

**Manitoba Wildlands opening statements to Clean Environment
Commission hearings for Keeyask Generation Station
October 21, 2013. - Gaile Whelan Enns, Director**

I would like to say good morning to all parties to these hearings, and wish each one of us a productive, positive, and civil process.

Manitoba Wildlands is a non-profit organization that serves as a public interest research group, interested in the steps in decisions about public or crown lands and waters in our province. Manitoba Wildlands drives from my work when I represented World Wildlife Fund Canada and then the Canadian Wildlife Federation in our province. In all three periods of time we have been involved in review of proposals under the Environment Act. We are often described as an organization that monitors and audits government processes and policy about our lands and waters.

Our website is considered the 'go to place' for information about our lands and waters, and decisions regarding our lands and waters, and is used by journalists, university students and political staff, the public, among others. The About Us information on the website states:

Manitoba Wildlands is a non-profit environmental and public research organization. We work with communities, industry sectors, and environmental organizations for the future of Manitoba's lands and waters. We support establishment of protected areas in Manitoba, with a special focus on our boreal forest regions. Manitoba Wildlands is an active member of Climate Action Network Canada.

We provide information about decisions for use of crown (public) lands and water; technical information about lands use decisions. Often this web site provides hard to find government information, or documents that are not posted elsewhere. ManitobaWildlands.org also provides international, national and regional information about climate change, water, energy, species, biodiversity, and forests.

During the last 12 years Manitoba Wildlands has been involved in reviews of three Class Three Manitoba Hydro developments under the Environment Act.

We were involved in the Wuskwatim projects (Generation and

Transmission) from 2001 to 2007. We know from that experience 8 years ago that it is urgent to think about and consider our whole hydro system when making decisions about adding to the system. We learned that system thinking, future thinking, and the best new conservation biology and ecological science, together with traditional knowledge, are needed for Manitobans to make decisions about its hydro system.

We have been active in the reviews, proceedings and hearings for Bipole III from since 2008, and continue to watch the steps to fulfill the recent licence for Bipole III. We also participate in the reviews of staged hydro projects: which are stages of the Keeyask projects that include the Infrastructure project, and the Transmission projects

Today we are here, at the beginning of the Keeyask Generation Station hearings, as participants. Our aim in being a participant in the CEC proceedings and hearings is to help improve the content, and basis for making decisions about our hydro system in Manitoba. We wish to ask questions, bring content to the hearings, and assist the CEC in fulfilling its mandate. We also wish to assist all parties to continue to improve the content, analysis, and outcome from these CEC hearings, based on whole system analysis.

Certainly, as we all found out last fall and winter, the Bipole III EIS was weak, incomplete and deficient. Manitoba Wildlands supports the CEC in its recommendations aimed at improving Environmental Effects Assessment, and improving the contents in EIS filings, and reviews for hydro projects. We are very conscious of the fact that the CEC had to repeat certain of its primary Wuskwatim recommendations in its Bipole III report.

The regional cumulative effects assessment of our existing hydro system is best delivered by independent experts and technicians. It is not plausible for Manitoba Hydro to conduct this assessment of its own work over the last 40 years.

Manitoba Wildlands has responded to public reviews regarding Keeyask Generation by CEAA, and Manitoba Conservation, since 2009. This includes the CEAA Guidelines and the Manitoba Conservation scoping document. Keeyask Generation Project is the *first* class 3 project under the Manitoba Environment Act to be framed by a scoping document. Scoping

documents are new under our Environment Act, and have been put in place instead of the public process to arrive at EIS Guidelines for class 3 projects, such as was used for the Wuskwatim projects.

For Keeyask Generation Station we have both EIS Guidelines, initiated by CEAA, affirmed and responded to by the proponent, and the scoping document framework. Both are binding, and both must be fulfilled by the proponent.

Manitoba Wildlands will bring to these hearings a team that includes an engineer and UBC forestry trained expert to shine a light on life cycle assessment of the Keeyask Generation Project components.

We will also bring in an ecologist who will comment on monitoring plans, especially those involving aquatic ecosystems, hydro projects, rivers and Aboriginal communities.

An independent biologist will be commenting on Valued Environmental Components, and Habitat models and conclusions in the EIS, especially regarding certain species.

We will also bring in an expert in sustainable development, sustainability, and how our public policy and regulatory system should enable delivery of sustainable projects, including in order to make sustainability an active, evaluated and deliverable sets of operational objectives.

In 2004, at the end of 4 years of monthly briefing or discussion sessions between Manitoba Hydro and civil society organizations and communities, I was asked to make a presentation. These monthly sessions were about all the future projects Manitoba Hydro was getting ready. Certain of the same consultants and experts which Manitoba Hydro used in the Wuskwatim, Bipole III, and now Keeyask proceedings and hearings, were brought in then to explain the projects.

We were nearing the end of the series of sessions. It was my turn to present. I had little time to prepare but found myself in a room walled in white board ! So I drew pictures. Maps of Manitoba side by side. One was for Manitoba Hydro the company, and the other was for Manitoba Hydro the public utility. I identified attributes, responsibilities and characteristics for a successful company and for a successful crown corporation or public

utility. And I asked:

“Which is Manitoba Hydro?”

“Why does Manitoba Hydro slip back and forth between the two?” “

When will Manitoba Hydro realize that best practices for each are essentially the same?”

“When will Manitoba Hydro move to these best practices?”

In the last decade we have found out a lot about the state of our global ecosystems. And businesses and companies around the world are changing their practices, improving their ‘social licences to operate’ and realizing that taking care of the environment, the economy, and the communities are based on the same set of best practices and principles. Without the appropriate set of transparent best practices nothing is sustainable.

So far there is a lot of rhetoric from our utility about how it too is moving to new best practices. Still the utility does not seem to understand that it is civil society, affected communities, agencies like the CEC, and independent external experts, who determine if the rhetoric is also the reality. And perhaps an Elder would say, ‘and it is Mother Earth who decides ultimately.’

On a closing note, since April, in these proceedings, we have had some examples of practices that are simply not best practices. It is Manitoba Wildlands’ intention to track these, and other variances. Certain practices have been repeated from the Bipole III proceedings. Others have actually been worse.

A few sample questions.

- Why is it so difficult for Manitoba Hydro and the Partnership to be clear about its panels, and the specific match to volumes, reports and topics in the EIS to its panels and experts?
- Why would Manitoba Hydro lose 26 IRs when three of their managers were sent those IRs, and no other participant lost them ?
- Why did Manitoba Hydro and its Partnership again file late EIS materials, without identifying them as supplementary filings, and why does the CEC accept this practice ?

- Are we supposed to take these late filings seriously ?
- Why is our utility so intent on keeping some materials out of the Environment Act reviews ?
- Why did Manitoba Hydro not file the technical reports for this EIS when it filed the EIS ? And do we yet have an accurate listing of the technical reports, with the correct date for the up to date list?
- Does the precautionary principle have standing in EIS Guidelines, filings, and hearings for Hydro projects.
- Why does Manitoba Hydro continue to file its list of experts, panel members, staff, and consultants late ? In pieces ? Non alphabetized despite the list being lengthy ?
- Why have we been provided with almost useless listing of what each panel of experts will cover ? Again, why no relationship to the EIS ?
- Does Manitoba Hydro understand civil society ? Respect the participants in proceedings and hearings conducted by the CEC?
- Why are there so many divisions, blocks, and non collaborative processes going on inside our utility ?

Things to Improve

Manitobans need a lot of things to improve so our Environment Act, and our utility deliver projects and manage a hydro system that is sustainable. A few examples include:

- Environmental Assessment standards and regulation so we stop customizing and adjusting to suit the project
- An energy plan for Manitoba that is arrived at based on consultation and discussion among Manitobans, rather than writing marketing materials for export sales.
- Admission that damage and impacts from the existing hydro system

in Manitoba continue today. Take 2005 high waters in northern Manitoba as an extreme example of ongoing damages.

- A public registry that can be trusted, and that once again includes appeals paper work.
- Sufficient resources in the EA and licensing branch of our government so the staff can read and review the materials for each project
- Cumulative impact assessments for our hydro system, including cumulative assessment of any project that requires any kind of permanent permit or licence *before* that permit or license is provided
- Transparency with respect to anything our government or our utility says in the US about energy exports, costs to produce energy, transmission systems
- Planning and assessment for the future that is based on projections for the future, rather than number crunching and desk studies based on the past.
- Decommissioning plans for all infrastructures in our province, all mines, mills, plants, and dams.

It is our hope that we find the answers to some of these questions – and are able to arrive at best practices and best basis for decisions during these hearings. The questions and examples above will be applied to our effort in these hearings.