

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPOSER: Manitoba Hydro
PROPOSAL NAME: Keeyask Transmission Project
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Transmission Line 115-230 kV
CLIENT FILE NO.: 5614.00

OVERVIEW:

An Environment Act Proposal (EAP) for the project was received on November 6, 2012. The advertisement of the Proposal read as follows:

“A Proposal has been filed by Manitoba Hydro for the construction, operation and decommissioning of 22 km of a new 138 kV ac Construction Power transmission line, a new 138 kV ac to 12.47 kV ac Construction Power Station to be located north of the proposed Keeyask Generation Station, upgrades to the existing Radisson Converter Station, a new Keeyask Switching Station to be located south of the Nelson River, 4 km of four 138 kV ac Unit transmission lines that will transmit power from the proposed Keeyask Generation Station to the Keeyask Switching Station, and 38 km of three 138 kV ac Generation Outlet transmission lines that will transmit power from the new Keeyask Switching Station to the Radisson Converter Station.”

The Proposal was distributed to the Technical Advisory Committee (TAC) for review and was advertised in the Thompson Citizen and in the Winnipeg Free Press on Wednesday November 28, 2012. It was placed in the following public registries: Conservation & Environment Library, Manitoba Eco-Network, Millennium Library, Thompson Public Library, Manitoba Keewatinowi Okimakanak, Gillam Town Office, Tataskweyak Cree Nation Office, War Lake First Nation Office, York Factory First Nation Office and the electronic registry at <http://www.gov.mb.ca/conservation/eal/index.html>. Comments were requested by January 7, 2013.

A request for additional information was sent to the Proponent on January 18, 2013. A response was received on April 26, 2013. The request for additional information and the Proponent’s response were placed in the public registries.

COMMENTS FROM THE PUBLIC:

The following is a summary of comments received from the public pertaining to the environmental assessment of the project and only includes comments within the scope of this review pursuant to The Environment Act. Copies of the original public comments are available in the Public Registries.

Peguis First Nation

- The construction of Keeyask Generation Station, 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. As such, Peguis First Nation recommends that Manitoba Conservation and Water Stewardship (MCWS) require the proponent, Manitoba Hydro, to re-file the Keeyask Transmission EAP to include all transmission upgrades or new lines required by the Keeyask Generation Project, or connected via the Keeyask Transmission Project.
- Our conclusion is that all of these connected projects are required to carry Keeyask energy south within Peguis First Nation's traditional territory, or/and TLE notice area. Any decrease in environmental quality, species presence, water quality and services, any pollution or change in the environment, land and waters where these projects operate would also affect Peguis First Nation aboriginal rights.
- 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. Manitoba Hydro references EMF filings for Bipole III. These documents and any other substantive materials on the topic should be included in the Keeyask Transmission EIS. Peguis First Nation suggests that the Government of Manitoba review the literature regarding Electric and Magnetic Fields as provided by Peguis First Nation before making any licensing decisions.
- 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. 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.

Disposition: Comments regarding the Crown's duty to consult and impacts to Aboriginal and treaty rights were provided to Conservation and Water Stewardship, Lands Branch for consideration as part of the Crown consultation process. Regarding concerns about EMF, the Keeyask Transmission Line proposal was reviewed by the province's Technical Advisory Committee and no concerns were raised regarding the proponent's statements regarding EMF. Some comments provided by Peguis First Nation were outside the scope of the environmental assessment and licensing process for the Keeyask Transmission Line. A complete version of Peguis First Nation's comments is

available in the Public Registry. Comments regarding fragmentation were forwarded to the proponent for additional information (see ‘Request for Additional Information’ section of this summary).

Manitoba Wildlands

- The EIS and scoping document standards/guidelines for the Keeyask Transmission project were not made available publicly. This means that there is no ability to compare the EIS standards and content to the submitted Keeyask Transmission project EIS. Manitoba Conservation, and its predecessor Manitoba Environment, used to make such standards available. We suggest this be done immediately, as there are various transmission projects being submitted now and intended in the near future.
- It should be noted that the Canadian Environmental Assessment Agency has a responsibility with regards to both Keeyask Generation and Transmission. The EIS Guidelines from CEAA have not been fulfilled, and EALB should cooperate with CEAA to make sure that they are fulfilled.
- All aspects of the Keeyask projects should be completely available, together, with all records maintained online and on paper throughout the current sequence of Hydro projects.

Disposition: A scoping document was not prepared or submitted as part of the environmental assessment and licensing process for this project, as such, no such document is available for public review. The Keeyask Transmission Project was reviewed by Conservation and Water Stewardship and the Canadian Environmental Assessment Agency (CEAA), in accordance with the Canada-Manitoba Agreement on Environmental Assessment Cooperation. CEAA is a member of the technical advisory committee for this project and coordinated the comments from federal authorities which were considered as part of this review (see “Comments From The Technical Advisory Committee”). Documents related to the proposed Keeyask Transmission Line, are located in hardcopy at public registry locations throughout the province and online, as indicated in the original advertisement. See “Overview” (above) for a complete list of all public registry locations for this project. Some comments provided by Manitoba Wildlands were outside the scope of the environmental assessment and licensing process for the Keeyask Transmission Line. A complete version of Manitoba Wildlands’ comments is available in the Public Registry.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE (TAC):

Following is a summary of TAC comments received pertaining to the Proposal. Copies of the original comments from TAC are available in the Public Registries.

Canadian Environmental Assessment Agency (CEAA)

The Canadian Environmental Assessment Agency has compiled comments provided by the federal review team. This review of the Keeyask Transmission Project is a part of the ongoing assessment of the Keeyask Generation Project. The projects are closely related and in accordance with the Canadian Environmental Assessment Act (1992), the Keeyask Generation Project and the Keeyask Transmission Project are considered to form a single project for the purpose of completing the federal environmental assessment.

CEAA, in accordance with the Canada-Manitoba Agreement on Environmental Assessment Cooperation (2007), has also forwarded the federal comments to Manitoba Conservation and Water Stewardship, Environmental Approvals Branch for its consideration. CEAA understands that Conservation and Water Stewardship, as lead party in the cooperative environmental assessment process, will provide direction directly to the proponent with respect to preparing a response to the information requests in order to ensure that supplemental environmental assessment information is organized and provided back to federal/provincial reviewers in an efficient and coordinated manner.

Disposition: Comments from federal reviewers were forwarded to the proponent for additional information. See “Keeyask Transmission Project – Supplemental Information Request Responses”, dated April 26, 2013 for all responses from the proponent to federal reviewer comments. This document is available for review in the public registry and online at:

http://www.gov.mb.ca/conservation/eal/registries/5614keeyask_transmission/ktp-tac-public-rd-1ir-responses.pdf.

Manitoba Conservation and Water Stewardship – Northeast Integrated Resource Management Team

- The requirement for a work permit is not limited to Provincial Crown lands. The Wildfires Act requires work permits for work on all lands within the wooded district including private land. It may be possible to include provisions within the Environment Act Licence and work permit for construction of the development, to provide for bypass trails without requiring a separate work permit for each bypass. By the time this EAL is issued the Bipole III EAL will have been issued. The method of authorizing construction of bypass trails used for Bipole III will likely be repeated for this project.
- Administration of borrow areas falls within the purview of Manitoba Energy Industry and Mines.
- The EIS states that “*the use of helicopters for maintenance activities on the transmission lines will be avoided near calving habitat from May 15 to June 30 to reduce effects of sensory disturbance on calving females and their young*”. Some

caribou will have calves prior to May 15th. The avoidance window should be adjusted to May 1 to June 30. Additionally as an observation the timing window in appendix “F” for caribou is April 1 to July 31st. Another observation is that the timing window for moose should be more closely aligned to the timing window for caribou as the peak calving periods for both species in this area is likely within a couple of weeks. Appendix “F” has a three month variance between the two species.

- I am not sure why the mitigation measure of placing moose crossing signage on the south access road is mentioned here. This measure should be considered for proposal for the south access road.
- Section 7.3.1.1 states that “*All fires must be extinguished prior to spring breakup.*” It should be noted that after March 31st a burning permit is required. You may want to change this to read “all fires must be extinguished by March 31st”.
- The Forestry Branch will be assessing impacts to Forests and Timber Dues owing within FMU 86 and outside FMU 86 in the white zone, for the Keeyask Transmission Project.

Disposition: Comments regarding the use of helicopters can be accommodated as a licence conditions. All comments were forwarded to the proponent for information. Comments regarding bypass trail approvals were forwarded to the proponent for consideration in the Environmental Protection Plan.

Manitoba Conservation and Water Stewardship, Water Science and Management Branch

- This project pales in comparison to the size and scope of the Bipole III transmission project currently undergoing review. In general should the Bipole III project be licensed many of the same conditions would be expected to be applied to this project regarding minimizing risk of impacts to surface water quality.
- The proposed project includes 14 water crossings. It is during the construction phase of this project that effects to aquatic ecosystems would be most likely.
- All reasonable measures should be taken to prevent sedimentation and erosion into surface water bodies. Any areas disturbed should be stabilized and be re-vegetated with a seed mix native to the area.
- If any rock is required for use in or near a water body, for example riprap, the proponent should ensure that it is clean and inert i.e. non- acid or alkali generating. The proponent will also have to ensure that if ammonium based explosives are used, residual ammonia from blasting operations does not leach into surface water.

- For guidance on recommended clearing practices adjacent to water the proponent is encouraged to follow the recommendations within the document entitled Forest Management Guidelines for Riparian Management Areas written by the Forest Practices Committee of Manitoba Conservation and Manitoba Water Stewardship.
- Maximum buffers along watercourses and water bodies for water quality protection and protection of fish resources established by forest practices guidelines should be used. Buffer sizes should be increased above these maximums for areas known or thought to be more sensitive such as steep slopes. Any reductions of buffer sizes from recommended widths in forest practices guidelines need to be carefully considered and rationales documented.
- Concerning piles of brush, merchantable timber, or other vegetative waste: The licence should ensure that any leachate generated from these piles is contained or directed well away from surface water.
- The use of appropriate onsite wastewater management systems must be used at camps.
- Holding tank wastewater should be disposed at an approved wastewater treatment lagoon system.
- A policy of only using soaps, shampoos, detergents and other cleaning products that are phosphate-free or that have 0.5 % or less phosphorus content are used in camps or housing facilities.
- Fuel and oil storage areas should be located a minimum of 100 metres from any water body.
- The proponent will have to prevent oil, hydraulic fluids, coolant, paint, uncured concrete or concrete wash from entering any drainage course or water body
- If fertilization is used when re-establishing vegetation on exposed and excavated areas due to construction, it must only in accordance with the *Nutrient Management Regulation* Under the Water Protection Act and then only the basic recommended amount of nitrogen and phosphorus needed to establish a healthy growth should be used to reduce leaching of excess nutrients to surface waters.
- No more fertilizer than requirements for a single season should be applied in a given year. The use of slow release formulations are also alternatives that should be considered.
- Regarding pesticide application. It was not clear if any herbicides will be used during ongoing maintenance of this transmission line. Generally preference would be for mechanical means of grubbing should there be any reasonable chance of pesticide entering surface water or wetlands.

Disposition: Comments regarding sedimentation and erosion, fuel storage and onsite wastewater disposal can be accommodated as licence conditions. Concerns regarding buffer zones can be addressed as licence conditions and in the Environmental Protection Plan.

Manitoba Conservation and Water Stewardship, Office of Drinking Water

- There is one public water system, the Town of Gillam, downstream of the proposed development. The Town of Gillam gets its water supply from the Nelson River. There are no public water systems using groundwater anywhere in the project area. This office has noted in previous reviews of the Keeyask GS EAP that the emergency response plans for the project should include contact information for the Gillam water treatment plant and a provision that, should any spill of toxic or other materials into the Nelson River occur, they be notified immediately. We recommend this provision be repeated in the emergency response plan for this project. Apart from this point, ODW does not see any other cause for concern with this project respecting drinking water safety.

Disposition: This recommendation was forwarded to the proponent for inclusion into the emergency response plan.

Manitoba Conservation and Water Stewardship, Wildlife Branch

- Wildlife Branch would like clarification as to why the proponent is not proposing to run the “Construction Power Line” adjacent to the “Generation Outlet Transmission Lines”. A second transmission corridor, even for only temporary power supply, increases the environmental scope of the project, and results in a larger environmental footprint. Wildlife Branch would like more information on this portion of the project.

Disposition: This comment was forwarded to the proponent for additional information (see ‘Request for Additional Information section of this summary’).

REQUEST FOR ADDITIONAL INFORMATION:

EAL Branch contacted the proponent with questions from TAC members and the public concerning the project on January 18, 2013. A submittal in response to comments was received on April 26, 2013 and included the following in response to provincial TAC member questions:

1. **With respect to Client File 5614.00, please provide clarification as to why the proponent is not proposing to run the “Construction Power Line” adjacent to**

the “Generation Outlet Transmission Lines”. A second transmission corridor, even for only temporary power supply, increases the environmental scope of the project, and results in a larger environmental footprint. (Wildlife Branch)

As described in Section 2.2.1, the Construction Power Line is a permanent facility required not only for construction purposes but also required for "blackstart" of the Keeyask Generating station in the event of emergency shutdown. The source of power for "Blackstart" is the KN36 Transmission line. There is also a requirement for physical separation to the extent possible of the Construction Power Line and the Back-up Construction Power Line (described in section 2.2.4). The separation is required to minimize risks such as weather events, forest fire, etc that could affect the reliable power supply requirements for construction, resulting in significant construction delays.

- 2. In Section 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. Please provide clarification on fragmentation numbers presented. (Peguis First Nation)**

The tables provided in the document "*Keeyask Transmission Project – Supplemental Information Request Responses*" (see response to KTP-TAC Public Rd1 MB-0002) provide linear feature lengths (Table 1) and linear feature densities (Table 2) in the Regional Study Area by linear feature type. These tables also provide a breakdown of the Regional Study Area totals into two zones where linear feature densities are considerably different (i.e., the Thompson area and the rest of the Regional Study Area). It should be noted that there is a typographical error in the first sentence of the second paragraph of the fragmentation section in the KTP EA Report. The reported regional transportation density of 0.13 km/km² should read 0.07 km/km² (Table 2). The 0.13 km/km² density is the combined transportation and transmission line density.

PUBLIC HEARING:

There were no requests for a public hearing. A public hearing is not recommended.

CROWN-ABORIGINAL CONSULTATION

The Government of Manitoba recognizes it has a duty to consult in a meaningful way with First Nations, Métis communities and other Aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or Aboriginal right of that First Nation, Métis community or other Aboriginal community.

A consultation report was completed for this project and was submitted to the Director for consideration in making a licensing decision. This report identified the concerns heard

through the consultation process with 17 First Nation or Aboriginal communities. The common environmental issues identified through the consultation process included concerns about mercury in fish, impacts to lake sturgeon and caribou. Most of these concerns are related to impacts of the Keeyask Generation Project which was included within the scope of the Crown/Aboriginal consultation process. The Class 3 Environment Act licence for the Keeyask Generation Project has been issued and includes various clauses addressing impacts to lake sturgeon and wildlife. The Environment Act licence for the Keeyask Transmission Project also includes mitigation measure to address concerns related to caribou and habitat fragmentation.

RECOMMENDATION:

The comments received on the Proposal can be addressed as conditions of licensing for the project, or have been forwarded to the Proponent for their information. Therefore, it is recommended that the Development be licensed under The Environment Act subject to the limits, terms, and conditions as described in the attached Environment Act Licence.

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