

**THE COOPERATIVE ENVIRONMENTAL ASSESSMENT PROCESS FOR THE
PROPOSED WUSKWATIM GENERATION AND TRANSMISSION PROJECTS**

**A PROJECT ADMINISTRATION TEAM PRESENTATION TO THE
MANITOBA CLEAN ENVIRONMENT COMMISSION PUBLIC HEARINGS
RESPECTING THE PROPOSED WUSKWATIM PROJECTS – MARCH 2004**

by

**LARRY STRACHAN, P.ENG.
DIRECTOR, ENVIRONMENTAL APPROVALS BRANCH
AND
CHAIR, PROJECT ADMINISTRATION TEAM**

THE COOPERATIVE ENVIRONMENTAL ASSESSMENT PROCESS PROPOSED WUSKWATIM GENERATION AND TRANSMISSION PROJECTS

Manitoba Hydro and Nisichawayasihk Cree Nation (the proponents) submitted two project proposals for licencing: the Wuskwatim Generation Project and the Wuskwatim Transmission Line Project. Manitoba and Canada agreed to and carried out a Cooperative Environmental Assessment Process pursuant to the *Canada-Manitoba Agreement on Environmental Assessment Cooperation* to review the two projects. Key dates/activities of the cooperative review process are outlined in Attachment 1.

Separate provincial and federal approvals are required.

- *Manitoba Environment Act* Licences are required for both projects.
- A federal comprehensive study is required under *The Canadian Environmental Assessment Act* (CEAA) for the Wuskwatim Generation Project.
- Federal approvals are also required for stream crossings related to the access road to the generation site.

Manitoba was designated lead party for the cooperative process. The Manitoba Environment Act process (section 11 for the transmission project, section 12 for the generation project) was used to guide the cooperative process. These Clean Environment Commission (CEC) public hearings are a component of *The Environment Act* review process. Manitoba also established a participant assistance program to facilitate public involvement in the hearing process.

Fisheries and Oceans Canada (DFO) is the federal responsible authority (RA) for the federal environmental assessment. The RA will prepare a comprehensive study report (CSR) as required by the CEAA for public review. A thirty-day public review period is anticipated after which the CSR and any comments received from the public will be provided to the federal Minister of the Environment for a decision under CEAA. The CEC hearing will provide useful advice for the provincial licencing decisions and will be considered in the preparation of the CSR. To the extent possible, the provincial and federal final decisions will be coordinated.

A Project Administration Team (PAT) administered the cooperative review process. The PAT consists of: Larry Strachan (chair), Environmental Approvals Branch; Dan McNaughton, Canadian Environmental Assessment Agency; Trent Hreno, Environmental Approvals Branch; and Beverley Ross, Fisheries and Oceans Canada.

A Technical Advisory Committee (TAC) was in place to critically review all information generated in the environmental assessment and provide advice to the PAT and the proponents. Manitoba (Trent Hreno) chaired the TAC. Both federal and provincial representatives participate on the TAC. Information on the TAC process and membership is outlined in Attachment 2.

The proponents, following the environmental assessment guidelines submitted by the PAT, generated the necessary information required to meet the legal environmental assessment requirements of both the provincial and federal legislation. The information generated was a report on the 'need for and alternatives to' the projects, an environmental impact statement, two supplemental filings, and several specific reports to address Fisheries and Oceans Canada's requirements. The PAT also recognized and reviewed the substantial information that was generated by the interrogatory process administered by the CEC.

In consideration of all the information generated to date in the cooperative environmental assessment process, the PAT has concluded that:

- The intent and scope of the guidelines for the preparation of information on the ‘needs for and alternatives to’ and an environmental impact statement for the two projects have been satisfied;
- The environmental and technical information generated in the environmental assessment process is sufficient to be considered at the CEC public hearings;
- The environmental and technical information generated in the environmental assessment process is sufficient to address most of the requirements of the CSR. Further information has been provided by the proponents to address the remaining specific information requirements identified during the TAC review by DFO. This information is currently under review.

The PAT looks forward to receiving the advice and recommendations of the Clean Environment Commission following its public review. The advice and recommendations of the Commission will be carefully considered in any final regulatory decisions by Manitoba and Canada on the proposed projects.

Attachment 1

Wuskwatim Hydro Generation / Transmission Line Projects – Key Dates and Decisions

7 December 2001: Proponents submitted Environment Act Proposals for: 200 MW Generating Station on Burntwood River at outlet of Wuskwatim Lake (Class 3); and Transmission Line (Class 2).

11, 12, 18, 19 February 2002: Clean Environment Commission (CEC) conducted public consultation meetings on draft EIS Guidelines in northern Manitoba (Thompson, Nelson House, The Pas) and Winnipeg.

15 April 2002: Receipt of CEC Report on the Guidelines consultation acknowledged.

29 April 2002: EIS Guidelines finalized considering CEC recommendations and all technical and public comments.

2,3 and 4 June 2002: Appeals filed on EIS Guidelines by Future Forest Alliance and Canadian Nature Federation

1 August 2002: Guidelines appeals dismissed.

28 April 2003: EIS documents submitted and subsequently placed in public registries and advertised.

30 April 2003: Need For and Alternatives To documents submitted and subsequently placed in public registries and advertised.

60-day public and government review period provided.
Deadline for comments 30 June 2003.

16, 17, 19 June 2003: Technical workshops by proponents to aid government reviewers of EIS' held.

8 July 2003: Participant funding of \$876,438 awarded to 11 applicants; 3 applications for funding were denied.

7, 8, 9 July 2003: Technical workshops by proponents held to aid funded participants and other public reviewers of EIS's.

10 July 2003: Adequacy Statement for further information based on comments received on EIS's issued to proponents.

8 August 2003: Supplemental Filing # 1 received from proponents. Distributed to TAC for review and public registries.

18 September 2003: DFO identifies specific information requirements for their decisions.

9 October 2003: PAT informs the CEC that the EIS, the NFAAT and the Supplemental Filing 1 is sufficient for consideration through the interrogatory process and the public hearing.

10 October 2003: Supplementary Filing # 2 submitted by proponents and distributed to TAC for review and public registries.

24 October 2003: PAT provides further information to the CEC regarding the ongoing cooperative review process.

12 December 2003: Proponents submit information on forage fish to DFO.

17 December 2003: The Chair of PAT provides a general response to interrogatory requests clarifying the provincial and federal environmental assessment and licensing process.

8 January 2004: PAT submits Analysis and Disposition of Interrogatory Questions and Clarification Response to Interrogatory Requests of the Clean Environment Commission.

12 January 2004: PAT submits Clarification Response to Interrogatory process Requests of PCN and CNF.

16 January 2004: Proponents submit Draft Fish Habitat Compensation Plan to DFO.

17 February 2004: CEC requests PAT to provide a panel of government representatives to respond to questions on a number of identified areas.

24, 26 February 2004: Proponents submit information on sediment management, fish passage and protection, a draft aquatic effects monitoring program, a summary of community questions, comments and concerns, a summary of effects on navigation and formal Application for Authorization under the Fisheries Act to DFO.

27 February 2004: PAT responds to the CEC February 17, 2004 request to clarify respective roles at the hearing.

Attachment 2

Technical Advisory Committee Process and Wuskwatim Members

Background

Prior to proclamation of *The Manitoba Environment Act* (1988), the environmental assessment and review of large scale Provincial projects were vetted through the Interdepartmental Planning Board (IPB). IPB was established under The Manitoba Planning Act (1975) to establish provincial land use polices and to advise government through the Provincial Land Use Committee of Cabinet on matters related to land use. As IPB was an established provincial board with wide representation of provincial departments and agencies dealing with a broad range of planning matters, it was considered to be an appropriate body to consult on environmental assessment issues, in addition to issues related to its land use mandate. For this reason, IPB's role in environmental assessment became formalized through embodiment in *The Manitoba Environment Act*.

Mandate

Specifically, Sections 10(4), 11(8) and 12(4) of *The Manitoba Environment Act* requires that following receipt of a proposal, a copy of the proposal be filed with IPB and other affected departments for their review and comment. In order to facilitate the review process, IPB is responsible to appoint appropriate staff from within their department or agency to conduct a technical review of the proposal, and submit their comments to provincial staff responsible for administering *The Manitoba Environment Act*. Provincial representation on an IPB appointed Technical Advisory Committee (TAC) varies, depending on the type of project under review. To address the *Canada-Manitoba Agreement on Environmental Assessment Cooperation*, federal departments are also typically represented on the TAC. Federal representation also varies, depending on the type of project under review. A list of current provincial and federal government department TAC representatives for the proposed Wuskwatim projects is attached.

WUSKWATIM PROJECTS TAC REPRESENTATIVES (NOVEMBER 2003)

Blair McTavish, Director
Sustainable Resource Management
Manitoba Conservation
200 Saulteaux Crescent
Winnipeg MB R3J 3W3
(204) 945-6658, Fax: (204) 945-4552

David Jopling,
Policy Planner
Provincial Planning Branch
Intergovernmental Affairs
400 - 800 Portage Avenue
Winnipeg MB R3G 0N4
(204) 945-8353, Fax: (204) 945-5059

Sheri Grift
Program Officer
Soils and Crops Branch
Agriculture & Food
P.O. Box 2000, 65 3rd Avenue NE
Carman MB R0G 0J0
(204) 745-5639, Fax: (204) 745-5690

Patricia Badertscher, Manager
Archaeological Assessment Services
Historic Resources Branch, 213 Notre Dame
Culture, Heritage & Tourism
Winnipeg MB R3B 1N3
(204) 945-1830, Fax: (204) 948-2384

Julianne Schaible (**currently on leave**)
Industry Consultant
Energy, Science and Technology
500 - 155 Carlton Street
Winnipeg MB R3C 3H8
(204) 945-5161, Fax: (204) 945-3977

Jim Popplow, MD
MOH Environment
Manitoba Health
100-300 Carlton Street
Winnipeg MB R3B 3M9
(204) 788-6730, Fax: (204) 948-2040

J. Trent Hreno, *Chairman TAC*
Manager, Environmental Land Use Approvals
Manitoba Conservation
123 Main Street, Suite 160
Winnipeg MB R3C 1A5
(204) 945-7080, Fax: (204) 945-5229

Ken Agar, Director
Aboriginal Affairs Secretariat
Aboriginal & Northern Affairs
200 - 500 Portage Avenue,
Winnipeg MB R3C 3X1
(204) 945-2506, Fax: (204) 945-3689

Bryan Blunt
Environment Officer
Environmental Land Use Approvals
Manitoba Conservation
123 Main Street, Suite 160
Winnipeg MB R3C 1A5
(204) 945-7085, Fax: (204) 945-5229

John Fox, Acting Director
Petroleum and Energy Branch
Industry, Trade & Mines
1395 Ellice Avenue
Winnipeg MB R3G 3P2
(204) 945-6574, Fax: (204) 945-0586

Joe Romeo, Senior Environment Engineer
Highways & Government Services
14th Floor - 215 Garry Street,
Winnipeg MB R3C 3Z1
(204) 945-2369, Fax: (204) 945-0593

Ernie Armitt, Director
Mines Branch
Industry, Trade & Mines
1395 Ellice Avenue
Winnipeg MB R3G 0G3
(204) 945-6505, Fax: (204) 945-8427

Steve Kearney, Director Northeast Region
Manitoba Conservation
Box 28, 59 Elizabeth Drive
Thompson MB R8N 1X4
(204) 677-6629, Fax: (204) 677-6359

Denise Hickson
Manager, Operations Analysis
Crown Corporations Council
1130-444 St. Mary Avenue
Winnipeg MB R3C 3T1
(204) 949-5280, Fax: (204) 949-5283

Kelly Cochrane
NWP Officer
Canadian Coast Guard
Department of Fisheries and Oceans
Freshwater Institute
501 University Crescent
Winnipeg MB R3T 2N6
(204) 984-7494, Fax: (204) 983-4466

Terry Youmans
Environmental Assessment Co-ordinator
Environment Canada
1150-123 Main Street
Winnipeg MB R3C 4W2
(204) 983-4814, Fax: (204) 983-0960

Peter Garrett
Indian and Northern Affairs Canada
1100 - 275 Portage Ave.
Winnipeg MB R3B 3A3
(204) 983-4689, Fax: (204) 983-3629

Steve Davis, Director Northwest Region
Manitoba Conservation
3rd & Ross Avenue
The Pas MB R9A 1M4
(204) 627-8362, Fax: (204) 623-1773

Dan McNaughton
Director, Regional Liaison
Can. Environmental Assessment Agency
123 Main Street, Suite 150
Winnipeg MB R3C 4W2
(204) 984-2457, Fax: (204) 983-7174

Maria Ooi
Regional EA Co-ordinator
Health Canada
Jeanne Mance Building
Tunney's Pasture
Mail Stop: 1904C
Ottawa ON K1A 0K9
(613) 952-8712, Fax: (613) 941-8921

John Fox
Environmental Specialist
National Energy Board
444 – Seventh Avenue S.W.
Calgary AB T2P 0X8
(403) 299-3904, Fax: (403) 292-5503

Suzanne Therrien-Richards
Western Canada Service Centre
Parks Canada
3rd Floor - 145 McDermot Avenue
Winnipeg MB R3B 0R9
984-5719, Fax: 983-0031

Bev Ross
Biologist
Department of Fisheries and Oceans
Freshwater Institute
501 University Crescent
Winnipeg MB R3T 2N6
(204) 984-6080, Fax: (204) 984-2402

Catherine Badke
Senior EA Officer
Office of Environmental Affairs
Natural Resources Canada
3rd Floor, 580 Booth Street
Ottawa ON K1A 0E4
(613) 995-7609, Fax: (613) 995-5719