

Friday December 21, 2012

Minister Gord MacKintosh
Manitoba Conservation and Water Stewardship
Room 330
Manitoba Legislative Building
Winnipeg, Manitoba

Ms. Tracy Braun,
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Manitoba Conservation
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Minister MacKintosh and Ms Braun:

Re: Dorsey to Portage Transmission Line Project – Public Registry #5611.00

Manitoba Wildlands (MWL) is providing comments on the proposed Dorsey to Portage Transmission Line project (Public Registry #5611.00) Environment Survey Report (ESR). The comments we are providing serve to assist the proponent; Manitoba Hydro, and Manitoba Conservation & Water Stewardship Environmental Licensing Branch (EALB).

Our efforts and comments are provided for public interest, in an attempt to increase certainty, quality of assessment, consultation standards, technical and scientific content for the ESR, thereby informing and strengthening the public review process. Public works impact a significant portion of Manitoba's lands and water, use public funds, and consequently the review of these projects requires the highest quality planning, access to information, environmental effects assessment, public reviews and licensing process. As in previous cases related to Manitoba Hydro, the Crown is essentially licensing itself through approval of Manitoba Hydro projects, and therefore thorough public review is necessary.

After review of the ESR and supporting documents, we are providing a list of concerns and recommendations.

1.) Inadequate Review Period and Access to ESR documents

The issue of timeliness and posting of information in accordance with advertisements by the date listed in public registries and online, has been a consistent concern.. The advertisements stated that the ESR for the Dorsey to Portage transmission line would be available for public review by November 3rd 2012, with a closing date to receive comments by December 3rd. However, the ESR and supporting documents were not

made available online until mid-November. All notices posted based on the public registry should have RSS and subscriber ability, allowing for a greater number of Manitobans to gain access and review the material. All Manitobans are potentially impacted by Manitoba Hydro projects, not just those in close geographical proximity.

The Manitoba government may not want to make this project public, or assumed that it did not need public review under the Environment Act. All Manitoba Hydro projects should have public review, and all Class Two transmission projects under the Environment Act should have public review. When public funds, and public lands (including those owned by Manitoba Hydro or already held in ROW easements) are being used then the highest standard for access and transparency need to be operational.

Further to this point, upon review of the ESR and community engagement/open house materials, it should be stressed that clear labelling of documents with consistent titles is imperative. The community engagement/open house materials refer to the environmental assessment as the EIS, whereas the document is labelled as the ESR.

Recommendations:

1. Ensure all materials are made available on public registries and online by the dates posted within advertisements, so start dates for public review are consistent with access to those materials.
2. Make sure all messaging and document labeling is consistent. EALB can set guidelines for proponents so that a proposal, EIS, etc. is filed with documents in a format relevant to online posting.
3. All Manitoba Hydro transmission projects should have public review, with public posting, and online access to materials. Whatever the length of a transmission project, it is connected to a converter and sub station(s), and therefore connected to the whole Manitoba Hydro system. So public posting and review should take place.
4. EALB staff need to aim for the highest standard possible for public utility project reviews and licensing processes, as public funds and public lands and waters are used and affected.

EALB would increase confidence in Environment Act reviews, and licensing proceedings if it made sure that all Hydro projects, all transmission projects were made public, posted on line and underwent public review. There are a lot of single transmission projects coming into the system. Each connects to a converter station or sub station. Some will involve extensive upgrades to the station itself.

2.) Consultation with Aboriginal and First Nation Peoples

Notification and consultation with affected First Nations is the responsibility of the Crown. Since it was the proponent that contacted affected First Nations, it is questionable whether the Crown notified and followed through with First Nation consultation with Long Plain, Dakota Tipi, Dakota Plain and Peguis First Nation. If

effective consultation had taken place, traditional ecological knowledge (TEK)/aboriginal traditional knowledge (ATK) would have been incorporated into the ESR and considered by Manitoba Hydro when conducting their initial study area surveys for the technical reports. As it stands, there is no reference to TEK or ATK within the ESR.

Recommendations:

1. The Crown needs to ensure that they consistently conduct First Nation Consultation with all affected First Nation communities according to government of Manitoba Aboriginal Consultation guidelines.

3.) Regulatory, Project Scope, Guidelines and Alternatives

The ESR does not disclose what upgrades are required for the Dorsey Converter station and Portage Station, stating that explanation is not necessary since it is Manitoba Hydro property. Despite being on Manitoba Hydro property, any upgrades to infrastructure are funded by Manitobans, and alterations/upgrades to infrastructure may impact/benefit other connected Manitoba Hydro projects. Neglecting to include this information in the ESR should be rectified, since there is no such thing as a stand-alone Manitoba Hydro project. Since Manitoba Hydro is a publicly owned utility, it should completely disclose all activity. Otherwise this is like refusing to tell the shareholders in a company what capital projects or upgrades the company is planning, or executing.

Since the new D83P transmission line will run in parallel with the existing D12P transmission line in the same corridor, more information on the current D12P transmission infrastructure should have been included in the ESR. It would have been relevant to discuss the future upgrade schedule for the D12P line, as it may impact D83P.

Given the sheer number of Manitoba Hydro projects currently under review, it is unclear within the ESR how the Dorsey to Portage Transmission Line project ties in with pre-existing transmission and generation infrastructure. There is the obvious explanation that it is merely a transmission line to direct power to south western Manitoba from the Dorsey Converter Station. However, the question remains whether it will be linked with Bipole I, II and/or III. In particular any transmission project proposal filed by Manitoba Hydro under the Environment Act, should clearly state which converter station, Bipole and/or other stations that transmission project will connect to.

This issue could have been addressed with an initial scoping document, as it would have laid out components of the project, and its relation to other Manitoba Hydro transmission and generation projects.

Further to the lack of a scoping document or EIS guidelines for this project, the EALB standards for class 2 transmission line developments are also not publically available. This is a complete lack of transparency between the Crown, Manitoba Hydro and the public, despite the fact that all Manitoba Hydro projects are developed using public funds.

Finally, the ESR does not pose any suitable alternatives to the project. There are three general corridor routes proposed, A, B and C. However it is stated that there are no alternatives, since the project is necessary in order to ensure adequate transmission to south western Manitoba. The alternatives section within any ESR provides an opportunity for the proponent to explore potentially better or additional options in case the preferred option is no longer viable. Therefore, serious consideration and research needs to be invested into the “alternatives” section of an ESR, rather than forgoing the effort and not addressing the issue. Manitoba Hydro needs to provide more information in this ESR, and for any further transmission project, to support the need for the project.

It would have been helpful for Technical Advisory Committee (TAC) comments for this project to be available within the public registry, prior to closure of the public comment period. TAC comments provide an invaluable source of information and guidance, facilitating a more in-depth review and understanding of the material presented within the ESR.

Recommendations:

- 1.) The EALB should provide an initial Scoping document for all projects, making available the scoping document on the public registry. Any guidance document or EIS guidelines for transmission projects should also be posted.
- 2.) For all Crown Corporation developments, a section within all EIS/ESR documents should be required that describes how the proposed development will link up with surrounding infrastructure.
- 3.) Make publically available the EALB ESR guidelines for class 2 developments.
- 4.) Sufficiently address within the ESR a list of legitimate alternatives to the project that are well researched in the event that alternatives need to be pursued.
- 5.) Manitoba Hydro needs to disclose the transmission lines that would connect to this new line (D83P), the Dorsey Converter and the Portage station. A clear statement also needs to be provided on how the proposed project will tie in within existing and future planned generation and transmission infrastructure.
- 6.) All upgrades to the Dorsey Converter Station and Portage Sub-Station need to be disclosed within the ESR.
- 7.) More information about the existing transmission line and corridor, and access to past documents for the D12P transmission line and corridor should be available. Discussion of the existing transmission line, and how much energy it carries should also be included.
- 8.) TAC comments for this project should be available before closing of the public comment period, so as to assist the public in conducting a thorough review of the project.

4.) Environmental Concerns

There are a variety of environmental issues poorly addressed within the ESR, therefore requiring considerable attention and supplemental filing. For the sake of brevity the following four areas need to be thoroughly addressed;

1.) Manitoba Hydro does not stipulate what standards are in place for river crossings when establishing new infrastructure and clearing of vegetation. It is assumed that overhead and proximal structures do not impact river integrity, yet when the landscape is altered, the surrounding environment is changed as a consequence.

2.) Establishing well researched environmental baseline values is an important component of any environmental assessment or survey or study as it sets the bar for comparison when assessing environmental impacts, monitoring and mitigation processes. The technical reports that accompany the Dorsey to Portage Transmission line project state that baseline values for vegetation, amphibians, reptilians and mammals were not established through field study or current database information. The technical reports clearly acknowledge that key baseline parameters were not measured, however no justification as to the rationale for not conducting the required field surveys was provided. It should also be noted that the technical reports for wildlife and heritage sites, were also lacking content from inclusion of TEK/ATK information.

Further to this issue, The Manitoba Government has a policy to protect endangered tall grass prairie species. In the past a variety of tall grass prairie sites were catalogued in south western, south eastern and central Manitoba, some of which may potentially fall within the Dorsey to Portage Transmission Line study area. There is no indication whether Manitoba Hydro reviewed the provincial tall grass prairie or fescue prairie site inventory: assembled at public expense for decision making about land use. The tall grass prairie ecosystem is the most endangered in Canada, and the Manitoba government has invested heavily in identification of remnant sites and protection of all sites: therefore, Manitoba Hydro appears to be ignoring its responsibilities.

3.) There is a concern that endangered tall grass prairie species may be present within the study area and more specifically the corridor. The ESR indicates that herbicide application will be used, in addition to a variety of other methods, to clear the corridor of unwanted vegetation. Consequently, it is important to address the use of herbicides for corridor clearing, and how application will affect endangered tall grass species. There is no information available within the ESR about which herbicides are to be used, their specificity for plant species and frequency of application. The question also arises of what impact will these herbicides have in aquatic environments once they are washed into surrounding rivers. The ESR should have included information about the ongoing practices to keep the corridor clear, as an existing corridor has been selected as the preferred route.

5.) Energy Strategy

The Manitoba Government has a new clean energy strategy, which emphasizes the importance of Manitoba Hydro in assisting the province to become a leader in renewable energy generation. A critical component overlooked within this strategy, is that becoming an economic leader as a Crown Corporation, requires the utility to uphold a set of standards for accountability, transparency and community engagement, which make other principles of the strategy possible; environmental protection, affordable energy and adequate supply. Manitoba Hydro is currently developing a variety of projects. The clean energy agenda of the Province can be significantly advanced if the government ensures Manitoba Hydro is fulfilling its business agreements and licences to operate; fulfilling its sustainable development principles, pursuing more viable alternative energy options, and engaging the public and First Nations in a meaningful way.

Further to the clean energy strategy, a clear outline of the energy efficiency goals of Manitoba Hydro need to be presented, along with their long-term plans of reducing usage through increased energy saving measures. Since the proposal is essentially for the establishment of a dual line, the energy metrics provided should take into account transmission for both D12P and D83P lines. The energy usage metrics should indicate the following; current usage, estimated future usage, energy efficiency goals, how leaving the current infrastructure in place helps to satisfy those goals and finally how the proposed project will further the clean energy agenda.

Recommendations:

- 1.) With respect to this project, and review clear information about intended and connected transmission and infrastructure energy projects should be made available within the ESR.
- 2.) A clear statement of how the projects meets the goals and objectives of the Manitoba Clean Energy Strategy, and Manitoba Hydro's sustainable development principles should be included in each EIS or ESR for a transmission project.

Supplemental Filing Needed

Due to the mentioned deficiencies and gaps within the ESR, a supplemental filing is required. A public utility must present unbiased information, in keeping with consistent standards that are applied uniformly to all projects. Below is a list of recommendations for supplemental filings for the Dorsey to Portage Transmission Line project;

- 1) Field studies should be conducted to identify tall grass prairie and fescue prairie sites based on existing inventory and ranking of these two ecosystems and their species. Any species in or adjacent to the project study area need to be identified with mitigation plans put in place;
- 2) EALB guideline for short transmission systems and standards for the scoping document or the EIS/ESR for this project should be made available;



- 3) A more in-depth report needs to be provided on herbicide use, application frequency and impact to aquatic species and ecosystems (terrestrial and aquatic);
- 4) Manitoba Hydro and Manitoba Conservation standards for river crossings should be cited and included in the project plan;
- 5) Manitoba Hydro standards for class 2 transmission projects were not included and should be provided;
- 6) Detailed information on all upgrades to the Dorsey Converter Station and Portage Station should be included in the ESR;
- 7) The ESR should reference the new Manitoba Clean Energy Strategy, stating how the transmission project meets requirements of that strategy;
- 8) The lack of information about increased energy requirements in southwestern Manitoba within the filings creates doubt: Manitoba Hydro should be providing an explanation of the need for this project.

For all projects related to Manitoba Hydro, a Crown Corporation, there is an potential conflict of interest because all projects are reviewed and licensed by the Crown: this is self assessment. Therefore, greater effort should be made to ensure document clarity, timely access to all relevant information, thorough field studies from which technical reports are based and transparency throughout the licensing process. These project materials do not fulfil the public interest, or Manitoba Hydro's business, social or environmental licence requirements.

Sincerely,

Gaile Whelan Enns, Director
Manitoba Wildlands