

Manitoba Wildlands CEC Closing Statement re MMTP

(Both regulatory and non regulatory recommendations ##)

This document contains the set of observations and recommendations made to the CEC MMTP Panel during closing statements. Two other sections in the closing statement include: summary of concerns and recommendations from each of the three MWL experts who reports to the CEC and presented in the MMTP hearings; and the verbal response to the CAC Manitoba closing statement content regarding MWL expert Ms Alyson McHugh.

• DATA USED

Data available and used by Manitoba Hydro for the MMTP EIS cannot be assumed as complete or sufficient. This is true for the Bipole III EIS to a greater degree. Land studies are needed as First Nations have a great deal to contribute regarding plant species.

RECOMMEND: Manitoba Hydro incorporate ongoing species and plant species field work into monitoring a MMTP project, with public reporting during construction and operation.

• PUBLIC REGISTRY

Manitoba's online public registry still has a six way split to subscribe to receive notices. There is NO all in option. For Manitoba Hydro EIS and project products the Public Registry only links the EIS. There is no requirement or commitment by Manitoba Hydro to maintain public access to the EIS products over time. The contents of the M Hydro website re MMTP is not consistent with the public registry and is not reversible (two ways links between public registry and M Hydro website through the materials do not exist.)

RECOMMEND: The CEC require and recommend transparent standards for M Hydro to keep the EIS products online. (See transcript for the story about materials needed by the CEC to set the Wuskwatim EIS standards.)

M HYDRO EXPERTS

- Participants ask to hear from Hydro experts in hearings. Sometimes they provide their names. This applies to MMTP route selection experts. It also applies to their LCA/ Life Cycle Analysis experts.

It was very helpful to hear from CEC experts in the Lake Winnipeg Regulations. We hope to see a return to this practice.

RECOMMEND:

The CEC needs to bring M Hydro experts to present in hearings. Otherwise disregard their EIS content.

Technical Advisory Committee

Participants want to see the TAC review of the MMTP EIS part of the CEC Review (and hearings) Certain TAC members could have assisted us all – if they had presented here.

Information Requests

No assumption can be made that all IRs were fully answered. (Capacity for participants not balanced to ensure IR process is complete.

RECOMMEND:

Manitoba Wildlands would like to see the IRs for CEC reviews and hearings posted, as many other regulatory bodies require. This includes the NEB.

• Climate Change - GHGs

Manitoba Wildlands was not funded for its request to assess and review the Life Cycle Analysis done for the GHGs from MMTP. This is the fourth time M Hydro has included what our utility considers relevant for a LCA in a project EIS. We submit once again that the LCA is incomplete.

RECOMMEND:

That the CEC look carefully at the MB Environment Act Clause that requires the GHGs for a project (under the environment act) be available and verified as a basis for licensing. We note that on Day Two of these hearings Manitoba Hydro PANEL speakers agreed that MMTP decision would need to abide by the Manitoba Environment Act.

Cross Examination

Most of us in this room swear to be truthful. It would be helpful if Manitoba Hydro counsel acknowledge their error in cross examination of Ms Alyson McHugh regarding the comparison between the Hoover Dam (generation capacity) and the Manitoba Hydro system. The Hoover Dam capacity is only 2000 MW. Manitoba Hydro generation capacity is approximately 5700 MW.

Otherwise M Hydro counsel needs to consider that identification of a small factoid(see above) simply does not disprove the credentials or thesis from a participant's expert.

Archeology

We are disappointed in Manitoba Hydro's attitude to Archeology re MMTP. Unlike the Keyask archeology in that EIS there appears to be nonchalance (in the MMTP EIS.)

- is this because of assumptions about a heavily developed region?
- is it left up to the First Nations?

Manitoba Hydro tumbling over an aboriginal village site in the ROW for Bipole III near our family home in south east Manitoba was enlightening. Their concern was only for the TOW part of the village site. The village site could be up to 2000, 4000, or 6000 years old.

We are no confident that enough attention to sacred sites/ archeology has occurred (re the MMTP EIS.)

RECOMMEND:

That the CEC be specific in their recommendations about sacred sites and archeological sites re the MMTP project, during both construction and operation.

VCS or VECS

It has been clearly stated by our expert Denis Woodford that the ROW was not valued in the EIS, self assessment. The ROW needs to be a VC. The emerging language to use Valued Component versus Valued Environment Component concerns us.

The VC list (for MMTP) is now mostly non environmental. The combination of former VECs into one VC for MMTP provides a way to limit assessment and potentially responsibility.

RECOMMEND:

That the CEC review other transmission EIS and licences so that VECs and VCs be thoroughly compared.

Monitoring

We have heard a lot about monitoring again during this CEC hearing.

What we are not hearing is what Manitoba Hydro will do about monitoring results, as this is what adaptive management requires.

Our expert, Alyson McHugh, is active in project and ecosystem monitoring. Her advice is to make sure that monitoring is active, independent, results in changes or actions needed over the life of the project.

(We all heard the Indigenous participants' comments about being part of the monitoring program for MMTP, should it be licensed. Their concerns and offers are on the same track as the NEB report for Enbridge Line 3 Replacement.)

RECOMMEND:

That the CEC recommendations about project monitoring be specific and not simply adapt M Hydro intentions and language.

CEC Report – Contents Criteria

We suggest that if the CEC Funds (by selecting that topic and expert for funding) or hears from an expert brought forward to a hearing – then your report needs to include that independant expert's content.

You may consider the amount of space in your report to be (shared) for:
CEC

Proponent
Participants.

You will build confidence in the CEC and education your audiences by taking a more open approach to your report contents.

Great Northern EIS Released May 2017

The EIS for the US line that MMTP would connect with was released in May 2017. The first thing that happens is the PUB in Minnesota required the proponent to provide public explanation of the EIS at over 20 locations in the state and in the project area.

Given the M Hydro MMTP EIS is now three years or so old, and given there is a gap also in the timeline regarding our PUB's review that recommends the MMTP be built we

RECOMMEND:

The CEC consider better approaches to inform and involve the public, civil society and affected communities early in the Manitoba process.

Terms of Reference for CEC Hearing re MMTP

The updated terms of reference for these hearings specifically include CEA standards for First Nations and Aboriginal in your review. Your best first question then is whether what Manitoba Hydro engagement with and intentions regarding First Nations and Aboriginal People regarding the MMTP have been:

- fulfilled by Manitoba Hydro and their EIS/ presentations/ commitments
- fulfilled by the CEC hearing.

You also will need to be sure that the Sustainable Development Principles and Guidelines were fulfilled by the EIS, and evidence from Manitoba Hydro.

RECOMMEND:

The CEC Panel confirm in their report where the terms of reference for the MMTP hearings have been fulfilled and where they are not yet fulfilled.

Possible MMTP Environment Act Licence

It is time for the responsibilities of the EA and Licensing Branch of Manitoba Sustainable Development to rapidly acknowledge and include hearings content, and results including your recommendations in any licence for MMTP.

We do not need another licence written as if the CEC hearings/report did not occur.

We do not need another Manitoba Hydro transmission licence changed multiple times with no public process, no notification, no context. Take a look at the Biplie III public registry.

RECOMMEND:

- 1) That the CEC specify that any licence for MMTP be based on the EIS, hearings content, CEC recommendations (as accepted).
- 2) That any changes to a possible MMTP licence (after public process) be posted, public, explained, etc.
- 3) That a possible licence, upon multiple changes be updated and publicly available.

Tornadoes

Manitoba Hydro appeared upon being questioned to not think it matters to know about weather events in the MMTP region.

I have experienced two tornadoes that came from and cross the MMTP regions. (See transcript for details.)

- 1) Five years ago, third week in June, which I out ran with my vehicle, as it was best option.
- 2) 40 years ago, third week of June, watched from second floor and front porch, this one turned and took a direct south route and took out much of Aubigny Manitoba.

RECOMMEND:

That the CEC require Manitoba Hydro to track weather events in the MMTP region, track deroches, hail, storms, tornadoes etc. (Part of monitoring. To add to their knowledge of the risks in the region.)

Why is Manitoba Wildland Here in this CEC Hearing?

We heard an improve opening statement from Manitoba Hydro, but there is still no respect for civil society. We sent two interns to the spring 2014 MMTP routing workshop. The aim was to avoid any perceived bias I might have.

They came back to the office upsets. I had sent two recently trained science grads who had worked on the Keeyask proceedings and hearings.

They did not understand why VCs were combined. They said the VCs were not apparent and specific to the MMTP region. The lack of specific VCs for water/marshes and wetlands concerned them both. Mostly they were concerned that the routing experts from the US were: not listening, not science based, and not open to questions.

Manitoba Wildlands is always present in a CEC hearing for:

- environmental matters regarding the review
- transparency, and independent additional information to assist the CEC
- to support primary messages from participants

- to improvements in the EIS, CEC process, for the whole life cycle of any project
- to help achieve better decisions for Manitoba lands and waters.

Manitoba Wildlands Not Funded for:

To conduct comparison of M Hydro environment act licences and EIS for other transmission projects to the MMTP filings.

RECOMMEND:

The CEC commission a comparison of Manitoba Hydro EIS products for transmission projects and licences for those projects.

Manitoba Wildlands began this comparison with volunteer help. We found that the St. Vital Complex and East Side Lake Winnipeg Transmission Project EIS products had strengths we do not see in the MMTP EIS. Why?

Self Assessment

We are all aware of the system across Canada where the proponent files its assessment of its own project.

Regulatory bodies also assess projects and the EIS/EA/Plans etc. The public, affected communities also review, (If notice and capacity exist.) Civil society, potentially affected communities should be involved sooner!

Public registry postings should be timely!

RECOMMEND:

That the CEC Panel for MMTP consider the risks and benefits to self assessment by Manitoba Hydro of its MMTP project – and make recommendations that mitigate the risks from self assessment.

Before any MTTP Licence

Manitoba Wildlands also agrees with the other participants who have told the Panel that a number of steps are needed before Manitoba makes its decision about the MMTP project licence.

These include:

NEB Proceedings and hearings, and report re MMTP
Manitoba Crown Aboriginal MMTP consultations
Canada Crown Aboriginal MMTP consultations
Outcomes communicated regarding both sets of Aboriginal consultations
Finished plant study identified by Southern Chiefs Office
All Environment Protection, Monitoring, etc Plans completed and public

A complete Life Cycle Analysis re GHGs from the project
Commitment from Manitoba Hydro regarding any licensing and EIS filings on their website.

Manitoba Wildlands also agrees with those participants and speakers in the MMTP hearings, including our expert Dennis Woodford, who have asked what the rationale is for such a wide ROW for MMTP, especially where it is intended to be 100 meters wide where the corridor would be put through existing crown land forest. The result in terms of loss of habitat, loss of carbon, and effect overall on a range of species has not been explained or justified by Manitoba Hydro. Nor does this width of corridor fit the pattern of Manitoba Hydro transmission corridor widths to date.

Dedication – These Closing Statements:

See Transcript.

Submitted by Gaile Whelan Enns, Director, Manitoba Wildlands