

Bipole III EIS Comment Letter

References and Materials

Attachments and Links Identified as Relevant to contents of Manitoba Wildlands comments re Bipole III Environmental Impact Statement (EIS), March 2012

***Attached to EIS submission*

**Manitoba Wildlands (March 2012) “List of Recommendations from Manitoba Wildlands March 2010 Bipole III Scoping Documents”

**Gaile Whelan Enns (February/March 2012) “Learning from Wuskwatim – Important Precedents-Wuskwatim Standards” The Drum Vol. 21, Issue 2 & 3
http://manitobawildlands.org/pdfs/MWL_DRUM-15Mar2012.pdf

**Manitoba Wildlands (February 21, 2012) Letter to Manitoba Conservation Minister MacIntosh “Re: Public reviews - Manitoba Conservation mandate - Various Acts”

International Hydropower Association (November 2010) “Hydropower Sustainability Assessment Protocol”
http://www.hydrosustainability.org/IHAHydro4Life/media/PDFs/Protocol/hydropower-sustainability-assessment-protocol_web.pdf

Manitoba Wildlands (November 2010) “Public Registry Assessment”
<http://manitobawildlands.org/pdfs/MWLPublicRegistryAssessRecsNov2010.pdf>

Manitoba Wildlands (March 31, 2010) “Comments: Bipole III Scoping Review (PR #5433.00)”
<http://manitobawildlands.org/pdfs/MWL-BiPoleIII-ScopingComments-31Mar2010.pdf>

**Manitoba Wildlands (March 31, 2010) “Bipole III Scoping Review – Materials and Resources”
http://manitobawildlands.org/pdfs/MWL-BipoleIII_Resources_March2010.pdf

Ceres (March 2010) “The 21st Century Corporation: The Ceres Roadmap For Sustainability”
<http://www.ceres.org/resources/reports/ceres-roadmap-to-sustainability-2010/view>

Manitoba Clean Environment Commission (October 2004) “Summary of Public Hearings: Wuskwatim Generation and Transmission Projects”
http://www.cccmanitoba.ca/resource/reports/Commissioned-Reports-2004-2005-Wuskwatim_Project_Cree_Summary.pdf

February 21, 2012

Honourable G MacKintosh, Minister
Manitoba Conservation and Water Stewardship
Room 330
Manitoba Legislative Building
Winnipeg, Manitoba

Dear Minister MacIntosh

Re: Public reviews - Manitoba Conservation mandate - Various Acts

This letter is about recent anomalies in public reviews within your department's mandate and responsibilities. The requested response is clarity from yourself about how your department will be handling public review periods in the future.

Parks Act Reviews

Saturday February 11 the Parks Branch in Manitoba Conservation posted a notice regarding the Walter Cook Caves park reserve, and a public review about its status and potential renewal. The notice included a public review regarding the Poplar Nanowin Rivers Park Reserve, and its potential removal. This combined notice was in the Winnipeg Free Press on the above date. The two notices arrived in our office mail the previous day. The deadline for comments is Monday February 20, 2012. This date is a *holiday* and only 12 days and 5 business days from the time of the public notice in the paper to the close of comments. Essentially this means that you only allowed *5 business days for public comments, with a deadline on a holiday*. We would recommend these reviews be extended to meet the standard you intend the department to maintain for public reviews under the Parks Act.

Please advise our office of steps you are taking to put standards in place for reviews under the Parks Act, as these recent steps would pose a high risk precedent. We would point out that there was a time when a public registry file was opened for any review under the Parks Act, based on COSDI recommendations. Currently there is essentially nothing public regarding the response to a review under the Parks Act. The 'what you told us' mechanism is not an adequate replacement.

Bi Pole III Environment Act Reviews

Currently there are conflicting communications coming from different branches in your department regarding the regulatory steps, review period, and timelines with regard to the Bi Pole III EIS review. One branch in your department thinks this review started December 1, 2011 when Manitoba Hydro deposited the EIS. This same branch of the department persists in communicating as if the 90 day review period is one we all should be thankful for, because the initial period was going to be 30 days only. There has never been, to the best of our knowledge, a 30 day review period for a Class Three

Development EIS under Manitoba's Environment Act. Certainly major hydro project EIS materials have never been reviewed in 30 days.

Specifically the review period starts when the Licensing Branch indicates. There are steps that must occur upon receipt of an EIS and before the review period starts. These of course include review of the EIS materials, deposit of the materials for public access in public registries, and public notification for access and review. Then the review period begins. Public notices were not published until between December 17 and December 20. And then the Christmas, New Year's holiday commenced. In First Nation communities in particular (26 First Nation communities are affected by Bi Pole III.) the year end holidays is at least three weeks long. Conflicting information about something as basic as a Class 3 EIS review does not assist the proponent or your department fulfill its mandate.

Both the utility staff and your non licensing branch staff may need to be updated on the review periods under the Environment Act, and the regulatory process, steps etc. The non licensing staff should at all costs avoid communicating inaccurate information.

So we have a 90 day review period which includes all of the holiday season. This is contrary to best practice, and risks confidence in the public review process. Over the last decade review periods under the Environment Act have either avoided holiday periods or increased the length of the review period because of holidays included.

Bi Pole III materials continue to be largely unavailable. No additional public registries were set up to facilitate access. Our offices made several suggestions – thinking they would be acted on. If the licensing branch can set up additional public registries for localized projects of 1/100th the impact and cost of Bi Pole III then additional public registries should have been set up for this Bi Pole III EIS review, and must be put in place for subsequent Bi Pole III public reviews for the EIS Guidelines, and any subsequent EIS filings.

As serious is the poor response to requests for Bi Pole III EIS materials. As your staff and consultants will be aware, response to requests for these EIS materials, sending sets of Bi Pole III EIS materials to affected communities, and access to the pen drive set of materials are **all slow**. How can affected communities, concerned citizens, and community organizations respond to this volume of material without a copy? Are they supposed to drive back and forth to a distant public registry each day for a week? Do any of these public registries have copies of the CDs, or ability to copy them for citizens? Essentially we are most of the way through a dubious review period for these EIS materials without access to them. Our office waited for three weeks to receive the materials, and as long to receive the pen drive. We are aware of various outstanding requests for the Bi Pole III EIS materials.

There was an error made in the original EIS. Exchanges are being made now to provide the correct CD, pen drives, etc. Please ask you executive staff what approach

Manitoba Hydro is taking to these exchanges, as our understanding is that there will be considerable delay before communities and organizations who held the 'in error' version will have updated and correct versions.

A deposit of additional Bi Pole III EIS materials was made last week. To date we are not aware of how these will be included or excluded from the current EIS review under the Environment Act, and how these materials will be made available to all parties who currently hold the former 'in error' version.

We formally request that you, as minister responsible under the Act for all steps in the filing, posting, and review of EIS materials, extend this EIS review period and assess the steps taken and not yet taken with regard to Bi Pole III EIS review, access to the materials, etc in order to immediately improve the situation. You should know that:

- The EIS is not posted on the Manitoba Conservation web site, but linked to Manitoba Hydro's web site. It is unclear whether / how next stages of review and materials for the Bi Pole III project will be based. All materials must remain available to the public throughout the two proceedings under the Act.
- Few if any offices in affected communities have the capacity to download all these materials. Offloading printing of this volume of material is a spurious assumption. None can print in colour...
- Review of maps and charts, larger materials is largely impossible on a computer screen.
- Any steps taken so far regarding Bi Pole III fall far below the standard set for the review of the Wuskwatim projects EIS, and subsequent filings. We are available to assist your department and the proponent to make sure that the practices and approaches taken for the most recent Manitoba Hydro project are maintained.
- The Licensing Branch weekly list of proposal postings and additions to the public registry is only held for one week and there are no archives maintained on line. We do not know if these listings are sent to public registries and kept available. An immediate step that would improve credibility is for these public registry listings to be maintained on line.

It is our suggestion and hope that you take immediate action before the process of **reviews under the Parks Act, and the Environment Act** becomes further compromised.

Certainly the standards for access to information through proceedings under the Environment Act *were magnitudes better* than what is currently occurring for Bi Pole III.

In closing we would ask that you ensure a **schedule for the Bi Pole III reviews**, proceedings etc be made available immediately. This is the first time in our experience of 20 years where a Class 3 project has been reviewed under the Environment Act without a schedule posted and available to all parties.



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Yours truly

A handwritten signature in purple ink that reads "GWhelanEnns". The signature is written in a cursive, flowing style.

Gaile Whelan Enns
Director
Manitoba Wildlands

Copy to:
VP for Transmission, Manitoba Hydro

Bipole III Recommendations from Manitoba Wildlands are listed below – based on the March 2010 review of the Manitoba Hydro Bi Pole III Scoping Document. Recommendations below are taken from the full set of comments submitted by Manitoba Wildlands at that time. (Compiled March 2012).

A) Access to Information

Manitoba Wildlands recommends that once the corridor is selected and the project area defined on that basis that the utility and Manitoba Conservation design a notification system that will work both during the next stages under the Environment Act, but will also be in place throughout the building of Bipole III. This plan should be posted to the public registry, on Manitoba Hydro web pages, and be advertised as soon as it is in place. Given the number of affected communities in northern and southern Manitoba we assume regular updates will go by mail to all communities.

The utility should be required to make public any report that may be needed by affected communities, landowners, municipal authorities and public participants to be able to participate in Bipole III processes.

Manitoba Wildlands recommends that Manitoba Conservation and Manitoba Hydro arrive at an access to information policy for this project that is more than minimum compliance, and more timely than has been the practice. In particular the community sessions and open houses, municipal meetings etc must be combined with ongoing access to information. Manitoba Hydro can on its own take steps beyond minimum compliance so that information that supports citizen engagement, and best decision making, is available as early as possible in the process.

B) Electronic Information – Reviews & Hearings

Manitoba Wildlands recommends that an electronic list and other tools for all parties, including public participants and affected communities, regarding the Environment Act review, CEC proceedings, hearings etc be operational *before and during the hearings* for Bipole III. Significant time and resources can be saved by ensuring access to information by more than one medium during the reviews, CEC proceedings, and especially the hearings.

C) Information Plan

Manitoba Wildlands recommends that the EIS for Bipole III include a review of past practices, and issues regarding access to information, with a resulting plan and practices. This discussion may well need to include the Manitoba government entities involved in all steps under the Environment Act. See our comment about access to information throughout the project's construction.

D) Full Set of Guidelines

Manitoba Wildlands recommends that guidelines for actions to build transmission lines - planning, design, EA, licensing, construction and operations - should be available through Manitoba Conservation, Environmental Assessment and Licensing Branch. These should be applied to all stages or reviews and decision making under The Environment Act and any other Act triggered by a new transmission line. Manitoba Conservation also needs to make available to the public its policies and procedures standards for a scoping document under the Environment Act.

E)Protected Areas

Manitoba Wildlands recommends that Manitoba Conservation and Manitoba Hydro work together for decisions for new protected areas in the regions impacted by Bipole III, with establishment being in advance of any construction, ideally this year.

F)Fulfill Public Policy

Manitoba Wildlands recommends that Manitoba Conservation provide Manitoba Hydro with the information its needs to fulfill public policy, and avoid contradiction to policies, commitments, reviews, and standards in place with regard to current and future parks, protected areas, crown land designations, and treaty land entitlement selections.

Manitoba Wildlands further recommends that the EIS for Bipole III contain the analysis done in the project area/ corridor to verify the steps taken or to be taken based on our comments and recommendation above.

G)Assemble all Government Policies and Procedures

Manitoba Wildlands recommends that Manitoba Conservation assemble the existing policies and procedures from relevant government departments in order to provide Manitoba Hydro with the requirements for a range of impacts from Bipole III that include logging, road building/ decommissioning, drainage and culvert installations, etc. We further recommend that these policies and procedures be posted, put in the public registry and included in the EIS so that it is clear what Manitoba Hydro is expected to fulfill, and which government departments are responsible for work permits, etc.

H)Cumulative Impacts

The cumulative impact approaches outlined by Manitoba Hydro should be explained explicitly in the EIS on a performance basis. For Manitoba Conservation to act on cumulative impact assessment, Manitoba Wildlands recommends Manitoba Conservation and Manitoba Hydro take the overdue step of discussing regular reviews of cumulative impacts of the Bipole III project, with public component and transparency. The EIS can then reflect how this ongoing or living cumulative impact assessment will be conducted. We would suggest five year

intervals for these cumulative impact assessments – which must be based on operations and performance versus a policy / paper assessment.

D)Regulatory Framework

The scoping document is vague regarding Manitoba’s policy and regulatory framework. We recommend the Bipole III EIS be more specific and clear about the policies, existing agreements, and regulatory framework which the proponent need to fulfill or take into account for this project.

J)Include Policy and Strategic EA

Manitoba Wildlands recommends that Manitoba Conservation and Manitoba Hydro identify contents needed in the Bipole III EIS to provide the essential elements of a policy and strategic EA. Manitoba Wildlands further recommends that Manitoba Conservation and Manitoba Hydro design tools so that advance policy and strategic EA becomes part of the process with all Manitoba Hydro proposals under the Environment Act.

K)Hydro’s Standards – social licence to operate

Manitoba Wildlands recommends that the Bipole III EIS contain a thorough discussion of Manitoba Hydro’s support for, and monitoring of its social responsibility standards, and actions. In particular we recommend that Manitoba Hydro explain how it is maintaining its ‘social licence to operate’ in preparing for Bipole III.

L) ISO Standards

Manitoba Wildlands recommends that the EIS for Bipole III indicate whether Manitoba Hydro agrees with and supports the contents of ISO 2600 Standard on Social Responsibility. If it does not an explanation should be provided. If it does then the EIS should include the ways the utility is applying the ISO Standard 2600 to the Bipole III planning and decision making process.

M) ISO and other Standards Applies

Manitoba Wildlands recommends that the proponent indicate whether Manitoba Hydro supports and applies these ISO standards in its operations. As a public utility which espouses corporate social responsibility Manitoba Hydro needs to inform its shareholders whether these principles of social responsibility, including with environmental principles, are integrated into its project planning. In addition we recommend that the proponent include in its EIS clear statements as to its approach to social responsibility for this project.

N) US Transmission Requirements/ Reporting

Manitoba Wildlands recommends Manitoba Hydro create guidelines or requirements related to its membership in continental energy organization publicly available. Manitoba Hydro then needs to outline which standards, agreements and reporting requirements under the US Federal Energy Regulatory Commission (FERC), the Mid-Continent Area Power Pool (MAPP), and Midwest Independent Transmission System Operator (Midwest ISO) affect the Bipole III project design, construction, operation (including interconnections).

Further Manitoba Wildlands recommends the EIS for the Bipole III project identify these, as per above, while indicating what is required by Manitoba Hydro's membership in these continental organizations, and what the impact on the project would be.

O) Midwest ISO Standards

Manitoba Wildlands recommends the EIS for Bipole III respond to the Midwest ISO Principles (see above), indicating how the Bipole III project will uphold these Principles. We further recommend that Manitoba Hydro indicate in the EIS which sets of EIA standards, criteria, methods etc the utility applies to transmission line planning, design, and operation. Then the EIS can include identification of how Manitoba Hydro will be transparent about, and uphold the principles, standards, or criteria it subscribes to, for this project.

P) Environmental Management Plan

Manitoba Wildlands recommends that environmental management plans for the elements of the Bipole III project be part of the EIS filing. We further recommend that Manitoba Conservation ensure that these plans, and their updates, over the life of the project remain part of the public registry.

Q) Manitoba Conservation EIS Standards

Manitoba Wildlands recommends that Manitoba Conservation consider how best to include in EIS contents clear indications of the standards, principles, and methods they ascribe to, and use in the EIS and planning for new projects. In particular we recommend that this EIS include Manitoba Hydro's statements to this effect.

R) Climate Change in EIS

Manitoba Wildlands recommends that Manitoba Hydro include in the EIS information as to the approach to project planning, engineering, and all stages of construction and operation of Bipole III in relation to climate change. We also recommend that Manitoba Conservation begin to consider how to make sure that scoping of effects and impacts from projects on climate are thoroughly scoped in advance of EIS preparation for projects under our Environment Act.

S) Carbon and GHG Planning, Reportin

Manitoba Wildlands recommends that Manitoba Conservation and Manitoba Hydro use the Bipole III project as a demonstration of methods for carbon and green house gas planning, reporting, and mitigating to fulfill public policy and commitments made by the Manitoba government.

T) Carbon Inventory & Budget

Manitoba Wildlands recommends that the Bipole III transmission project be designed, and planned, as a showcase for how Manitoba Hydro and Manitoba Conservation will verify carbon stocks inventory, set a project carbon budget, report emissions during construction, and mitigate carbon loss with the aim of reporting in a transparent manner all steps to achieve a no net loss of carbon goal for the project.

U) Data – Hydro Emissions

Manitoba Wildlands recommend that the EIS specifically address our recommendation above, while addressing the coming 25,000 tonne reporting requirement for GHGs in Canada, for each project or installation. The context for this recommendation is the current lack of public data about Manitoba Hydro emissions, including for annual emissions from each reservoir, during construction of projects, during operation of projects, and especially during high water years which produce extra methane. We would further recommend that Manitoba Hydro conduct a survey of electrical utilities – especially those publicly owned – to share expertise in this matter, and in order to provide relevant contents in the EIS.

V) Why 500 KV ?

Manitoba Wildlands recommends that the Bipole III EIS include a specific discussion as to why Bipole III is limited to 500 kv and what steps to consider alternative Kv the utility has taken.

W) Alternatives to Transmission Land Corridor

Manitoba Wildlands recommends that a status report regarding Manitoba Hydro's consideration of this alternative (underwater transmission) be included in the EIS. In particular the technical work and reports commissioned to consider the ingredients in underwater transmission systems in Lake Winnipeg should be filed, or made public as soon as possible, with the EIS containing a discussion of the steps in consideration of this alternative taken by the utility.

X) Consultations

Manitoba Wildlands recommends that the EIS contain clear identification of methods for consultation with affects communities, and affected lands owners. Then the specifics of mitigation, negotiations and mitigation methods will need to be described.

Manitoba Wildlands further recommends the Manitoba government, Manitoba Conservation consultation guidelines for Aboriginal communities be provided in the EIS – ideally filed in the public registry immediately – with the EIS containing a description of consultation protocols for affected First Nation and Aboriginal communities. Specific risks and impacts, and steps that could be taken with consent of affected communities will need to be clearly stated in the EIS. For clarification purposes Manitoba Wildlands also recommends that Manitoba Conservation and Manitoba Hydro consider steps necessary so information regarding the selected routes, and steps for consultation reach the affected communities. That information should include full access to public registry information. (see our earlier recommendation regarding land designations and land selections.)

Y) EA Legislation

Manitoba Wildlands recommends that Manitoba Conservation ensure that the proponent for Bipole III fulfill the intent of the text above, and any other recommendations that will assist in requiring higher standards for EA in Manitoba, and for this project. In particular we recommend that Manitoba Conservation conduct an internal process about the current lack of environmental assessment legislation and regulation in Manitoba. The result of that review should be available to the CEC and the proponent in advance of the hearings for Bipole III.



BiPole III Comment Letter References and Materials

Links Identified as Relevant to contents of Manitoba Wildlands comments re bi pole III scoping document, March 2010.

*** Quote or Reference Inside Comments Letter.*

****International Standards Organization - ISO standards**

http://www.lsd.lt/typo_new/fileadmin/Failai/N172_ISO_DIS_26000_E_.pdf

High Voltage Direct Current (HVDC) Transmission Systems Technology Review Paper

http://www2.internetcad.com/pub/energy/technology_abb.pdf

****Guide to Risk Assessments and Public Health Assessments**

http://www.eoearth.org/article/Guide_to_Risk_Assessments_and_Public_Health_Assessments

Life cycle assessment

http://www.eoearth.org/article/Life_cycle_assessment

Restructured Rivers: Hydropower in the Era of Competitive Markets

<http://www.centrehelios.org/en/> Studies and Reports by Philip Raphals

Market-Based Transmission Expansion Planning

<http://motor.ece.iit.edu/papers/01350848.pdf>

****International Association for Impact Assessment**

<http://www.iaia.org/publications/>

Social Problems, Community Trauma and Hydro Project Impacts

<http://www2.brandonu.ca/Library/cjns/15.2/loney.pdf>

Electrical power systems quality

<http://books.google.ca/books?hl=en&lr=&id=Y4IvvSJq1bMC&oi=fnd&pg=PA1&dq=Building+DC+Electric+Transmission+Systems+&ots=44sVcG9pQw&sig=-xdNPMwoAljyjZmS5KSC1tHPvM4#v=onepage&q=&f=false>

Wuskwatim Transmission and Generation Station Archives: Presenters / Presentations

http://www.energymanitoba.org/wusk_archives/presenters.htm

A Compendium of Electric Reliability Frameworks Across Canada

<http://www.neb.gc.ca/clf-nsi/rnrgynfmitn/nrgyrprt/lctrcity/cmpndmlctrcrlbltycnd2004-eng.pdf>

Mid-Continent Area Power Pool Website Links and Pages

<http://www.mapp.org/DesktopDefault.aspx>

Reliability Performance Project: Manitoba Hydro and SASK Power both inside doc

<http://www.mapp.org/ReturnBinary.aspx?Params=584e5b5f4558560000000253>

Transmission and Distribution World

http://tdworld.com/news/power_minnesota_power_joins/

Midwest ISO's system Planning Reserve 2010/2011 Margin

http://www.midwestmarket.org/publish/Document/4dfde8_124a04ca493_-7f5f0a48324a/Planning%20Year%202010%20Findings_final.pdf?action=download&_property=Attachment

Midwest Independent System Operator: 2009 Long-Term Assessment Reliability Report

http://www.midwestmarket.org/publish/Document/2c2ca5_12511ba6cdc_-7fab0a48324a/2009%20Long-Term%20Assessment%209-02-09.pdf?action=download&_property=Attachment

Midwest Independent Transmission System Operator 2009-2010 Winter Reliability Assessment Midwest ISO Market Footprint

http://www.midwestmarket.org/publish/Document/2c2ca5_12511ba6cdc_-7fbc0a48324a/2009-2010%20Winter%20Assessment_FINAL_v3.pdf?action=download&_property=Attachment

Department of Energy US - reporting requirements via Mid-Continent Area Power Pool and MISO

http://www.midwestmarket.org/publish/Document/66d196_115dc8fa4a2_-7e9c0a48324a/EIA%20411%20definitions.pdf?action=download&_property=Attachment

**Planning Standards MISO

http://www.midwestmarket.org/publish/Document/6b6059_1239ec7b046_-7fd90a48324a

<http://www.midwestmarket.org/page/Expansion%20Planning>

Contains various MISO transmission planning and transmission expansion manuals, and protocols



**International Organization of Standards: Guidance on Social Responsibility

http://isotc.iso.org/livelink/livelink/fetch/-8929321/8929339/8929348/3935837/ISO_DIS_26000_Guidance_on_Social_Responsibility.pdf?nodeid=8385026&vernum=-2

**Australian Government. Department of Environmental Assessment

<http://www.environment.gov.au/epbc/assessments/index.html>

(contains one perspective and process for strategic assessments)

**The Ceres Roadmap for Sustainability

<http://www.ceres.org/ceresroadmap>

Considering Aboriginal traditional knowledge in environmental assessments conducted under the *Canadian Environmental Assessment Act -- Interim Principles*

<http://www.ceaa.gc.ca/default.asp?lang=En&n=4A795E76-1>

PDF References and Materials Used for Manitoba Wildlands Comments Re bi pole III March 2010

**Overview of Transmission Lines Above 700 kV

Raymond Lings, July 2005

Guidelines for Development Near Overhead Transmission Lines in BC

BC Hydro

**Treatment of biodiversity issues in impact assessment of electricity power transmission lines: A Finnish case review.

Soderman. 2006.

Multi-Jurisdictional Environmental Impact Assessment: Canadian Experiences

Fitzpatrick and Sinclair, 2008.

**A Reference Guide for the Canadian Environmental Assessment Act: Addressing Cumulative Effects by the Federal Environmental Assessment Review Office. 1994.

**Canadian Environmental Assessment Act: An Overview by Canadian Environmental Assessment Agency

Executive Summary on Energy Efficiency by the International Energy Agency



Transmission investment and expansion planning in a restructured electricity market
by F.F Wu, F.L. Zheng and F.S. Wen

Guide to Environmental Assessment Requirements for Electricity Projects by Ministry of the
Environment Environmental Assessment and Approvals Branch

**Guide for Social Responsibility by International Organization for Standardization (ISO).

High Voltage Direct Current (HVDC) Transmission Systems Technology Review Paper

**Principles of Environmental Impact Assessment Best Practice by the International
Association for Impact Assessment (IAIA) 1996.

Biodiversity in Impact Assessment by the International Association for Impact Assessment
(IAIA) . 2005

Class Environmental Assessment For Minor Transmission Facilities Pursuant to the
Environmental Assessment Act, Ontario, Canada

2009 Long-Term Assessment Reliability Report Midwest Independent System Operator

Overview of Transmission Lines Above 700 kV
Raymond Lings

Environmental Assessment in Canada: Encouraging decisions for sustainability
by A. J. Sinclair and M. Doelle

Conceptualizing learning for sustainability through environmental assessment: Critical
reflection on 15 years of research by A. J. Sinclair, A. Diduck and P. Fitzpatrick

Framework for the Transmission Lines Standard by Alberta Electric System Operator

**Ontario Energy Board Transmission System Code. October, 2009.

Market-Based Transmission Expansion Planning by M. O. Buygi, G. Balzer, H. M. Shanechi,
and M. Shahidehpour

**Manitoba Wildlands Lands and Waters Policies 1999-2009

**Questionnaire Checklist for Cumulative Impacts
by L. W. Canter and J. Kamath, 1995.



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Climate Change and Infrastructure Engineering: Moving Towards a New Curriculum By the Canadian Standards Association. October 2007.

**Manitoba Wildlands Analysis of Recommendations - Report on Public Hearings - Wuskwatim Generation and Transmission Projects

Learning from Wuskwatim – Important Precedents

By Gaile Whelan Enns

It is eight years since the Wuskwatim projects environmental hearings – both transmission and generation station/dam. Right now Manitobans and affected communities are seeing the start of public reviews, hearings, and possible licensing for several Manitoba Hydro projects.

Churchill River Diversion closed meetings started in 2010. The scoping for Bi Pole III started in 2010, with the Environment Impact Statement currently under public review until March 16, 2012. Premier Selinger promised public hearings regarding Lake Winnipeg regulation at the beginning of 2011. These hearings now appear to be pushed back into late 2013. In the meantime the Keeyask scoping for environmental standards review ended January 31, 2012. The Manitoba government has signed an export agreement, which includes a transmission line to Wisconsin. Conawapa generation station is part of the same negotiations as Keeyask.

Important precedents happened during the Wuskwatim proceedings, which started in winter 2001-2002. These precedents acknowledged affected communities, and showed that Manitobans were being listened to.

1) The Clean Environment Commission (CEC) asked Manitobans, and affected communities what environmental standards were needed for Wuskwatim. The recommendations from CEC public meetings were included in the requirements for Manitoba Hydro regarding Wuskwatim – both transmission and generation stations.

2) The Wuskwatim generation station is low head, low impact for flooding, and based on decisions by Nisichawayasihk Cree Nation.

3) A schedule was issued in 2002 by regulators, and updated regularly, to let all parties know what would happen during reviews and when; where the province's Environment Act proceedings started and ended, where the Clean Environment Commission (CEC) hearings process started and ended.

4) An email list serv was put in place so that all parties to the Clean Environment Commission process had access to documents, each other, and received updates at every step. (It should be noted this list serv was turned off when the hearings started, which means an improvement in electronic document access will be needed for the next CEC proceedings.)

5) Pre hearing conferences were held by the CEC with all parties, including both funded participants, and any other hearing participant who wished to attend. These started 8 months before the hearings, and assisted in planning, preparation, and technical steps.

6) The Manitoba government decided that Manitoba Hydro would provide \$1,000,000 participant funding so affected communities, non profit organizations, and environmental organizations would be able to participate in the CEC proceedings. Each of the upcoming Hydro reviews/hearings/licensing processes should have at least this amount of funding – with applications, decisions, and funds administered independent of the CEC.

7) Manitoba Hydro held thorough open houses in Winnipeg about the Wuskwatim projects, including question and answer sessions, displays of materials, and attendance by engineers, consultants, and experts who worked for Manitoba Hydro on the projects.

8) With hearings held in The Pas, Thompson and Winnipeg the CEC Wuskwatim hearings were well attended. Over 9 weeks of hearings the CEC hearings room was occupied by at least 50% Aboriginal people. Evenings the room was often over 75% Aboriginal people attending.

9) When the CEC hearings room was over full a second viewing area was set up at the Radisson in Winnipeg, with sound and close circuit television provided. Students, elders, community members from North Flood Agreement First Nations were able to sit in.

10) Manitoba Wildlands set up an information centre in the hotel where hearings

were held, so media could contact presenters and expert witnesses, elders could rest, and public participants could meet and talk.

11) A web site was also set up to post evidence, reports, motions, transcripts and reports from the utility, and regulators. Those are still posted on Energy Manitoba today, in a Wuskwatim archives page.

12) A wide range of expert witnesses participated at little or no cost to Manitobans, including on topics ranging from wind energy, alternatives to the generation station itself, effects of transmission corridors on woodland caribou, migratory birds and a range of other species. The economic factors need for and alternatives to the projects were combined in the same proceeding.

13) The CEC made sure public registry information about previous generation stations and transmission projects in Manitoba was available to participants for research purposes.

14) Manitoba Hydro made sure both paper and digital versions of its Environmental Impact Statements were available to any participant, funded or not. Requests for information were handled quickly, in good faith. Requests for extra maps, CDs when needed, etc. were respected and responded to.

5) Manitoba Conservation made sure Manitoba Hydro filed a supplemental filing, after review of the Wuskwatim EIS. This means deficiencies and gaps in the EIS were answered and filed by the utility. The supplemental filing was also reviewed, with public comments.

16) The CEC held important motions hearings when significant issues about the project areas, and Manitoba Hydro's failure to disclose information needed resolution before the hearings.

17) The CEC made sure First Nation panelists participated on the panel for its hearings, and honoured requests from Elders during the hearings.

18) The CEC made sure that transcripts from each day's hearing sessions were widely available the next day.

19) The CEC issued a report (which took some time to be released by the Manitoba government) with a solid, wide ranging set of recommendations about both Wuskwatim projects, and any future Hydro projects – including environmental standards for new generation stations, hearings, and outstanding legacy issues regarding the Churchill River Diversion.

There are other outstanding matters from the Wuskwatim processes, which may require comment in a future article for The Drum.

Meaningful Aboriginal consultations for Bi Pole III and Keeyask are essential. There are 26 First Nations, plus the Métis communities, affected by Bi Pole III. Some of these communities are funded with respect to consultation and accommodation about impacts from Bi Pole III. Some First Nations are being assisted by Manitoba Hydro to document traditional knowledge about the preferred corridor for Bi Pole III. Currently there is little indication of the Crown's intention with respect to consultation, accommodation and compensation with regard to Bi Pole III. The set of precedents identified above from Wuskwatim may well be at risk, as Manitoba moves into the next set of steps for Bi Pole III review and licensing.

One simple test – access to Manitoba Hydro EIS materials – shows a dramatic failure, compared to the Wuskwatim process. As we approach the end of the Bi Pole III EIS review many affected communities and potential participants do not have a copy of the materials. Requests for a copy of the electronic copies or paper versions (essential for use of maps and charts) have consistently taken weeks to fill. Errors in Manitoba Hydro's first set of materials have meant replacement materials are required, with further delays in access to the updated EIS materials. Each of the precedents listed above are a test of the status of Manitoba Hydro project reviews, proceedings under the Environment Act, and CEC proceedings. They are also tests of the Crown. Both Manitoba and Canada need to show the honour of the Crowns in all aspects of each Manitoba Hydro project.

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