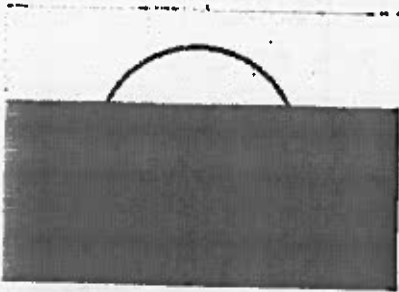


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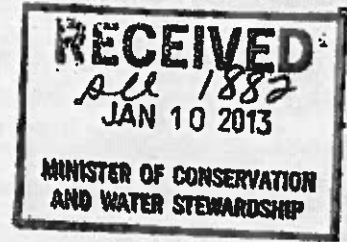


Peguis First Nation

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January 7, 2013

Minister Gord Mackintosh
Manitoba Conservation and Water Stewardship
330 Legislative Building
450 Broadway Avenue
Winnipeg, MB R3C 0V8



Dear Minister Mackintosh:

Re: Manitoba Hydro Keeyask Transmission project, File #5614.00

We are providing a copy of our response to this proposal under the Environment Act for your consideration.

We also wish to thank you for your correspondence on October 26, 2012 confirming our interest and intention regarding this project by Manitoba Hydro.

As a public utility Manitoba Hydro must be aware that our TLE notice area is in place so that Peguis First Nation can enhance economic opportunities, locate those opportunities, and enjoy economic benefits and employment. Instead we are not involved or included in the planning, assessment or economic outcomes from Manitoba Hydro projects, which affect our First Nation.

We would appreciate your staff making sure that steps to notify and consult Peguis First Nation are early and consistent.

Yours respectfully,

Mike Sutherland,
Councillor
Peguis First Nation

PEGUIS FIRST NATION COMMENTS: KEYASK TRANSMISSION

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1. Introduction

Peguis First Nation is submitting these comments in response to Keyask Transmission Project (Public Registry file #5614.00).

Peguis First Nation considers its Nation, rights, ability to exercise its Aboriginal and Treaty rights, and its citizens to be impacted by the proposed Keyask Transmission Project, the ongoing Keyask Infrastructure Project, and the Keyask Generation Project.

Peguis First Nation is disappointed the province of Manitoba has decided to license what is clearly a single project as three or more separate projects: Keyask Infrastructure (Public Registry file #5550.00), Keyask Generation (Public Registry file #5420.00), Keyask Transmission (Public Registry file #5614.00), and upgrades to Provincial Road (PR) 280 being jointly funded by Manitoba Hydro and Manitoba Infrastructure and Transportation (MIT). Filing environmental statements in stages, and licensing parts of a connected project multiplies the impact of the connected project(s) on our First Nation.

The Keyask Transmission project does not stand-alone. Keyask projects, including Transmission are only viable on the basis of existing hydroelectric developments that continue to have adverse environmental and socio-economic effects. Manitoba's entire Northern hydroelectric system is built upon and dependent on the Churchill River Diversion (CRD) and Lake Winnipeg Regulation (LWR).

Keyask Transmission and Generation are also only viable based on energy moving through the traditional territory and the Treaty Land Entitlement (TLE) notice area of Peguis First Nation.

The construction of Keyask Generation and Transmission will require considerable upgrades across Manitoba's electric transmission system. These new transmission lines and both upgraded and new converter stations (Dorsey and Riel) exist in and criss-cross the Traditional Territory and Treaty Land Entitlement notice areas of Peguis First Nation.

New Converter stations, and upgrades to older converter stations (Radisson and Dorsey), all affect Peguis First Nation's ability to exercise our aboriginal and treaty rights. Dorsey Converter Station, built in 1968 and the Riel Converter Converter Station, presently under construction, are in the heart of Peguis' Traditional Territory and Treaty Land Entitlements (TLE) Notice Area. All these projects

connected to these converter stations that transfer energy to and through our TLE notice area and traditional territory affect the ability of Peguis First Nation to exercise our treaty and aboriginal rights.

As a public utility Manitoba Hydro must be aware that our TLE notice area is in place so that Peguis First Nation can enhance economic opportunities, locate those opportunities, and enjoy economic benefits and employment from our TLE notice area. Land acquisition is part of the TLE agreement. Instead we are not involved or included in the planning, assessment or economic outcomes from Manitoba Hydro projects that affect our First Nation. Notification and consultation for this project, and connected projects are insufficient or simply not conducted. Engagement by Manitoba Hydro is also insufficient or simply not conducted.

These omissions by Manitoba Hydro directly affect our ability to exercise our Aboriginal rights.

2. Connected, Current, Future & Intended Projects

Keeyask is only viable with considerable upgrades to Manitoba's electric transmission system, and connected projects such as the Keeyask Transmission project. As the Crown utility embarks on the development of Keeyask and other new planned hydroelectric developments, it will require numerous other transmission and electric distribution upgrades in southern Manitoba.

The list of projects considered in the cumulative effects assessment of the Keeyask EAR appear to be largely restricted to northern Manitoba (see: *Appendix E: Other Projects and Activities Considered In Cumulative Effects Assessment*).

The Keeyask Transmission project (along with the other related Keeyask projects); do not simply affect the areas surrounding the proposed Keeyask Dam and requisite transmission. The cumulative impacts of the Keeyask Transmission, Keeyask Generation, and Keeyask Infrastructure projects will be far-reaching.

The Keeyask Transmission and Generation projects are built upon massive water diversion and regulation projects that affect the entire watershed, including the locations of Peguis First Nation reserve community, TLE lands, and both traditional territory and TLE notice area.

2.1 Transmission Upgrades, New Transmission Developments, Converter Station Upgrades, and New Converter Stations

The power produced by Keeyask Generation will be transmitted through the new proposed transmission lines outlined in the Keeyask Transmission project to the Radisson Converter Station (which was originally built in 1968, but being upgraded as part of the Keeyask Transmission Project). From the Radisson Converter Station the power produced by Keeyask will flow down Bipole I, through the heart of Peguis

First Nation traditional territory and Peguis Treaty Land Entitlement notice area, to the Dorsey Converter Station (which is being updated as part of the Manitoba Hydro Dorsey to Portage project), and then along transmission lines connecting the Dorsey converter station to the Riel converter station, and along transmission lines from that station. The energy from Keeyask could of course also be transmitted elsewhere in the Manitoba Hydro system.

The development of Keeyask Generation and Transmission will necessitate further development of Manitoba's electrical transmission networks that are located in Peguis First Nation' traditional territory and/or Peguis Treaty Land Entitlement notice area.

Government has already announced that construction of the Keeyask Infrastructure, Generation, and Transmission Projects will require a new export line to the United States (The Great Northern Transmission Line). Yet no *Environment Act* proposal has been filed, and there is therefore next to no public information, in the public registry or otherwise, regarding the Canadian portion of the Great Northern Transmission export line. It will of course also affect Peguis First Nation, and our ability to exercise our rights.

Further export connections are also likely, but it is unclear when, where, or how many new or upgraded export lines and/or converter or sub stations will be required. This makes it even more difficult for Peguis First Nation to fully assess the impacts on our treaty and aboriginal rights.

To state this differently, any decrease in environmental quality, species presence, water quality and services, any pollution or change in the environment, land and waters where these project operate would also affect Peguis First Nation aboriginal rights.

The construction of Keeyask Generation, and other future intended northern hydroelectric projects such as Conawapa, will require new and/or upgraded export connections and new and/or upgraded converter stations in Southern Manitoba.

3.1.1 Existing Electrical Export Interconnections From Manitoba

Manitoba already has numerous existing electrical interconnections to the United States and other Canadian provinces. According to Manitoba Hydro's website, 'system reliability is reinforced through 11 cross-border interconnections in Canada and the United States.'

Source: Manitoba Hydro website "High System Reliability" <online:
http://www.hydro.mb.ca/your_business/locate/reliability.shtml >.

According to Manitoba Hydro documents filed with the Midwest Independent Transmission Operator (MISO), which manages grid reliability and electricity

markets across 11 Northern tier states, Saskatchewan and Manitoba, the current interconnections are as follows:

Manitoba-USA [pg.7]

- The Manitoba - USA interface consists of four tie lines, namely:
 - D602F, a 500 kV line from Dorsey, MB to Forbes, MN. This 500 kV line has a continuous capability of carrying 1732 MVA [Mega-Volt Amperes].
 - L20D, a 230 kV line from Letellier, MB to Drayton, ND. This 230 kV line has a continuous capability of carrying 420 MVA in summer and 470 MVA in winter.
 - G82R, a 230 kV line from Glenboro, MB to Rugby, ND. This 230 kV line has a continuous capability of carrying 335 MVA.
 - R50M, a 230 kV line from Richer South, MB to Moranville, MN. This line has a continuous capability of carrying 230 MVA.

Manitoba-Ontario [pg. 10]

- The Manitoba - Ontario Interface is made up of two 230 kV ties, K21W and K22W, from Whiteshell, MB to Kenora, ON. ... Each of these lines has 190 MW of continuous capability in winter and 163 MW of continuous capability in summer.

Manitoba-Saskatchewan [pg. 15]

- "The Manitoba Saskatchewan interface is made up of three 230 kV lines, namely;
 - P52E from the Pas, MB to EB Campbell, SK (a hydro generating facility in Saskatchewan). This line is capable of carrying 287 MVA in summer and 414 MVA in winter.
 - R25Y from Roblin, MB to Yorkton, SK. This line is capable of carrying 228 MVA in summer and 414 MVA in winter.
 - R7B from Reston, MB to Boundary Dam, SK (a coal fired generating station in Saskatchewan). This line is tapped at Auburton, SK to supply load. This line is capable of carrying 284 MVA in summer and 440 MVA in winter."

Source: Manitoba Hydro *Available Transfer Capability Implementation Document (ATCID)* filed with Midwest Independent Transmission Operator (MISO) June 7, 2011 (pp. 7, 10, 15) <online: <http://oasis.midwestiso.org/documents/mheb/ATCID-MOD28%20June%207%202011.pdf>>.

2.1.2 Riel Reliability Improvement Initiative & Riel Converter Station

The Riel Reliability Improvement Initiative, licensed under the Manitoba *Environment Act* in 2009 includes a new second Manitoba Hydro Converter Station in Southern Manitoba. The new southern Converter Station, named the Riel

Converter Station, is already being constructed East of Winnipeg in the heart of Peguis' traditional territory, and accessed through our TLE notice area.

The current line runs westward from the Dorsey Converter Station around north and eastern edges of the City of Winnipeg to where the proposed Riel Converter Station is presently under construction. From the proposed site of the Riel Converter Station the 500 kV export line runs due east for a bit, before turning southeast to the substation at Forbes, Minnesota. (See 500 kV export line in the maps attached,)

The Riel Reliability Initiative involves splitting the 500 kV export line at the site of the Riel Converter Station. The Riel Converter Station will then serve as the primary exporting converter station in Manitoba. This includes being the origin point for new export interconnections from Manitoba to the U.S. required to transmit power produced at the Keeyask Generation Station to fulfil export obligations.

Peguis First Nation has attached a Manitoba Hydro systems plan map, and a map showing Peguis First Nation TLE notice area, portions of the traditional territory, and the location of the two converter stations, and Bipole I & II.

See *Appendix E: Other Projects and Activities Considered In Cumulative Effects Assessment* of the Keeyask Transmission EAR which does not include the Riel Reliability Improvement Initiative Project; the Riel Converter Station is briefly discussed as part of the Bipole III project.

The majority of the components for the Riel Converter Station are being constructed as part of the already licensed Riel Reliability Improvement Initiative. The rest of the Riel Converter Station, such as the Ground Electrode Site to be located east of the Riel Converter Station in the Rural Municipality (RM) of Springfield, are part of the Bipole III project EIS, which has not yet been granted a license. In other words, completion and operation of the Riel Converter Station is dependent on Bipole III being granted a license, and operation is dependant on the Keeyask projects, including transmission, and potentially also the upgrades in the Dorsey to Portage transmission project.

Riel Converter Station and Ground Electrode Site are connected parts of the Bipole III Project, the Keeyask Generation and Transmission Project(s), and Dorsey Converter Station (which will be the southern receiving Converter Station for Keeyask generated energy).

Without Riel Reliability Converter Station, and Ground Electrode Site projects Keeyask power would not flow from the Keeyask Generating Station, through Keeyask Transmission lines to the Radisson Converter Station (which is being upgraded as part of the Keeyask Transmission Project), down Bipole I through the Interlake to the Dorsey Converter Station (which is being upgraded as part of the Dorsey to Portage South Transmission Line Project (see: section 2 (a) (iv) below).

This shows the Keeyask Projects (Transmission, Generation, and Infrastructure) require numerous upgrades and additions to the network of interconnected transmission lines, converter stations, and sub-stations across Manitoba. Without the upgrades to the southern Manitoba network of interconnected transmission lines, converter stations, and sub-stations the power produced by Keeyask Generation, and moved by Keeyask Transmission to the Radisson Converter Station, could not be used by Manitobans, and could not be exported to US.

Attempting to license these interconnected projects in stages as discrete projects, undermines the ability to have an adequate cumulative effects assessment.

To provide an analogy, when a person constructs a puzzle they are more concerned about the end picture created by the total puzzle, as all of the pieces are meant to connect together. However, if a person is only given one or two pieces of a twenty-five-piece puzzle, then the broader picture is obscured, and cannot be completed.

The risk and confusion created by staged licensing undermines Crown notification and consultation. Adequate notification and consultation requires First Nations be provided with full information about Connected, Current, and Future Intended projects. It is unfair to expect First Nations, or the public at large, to locate and assemble the numerous pieces together to create the larger picture. Staged licensing creates more problems than a proponent or regulator may think it solves.

1.1.3 Bipole III

See *Appendix E: Other Projects and Activities Considered In Cumulative Effects Assessment* of the Keeyask Transmission EAR includes the Manitoba Hydro Bipole III Transmission project.

The Bipole III project consists of:

- **Kewatinoow Converter Station**, a new Manitoba Hydro Northern Converter Station, located near the proposed site for the 1495 megawatt (MW) Conawapa generating station, with ground electrodes;
- **Kewatinoow Converter Station transmission connections** to the existing Long Spruce generating station and Henday Converter Station;
- **a new 1400 kilometre (km) high-voltage direct-current (HVDC) transmission corridor** from the Kewatinoow Converter Station to the Riel Converter Station;
- **Riel Converter Station** presently under construction under a separate *Environment Act* license issued for the Riel Reliability Improvement Initiative, but which is also a part of the Bipole III project; and
- **additional Ground Electrode site east of Riel and other needed upgrades to the Riel Converter Station** located East of the Riel Converter Station site in the Rural Municipality (RM) of Springfield.

The Bipole III project obviously requires the new southern converter Riel Station (and ground electrode site).. The Bipole III project also calls for transmission connections from the existing Long Spruce Generating Station and Henday Converter Station to the new Kewatinoow Converter Station that is part of the Bipole III project.

It is unclear if Bipole I would have the capacity to handle the additional power created by Keeyask Generating Station without these connections proposed as part of the Bipole III project. That is, are the transmission lines from Keeyask Generation station to Radisson converter station essential for the Bipole III project? It appears they are despite not being included in the Bipole III EIS, or reviews.

Without the upgrades to the Radisson Converter Station (proposed as part of the Keeyask Transmission Project) where Keeyask power will be converted to direct-current (DC) power before being transmitted down Bipole I through the Interlake (the heart of Peguis First Nations' traditional territory and TLE notice area); and without upgrades to the Dorsey Converter Station (proposed as part of the Dorsey to Portage South Transmission project) the Keeyask Transmission project (and the Keeyask Generation project) cannot operate.

This means the numerous interrelated Keeyask Projects (Transmission, Generation, and Infrastructure) plus the Bipole III project require numerous upgrades and additions to the network of interconnected transmission lines, converter stations, and sub-stations across Manitoba. Without the upgrades to the southern Manitoba network of interconnected transmission lines, converter stations, and sub-stations the power produced by Keeyask Generation, and moved by Keeyask Transmission to the Radisson Converter Station, could not be used in Southern Manitoba or exported to the US..

2.1.4 New Export Interconnection Required By Keeyask: The Great Northern Transmission Line

The Keeyask Generation and Keeyask Transmission projects require new export connections and transmission upgrades in southern Manitoba. The Government of Manitoba bluntly admitted this fact, when they announced a new electrical export agreements had been signed with Minnesota Power and Wisconsin Public Service on May 25, 2011. The press release stated these new sales agreements would ***"trigger the development of the 695-MW Keeyask (Cree for gull) Generating Station located on the lower Nelson River,"*** and would require ***"an additional interconnection between Manitoba and the United States."***

Source: Government of Manitoba News Release, "\$4 Billion In Power Sales To U.S. For Manitoba Hydro: Selinger" May 25, 2011 <online: <http://news.gov.mb.ca/news/index.html?item=11570> >.

The construction of a new power line from the Riel Converter Station to the United States then is also a connected part of the Keeyask projects, particularly of the Keeyask Transmission project. At a minimum it must be considered in the cumulative effects assessment of the Keeyask Project(s) (Transmission, Generation, and Infrastructure).

Unfortunately, there is no mention of the new export transmission line in *Appendix E: Other Projects and Activities Considered In Cumulative Effects Assessment* of the Keeyask Transmission Project EAR, despite the fact that the planning for this project is already underway.

Recommendation: Manitoba Conservation EALB needs to direct Manitoba Hydro to update its Appendix E to include all projects connected to the Keeyask transmission lines. This is necessary also to fulfil the CEAA EIS Guidelines.

Minnesota Power announced February 9, 2012 they would be moving ahead with planning the route for the American portion of this new export line, following the Minnesota Public Utilities Commission approval of the long-term 250 megawatt (MW) purchase of hydropower from Manitoba Hydro to begin 2020.

Source: Minnesota Power News Release, "New Transmission Would Bring More Canadian Hydropower Southward And Improve Regional Electric Reliability" February 9, 2012 <online:
http://www.mnpower.com/news/articles/2012/20120209_NewsRelease.pdf >.

For more information see: <http://greatnortherntransmissionline.com/>

Completion of the Great Northern Transmission Line also requires that Manitoba Hydro develop a new 500 kilovolt (kV) ac export transmission line from the Riel Converter Station to the United States border. No announcements have been by Manitoba Hydro about this new transmission line, despite the fact that this line will be required to sell Keeyask power and fulfil export contracts, and connects to the current intended projects. It appears that existing and new transmission lines will share the existing corridor to the United States, but this also is not clear.

The Keeyask Infrastructure, Generation, and Transmission projects are connected with the new export transmission interconnection from the Riel Converter Station to the United States. Without this new export interconnection, called the Great Northern Transmission Project, the signed export contracts used to justify building the Keeyask Infrastructure, Generation, and Transmission projects cannot be fulfilled. The Great Northern Transmission Line therefore is also vital to the Keeyask Generating Project, as is the new Keeyask Transmission line and connection presently applying for a license. (The subject of these comments.) Properly construed these export lines should be included in the Keeyask Transmission Project.

The activity to build, and the location of the Great Northern Transmission Line are all within Peguis First Nation traditional territory, and originate in the Peguis First Nation TLE notice area.

Recommendation: Peguis First Nation recommends that Manitoba Conservation and Water Stewardship (MCWS) Environmental Approvals Branch (EAB) require the proponent Manitoba hydro to refile the Keeyask Transmission EAR to include all transmission upgrades or new lines required by the Keeyask Generation Project, or connected via the Keeyask Transmission Project.

2.1.5 Dorsey to Portage transmission project, Dorsey upgrades

A new roughly 70 km 230 kV ac transmission line from the existing Manitoba Hydro Dorsey Converter station to the Portage South Transformer Station, along with upgrades to the Dorsey Converter Station and South Transformer Station, is currently being reviewed for a *Environment Act* license. The preferred route for this new transmission project is the existing corridor. Energy from this new transmission line would supply both Portage la Prairie and Brandon needs. Dorsey Converter Station upgrades, Portage South Transformer Station upgrades and the new Transmission line, fall within the Peguis Treaty Land Entitlement notice area, and traditional use areas. These are all connected to the Keeyask transmission and converter stations links. It is not clear which project includes which upgrades to the Dorsey converter station.

Recommendation: Peguis First Nation recommends that MCWS EAB require the proponent Manitoba Hydro to clearly outline the upgrades to and additions to existing converter stations, and which project they are being licensed under, especially in relation to connections to the Radisson Converter Station, being upgraded in this project, and the transmission lines being built in this project.

Without upgrades to the Dorsey Converter Station (proposed as part of the Dorsey to Portage South Transmission project) where Keeyask power will be converted back to alternating current (ac) before being used in southern Manitoba or exported abroad; and without the upgrades to the Radisson Converter Station (proposed as part of the Keeyask Transmission Project) for power to be transmitted down Bipole I through the Interlake (the heart of Peguis First Nations' traditional territory and TLE notice area) the Keeyask Projects (Transmission, Generation, and Infrastructure) are not feasible.

Our conclusion is the same as stated in 2.1.4. All of these connected projects are required to carry Keeyask energy south; and all cross, or are located in Peguis First Nation traditional territory, or/and TLE notice area.

Recommendation: Peguis First Nation recommends that MCWS EAB require Manitoba Hydro to include in the updated EIS for this project full information as to all intended transmission lines for the hydro system in Manitoba.

4.1.5 Upgrades to PR 280 & New Access Roads

On February 9, 2011 Manitoba's Minister of Infrastructure and Transportation (MIT) was authorized, through Manitoba Order In Council #23/2011, to enter into a cost sharing agreement with Manitoba Hydro to cost-share improvements to Provincial Road 280 (PR 280). The Manitoba Government and Manitoba Hydro propose to equally split the estimated costs for PR 280. The cost for the project is estimated at twenty-eight millions dollars.

Source: Government of Manitoba, *Order In Council #23/2011* <online: <http://www2.gov.mb.ca/OICDocs/2011/02/Infrastructure%20and%20Transportation.110209.Executive%20Government%20Organization%20Act.232011.pdf> >.

PR 280 runs 291 km from Provincial Road 391 northwest of Thompson to Gillam. The upgrades to PR 280 are required because of the demands being placed on infrastructure in the area due to numerous Manitoba Hydro projects presently underway, or scheduled for development in the near future. This includes all staged aspects of the Keeyask Project, Bipole III, and the proposed Conawapa Generating Station.

These new or upgraded roads (to provincial highway standards) are included in the Keeyask Transmission project filings/ EIS, and referred to as the North and South Access Roads. It is unclear which road construction is part of the Keeyask Infrastructure Project, and which road construction has taken place, is underway, and when other road construction will occur. There is no confirmation that affected communities agree on the decisions regarding these road projects. Including a highway project (beyond normal road building in a hydro project) in the EIS for a transmission project causes questions to be asked. Who will hold the environment licence for these highways? When will automobile insurance be in place for driving on these highways? Who inspects and monitors construction? Transparency and information for affected parties must be in place when government is licensing itself. That does not appear to be the case with these highway construction projects.

Recommendation: EAB require Manitoba Hydro to provide up to date information about all road building for the Keeyask projects with identification which roads are part of which project reviews and licenses. Information as to community response during community engagement, and information as to Aboriginal consultations about these new highway projects should also be available for this review. Answers to our questions above are needed, including so that the standards for building these PR roads are available need to be part of the EIS for this project.

Lake Winnipeg Regulation, Augmented Flow Program, Churchill River Diversion

Like all generating stations on the Nelson-Burntwood River System, Keeyask is dependent on the Churchill River Diversion (CRD) and Lake Winnipeg Regulation (LWR). The projects listed in *Appendix E: Other Projects and Activities Considered In Cumulative Effects Assessment* include the CRD and LWR.

These two projects (LWR and CRD) are the basis for operation of hydroelectric development on the Nelson River. These projects have far reaching impacts on Manitoba's waterways that stretch from Lake Winnipeg's south basin, to where the Churchill and the Nelson Rivers exit into Hudson's Bay.

The CRD diverts, through the Notigi and Missi Control Structures, up to seventy per cent of the flow from the Churchill River into the Nelson River, altering the seasonal timing of flows.

LWR, through the Jenpeg Generating Station and control structures determines the northern outflow of Lake Winnipeg into the CRD, effectively turning Lake Winnipeg into the 3rd largest hydroelectric reservoir in the world, while also changing the seasonal timing of flows.

Two maps contained within the Keeyask Generation EIS materials demonstrate the far reaching the impacts of these two projects.

1. Source: *Map 7A-1: Hydro Development in Northern Manitoba* <online: http://www.ceaa-acee.gc.ca/050/documents_staticpost/64144/83658/Appendix_A_-_Keeyask_Transmission_Map_Folio_20121101.pdf>.

2. Source: *Map 1: Split Lake, Ilford and the Major Waterways Affected in the Split Lake Resource Management Area* <online: <http://keeyask.com/wp/wp-content/uploads/2012/07/CNP-Keeyask-Environmental-Evaluation-Web-Jan2012.pdf>>.

Peguis' First Nation has reserve lands along the shore of Lake Winnipeg, with the main community located just west of the Washow Peninsula, approximately 15 km from the shores of Lake Winnipeg. Peguis Treaty Land Entitlement Notice Area, along with its traditional territory, includes substantial Lake Winnipeg shoreland and water. In short, Lake Winnipeg is central to the culture, history, identity and rights of Peguis First Nation, along with many other Manitoba First Nations. Accordingly, the impacts that LWR has on Lake Winnipeg, in turn impacts the Treaty and Aboriginal rights of Manitoba's First Nation and Metis inhabitants, including of course Peguis First Nation.

The environmental impacts from LWR and the Augmented Flow Program affect Peguis First Nation economic opportunities, benefits, employment, and directly

affect our ability to exercise our Aboriginal rights. To state this clearly, any decrease in environmental quality, species presence, water quality and services, any pollution or change in the environment where these two licenses were issued would also affect Peguis First Nation aboriginal rights.

Recommendation: EALB require Manitoba Hydro to acknowledge which First Nations, who are not part of the Cree Nation Partnership may be affected by the projects listed in their cumulative assessment appendix. Manitoba Hydro should then indicate in a filing which First Nations beyond the Cree Nation Partners in the Keeyask projects were engaged in the planning of this and other Keeyask projects.

Manitoba's Clean Environment Commission (CEC), during hearings on the Wuskwatim Hydroelectric Generation and Transmission Projects, reported:

"The Commission heard repeated expressions of dissatisfaction, anger and mistrust from First Nations, other Aboriginal communities and the public throughout the hearing about the continuing adverse effects of the CRD, LWR, the AFP (Augmented Flow Program), the outstanding compensation claims for damages, and the ongoing hardships imposed on many of the Aboriginal people in northern Manitoba. The Commission notes that the Wuskwatim Projects would not have been possible without the massive diversion of water associated with the CRD/AFP. The Commission also notes that the CRD and LWR have been operating for nearly three decades with interim licences.

The Commission believes it would not be appropriate to ignore the issues related to the CRD, LWR, and the AFP that were raised at the hearing and continue to dominate the lives of many northerners. MH [Manitoba Hydro] should meet on a regular basis with First Nations, other Aboriginal communities and affected parties with regard to the operation of CRD, the Missi Falls Control Structure, LWR and the forecast levels of Southern Indian Lake. Furthermore, it [Manitoba Hydro] should resolve all outstanding issues with regard to the CRD, AFP and LWR and then apply for final licenses for these operations [emphasis added]."

Source: Manitoba Clean Environment Commission (CEC) *Wuskwatim Generation and Transmission Projects: Summary Report* pp. 21-22
http://www.cecmanitoba.ca/resource/reports/Commissioned-Reports-2004-2005-Wuskwatim_Generation_Transmission_Projects.pdf

The CEC therefore included reference to LWR and CRD when issuing recommendations for the Wuskwatim Generation and Transmission Projects.

Recommendation 7.1, suggested that license terms needed to include:

"Regular reporting of pertinent information with respect to the operation of the Churchill River Diversion (CRD) and LWR and any effect resulting from station

operations. This should include a comparison to effects predicted in the licensing applications for the Projects. This information should be readily and easily available to the public.”

Source: Manitoba Clean Environment Commission (CEC) *Wuskwatim Generation and Transmission Projects: Summary Report* pg. 26, online
<http://www.cecmanitoba.ca/resource/reports/Commissioned-Reports-2004-2005-Wuskwatim_Generation_Transmission_Projects.pdf>.

Recommendation 7.6 stated:

“The Government of Manitoba require Manitoba Hydro to resolve all outstanding issues with regard to the Churchill River Diversion, the Augmented Flow Program and Lake Winnipeg Regulation. Following resolution of these issues, Manitoba Hydro should apply for the appropriate final licences for these three operations under *The Environment Act* and *The Water Power Act* as soon as possible.”

Source: Manitoba Clean Environment Commission (CEC) *Wuskwatim Generation and Transmission Projects: Summary Report* pg. 31, online
<http://www.cecmanitoba.ca/resource/reports/Commissioned-Reports-2004-2005-Wuskwatim_Generation_Transmission_Projects.pdf>.

Yet, in 2013 LWR and CRD are still operating with interim licenses.

It appears the Manitoba CEC will review and hold hearing on the Keyask Generation, potentially leaving out the Keyask Transmission project, before hearings regarding Lake Winnipeg Regulation. It should be noted that the terms of reference for CEC hearings regarding LWR were issued over a year before the Keyask Generation EIS and Keyask Transmission EAR were submitted. .

Recommendation: Peguis First Nation recommends that Clean Environment Commission (CEC) hearings on Lake Winnipeg Regulation proceed before CEC hearings on Keyask Generation station.

Recommendation: Peguis First Nation recommends that Premier Selinger and Minister MacKintosh make the plan for LWR hearings public immediately, including how First Nation consultations will be handled and funded, and how participant funding will be made available for the CEC hearings.

Recommendation: Peguis First Nation recommends that EALB make sure that all documents regarding the Wuskwatim Generation and Transmission projects are publicly available immediately, and the CEC makes sure their archives regarding the Wuskwatim hearings are fully available immediately.

Recommendation: Peguis First Nation recommends that the Manitoba government repost the information regarding the CRD reviews and permanent licensing that was posted on the department website immediately.

3. Environment Act Staged Licensing

Peguis First Nation is disappointed the province of Manitoba has decided to license what is clearly a single project as three separate projects: Keeyask Infrastructure (Public Registry file #5550.00), Keeyask Generation (Public Registry file #5420.00), Keeyask Transmission (Public Registry file #5614.00), along with improvements and extensions to Provincial Road (PR) 280 being jointly funded by Manitoba MIT and Manitoba Hydro.

Filing environmental proposals in stages, and licensing parts of a connected project separately does not change the impact of the project on our First Nation. It may in fact increase impacts on our First Nation. This practice may increase impacts on our First Nation.

As made clear above in "*Section 2: Connected, Current, Future & Intended Projects*" Peguis First Nation recognizes the interconnections of various related, and overlapping connected, current, future, and intended projects. The cumulative environmental, social, and economic effects of these various hydroelectric related projects, and the whole Keeyask project, and the Keeyask transmission project, will impact the treaty and aboriginal rights of Peguis First Nation and its members. We believe any decrease in environmental quality, species presence, water quality and services, any pollution or change in the environment where these two licenses were issued would also affect Peguis First Nation ability to exercise our Aboriginal & Treaty rights.

The situation created by staged licensing undermines Crown notification and consultation. Adequate notification and consultation means First Nations are provided with full information about connected, current, and future intended projects and actions. It is unfair to expect First Nations, or the public at large, to locate and assemble the numerous pieces together to create the larger picture. The duplication of effort, and repeat activity creates a burden on our First Nation, and other communities. Manitoba Hydro and the Manitoba government need to consider the impacts on affected communities when using staged licensing that benefits the regulator and the proponent only.

4. Lack of Crown Notification and Consultation

4.1 Crown Duty Not to Be Confused With Proponent Aboriginal Engagement

Peguis First Nation would like to remind the Government of Manitoba that it is the duty of the Crown (provincial and federal governments alike) to consult with First Nations.

The duty to consult is not the responsibility of the proponent; rather it is the responsibility of the Crown. This is a distinction that often gets lost. Manitoba Hydro public engagement materials often review to consultations with Aboriginal, First Nation or Metis communities. See Dorsey to Portage transmission EIS for an example. Confusion that results is wholly the responsibility of Manitoba Hydro.

Proponents, such as Manitoba Hydro, may of their own volition or due to licensing standards, initiate an aboriginal traditional ecological knowledge (TEK) engagement process to incorporate aboriginal knowledge into the design of the project itself, along with the design of supporting environmental monitoring programs and studies conducted to assess the impact of any given project.

When done well and with respect, engagement of aboriginal communities by private or crown proponents is a smart business decision. The use of aboriginal TEK can enhance societal and First Nations support for a project and/or uncover environmental effects, or improved measures to mitigate the impact of a particular project. That said, a private proponent's aboriginal engagement process, does not replace the Crown obligation to consult and accommodate First Nations that may be affected by a particular project. The honour of the Crown cannot be delegated.

Peguis First Nation provides comments on the Manitoba Hydro aboriginal engagement process in the section below. This section is restricted to Crown-Aboriginal notification and consultations surrounding Keeyask Transmission, Generation and other related hydro developments.

Recommendation: Manitoba EAB and ANA direct Manitoba Hydro to stop referring to Aboriginal, First Nation, or Metis consultations in its public engagement materials.

Recommendation: Manitoba EAB require Manitoba Hydro to provide full information as to its engagement with First Nation communities regarding this and any other project. It is wasteful for this request to have to come forward in TAC comments repeatedly. Rather this should be included automatically. It is worth noting that Manitoba Conservation and Manitoba Environment used to require this for any class three or class two project EIS.

4.2 Duty To Consult: What Is It?

The Crown duty to consult with First Nations was affirmed by section 35(1) of the *Constitution Act, 1982* and by numerous court decisions since. In short, the Manitoba Government is obligated to consult and accommodate, in a meaningful

way, with First Nations regarding changes to regulations, laws, decisions or actions that may infringe upon Aboriginal and Treaty Rights. This applies to all governmental departments and agencies, and if not adhered to, may cause a decision or action to be declared legally invalid.

Our courts are consistently indicating in rulings regarding Aboriginal rights, and consultations that if an Aboriginal community indicates it is affected by a government action then consultation should proceed. Manitoba is not abiding by this standard.

The Province has various policies, guidelines and laws that outline the required process for both Crown-Aboriginal consultation and environmental licensing. Manitoba developed an interim policy and guidelines to direct consultation with First Nation communities' entitled *"Interim Provincial Policy For Crown Consultations with First Nations, Metis Communities and Other Aboriginal Communities"*

The Manitoba process of Crown - Aboriginal consultation is outlined by the *"Interim Provincial Policy For Crown Consultations with First Nations, Métis Communities and Other Aboriginal Communities (Government of Manitoba, 2009)"* and is guided by the following objectives;

- *"To ensure the Government of Manitoba informs itself and gains a proper understanding of the interests of First Nations, Metis communities and other aboriginal communities, with respect to a proposed government decision or action;*
- *To seek ways to address and/or accommodate those interests where appropriate through a process of consultation while continuing to work towards the best interest of the citizens of Manitoba;*
- *To advance the process of reconciliation between the Crown and First Nations, Metis communities and other aboriginal communities. (Manitoba Government, 2009)".*

According to the interim policy, prior to beginning consultation, an initial assessment is conducted by government of the proposed regulation, law, action or decision to determine which First Nations are affected, and if consultation is required. If consultation is required, then government attempts to decide the degree of consultation required. Each consultation differs with respect to nature, scope and process, depending on the unique circumstances of the case. The initial assessments of First Nation involvement and consultation requirements are not made available to First Nations.

Source: Manitoba Government. 2009. Interim Provincial Policy For Crown Consultations with First Nations, Métis Communities and Other Aboriginal Communities. online:
http://www.gov.mb.ca/ana/pdf/interim_aboriginal_consultation_policy_and_guidelines.pdf

Once the need to consult has been established, representatives from government will work with representatives from each affected First Nation community to establish a "consultation protocol", by which future engagement is to be guided by according to the principles outlined with the Crown Consultations Policy. Consultation protocols are actually rare in the experience of Peguis First Nation.

The 2009 interim policy and guidelines have not been reviewed by Manitoba First Nations.

Recommendation: Manitoba Government needs to develop an Aboriginal Consultation policy and guidelines that are accepted by First Nations, which outline procedures and standards for notifications and consultations that are consistently adhered to.

Recommendation: Government needs to establish a clear definition of what notification means, and ensure that it is properly conducted in a transparent manner.

Recommendation: The policies and guidelines for First Nation community consultation need to be upheld, using a clear methodology with measures of accountability and success that apply to the Crown and the affected community. Current interim guidelines should be audited and updated.

Recommendation: Access to full information about the government action, proposal, law, contract, or regulation that may impact First Nation rights should be available before the start of any joint consultation activity.

Recommendation: The relevant departments in the Manitoba government (land use, tenure, environmental reviews, etc) should collaboratively arrive at a model that ensures Aboriginal consultations commence at the start of any intended government action that may impact Aboriginal rights. Currently no steps are taken until the EIS is filed or licensing reviews is underway, and this contradicts the honor of the crown, and the obligation to initiate consultation early in the decision making process.

Recommendation: Government needs to understand that notification regarding TLE agreements is not the only required notification to a First Nation, depending on the nature, size, location, and potential impacts of a project. EAB and ANA should cooperate in making sure that all environment officers, and all regional staff involved in either review of proposals under the environment act, or community

consultations are fully versed in standards expected by the courts for notification and consultation.

3.3 Peguis First Nation Consultation Policy

Peguis First Nation has drafted its own "*Preliminary Consultation and Accommodation Policy*." We have provided copies of this document to Government officials. We expect that the Government of Manitoba will respect and abide by our consultation policy, as outlined in the "*Interim Provincial Policy For Crown Consultations with First Nations, Métis Communities and Other Aboriginal Communities* (Government of Manitoba, 2009)"

4.3 Crown Notification and Consultation Regarding Hydro Projects

None of the steps required by the "*Interim Provincial Policy For Crown Consultations with First Nations, Métis Communities and Other Aboriginal Communities* (Government of Manitoba, 2009)" were taken with respect to Peguis First Nation and the Environment Act Proposals (EAPs), and Environmental Assessment Reports for Keeyask Transmission (Public Registry file #5614.00).

Nor were these steps fulfilled for Keeyask Infrastructure project (Public Registry file #5550.00), and Keeyask Generation project (Public Registry file #5420.00).

Peguis First Nation appreciates receiving a letter from Manitoba Conservation and Water Stewardship (MCWS) Minister Gord Mackintosh, which acknowledges that Manitoba "has a duty to consult in a meaningful way" with Peguis First Nation regarding the "Keeyask Generation Project and the future Keeyask Transmission Project." For your convenience we have attached a copy of this letter.

Recommendation: Steps should be taken immediately by the Crown, despite the significant delay, to make sure notification and consultation steps are put in place, for Peguis First Nation regarding the Keeyask projects,

Recommendation: EAB should put into its standards for all Hydro projects, and for transmission projects, that confirmation of notification and consultation with affected First Nations is underway. Clearly coordination and collaboration between government departments is lacking. All parties, including the CEC, would benefit from this kind of due diligence occurring before EIS reviews are underway.

Consultation with affected First Nations should begin prior to initiating the environmental review process and filing ESR, EIS or EA statements under the Environment Act. The Crown has the responsibility for consulting with First Nations in a meaningful way, and communicating the impacts, concerns and issues raised by First Nations to the proponent and government, before making decisions.

Since Bipole I & II and the Radisson and Dorsey stations were built the Constitution, Charter and laws of Canada have changed dramatically with respect to Aboriginal rights. Today if a First Nation indicates they are affected by a project then the Crown(s) are required to consult with that affected First Nation. Accommodation may also be required. It is essential also for all representatives of the Crown to understand that Aboriginal rights in Canada are not static. Through court decisions, and legal definitions, Aboriginal rights are moving forward with the rights of all Canadians.

5. Peguis Treaty Land Entitlement Notice Area

The traditional territory of Peguis First Nation, formerly the St. Peters Band, includes a vast area that centers around Peguis First Nation original reserve location north of present day Selkirk. The Peguis Band originally established itself in the Red River valley in and around the area now known as the Town of Selkirk in the early 1800's.

Chief Peguis and other Chiefs signed the Selkirk Treaty in 1817 where land along the Red and Assiniboine Rivers were allocated to Lord Selkirk and his settlers for an annual rent. That treaty is still in place, though not upheld.

After Chief Peguis died, his son Henry Prince or Miskookinew (Red Eagle) became the Chief of the Band and he signed Treaty #1 in 1871 and his Band became the St. Peters Band.

Canada proceeded to survey and set apart land as St. Peter's Indian Reserve in 1873/74.

Disputes over the land arose. There were competing land matters on the St. Peters Reserve. Many people coveted the prime land upon which St. Peters Reserve was situated. Other individuals did not want an Indian reserve near the town of Selkirk.

Canada authorized at least two formal inquiries into the disputes and claims in 1885 and 1896, but they did not resolve the land disputes. Canada finally established a Royal Commission in 1907 led by Manitoba's Chief Justice Hector Howell to enquire into the land disputes.

Rather than attempting to resolve the claims of Peguis and protect its interests, Chief Justice Howell, apparently acting under instructions from Ottawa, proceeded to "negotiate" and secure a surrender of the St. Peter's Reserve.

The illegal surrender was taken in 1907, based on a hastily arranged vote, and an apparent value in dollars for any vote to surrender land. The surrender was immediately contested by Members of Peguis and many other persons, including the local federal Member of Parliament.

Canada failed to protect the interests of Peguis First Nation. Canada failed to meet its legal, fiduciary and statutory obligations to the First Nation in advancing and accepting the flawed and improper surrender.

Constitutionally, Indian interests in land cannot be taken without a full and informed consent of the majority of its members, and Canada is duty bound not to accept a surrender if it is improvident – being not in the interests of the First Nation.

Due to the alleged fraud involved and grossly inappropriate circumstances of the 1907 surrender, the Land Registrar for Manitoba refused to accept the registration of patents for the land in St. Peter's Reserve after the surrender.

As a result, in 1911, Manitoba appointed its own Commission of three judges to further enquire into the circumstances of the 1907 surrender. In its Report, the provincial Commission concluded that the surrender was indeed invalid.

Claims for the illegal surrender were submitted by Peguis Chiefs and Councils and were rejected by Indian Affairs, and in the early 1990's the Indian Claims Commission was requested to assess the claims submitted by the Peguis First Nation. Reluctantly, Indian Affairs validated the Illegal Surrender Claim in 1998 and negotiations were undertaken to conclude a settlement agreement on the illegal surrender of the St. Peters Reserve.

After 91 years, Canada finally accepted that the 1907 surrender was invalid and that it has an outstanding legal obligation to provide Peguis First Nation fair compensation for the illegal taking of the St. Peter's Reserve.

Source: Peguis First Nation (August 2008) "*The Illegal Surrender of the St. Peter's Reserve*", online: < http://www.peguisfirstnation.ca/pdf/PFN_SC_Au08.pdf>.

Negotiations were protracted and after engaging three federal negotiators, a settlement was reached with a net value of \$118,750,000 was agreed to in December of 2010.

Source: First Nations Voice (January 3, 2011) "*Benefits flow to Peguis First Nation*" online: <http://www.firstnationsvoice.com/index.php?action=article_details&title=Benefits+flow+to+Peguis+First+Nation&id=173>.

The settlement involved the establishment of Treaty Land Entitlement Notice Area of Peguis First Nation.

Information about the Peguis First Nation TLE notice area and TLE agreement is public, including it is provided in the Manitoba Geological Survey Map Gallery and database. As a public utility Manitoba Hydro is expected to be knowledgeable and responsive to First Nation rights and land acquisition agreements.

There has been no initiation by the Manitoba government for consultation with Peguis First Nation regarding the Manitoba Hydro Keeyask Transmission project. As a signatory to our TLE Agreement, Manitoba, including Manitoba Conservation and Water Stewardship, need to ensure that government staff are up to date about these matters

Since August 2012 our efforts to identify the government staff persons in Manitoba Conservation and Water Stewardship, and in Aboriginal and Northern Affairs, or other departments who are responsible for community consultations for this and other transmission projects repeatedly failed. Recently, as a result of Minister MacKintosh sending us a letter we have had a request for a meeting regarding Keeyask consultations.

To date no answer has been forthcoming as to the government contact for other transmission projects.

6. Manitoba Hydro Aboriginal Engagement Process

Peguis views incorporation of traditional ecological knowledge (TEK) to be a critical component for environmental effects assessments.

The Keeyask Transmission EAR mentions in several places (see: Keeyask Transmission Project EAR sections 3.1, 5.1, 5.4, etc.) the importance of 'engaging aboriginal people from the outset of the planning process.'

Yet the list of stakeholders listed on page D-3 of *Appendix D: Public Involvement Materials* makes it clear that from Manitoba Hydro perspective the Keeyask Transmission Project affects only Northern First Nations and communities.

List of Stakeholders

a) Aboriginal and Community Leadership

- Tataskweyak Cree Nation
- Fox Lake Cree Nation
- York Factory First Nation
- War Lake First Nation
- Manitoba Metis Federation
- Gillam Town Council

b) Other Stakeholders

- Split Lake Resource Management Area Board
- Manitoba Lodges and Outfitters Association
- Manitoba Trappers Association
- Beverly and Kaminaruk Caribou Management Board
- Gillam Snowmobile Club
- Hudson's Bay Railway

- Manitoba EcoNetwork
- Manitoba Infrastructure and Transportation
- Manitoba Conservation and Water Stewardship
- Manitoba Conservation and Water Stewardship Integrated Resource Management Team

Source: Keeyask Transmission EAR Appendix D: Public Involvement Materials, pg. D-3

The Northern focus of Manitoba Hydro's Keeyask Transmission Environmental Assessment Report shows the local study area as quite small, with the larger regional study area also restricted solely to Northern Manitoba.

Source: Keeyask Transmission EAR Map 4-1: The Keeyask Transmission Project Study Area and Region.

Additionally, notices of public open houses about the Keeyask Transmission Project were accomplished through 11 inch by 17 inch posters placed in communities inside the regional study area, along with notices in the Thompson based *Nickel Belt News*.

All Manitobans are both owners and customers of Manitoba Hydro and therefore all Manitobans, including of course First Nation communities, have an interest in future hydro developments. As outlined above, the Keeyask Project (inclusive of all three project components infrastructure, generation and transmission) will result in numerous other future intended and connected projects such as a new transmission lines to the United States; moreover the Keeyask Project, like all hydroelectric projects is built upon LWR and CRD, which has impacts that range from Hudson's Bay in the North to Lake Winnipeg in the South.

Recommendation: In the future Peguis First Nation recommends that in addition to circulating these notices to local communities, placing ads in Northern publication such as the *Nickel Belt News*, that an ad also be placed in the *Winnipeg Free Press*, which has circulation across Manitoba.

Recommendation: Peguis First Nation further recommends that Manitoba Hydro expand its aboriginal engagement process to include a broader geographical range of aboriginal communities and possible aboriginal concerns.

Recommendation: Peguis First Nation recommends that Manitoba Conservation make public the methodology, standards, and baseline requirements for an environmental review of new electric transmission developments.

To provide one example, most environmental reviews in Manitoba tend to be labelled as Environmental Impact Statements (EIS), yet transmission projects like the Keeyask Transmission Project are now filing an Environmental Assessment Report (EAR), rather than an EIS. Is this merely a difference in title, or does an EAR

differ from and EIS? If so how do they differ? Without public standards for various projects it is impossible to tell.

7. Connection to Radisson and Bipole I

When the Government of Manitoba announced the export contracts with Minnesota Power and Wisconsin Public Service, they claimed:

"Bipole III will also be utilized to transmit power from Keeyask ..., supporting expanded electricity export sales outside of Manitoba's borders."

Source: Government of Manitoba News Release, "\$4 Billion In Power Sales To U.S. For Manitoba Hydro: Selinger" May 25, 2011 <online:
<http://news.gov.mb.ca/news/index.html?item=11570> >.

However, Keeyask is not slated to connect to proposed Kewatinoow Converter Station and Bipole III, rather it will connect to the oldest northern converter station, Radisson, which was built in 1968 and runs energy down Bipole I, according to the Keeyask EIS.

The power from Keeyask therefore would run through the Interlake, including through the Traditional Territory and Treaty Land Entitlement Notice Area of Peguis First Nation. Whichever way the energy from Keeyask arrives at the Dorsey Converter Station is will be arriving in, and travelling through, the Peguis First Nation TLE notice area and traditional territory.

Recommendation: Clarity needs to be provided on which project the upgrades to Radisson and Dorsey are being completed under, as well as the interrelation between the various projects and the various upgrades. This information should be required of Manitoba Hydro in an additional filing for this project.

For several years Manitobans have been told that Bipole I & II are running at maximum capacity and this necessitated the need for Bipole III. Some components of Bipole III include diverting power to the newly proposed Northern Kewatinoow Converter Station from the Long Spruce generating station and Henday Converter Station. But if Bipole I & II already at maximum capacity, won't running Keeyask power down these lines result in additional power losses?

Recommendation: Manitoba Hydro to provide in an additional filing the information as to the efficiency of Keeyask energy travelling through Bipole I. Specifically what portion of the energy would be lost during winter transfer of energy to southern converter stations.

3. EIS Comments

3.1 Low-Frequency Electromagnetic Fields (EMFs)

On past occasions Peguis First Nation has voiced our concern regarding the impact of electromagnetic fields (EMFs) from transmission and converter projects, on the health and well being of people and wildlife. Given that this is a transmission project, further consideration should be given to the cumulative impact of dual lines on human and animal health, as well as on sensitive electronic equipment.

The less than one-page of information provided within the report on the issue in Chapter 7 at page 7-102 is limited at best.

It is also very unhelpful that Manitoba Hydro refer the reader to section 8.3.5.3 of the Bipole III EIS for further information. This makes review harder for the public and other interested parties such as Peguis First Nation to respond.

Recommendation: Peguis First Nation recommends that EIS/EAR documents should be stand-alone documents, proponents should not be able to refer back to other EIS documents.

Recommendation: Manitoba Hydro to provide its EMF and LF - EMF filings for Bipole III and any other substantive materials on the topic in its additional filing for the Keeyask Transmission EIS.

Manitoba Hydro recently commissioned a technical review on this matter, so making that report available for this project also is a practical step which EALB should require. Low frequency electromagnetic fields (LF-EMF) are those frequencies below 300 Hz, which constitute electrical output from transmission lines. Scientific research on the subject provides evidence in support of LF-EMFs having potential adverse affects on human health. Studies investigating the correlation between LF-EMF and cancer incidence through epidemiological investigation have drawn inconclusive results.

However, at the molecular level, the impact of LF-EMF on cellular genomic stability is more apparent and easily measured. One of the primary underlying mechanisms of cancer development is through recurrent DNA damage and accumulation of genetic mutation. Numerous studies have investigated the relationship between genomic instability and exposure to LF-EMFs, observing an increased amount of DNA damage in LF-EMF exposed cell populations compared to controls. The references for the scientific literature are provided as an attachment to this letter (See Attachment).

In future, when Manitoba Hydro states that there are no potential adverse affects to human health due to LF-EMF exposure, we recommend that they first complete a

thorough review of the scientific literature to support their claims, and then provide supporting documentation.

Recommendation: Peguis First Nation suggests that Manitoba Hydro make its recently commission technical report on LF-EMFs publicly available.

We have included an attachment that provides a references list of studies that detail the potential adverse health implications associated with LF-EMFs on various mammalian cell types, as it relates to genetic damage. This literature suggests that there are potentially greater health implications associated with long-term exposure to LFEMFs, and that more research in the area of molecular biology and cancer development needs to be conducted before making any final conclusions, such as stating that LF-EMFs are inert and non-hazardous to human and animal welfare.

Recommendation: Peguis First Nation suggests that the Government of Manitoba review the literature as provided by Peguis First Nation before making any licensing decisions.

2.2. Spring Goose Hunt

As indicated in the Keeyask Transmission EAR at page 4-19:

“Birds are a key food source for the Keeyask Cree Nations, with spring and fall hunts being important community events.”

However, what is not recognized is that these geese migrate vast distances. Numerous other First Nation and non-First Nation hunters may hunt the same geese being hunted by Keeyask Cree Nations as they make their seasonal migrations. The spiritual and cultural, and subsistence importance of the geese hunts are equally important to Peguis First Nation members.

8.3 Methodologies, definitions and sources not clear (Keeyask EAR 4-12)

EIS/EAR documents need to be written in an accessible manner. The fragmentation section at page 4-12 of the Keeyask EAR is not accessible to the average Manitoban. The text is laden with statistics more suitable for a university course. No definitions or methodologies for calculating fragmentation are presented. Manitoba Hydro appears to be exhibiting a pattern of providing inadequate detail in EIS and EAR materials, or providing so much detail that no clear information is provided.

Recommendation: Peguis First Nation recommends that all calculations, and methodologies for calculating fragmentation ratios, be presented within the EIS materials in a clear easy to understand manner. This information should be provided in the next filing for Keeyask Transmission project.

8.4 Fragmentation section is not clear, totals do not add up. (Keeyask EAR 4-

12)

It appears that the totals for fragmentation do not correspond with the sub-totals fragmentation figures presented for roads, rail, cutblocks, etc. At the very least this section of the EIS is not understandable, not presented to be accessible.

Recommendation: Peguis First Nation recommends that the proponent be required to provide an all in table, including totals, and sub-totals of the various fragmentation numbers presented.

8.5 Species effects assumptions based on little data.

The proponent needs to acknowledge that very little field work, data or adequate information about species is available for this region of Manitoba. Arriving at conclusions regarding cumulative effects on a species when there is very little data to work with means that the lack of information and data must be acknowledged in the EIS. The significant lack of studies over time regarding significant species and VECs in northern Manitoba does not give Manitoba Hydro licence to claim there are no effects on species or VECs.

Manitoba Hydro relies extensively on Manitoba Conservation Data Centre information. The proponent has performed limited ground studies at best, and is therefore generally relying on desktop data.

In Manitoba, particularly for the northern two-thirds of the province, only limited field studies have been performed. Relying on sparse data could result in erroneous conclusion that no species of concern will be impacted. In fact the truth may be the species are there and have never been recorded.

One of the problems with utilizing desktop data is that it relies upon the frequency and quality of previous studies. The proponent therefore has no way of controlling the methodology used and the observations taken. Moreover when collating data from multiple sources it is important to recognize that not all data sets are created equally, nor are they always comparable with one another. Significant variance in results can occur.

Recommendation: Manitoba Hydro indicate the varying ages, and sources of the sets of data and studies they use to conclude there are no impacts or risks to a species, or that the species is not present. EAB to require this information to be provided in the next filing regarding the Keeyask Transmission project.

Recommendation: Manitoba Hydro to provide recommendations about the gaps in data, clear statements as to the information they do not have, and the literature list used in all their technical work in this section – not just those studies they chose to use or quote.

Recommendation: EAB to establish standards and requirements so that methodologies, sources of data and explanations as to the selection of literature and technical reports are provided in EIS materials for class two and three projects under the Environment Act. This is especially important when a significant period of 8, 10 12 or more years is evident since the technical sources and literature being cited by the proponent.

Peguis First Nation has utilized its limited resources to participate in the review of the Keeyask Transmission project under the Manitoba Environment Act because our ability to exercise our rights is affected by this and other Keeyask projects. We are also very conscious of the failure again to notify Peguis First Nation, and to make sure consultations with our First Nation were undertaken.

We submit these comments respectfully, and will watch the next steps in the regulatory process closely.

Yours with respect

ORIGINAL SIGNED BY

Mike Sutherland
Councillor
Peguis First Nation

Attachments List: see below

3. Acronyms Listing

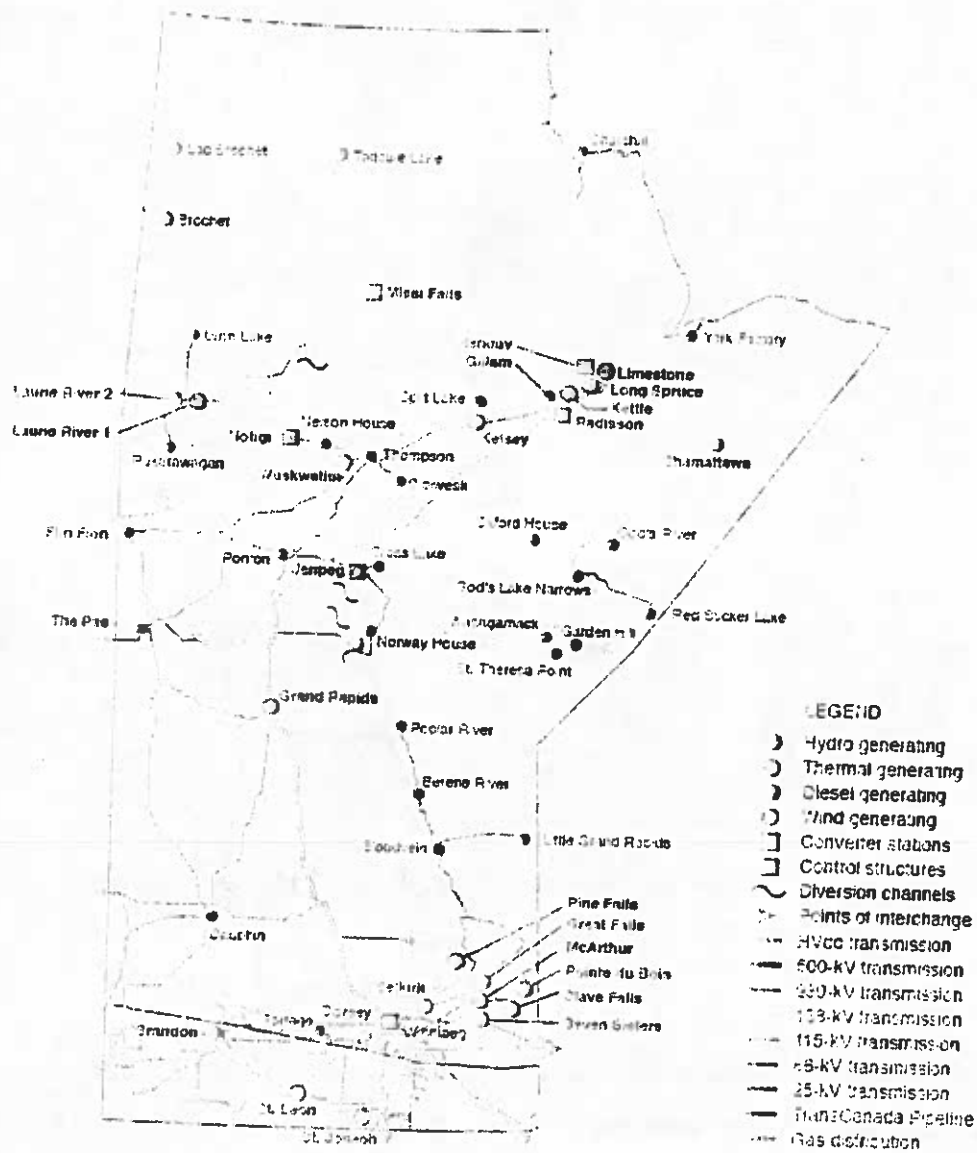
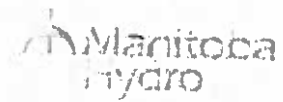
AC	= Alternating Current
ATCID	= Available Transfer Capability Implementation
CEC	= Clean Environment Commission
COSEWIC	= Committee On The Status of Endangered Wildlife in Canada
CRD	= Churchill River Diversion
CSR	= Comprehensive Study Report
DC	= Direct current
DVD	= Digital Video Disc
EAR	= Environmental Assessment Report
EIS	= Environmental Impact Statement
GHG	= Greenhouse Gas
HSAP	= Hydropower Sustainability Assessment Protocol
HVDC	= high-voltage direct current
IHA	= International Hydropower Association
IPCC	= Intergovernmental Panel on Climate Change (IPCC)
Km	= Kilometre
kV	= Kilovolts
LCA	= Life Cycle Assessment
LWR	= Lake Winnipeg Regulation
MISO	= Midwest Independent System Operator
MIT	= Manitoba Infrastructure and Transportation
MW	= Megawatts
NFAAT	= Needs For And Alternatives To
PR 280	= Provincial Road 280
PUB	= Public Utilities Board
TLE	= Treaty Land Entitlement
USB	= Universal Serial Bus
VEC	=Valued Environmental Components

10. Attachments List

- 1) Manitoba Hydro map: Major electrical and gas facilities
- 2) DRAFT MAP: *"Peguis First Nation Base Map: Bipole Projects, Converter Stations, and export corridor to the US"*
- 3) Low frequency electromagnetic fields scientific references
- 4) LETTER: October 23, 2012, Minister Gord Mackintosh to Peguis Councillor Mike Sutherland
- 5) Acronyms List, at base of comments letter

Attachment 1 Manitoba Hydro Major Electrical and Gas Facilities

Major electrical and gas facilities



Source: Manitoba Hydro:
http://www.hydro.mb.ca/corporate/facilities/facilities_map.pdf

Attachment 2

Peguis First Nation Base Map

Bipole projects, Converter Stations and Export Corridor to US

