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April 2, 2018

Hon. Rochelle Squires
Minister of Sustainable Development
Room 344 Legislative Building
450 Broadway, Winnipeg, MB R3C 0V8

Re: Manitoba Hydro Regional Cumulative Effects Assessment

Dear Ms Squires:

With this letter, I express serious concern about the joint Manitoba-Manitoba Hydro Regional Cumulative Effects Assessment (RCEA) and the broader regulatory legacy it perpetuates. I suggest that now is the time to start in a new chapter of meaningful and efficient public oversight of the public utility.

I write this letter on behalf of Wa Ni Ska Tan, a research alliance of academics, civil society groups and Indigenous people concerned about the impacts of hydropower projects in Manitoba and beyond. The Alliance received a \$2.5-million grant from the Social Sciences and Humanities Research Council, which will be spent over seven years on related research, education and outreach activities. You can find out more about our important work at <http://hydroimpacted.ca>.

We believe the RCEA process and Phase II report lack fundamental legitimacy. In our view, the evidence suggests the RCEA was designed to create the appearance of due diligence rather than to directly respond to the very serious and ongoing harms suffered by hydro-impacted Indigenous peoples and lands. We see this as a poor use of science, an abuse of the regulatory process and a wasteful use of monies that could have been better devoted to addressing actual problems.

Most notably, the RCEA process never intended to meaningfully involve impacted Indigenous people. That is unacceptable in this era or any other. A great deal of public money and effort was devoted to a process that, in many cases, has exacerbated problems rather than anticipating or solving them. The RCEA used tax dollars and public staff time to antagonize numerous hydro-impacted people and to obscure the many severe, ongoing and widespread socio-environmental damages they suffer.

Here, we note comments submitted to the Clean Environment Commission by the Community Association of South Indian Lake: *“The RCEA is a 6,000-page reminder of how decades of regulatory process and scientific studies have somehow managed to circumvent, dodge and work around the concerns so essential to our people.”*

If the process had been intended to directly address the pressing concerns of hydro-impacted people, the process and outcome would have looked entirely different.

In many cases, the bland and calculated descriptions of impacts in the Phase II report belie what is for many Indigenous people, a disaster that erodes their very culture, identity and ability to raise their children and grandchildren. These descriptions pour salt on the wound.

It is up to you to decide how the RCEA is framed and used. Our view is that it should in no way be considered to bolster, substantiate or support Hydro's social license nor any Water Power Act licenses. It must not be used as a political tool. This would simply add to the damage already done by the RCEA process. In short, we believe the RCEA Phase II report should be rejected.

Legacy

Over the decades, many studies of hydropower impacts have been conducted. Numerous regulatory processes have also been undertaken. Together these amount to a very considerable amount of effort and time on the part of the public utility and governments. Unfortunately, on the whole, the outcomes of regulatory processes and studies on hydro impacts in Manitoba have actually enabled Manitoba Hydro to continue to operate its system exactly as it has for decades and the bulk of environmental damage remains unaddressed. And, of course, all those studies and reviews failed to prevent construction of Keeyask and Bipole III.

Such studies and regulatory hearings give the impression of due process and meaningful oversight but the result are entirely predictable—Hydro gets its way and Indigenous peoples are sidelined. We believe the RCEA fits this pattern of covering up harm and sidestepping responsibility.

What the studies and regulatory processes have never led to is a concerted, collaborative effort to examine possibilities of operating the hydro system in less damaging ways. While numerous compensation agreements have been signed and while some mitigation measures have been undertaken, severe and widespread damage persists throughout the system.

We encourage you to recognize the failures, wastefulness and illegitimacy of the RCEA process and Phase II report. We encourage you to re-envision what oversight of Manitoba Hydro could look like—how it could be solutions-oriented, meaningfully participatory, more strategic in its use of scientific experts, far more rigorous in terms of actually holding Hydro to account, and all viewed through a common-sense lens of making things right between impacted Indigenous peoples and the rest of society.

Sincerely,



Stéphane McLachlan, PhD

Full Professor and Principal Investigator, Wa Ni Ska Tan: An Alliance of Hydro-Impacted Communities

cc. Hon. Brian Pallister, 22nd Premier of Manitoba

Hon. Cliff Cullen, Minister of Crown Services

Kelvin Shepherd, CEO, Manitoba Hydro

Serge Scrafield, Chair, Manitoba Clean Environment Commission