

**Bipole III CEC Hearings Transcript Quote  
Manitoba Wildlands Closing Statements - Gaile Whelan Enns  
March 12, 2013 transcript, page 6927 - 6955**

THE CHAIRMAN: Ms. Whelan-Enns,  
18 Wildlands, Manitoba Wildlands.

19 MS. WHELAN-ENNS: Mr. Chair, my name  
20 is Gaile Whelan-Enns and I'm speaking for Manitoba  
21 Wildlands at this time in closing statements. I  
22 have two documents in front of me that are on  
23 screen only, and we will provide them on paper in  
24 the next day or so.

25 I have taken the approach of watching  
1 the patterns in the hearings in terms of repeat  
2 concerns voiced, repeat questions asked, and/or  
3 repeat, one of the EIS words would be  
4 deficiencies. So, again, in terms of our capacity  
5 that's the general description of the approach  
6 taken.

7 We do feel pretty strongly that there  
8 are some emerging patterns. The people here for  
9 the panel will be very aware of those at this  
10 point for sure. So there may be some repetition  
11 about things that are already quite evident.

12 One of the things that we assume in  
13 terms of participation, all of our roles in public  
14 hearings of the Environment Act in Manitoba is  
15 that we all need access to the information,  
16 transparency, understandable process, document  
17 language, everything being clear to all of us, if  
18 you will. And that also then applies to all of  
19 the steps in planning a project of this nature,  
20 preparing EIS, dealing with both what the process  
21 is under the Environment Act and what the process  
22 is then through the CEC.

23 We would ask the CEC and the panel to  
24 closely consider the scoping document at the very  
25 beginning of both sets of proceedings, if you  
1 will, to see whether it has been fulfilled.

2 From the Manitoba Wildlands point of  
3 view, we have been involved from the time that EAP  
4 under the Environment Act and scoping document  
5 were posted and reviewed, and filed a variety of  
6 mostly recommendations on standards to Manitoba  
7 Hydro when the scoping document was being publicly  
8 reviewed.

9 It is entirely possible that the  
10 participants in the hearings, now that we are  
11 getting close to the end, would agree with the  
12 statement from the MMF yesterday that they firmly  
13 believe that the scoping document has not been  
14 fulfilled.

15 The first topic I have in front of me  
16 here has to do with Manitoba Hydro compensation.  
17 Again, we have heard, particularly in the last two  
18 or three days and prior to that, a variety of  
19 comments from participants about Manitoba Hydro's  
20 assistance of compensation for this kind of  
21 project and/or for generation project.

22 One thing that struck me throughout is  
23 we are not hearing about compensation for impacts  
24 and loss of income or sustenance from hunting, or  
25 gathering or tourism. We have a fairly narrow  
1 path here that has only seemingly to do with  
2 compensation for trapping.

3 Certain of the affected communities,  
4 Metis and First Nation, no longer can trap. So it  
5 is -- well, it strikes me as an area that the CEC  
6 may want to take a look at in terms of what is  
7 compensation and why we only have one kind of four  
8 or five. And even gathering, it also has got to  
9 do with cash crops and the subsistence economy, or  
10 sustenance is seemingly absent.

11 We have heard a variety of comments  
12 about how the compensation processes seem to be a  
13 closed door and not necessarily understandable.  
14 If one was to harken back to the early stages of  
15 Wuskwatim proceedings, and just before the  
16 hearings on Wuskwatim there were 350 outstanding  
17 compensation claims still with respect to the

18 Nelson House First Nation and the lands nearby at  
19 the time that those proceedings started.

20 My next heading here in front of me in  
21 sort of trying to collect our observations, it  
22 says "alphabet soup of areas." It goes directly  
23 to things being understandable, accessible and  
24 sensible, and reasonable for everybody in their  
25 roles in terms of the proceedings.

1 We have a researcher right now that  
2 basically keeps asking me questions about the  
3 alphabet soup. And I find myself saying, well,  
4 you know, if you have to go back to what was  
5 almost -- it was over 20 per cent of the Province  
6 in terms of the original project area, study area,  
7 and then you have to move into the possible  
8 corridors of it, and keep on rolling in terms of  
9 the language used and the descriptors for the  
10 areas on the preferred corridor. The pattern that  
11 I have observed, though, in both written language  
12 and in the room here in the hearings, is that  
13 there is a preference on the part of the proponent  
14 to steer everything to the 66 metre corridor. So  
15 we have I think a lack or an absence of  
16 acknowledgment and clarity on all of the other  
17 impacts in order to get to the 66 metre corridor  
18 being cleared, built and operational. So we are  
19 talking about access roads, we are talking about  
20 burrow pits, we are talking about anything else  
21 that needs to be cleared or altered in order to  
22 get the towers in.

23 So when Manitoba Hydro provided our  
24 office with the 4.5 kilometre wide impact zone  
25 data last fall, that was a good move. But if you  
1 think about what is the project area, what is the  
2 local study area, what is the study area, what is  
3 the ROW, and you think about what we have before  
4 us and what we have been hearing, and how the  
5 terms are being used, overall, the focus and the  
6 intent is for us to be thinking only about the  
7 right-of-way, and there is a much wider impact  
8 zone. Manitoba Hydro's own trapping compensation  
9 policy acknowledges up to ten kilometres.

10        So I think that it needs some clarity,  
11 and it is a request also for you to consider this.

12        Just double checking -- burrow pits,  
13 access roads, further clearing, work yards,  
14 vehicles, I don't think that we have heard enough  
15 about restoration and rehabilitation of impacts on  
16 it either.

17        I want to also make a couple of quick  
18 comments about, to use sort of general terms,  
19 things that have to do with water power and water  
20 tenure, if you will, that our utility holds in  
21 Manitoba. And I'm again making a request that the  
22 CEC maybe give a little bit of thought and take a  
23 look at maybe just the full scope. Because we  
24 need that context, all of us, when we are in our  
25 roles and in the proceedings with respect to such  
1 a significant project. And it is not generally  
2 known, for instance, so an example would be the  
3 full traditional territory for Pukatawagan now  
4 split into two First Nations, and the hundreds of  
5 thousands of hectares of water power tenure held  
6 by our utility in that region, and what the  
7 overall effect is in the whole province. And  
8 again, I think this would affect, this kind of  
9 context would help in terms of all the questions  
10 around VECs, and the fact that we really have, I  
11 think, insufficient attention to water and water  
12 systems.

13        On Aboriginal traditional knowledge, a  
14 couple of quick comments, and some of this was  
15 asked in cross-examination. But to have 96  
16 interviews to base these kinds of conclusions,  
17 analysis, and decisions, on the part of the  
18 proponent, on such a tiny, tiny proportion of the  
19 population in these affected communities, sort of  
20 is a little -- it begs reality. And this is one  
21 of the reasons why during cross-examination I  
22 asked the questions about review and possible  
23 standards and methodologies, other than what was  
24 used, whether the standards that First Nations  
25 across Canada and north of 60 are using,  
1 they were looked at, whether there was any  
2 discussion at all in terms of these standards.

3 If you take the total number of people  
4 participating, choosing to participate in the ATK  
5 gathering workshops, and those that had one-on-one  
6 interviews, any way you run the numbers, total  
7 population in the region of Aboriginal persons,  
8 populations in relation to specifically affected  
9 communities, this proportion is extraordinarily  
10 low. And that may well be one of the reasons why  
11 we have had so much discussion and so many  
12 questions.

13 There is a couple of kinds of tenure  
14 and/or rights that Manitoba Hydro is acquiring  
15 with respect to Crown lands in this project that  
16 are barely visible in the EIS, have not been  
17 discussed particularly to date, and were handled  
18 last summer mostly. And I have only seen one set  
19 of documentation in this regard, so I cannot claim  
20 to know the whole pattern, but were basically  
21 handled in a fairly unilateral manner last summer.

22 So I'm referring to two things. One  
23 is the right-of-way itself on the preferred  
24 corridor, and the steps that were taken between  
25 the proponent and Manitoba Conservation to  
1 rights to the right-of-way on the preferred  
2 corridor. One question at this point might be  
3 whether the same process has already occurred in  
4 terms of these alternate routes. We have no idea.  
5 My point, though, is, we have no idea, but this  
6 really should have been, other than a couple of  
7 little references in a word search in the EIS,  
8 really should have been part of what we have been  
9 dealing with and discussing.

10 The second thing that was going on  
11 last summer -- and I guess I better describe the  
12 documentation, 11 by 14 page with very odd little  
13 maps attached, with a bunch of blocks on them, no  
14 context, no placement at all, and a little tear  
15 off consent sheet at the bottom. That's how the  
16 ROW rights were handled.

17 The other thing that was going on at  
18 the same time is odd faxes, which are then of  
19 course in black and white and might benefit from  
20 some colour, to affected First Nations, perhaps  
21 also to municipalities and other Metis  
22 communities -- again, I do not know. The cover  
23 letter was basically, you know, range, township  
24 kind of description. And then the second page in  
25 the fax was -- it is all eight and a half by 11  
1 just a series of little black dots and the  
2 explanation on the letter is, this is where we are  
3 going to come and test the soil and determine what  
4 we need to know in terms of placement of towers.  
5 The only set that I saw surprised me right away,  
6 because the context and location was just sort of  
7 right beside a reserve, and that was it. So there  
8 is no way of knowing, because we have not heard  
9 anything, there's no way of knowing whether that  
10 was the only drill hole sites for testing, or the  
11 only ones considered by the proponents to be  
12 relevant to said First Nation. There is no way of  
13 knowing. We have next to nothing.

14 We are talking about a proponent who  
15 is our utility. We are all of Manitoba Hydro.  
16 And we have some challenges and also some real  
17 opportunities right now in terms of the kinds of  
18 steps that can be taken to ensure that  
19 self-assessment by the public utility in Manitoba  
20 improves and perhaps has some stronger scoping  
21 documents, stronger environmental assessment  
22 standards. There is a variety of things that may  
23 come forward in your discussions and your  
24 recommendations, and I'm hopeful in that regard.

25 It is predictable that I might have a  
1 couple of things I want to say about data and  
2 maps. We have an absent entity in the room, they  
3 are not an elephant in the room, but we have a  
4 company that Manitoba Hydro used for a period of  
5 years at the beginning of their planning process,  
6 at the beginning of their community engagement  
7 process, and who produced a lot of the products in  
8 this EIS. So this is MMM Group. We were told by  
9 Manitoba Hydro staff panel members that they are  
10 no longer associated and that they are no longer

11 providing services. Again, I'm not quoting  
12 transcript. This means that there is really no  
13 way to get an answer on anything to do with maps.  
14 And there were some technical standards that  
15 blocked access and blocked the ability to use the  
16 maps, including in communities, including in  
17 meetings, including yourselves.

18 Any organization that puts as many as  
19 150 maps in one pdf is creating work for everyone.  
20 And if you are in Northern Manitoba, rural  
21 Manitoba, if you have intermittent broadband, then  
22 this kind of lack of access is really -- it is a  
23 block on participation and so on.

24 So it is a mystery, and that's why I  
25 asked a couple of questions in cross-examination,  
1 but I also think it is a gap and absence that is  
2 unfortunate.

3 Similarly -- and there are other  
4 participants who had been able to dig and work and  
5 research and respond and participate more  
6 thoroughly than we have, who have already said  
7 that they have got some real questions about the  
8 data and how it was acquired and how it was used,  
9 whose it was, and how it was aggregated.

10 So I have to assume that if you look  
11 at a series of maps, take one of the four main  
12 regions in these sets of 11 by 17 maps through the  
13 corridor, the region the corridor traverses, I  
14 have to assume that we potentially have data from  
15 1960, and data from 1985, and data from 1993, and  
16 data from yesterday, combining the same set of  
17 data with no methodology information and no  
18 variance information. I have to assume that  
19 because we don't know anything else. We have so  
20 little information in that regard.

21 There is a contrast that I think  
22 really matters in terms of what I just said, and  
23 that has to do with the first time that our  
24 province, our utility began preparations and  
25 planning for Bipole III. So this was work that  
1 will precede 1988 within the utility, but this is

2 work that was generally between 1988 and about  
3 1990 or 1991. It was on the east side of our  
4 province, it was thorough investigation of three  
5 possible corridors for Bipole III, and there was a  
6 great deal of actual field work, on the ground  
7 actual field work. All of which data and  
8 information is still in the possession of Manitoba  
9 Hydro.

10 So it is an incredible contrast when I  
11 sit and listen to what we have been dealing with  
12 here in the hearings. Because there is a way to  
13 do this right, and you have heard a lot of  
14 commentary about this.

15 Now, to go back to what we sometimes  
16 think of as sort of Conawapa 1 or Bipole III 1, in  
17 our discussions in our office, some of the  
18 scientists who did that field work, two in  
19 particular that I know, are quite available to  
20 you, in terms of methodology and what they were  
21 asked to do.

22 And I happen to have had a volunteer  
23 researcher for about a five-month period. I'm  
24 trying to figure out whether this was spring and  
25 summer of '97, or '98, it is awhile ago. But she  
1 spent a great deal of time in the Manitoba Hydro  
2 library, a lot of time actually working with Bill  
3 Pruitt's papers at the University of Manitoba. So  
4 I'm a lucky Manitoban, I have seen all of these  
5 maps from that field work, using those  
6 methodologies, and including in terms of what, for  
7 instance, the impacts was for each of the three  
8 options in terms of how the field work was done.

9 I'm going to pass on saying anything  
10 further about the technical advisory committee. I  
11 think there is participants, in particular Pine  
12 Creek First Nation consultants, who have been very  
13 thorough. But this is an area of huge  
14 disappointment to me. In terms of Bipole III, I  
15 think of the entire undertaking, everything that  
16 we have been involved with since 2009, as a series  
17 of opportunities. And then the question, of  
18 course, is whether the opportunities have been



19 realized.

20 I have colleagues in the environmental  
21 organizations across Canada who have sort of their  
22 favorite -- oh no, there she goes again kind of  
23 thing, where she comments. But I think it is  
24 worth saying that I always comment about the  
25 challenge for everybody involved in this kind of  
1 undertaking, to think according to your training,  
2 your role, your specialty, and then to think  
3 ecologically about all of it to see where it  
4 integrates, to see where it is not fitting, to see  
5 whether we are thinking ecologically and  
6 holistically. And so far we are not there in  
7 Bipole III.

8 If you take a look, if you choose to  
9 take a look in your deliberations in terms of  
10 rounds one to four, Manitoba Hydro, they call it  
11 consultations or community engagement, if you look  
12 at the rounds one to four information, you are  
13 going to see right away why there was, and  
14 continues to be confusion in the media, probably  
15 confusion by politicians, certainly confusion in  
16 the municipalities and affected communities, about  
17 what the sequence was going to be, what the  
18 proceedings would be, what was going to happen  
19 when, and also what is consultation.

20 So there is these patterns again and  
21 changes in the use of language. And every First  
22 Nation community I have talked to over the last  
23 three years about Bipole III, almost the second  
24 thing they say is, the Crown is consultation, why  
25 does Hydro use the consultation word? If they  
1 come in and tour our community, or they talk to us  
2 the day before or the day after we have had a  
3 section 35 meeting, it gets really confusing. So,  
4 again, opportunity not necessarily met.

5 So I want to say -- and it is a  
6 Manitoba saying -- and a fairly true and effective  
7 one, that I would be inclined to thank Dennis  
8 Whitebird for working on in terms of public  
9 language. But it is true, and it matters perhaps

10 at the end of these hearings to say we, in fact,  
11 all of us are Treaty people. Whether we are  
12 settlers or whether we are Aboriginal persons,  
13 whether we are Metis, whether we are First Nation  
14 or non-status, we are all Treaty people.  
15 Everything that has been said about rights and  
16 Treaty in this room actually affects all of us.

17 Now, a couple of quick things about  
18 science, if I may. The Consumers Association of  
19 Canada experts were wonderful to have, to have  
20 that kind of in-depth work. But we haven't  
21 necessarily had enough independent science in the  
22 proceedings, in the hearings. And I think that  
23 this is probably one of the biggest challenges, is  
24 the in-house Hydro panels and their analysis and  
25 information they bring forward, what is in the EIS  
1 and Manitoba Hydro documents, and then the  
2 external Hydro experts, we get the pattern, but  
3 the ideal is to have a really solid independent  
4 scientific assessment of what they have said, and  
5 identification of alternatives and approaches.

6 So I have mentioned to the secretary  
7 of the CEC a couple of times, and I also asked a  
8 couple of cross-examination questions regarding  
9 the National Woodland Recovery Strategy, and the  
10 references from the external panel of experts  
11 regarding moose and Woodland caribou in November.  
12 So the National Recovery Strategy for Woodland  
13 caribou in this country was finalized in November  
14 2012. We heard references to the fact that it was  
15 used and included, and a partial basis for the  
16 Woodland caribou documents filed by Manitoba Hydro  
17 at the end of July.

18 Just not that simple. And given how  
19 long a time period and how many interventions and  
20 changes and rejections of the National Woodland  
21 Recovery Strategy until we got to October 2012, I  
22 would ask you to take this as an example of an  
23 area where everything you have heard so far about  
24 Woodland caribou from other participants is  
25 important, and greater independent information  
1 ideally would have come forward to you.

2 Now, what I have been doing along the  
3 way is checking with a national environmental  
4 organization and their chief scientist on this.  
5 We haven't had the capacity to do what I suggested  
6 we needed. But I think it is important in matters  
7 that Manitoba Hydro bring forward what is, versus  
8 adding or claiming something new. There are very  
9 specific contents in the new National Recovery  
10 Strategy for Woodland Caribou that are specific to  
11 certain of the Woodland caribou herds affected by  
12 Bipole III.

13 So we have had a combination of  
14 commentary, because while we have had claims of  
15 the National Recovery Strategy being used, we have  
16 had nothing from Manitoba Hydro specific to what  
17 is in the National Recovery strategy for Woodland  
18 caribou and those herds. It is not there, it  
19 hasn't been done.

20 We had a snake oil comment yesterday  
21 morning about snake oil environmental assessment,  
22 and it is in the record. And it is from Wuskwi  
23 Sipiik First Nation. I am curious, and we will  
24 probably know tomorrow, whether all three First  
25 Nations most affected by these route alterations  
1 are going to approximately say the same thing,  
2 this is not good enough. But I decided I would  
3 look up junk science, because of that comment  
4 yesterday. It is junkscience.com and there are a  
5 lot of fairly clear references and sets of  
6 information, a lot of it American, some of it  
7 European, and definitions. I'm not going to go so  
8 far to say we have been on the receiving end of  
9 junk science, but I think it really matters that  
10 the scientific standards, the EA standards and so  
11 on be given a fair bit of thought. The ideal  
12 situation would be for us to have an updated  
13 Environment Act in the Province, greater support  
14 for the CEC, an actual environmental assessment  
15 regulatory mechanism, ideally, again, my favorite  
16 topic perhaps, regulatory standards and  
17 requirements for the public registry and access to  
18 information with respect to the Environment Act in  
19 the Province.

20 I have been wanting to have an  
21 opportunity to say -- and I only have a couple,  
22 three more things to say, Mr. Chair -- I have been  
23 wanting to basically say what might be really  
24 obvious but always needs to be said near the end  
25 of a process. And that is I believe everybody who  
1 is a participant or party to this CEC proceedings  
2 and hearings has been working pretty hard. And  
3 this is a long set of hearings. So this is  
4 basically to participants, to their consultants,  
5 to their legal counsel, to everybody in Manitoba  
6 Hydro and everybody associated with the CEC, it is  
7 a lot of work, and it is a thank you. What we do  
8 matters. And that's an understatement from an  
9 environmental public interest point of view.

10 When I was thinking about junk science  
11 and looking it up yesterday, I also found myself  
12 with another common term, which is BAU. And there  
13 is challenge here I think at the end of the  
14 hearings to think about how much business as usual  
15 we have been hearing, reading, reviewing,  
16 listening to, responding to from Manitoba Hydro.  
17 And there is an overarching question, and that is  
18 this mostly business as usual, assumed licence,  
19 and are we losing the opportunities or adding risk  
20 because of the approach taken by the proponent,  
21 our utility?

22 So we were relaxing a little bit  
23 during the evenings' work last night in the  
24 office, and we started to have a conversation  
25 about some comments for today about the  
1 alternative to business as usual and the kinds of  
2 sets of questions that really do matter near the  
3 end of these proceedings. I was also thinking  
4 about an associate and a couple of environmental  
5 organizations in Minneapolis that I have been  
6 talking to recently. Of course, Minnesota has  
7 switched back to a democratic majority, both the  
8 Senate and their House recently, which means there  
9 is an increase and returned focus to, for  
10 instance, their first renewable portfolio  
11 standards and mandated deadlines and requirements  
12 in terms of the proportion of energy used in their  
13 State. So they are going to go for 40 per cent

14 very soon.

15        So in terms of the alternative to  
16 business as usual in Manitoba, I think a lot of  
17 very repetitive and not necessarily out loud  
18 assumptions, and what we are all involved in here,  
19 I wanted to suggest -- and I'm not going to make  
20 any comments about people's age here, but I know  
21 this was before I was born -- I wanted to suggest  
22 it is worth reminding ourselves that in the 1940s  
23 through the entire eastern seaboard of the USA,  
24 almost all water was heated using solar. I think  
25 that Mr. Gore has a point when he says, well, you  
1 know, if we were able to figure out how to cope  
2 with World War II -- this is my vernacular, he is  
3 a better speaker -- if we were able then to put  
4 the Marshall plan in place, work as allies after  
5 the war, build the UN, then today in the decade we  
6 are in now, in the world we are in now, we maybe  
7 need to use the same kind of spirit, innovation,  
8 know-how and will to think seriously about  
9 everything to do with energy and climate. These  
10 hearings are about energy.

11        To change business as usual  
12 assumptions takes all of those things, it takes  
13 vision, it takes risk, it takes human innovation,  
14 and hopefully humanist values with a long time  
15 line beyond the 50 years that we have been talking  
16 about in terms of decommissioning. Which of  
17 course means that if 50 years is the figure, or  
18 100 years is the figure for decommissioning of the  
19 future Bipole III, we need to already get ready on  
20 what the status of Bipoles I and II are.

21        So some of the kinds of things we  
22 might want to imagine and then ask questions about  
23 would just be, for instance, a significant  
24 multiplier on the use of heat pumps and thermal  
25 heat and solar energy in our province, where wind  
1 projects in the north of Manitoba, top half, top  
2 two thirds, it is all north, would actually  
3 provide energy within the regions that the  
4 projects are producing the energy in.

5 We would have then a feed in tariff.  
6 Lots of jurisdictions in our continent, and in  
7 Europe have a feed in tariff or equivalent, where  
8 the excess energy produced by domestic,  
9 commercial, apartment, home, business  
10 installations goes right back into the grid.

11 Certainly there is on again off again  
12 vision of how that would ultimately work overall  
13 in Ontario, and there are many examples of course  
14 in Europe and North America. These renewable  
15 portfolios standards, there are different acronyms  
16 and different names for them, with public mandated  
17 goals and deadlines, create their own economy,  
18 create thousands of jobs, challenge everyone to do  
19 better, including an analysis research, training,  
20 and the local economy. Thinking Manitoba is a  
21 local economy here.

22 So the questions, and there is a  
23 simple set I think, are whether Manitobans overall  
24 wish to continue to cross the thresholds and the  
25 tipping points that we risk in terms of the health  
1 and function of our natural systems, by going  
2 forward with the whole series of new hydro  
3 projects. And if we do wish to continue to take  
4 that approach, then are we doing it to provide  
5 power and energy for our own society, or are we  
6 doing a combination in terms of also export? Does  
7 the formula for public debt and in-province energy  
8 costs still hold up? Should we hang our future on  
9 exporting energy? Will the market and the pricing  
10 that we need be there, or will Manitobans be  
11 paying more and more? And what are all of the  
12 options for Manitoba to solve our needs for  
13 citizen energy, security, reliability and  
14 sustainability? And what would a post BAU energy  
15 system in Manitoba look like? What part would be  
16 Hydro?

17 We are really, really weak on solar,  
18 you can tell why I'm repeating word.

19 I want to also think, in terms of the  
20 fact that I have launched into things that are not  
21 in scope, I want to thank the CEC for the

22 questions you filed in December, for some of the  
23 questions in the last week and this week to the  
24 proponent.

25       It is extreme -- we are all in a  
1 extremely difficult situation without a NFAT,  
2 without a needs for and alternatives to review for  
3 this project. So that's a quick thank you.

4       I have a short set of requests, but  
5 you can tell that I have been making requests in  
6 my comments right through.

7       We would really I think all benefit if  
8 the CEC find ways to think about and make  
9 recommendations about earlier planning, earlier  
10 public information, earlier engagement of all  
11 affected parties, communities, municipalities,  
12 landowners, First Nations, Metis communities,  
13 earlier consultation, much, much earlier  
14 Aboriginal traditional knowledge gathering, much  
15 different standards and requirements. All of  
16 this, if it was in advance of the EIS, we would be  
17 in a very different sequence, I think, and  
18 potentially in a better place in terms of decision  
19 making.

20       You heard me previously make comments  
21 about having a regulatory -- sorry, regulation,  
22 regulatory standard public registry. We  
23 probably -- we don't drink in our office, but we  
24 would probably get the chocolate out and drink a  
25 lot of extra tea and take a break the day we saw a  
1 reference to the CEC that was deeper. You need  
2 your flexibility, but a reference that was deeper  
3 in terms it of independent science would benefit  
4 decision making. That's just a simple example.

5       We also have moved -- and I'm going to  
6 say a couple of quick things about the 1990s and  
7 stop. We have moved, more specifically stopped  
8 under the Environment Act in Manitoba from having  
9 any kind of public review to set the EIS standards  
10 for a class 3 project. The EIS standards for  
11 Wuskwatim were set where the CEC actually, I think  
12 probably five locations, maybe four in the

13 province where the CEC held meetings. And because  
14 they did that and went to the north, they had a  
15 lot of Manitoba citizens who participated, for  
16 instance, in the initial public hearings in  
17 Manitoba communities when Conawapa almost happened  
18 20 years ago. So they had a lot of expertise,  
19 they had a lot of people in the room when the EIS  
20 standards for Wuskwatim, both generation and  
21 transmission were being set. It was a healthy,  
22 well attended process. We tripped over some  
23 problems with the public registry. The then Chair  
24 of the CEC fixed that very rapidly. And there was  
25 confidence in those standards, much greater  
1 confidence perhaps than a scoping document  
2 discussions that are between licensing, I assume  
3 licensing branch and the proponent, and then a  
4 final scoping document that's to direct what they  
5 include.

6 One of the other things that happened  
7 all of the time in the 1990s, and I wonder some  
8 days if it is the internet that causes these  
9 differences in approach. But in the 1990s, as  
10 soon as the EAP for a class 3 development in  
11 Manitoba was filed, everyone who had any previous  
12 pattern of participating in reviews, class 2 or 3,  
13 received correspondence that told us what the  
14 schedule was going to be, told us if there were  
15 going to be any public meetings, as I was  
16 describing, told us also who was on the TAC.

17 So I could go a little more thoroughly  
18 into this, but again we need to build and improve,  
19 not lose in the tools we use to make these  
20 decisions in Manitoba.

21 So, Mr. Chair, I'm going to stop. I  
22 appreciate the time to speak this afternoon. And  
23 as I said when I started, I have two documents on  
24 the screen in front of me and will provide them on  
25 paper and electronic to the Commission.

1 THE CHAIRMAN: Thank you very much,  
2 Ms. Whelan Enns. Just in your very last note  
3 about the '90s and the change in process, I'm not  
4 sure that the CEC reviewed a class 3 project



5 throughout that entire decade. There was a review  
6 of Conawapa that was truncated, but that was not  
7 the CEC, it was a different panel that was set up.

8 MS. WHELAN-ENNS: Fair question and  
9 good question, and of course we all have got Hydro  
10 brain right now.

11 So during the 1990s, we had two rounds  
12 of quite extensive forestry licensing hearings.  
13 They were handled at the level of class 3, they  
14 didn't need to be, and we had some separation  
15 between new plans and the forest management plans.  
16 But because you asked the question, there is a  
17 couple of other examples that happened, because in  
18 those hearings Federal science experts were in the  
19 hearings.

20 THE CHAIRMAN: Different era as well  
21 in that regard.

22 MS. WHELAN-ENNS: That is right, the  
23 door is shutting in a lot of ways on Federal  
24 science. But I'm just taking the opportunity to  
25 say that there were options in terms of additional  
1 independent science, and there were instances  
2 where Manitoba Government experts were presenting  
3 and being asked questions. The instance that is  
4 since the change in the Provincial Government in  
5 '99 that comes to mind, that maybe bears on your  
6 question -- and I'm hesitating because we had a  
7 lot of mills built on the Assiniboine River,  
8 didn't we? I think that is McCain's. And because  
9 the participants, including the funded  
10 participants were very, very specific in their  
11 requests, we had an Environment Canada expert who  
12 had handled nutrification, nutrient problems in the  
13 two provinces west to us come in and significantly  
14 contribute.

15 THE CHAIRMAN: Was that the McCain's  
16 in Brandon or the Simplot in Portage? One or the  
17 other, it doesn't really matter. We don't need to  
18 go down that road.

19 Thank you very much for your comments  
20 this afternoon, and thank you very much for your  
21 participation over the last many months. And it  
22 is only a few weeks before we jump into Keeyask,  
23 and we will see you then. Thank you very much.

24 MS. WHELAN-ENNS: Thank you very much.