A Critical Perspective on Integrated Hydropower in Manitoba: Considering the Manitoba-Minnesota Transmission Project

A report prepared for Wa Ni Ska Tan: An Alliance of Hydro Impacted Communities

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Disclaimer:

The following recommendations are provided to the NEB to aid in its decision whether to recommend that the Governor in Council issue a certificate to Manitoba Hydro to build and operate the Manitoba-Minnesota Transmission Project ("MMTP"). It is important to note that these recommendations are presented by the author; Wa Ni Ska Tan does not endorse any particular recommendation, nor the suite of recommendations as a whole; and, while each recommendation listed here is designed to assist the NEB, the list should not be considered exhaustive.

A Critical Perspective on Integrated Hydropower in Manitoba: Considering the Manitoba-Minnesota Transmission Project

Background

1. Hydro operates a vast and impressive "integrated system" within the Province of Manitoba which allows it to produce and offer the "lowest electricity rates in Canada" (Manitoba Hydro, n.d.*a*). Manitoba Hydro (Hydro) made an application to the National Energy Board (NEB), in December 2017, regarding its proposed Manitoba-Minnesota Transmission Project (MMTP). If granted, the proponent will acquire federal regulatory approval(s) to construct a 213 km "international power line" thereby extending its ability to transport hydroelectric energy to and from its integrated system throughout Manitoba (Manitoba Hydro, 2017, 3.1.1).

2. Hydro owns and operates a hydroelectric network within Manitoba; this network has the capability or capacity to generate roughly 5675 MW of hydroelectric energy (Manitoba Hydro, 2017, 3.2.d).

3. According to Manitoba Hydro, a Crown owned utility operating within the province of Manitoba, roughly 96% of the hydroelectric energy produced in the province, which amounts to "30 billion kilowatt-hours on average," is "clean, renewable power" and is generated at "hydroelectric generating stations on the Nelson, Winnipeg, Saskatchewan, Burntwood and Laurie rivers" (Manitoba Hydro, n.d. *b*). The scope of Hydro's "integrated system" is directly referenced and captured in the Manitoba-Minnesota Transmission (MMTP) Project application (2017) currently before the National Energy Board (the components of which are not discussed in any substantive manner within the application).

4. At section 3.2.d of its MMTP application, Manitoba Hydro (Hydro) describes the respective and "incidental" components of its integrated system in this way (*Canadian Environmental Assessment Act, SC 2012*, 2.1):

> Hydro operates an integrated electricity system in the province of Manitoba consisting of generation, transmission and distribution facilities. *The corporation's generating resources include fifteen hydro-electric generating stations* and two thermal plants, *with a total system capacity of 5675 MW*. One hydro-electric generating station, Wuskwatim G.S., is owned by a limited partnership between Manitoba Hydro, a subsidiary of Manitoba Hydro and Taskinigahp Power

> Corporation (formed by Nisichawayasihk First Nation). As mentioned previously, a second generation development involving a partnership with several First Nations is currently underway. *Manitoba Hydro's major transmission system consists of a network of alternating current facilities of various voltages, as well as two intraprovincial high voltage direct current ("HVDC") transmission lines that connect the Corporation's northern generating stations on the Nelson River to load located in the southern portion of Manitoba.* A third HVDC line ("Bipole III) is currently under development with a proposed in-service date of July, 2018. *Manitoba Hydro's integrated system is interconnected with the Canadian transmission systems of SaskPower Corporation and Hydro One Networks Inc. Manitoba Hydro is connected to the U.S. systems of Northern States Power Company, Minnesota Power, Minnkota Power Cooperative, Otter Tail Power Company and Great River Energy through four existing international power lines* (Emphasis added).

5. Clearly, the transmission component together with the generating systems, including the generating stations, the powerhouses and the converter stations, are interconnected and interdependent. Indeed, as stated in industry produced literature and indeed "without HVDC technology… development of the hydroelectric potential of the Nelson River could not have proceeded" (Manitoba Hydro, n.d.a, p.42).

6. Understanding the reach and incidental components within Hydro's integrated system is critical to understanding the pathways and the efforts taken to grow the integrated system which ostensibly began with the processes attached to the Wuskwatim Project. Understanding the breadth of the system is also important because it it holds a hidden and painful history of the many indigenous peoples who lie along its pathways.

"Water is supposed to be life but to our people it is our enemy"

(Dr. Myrle Ballard, Nishnaabeg, 2018)

Introduction

7. In the summer of 2007, during a treaty "research" visit to Gillam and the Fox Lake Cree Nation, the home community of my paternal grandmother, Elizabeth Neckoway and the First Nation Band to which my father is registered, I recall visiting a site at the transmission lines not far from the Kettle Generating Station. Here, I was told a story of a burial site that sat directly beneath the labyrinth of steel towers and Hydro lines; in my recollection of the story, the site was supposed to be the final resting place of a member of my father and late grandmother's Band. Sadly, there did not seem to be a rest.

8. What follows represents a relatively short history in Manitoba, when considered within the context of broader indigenous histories in northern Manitoba. While the era discussed in this report spans a mere four decades, it has become an important and distinctive part of our lived history, and indeed in Manitoba, because of the abrupt changes to life and livelihoods ushered in during by the production of hydroelectricity.

9. Telling the wider story relating to the production of hydroelectricity in Manitoba, and contemplating telling this story (history) in public forums and formats, has been agonizing because of the common narratives of displacement, disruption and similarities in narratives of pain encountered by those who watched the waters rise and shorelines erode.

10. Having been to the farthest reaches of Hydro's integrated network near Missi Falls, boating over predictably fluctuating waterways and witnessing mass erosion of entire islands on and near South Indian Lake and Nisichawayasihk has been important to the work I do. Visiting disrupted burial sites along shorelines separated by hundreds and hundreds of kilometers has been heart wrenching.

11. In the last decade I have visited many indigenous communities throughout the province listening and "researching" the various ways Hydro has impacted the lives of everyday indigenous peoples. Many of these stories share commonalities and some have been painful to hear. Despite journeying through hydro-affected landscapes and waterways and listened to narratives of displacement and pain, I found solace in the language, customs, strength, humour and histories of the people I encountered. Their willingness to share knowledge with me through interviews and/or through informal talks and visits has

been important and has provided rich narratives and histories that have seemingly escaped the storylines of developers.

12. Public forums and formats such as the Clean Environment Commission Hearings (CEC) or the Public Utility Board (PUB) hearings processes have also been an invaluable source of information containing pockets of dissent and critical inquiry. The knowledge contained in the stories and perspectives that have been shared or publicly recorded are powerful and important and serve as an important counter narrative the way we have been and are characterized, and in many ways our histories and encounters in the contemporary Hydro narrative have been underappreciated or overlooked.

13. Manitoba Hydro is a Crown owned public utility that produces hydropower for domestic consumption, within the province of Manitoba, as well as exports energy outside its borders. According to industry literature, seventy-five percent (75%) of the hydroelectric energy generated in Manitoba occurs within the Churchill River Diversion (CRD) system. As such, it clearly falls within the "integrated system:"

> Hydro operates an ***integrated*** electricity system in the province of Manitoba consisting of generation, ***transmission*** and distribution facilities. The corporation's generating resources include fifteen hydro-electric generating stations and two thermal plants, with a total system capacity of 5675 MW [mega watts]. (Emphasis added, Manitoba Hydro, 2017, 3.2.d).

14. The Hydroelectric energy produced by Manitoba Hydro is largely produced in the waters and waterways throughout northern Manitoba, as affirmed above, and is then carried southward to markets beyond provincial boundaries via a vast and intricate transmission network operated as part the "integrated" system also referenced above. With respect to the transmission network, Manitoba asserts that the "tremendous hydroelectric potential of the Nelson River had been appreciated since the early 1900s. However, *it [was not] until the 1960s that it became feasible to pursue the development of the Nelson [once] the technology for the long-distance transmission of high voltage direct current (HVDC) became available*" (Emphasis added, Manitoba Hydro, n.d.*a*). Thus, once the technology of the HVDC transmission system became available, the provincial and federal governments reached an arrangement to construct the transmission lines that would carry the energy produced in northern waterways southward to Manitobans and to markets beyond the province. Under the agreement, the federal government financed the transmission line[s] (Manitoba Hydro, n.d.*b, p.32*).

15. This submission is prepared for the National Energy Board (NEB) hearings concerning the Manitoba-Minnesota Transmission Project (MMTP) application currently under review by the NEB. It is authored by a *Nethetho-Iskwew* ("Cree woman") from a Hydro-affected First Nation in Manitoba that has been and continues to feel the effects of "integrated" hydroelectric energy production and transmission in Manitoba. The author is an assistant professor at University-College of the North in northern Manitoba who research is focused on and concerned with capturing indigenous understandings concerning hydroelectric energy production in the region and has directly witnessed and experienced the numerous and ongoing effects and impacts to lands and landscapes, waters and waterways, lives and livelihoods throughout the regions implicated in Hydro's "integrated electricity system."

16. For many First Nations peoples throughout Manitoba, the land and water within our respective homelands have been and continue to be integral to our cultures; we have also been, and continue to, reel from the impacts stemming from the production of, and transmission of, hydroelectric energy that began a mere forty odd years ago.

17. The objective of this report is to address the NEB as an indigenous mother and grandmother who has, based on more than a decade's long journey throughout Hydro-affected landscapes in Manitoba, borne witness to far reaching impacts of the energy source currently before the Board. It also seeks to speak to the very energy, "sourced from Manitoba Hydro's integrated system which includes numerous other generating facilities," that will be carried to US markets if federal regulatory approvals are granted (Manitoba Hydro, 2017, 6.2.1.a).

18. Over the course of more than a decade I have journeyed to many Hydro-affected communities in Manitoba and learned about the ways peoples, lands, waters and waterways have been impacted by the production of hydroelectricity. I have also witnessed the various impacts to land, water and livelihood in Manitoba within Hydro's integrated system in the post-Churchill River Diversion era (CRD), and have direct knowledge relating to deal making and dam building in Manitoba.

19. There can be little doubt that dams and the interconnected components of the integrated system sitting at our doorsteps and in our backyards, which are critical to Manitoba Hydro's vast and impressive network, including the labyrinth of transmission lines, affected and continue to impact entire generations of indigenous peoples in Manitoba. My grandparents' generation, my parents' generation, my generation, my children's generation and their children's generation, have borne witness to and

experienced a kind of cultural genocide resulting from Hydro's generation in Manitoba; these experience to varying degrees and severity are akin, in some ways, to the residential school era that devastated many Aboriginal communities, children, parents and grandparents.

20. As recently as January 2018, similarities between Hydro activities and its impacts was articulated by a participant at a provincial Clean Environment Commission hearing who asserted that "*as someone who attended residential school as well, I can tell you that the impact of hydro development is no less. And I can say that from personal experience having felt the impacts of both*" (Emphasis added, Clean Environment Commission, January 19 Transcripts, 2018, p.14, p.41). Another participant commented that in a Hydro-affected community, one person from went "*from a hell-hole called residential school to another hell-hole called Hydro project*" (*Ibid*., p. 65).

21. In short, hydroelectric energy produced in northern Manitoba is more than "integral" to Hydro's integrated network (Manitoba Hydro, 2017, 6.2.1.a). The generating stations and supporting infrastructure within in the integrated system are the lifeline of the transmission system and are thus the core, the heart, of the "integrated system" noted above. In some ways the drive to produce cheap power has been undertaken at the expense of indigenous lands and livelihoods in Manitoba, directly and indirectly epitomizing a contemporary colonial encounter that has disrupted and caused an upheaval akin to the residential school era in Canada.

22. Entire generations of indigenous peoples in Manitoba within Hydro's integrated network" will never see or experience the land and water in the same ways our parents, grandparents and great-grandparents enjoyed because of activities associated with construction and maintenance of Hydro's "integrated system" and has thus resulted in many and varied catastrophes at micro and macro scales. At least four generations of indigenous peoples in Manitoba have been directly impacted by at least three formalized agreements between industry, regulators and in some instances, the federal and provincial governments, over the last forty years in the quest of establishing, maintaining and growing Hydro's "integrated System" (3.2.d). As such, regulators at all levels of decision-making, including the federal government, owe it to those generations of indigenous peoples affected by the operation of the integrated system to look more comprehensively and cumulatively at the relationships and interconnectedness of the waters and waterways and production of hydroelectric including the transmission network.

23. Manitoba Hydro properly acknowledges that under "Section 2 of CEAA, 2012 defines a 'designated project' as including one or more physical activities that are designated by the regulations made under paragraph 84(a) (such as the construction of certain international power lines), as well as any physical activity that is 'incidental' to those physical activities" (Manitoba Hydro, 2017, 6.2.1.a). Citing "contracted energy under new export sales agreements made possible, in part, with the addition of Keeyask Generating Station ("Keeyask")" at 6.2.1.a of Hydro's MMTP application, Hydro asserts that "for a number of reasons, Keeyask is not considered incidental to the [MMTP] Project (*sic*, Manitoba Hydro, 2017, 6.2.1.a). Hydro goes to make the direct connection between its upstream facilities. As such it is reasonable to conclude that the upstream facilities noted in the proponent's description, cited in the "Background" section above, means that those components fall within the purview and regulatory scope of the NEB.

24. The degree to which the cumulative impacts of Hydro's activities affects indigenous peoples in Manitoba is poorly understood, though efforts have been made. This reality is partly due to the fragmented and "silo" approach taken to the history, processes and outcomes involving the production of hydroelectricity in Manitoba.

25. The inability to access the land and water has been in some cases a *direct result* of Hydro and government decision making processes and proposals such as the Churchill River Diversion, Winnipeg Regulation, the Wuskwatim project, Bi-Pole III, Keeyask and now the MMTP each, within their respective functions, are incidental to Hydro's "integrated" system.

26. Together, these projects have resulted catastrophic and varied social, cultural, economic, legal and environmental impacts for First Nations peoples and communities throughout the province, among others. More specifically, the inability to access shorelines, lands and waterways has had significant cultural and social consequences. Industry's influence has, in some cases, blurred the collective vision and pathway sought by our Northern Flood Agreement (NFA) grandfathers and indeed some indigenous peoples affiliated with Hydro's projects became "blinded by the light" (personal communication, 2006).

Regulatory Bodies in Manitoba: Some Challenges and Limitations

27. Two regulatory processes within Manitoba tasked with overseeing various aspects concerning industry sectors, such as production of hydroelectric energy in Manitoba, are the Clean Environment Commission (CEC) and Public Utility Board (PUB) respectively.

These public entities and their respective processes not only provide recommendations for proposals that come across their tables aimed at growing Hydro's integrated system, for example, they also capture nominal but important insight into indigenous perspectives on histories, plans and pathways. As such, the CEC and PUB can provide some important clues regarding indigenous perspectives on the history and impacts of developers.

28. I became aware of the Clean Environment Commission (CEC) and its hearing process in 2004 during the Wuskwatim hearings. The meeting I attended occurred in Thompson, Manitoba on a cold winter day. The process undertaken in English, set in municipal setting and above all, it was formal. As a young mother and first generation undergraduate student, I can affirm that the process was nothing short of intimidating.

29. The Clean Environment Commission (CEC) describes itself as:

> an arms-length agency of the government of Manitoba. The Commission's principal purpose is to encourage and facilitate public involvement in the province's environmental management process [and] may initiate formal proceedings *only at the request of the Minister of Conservation*. [Among other things,] the Minister *may ask* the Commission to review potential environmental impacts of proposed projects and/or developments and to *provide advice* to the minister on whether an environmental license should be issued and/or what are some of the specific topics or issues that should be addressed by the license; [or] to conduct an investigation or an in-depth study of a specific environmental matter and to provide him/her with advice. The Commission may or may not use public input as part of their information gathering (Emphasis added, Clean Environment Commission, n.d.).

30. As indicated above, one component of processes that could be tasked to the Clean Environment Commission (CEC) process or mandate include undertaking formal hearings:

> CEC hearings follow a formal process. Written submissions and supporting materials are led as exhibits. Witnesses for the Proponent and the Participants make oral presentation, in an agreed-upon order, summarizing their written submissions. Questioning of witnesses for the Proponent or the Participants

> proceeds formally and is conducted by the representatives of the Proponent and the Participants. Panel members also ask questions of the witnesses. In addition to hearing oral testimony, the Panel also accepted written submissions (Clean Environment Commission, 2013, p. 8).

31. Effectively, the hearings become a mechanism by which a controlled opportunity for public participation and input, concerning proposals brought forward by various proponents, which in the purview of this report are entities like Manitoba Hydro, is facilitated. Presentations and/or submissions can be collected and captured as part of this process and form a public record or public archive of the process.

32. Another regulatory process that allows for a degree of public participation and input in Manitoba are hearings processes related to the province's Public Utilities Board (PUB). Rather than provide opportunities for public interaction and feedback relating to the "environmental management process" noted above, the PUB's primary concern relates to organizational sustainability with:

> a specific mandate based on its enabling legislation [and] act as a rate setting tribunal for various public utilities. [Among its other functions] the PUB establishes just and reasonable rates for the provision of electricity by Manitoba Hydro, for natural gas supplied by Centra Gas, for propane supplied by Stittco Utilities Ltd, rate bases and premiums charged for compulsory driver and Basic vehicle insurance provided by Manitoba Public Insurance and rates charged by water and waste water utilities outside the City of Winnipeg. [It] fulfills its mandate through public hearings, paper reviews and when required direct intervention [and] involve enquiry, research, consultation, careful deliberation, and public dissemination of decisions and notices of upcoming Board activities including rate applications. When considering a rate application, the Board reviews the financial requirements of the utility as well as the impact on the consumer. *While the Board is sensitive to customer reaction to increases, it must consider the sustainability of the utility* (Emphasis added, Public Utilities Board, n.d.).

33. As already noted, the public record that is created as a result of hearings involving the Clean Environment Commission and the Public Utilities Board, respectively, contain a

variety of perspectives, official reports, as well as critical and sometimes counter views on a number of matters related to dam building. As such the official hearing transcripts from both the CEC and the PUB can serve a limited and somewhat public archive in that a variety of perspectives and critical insights into proponents' activities and impacts can be inscribed onto the public record.

34. Whilst it may provide an opportunity to provide a degree of regulated input or feedback the formality of hearings processes can be intimidating, thus potentially rendering the intended participatory functions inaccessible at times, for a number of reasons, and although these records can serve as important sources of data, there are limitations and contradictions associated with these how these entities operate within a provincial mandate.

35. Given the relationships with the Province, questions have been raised about the ability of provincial regulatory bodies to render impartial and objective processes and reports that facilitate respectful and meaningful and culturally appropriate process for First Nation peoples and communities, among others. The Regional Cumulative Effects Assessment (RCEA), discussed below, is one such example where provincial regulatory processes and oversight has been deemed ineffective and culturally insensitive.

36. As such, the National Energy Board should travel to affected lands, waterways and First Nations communities affected by developers and undertake a process similar to the RCEA and hear first hand accounts and histories concerning the production of hydroelectricity in Manitoba as the impacts are far reaching and are incidental to the current MMTP proposal currently before the NEB.

Regional Cumulative Effects Assessment: An Unsatisfactory Approach.

37. The Regional Cumulative Effects Assessment (RCEA), ostensibly began in 2013 following the Bi-Pole III hearings/processes as an overall effort by the CEC and Manitoba, through Conservation and Water Stewardship (CWS), to review impacts of [the incidental components] of Hydro's ["integrated"] hydroelectric network along the Churchill, Nelson and Burntwood rivers:

> "The Clean Environment Commission's (CEC) Bipole III Report on Hearing (2013) included a list of licensing and non-licensing recommendations to be carried out by Manitoba Hydro (MH) and/or Manitoba. On behalf of government, the Minister of Conservation

> and Water Stewardship (CWS) committed to implementing these recommendations. [The Phase 1 Final Report]… intended to address CEC non-licensing Recommendation 13.2 from that [Bipole III Final;] report, which states 'Manitoba Hydro, in cooperation with the Manitoba Government, conduct a Regional Cumulative Effects Assessment for all Manitoba Hydro projects and associated infrastructure in the Nelson River sub-watershed; and that this be undertaken prior to the licensing of any additional projects in the Nelson River sub-watershed after the Bipole III project'" (Manitoba Hydro, 2014, p. 1.1).

38. In 2015, the CEC was tasked with engaging in "public outreach program" and thus initiated to "supplement the findings of the second phase report" with another hearings process (Clean Environment Commission, 2017, Terms of Reference). In short, the CEC received several reports by Hydro-affected First Nations as well as other rural and Aboriginal groups and organizations, relating to the RCEA. Many First Nations community directly expressed dissatisfaction with the RCEA, its findings and the processes used to undertake

39. Given the workings of regulatory agencies within the Province, questions have been raised about the ability of provincial regulatory bodies to render processes and reports that facilitate respectful and meaningful and culturally appropriate process for First Nation peoples and communities, among others. The Regional Cumulative Effects Assessment (RCEA), briefly described above, is but one such example where provincial regulatory processes and oversight has been deemed ineffective and culturally insensitive.

40. The National Energy Board should travel to Hydro-affected lands, waterways, and First Nations communities affected by developers, and undertake a federal study similar to the the provincial RCEA to hear first hand accounts and histories directly relating to the production of hydroelectricity in Manitoba as the impacts are far reaching and are incidental to the current MMTP proposal currently before the NEB.

Manitoba Hydro and its "Integrated System"

"The Project will not cause significant adverse biophysical or socio-economic environmental effects" (Manitoba Hydro, 2017, 3.1.1).

41. Sections 3.2. d and 6.2.1. a of Manitoba Hydro's application directly references and acknowledges the facilities located in other regions in Manitoba that operate as part of its broader hydroelectric network. More specifically, the application makes reference to "upstream facilities" within this "Integrated System." For The integrated system means the whole system including generating stations, powerhouse structures, converter stations and transmission lines.

42. To date Hydro's "integrated system," or its system wide network and provincial in scope, has escaped any *meaningful* or robust broad/cumulative federal or provincial assessment. Instead, developers have taken a fragmented approach to discussing and considering aspects of the system as evidenced in the respective industry literature and, perhaps more importantly, in provincial regulatory processes and/or approvals pertaining to respective components such as the Churchill River Diversion (CRD) project, the Lake Winnipeg Regulation (LWR) project, Wuskwatim, Keeyask, Bi-Pole three, and now, the Manitoba-Minnesota Transmission Project (MMTP).

43. In addition to the transmission network and the MMTP, two important components are briefly described below as indigenous communities with the farthest reaches of the "integrated" system continue to feel its the effects.

The Churchill River Diversion

44. Ultimately, the Churchill River Diversion Project (CRD) entailed the diversion of waters from the Churchill River into the Nelson River through engineered corridors blasted through lands and rock at strategic locations, and through a control structure at the north end of South Indian Lake that raised its water level significantly. The diversion plan ensured that generating stations that would be built along the Nelson River would have the water flow required to maximize profitability of the generating stations.

45. The CRD has been described this way:

> The [Churchill River Diversion] CRD diverts a large portion of the flow of the Churchill River into the Nelson River via the Rat and Burntwood River system. A control dam at Missi Falls, the natural outlet of Southern Indian Lake, controls outflow from the lake down the Churchill River and raises the mean lake level by about 3-m above its long-term mean. A second control dam at Notigi Lake on the Rat River regulates the flow into the Burntwood River system and the lower Nelson River. An excavated channel from South Bay on Southern Indian Lake to Isset Lake on the Rat River system allows the Churchill River waters to

flow into the Rat- Burntwood system and then into the Nelson River (Clean Environment Commission, 2004, p.15).

46. Effectively, as a result of the CRD, South Indian Lake was transformed into a reservoir and lands and shoreline behind the Notogi Control Structure became inundated. Interim licenses were issued by Province of Manitoba in 1972 and 1973 respectively which governed the ways waters were held and moved through the diversion scheme. The Interim licenses regulated the levels of water at South Indian Lake and the discharges or allowable flows through the Notogi Control Structure (Clean Environment Commission, 2004, p.16).

47. As documented in the 2018 Clean Environment Commission (CEC) Regional Cumulative Effects Assessment (RCEA) submissions 2018, the impacts of this project have been great (Clean Environment Commission, 2018).

Lake Winnipeg Regulation

48. The Lake Winnipeg Regulation component of Hydro's "integrated system" effectively entailed utilizing Lake Winnipeg as a massive storage reservoir for the generating stations that would be built along the upper Nelson River. By increasing water outflows from Lake Winnipeg together with creating the ability to regulate these flows, developers were able to manipulate the natural flow of waters from Lake Winnipeg in the operation of the generating stations further up the Nelson River. Regulation was achieved when developers strategically excavated large tracks of land which allowed them to control outflows from Lake Winnipeg.

49. According to Hydro "the regulation of Lake Winnipeg was deemed necessary because in its natural state, the water out flow into the Nelson River is more during the spring and early summer months and less in the fall and winter months. The problem for hydroelectric generation in Manitoba is that the greater volume of out flow is needed in the fall and winter than it is in the spring and summer" (Manitoba Hydro, n.d.*a*, p.42).

50. Generally speaking, the diversion project began in the 1970's and was completed by 1976. Hydro writes that the project entailed three phases:

    One, the two-mile Channel, the eight-mile Channel, and the Ominawin Channel, which were built to increase water out flow from the lake in winter.

Two, Jenpeg Generating Station and its Control Dam, which was built at the point where the west channel of the Nelson River discharges into Cross Lake. And three, a dam was built at the outlet of Kiskitto Lake to prevent water from backing up into the lake (Manitoba Hydro, n.d.*a*, p.42).

51. Similar to the reference above concerning impacts and effects of the Churchill River Diversion (CRD), noted above and as captured in the "public outreach" component of the CEC's RCEA (Clean Environment Commission, 2018), so too has the Lake Winnipeg Regulation project impacted and affected indigenous people, landscapes and waterways.

Conclusion

52. As a result of Hydro's continued presence and occupation on lands and in waterways throughout Manitoba, including lands that continue to be the homelands of thousands of *Ithinewuk* ("Cree" peoples), governments and developers have adversely impacted and continue to adversely impact the exercise of inherent and constitutionally affirmed and protected Aboriginal rights of many Aboriginal peoples throughout Manitoba. The waters and the energy generated in these waters are more than "incidental" to Hydro's integrated system, including the transmission network and the MMTP. As previously stated, the accessing of land and water in indigenous homelands has yielded profit and benefits in favour of governments, developers and consumers in the south. Moreover, as result of industry activities within indigenous homelands and territories, many indigenous communities continue to experience the effects of forty year's worth of dam building and agreement making.

Recommendations:

53. The following are recommendations as you consider the Manitoba-Minnesota Transmission Project:

- Do not rely exclusively on provincial studies and/or reports of regulatory processes or entities for your data;
- Delay licensing or issuing of permits concerning the MMTP *until* a cumulative effects assessment of the "integrated" system has been undertaken and completed by *the National Energy Board (NEB)* (emphasis added);

- Include insights obtained *directly* from indigenous and Aboriginal peoples concerning histories and outcomes concerning the incidental components within Hydro's integrated system;
- Assess the impacts of Hydro's integrated system on major water and waterways in Manitoba;
- Implement an *independent* federally operated environmental monitoring program along the Churchill, Nelson and Burntwood River corridors (emphasis added);
- Participate in a *Wa Ni Ska Tan* "Hydro Tour"

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