

KEYYASK GENERATION PROJECT MOTIONS HEARINGS

DATE: Thursday, October 17, 2013

TIME: 9:00 A.M.

******N.B.**** - This is a change – ORIGINALLY – 10.00 a.m.*******

PLACE: Millennium Room, Winnipeg Convention Centre

MOTIONS:

Peguis First Nation is seeking:

1. An adjournment of the commencement of the Clean Environment Commission's public hearings in connection with the Keeyask Generation Project (the Project) until completion of an independent and comprehensive regional cumulative effects assessment (RCEA) of the impacts of hydro development on the Nelson River and Churchill River Watersheds, and the result of this study are integrated into the Environmental Impact Statement; or
2. In the alternative, a scheduled adjournment of the final evidence and arguments before the Commission regarding the Project until completion of an independent and comprehensive RCEA of the impacts of hydro development on the Nelson River and Churchill River Watersheds, so that the results of this study can be integrated into the final evidence and arguments of all Parties.

Pimicikamak Okimawin is seeking:

1. To adjourn the start of the Clean Environment Commission hearings until after:

The completion of a Regional Cumulative Effects Assessment (RCEA) for the entire Churchill River Diversion, Lake Winnipeg Regulation, Nelson River works and related hydro project facilities (or in the alternative, for those aspects of the Manitoba Hydro projects occurring in the Nelson River sub-watershed); and

The completion of a land use and occupancy study and an impacts study (Studies) to determine Pimicikamak Okimawin's connections to, values in, and use and occupancy of its traditional territory and to help assess the impacts of Keeyask including cumulative impacts from the existing Manitoba Hydro Projects, on Pimicikamak Okimawin.

2. In the alternative, to adjourn the hearings following completion of the first round of hearings scheduled to end on November 28, 2013, to allow time for completions of:

- The RCEA
- The Studies

Following completion of which, the hearings will be reconvened to allow Participants and the public to make submissions on the results of the RCEA and the Studies.

Consumers' Association of Canada (Manitoba) Inc. is seeking:

1. An order by the Commission to exercise its authority to compel the production of Dr. Laurie Chan's external review of the Human Health Risk Assessment (HHRA).

Concerned Fox Lake Grassroots Citizens is seeking:

1. An order for disclosure of documents by Rachel Eni, a past employee of Fox Lake Negotiations Office and Manitoba Hydro.
2. Requesting the disclosure of any information relating to socio-economic data and reports on the impacts of hydro-development in northern Manitoba completed by Rachel Eni (and her assistant Gladys Rowe) between the years 1999-2013.

PROCEDURE:

- A. Keeyask Hydropower Limited Partnership (KHLPP) must provide a Response to the Motions by **Noon, Thursday, October 10, 2013**.
- B. At the September 10th pre-hearing meeting, it was suggested that the common elements of the Peguis and Pimicikamak motions would be argued together; and that the second element of the Pimicikamak motion would be argued separately. The Commission is now of the view that, since there are four separate motions, each should be dealt with on its own.
- C. Contrary to what was indicated at the September 10th pre-hearing meeting, only the mover of the motion and the respondent – KHLPP – will speak to the motions. With four motions to be heard, there is insufficient time for oral presentations by non-moving parties. This reflects the practice in the court system.

- D. The Mover and the Respondent will be given **up to 30 minutes** to present oral argument. The Mover will be given **up to 10 minutes for rebuttal**.
- E. The Motions will be heard by the same Panel that is conducting the public hearings.
- F. If non-moving parties wish, they may file brief written submissions in regard to any of the motions. These must be received at the Commission office – and by all Parties – **by Noon, Thursday, October 10, 2013**.

AGENDA:

The motions will be heard in the following order, beginning at 9.00 a.m.:

1. Peguis First Nation
2. Pimicikamak Okimawin
3. Consumers' Association of Canada (Manitoba) Inc.
4. Concerned Fox Lake Grassroots Citizens

The motions hearing is open to anyone who wishes to observe.