified tree and tree product gatherers** would avoid transmission lines for tree and tree product gathering
- **60% of identified fishers** would avoid transmission lines for fishing
- **42% of identified trappers** would avoid transmission lines for trapping
- **25% of identified rock and mineral gatherers** would avoid transmission lines for rock and mineral gathering

Calliou Group (2017). Metis Land Use and Occupancy Study: Manitoba to Minnesota Transmission Line Project



Survey Participants that conducted particular activities felt that the Manitoba Minnesota Transmission Project, specifically, would change access to harvesting areas:

- **100% of identified rock and mineral gatherers** felt access would change for rock and mineral gathering
- **95% of identified plant, mushroom and medicine gatherers** felt access would change for plant, mushroom and medicine gathering
- **87% of identified trappers** felt access would change for trapping
- **84% of identified berry and berry plant gatherers** felt access would change for berry and berry plant gathering
- **79% of identified tree and tree product gatherers** felt access would change for tree and tree product gathering
- **79% of identified hunters** felt access would change for hunting
- **36% of identified fishers** felt access would change for fishing

As per the agreed to workplan for this Project, MMF and Manitoba Hydro will engage in meetings to discuss mitigation options for items identified as requiring possible mitigation measures. However, without identified mitigation, developed in partnership with Manitoba Hydro, the Manitoba Minnesota Transmission Project will result in significant adverse effects to 'Lands Available for Metis Use'

Calliou Group (2017). *Metis Land Use and Occupancy Study: Manitoba to Minnesota Transmission Line Project*



3.3.2 Concerns Identified Through the Birtle Métis Land Use and Occupancy Study

The Métis Land Use and Occupancy Study completed by MNP in 2017 includes information related to Métis land use and connection to the Ste. Madeleine site and area, Land Available for Métis Use, and Harvesting in the vicinity of the Birtle Transmission Line Project. This study involved seven interviews with Manitoba Métis citizens and a focus group with 30 Métis citizens and political representatives which included dissemination of surveys, 16 of which were completed and returned.

Potential changes to wildlife habitat and the ability harvest in the area.

The participants in this study indicated several concerns related to the transmission line development largely having to do with the potential for change to wildlife habitat and to their ability to harvest. Some participants noted that the Birtle study area had just begun to be rehabilitated from previous development and they worried that the transmission line would disturb the wildlife that had returned to the area. One Manitoba Métis citizen who participated in the study explained:

“[t]he area is starting to be re-habitated by animals again [...] [i]t’s going to affect the plant life. It’s going to affect the animal life and the habitat. It’s going to affect the water.”

Cumulative effects of development on the ability to harvest.

Another participant discussed the cumulative effects they have experienced:

“[t]hat is what happened to the environment – remember where people used to hunt, they can’t hunt anymore because of those bulldozers and all that ... knocked down bushes; built new roads and there is no wildlife there anymore.”

Similar concerns would be applicable for the BP6/BP7 transmission line project. Though there was an existing transmission line, the area was naturalized again to a certain degree and will be disturbed again in the construction of the line. Manitoba Hydro should also examine and address the cumulative effects of this transmission line development on the Manitoba Métis community.

3.3.3 Concerns Identified through the Bipole III Métis Land Occupancy and Use Study

A Métis Traditional Knowledge and Land Use Study (TKLUS) (Larcombe, 2012) was first commissioned and completed by the MMF with funding from Manitoba Hydro to identify Métis rights and interests that would potentially be impacted by the Bipole III transmission line project. The findings of the TLUKS, which were derived from 735 mail-out surveys and 49 in-person map biography and semi-structured interviews, concluded that there was extensive traditional use in the Bipole III study area. Much of this use was concentrated on the Breadbasket Region of Manitoba.



Shared Value Solutions' (SVS) built on the initial TLUKS by conducting more focused, representative research specific to Métis people who use the features, areas, activities, or facilities within the Breadbasket Region. They completed 58 desktop mapping interviews and 12 follow up field interviews with a sub-sample of the participants. These results were reported on in the 2015 Métis Land Occupancy and Use Study.

Numerous concerns related to transmission line project impacts.

The Manitoba Métis citizens who participated in the 2015 study had many concerns regarding the transmission line development. The quotes from the participants and summary that accompanies detailing these concerns is chapters long in that report. However, some of the main concerns identified include the following:

- Aquatic harvesting and water quality
- Chemical spraying
- Human population increase pressures on harvesting
- Impacts to animal health and habitat
- Sensitive Habitat such as a swamp
- Access to historic and culturally important harvesting areas and impacts on gathering berries
- Economic impacts
- Effects on commercial trapping
- Wood harvesting impacts
- Challenges presented by needing to change harvesting locations
- Cultural impacts
- Changes to the landscape and foreign objects
- Aesthetic and visual concerns
- Human health impacts and noise concerns
- Safety

Fears and psycho-social concerns

This is an example of a direct quote from one of the study participants:

"We had power lines in the back there. And we never liked to pick berries. You could always hear, and everybody always told us the people who lived in our house along there, none of them ever had any kids. It was because of the hydro lines they said, eh? So who knows whether it was or not, but all those things like that stay in mind, and when I pick berries, I didn't like picking near the hydro lines either. It was just the, they were ugly to look at. They don't represent the sacred, like, peaceful area to gather our stuff. I would never go pick by the hydro lines or hang out. And now they've got a snow route going right down the highway line, hydro lines."

This quote demonstrates some of the fears and uncertainties that the Manitoba Métis community holds about transmission line developments in general. By consulting with the MMF meaningfully on the BP6/BP7 project, Manitoba Hydro will have the opportunity to understand and address these sorts of concerns directly as they did with the Bipole III project.



Concerns with the administration of monitoring programs.

Several participants in this study suggested that there was an opportunity for Métis citizens to support with 'boots on the ground' monitoring. There were concerns with monitoring programs that are led by people who do not know the area well as described in this quote from a participant:

"And that's how it should be, like some guy sitting in the office in Winnipeg, at Portage and Main, should [not] be making the calls about what's happening right here in our backyard. There should be somebody locally, no matter if there's one from each town, one each district, but there should be somebody there doing the monitoring."

The MMF used the study results to identify Environmentally Sensitive Sites (ESS) that required protection during construction, operation, and maintenance of the Bipole III. Additional mitigation, offsetting, or accommodation measures for the ESS were recommended.

Manitoba Hydro engaged the MMF to discuss these concerns and adjust its Environmental Protection Plans (EPP) based on this input in a series of collaborative workshops, meetings, and communications with the MMF. The MMF would request a similar process be undertaken for the BP6/BP7 process.

4.0 Conclusion and Recommendations

4.1 Conclusions

Through an assessment of our existing land use and occupancy database, we found that Métis people are actively exercising their rights in the BP6/BP7 area. The presence of 80 existing Métis Knowledge features in the general project area indicates the potential for the Manitoba Métis Community to have additional specific knowledge to share about the route alternatives if given the opportunity. We would also like to engage Métis citizens for additional project specific information which can be used to inform Manitoba Hydro's full environmental assessment and EAP, construction and future operations of the line.

The presence of these 80 existing features near the BP6/BP7 project area, from past studies that were not focused on this project specifically, is evidence of the potential for impact to the Métis way of life from the BP6/BP7 project. Today, Métis have Constitutionally protected rights to harvest, and any impact on these rights needs to be adequately and appropriately assessed and, if necessary, accommodated and mitigated for.

It is in the context of these conclusions that we provide a set of recommendations related to the current BP6/BP7 route selection process, recommendations for MMF's engagement and consultation in the BP6/BP7 going forward, and recommendations that may guide MMF's engagement and consultation on future projects such as the Portage Area Capacity Enhancement (PACE) project.



4.2 Recommendations

The following are recommendations regarding the BP6/BP7 route selection:

Recommendation 1: Ideally, the route selection process would be paused so that the MMF may meaningfully assess whether the Manitoba Métis Community who uses the land near the BP6/BP7 project have concerns or input on the route alternatives and to help us more effectively understand any potential adverse effects. This would involve a community meeting at the least, and most ideally, allowing us the time to complete our interviews with local Métis citizens before the route is decided upon.

Recommendation 2: In the absence of input from the Manitoba Métis Community, we recommend that Manitoba Hydro use the precautionary principle and assume all the same concerns are held as have been identified in past transmission line projects to inform its route selection process. We request Manitoba Hydro's explanation of how it took these concerns into consideration in route selection.

Recommendation 3: In the absence of input from the Manitoba Métis Community and the chance for MMF staff to complete an assessment, we recommend that Manitoba Hydro use the precautionary principle and assume the same Métis Valued Components for the BP6/BP7 as have been identified in past transmission line projects to inform its route selection process. These are "Harvesting" and "Available Lands". We request Manitoba Hydro's explanation of how it took these VCs in to consideration in route selection.

Recommendation 4: During the Community Ranking Meeting on February 18, 2021, MMF representatives conveyed that Route A is the most preferred because the highway is already there so it is less invasive and is most direct, whereas Route D is the least preferred because of the indirectness of the line and more potential for impact. We request a written explanation from Manitoba Hydro describing how it considered this input in its decision-making on the route.

Recommendation 5: The MMF would request that route selection take in to account its objective to maintain as much contiguous Unoccupied Crown Land as possible.

The following are recommendations regarding ongoing MMF engagement on the BP6/BP7 Project:

Recommendation 6: Although MMF and Manitoba Hydro have not finalized an agreement to fund interviews with Métis citizens in advance of selection of the preferred route, the interviews should still be completed for our traditional ecological knowledge, land use and rights-based activities within the Project area to inform the environmental assessment including the identification of potential effects and appropriate mitigation measures.

Recommendation 7: Although the MMF and Manitoba Hydro have not finalized an agreement to fund community meetings in advance of the selection of the preferred route, community



engagement sessions should still be completed. By consulting with the Manitoba Métis Community meaningfully on the BP6/BP7 project, Manitoba Hydro will have the opportunity to understand and address concerns directly and will gain additional information to inform its environmental assessment.

Recommendation 8: While, in the case of BP6/BP7, there was an existing transmission line, the area was naturalized again to a certain degree and will be disturbed again in the construction of the line. Manitoba Hydro should examine and address the cumulative effects of this transmission line development on the Manitoba Métis community in its environmental assessment.

Recommendation 9: The MMF should be engaged by Manitoba Hydro in the mitigation planning process for BP6/BP7. This would focus on mitigations to address the baseline data that is mapped during Métis Knowledge and land use interviews.

Recommendation 10: The Government of Manitoba encourages consultation with First Nation, Métis or Inuit communities to identify issues and concerns prior to finalizing the EAP, to allow for potential concerns to be addressed early in the process. For the MMF to be adequately and meaningfully consulted, the MMF should be provided the time and capacity funding necessary to review and comment on the EAP and/or any proposed EIS guidelines for the Project should the Project require an EIS.

Recommendation 11: While the MMF does not necessarily assume that the BP6/BP7 will require a public hearing, we would expect that we would be provided the opportunity for capacity funding to participate should a hearing occur.

Recommendation 12: At the end of the environmental assessment process, a decision will be made by the Director of the EAB to either issue a licence with limits, terms, and conditions, or to refuse a licence for the Project. The MMF expects that we would be provided capacity funding to comment on these conditions.

Recommendation 13: Métis citizens should be included in any environmental monitoring programs for the Project. The MMF has invested in capacity building and is in the process of providing training to Métis citizens on environmental monitoring techniques that are relevant to this and other future transmission line projects (e.g., surface water quality, wetland health, wildlife, species at risk).

The following are recommendations regarding MMF engagement and consultation on future projects such as the Portage Area Capacity Enhancement (PACE) project:

Recommendation 14: In the short term, the MMF requests Manitoba Hydro's understanding that we do not have an Energy Liaison in place. The MMF simply does not have the 'person power' to be as responsive as we may have been on some previous projects and so additional time should be built into Manitoba Hydro's engagement timelines to allow for our responses.



Recommendation 15: Manitoba Hydro should provide initial capacity funding to support the MMF's involvement in contribution agreement negotiations. While the MMF has the goal of building its internal capacity to respond to energy files, we have a gap in this area currently. Even when a new staff person is hired, they will take time to build their capacity; we rely on our legal advisors and consultants to support us in this capacity development process. Even after our internal capacity is built, there will be times that our staff's overall workload is too high to be responsive enough to projects with short regulatory timelines. At these times, the MMF may need to rely on its legal advisors and consultants for support so that we do not miss opportunities for engagement. Doing so does not reduce the MMF's capacity, but rather increases it. The MMF's capacity funding requests will be reasonable and the intended use of capacity funding for the MMF's negotiations in contribution agreements will be laid out transparently to Manitoba Hydro. The MMF requests Manitoba Hydro's understanding that capacity building may look different at the MMF than how it thinks about it. Providing initial capacity funding will help ensure timely negotiation of contribution agreements to support our meaningful engagement and consultation on future transmission line projects.

Recommendation 16: The MMF should be engaged at early stages to identify Métis Specific Interests and assist in identifying Valued Components for the transmission line project environmental assessment.

Recommendation 17: Collection of Métis land use and occupancy information should occur earlier in the route selection process (e.g., during the gather local knowledge stage) so that this information can meaningfully inform the selection of the preferred alternative route.

Recommendation 18: The MMF should be given reasonable amounts of time and opportunity to consult with the Manitoba Métis Community about any concerns and feedback on the preferred route.

Recommendation 19: The Government of Manitoba encourages consultation with First Nation, Métis or Inuit communities to identify issues and concerns prior to finalizing the EAP, to allow for potential concerns to be addressed early in the process. The MMF should be provided time and capacity funding to comment on the EAP.

Recommendation 20: In the event that concerns raised during review of the EAP require a public hearing, we would expect that we would be provided the opportunity for capacity funding to participate should a hearing occur.

Recommendation 21: At the end of the environmental assessment process, a decision will be made by the Government of Manitoba to either issue a licence with limits, terms, and conditions, or to refuse a licence. The MMF expects that we would be provided capacity funding to comment on these conditions.



5.0 References

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