

The Public Utilities Board  
400 - 330 Portage  
Winnipeg, MB R3C 0C4

NEEDS FOR AND ALTERNATIVES TO (NFAT) REVIEW OF  
MANITOBA HYDRO'S PROPOSED DEVELOPMENT PLAN  
INTERVENER REQUEST FORM

<b>1. Name of Requesting Party:</b>		
Dr. David Chartrand, President, Manitoba Metis Federation		
<b>2. Address of Requesting Party:</b>		
300-150 Henry Avenue, Winnipeg, Manitoba, R3B 0J7		
<b>3. Phone Number:</b>	<b>Business:</b>	<b>Residence:</b>
	204 586 8474	
	<b>Fax Number:</b>	<b>E-mail:</b>
	204 947 1816	dchartrand@mmf.mb.ca
<b>4. Contact Person(s):</b>		
Jessica Saunders, Manitoba Metis Federation		
<b>5. Address:</b>		
As above		
<b>6. Phone Number:</b>	<b>Business:</b>	<b>Residence:</b>
	204 586 8474 ext 204	
	<b>Fax Number:</b>	<b>E-mail:</b>
	204 947 1816	jessica.saunders@mmf.mb.ca
<b>7. How many members does your organization have?</b>		100,000
<b>8. How many years has your organization been in existence?</b>		46
<b>9. Please provide a list of the executive members of your organization:</b>		
Please see the attached for a complete description.		

**10. What is the purpose/mandate of your organization?**

The Manitoba Metis Federation is the official democratic and self-governing political representative for the Metis people of Manitoba. As such, the mandate of the MMF is to:

1. To promote and instill pride in the history and culture of the Metis people.
2. To educate members with respect to their legal, political, social and other rights.
3. To promote the participation and representation of the Metis people in key political and economic bodies and organizations.
4. To promote the political, legal, social and economic interests and rights of its members.
5. To provide responsible and accountable governance on behalf of the Manitoba Metis community using the constitutional authorities delegated by its members.

**11. To what extent are the members of your organization affected by the outcome of this review?**

Please see the attached for a complete description.

**12. What issues are of specific concern to your organization?**

Please see the attached for a complete description.

**13. State the reasons for the proposed intervention, to the extent not captured above.**

Please see the attached for a complete description.

<b>14. Nature of the proposed intervention.</b>		
<b>a) Does your organization intend</b>	<b>Yes</b>	<b>No</b>
(i) to appear throughout the review:	X	
(ii) to participate in the production of evidence:	X	
(iii) to participate in the testing of evidence through cross-examination:	X	
(iv) to present final submissions to the Board:	X	
<b>b) Does your organization intend to call witnesses:</b>	<b>Yes</b>	<b>No</b>
	X	
<b>c) If yes to No. 14b), please list the proposed witness(es) (use separate pages if necessary):</b>		
(i) Name:		
(ii) Address:		
(iii) Qualifications:		
(iv) Subject of submission:		
Please see the attached for a list of proposed witnesses and their associated subject areas.		
<b>15. Will your organization be applying for costs under Part IV of the PUB's Rules of Practice and Procedure:</b>		
	<b>Yes</b>	<b>No</b>
	X	
If yes: Refer to Section 43 of Rules of Practice and Procedure. Provide detailed budget as per the attached Appendix II.		
<b>16. Are you planning a joint intervention or collaboration with other proposed interveners on any issues? If so, please set out the extent of your joint intervention or collaboration:</b>		
As previously indicated in number 12, the MMF intends to collaborate with other interveners, specifically with respect to items (a) through (e) of section 2 of the Terms of Reference. Additionally, the MMF is prepared to discuss collaboration with other interveners, following the first pre-hearing conference, with respect to items (f) through (j), where appropriate.		
The MMF, as the representative government of the Manitoba Metis Community, has the sole responsibility of representing the rights and interests of the Manitoba Metis Community and will focus its efforts in this regard in all aspects of the MMF's participation in the NFAT Review.		

17. Please provide a work plan defining the major proposed activities of all participants and the estimated hours:

(e.g.: Jane Smith – Review MH filing; prepare information requests regarding socioeconomic impacts; draft & submit report on socioeconomic impacts; oral testimony at hearing)

Please see the attached document for a complete description of the major proposed activities of all participants and the estimated number of hours.

## The Public Utilities Board

### Needs for and Alternatives To (NFAT) Review of Manitoba Hydro's Proposed Development Plan

#### Intervener Request Form

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1. – 8. See Intervener Request Form

**9. Please provide a list of the executive members of your organization**

The Manitoba Metis Federation ("MMF") is the democratic and self-governing representative body of the Manitoba Metis Community. The Manitoba Metis Community is comprised of a number of rights-bearing Metis communities throughout Manitoba that possess constitutionally protected rights.

For greater clarity, these rights are exercised by individual members of the Manitoba Metis Community but are held by the collective Manitoba Metis Community. The exercise of these rights is not limited to specific geographic areas. Rather, the rights of the Manitoba Metis Community are exercised province-wide in accordance with laws and regulations as established by the MMF and where appropriate, by the Province of Manitoba. Further, the MMF is the corporate body established to conduct the financial and administrative affairs and carry out the objectives of the Manitoba Metis Community.

While the MMF is currently undertaking a re-registration process of its members, an individual who self-identifies as Metis, is of historic Metis Nation Ancestry and is accepted by the Metis Nation may apply for membership in the MMF.

The MMF represents the Manitoba Metis Federation at the local, regional and provincial levels. There are approximately 140 MMF Locals, in communities throughout Manitoba where Metis citizens reside. There are 7 MMF Regions organized to represent the interests of the Locals within their Regions at the provincial level.

The President of the MMF is David Chartrand. The President is democratically elected through ballot-box elections held regularly, by all members of the MMF province-wide. One Vice President and two Board of Directors are elected at the regional level. The Board of Directors of the MMF is comprised of the President, the Vice Presidents and the Board of Directors for each of the 7 Regions, as well as the Spokesperson of the Metis Women of Manitoba.

The Executive Director of the MMF is George Desmarais. The Chief Financial Officer of the MMF is Scott Carleton.

10. See Intervener Request Form

**11. To what extent are the members of your organization affected by the outcome of this review?**

The Public Utilities Board ("PUB") has been assigned to conduct a Needs For and Alternatives To ("NFAT Review") of Hydro's proposed preferred development plan which includes the Keeyask and Conawapa Generating Stations, their associated domestic alternative current ("AC") transmission facilities, and a new Canada-United States of America ("USA") transmission interconnection ("Proposed Development Plan" or "PDP").

Of particular concern to the MMF, is the proposed development of the Keeyask and Conawapa generating stations and associated facilities on the lower Nelson River in Northern Manitoba, as part of the PDP.

The PDP would involve significant development within the traditional territory of a distinct, rights-bearing, Metis Community. In addition, there is the larger rights-bearing Manitoba Metis Community that does not live in or near the development areas but that also engages in traditional and other uses of the lands and resources. The Manitoba Metis Community exercises Aboriginal rights throughout the development areas, including among other things, hunting, fishing (for subsistence and commercial purposes) trapping (for subsistence and commercial purposes), gathering, sugaring, wood harvesting, use of sacred and communal sites (i.e. incidental cabins, family group assembly locations etc.) and the use of water. These rights are protected as Aboriginal rights within the *Constitution Act*, 1982, and have not been extinguished by the Crown by way of treaty or other means.

The rights of the Metis must be upheld and protected in any development that will impact the exercise of those rights by the Manitoba Metis Community in development areas and throughout Manitoba. As discussed in number 9, the MMF, as the representative government of the Manitoba Metis Community, is the only entity that is in a position to inform the PUB in considering the rights and interests of the Manitoba Metis Community.

In light of the above, the MMF is concerned that if not provided the opportunity to participate in the NFAT Review, that the Metis' perspective in examining the needs for and identifying alternatives to the PDP will be ignored. The MMF has been involved in other review processes of Hydro's development plans and remains committed to ensuring that the Metis' perspective is consistently and effectively advanced in all such processes.

An examination of long-term plans of as well as options and alternatives to the PDP, will need to take into account the interests of the Manitoba Metis Community impacted locally and provincially as a whole. The PUB is tasked with providing recommendations on the PDP, particularly, whether or not the PDP is in the best long-term interest of the province of Manitoba when compared to other options and alternatives. The MMF will bring a unique perspective in its review of the evidence presented on the PDP in order to assist the PUB in its formulation of recommendations, which will be provided in its report.

**12. What issues are of specific concern to your organization?**

As discussed in numbers 9 to 11 above, the MMF represents the political, legal, social and economic interests and rights of its members and is the first point of contact for all discussions with government, industry and others on matters affecting the Manitoba Metis Community. The MMF is specifically concerned that the Manitoba Metis Community receives full representation in the NFAT Review, which will result in recommendations that will have a direct impact the Manitoba Metis Community.

If granted Intervener status, the MMF intends to participate in order to advocate for and ensure the protection of, the rights of the Manitoba Metis Community in all areas identified in section 2 of the Terms of Reference. However, the MMF is committed to collaboration with other Interveners, which may result in minimal participation of the MMF with respect to items (a) through (e).

Based on the information made available to the MMF, the MMF has completed a preliminary review of the areas identified in section 2 of the Terms of Reference, and has identified a number of concerns specific to the Manitoba Metis Community. As a result, the MMF will participate more fully with respect to items (f) through (j), producing documents and calling expert witnesses to provide evidence on the issues in these areas, as well as assisting in information requests relating to the issues in these areas, if required.

The MMF's participation with respect to items (f) through (j) may involve collaboration with other Interveners and discussions in this regard will be held as Interveners are identified following the first pre-hearing conference. Further, while the MMF is committed to collaboration with others, the MMF is of the view that the perspective of the Manitoba Metis Community will need to be heard consistently throughout the PUB's consideration of items (f) through (j).

The MMF's specific concerns with respect to the items listed in section 2 of the Terms of Reference as indicated above is subject to change based on the MMF's review of the PDP and other related material.

The attached Work Plan at number 17 sets out how the MMF intends to participate in the NFAT Review in order to ensure that the Manitoba Metis Community's interests and concerns are brought forth.

**13. State the reasons for the proposed intervention, to the extent not captured above**

See number 11 and 12 above.

**14(a) – (b)** See Intervener Request Form

**14(c) If yes to No. 14(b), please list the proposed witness(es) (use separate pages if necessary):** See discussion of witnesses at number 17

15. See Intervener Request Form

16. See Intervener Request Form

**17. Please provide a work plan defining the major proposed activities of all participants and the estimated hours: (eg: Jane Smith – Review MH filing; prepare information requests regarding socioeconomic impacts; draft & submit report on socioeconomic impacts; oral testimony at hearing.)**

Based on MMF's consideration of its participation in the NFAT Review to date, the following is a proposed work plan. This work plan will be revised as the MMF gains a better understanding of the PDP and receives further direction from MMF leadership with respect to its role in the NFAT Review.

#### Coordinator for MMF's Participation

The MMF will hire a NFAT Review Coordinator to liaison with the PUB and coordinate within the MMF. Senior and junior legal counsel will also be retained to develop and coordinate the MMF's participation in the NFAT Review, in collaboration with MMF's leadership, staff, and witnesses.

#### Identify and Develop MMF's Participation Strategy

The MMF's NFAT Review team (i.e., Coordinator, legal counsel, witnesses, etc.) will work together to identify and develop a targeted and effective participation strategy for the MMF's participation in the NFAT Review.

This work will include, assisting in the preparation of MMF's documentary, written and oral evidence; reviewing information and documents from other parties; reviewing relevant case law and legislation; retaining expert and other witnesses; creating maps and other documents; filing evidence with the PUB, etc.

#### Coordination in MMF

An MMF staff person will be designated to coordinate the MMF's participation in the NFAT Review as NFAT Review Coordinator. This person will be responsible for:

- Coordinating within MMF with legal counsel, witnesses, leadership, community members, etc.
- Liaison with the PUB in relation to MMF participation (i.e. expert panels, travel, logistics, printing, etc.);
- Coordinating and booking MMF travel related to hearing, printing and filing of materials with the PUB; providing communications updates with respect to MMF's participation in the PUB hearings, etc.;



- Attend hearings in the NFAT Review in order to provide support to legal counsel and witnesses in relation to MMF's participation;

#### Estimated Hours for NFAT Review Coordinator

It is anticipated that the NFAT Review Coordinator will spend at least 6 hours a day in coordinating MMF's participation in the NFAT Review leading up to NFAT Review hearings. During NFAT Review hearings, this time estimate may or may not be increased or decreased depending on the amount of assistance required. The MMF requests that funding be provided for the position of NFAT Review Coordinator leading up to, during and immediately after NFAT Review hearings, in order to assist the MMF in its full participation in the NFAT Review.

#### Legal Counsel to the MMF in the NFAT Review

The MMF will retain senior and junior legal counsel for, among other things:

- Development of approach and coordination of MMF participation in NFAT Review based on terms of reference;
- Research of relevant case law, legislation and regulatory processes involved in subject matter of NFAT Review;
- Preparation of MMF's documentary and written evidence for submission to the PUB;
- Review of Hydro's and other interveners' and presenters' evidence;
- Preparation of witnesses to appear in the NFAT Review hearings;
- Direct and cross-examination of witnesses in the NFAT Review hearings;
- Updates to the MMF, which may include possible presentations to Locals and Regions at various meetings;
- Final written and oral submissions in the NFAT Review hearings;

It is anticipated that junior counsel will assist in doing the groundwork for the above, with senior counsel having the responsibility for the overall direction of the MMF's evidence. The examination of witnesses will be divided among junior and senior counsel and at least one counsel will be present at all times during the NFAT Review hearings.

#### Estimated Hours for Legal Counsel

Rates will depend on seniority, with senior counsel charging a higher hourly rate than junior counsel. Counsel will provide a clearer indication of how many hours per counsel will be required with respect to MMF's participation in the NFAT Review once the PDP is reviewed and a schedule for the NFAT Review is in place. It is anticipated that junior counsel will spend approximately 3 to 4 hours a day, prior to the submission of the PDP by Hydro in or about August 16, 2013, preparing MMF's documentary and written evidence. Junior and senior counsel will both require an opportunity to extensively review the PDP. An estimate as to hours to be spent in this regard will depend on the volume of the PDP and related materials.

Once the MMF has reviewed the PDP and the materials from other interveners and has a clearer understanding of what will be required of the MMF with respect to preparations for MMF's participation in the NFAT Review, a further estimate as to hours for legal counsel and others can be provided.

## Witnesses

Once the PDP is reviewed and MMF has a clearer understanding of what will be required of the MMF with respect to preparations for MMF's participation in the NFAT Review, more witnesses may be added, some may be removed or the subject matter of the evidence to be provided by certain witnesses may be revised. Based on MMF's consideration of its participation in the NFAT Review to date, the following is an overview of proposed witnesses to appear on behalf of the MMF in the NFAT Review hearings.

President Chartrand will among other things, provide evidence on the Metis way of life, and will provide an overview of the MMF and the MMF's efforts in advocating for the protection of the rights of the Manitoba Metis Community. President Chartrand will also provide an overview of the history of relations between the Manitoba Metis Community and Hydro and provide evidence with respect to the concerns of the Manitoba Metis Community in the proposed development areas, speaking to various aspects of the PDP as it affects the Manitoba Metis Community, province-wide. Preparation of this witness may be done in one to two days. This evidence may or may not be provided in approximately one full hearing day or one half of a hearing day, depending on the amount of cross-examination of this witness.

Julyda Lagimodiere, Vice President of the Thompson Region of the MMF will provide evidence with respect to the concerns of the Manitoba Metis Community in the proposed development areas and speak to various aspects of the PDP as it affects the Metis in the Thompson Region. Preparation of this witness may be done in one to two days. This evidence may or may not be provided in approximately one half of a hearing day depending on the amount of cross-examination of this witness.

Jack Park, Board of Director of the Interlake Region of the MMF and the MMF's Minister of Hydro will provide evidence with respect to the work of the MMF Hydro Department and the relationship between the MMF and Hydro. Preparation of this witness may be done in one to two days. This evidence may or may not be provided in approximately one half of a hearing day depending on the amount of cross-examination of this witness.

The MMF may or may not call a witness to provide evidence with respect to Metis Traditional Knowledge and Metis Way of Life which may or may not include panels of Metis Traditional Resource Users and Elders. The testimony of these witnesses would focus on oral and traditional knowledge and the impact of certain aspects of proposed development on the Manitoba Metis Community.

In addition, the MMF intends to retain the following expert consultants to provide evidence on behalf of the MMF in the NFAT Review hearings:

Patt Larcombe, of Symbion Consultants assisted the MMF in its participation before the Clean Environment Commission on Bipole III. Ms. Larcombe prepared a Traditional Land Use and Knowledge Study. Ms. Larcombe will provide evidence on the effects of the PDP on Metis use and way of life in proposed development area and will assist the MMF in preparation of documents that will be of assistance in the presentation of her evidence. Ms. Larcombe may also provide evidence with respect to the macro environmental impact of the PDP compared to alternatives. Preparation of this witness may be done in one to two days. This evidence may or may not be provided in

approximately one half of a hearing day depending on the amount of cross-examination of this witness.

Ms. Larcombe will also provide assistance to MMF legal counsel, as required, throughout the NFAT Review in order to prepare for effective cross-examination of Manitoba Hydro's evidence with respect to Metis use of the land and resources in the proposed development areas specifically, Aboriginal use of the land and resources more generally. Further, she will assist in developing the MMF's submissions with respect to suggested mitigation measures, monitoring, etc. of the current PDP as well as alternatives to the PDP.

The MMF intends to retain MSES Inc. (Management and Solutions in Environmental Sciences), a consulting firm out of Alberta, to undertake an assessment and critique of the Plan's socio-economic impact assessment as it relates to the Manitoba Metis Community and aboriginal peoples in the proposed development areas. This will involve identifying the demographics and characteristics of non-Keeyask partner Aboriginal communities, and assessing whether the socio-economic methodology employed by Hydro is adequate in order to assess the impact on the Manitoba Metis Community and other Aboriginal peoples in proposed development areas. Preparation of this witness may be done in one to two days. This evidence may or may not be provided in approximately one half of a hearing day depending on the amount of cross-examination of this witness.

At this time, the MMF has not selected this expert, but has short listed a number of individuals and firms to provide evidence with respect to analysis of the financial and economic risks of the PDP with respect to the Manitoba Metis Community as well as the socio-economic impacts and benefits of the PDP to the Manitoba Metis Community. Preparation of this witness may be done in one to two days. This evidence may or may not be provided in approximately one half of a hearing day depending on the amount of cross-examination of this witness.

At this time, the MMF anticipates calling approximately 6 witnesses. Once funding is confirmed in order for the MMF to retain these witnesses, the MMF will advise witnesses of the NFAT Review schedule and ensure all witnesses are prepared to appear in the NFAT Review hearings. The MMF will also provide the PUB with copies of resume(s) for all retained witnesses scheduled to appear in NFAT Review hearings.