



**MINISTER OF
SUSTAINABLE DEVELOPMENT**

Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

Mr. Serge Scrafield
Chair
Clean Environment Commission
Room 305 – 155 Carlton Street
Winnipeg MB R3C 3H8

MAR 02 2017

Dear Mr. Scrafield: *Serge*

On August 20, 2015, the Clean Environment Commission was requested to conduct a series of public outreach meetings on the final report of the Regional Cumulative Effects Assessment completed by Manitoba and Manitoba Hydro for the Nelson, Burntwood and Churchill River systems. Since that time, the final report has been completed, and there has been an opportunity for all involved parties to consider the very large amount of information in the final report.

Upon this consideration, I am amending the Commission's Terms of Reference to more closely focus the public outreach on information that will supplement the final report and assist in future steps. I have enclosed updated Terms of Reference to guide your review.

Following the review, please provide me with a report summarizing the input received through the public outreach program.

For any information needed on the Regional Cumulative Effects Assessment, you may contact Ms. Tracey Braun, the Director of the Environmental Approvals Branch, at (204) 945-7071.

Yours sincerely, *Cathy Cox*

"Originally Signed By"

Cathy Cox
Minister *Cathy Cox*

c. Tracey Braun

Terms of Reference
Clean Environment Commission
Regional Cumulative Effects Assessment of the Nelson, Burntwood and Churchill Rivers
System (the project)

Background

In its 2013 report on the Bipole III Project, the Clean Environment Commission (the Commission) made the following recommendation:

“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.”

This recommendation was accepted by Manitoba and a Terms of Reference for a regional cumulative effects assessment of hydroelectric developments was agreed to in May 2014. It should be noted the scope was expanded to include areas beyond that identified in the Commission’s recommendation to include the Churchill, Burntwood and Nelson River systems. The study was completed in two phases. The first phase was completed in May 2014, and included a compilation of available data and a description of the assessment approach to be used to analyze the data in the second phase. The second phase report was completed in December 2015.

The second phase report analysed available data and studies and documented what is known from a technical perspective about the cumulative effects of hydro-electric development on the land, water and people within the region. The report is deemed to have met the Commission’s recommendation as noted above.

There was considerable public interest in the regional cumulative effects assessment and limited opportunities for affected study area residents and communities to participate in the completion of either of the phases of the assessment. Therefore, a public outreach program should be implemented to supplement the findings of the second phase report. These terms of reference describe the work expected from this review which will be conducted by the Commission.

Terms of Reference

Pursuant to Section 6 (5.1) of the Act, the Minister has determined that the Terms of Reference the Commission shall follow for this public outreach are:

- To review the final Phase I and Phase II reports on the regional cumulative effects assessment;
- To carry out a Participant Program with limited funding available;

- To invite all affected First Nations, and communities identified in the assessment study area and the Manitoba Metis Federation to provide written input on the regional cumulative effects assessment and its accuracy in presenting past effects and community perspectives and concerns, and to provide any additional information relevant to the assessment;
- To facilitate a web-based review of the final Phase II report for interested parties outside the Region of Interest;
- To write back to the communities who have already responded to the CEC inviting them to once again provide written comments, and offering a small amount of funding to facilitate their participation. If a community really expresses a desire to meet in person with the CEC, it could be accommodated. and
- To prepare and file a separate report with the Minister of Sustainable Development summarizing what was received from participants during the course of the public outreach program, including any comments received through the web-based review. The report should be filed within four months from the date of completion of the review.

Meetings

Where determined by the Commission to be necessary, meetings may be conducted by the Commission with affected First Nations and communities in the study area. Any meetings should be conducted in a manner that encourages inclusiveness and minimizes formality.

Review and Clarification

The Commission may, at any time, request that the Minister of Sustainable Development review or clarify these Terms of Reference.

February 15, 2017