

# MANITOBA CLEAN ENVIRONMENT COMMISSION

IN THE MATTER OF section 6(5)(b) of the *Environment Act*,  
C.C.S.M. c. E125;

AND IN THE MATTER OF a review by the Clean Environment Commission (“CEC”) of the Environmental Impact Statement for the Manitoba Hydro Manitoba-Minnesota Transmission Project (the “Project”) pursuant to the Terms of Reference of the Minister of Sustainable Development dated December 31, 2016, and updated on February 15, 2017.

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## WRITTEN RESPONSES TO QUESTIONS SUBMITTED TO THE MANITOBA METIS FEDERATION (“MMF”)

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### QUESTIONS FROM THE CLEAN ENVIRONMENT COMMISSION

#### QUESTION:

- a) Based on a presentation to the Clean Environment Commission, it appears that the MMF would prefer a transmission line that is routed in an area with a higher proportion of private land versus crown land. Is that the MMF’s preference that the transmission line be routed proportionally more on private land?

#### RESPONSE:

The MMF is very concerned about any reduction in the amount of lands available for Métis use as a result of the MMTP. The Manitoba Metis Community has a constitutionally protected right to harvest for food and domestic use, including sharing, social, and ceremonial purposes throughout southern Manitoba, including the entire Regional Assessment Area (“RAA”). Already, there are insufficient lands available to the Manitoba Metis Community in southern Manitoba for them to fully exercise this right and satisfy the community’s food, social, and ceremonial needs. The *Metis Land Use and Occupancy Study* identified unoccupied Crown land as the type of land most available to and most preferred by Metis harvesters. Great care must be taken to ensure that as little unoccupied Crown land as possible is taken up by the MMTP.

One of the mitigation measures available to offset the effect of the MMTP on the Manitoba Metis Community would be to reduce the amount of unoccupied Crown land taken up by the transmission line by routing it proportionally more on private land. However, the MMF understands that the application of mitigation measures to offset one effect may have an unintended consequence on other identified effects to both Metis Specific Interests identified in the *Metis Land Use and Occupancy Study*: lands available for Metis use and Metis

harvesting. Similar to the constraints mapping undertaken by Manitoba Hydro to arrive at a preferred route, routing is a constant trade-off between effects: decreasing effect to one indicator may increase an effect to another indicator. Before the MMF could express its position on any proposed alternative route, the MMF would need to undertake a fulsome analysis to ensure that it fully understands the potential effects of any mitigation measures applied.

**QUESTION:**

- b) Access controls (i.e. gates, fences, signs) are options to control public access on transmission line Rights-of-Ways and therefore potentially reduce long-term environmental impact. What is the MMF's perspective on access controls on transmission lines rights-of-way?

**RESPONSE:**

Access controls, such as gates, fences and signs that would restrict access to the MMTP right-of-way by MMF citizens have a negative effect on several Metis Specific Indicators identified in the *Metis Land Use and Occupancy Study*. The *Metis Land Use and Occupancy Study* shows that MMF citizens are clearly concerned by the possibility that their access to the MMTP right-of-way will be restricted (pp. 77-78). Restricting MMF citizens' access to the right-of-way would aggravate the negative impacts of the MMTP on the Manitoba Metis Community.

However, the MMF may support access controls that would restrict access to the MMTP right-of-way by non-Aboriginal people, as this could help mitigate the potential negative impacts of the MMTP on the Manitoba Metis Community. The *Metis Land Use and Occupancy Study* shows that MMF citizens are concerned by the possibility of increased access on the right-of-way of non-Metis harvesters (pp. 78-79). Again, however, similar to constraints mapping undertaken by Manitoba Hydro to arrive at a preferred route, routing is a constant trade-off between effects; decreasing effect to one indicator may increase an effect to another indicator. The MMF would recommend that before any mitigation measure is applied a fulsome analysis be undertaken so that its potential effects could be fully understood.

**QUESTIONS FROM THE SOUTHEAST STAKEHOLDERS COALITION**

**QUESTION:**

- a) If the CEC accepts the Coalition's position, what specific concerns does the MMF have about Route AY? In particular, what specific concerns does the MMF have about a HVTL travelling:
  - a. To the immediate east of the Watson P. Davidson Wildlife Management Area?
  - b. Further east from Anola along the RVTC to Vivian and then south towards and past Ross?

## RESPONSE:

The MMF is not in a position to answer these questions at this time. The *Metis Land Use and Occupancy Study* and the engagements that have been conducted with MMF citizens thus far have focused on the Final Preferred Route, not Route AY. These questions relate to specific tracks of land that Route AY would likely impact in a different manner and to a different degree than the Final Preferred Route. The MMF has not engaged with its citizens regarding their concerns about the potential impacts of Route AY. Routing is a constant trade-off between effects: decreasing effect to one indicator may increase an effect to another indicator. Before the MMF could express its position on any proposed alternative route, the MMF would need to undertake a fulsome analysis of it.

## QUESTION

- b) What additional study or engagement activities would be necessary from the MMF's perspective if the CEC accepts the Coalition's position?

## RESPONSE

If the CEC accepts the Coalition's position, the MMF would be required to re-engage with its citizens to collect their specific concerns with respect to the new route for the transmission line. The *Metis Land Use and Occupancy Study* would also need to be revised and amended to account for the potential impacts of the new route on lands available for Metis use and Metis harvesting. As the Regional Assessment Area ("RAA") for the new route would extend further east than does the RAA for the Final Preferred Route, this would require, among other things, collecting further baseline data from MMF citizens regarding their traditional land use activities. It would also require the MMF to revise its calculations regarding the amount of unoccupied Crown land that would be taken up by the transmission. The MMF would have to re-evaluate the significance of the impact of the transmission line on the Manitoba Metis Community in light of the new data and the results of its revised calculations.

## QUESTION

- c) Does the MMF have any additional licensing concerns about Route AY that could be addressed in additional licensing conditions?

## RESPONSE

Without having undertaken the additional study or engagement activities outlined in response to question b), the MMF is not in a position to speak to any additional licensing concerns it would have regarding Route AY.

## QUESTION

- d) What impact would the CEC's acceptance of the Coalition's position have on the current consultation process between the MMF and Manitoba?

## RESPONSE

Without having undertaken the additional study or engagement activities outlined in response to question b), the MMF is not in a position to speak to what impact would the CEC's acceptance of the Coalition's position would have on the current consultation process between the MMF and Manitoba.