

**Regional Cumulative Effects Assessment (“RCEA”) for Hydroelectric Developments
On the Churchill, Burntwood, and Nelson River Systems**

Assessment Prepared by

War Lake First Nation

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Background

The RCEA arose out of a non-licensing recommendation made by the Manitoba Clean Environment Commission (CEC) in its 2013 Report on the Bipole III Hearing Report. Recommendation 13.2 stated:

“Manitoba Hydro, in cooperation with the Manitoba government, conduct a Regional Cumulative Effects Assessment for all Manitoba Hydro projects and associated infrastructure in the Nelson River sub-watershed; and that this be undertaken prior to the licensing of any additional projects in the Nelson River sub-watershed after the Bipole III project.”

In making this recommendation, the CEC acknowledged oft-stated concerns of impacted northern Manitoba First Nations and other communities with respect to the ongoing impacts of Hydro development.

Manitoba and Manitoba Hydro agreed on Terms of Reference for the RCEA in May 2014, which set out two (2) Phases of assessment. Phase I would develop a report which would summarize and describe what was known about the environment affected by Hydro development – the area expanded to include all development associated with Lake Winnipeg Regulation and the Churchill River Diversion – including a bibliography of existing information on environmental impacts. Phase II comprised the cumulative assessment of such Hydro development using to the extent applicable contemporary environmental assessment methods. The Terms of Reference acknowledged that a comprehensive cumulative assessment would be limited because of the lack of pre-development baseline data from which to measure project impacts.

The Phase I Report was completed in May 2014 (it’s apparent that Phase I was well underway before the Terms of Reference were formally issued). The Phase II Report was completed in December 2015.

A public engagement process was initiated by the CEC in early 2016. With funding provided by the CEC, War Lake provided initial comments on its Community Profile in the “People” section of the Phase II

Report on February 29, 2016, and at the end of March 2016, submitted a funding request to review the RCEA. Shortly after, the public engagement process was suspended.

New Terms of Reference were issued in February 2017 by the Minister of Sustainable Development. These Terms deemed that the Phase II Report *“met the Commission’s recommendation”* – it’s not clear on what basis this determination was made – and focused on the nature of the public outreach program, acknowledging that there had been *“limited opportunities for affected study area residents and communities to participate in the completion of either of the phases of the assessment.”*

Among other directives, the Minister instructed the CEC to invite affected Aboriginal communities to:

“provide written input on the regional cumulative effects assessment and its accuracy in presenting past effects and community perspectives and concerns, and to provide any additional information relevant to the assessment.”

The RCEA – Phase II Report

This Report is 4,000 plus pages – not including the Community Profiles – and examines impacts on a defined “Region of Interest” in terms of key waterways (and hydraulic zones) and land regions (including ecozones). There are many hundreds of pages of detailed appendices measuring hundreds of parameters of “Regional Study Components” (a derivation of “Valued Environmental Components” in Environmental Impact Statements). For waterways, there is an emphasis on water quality and fish communities. For land, there is a focus on habitat and waterfowl.

Integrated Summary Report

A 150 plus page summary of the Phase II Report was made available in April 2017. This Report essentially summarizes the nature and range of hydroelectric impacts, in combination with non-hydro developments, on waters, lands, and people in the Region of Interest and identifies a range of measures, including settlement agreements, to address these impacts.

Basis of Assessment of RCEA

The budget of \$10,000 does not permit a useful review of the Phase II Report and the Integrated Summary Report – which will be the most publically accessed document – is the focus of our assessment.

Even here, the assessment is on a more global scale and is not a “fact-checking” exercise. It is also not a scientific evaluation per se, as we are not scientists. Given these limitations, our assessment is presented on a “without prejudice” basis.

As the revised Terms of Reference indicate, the Integrated Summary Report has been reviewed to determine if it is generally accurate in presenting past adverse effects of hydroelectric development in the Region of Interest on War Lake First Nation and, the perspectives and concerns of War Lake. Our understanding of these matters has been documented in the 2001 War Lake – Statement of Adverse

Effects, the 2002 OWL Process Report, and the 2012 Cree Nation Partners Keeyask Environmental Evaluation. We acknowledge that these documents have been incorporated to some extent in our Community Profile. We also reviewed Chapter 6 of the Keeyask EIS concerning the Existing Environment.

Our Assessment and Concerns

General

Taking into account that the Integrated Summary Report is of necessity somewhat general and it is a “Region” which is being assessed, we find that the Report acknowledges and describes in many respects the past and ongoing impacts that War Lake has suffered from hydroelectric development, as well as our community perspectives and concerns.

However, we do have the following general comments.

1. Our key concern centers upon the lack of any reasonable description of our worldview, focused on relationships with Mother Earth, which is the prism through which we assess all of the adverse effects of hydroelectric development. This worldview is extensively documented in the 2012 Keeyask Environmental Evaluation – an unprecedented document which evaluates the Keeyask project from the Cree perspective. We understand the Report is a summary document, and that “Mino-pimatisiwin” is described, but there is barely a reference to the particulars of our worldview in the entire document, including the Mother Earth Ecosystem model and the Overview of Water and Land (OWL) process.
2. We understand that the Terms of Reference are focussed on past impacts, but it seems odd that the predicted impacts of the Keeyask Generating Station and of Bipole III would not be taken into account in a “cumulative” assessment, which we understand includes impacts of future overlapping development.
3. While the Report describes some of the impacts of Transmission Lines, you don’t get a sense of how a transmission line, in general, affects vegetation and wildlife habitat.
4. There is little, if any, attention paid to the environmental protection measures and compensation processes with respect to Bipole III.
5. The Introduction recognizes the impacts of non-hydroelectric events, but they are not described in any detail.
6. While we understand the determination of the Regional Study Components (RSCs), it would be helpful to have more information on impacts upon other furbearers, wild game birds, and plants which are traditionally harvested. In addition, the description of the impacts on a few of the RSCs seems thin, such as Land Use and, Employment, Training, Business and Income Opportunities.
7. Since this is a Summary Report, it would useful to include tables and maps showing the aggregate physical impacts of hydroelectric and other developments.
8. There is very little quantitative data for the RSCs concerning Lands and People. We understand there are data limitations, but are there not some data in the Phase II Report which could be included here ?

9. In the Overview of Study Findings – Land, pages 90 to 92, the reader appears to be advised that there have been little adverse effects of hydroelectric development on land and habitat in the entirety of the Region of Interest. This downplays the fact that the most important lands along the Nelson River to us were adversely affected, and while they may comprise a fraction of the overall land area, the cultural impacts have been broad and devastating.

Specific

In the 1st continuing paragraph on page 6 the analysis of negotiated settlements – concluding with *“As a result, it is often challenging to draw a direct linkage between project effects and individual settlement terms”* – is not understood.

We have a few issues with the *“Community, Industrial Events and Legislation”* Timeline chart on page 7. There should be an arrow from *“Traditional gathering spots”* and *“Seasonal Camps”* indicating that these did not just exist in the Pre-Contact period, but continue to the present day. Should not the Royal Proclamation be added to *“Government Policies and Programs”*? What about family allowance? The date of the Manitoba Act should be *“1870”*. Should not Jenpeg be included in *“Resource Development”*?

In the timeline chart on page 6 concerning *“Hydroelectric Developments”*, should the Species at Risk Act be added to *“Legislation”*? Should Gillam and PR 280 be added to *“Infrastructure for Generating Stations”*?

The description of the JKDA should clarify that the *“ongoing community involvement opportunities”* are in reference to partnership governance.

On page 25, in the 2nd paragraph it is stated that the Wuskwatim partnership is the 1st of its kind in Canada, although such a partnership was first described in the 2001 Gull AIP between Tataskweyak Cree Nation and Hydro, “adhered to” in 2003 by War Lake.

With respect to the description of the Keeyask Generation Project on page 27, isn’t Gull Rapids now known as “Keeyask” Rapids? In addition, the Keeyask Infrastructure Project included a bridge.

The date in the caption beside the picture of our Past Adverse Effects Agreement on page 40 should be “2005”.

With respect to the citation of fish prices in the last bullet under Fish Community on page 46, wouldn’t this factor relate more to the commercial fishery?

Beginning on page 47, the discussion of fish mercury throughout the Report cites concentration levels, but not the health standards (although the table on page 86 states the Health Canada standards for commercial sale).

On page 90, it is claimed that cumulative effects on land fragmentation were small because many features like transmission lines were placed near “other existing footprints”. This may be overstated for the Eastern Boreal Ecozone where, based on the map on page 86, Bipoles I and II are not close to any road or rail and bisect our Traditional Use Area.

With respect to impacts on the domestic and commercial fisheries on page 119, there is no reference to the collapse of the Ilford fishery due in part to hydroelectric development.

Concerning Employment, Training, Business and Income Opportunities beginning on page 142, there is very little with respect to:

- Impacts and efforts for specific projects before Wuskwatim and Keeyask;
- Employment targets and DNCs under the JKDA; and
- Bipole III initiatives

Community Profile

We submitted initial comments on the Profile in February 2016. Pending these comments being addressed in a mutually satisfactory fashion, we request that the Profile remain off the public record.

Conclusion

As the Amended Terms of Reference indicate, there were limited opportunities for affected communities, like War Lake, to participate in Phases I and II of the RCEA, including the development of our Community Profile.

We request that in the future, our participation will occur at the planning and development stage of such a review, rather than after the review has been completed.

