
Manitoba Clean Environment Commission

Review Directive
for the
Public Outreach
on the
Regional Cumulative Effects Assessment
For Hydroelectric Developments
on the
Churchill, Burntwood and Nelson River Systems

January 2016

Note: This document is for information only; and is subject to change at any time. Addenda will be issued as information comes available, e.g. timetables, meetings,



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1. Introduction

On August 20, 2015, the Minister of Conservation and Water Stewardship requested that the Clean Environment Commission “hold a series of public outreach meetings on the final report for the Regional Cumulative Effects Assessment (RCEA) that was completed by the Manitoba government and Manitoba Hydro for the Nelson, Burntwood and Churchill River systems.”

The minister’s letter included Terms of Reference specifying the mandate of the review.

The Review Panel (panel) is issuing this Review Directive to outline the process. The review process is designed to gather information from all viewpoints. The ultimate goal is to provide the panel with a record of evidence sufficient for it to provide sound advice to the minister.

The process is public and open to anyone who wishes to participate. The continued participation of all those affected by past hydro development is important to the panel as it will consider all relevant information received in making its recommendations.

This Directive is intended to be a reference guide to help individuals understand the review process. It outlines the ways in which interested people, including members of the public, as well as Indigenous and community groups, may participate in this review. Throughout this document, you will find details on key process steps, including information about meetings and the timelines associated with the review.

2. Background

In its 2013 report on the Bipole III Project, the Clean Environment Commission (the Commission) made the following recommendation:

“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.”

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This recommendation was accepted by Manitoba and a Terms of Reference for a regional cumulative effects assessment of hydroelectric developments was agreed to by Manitoba and Manitoba Hydro in May 2014. It should be noted the scope was expanded to include areas beyond that identified in the Commission's recommendation to include the Churchill, Burntwood and Nelson River systems. The study was completed in two phases. The first phase was completed in May 2014, and included a compilation of available data and a description of the assessment approach to be used to analyze the data in the second phase. The second phase report was released in December 2015.

3. Terms of Reference

Pursuant to Section 6 (5.1) of the Act, the Minister has determined that the Terms of Reference the Commission shall follow for this public outreach are:

- To review the final Phase I and Phase II reports on the regional cumulative effects assessment;
- To carry out a Participant Program with funding available;
- To invite the affected communities – First Nations and others identified in the assessment area, as well as the Manitoba Métis Federation – to public meetings to provide an opportunity for them to offer input on the regional cumulative effects assessment, **including its accuracy in presenting past and current effects and community perspectives and concerns, and to provide any additional information relevant to the assessment;**
- To facilitate a web-based review of the final Phase II report for interested parties outside the Region of Interest;
- To hold a public meeting in Winnipeg to allow interested parties outside the Region of Interest to present summaries of their written comments on the final Phase II report; and
- To prepare and file a separate report with the Minister of Conservation and Water Stewardship summarizing what was heard from participants during the course of the public outreach program, including any comments received through the web-based review. The report should be filed within four months from the date of completion of the meetings.

Mandate of the Meetings

Meetings should be located in areas that will allow reasonable access to community members in the project area, and be conducted in a manner that encourages inclusiveness and minimizes formality.

This proceeding differs from a typical Clean Environment Commission review in a number of significant ways:

1. There is no proposed development under consideration. Thus, there is no application for licence approval, under *The Environment Act*; or any other statute of the Province of Manitoba.
2. While there is no project-specific Environmental Impact Statement, upon which to focus the review, there is a broad assessment of the cumulative effects resulting from all of Manitoba Hydro's developments throughout the region.

This will affect the way in which the review proceeds. It will be markedly different from a typical Commission review of a licence application. For one thing, it will be more informal and largely community-focussed. It will address the cumulative effects of the impacts of hydro development in the identified region.

The ultimate goal for the review panel will be to determine whether or not the assessment conducted by Manitoba and Manitoba Hydro accurately describes and appropriately addresses the cumulative impacts of hydro development in the region. If not, the panel, with the input gained from those participating, will make suggestions for improvements.

Those wishing to participate should read this Directive very carefully in order to understand these differences. Parties should also read the Terms of Reference issued by the Minister of Conservation and Water Stewardship, available in Appendix 1, and discussed within, this document.

4. The Issues

In reviewing the RCEA, the scope of the issues addressed will be limited to the cumulative effects of direct environmental impacts caused by hydroelectric development in the study area over the past 50+ years. This includes physical and socio-economic effects on communities and in their traditional territories.

In this review, the Commission will address the technical content of the reports only.

Topics to be addressed are:

- The accuracy of the RCEA in presenting past and current effects and community perspectives and concerns in this regard:

Does the information in the reports accurately reflect the impact of Manitoba Hydro projects on your community over the past 50+ years?

- The availability of any additional information relevant to the assessment:

Identify what is missing, what may have been misinterpreted, what needs to be changed and/or is there more information readily available that should be added?

Topics to be reviewed **do not** include:

- Any political issues relating to treaties, the Northern Flood Agreement, Implementation or other agreements. It is not the Commission's role to address the history, the effectiveness and/or the application of such agreements.

The review may identify areas where additional or different mitigation measures might be beneficial. In such cases, the Commission will provide such advice to the minister. However, the Commission does not have a mandate to address issues of concern that go beyond cumulative effects and, therefore, may not include all matters of concern to a specific community.

N.B – **“Region of Interest”** – In the documents, Manitoba and Manitoba Hydro use this term to describe the area in which they have conducted the RCEA. It includes the Churchill, Burntwood and Nelson River systems.

5. The Panel

A Clean Environment Commission review panel is an independent panel appointed to provide advice to the minister as requested. The panels are selected on the basis of their knowledge and expertise to review and assess a proposed project.

In coming to conclusions, panel members will, among other things:

- conduct a public and consultative review of all of the documentation filed by Manitoba and Manitoba Hydro;
- provide various ways in which affected communities and parties may participate in the review process;
- hold public meetings to receive relevant information about the RCEA;
- ensure that, at the conclusion of the meetings, the record is sufficiently complete for the panel to provide well-informed advice. The record will include information submitted by Manitoba and Manitoba Hydro; affected communities; participants, as well as members of the Public.

Based on the record, the panel will produce a report to the Minister which includes a summary of the public response and opinions, as well as the panel's commentary and suggestions for future actions.

Who are the Panel members?

The panel will consist of four members. The Chair of the Clean Environment Commission, Terry Sargeant, will chair the panel. The other members will be: Neil Harden, Glennis Lewis and Jim Shaw.

6. The Proceedings

The Minister has asked the Commission to carry out public outreach to gain feedback on the final RCEA report. This will include meeting with the leadership in affected communities; and, where desired and deemed appropriate, holding public meetings in those communities. Meetings will also be held in Winnipeg.

Community Profiles

Manitoba and Manitoba Hydro have prepared profiles for each of the affected communities in the region of interest. These are based on a broad base of existing, publicly available information. Manitoba and Manitoba Hydro have committed to allowing the respective communities to review and provide feedback, prior to these profiles being placed on the public record.

The Commission has been asked to conduct this consultation process. This will be the first step in these proceedings. The Commission hopes to have this step completed by early-spring 2016.

Community Meetings

At the invitation of the community, the Commission will meet with communities to seek their input into the regional cumulative effects assessment.

These will include First Nations and others identified in the assessment area, as well as the Manitoba Métis Federation.

These meetings are expected to take place in late-spring and summer 2016.

The input provided in these meetings should be based on a technical review of the documents produced by Manitoba and Manitoba Hydro. The technical review may incorporate western scientific knowledge and/or traditional knowledge.

Communities may apply to the Commission for financial assistance to conduct the technical review.

Winnipeg Meetings

Meetings will, also, be held in Winnipeg. These will allow interested parties outside the Region of Interest to provide input into the review.

These meetings are expected to take place within the review period in the late-spring and summer of 2016.

The locations and dates for all meeting sessions will be announced at a later date.

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These meetings are fully open to the public to attend and observe.

Individuals who have provided a written submission may – upon request – be given an opportunity to present summaries of their submissions.

7. How to Participate

Given the specific technical nature of this review, there will be limited opportunities for the general public to participate.

Web-based review/Written Submission

The minister has asked the Commission to provide a web-based process for individuals, who do not live in the region of interest, to provide input. The documents under review are available on-line and comments may be made by submitting a written submission.

Any member of the public may make a written presentation expressing their views on the RCEA. Written submissions become part of the record and receive equal consideration to all other evidence before the panel.

Please consult the website: www.cecmanitoba.ca for further information.

Participant Funding

Funding will be available, upon successful application, for individuals and organizations wishing to actively participate in the RCEA review.

An application package is available at www.cecmanitoba.ca or by contacting the Commission.

The deadline for application will be NOON, March 31, 2016.

8. Process Guidelines

The Review will be conducted in general accordance with the Commission's *Process Guidelines respecting Public Hearings*. The Guidelines are intended to ensure fairness and efficiency in the review process. They can be accessed at www.cecmanitoba.ca, as part of the Procedural Manual.

The Guidelines include a number of Practice Directions and a Code of Conduct. All those participating in the proceeding are expected to be knowledgeable of, and abide by, the Guidelines.

Further guidelines, including deadlines for certain steps will be provided as they are determined.

Deadlines

Throughout the review the proceedings, the Commission will establish deadlines for certain activities, including participant assistance, written submissions, filing of documents, etc. The deadlines are firm, without exceptions.

The Commission will notify those participating of the deadlines; and will post them on the website.

Interpretation

Parties wishing to make oral presentations to the panel in an Indigenous language must identify an interpreter and contact the Commission Secretary to make the appropriate arrangements.

Transcripts

All meetings will be recorded and transcribed. Electronic versions of the transcripts will be available through the Commission's website site at: www.cecmanitoba.ca.

Printed versions can be purchased directly from the transcription company at your cost.

9. Contact Information

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Appendix I – Terms of Reference