



Peguis First Nation

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Re: Keeyask Generation Project , CEEA Reference Number 64144

Dear Mr. Morrell,

I am an elected official for Peguis First Nation.

Peguis First Nation is responding to the Canadian Environmental Assessments Agency (CEAA)'s November 21, 2012 public invitation for comments by December 21, 2012.

Peguis First Nation considers its Nation, rights and its citizens to be impacted by the proposed Keeyask Generation Project, the ongoing Keeyask Infrastructure Project, and the Keeyask Transmission Project. Filing environmental statements in stages, and licensing of parts of a connected project does not change the impact of the connected project on our First Nation.

The Keeyask project does not stand alone. Keeyask is only viable on the basis of past hydro-electric development that continue to have adverse environmental and socio-economic effects. Manitoba's entire northern hydro electric system is built upon and dependent on Churchill River Diversion (CRD) and Lake Winnipeg Regulation (LWR).

The construction of Keeyask will require considerable upgrades to Manitoba's electric transmission system. These new transmission lines and both upgraded and new converter stations all exist in and criss cross the Traditional Territory and Treaty Land Entitlement notice areas of Peguis First Nation.

New Converter stations, and upgrades to older converter stations (Radisson and Dorsey), all affect Peguis First Nation. Dorsey Converter Station built in 1968 and the Riel Converter Converter Station, presently under construction, are in the heart of Peguis' Traditional Territory and Treaty Land Entitlements Notice Area.

Keeyask, like all new dams on the Burntwood-Nelson River system will rely upon the Churchill River Diversion and Lake Winnipeg Regulation. The impacts of these massive "water management" projects are felt in Manitoba's waterways from Hudson's Bay in the North to Lake Winnipeg, both north and south basin. Thus, Keeyask, like virtually all new hydroelectric projects in Manitoba has an effect on the entire watershed.

Please find attached to this letter Peguis' comments on the proposed Keeyask Generation and Transmission project.

Based upon our review of the CEEA *Keeyask Generation Project Environmental Effects Summary Document* we have identified several areas where Manitoba Hydro and the Keeyask Hydropower Limited Partnership have not adequately identified the potential environmental effects and issues of concern for the Keeyask Generation and Transmission Project.

As a public utility Manitoba Hydro must be aware that our TLE notice area is in place so that Peguis First Nation can enhance economic opportunities, locate those opportunities, and enjoy economic benefits and employment from our TLE notice area. Instead we are not involved or included in the planning, assessment or economic outcomes from Manitoba Hydro projects which affect our First Nation.

These omissions by Manitoba Hydro directly affect our ability to enjoy our Aboriginal rights.

We thank you for the opportunity to provide these comments, and hope they will help lead to resolutions of the issues we outline in the attached document.

Yours with respect,

Mike Sutherland
Councillor
Peguis First Nation

Copy to:

Peguis First Nation Chief & Council

Attachments:

Peguis First Nation Comments on CEEA *Keeyask Generation Project Environmental Effects Summary Document*

Peguis First Nation Comments on CEAA Keeyask Generation Project Environmental Effects Summary Document

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Peguis First Nation Comments on CEAA Keeyask Generation Project Environmental Effects Summary Document

1. Introduction

In providing our comments we have primarily relied upon the CEAA *Keeyask Generation Project Environmental Effects Summary Document*.

It should be noted, that with the exception of a brief forward written by CEAA, the *Keeyask Generation Project Environmental Effects Summary Document* is merely the executive summaries of Keeyask Generation Project Environmental Impact Statement (EIS) and Keeyask Transmission Project Environmental Assessment Report (EAR).

Recommendation: That CEAA staff be provided adequate resources to be able to compile their own summary documents, rather than relying on executive summaries written by Manitoba Hydro, or Manitoba Hydro Partnership entities.

We note that the *FINAL EIS Guidelines for the Keeyask Generation Project*, at page 5, under the heading "3. Executive Summary" state:

"In order to enhance understanding of the EIS and facilitate consultation activities, the executive summary should be prepared using "plain language" and should serve as a *stand-alone document*. The executive summary *will include maps indicating the locations of the Project and its key components*. The proponent will prepare a *summary of the environmental effects analyses in a table format* to present the information clearly and accurately."

In many regards the executive summaries does not serve as a "stand-alone document." Manitoba Hydro's is wrongly attempting to license this project in stages as discrete projects: Keeyask Infrastructure, Keeyask Generation, and Keeyask Transmission. We commend CEAA for considering the Keeyask Generation and Transmission projects together, but the Keeyask Infrastructure project should also be included. By including all projects together the reader gains a more complete picture and is able to provide comments in the public and community. (More below: "3. Connected, Current, Future, & Intended Projects)

The executive summary for the Keeyask Transmission project is particularly lacking. We feel that this is at least in part reflective of the fact that, unlike the Keeyask Generation project, there is no CEAA guidance document for the Keeyask Transmission project.

Recommendation: Peguis First Nation recommends that if CEEA makes a determination that a project submitted by a proponent like Manitoba Hydro, that CEEA issue EIS guidelines for all aspects of that project. In the present case CEEA should have issued EIS guidelines for the Keeyask Transmission Project, in addition to those guidelines issued for the Keeyask Generation Project. Ideally the Keeyask Infrastructure project would also have EIS guidelines and be part of this CEEA review.

Additionally it would help if the maps shown are each on their own unique page, rather than being used as pictorial inlays mixed with text areas in a magazine style layout. This magazine style layout makes it difficult to view maps. Most notably the "Water Surface Profile" is displayed across pages 22 and 23 of Part A of the Keeyask Generation Project Environmental Effects Summary Document. Even in magazine format this graphic would be quite small for some eyes, but because it is viewed digitally the map is effectively split in half.

Recommendation: Peguis First Nation recommends that full size maps be used in executive summaries, or at minimum references be provided to where full size maps could be found in the other EIS materials.

It was also challenging working with a secured pdf of the Keeyask Generation Project Environmental Effects Summary Document as it did not allow the ability to copy and paste text from the document. This means extra work for any party or community doing analysis and review comments based on the document. We thank Mr. Morrell for helping our consultants, Whelan Enns Associates, to secure an unsecured pdf of the Keeyask Generation Project Environmental Effects Summary Document.

Recommendation: In future we hope that CEEA will make sure pdfs that allow the ability to copy text from the document are provided for CEEA project reviews.

2. Connected, Current, Future & Intended Projects

"Project" in relation to a physical work, such as a hydroelectric generation facility, is defined under the *Canadian Environmental Assessment Act* as:

"...any proposed construction, operation, modification, decommissioning, abandonment or other undertaking in relation to that physical work..."

Source: Statutes of Canada. Canadian Environmental Assessment Act, SC 1992, c.37, s. 2.

Manitoba Hydro and the partnership entity which Manitoba Hydro has a majority stake in, Keeyask Hydropower Limited partnership, have erroneously attempted to separate a single project into several smaller projects.

Electrical infrastructure, however, is an integrated whole. Accordingly Peguis First Nation submits that CEAA should consider the various projects that are connected and related, which together constitute the Keeyask Project. In particular the Keeyask Infrastructure, Transmission, and Generation projects together form a whole project, where any part would not function without the others.

Additionally there are numerous other connected, current, future, and intended projects that need to be considered with the Keeyask project, given their connection to the Keeyask project.

Current and Future Transmission

Keeyask is only viable with considerable upgrades to Manitoba's electric transmission system. Considerable portions of these transmission system developments fall within the Peguis Treaty Land Entitlement notice area. All energy produced by Keeyask will run through the Traditional Territory and Treaty Land Entitlement notice area of Peguis First Nation.

These transmission upgrades, and new developments, include but are not limited to:

- i) **Riel Reliability Improvement Initiative**, which is licensed under Manitoba's *Environment Act* and includes the new Manitoba Hydro **Riel Converter Station** already being constructed east of Winnipeg in the heart of Peguis' traditional territory.
- ii) The **Riel Reliability Improvement Initiative**, will also split the current 500 kV alternating current (ac) connection between the Dorser Converter Station and substations near Forbes Minnesota. The new connection to Forbes, Minnesota will now be accomplished via the new **Riel Converter Station**. Connection from Dorsey to Riel is to be accomplished by additional transmission around the perimeter of Winnipeg. (See pictures on Manitoba hydro website: <http://www.hydro.mb.ca/projects/gif/rielandlocation.jpg> & <http://www.hydro.mb.ca/projects/gif/rielandsectionalization.jpg>).
- iii) **Bipole III Transmission project**, a 1400 kilometre (km) North-to-South high-voltage direct current (HVDC) transmission line that connects to the **Riel Converter Station** in the south (with the addition of a ground electrode and other needed upgrades). A new Manitoba Hydro Northern Converter station, named Kewatinoow, which will connect to existing and proposed future hydroelectric dams on the Nelson River, is also therefore connected to components of Keeyask.
- iv) **Bipole III** also includes new connections from the Long Spruce generating station and the existing Henday Converter Station, to the Kewatinoow Converter Station, the new northern converter station being built as part of the Bipole III project.

- v) A new 500 kilovolt (kV) connection from the **Riel Converter Station** to the **Mesabi Iron Range** in Minnesota known as the **Great Northern Transmission Line** (<http://greatnortherntransmissionline.com>) will be required to move Keeyask generated power to market at fulfil export contracts.
- vi) A new roughly 70 km 230 kV ac transmission line from the existing Manitoba Hydro Dorsey Converter station to the Portage South Transformer Station, along with upgrades to the Dorsey Converter Station and South Transformer Station is currently being reviewed for a license. Dorsey Converter Station upgrades, Portage South Transformer Station upgrades and the new Transmission line, fall within the Peguis Treaty Land Entitlement notice area. They are all connected to the Keeyask transmission and converter stations links.
- vii) Upgrades to the Radisson Converter station, so that power from the Keeyask Generating Station can run down Bipole I.
- viii) Manitoba has numerous electrical interconnections to the United States and other Canadian provinces:

Manitoba-USA

- "The Manitoba - USA interface consists of four tie lines, namely:
 - D602F, a 500 kV line from Dorsey, MB to Forbes, MN. This 500 kV line has a continuous capability of carrying 1732 MVA.
 - L20D, a 230 kV line from Letellier, MB to Drayton, ND. This 230 kV line has a continuous capability of carrying 420 MVA in summer and 470 MVA in winter.
 - G82R, a 230 kV line from Glenboro, MB to Rugby, ND. This 230 kV line has a continuous capability of carrying 335 MVA.
 - R50M, a 230 kV line from Richer South, MB to Moranville, MN. This line has a continuous capability of carrying 230 MVA."

Source: Manitoba Hydro Available Transfer Capability Implementation Document (ATCID) filed with Midwest Independent Transmission Operator (MISO) June 7, 2011 (pg. 7) <online: <http://oasis.midwestiso.org/documents/mheb/ATCID-MOD28%20June%207%202011.pdf>>.

Manitoba-Ontario

- "The Manitoba - Ontario Interface is made up of two 230 kV ties, K21W and K22W, from Whiteshell, MB to Kenora, ON. ... Each of these lines has 190 MW of continuous capability in winter and 163 MW of continuous capability in summer."

Source: Manitoba Hydro Available Transfer Capability Implementation Document (ATCID) filed with MISO June 7, 2011 (pg. 10) <online: <http://oasis.midwestiso.org/documents/mheb/ATCID-MOD28%20June%207%202011.pdf>>.

Manitoba-Saskatchewan

- “The Manitoba Saskatchewan interface is made up of three 230 kV lines, namely:
 - P52E from the Pas, MB to EB Campbell, SK (a hydro generating facility in Saskatchewan). This line is capable of carrying 287 MVA in summer and 414 MVA in winter.
 - R25Y from Roblin, MB to Yorkton, SK. This line is capable of carrying 228 MVA in summer and 414 MVA in winter.
 - R7B from Reston, MB to Boundary Dam, SK (a coal fired generating station in Saskatchewan). This line is tapped at Auburton, SK to supply load. This line is capable of carrying 284 MVA in summer and 440 MVA in winter.”

Source: Manitoba Hydro Available Transfer Capability Implementation Document (ATCID) filed with MISO June 7, 2011 (pg. 15) <online: <http://oasis.midwestiso.org/documents/mheb/ATCID-MOD28%20June%207%202011.pdf> >.

As the Crown utility embarks on the development of ~\$20 billion in new hydroelectric developments, numerous other transmission and electric distribution upgrades that fall inside the traditional territory of Peguis First Nation and in our TLE notice area will be required; some the new projects have not been announced yet.

The Keeyask project then, does not solely affect the areas surrounding the proposed dam on the Nelson River, such as Gull Lake, which will become a reservoir and Gull Rapids which will be lost completely, it effects virtually all of the watershed as development of Keeyask is linked to further development of Manitoba’s electrical transmission networks across Manitoba. Many of these existing connected projects, which are already being constructed, already undergoing regulatory review, or are in early planning stages, run across the traditional territory and/or Peguis’ Treaty Land Entitlement notice area.

Past and Future Water Diversion, Reservoir, and Hydroelectric Generation Developments

Past hydro developments continue to significantly affect and alter Manitoba’s waterways. Currently there are five generation stations in operation on the Nelson River, with a sixth on the Burntwood River that has only recently become operational, the Wuskwatim generation station.

All of these generation stations are connected to and rely upon, Churchill River Diversion (CRD), and the Lake Winnipeg Regulation (LWR) projects completed in the mid to late 1970s. Keeyask is no different.

The CRD diverts, through the Notigi and Missi Control Structures, up to seventy percent of the flow from the Churchill River into the Nelson River, altering the seasonal timing of flows.

LWR, through the Jenpeg Generating Station and Control Structure controls the northern outflow of Lake Winnipeg into the Nelson River, effectively turning Lake Winnipeg into the 3rd largest hydro-electric reservoir in the world, also changing the seasonal timing of flows.

These two projects, Lake Winnipeg Regulation and the Churchill River Diversion, are the basis upon which hydroelectric development on the Nelson River operates.

Two maps contained within the Keeyask EIS materials demonstrate how far reaching the impacts of these two projects are.

- 1) **Source:** Map 7A-1: Hydro Development in Northern Manitoba <online: [http://www.ceaa-acee.gc.ca/050/documents_staticpost/64144/83658/Appendix A - Keeyask Transmission Map Folio 20121101.pdf](http://www.ceaa-acee.gc.ca/050/documents_staticpost/64144/83658/Appendix_A_-_Keeyask_Transmission_Map_Folio_20121101.pdf)>.
- 2) **Source:** Map 1: Split Lake, Ilford and the Major Waterways Affected in the Split Lake Resource Management Area <online: <http://keeyask.com/wp/wp-content/uploads/2012/07/CNP-Keeyask-Environmental-Evaluation-Web-Jan2012.pdf>>.

As can be seen in the maps referenced above, these projects have far reaching impacts on Manitoba's waterways that stretch from Lake Winnipeg in the South, to the where the Churchill and the Nelson Rivers exit into Hudson's Bay.

Peguis' has reserve lands located on the shore of Lake Winnipeg, with the main community site located just to the east of the Washow Peninsula, approximately 15 km from the shores of Lake Winnipeg. Peguis' Treaty Land Entitlement notice area, along with its traditional territory, includes substantial sections of Lake Winnipeg shoreline. In short, Lake Winnipeg is central to the identity of Peguis First Nation, along with numerous other Manitoba First Nations. Accordingly the impacts that LWR have on Lake Winnipeg, in turn impact the Treaty and Aboriginal rights of Manitoba's First Nation and Metis inhabitants, including of course Peguis First Nation.

Recommendations from Manitoba's Clean Environment Commission following its review of the Wuskwatim Hydroelectric Generation and Transmission project underscores the connection between the CRD/LWR and future hydro electric projects.

The CEC in its 2004 Wuskwatim report, released by Government in 2005, issued recommendation 7.6, that before embarking with new hydro-electric projects:

The Government of Manitoba [should] require Manitoba Hydro to resolve all outstanding issues with regard to the Churchill River Diversion, the Augmented Flow Program and Lake Winnipeg Regulation.

Source: Manitoba Clean Environment Commission, Report on Public Hearings: Wuskwatim Generation and Generation and Transmission Projects, Sept. 2004, pg. 127 <online: <http://www.cecmanitoba.ca/resource/reports/Commissioned->

Reports-2004-2005-
Wuskwatim Generation Transmission Projects Full Report.pdf>.

Nearly a decade after the Wuskwatim hearings and CEC recommendations, outstanding issues pertaining to the CRD and LWR have not been settled and final *Water Power Act* licenses have not been issued. Although the above reference pertains to a provincial environmental review, rather than a federal environmental review, the take away point remains the same. LWR and CRD are an integral part of hydroelectric generation on the Nelson River in Manitoba. The Keeyask Generation project and related transmission and infrastructure cannot be separated from LWR and CRD. Effects from generation stations occur throughout the CRD, and therefore are connected to the LWR regime, and Lake Winnipeg. This was confirmed by the CEC in its Wuskwatim report.

Keeyask generation will affect Peguis First Nation, given that all hydroelectric dams on the Nelson River, including the proposed Keeyask generating station, rely on, are effected by, and connected to LWR. Additionally, as outlined above, the numerous transmission projects connected to or required to move Keeyask power will criss-cross through Peguis' traditional territory and Treaty Land Entitlement notice area.

3. Provincial Staged Licensing

Peguis First Nation commends CEAA in making the determination that:

"...the Project, as proposed by the proponent, is closely related to the Keeyask Transmission Project being proposed by Manitoba Hydro. Therefore... the Keeyask Generation Project and the Keeyask Transmission Project will be considered to form a single project for the purpose of completing the comprehensive study."

Source: Keeyask EIS Guidelines, 1.4 Scope of the Project for EA, pg. 3
<online: <http://www.ceaa-acee.gc.ca/050/documents/56642/56642E.pdf>>.

Peguis First Nation is glad to see that the Canadian Environmental Assessment Agency (CEAA) *Keeyask Generation Project Environmental Effects Summary Document* combines both the Keeyask Generation and Transmission in a single project.

This is a significant improvement over the provincial environmental review being conducted by Manitoba Conservation and Water Stewardship. Manitoba Conservation is licensing the single Keeyask project in three to six separate stages, depending on how one accounts for the series of connected projects.

- 1) **Keeyask Generation Project** (Manitoba *Environment Act* public registry file #5550.00). The Keeyask Generation project is for the proposed 695 megawatt (MW) Keeyask hydroelectric generating station only. The Keeyask Generation Project includes:
 - A powerhouse with seven turbines, located at Gull Rapids on the Nelson River;

- Service bay complex;
- Seven bay spillway;
- Three dams;
- Two dykes;
- A reservoir that will cause at least 50 square km of flooding;
- Other equipment for generating electricity;
- And a bridge will also be built across the Nelson River, connecting the South Access Road, being built as part of the Keeyask Infrastructure Project (see below), to the already existent all-weather gravel North Access Road, as part of the Keeyask Generation Project.

Source: CEAA Keeyask Generation Project Environmental Effects Summary Document, pg. 11 <online: <http://www.ceaa.gc.ca/050/documents/p64144/83674E.pdf>>.

- 2) **Keeyask Transmission Project** (Manitoba *Environment Act* public registry file #5614.00). The Keeyask Transmission Project includes:
- A new 22km 138 kV ac construction power transmission line and station;
 - Four 4km 138 kV ac transmission line that will transmit power from the Keeyask Generating Station to the new Keeyask Switching Station;
 - A new Keeyask Switching Station;
 - Three 38 km 138 kV ac transmission lines from the Keeyask Switching Station to the existing Radisson Converter Station 138 kV switchyard;
 - And Radisson Converter Station Upgrades;

Source: CEAA Keeyask Generation Project Environmental Effects Summary Document, Part III, pg. 1 <online: <http://www.ceaa.gc.ca/050/documents/p64144/83674E.pdf>>.

It is plainly obvious that the Keeyask Infrastructure Project, like the Keeyask Transmission Project, are part of the whole Keeyask project, which is part of the whole Manitoba Hydro industrial hydroelectric complex.

Recommendation: *Peguis First Nation recommends that the Keeyask Infrastructure Project also be considered by CEAA as part of the Project when drafting the Keeyask Comprehensive Study Report (CSR).*

- 3) **Keeyask Infrastructure Project** (Manitoba *Environment Act* public registry file #5420.00), which was already granted *Environment Act* license #2952 March 8, 2011. The license authorizes the following works:
- Site clearing;
 - Borrow areas and excavated-material placement areas;
 - Boat launches;
 - Construction of a start up work camp capable of supporting 125 people;
 - Construction of a main work camp capable of supporting 500 people;

- Construction of a sewage lagoon for the work camp
- Construction of a 25km all-weather gravel road, named the South Access Road, from PR 280 to the north shore of Gull Rapids;
- Culvert crossing for an nearby unnamed tributary to South Moswakot River; and,
- A clear span bridge across Looking Back Creek.

Source: Manitoba Environment Act License #2952R issued March 8, 2011 to Keeyask Hydropower Limited Partnership <online: <http://www.gov.mb.ca/conservation/eal/archive/2011/licences/2952r.pdf>>.

4) Road Updates to Provincial Road (PR 280)

- Manitoba's Infrastructure and Transportation (MIT) and Manitoba Hydro are currently equally sharing the costs associated with improvements to Provincial Road 280 (PR 280), which runs from Provincial Road 391 northwest of Thompson to the town of Gillam.

5) Riel Reliability Improvement Initiative

- The Riel reliability project includes the Riel Converter station, which will be the origin for the new export line to the Minnesota referred to above.
- In many regards the Riel Reliability Improvement initiative is a sub-component of Bipole III, which includes the ground electrode site which will connect to the Riel Converter station.

6) New 500 kV Transmission - From Riel Converter Station to Forbes Converter Station

- Project will largely run parallel to existing Transmission right-of-way to Forbes.
- Project will require: (1) a new Riel converter station, (2) cutting the existing export connection to Forbes converter station from the Dorsey converter station and reattaching the export line to the Riel converter station, (3) a second 500 kV export line from Riel to Forbes, (4) and Bipole III Transmission.
- Manitoba Hydro is only building the line to the border, with utility partners in the USA building the rest.
- Line needed because of export contracts signed relating to Keeyask.
- Initial planned capacity of 230 kV increased to 500kV.

The new interconnection with the United States was first announced by the Government of Manitoba May 25, 2011 as part of a 250 MW sale of electricity to Minnesota Power.

Source: Government of Manitoba News Release, "\$4 Billion In Power Sales To U.S. For Manitoba Hydro: Selinger" May 25, 2011 <online: <http://news.gov.mb.ca/news/index.html?item=11570>>.

The new export line will move energy from the Keeyask generation project.

As indicated by former Manitoba Hydro president and Chief Executive Officer Bob Brennan:

"They're [Minnesota Power] looking at an in-service date of 2020. That way we have another option for the power coming out of Keeyask."

Government of Manitoba News Release, "\$4 Billion In Power Sales To U.S. For Manitoba Hydro: Selinger" May 25, 2011 <online:
<http://news.gov.mb.ca/news/index.html?item=11570> >.

Recommendation: *Peguis First Nation recommends that the new 500kV line from the Riel Converter Station to Minnesota also be considered by CEAA as part of the Project when drafting the Keeyask CSR.*

Recommendation: *Peguis First Nation recommends that CEAA require Manitoba Hydro to disclose all intended, connected stations and transmission lines which will carry energy from Keeyask generation station.*

7) Bipole III Transmission Project

- Construction of Keeyask will apparently also require the Construction of the Bipole III project which is presently undergoing review with the Manitoba Clean Environment Commission.
- Riel Converter Station ground electrode is part of the Bipole III project, even though most other Riel works were licensed through the Riel Reliability Initiative.

Given the integrated nature of electric systems, it is clear that the Riel Converter Station and Bipole III are connected to the Keeyask Project.

Recommendation: *Peguis First Nation recommends that Bipole III and the Riel Reliability Improvement Initiative connections also be considered by CEAA when drafting the Keeyask CSR. At minimum CEAA should determine that the Riel Reliability and Bipole III are existing/intended connected projects. Without these projects Keeyask would not be built.*

4. Connection to Radisson and Bipole I & II?

When the Government of Manitoba announced the export contracts with Minnesota Power and Wisconsin Public Service, they claimed:

"Bipole III will also be utilized to transmit power from Keeyask ..., supporting expanded electricity export sales outside of Manitoba's borders."

Source: Government of Manitoba News Release, "\$4 Billion In Power Sales To U.S. For Manitoba Hydro: Selinger" May 25, 2011 <online: <http://news.gov.mb.ca/news/index.html?item=11570> >.

However, Keeyask is not slated to connect to proposed Kewatinoow Converters Station and Bipole III, rather it will connect to the oldest northern Converter Station, Radisson, which was built in 1968 and runs energy down Bipole I, according to the Keeyask EIS.

The power from Keeyask therefore could run through the Interlake, including through the Traditional Territory and Treaty Land Entitlement notice area of Peguis First Nation. However the energy from Keeyask arrives at the Dorsey Converter Station is will be arriving in the Peguis First Nation TLE notice area and traditional territory.

For several years Manitobans have been told that Bipole I & II are running at maximum capacity and this necessitated the need for Bipole III. Admittedly, some components of Bipole III include diverting power to the newly proposed northern Kewatinoow Converter Station from the Long Spruce generating station and Henday Converter Station. But if Bipole I & II already at max capacity, won't running Keeyask power down these lines result in additional power losses?

5. Lack of Aboriginal Consultation

Manitoba Hydro combines consultation language with community engagement language in the *Keeyask Generation Project Environmental Effects Summary Document* and related information. Consultation activities and the obligation to consult First Nations, of course, are the responsibility of the provincial government.

There has been no initiation by the Manitoba government for consultation with Peguis First Nation regarding any of the components of Manitoba Hydro's Keeyask project (Transmission, Generation, Converter Stations, or Infrastructure).

Information about the Peguis First Nation TLE notice area and agreement is public, including it is provided in the Manitoba Geological Survey Map Gallery and database. As a public utility Manitoba Hydro is expected to be knowledgeable and responsive to First Nation rights and land acquisition agreements. As a signatory to our TLE Agreement, Manitoba, including Manitoba Conservation and Water Stewardship, must make sure that government staff are up to date about these matters. In turn Manitoba, who appoints the board for Manitoba Hydro, has a responsibility to make sure that Manitoba Hydro is appropriately contacting affected First Nations. In particular when existing Manitoba Hydro infrastructure fall within our Nation's TLE notice area, as does the transmission and stations to be used by to move Keeyask energy, it becomes obvious that this project affects and involves our First Nation.

Consultation with affected First Nations should begin prior to initiating the environmental review process under the *Canadian Environmental Assessment Act*. The Crown has the sole responsibility for consulting with First Nations in a meaningful way, and communicating the outcome, concerns and issues raised by First Nations to the proponent and into government, before making decisions. The Crown needs to also ensure that all proponents; Crown Corporations or others, understand that it is the Crown's responsibility to conduct First Nation consultation, and to be mindful of their wording, pertaining to such activities within public documents.

Throughout the *Keeyask Generation Project Environmental Effects Summary Document* no reference is made to Peguis First Nation traditional lands, Treaty One or the Peguis Treaty Land Entitlement (TLE) notice area. First Nations affected by the CRD and LWR are affected by Keeyask.

Since LWR, CRD, Bipole I & II and the Dorsey station were built in the 1970's, the Constitution, Charter and laws of Canada have changed dramatically with respect to Aboriginal rights. Today if a First Nation indicates they are affected by a project then the Crown (s) are required to consult with that affected First Nation. Accommodation may also be required. It is essential also for all representatives of the Crown to understand that Aboriginal rights in Canada are not static.

6. Upgrades Provincial Road 280

On February 9, 2011 Manitoba's Minister of Infrastructure and Transportation (MIT) was authorized, through Manitoba Order In Council #23/2011, to enter in a cost sharing agreement with Manitoba Hydro to cost-share improvements to Provincial Road 280 (PR 280). The Manitoba Government and Manitoba Hydro propose to equally split the estimated costs for PR 280. The cost for the project is estimated at twenty-eight millions dollars.

Source: Government of Manitoba, Order In Council #23/2011 <online:
<http://www2.gov.mb.ca/OICDocs/2011/02/Infrastructure%20and%20Transportation.110209.Executive%20Government%20Organization%20Act.232011.pdf>>.

PR 280 runs 291 km from Provincial Road 391 northwest of Thompson to Gillam. The upgrades to PR 280 are required because of the demands being placed on infrastructure in the area due to numerous Manitoba Hydro projects presently underway, or scheduled for development in the near future. This includes all aspects of the Keeyask Project, Bipole III, and the proposed Conawapa Generating Station.