

**Manitoba Wildlands' Comments –  
Wuskwatim Generation Project  
Canadian Environmental Assessment Act Comprehensive Study Report**  
*(Department of Fisheries and Oceans (DFO) – Central and Arctic Region, October 2005)*

December 21, 2005

**General Comments on the Wuskwatim Generation Project Comprehensive Study Report (CSR)**

- 1) DFO did not use much of the expert testimony, interrogatories, evidence, transcript, and presentation content in the Manitoba Clean Environment Commission proceedings and hearings from summer 2003 to summer 2004.
- 2) The CSR essentially ignores public participants' contribution to assessment and review of the EIS, and largely ignores the CEC report

One of the most striking things about the Department of Fisheries and Oceans' (DFO) Comprehensive Study Report (CSR) for the Wuskwatim Generation Project is that it appears to almost completely discount the fact that an entire review process occurred that generated an enormous amount of independent analysis, commentary, presentations, and expert testimony. The Clean Environment Commission (CEC) review process in Manitoba included an environmental impact statement (EIS) review, prehearing meetings, interrogatories, Supplementary Filings, 2 motions hearings, requests for further disclosure. The hearings itself resulted in presentations, evidence, cross-examination, and closing statements.

The CSR makes brief references to the CEC hearings and the subsequent report from the CEC, but recommendations from the CEC are not acknowledged or discussed.

The lack of reference, consideration, and discussion of the CEC proceedings and report would give an uninformed reader the impression that the public had an opportunity to comment on the EIS itself and that hearings took place. But aside from some charts that DFO admits are a very general summary of public concerns, no genuine acknowledgement of analysis by public interest groups or communities was indicated, and no consideration of such information is reflected in the CSR. Essentially, the CSR pays some lip service to the fact that the CEC took place, but in the process ignores the work of dozens of people who spent over a year involved in review of the projects, not to mention the fact

that some of these people have been participating since the Wuskwatim proposal was filed under the Manitoba Environment Act back in 2001.

Given the explicit inclusion of “timely and meaningful public participation” as one of the purposes of CEEA (Section 4.1(d)), we feel it is unacceptable that the comprehensive study report for the Wuskwatim Generation Project negates most of the diligent work of the public participants in contributing review and analysis, including Manitoba Wildlands’ work. Please see our attachment that includes specific comments, referenced by page for specific examples of instances where information from the CEC process and public participants work products should have been referenced, discussed, considered. Please also refer to our attachment that is a selected list of our work products, with an indication as to how to access them.

- 3) The CSR largely relies on the Manitoba Hydro EIS prior to public review, and review under Manitoba Environment Act

Related to our disappointment concerning the scarcity of reference or discussion to information that came out of the CEC review process and the contributions of public participants is our concern about DFO’s reliance on reports, documentation by the proponents in preparing the CSR.

The CSR largely relies on the Hydro/ EIS for information and quotes it extensively. When combined with the disregard for the review, analysis, questions, and evidence regarding the weaknesses of this EIS, the result is a CSR that is mostly a précis or summary of the EIS that accepts its findings almost completely at face value.. We have difficulty understanding the value of such an exercise.

- 4) DFO did not use its own previous science, studies or data for its CSR
- 5) DFO indicates that Nisichawayasikh Cree Nation is a co – proponent despite no development agreement being in place, and no decision having been taken by the community in a referendum. There are a number of public participants who objected to the projects, and who are also NCN members. We note that CEC panel members asked outright why we were undertaking several weeks of hearings if there was no development agreement.
- 6) The CSR essentially by-passes, ignores, and diminishes genuine federal responsibility. Examples of this are present in the comments filed by other organizations as part of their review of the CSR. We have also noted examples.

- 7) The cooperative environmental assessment agreement between Canada and Manitoba is not fulfilled by this CSR or previous aspects of the EIS review, hearings, etc.

The CSR claims that the cooperative EA agreement between Canada & Manitoba is operational throughout this process despite the letter from Minister Anderson, while continuing to ignore the content in the Manitoba review.

- 8) The Environmental Impact Statement Guidelines for the Wuskwatim projects have not been fulfilled by the proponents, or either government. These were approved by the Project Administration Team (PAT), which includes federal and provincial representatives. Public participants' efforts to ensure fulfillment of the Guidelines have been largely ignored in the CSR.
- 9) Direction to address the issue of climate change is clearly stated in the EIS Guidelines, and is both a provincial and federal responsibility. The CSR avoids assessment of climate change effects, again despite the content of the public participants work products, hearings and public concerns.
- 10) The Wuskwatim Transmission project was determined to not trigger any federal responsibility, while token attention is paid to potential effects from the transmission lines and roads in respect to some aspects of federal responsibility within the CSR.  
This ignores the reality of the effects from 3 segments of transmission line. Most public participants consistently objected to the omission of the transmission lines from the federal responsibilities under CEAA.
- 11) Token inclusion of some references to the Manitoba Clean Environment Commission report, is worse than not including the report at all. See our other comments on page by page basis.
- 12) Aboriginal and First Nation consultations are not yet completed. (as per the Northern Flood Agreement and as per Section 35 of the Constitution) – see other CSR review comments filed.
- 13) When government is the developer (as is the case with a public utility), is responsible for environmental review, and for issuing licenses, then access to information, due diligence in environmental assessment, and fulfillment of government responsibilities are essential.
- 14) The procedural problems with the CEC proceedings, especially the hearings, reflect on the cooperative environmental assessment agreement between Canada and Manitoba and are the basis for further review by Environment Canada.

- 15) Identified deficiencies in the Wuskwatim EIS and CSR provide a basis for further review by Environment Canada.
- 16) As noted in the CEC report on the Wuskwatim hearings, and by public participants, including Manitoba Wildlands, there were problems with the scope for the assessment of the Wuskwatim projects. The scope was self-defined by the proponents and did not allow for comprehensive assessment of effects or assessment of connected projects, as per CEAA.
- 17) The CSR does not fulfill the purposes or requirements of CEAA (Sections 4 & 16(1)), including the need for the project and alternatives to the project (Section 16(1)(e)).
- 18) Public Concerns are as significant now as they were in 2003 and 2004 (See CEAA Section 21(1))
- 19) Since the close of the hearings in June 2004, the Wuskwatim review process has not been an open, public, or transparent process; the public has not had access to any documents, reports or other materials (authored by the proponents, the RAs, or others). This is not in keeping with CEAA's statements regarding public involvement.