

SUBJECT AREA: Tower construction and impacts on Metis activities and rights

REFERENCE: MMF-IR-001

QUESTION:

In your response to MMF-IR-001, you stated that "a reduction in ROW width and tower footprint will not have a measurable benefit to Metis harvesting activities as harvesting activities can still take place." We disagree that there is no measurable benefit to a reduction in the ROW for Metis harvesting. MMF's Metis Specific Interests study clearly demonstrates that Metis harvesters often prefer not to harvest near a major transmission project or on a right-of-way. A narrower right of way through harvesting areas would therefore have the potential to decrease the area in which Metis harvesters will engage in avoidance behaviours, and result in less land being unavailable for Metis harvesting, under the preferred conditions of the harvesters. Please explain how you have taken or will take the results of the Metis Specific Interests study in this respect into account in determining where to use a reduced ROW and tower footprint.

RESPONSE:

- 1 Regardless of the design of the towers, the Metis harvesters who are carrying on harvesting
- 2 activities in the right-of-way will be near a major transmission project. The information
- 3 collected through the study funded by Manitoba Hydro indicates, as this question reflects, that
- 4 for some Metis Harvesters, this is not a preferred condition. However, using a different design
- 5 for the towers does not remedy that concern, as it will not substantively reduce the area of the
- 6 right-of-way.

SUBJECT AREA: Metis Engagement

REFERENCE: MMF-IR-003

QUESTION:

In your response to MMF-IR-003, you indicate that this section of the EIS reflects the "parties who were invited to participate". We believe that it is important to also distinguish who actually participated in the noted activities. Will Manitoba Hydro clarify this in the relevant sections of the EIS?

RESPONSE:

- 1 This information is available in the EIS. Section 4.5 provides information on how different First
- 2 Nations, the MMF and Indigenous organizations chose to participate in the noted activities.
- 3 Appendix 4A includes a series of tables that provide a summary of engagement activities with
- 4 each community or organization up to EIS filing. A summary of engagement activities with the
- 5 MMF is provided in Table 4A-13.

SUBJECT AREA: Metis Traditional Land Use

REFERENCE: MMF-IR-005

QUESTION:

In your response to the MMF-IR-005, you noted that "Manitoba Hydro is committed to filing a supplemental report where Manitoba Hydro articulates how the Study information has influenced the MMTP." Please confirm when that supplemental report will be available, as the MMF will need sufficient time to review prior to the submission deadline for the CEC hearing.

RESPONSE:

- 1 Manitoba Hydro intends to file the supplemental report on April 19, 2017.

SUBJECT AREA: Metis VC Integration

REFERENCE: MMF-IR-004

QUESTION:

In your response to the MMF-IR-004 you point to examples in the VC Chapter regarding fish and fish habitat, which speak largely to the assessment of VCs. We wish to know whether, and how, with reference to specific examples, ATK was used to scope the VCs, that is, how ATK was used to inform the process that chose what the VCs would be. Please answer this question.

RESPONSE:

1 Many communities shared both specific and general concerns during the FNMEP. Key feedback
2 is described in Chapter 4, section 4.5. An example of how both specific and general concerns
3 helped inform VC selection can be found in 4.5.5.2 Long Plain First Nation Key Feedback. Over
4 the course of engagement members and leadership shared concern for wildlife in general, and
5 conveyed specific concerns for rare plants. The MMTP EIS includes high-level VCs, such as
6 'Wildlife and Wildlife Habitat,' 'Vegetation and Wetlands,' and 'Fish and Fish Habitat' to more
7 inclusively discuss concerns to both specific focal species and higher-level ecosystem-based
8 functions (such as intactness, patch size, fire regimes). The discussion provided in each VC
9 includes opportunities for detailed review of specific interests, such as rare plants. Chapter 10
10 of the MMTP EIS includes a potential effect which describes rare plant species abundance and
11 distribution. Further general and detailed input to VC selection can be found in further
12 community-specific sections within 4.5.

SUBJECT AREA: Metis Activities and Rights

REFERENCE: MMF-IR-009

QUESTION:

In your response to the MMF-IR-009, you do not provide any details or explanation as to how Metis Crown land usage was considered in the EIS. Please clarify.

RESPONSE:

1 Manitoba Hydro understands that Crown Land is important to the Metis. This understanding
2 has been reinforced through discussions held over the last year with the MMF, where
3 representatives have restated that crown land is considered valuable for exercising rights-based
4 activities. Crown land value and usage was considered throughout EIS development. Land-use
5 specific considerations (e.g., Crown land with a special code) were incorporated into the
6 development of Alternative Corridors. During the preference determination step, concerns
7 heard during FNMEP, including the value of crown land and its usage, are considered when
8 routes are evaluated using the Community criteria. Metis' preferred locations of traditional use
9 sites were not available at the time of EIS preparation; however, the understanding that Crown
10 land is valuable to carry out activities considered important to Metis and First Nations was
11 communicated during each step of transmission line routing and EIS development. Specifically,
12 this value was conveyed during route evaluation workshops (as mentioned above) and
13 described in Chapter 5, and during analysis of traditional land use activities as described in
14 Chapter 11.

15 Subsequent to filing, the MMF Metis Specific Interests Report (2016) Section 4.5, p.79-80
16 states:

17 *"Many Participants expressed concern over the reduction in accessible Unoccupied*
18 *Crown land for exercising their Metis rights and interests."*

- 19 This is similar to the concern heard in the FNEMP and influenced route evaluation as described
20 above.

SUBJECT AREA: Metis Land Use Activities and Rights

REFERENCE: MMF-IR-011

QUESTION:

In your response to MMF-IR-011, you state that "the effects of the proposed project on activities of the Metis which might constitute elements of practices, customs and traditions integral to the distinctive culture of the Metis, were considered and included." This does not answer the questions asked in MMF-IR-011. Please explain how Manitoba Hydro considered and assessed impacts on Metis rights, interests, and activities that were not strictly biophysical, namely, preferred methods of use (including avoidance behaviours caused by the project), economic consequences of impacts to Metis land use, and cultural impacts.

RESPONSE:

1 As noted in MMF-IR-008, as part of the environmental assessment the effects of the proposed
2 project on activities of the Metis, which might constitute elements of practices, customs and
3 traditions integral to the distinctive culture of the Metis, were included and considered. Those
4 are the kinds of activities that the Courts have expressly recognized would potentially be
5 constitutionally protected under the Section 35.

6 The assessment did not try to distinguish further whether those activities, practices, customs or
7 traditions met the additional tests to be constitutionally protected, for example, whether or not
8 they were of central significance to the Metis prior to effective control. The proponent did not
9 try to further distinguish the nature of these activities, practices, customs or traditions for the
10 purposes of its assessment. It does not consider that it has the competency or authority to
11 make such determinations.

12 Whether or not such activities were asserted by the MMF to be protected as Aboriginal Rights,
13 they were considered to be important to the Metis and the Proponent has worked and

14 continues to work with the MMF to mitigate any of the effects that would be considered
15 negative by the Metis.

16 While the MMF report was not received until after the EIS was submitted, the impacts to issues
17 of concern described by the MMF are addressed throughout the EIS. For example, in Chapter
18 16 addressing Land and Resource Use including hunting and trapping under section 16.3.2.1.6,
19 as well as Table 16.1 and Figure 16.1 consideration was given to the question of aesthetics.
20 Under section 16.4.1.1 consideration was given to socio-economic impacts including impacts on
21 hunting and fishing. Mitigation was considered under section 16.5.4.2.

22 In Chapter 11 dealing with effects on Traditional Land and Resource Use there was
23 consideration of mitigation related to notification of construction work, which assists in
24 addressing some of the more subjective concerns that have been identified by MMF harvesters.

25 Consideration has been given to a concern identified with respect to the preference of Metis
26 Harvesters to avoid areas where there can be restrictions of their hunting practices. Manitoba
27 Hydro can confirm that in the area of the right-of-way there are no special restrictions just the
28 general regulations concerning hunting safety including not hunting in an area where there are
29 people. Further mitigation has been considered to give notice of the times and locations of any
30 construction or maintenance work being undertaken on the right-of-way. The review indicates
31 that areas of people working on the right-of-way will be quite limited geographically and
32 temporally.

33 Manitoba Hydro continues discussion with the MMF regarding concerns and mitigation
34 including avoidance behaviours caused by the project.

SUBJECT AREA: **Methodology**

REFERENCE: **MMF-IR-012**

QUESTION:

In your response to MMF-IR-012, you state "After receipt of the final report from the MMF, Manitoba Hydro has committed to file the final report from the Study with the regulators. Further, Manitoba Hydro is committed to filing a supplemental report where Manitoba Hydro articulates how the Study information has influenced the MMTP." Manitoba Hydro has received the final report from the MMF. Please provide details on when the report will be submitted to the regulators, and when Manitoba Hydro will file the supplemental report mentioned above. The MMF will require enough time to review the supplemental report prior to the submission deadline for the CEC.

RESPONSE:

- 1 Manitoba Hydro intends to file the supplemental report on April 19, 2017.

SUBJECT AREA: Metis Traditional Land Use

REFERENCE: MMF-IR-018

QUESTION:

In your response to MMF-IR-018, you state that the information was publicly available and therefore it was considered to be information already known to the MMF. You misunderstood the question. We wished to know why you did not follow up with the MMF to discuss potential impacts on this area, not why you did not simply inform the MMF of the assertion of SLFN. Please answer this question.

RESPONSE:

- 1 As noted in MMF-IR-18, the information provided by Swan Lake First Nation was general in
- 2 nature and not related to a specific heritage resource site.

- 3 Manitoba Hydro has mitigation measures outlined in the Environmental Protection Plans to
- 4 address areas with high potential for heritage resource sites including river crossings. Given the
- 5 general nature of the SLFN assertion, and that this information is already publically known,
- 6 Manitoba Hydro had anticipated that any Metis concerns related to this area would be
- 7 identified within the MMF report and further discussed with the MMF following submission of
- 8 their report.

SUBJECT AREA: Wildlife and Wildlife Habitat

REFERENCE: MMF-IR-021

QUESTION:

In your response to MMF-IR-021, you outlined the work that Manitoba Hydro did to "understand the ecology of black bears within the Project study area." Based on that work, what is the annual sustainable yield or harvest of black bears in the Games Hunting Areas through which the Project will pass (Manitoba Game Hunting Areas 34A, 35 and 35A)?

RESPONSE:

- 1 The work Manitoba Hydro performed was designed to conduct an environmental assessment
- 2 and is not suitable or appropriate for calculating wildlife management and population ecology
- 3 metrics such annual sustainable yield or harvest.

- 4 Information regarding the management of wildlife resources in Manitoba, including annual
- 5 sustainable yield or harvest, is best sought by contacting the Department of Sustainable
- 6 Development, who are responsible for administering *The Wildlife Act*.

SUBJECT AREA: **Wildlife and Wildlife Habitat**

REFERENCE: **MMF-IR-022**

QUESTION:

In your response to MMF-IR-022, you outlined the work that Manitoba Hydro did to "understand the ecology of moose within the Project study area." Based on that work, what is the annual sustainable yield or harvest of moose in the Games Hunting Areas through which the Project will pass (Manitoba Game Hunting Areas 34A, 35 and 35A)?

RESPONSE:

- 1 Please see response to MMF-IR-039.

SUBJECT AREA: **Wildlife and Wildlife Habitat**

REFERENCE: **MMF-IR-023**

QUESTION:

In your response to MMF-IR-023, you outlined the work that Manitoba Hydro did to "understand the ecology of elk within the Project study area." Based on that work, what is the annual sustainable yield or harvest of elk in the Games Hunting Areas through which the Project will pass (Manitoba Game Hunting Areas 34A, 35 and 35A)?

RESPONSE:

- 1 Please see response to MMF-IR-039.

SUBJECT AREA: Wildlife and Wildlife Habitat

REFERENCE: MMF-IR-024

QUESTION:

In your response to MMF-IR-024, you outlined the work that Manitoba Hydro did to "understand the ecology of deer within the Project study area." Based on that work, what is the annual sustainable yield or harvest of deer in the Games Hunting Areas through which the Project will pass (Manitoba Game Hunting Areas 34A, 35 and 35A)?

RESPONSE:

- 1 Please see response to MMF-IR-039.

SUBJECT AREA: **Wildlife and Wildlife Habitat**

REFERENCE: **MMF-IR-025**

QUESTION:

In your response to MMF-IR-025, you outlined the work that Manitoba Hydro did to "understand the ecology of birds within the Project study area." Based on that work, what is the annual sustainable yield or harvest of dark geese/Canada geese in the Games Hunting Areas through which the Project will pass (Manitoba Game Hunting Areas 34A, 35 and 35A)?

RESPONSE:

- 1 Please see response to MMF-IR-039.

SUBJECT AREA: Wildlife and Wildlife Habitat

REFERENCE: MMF-IR-026

QUESTION:

In your response to MMF-IR-026, you outlined the work that Manitoba Hydro did to "understand the ecology of birds within the Project study area." Based on that work, what is the annual sustainable yield or harvest of white geese/snow geese in the Games Hunting Areas through which the Project will pass (Manitoba Game Hunting Areas 34A, 35 and 35A)?

RESPONSE:

- 1 Please see response to MMF-IR-039.

SUBJECT AREA: Wildlife and Wildlife Habitat

REFERENCE: MMF-IR-027

QUESTION:

In your response to MMF-IR-027, you outlined the work that Manitoba Hydro did to "understand the ecology of birds within the Project study area." Based on that work, what is the annual sustainable yield or harvest of ducks in the Games Hunting Areas through which the Project will pass (Manitoba Game Hunting Areas 34A, 35 and 35A)?

RESPONSE:

- 1 Please see response to MMF-IR-039.

SUBJECT AREA: Wildlife and Wildlife Habitat

REFERENCE: MMF-IR-028

QUESTION:

In your response to MMF-IR-028, you outlined the work that Manitoba Hydro did to "understand the ecology of birds within the Project study area." Based on that work, what is the annual sustainable yield or harvest of ruffed grouse in the Games Hunting Areas through which the Project will pass (Manitoba Game Hunting Areas 34A, 35 and 35A)?

RESPONSE:

- 1 Please see response to MMF-IR-039.

SUBJECT AREA: Wildlife and Wildlife Habitat

REFERENCE: MMF-IR-029

QUESTION:

In your response to MMF-IR-029, you outlined the work that Manitoba Hydro did to "understand the ecology of birds within the Project study area." Based on that work, what is the annual sustainable yield or harvest of spruce grouse in the Games Hunting Areas through which the Project will pass (Manitoba Game Hunting Areas 34A, 35 and 35A)?

RESPONSE:

- 1 Please see response to MMF-IR-039.

SUBJECT AREA: **Wildlife and Wildlife Habitat**

REFERENCE: **MMF-IR-030**

QUESTION:

In your response to MMF-IR-030, you outlined the work that Manitoba Hydro did to "understand the ecology of birds within the Project study area." Based on that work, what is the annual sustainable yield or harvest of sharp-tailed grouse in the Games Hunting Areas through which the Project will pass (Manitoba Game Hunting Areas 34A, 35 and 35A)?

RESPONSE:

- 1 Please see response to MMF-IR-039.

SUBJECT AREA: **Wildlife and Wildlife Habitat**

REFERENCE: **MMF-IR-010**

QUESTION:

In your response to MMF-IR-010, you state that "the effects of construction should not reduce the number of traditional use plant species or effect the viability of traditional use species in the RAA." However, the MMF's Metis Specific Interests Report, recently provided to Manitoba Hydro, demonstrates that preferred locations for Metis harvest of traditional plants are limited. Manitoba Hydro did not explore how a change in conditions of harvesting (i.e., the presence of a transmission line) will impact harvesting activities. Please explain how the conclusion stated above considers Metis preferred conditions of harvesting.

RESPONSE:

- 1 The statement that in the RAA the number of traditional use plant species should not be
- 2 reduced and the viability of traditional use plant species should not be affected was based on
- 3 the federal and provincial conservation status of the observed traditional use plant species and
- 4 their occurrence within common community types of the RAA. As Metis' preferred locations of
- 5 traditional use sites were not available at the time of EIS preparation, a conservative approach
- 6 was used to identify effect pathways between the Project and traditional land and resource use
- 7 activities. Activities with a degree of uncertainty, such as the specific location of harvest of
- 8 traditional plants, have been assumed to occur in the RAA.

- 9 A review of the MMF's "*Manitoba-Minnesota Transmission Project Metis Specific Interests*
- 10 *Report – Assessment of Potential Effects Prior to Mitigation*" indicates that the final preferred
- 11 route avoids large portions of MMF identified traditional use areas. Most traditional plant

12 harvesting areas are east of the preferred final route (Figure 5-2-6 of the Final Manitoba Metis
13 Federation Report on the MMTP Project). Environmentally sensitive sites identified through
14 self-directed ATK reports, the MMF Metis Specific Interests Report and further review with
15 communities will be incorporated into the MMTP Construction Environmental Protection Plan.
16 In addition, an integrated vegetation management plan will be used to address concerns of
17 herbicide use and weed management.