

The Drum article - January 18, 2011 - Gaile Whelan Enns

Public Utilities, Energy Plans and Aboriginal People

The largest public utilities in Canada are in British Columbia, Quebec, and Manitoba. These hydro power utilities also manage other energy sources. In Ontario, while the structure is different, most energy sources are publicly owned. First Nation and other Aboriginal communities throughout northern and southern Canada are affected by the actions of these public utilities.

All hydro projects, including transmission, impact traditional territories across Canada. Sometimes there are treaties or benefits agreements. Sometimes nothing was done about affected communities. In Manitoba there is a modern day hydro treaty from the 1970's, with subsequent agreements – where any change requires a Bill to go through Parliament and the Senate. Much of the original treaty remains unfulfilled.

Canada's courts are telling us that meaningful consultations, accommodation and reconciliation may be triggered by energy projects, including transmission systems. The Mikisew, Haida and Taku decisions are clear about the honour of the crown and consultation with Aboriginal peoples.

The government prepares most energy plans. Asking the people their concerns, what they would put public money to, the energy mix they want in their province, and how much energy to export could result in very different plans and strategies. Consulting First Nation and Aboriginal people must also be part of arriving at an energy plan for a jurisdiction. A longer fuller view of energy that goes beyond supply, demand, use and profit has the potential to help move Canada through our new century, with more energy options, and with less risk to our communities, and Mother Earth.

Energy plans and strategies need to indicate the mix of energy sources, include new renewable energy options with potential locations, employment and training opportunities with timelines, targets, both economic and environmental impacts and benefits. Transparency about energy sources already in place must be included. Energy plans and strategies should be for at least 25 years.

Getting Information

Depending where you live in Canada it can be quite difficult to even find out which energy projects are 'on the drawing board', and when they are likely to be proposed, reviewed, licensed etc. You might even find it difficult to obtain information about how

much public debt is involved in a project, or who would be responsible for decommissioning a plant or generation station. Energy projects are often, especially if a public utility is involved, considered to be more important than other land uses, or simply ignore other land uses. Canada is full of energy projects that ignored Aboriginal rights when they were built.

Calls for Energy Plans & Strategies

Recently a range of voices in Canada have been reminding us that Canada lacks an Energy Plan or Strategy. These voices are calling for a new energy plan or strategy for Canada. David Suzuki is reminding us that our country is one of the few developed nations without a coordinated energy strategy. He points out that we lack a national energy transmission system. He is correct, we have national highways, and railways, but no national transmission system for energy.

Editorial pages, business luncheon speakers, and renewable energy associations are saying the same thing: Canada needs an energy plan. Canadians need to have a part in deciding how we will use our resources, and yes the plan or strategy needs to be transparent and understandable to the public. This is especially true for Aboriginal Peoples, who are entitled to information about what is under discussion, and entitled to a place at the table in arriving at an energy strategy for Canada. Many energy initiatives trigger the duty to consult and clearly involve the honour of the crown. New energy projects have the potential to affect Aboriginal rights, and lands access. Too often the crown encourages the developer to ‘consult’ and negotiate with First Nations, in order to avoid the Crown’s duty to consult.

Energy Plans – & Aboriginal Rights

Does your province has an Energy Plan, with timetables, goals, and preferences in new renewable energy sources. See if there are training and employment options built in. And see if our forest regions, all of them traditional use areas or territories, will remain healthy and intact. Are aboriginal rights acknowledged and likely to be respected? Are consultation standards in place, with clear procedures for negotiations and any agreements? Are the clean air and water services we all receive from the forests, lakes and rivers valued?

Where First Nations have undertaken traditional lands studies and plans for the future of communities, lands and water these must be a basis for any future energy project or plant. Where First Nation planning is underway or already prepared a foundation in traditional knowledge is available when an potential energy project comes along.

Manitoba Situation

Back here at home a debate is brewing about Manitoba's next direct current transmission system from north to southern Manitoba. We call them bi poles, though no one knows how many bi poles Manitoba Hydro is planning.

Manitoba has no public energy plan. Three or four new dams are being discussed, with technical work and agreements in principle in place. Timelines are still not public. A second wind project has just started to move energy, but First Nation wind projects do not exist yet. Manitoba lacks clear public policy about new renewable or alternative energy sources. There is also no feed in tariff for home grown energy sources. Even the Manitoba Chambers of Commerce have been lobbying our government to take the steps to have a public energy plan !

All this project development is through our public utility. Manitoba Hydro is also responsible for the ongoing impacts from the Churchill River Diversion and its dams, across northern Manitoba. Of course this means all Manitobans are responsible, just like we are all treaty people!

Premier Selinger announced some good news in early January. In an interview he indicated that public hearings would be held in fall 2011 regarding regulation of the water levels in Lake Winnipeg. Given the lake is the largest reservoir in the world, and feeds the hydro system across northern Manitoba, we hope the Premier means that hearings will be held concerning both Lake Winnipeg and the Churchill River Diversion. Our Clean Environment Commission told Manitobans after the Wuskwatim hearings in 2004 that licences for both environmental operations and effects, and water use must be put in place for the dams, lake, infrastructure – and that effects assessments must be done. The cat has been out of the bag for years: there are no permanent licences. Perhaps the first step has been taken. I hope the Crown acts with honour and respect.