

# Manitoba



**Justice**

Civil Legal Services SOA  
Room 730 Woodsworth Building  
405 Broadway  
Winnipeg MB R3C 3L6

In reply, please refer to:  
**Mark Stonyk**  
**Crown Counsel**

Phone: (204) 945-8409  
Fax: (204) 948-2826  
Mark.stonyk@gov.mb.ca  
File No: EN0300 (289)

December 19, 2013

Ms Gaile Whelan-Enns  
Manitoba Wildlands  
565-167 Lombard Avenue  
Winnipeg MB R3B 0V3

**SENT VIA COURIER**

Dear Ms Whelan-Enns:

**Re: Bipole III Transmission Line Development Project – Environment Act Licence  
No. 3055 – Appeal Book**

Further to my letter of December 2, 2013 with respect to the appeal procedure concerning Environment Act Licence No. 3055, please find enclosed a copy of the Appeal Book that will be distributed to members of Cabinet for their consideration in dealing with your appeal.

The Appeal Book is a collection of documents that were relevant to the Minister's licensing decision and is designed to bring together some of the information that will be made available to Cabinet to consider on this appeal.

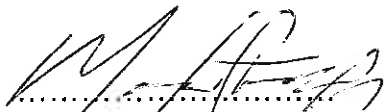
The documents that comprise the Appeal Book are available on the Department of Conservation and Water Stewardship's public registry website for the Bipole III Transmission Line Project (<http://www.gov.mb.ca/conservation/eal/registries/5433bipole/>), Manitoba Hydro's website for the Bipole III Transmission Line Project (<http://www.hydro.mb.ca/projects/bipoleIII/>) and the Clean Environment Commission's website (<http://www.cecmanitoba.ca/>). We assume that you have access to the Internet and, as such, we have included specific links to the documents that are referred to, but not physically included, in the enclosed Appeal Book.

I would ask that you provide any written submission you wish to make in addition to your appeal letter to the following address by **January 17, 2013**:

Civil Legal Services  
730 – 405 Broadway  
Winnipeg, MB. R3C 3L6  
**Attention: Mark Stonyk**

Please confirm with my assistant, Cheryl, by telephone at (204) 945-0316 or by e-mail at Cheryl.Ehrmantraut@gov.mb.ca that you have received this letter and the Appeal Book.

Yours truly,



Mark Stonyk  
Crown Counsel

MKS/ce

Encls.

- cc. *Janet Mayor, Manitoba Hydro (letter only)*  
*Doug Bedford, Manitoba Hydro (letter only)*  
*Shannon Johnson, Manitoba Hydro (letter only)*  
*Stewart Pierce, Civil Legal Services (letter only)*  
*Grant Doak, Deputy Minister (letter only)*  
*Serge Scrafield, Assistant Deputy Minister (letter only)*

**APPEAL BOOK**

**BIPOLE III TRANSMISSION LINE DEVELOPMENT  
PROJECT**

**ENVIRONMENT ACT LICENCE NO. 3055**

**APPEAL TO LIEUTENANT GOVERNOR IN COUNCIL**

**Appeal Book**  
**Bipole III Transmission Line Development Project – Environment Act Licence No.**  
**3055**

TAB	DOCUMENT
1.	Environment Act Licence No. 3055 dated August 14, 2013.
2.	Letter from Gord Mackintosh, Minister of Conservation and Water Stewardship, to Ms. Shannon Johnson, Manager, Department of Licensing and Environmental Assessment, Manitoba Hydro, dated August 14, 2013.
3.	<p>Clean Environment Commission Report on Public Hearing – Bipole III Transmission Project Executive Summary (June 2013).</p> <p><b>Note:</b> The full version of the Clean Environment Commission Report on Public Hearing is properly a part of this Appeal Book, but it has not been included here due to its length. It is available on the Clean Environment Commission's website at:  <a href="http://www.cecmanitoba.ca/archives/#2">http://www.cecmanitoba.ca/archives/#2</a></p>
4.	Environment Act Proposal (December 14, 2009).
5.	<p>Bipole III Transmission Line Project Environmental Impact Statement (EIS) (December 1, 2011).</p> <p><b>Note:</b> The full version of the EIS is properly a part of this Appeal Book, but it has not been included here due to its length. It is available on Manitoba Hydro's website at:  <a href="http://www.hydro.mb.ca/projects/bipoleIII/eis.shtml">http://www.hydro.mb.ca/projects/bipoleIII/eis.shtml</a></p>
	<p><b>Supplementary Information and Materials Filed in Association with the EIS:</b></p> <p><b>Note:</b> The full versions of the documents referred to below are properly part of this Appeal Book, but have not been included here due to their respective lengths. Full versions are available on Manitoba Conservation and Water Stewardship's public registry website or Manitoba Hydro's website through the links noted below.</p> <p>a. Manitoba Hydro's Response to May 17, 2012 Request for Additional Information (June 22, 2012):  <a href="http://www.gov.mb.ca/conservation/eal/registries/5433bipole/mb_hydro_resp_addinfo.pdf">http://www.gov.mb.ca/conservation/eal/registries/5433bipole/mb_hydro_resp_addinfo.pdf</a></p> <p>b. Additional Information for Bipole III Transmission Line Project EIS (July 31, 2012):  <a href="http://www.hydro.mb.ca/projects/bipoleIII/bpIII_supplemental_materials_july_31_12.pdf">http://www.hydro.mb.ca/projects/bipoleIII/bpIII_supplemental_materials_july_31_12.pdf</a></p> <p>c. Additional Information for Bipole III Transmission Line Project EIS (August 8, 2012):  <a href="http://www.gov.mb.ca/conservation/eal/registries/5433bipole/letter_hydro_08-08-12.pdf">http://www.gov.mb.ca/conservation/eal/registries/5433bipole/letter_hydro_08-08-12.pdf</a></p> <p>A copy of the Supplemental Caribou Material is posted on Manitoba Hydro's website at:  <a href="http://www.hydro.mb.ca/projects/bipoleIII/BPIII_CaribouSupplementalReport_August2012.pdf">http://www.hydro.mb.ca/projects/bipoleIII/BPIII_CaribouSupplementalReport_August2012.pdf</a></p>

- d. Additional Information for Bipole III Transmission Line Project EIS (September 17, 2012) (links to all 13 pdf documents on Manitoba Conservation and Water Stewardship's public registry website have not been included here, but are available on Manitoba Conservation and Water Stewardship's public registry website):  
[http://www.gov.mb.ca/conservation/eal/registries/5433bipole/coverletter\\_2012\\_09\\_18.pdf](http://www.gov.mb.ca/conservation/eal/registries/5433bipole/coverletter_2012_09_18.pdf)
- e. Manitoba Hydro's initial response to August 29, 2012 request for additional information (September 20, 2012):  
[http://www.gov.mb.ca/conservation/eal/registries/5433bipole/hydro\\_resptoeab.pdf](http://www.gov.mb.ca/conservation/eal/registries/5433bipole/hydro_resptoeab.pdf)
- f. Additional Information – Manitoba Hydro Errors and omissions (October 2, 2012):  
<http://www.gov.mb.ca/conservation/eal/registries/5433bipole/1of2.pdf>  
<http://www.gov.mb.ca/conservation/eal/registries/5433bipole/2of2.pdf>
- g. Manitoba Hydro's response to August 7, 2012 request for additional information (October 19, 2012):  
[http://www.gov.mb.ca/conservation/eal/registries/5433bipole/letter\\_2012\\_10-19.pdf](http://www.gov.mb.ca/conservation/eal/registries/5433bipole/letter_2012_10-19.pdf)
- h. Manitoba Hydro's October 23, 2012 final response to August 29, 2012 request for additional information (October 23, 2012):  
[http://www.gov.mb.ca/conservation/eal/registries/5433bipole/letter\\_hydro\\_23-10-12.pdf](http://www.gov.mb.ca/conservation/eal/registries/5433bipole/letter_hydro_23-10-12.pdf)  
<http://www.gov.mb.ca/conservation/eal/registries/5433bipole/map1.pdf>  
<http://www.gov.mb.ca/conservation/eal/registries/5433bipole/map2.pdf>  
<http://www.gov.mb.ca/conservation/eal/registries/5433bipole/map3.pdf>
- i. Supplemental Environmental Assessment Report on Route Adjustments (January 28, 2013):  
[http://www.hydro.mb.ca/projects/bipoleIII/route\\_adjustment\\_supplemental\\_report.pdf](http://www.hydro.mb.ca/projects/bipoleIII/route_adjustment_supplemental_report.pdf)
- j. Manitoba Hydro's additional response to August 29, 2012 request for additional information (February 19, 2013):  
[http://www.gov.mb.ca/conservation/eal/registries/5433bipole/mbhydro\\_add\\_resp\\_20130829.pdf](http://www.gov.mb.ca/conservation/eal/registries/5433bipole/mbhydro_add_resp_20130829.pdf)  
[http://www.gov.mb.ca/conservation/eal/registries/5433bipole/add\\_info\\_1of3.pdf](http://www.gov.mb.ca/conservation/eal/registries/5433bipole/add_info_1of3.pdf)  
[http://www.gov.mb.ca/conservation/eal/registries/5433bipole/add\\_info\\_2of3.pdf](http://www.gov.mb.ca/conservation/eal/registries/5433bipole/add_info_2of3.pdf)  
[http://www.gov.mb.ca/conservation/eal/registries/5433bipole/add\\_info\\_3of3.pdf](http://www.gov.mb.ca/conservation/eal/registries/5433bipole/add_info_3of3.pdf)
- k. Letter from Manitoba Hydro to EAB regarding February 20, 2013 letter to the CEC (February 25, 2013):  
[http://www.gov.mb.ca/conservation/eal/registries/5433bipole/letter\\_hydro\\_02\\_25\\_13.pdf](http://www.gov.mb.ca/conservation/eal/registries/5433bipole/letter_hydro_02_25_13.pdf)

- 6. Public Comments on EIS:  
[http://www.gov.mb.ca/conservation/eal/registries/5433bipole/pubcomm\\_1of5.pdf](http://www.gov.mb.ca/conservation/eal/registries/5433bipole/pubcomm_1of5.pdf)  
[http://www.gov.mb.ca/conservation/eal/registries/5433bipole/pubcomm\\_2of5.pdf](http://www.gov.mb.ca/conservation/eal/registries/5433bipole/pubcomm_2of5.pdf)  
[http://www.gov.mb.ca/conservation/eal/registries/5433bipole/pubcomm\\_3of5.pdf](http://www.gov.mb.ca/conservation/eal/registries/5433bipole/pubcomm_3of5.pdf)  
[http://www.gov.mb.ca/conservation/eal/registries/5433bipole/pubcomm\\_4of5.pdf](http://www.gov.mb.ca/conservation/eal/registries/5433bipole/pubcomm_4of5.pdf)  
[http://www.gov.mb.ca/conservation/eal/registries/5433bipole/pubcomm\\_5of5.pdf](http://www.gov.mb.ca/conservation/eal/registries/5433bipole/pubcomm_5of5.pdf)

# LICENCE

Licence No. / Licence n° 3055

Issue Date / Date de délivrance August 14, 2013

In accordance with *The Environment Act* (C.C.S.M. c. E125) /  
Conformément à la *Loi sur l'environnement* (C.P.L.M. c. E125)

Pursuant to Section 12(1) / Conformément au Paragraphe 12(1)

THIS LICENCE IS ISSUED TO: / CETTE LICENCE EST DONNÉE À:

**MANITOBA HYDRO:**  
**"the Licencee"**

for the construction, operation and maintenance of the Development being the Bipole III Transmission Project, consisting of a new 500 kV HVdc transmission line connecting two new converter stations, one in the north near Gillam (Keewatinooow Converter Station) and one in the south near Winnipeg (Riel Converter Station), two new ground electrodes connected to each of the new converter stations, and new 230 kV ac transmission collector lines to connect the new northern converter station to existing northern converter stations, in accordance with the Proposal dated December 14, 2009, the Bipole III Transmission Project Environmental Impact Statement (EIS) filed under The Environment Act in December 2011, supporting information filed in association with the EIS dated June 22, July 31, August 8, September 17 and 20, October 2, 23, and 19, 2012, January 28, February 19, and 25, 2013, in consideration of the June 2013 Clean Environment Commission Report on Public Hearings, and subject to the following specifications, limits, terms and conditions:

### **DEFINITIONS**

In this Licence:

“**bog**” means a peat-covered wetland in which the vegetation shows the effects of a high water table and a general lack of nutrients. The surface is often raised relative to the surrounding landscape and isolated from mineralized soil waters. At least 40 cm of peat are present. The plant community is dominated by cushion-forming Sphagnum mosses (peat mosses), ericaceous shrubs and black spruce trees;

“**Director**” means an employee referred to in this licence, so designated pursuant to *The Environment Act*, who is the Director of the Environmental Approvals Branch of the Department of Conservation and Water Stewardship (CWS), unless otherwise specified;

“**Environment Officer**” means an employee so designated pursuant to *The Environment Act*;

**\*\*A COPY OF THIS LICENCE MUST BE KEPT ON SITE AT THE DEVELOPMENT AT ALL TIMES\*\***

### **GENERAL TERMS AND CONDITIONS**

This Section of the Licence contains requirements intended to provide guidance to the Licencee in implementing practices to ensure that the environment is maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for present and future Manitobans.

1. The Licencee shall, in addition to any of the following specifications, limits, terms and conditions specified in this Licence, upon the request of the Director:
  - a) sample, monitor, analyse or investigate specific areas of concern regarding any segment, component or aspect of the Development for such duration and at such frequencies as may be specified;
  - b) determine the environmental impact associated from the Development; and
  - c) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and other information as may from time to time be requested.
2. The Licencee shall submit all information required to be provided to the Director under this Licence, in writing, in such form (including number of copies) and of such content as may be required by the Director and each submission shall be clearly labeled with the Licence Number and Client File Number associated with this Licence.
3. The Licence shall adhere to the commitments made in the EIS and supporting information filed in association with the EIS during construction and operation of the Development.

### **SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS**

#### **Respecting Pre-Construction**

4. The Licencee shall submit a complete Environmental Protection Plan (EPP) for approval of the Director prior to construction of the Development. The EPP shall describe the approach to be used by the Licencee to ensure that mitigative measures are applied systematically, and in a manner consistent with the commitments made in the EIS, including commitments for mitigation measures to address concerns raised by First Nations, Metis communities and local Aboriginal communities about potential adverse effects on the exercise of Aboriginal treaty rights as summarized in the EIS commitment table. If prior approval is given by the Director, separate EPPs may be submitted for the construction and operation phases, as well as for different reaches or components of the Development. Specifically, the EPP shall:
  - a) describe the environmental management system and protocol for internal reporting on monitoring and compliance for the construction of the project;
  - b) provide field construction personnel with clear instructions on the mitigation measures to be implemented and on the appropriate lines of communication and means of reporting to be followed throughout the full-life cycle of the project;
  - c) summarize environmental sensitivities and mitigation actions and emergency response plans and reporting protocols;

13. The Licencee shall, prior to construction in forested areas, consult with the responsible Regional Forester of the Forestry Branch to determine the disposition of timber cleared in association with the Development in those areas.
14. The Licencee shall, prior to construction, retain a qualified archaeological consultant to conduct a Heritage Resources Impact Assessment (HRIA) to identify and assess any heritage resources that may be negatively impacted by Development. Plans for the identification of and mitigation for Aboriginal sacred or ceremonial sites shall be included in the report. The HRIA shall be submitted to the Director for approval prior to construction.
15. The Licencee shall, prior to construction of the Development, submit access management plans for approval of the Director. The access management plans shall include, but not be limited to, the anticipated types and locations of roads, trails, and water crossings required to access the right-of-way of the Development, and associated decommissioning plans. The plans may be submitted all at once for the entire route or in stages along the route as construction progresses.
16. The Licencee shall use terrain features and vegetation composition to limit access to and line-of-sight along the Development right-of-way.
17. The Licencee shall, prior to construction of the Development, submit a general plan for addressing any unanticipated adjustments to the transmission line right-of-way for approval of the Director. The plan shall describe the action and process that will be followed in the event an unanticipated adjustment is needed due to field conditions.
18. The Licencee shall prepare a report on monitoring programs to be undertaken in relation to the mitigation measures outlined in the EIS and supporting information. Monitoring of community socio-economic and cultural effects should be included in the report. The report shall be submitted prior to June 30, 2014, for the approval of the Director, and:
  - a) provide a description of the proposed activities for monitoring effects to the physical, aquatic, and terrestrial environments arising from construction of the Development;
  - b) describe the parameters to be measured, the methodology and frequency of measurement, references to establish thresholds and sustainability indicators, where appropriate, and the protocol for reporting the results of monitoring of the environmental conditions affected by the Development to CWS;
  - c) in cooperation and consultation with the Wildlife Branch, monitor white-tailed deer distributions and prevalence of brainworm along the transmission line; and
  - d) using methods approved by the Wildlife Branch, include descriptions of proposed programs:
    - i) to continue monitoring the population status and movements of the woodland caribou herds specifically affected by the Development for 25 years, or less if approved otherwise by the Wildlife Branch. Collaring may be included over the timeframe as determined by the Wildlife Branch;
    - ii) for the monitoring of black bear and timber wolf populations, distribution, and predation on woodland caribou in sensitive areas within the caribou ranges in the vicinity of the transmission line right-of-way;
    - iii) to conduct periodic moose surveys for 25 years, or less if approved otherwise by the Wildlife Branch including, but not necessarily limited to, Game Hunting Areas 14, 14A and 19A; and



28. The Licencee shall, during construction of the Development, employ qualified environmental inspectors to monitor the work on a daily basis to ensure that all the environmental practices outlined in the EIS, the EPPs, and supporting information are carried out.
29. The Licencee shall, during construction of the Development, arrange quarterly meetings with the responsible Regional Directors of CWS to discuss construction, environmental protection, and emergency response issues.
30. The Licencee shall expand and enhance the furbearer pilot study conducted on the Wuskwatim Transmission Project to include areas along the transmission line right-of-way.
31. The Licencee shall submit, to the Director for approval, a plan to accommodate the continuation of educational programs on community traplines that are affected by the Development.
32. The Licencee shall develop a policy, for submission to the Director, to manage documented losses to outfitters that are attributable to the Development and provide an option for disposition of payments in an annual format where compensation is deemed necessary.
33. The Licencee shall, prior to construction of the Development, develop a policy, for submission to the Director, to provide an option for disposition of payments in an annual format where compensation is paid in agricultural areas associated with the Development.
34. The Licencee shall design and decommission quarries in connection with the Development in accordance with the *Quarry Minerals Regulation 65/92*. Reclamation of individual quarries shall occur as soon as they are no longer in use for the Development.
35. The Licencee shall submit annual plans for the harvest of timber on Crown Lands within the transmission right-of-way of the Development to the applicable Regional Forester in advance of clearing in those areas.
36. The Licencee shall, in consultation with the Forestry Branch, manage vegetation along the transmission right-of-way in coniferous dominated forest to retain the coniferous character.
37. The Licencee shall, during construction of the Development, dispose of all sewage and septage from on-site sanitary facilities in accordance with the *Onsite Wastewater Management Systems Regulation 83/2003*, or any future amendment thereof.
38. The Licencee shall dispose of non-reusable construction debris and solid waste from the construction and maintenance of the Development at a waste disposal ground operating under the authority of a permit issued under *Waste Disposal Grounds Regulation 150/91*, or any future amendment thereof, or a licence issued pursuant to *The Environment Act*.
39. The Licencee shall, during construction and maintenance of the Development, adhere to the general recommendations on design, construction, and maintenance of stream crossings as specified in the Manitoba Department of Natural Resources guidelines titled *Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat, May 1996*, and the current versions of applicable federal Department of Fisheries and Oceans Operational Statements.

- c) post signs indicating herbicides have been applied in areas along the transmission line right-of-way when and where herbicides have been applied in the vicinity of the ESSs. The postings shall be left in place for one month after the application has occurred.
49. The Licencee shall, during construction and maintenance of the Development, clear only tower locations, danger trees, and trees in excess of 17 meters in height within the transmission line right-of-way along the approximately 8 kilometer long section of Game Hunting Area 19A, which is currently inaccessible by means of existing fence lines and trails.
50. The Licencee shall leave wildlife trees, where possible, throughout the Development right-of-way where they do not pose a hazard.
51. The Licencee shall, in consultation with Wildlife Branch, manage the Development right-of-way from Swan River northward to discourage population increase and distribution of white-tailed deer.
52. To ensure no net loss of wetlands, the Licencee shall, during construction and maintenance of the Development, maintain a minimum 30 meter riparian buffer zone immediately adjacent to wetlands and the shoreline of lakes, rivers, creeks, and streams. Within the riparian buffer zone:
  - a) trees that must be removed shall be cleared using only low impact methods including hand clearing;
  - b) all existing low growth vegetation such as grasses, shrubs, and willows shall be maintained;
  - c) the application of herbicides shall be prohibited; and
  - d) any affected wetland area will be restored, replaced or offset as approved by the Director to ensure no net loss of wetlands.
53. The Licencee shall, where native prairie habitat is disturbed during construction of the Development, retain a native prairie re-vegetation specialist to plan and oversee reclamation of these areas. Re-vegetation monitoring shall be conducted by the native prairie re-vegetation specialist for a minimum of three complete growing seasons. Follow-up monitoring, seeding, maintenance, and/or weed control shall be conducted until disturbed areas are re-vegetated to the satisfaction of the Director. Re-vegetation shall:
  - a) where conditions are ideal regarding topography, slope, moisture, time of year, and the condition of nearby prairie, allow for natural re-vegetation; or
  - b) where conditions are not ideal for natural recovery, re-vegetate areas exposed during the construction with native seed mixes approved by the Wildlife Branch of CWS.
54. The Licencee shall ensure access within the Development, where possible, to quarry mineral withdrawals by Manitoba Infrastructure and Transportation (MIT) in Townships 22-11W, 30-17W, 22-12W, 30-18W, 23-12W, 31-19W, 25-13W, 32-20W, 26-13W, 33-21W, 30-18W, 33-25W, 32-20W, 44-25W, 49-25W, and 45-25W.
55. The Licencee shall remove any temporary construction access routes and rehabilitate all disturbed areas within MIT's right-of-way and controlled area upon completion of construction of the Development in the locations identified in Clause 54 of this Licence.
56. The Licencee shall implement the monitoring programs approved pursuant to Clause 18 of this Licence.

**Respecting Alterations to the Development**

65. The Licencee shall obtain approval from the Minister for any proposed alteration to the Development before proceeding with the alteration in accordance with *The Environment Act*.

**REVIEW AND REVOCATION**

66. If, in the opinion of the Minister, the Licencee has exceeded or is exceeding or has or is failing to meet the specifications, limits, terms, or conditions set out in this Licence, the Minister may, temporarily or permanently, revoke this Licence.
67. If the construction of the Development has not commenced within three years of the date of this Licence, the Licence is revoked.
68. If, in the opinion of the Minister, new evidence warrants a change in the specifications, limits, terms or conditions of this Licence, the Minister may require the filing of a new proposal pursuant to Section 12 of *The Environment Act*.

*Originally signed by*

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**Gord Mackintosh**  
**Minister of Conservation and Water**  
**Stewardship**

**Client File No.: 5433.00**



**MINISTER OF  
CONSERVATION AND WATER STEWARDSHIP**

Legislative Building  
Winnipeg, Manitoba, CANADA  
R3C 0V8

**CLIENT FILE NO.: 5433.00**

August 14, 2013

Shannon Johnson  
Manitoba Hydro  
820 Taylor Avenue  
Winnipeg MB R3M 3T1

Dear Ms. Johnson:

Enclosed is **Environment Act Licence No. 3055** dated August 14, 2013 issued to **Manitoba Hydro** for the construction, operation and maintenance of the Development being the Bipole III Transmission Project, consisting of a new 500 kV HVdc transmission line connecting two new converter stations, one in the north near Gillam (Keewatinooow Converter Station) and one in the south near Winnipeg (Riel Converter Station), two new ground electrodes connected to each of the new converter stations, and new 230 kV ac transmission collector lines to connect the new northern converter station to existing northern converter stations, in accordance with the Proposal dated December 14, 2009, the Bipole III Transmission Project Environmental Impact Statement (EIS) filed under The Environment Act in December 2011, supporting information filed in association with the EIS dated June 22, July 31, August 8, September 17 and 20, October 2, 23, and 19, 2012, January 28, February 19, and 25, 2013, in consideration of the June 2013 Clean Environment Commission Report on Public Hearings.

In addition to the enclosed Licence requirements, please be advised that it is my intent to ensure that all of the non-licensing recommendations in the Clean Environment Commission report be implemented. Technical staff in my department will contact you in the near future to discuss implementation of the recommendation to cooperatively conduct a Regional Cumulative Effects Assessment for all Manitoba Hydro projects and associated infrastructure in the Nelson River sub-watershed.

Further to the above, Manitoba Hydro will be required to invest in educational and/or knowledge transfer programs that promote trapping as well as plant harvesting to affected communities. Department staff will be in contact to discuss this further.

# Executive Summary

On December 5, 2011, the Minister of Manitoba Conservation and Water Stewardship requested that the Clean Environment Commission conduct public hearings into the proposal by Manitoba Hydro to build the Bipole III Transmission Project. The Commission was asked to review and evaluate both the Environmental Impact Statement (EIS) and Manitoba Hydro's public consultation process for the Project. The Commission was further mandated to provide a recommendation as to whether an *Environment Act* licence should be issued for the Project. Should the Commission recommend issuing a licence, the report was to include recommendations for any appropriate mitigation measures for environmental, socio-economic, and cultural impacts and management of residual effects of the Project. The report was also to contain appropriate recommendations for future monitoring of the Bipole III Project.

Public hearings on the Bipole III Project lasted for 10 weeks, from October 1 to November 22, 2012, and from March 4 to 14, 2013. During this time, the Commission heard a great deal of testimony from Manitoba Hydro's staff and contracted experts, expert witnesses retained by Participants in the hearing process, and interested members of the public. The Commission has considered this evidence, in combination with Manitoba Hydro's Environmental Impact Statement and supporting Technical Reports.

The EIS identified four major concerns about potential environment impacts from the Project: impacts on boreal woodland caribou in northern Manitoba, specifically three caribou herds whose range will be traversed by the Bipole III transmission line, and potential impacts on public safety, travel and transportation, and community services resulting from the large influx of workers to the Gillam area during the construction of the Keewatinooow Converter Station at the northern end of the transmission line. In addition to these previously identified concerns, the Commission heard a variety of concerns about community health impacts resulting from the influx of new workers to the Gillam area, possible impacts on

domestic resource use, including plant harvesting, at several points along the line, increases in access for hunters and predators made possible by the transmission line, and a wide variety of potential impacts on agricultural practices in the areas traversed by the line.

After consideration of the body of evidence, the Commission recommends to the minister that the Bipole III Project be approved for a licence under *The Environment Act*. The Commission recommends that a number of conditions be attached to this licence in order to provide some assurance that the goals of the Bipole III Project can be met without compromising the environment of Manitoba. Some of these conditions refer to prevention or mitigation of environmental effects resulting from construction of the transmission line and other project components. Others refer to monitoring of the effects of the construction, operation and maintenance of the Project, in order to ensure that possible problems can be identified and rectified.

In addition to these licensing recommendations, the Commission has also made certain recommendations for improvements to Manitoba Hydro's consultation, environmental assessment and monitoring activities and for improvements to the processes and protocols governing environmental assessment generally in Manitoba.

These recommendations are issued in response to the many concerns about the quality of the Bipole III EIS expressed by Participant groups, members of the public, experts in the field of environmental assessment, and members of the Commission itself. Manitoba Hydro's consultation activities, particularly with Aboriginal communities, and its methodology for assessing cumulative effects of the Bipole III Project were identified as particularly in need of improvement.

It is the hope of the Commission that an improved process for conducting environment assessment, combined with improvements in the resources and processes for environmental assessment at Manitoba Hydro, will allow hearings on