

CHAPTER 1

INTRODUCTION

CHAPTER 1

TABLE OF CONTENTS

	Page
1.0 INTRODUCTION.....	1-1
1.1 OVERVIEW: THE PROJECT AND THE PARTNERSHIP	1-1
1.1.1 Proponent Contact Information	1-6
1.2 SCOPE OF THE PROJECT.....	1-7
1.3 REGULATORY FRAMEWORK	1-8
1.4 ABORIGINAL TRADITIONAL KNOWLEDGE, LOCAL KNOWLEDGE AND TECHNICAL SOURCES	1-9
1.5 STRUCTURE OF THE RESPONSE TO THE EIS GUIDELINES DOCUMENT	1-10

APPENDICES

- APPENDIX 1A: Acknowledgments
APPENDIX 1B: Keeyask Generation Project Regulatory Licences

LIST OF FIGURES

	Page
Figure 1-1: Organization Structure of the Keeyask Hydropower Limited Partnership	1-5
Figure 1-2: Principal Structures	1-7

LIST OF MAPS

	Page
Map 1-1: General Project Location	1-3



1.0 INTRODUCTION

1.1 OVERVIEW: THE PROJECT AND THE PARTNERSHIP

The Keeyask Generation Project (the Project) involves development of a 695 megawatt (MW) **hydroelectric** generating station and associated facilities at Gull (Keeyask) Rapids on the lower Nelson River, immediately upstream of Stephens Lake in northern Manitoba and between dams developed on the Nelson River from the late 1950s to the early 1970s (see Map 1-1).

By road, the nearest **community** west of the Project is Split Lake, home of the Tataskweyak Cree Nation, and the nearest community to the east is Gillam, home of a Fox Lake Cree Nation reserve and centre of Manitoba Hydro's northern operations. The Nelson River and the surrounding **environment** have been greatly altered over the past 50 years by the development of the **Lake Winnipeg Regulation** Project, the **Churchill River Diversion** Project and five generating stations. These alterations have replaced large **rapids** with dams, changed stretches of the river into **reservoirs**, augmented flows into the river by 30% and reversed the seasonal flow pattern such that higher flows now occur in winter and lower flows in spring and summer.

The energy produced by the Project will be sold to Manitoba Hydro and integrated into its electric system for use in Manitoba and for export. The Project's average annual production of electricity will be approximately 4,400 gigawatt-hours (GWh), enough to **power** approximately 400,000 homes.

Subject to regulatory approval, construction will begin in 2014. First power will be produced in 2019 and construction completed in 2022. From start to finish, construction will take approximately eight and a half years.

The Keeyask Hydropower Limited Partnership (the Partnership) will own and operate the Project. The Partnership was incorporated under the laws of the Province of Manitoba in 2009. The *Joint Keeyask Development Agreement* (JKDA) signed by the four KCNs and Manitoba Hydro in May of 2009 is the legal framework defining the Partnership, its responsibilities and obligations. The structure of the Partnership arrangement is illustrated in Figure 1-1.

The Partnership is comprised of four limited partners and one general partner.

The four limited partners are Manitoba Hydro and three **Keeyask Cree Nations (KCNs)** investment entities: Cree Nation Partners Limited Partnership, York Factory First Nation Limited Partnership, and FLCN Keeyask Investments Inc. The Cree Nation Partners Limited Partnership is controlled by Tataskweyak Cree Nation (TCN) and War Lake First Nation (WLFN).

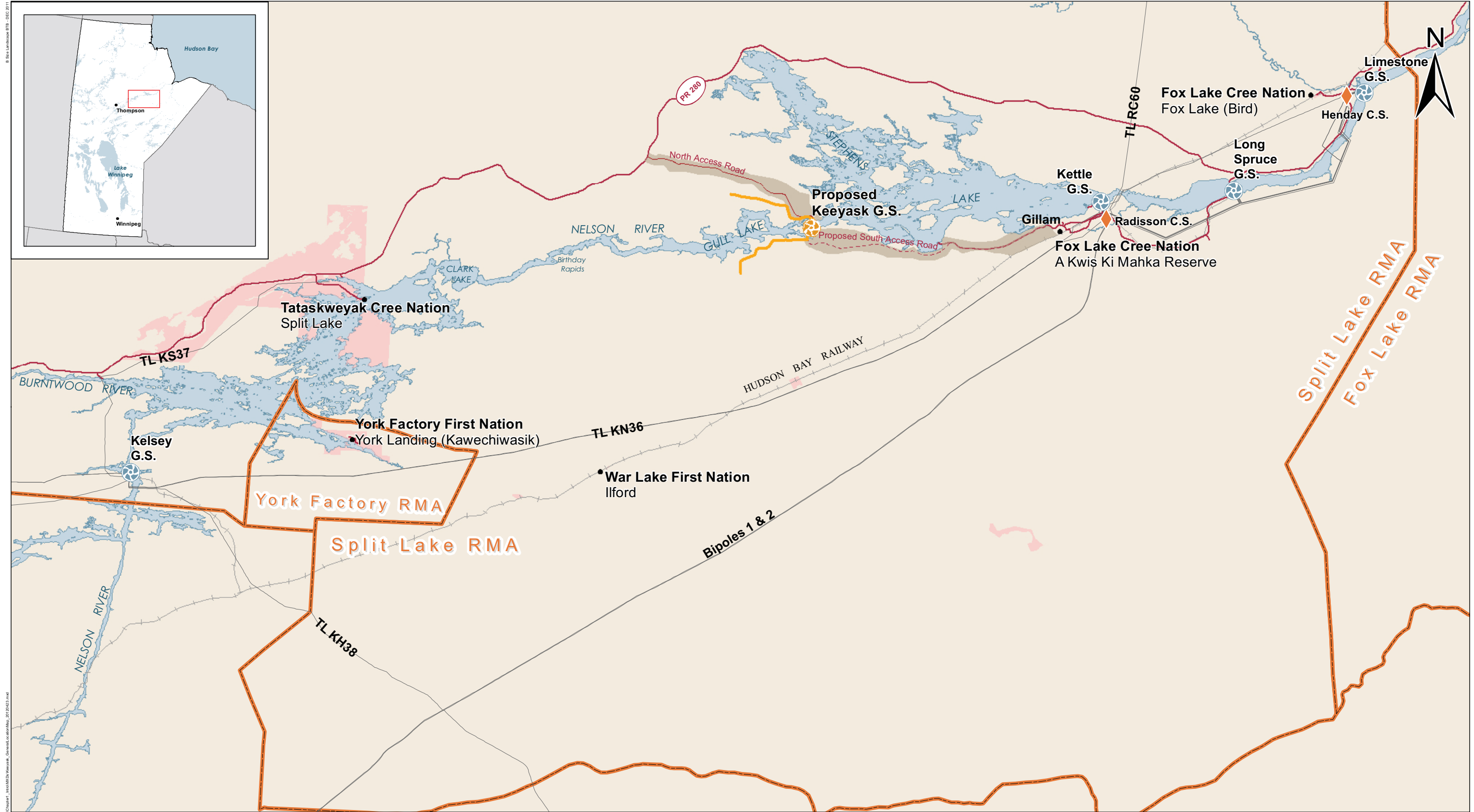


The York Factory First Nation Limited Partnership is controlled by York Factory First Nation (YFFN). FLCN Keeyask Investments Inc. is controlled by Fox Lake Cree Nation (FLCN).

The general partner is 5900345 Manitoba LTD., a corporation wholly owned by Manitoba Hydro. The general partner is responsible for the management and operation of the business of the Partnership, and is also liable for all of the debts of the Partnership. The general partner will contract all the planning, construction and operation to Manitoba Hydro, and will contract with Manitoba Hydro to provide all the debt financing required to construct the Project. Manitoba Hydro will subcontract virtually all of the services and supplies required to build the Project to other contractors. A number of contracts for construction work, services, labour, and materials will first be offered to the KCNs or businesses controlled by them. Once the Project is built, the general partner will contract with Manitoba Hydro to provide the necessary services to manage and operate the Project.

Manitoba Hydro, the general partner and each of the KCNs investment entities will invest in the Partnership. Manitoba Hydro and the general partner will own at least 75% of the Partnership and the KCNs, through their respective KCNs investment entities, collectively have the right to own up to 25% of the Partnership. The Partnership will own the Project.

The affairs of the general partner are subject to the direction of its board of directors. The board will include three persons nominated by CNP (two from TCN and one from WLFN) and one person nominated by each of YFFN and FLCN. Board members nominated by Manitoba Hydro will constitute a majority of the board. These appointments will be made prior to the start of construction of the Project.



DATA SOURCE: Manitoba Hydro; Government of Manitoba; Government of Canada		
CREATED BY: Manitoba Hydro - Hydro Power Planning - GIS & Special Studies		
COORDINATE SYSTEM: UTM NAD 1983 Z15N	DATE CREATED: 03-AUG-11	REVISION DATE: 19-JUN-12
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Legend			
	Generating Station (Existing)		Highway
	Generating Station (Planned)		Access Road
	Converter Station		Proposed Access Road
	Keeyask Principal Structures		Rail
			Transmission Line
			Proposed Road Corridor
			First Nation Reserve
			Resource Management Area

General Project Location

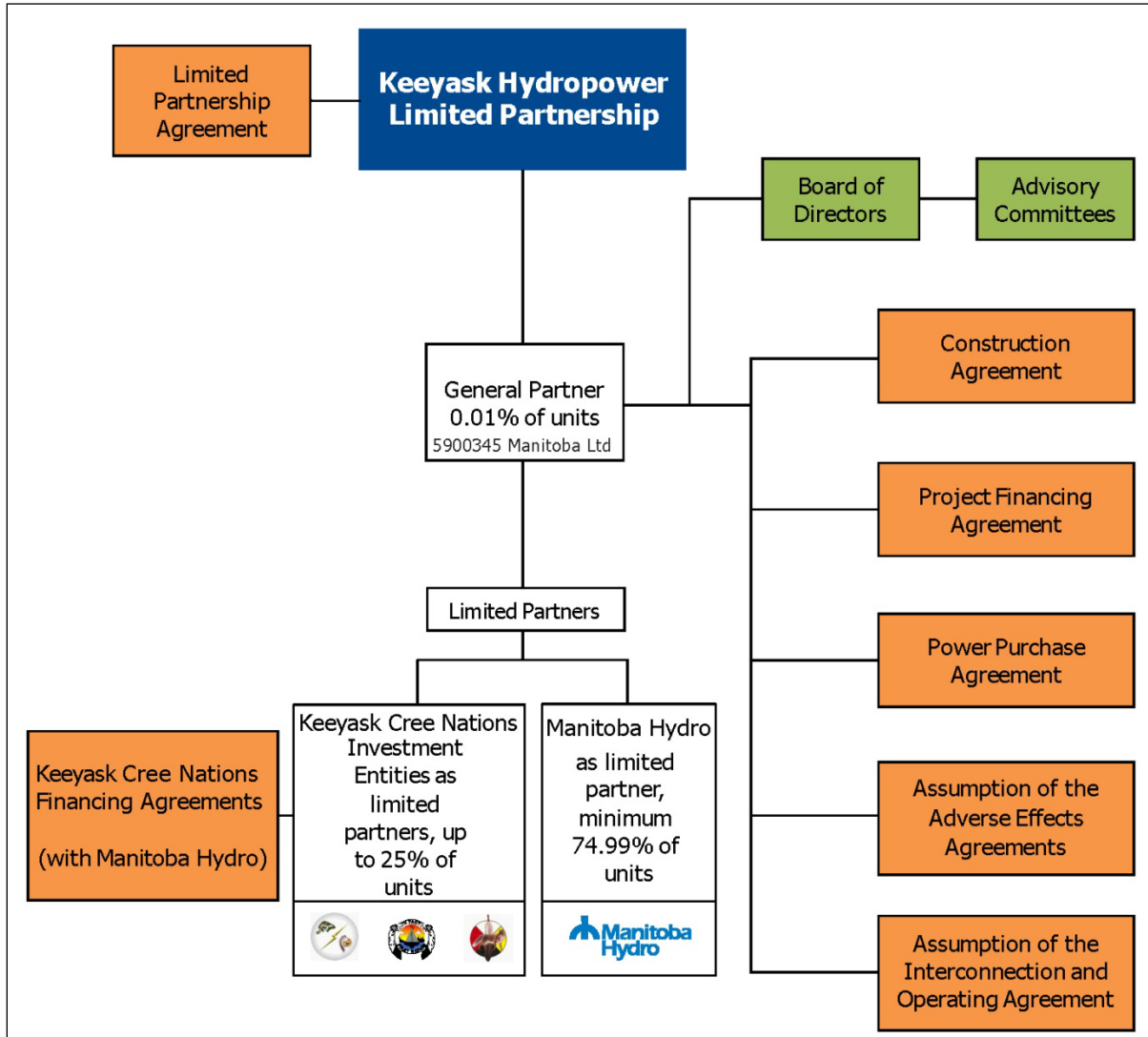


Figure 1-1: Organization Structure of the Keeyask Hydropower Limited Partnership

Manitoba Hydro has also agreed with TCN to construct the Project in accordance with certain fundamental construction features and, similarly, it has agreed with TCN and YFFN to operate the Project in accordance with certain fundamental operating features (see Section 4.1).

The JKDA also includes an Environmental and Regulatory Protocol, setting out roles and responsibilities for the Partnership’s **environmental assessment**. This protocol built upon a similar structure that had been developed and modified since the early years when Keeyask environmental studies began. While Manitoba Hydro is given primary responsibility for many activities, the KCNs have active roles in the assessment. Manitoba Hydro and CNP

have the authority to review and approve elements of the assessment and EIS, and YFFN and FLCN to review and comment (see Section 2.3).

A team that includes KCNs **Members** and their advisors, Manitoba Hydro personnel and various consulting firms has conducted the environmental assessment and participated in drafting and review of the EIS —the list of Key Personnel is provided at the start of this document. Appendix 1A provides a broader list of people that are acknowledged as contributing to the assessment and the EIS.

1.1.1 PROPONENT CONTACT INFORMATION

Contact information for the Keeyask Hydropower Limited Partnership is as follows:

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1.2 SCOPE OF THE PROJECT

The Project will consist of principal structures and supporting infrastructure Figure 1-2 illustrates the principal structures.

The principal structures consist of a **powerhouse** complex, **spillway**, dams and **dykes**, as well as a reservoir. The powerhouse, including a control building and service bay, will house the equipment required to produce electricity. The spillway will manage surplus water flows, and the dams and dykes will contain the reservoir created upstream of the principal structures.

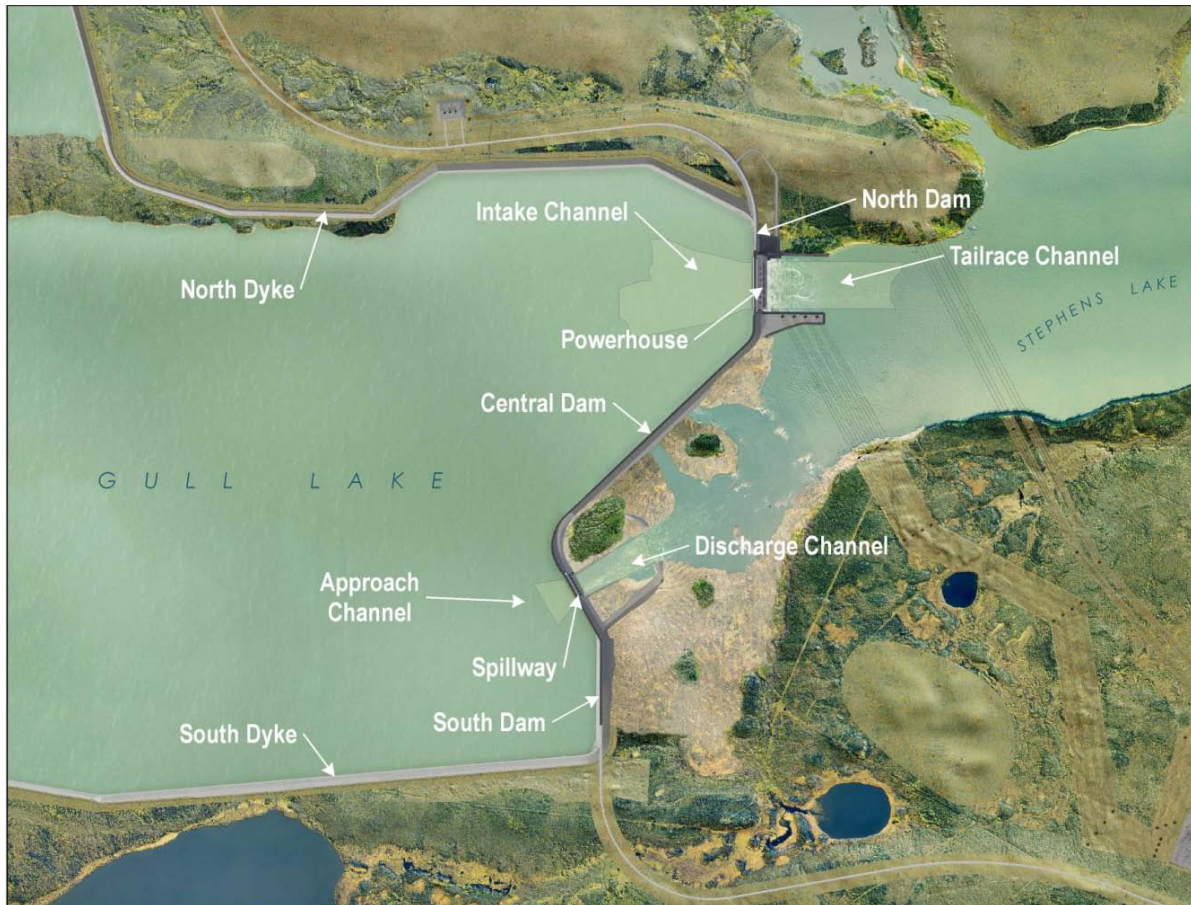


Figure 1-2: Principal Structures

Supporting infrastructure will consist of permanent facilities that will be used to construct and/or operate the Project and temporary facilities required only to construct the principal structures. Permanent infrastructure includes a north and south access road to connect to the provincial highway system; some of the cofferdams; a tower spur; **rock groins**; communication tower; boat launches and a portage; and some of the borrow areas, including the roads to these areas. Temporary infrastructure includes the main camp and work areas

(including landfill, water and sewage treatment facilities); explosives magazine; some of the cofferdams; **ice boom**; some of the borrow areas, including roads to these areas; and placement areas for excess excavated materials. Some borrow areas will be required for construction and operation; others will be decommissioned and rehabilitated after the Project is constructed. The Project also includes the operation and **decommissioning** of certain facilities (*e.g.*, camp facilities and a security gatehouse) constructed as part of the Keeyask Infrastructure Project (KIP).

The Project will use approximately 18 m of the 27 m of hydraulic **head** available between Split Lake and Stephens Lake. About 12 m of this drop in elevation occurs through Gull Rapids. The Project will be operated with a maximum reservoir level (*i.e.*, **full supply level**) in the immediate **forebay** of 159 m (521.7 ft) above sea level and a minimum operating level (MOL) of 158 m (518.4 ft) above sea level.

The Project includes activities for the construction and operation of the permanent facilities (the term “operation” also includes maintenance); construction, operation and decommissioning of the temporary facilities (*i.e.*, those required only to construct the Project); operation and decommissioning of the camp and work areas previously licensed and constructed as part of KIP; and operation of the north access road, also licensed and constructed as part of KIP. Chapter 4 provides information on the Project Description.

1.3 REGULATORY FRAMEWORK

This Environmental Impact Statement (EIS) is submitted by the Partnership, and was prepared in accordance with the EIS Guidelines issued in response to an application for environmental approvals.

The Project is subject to an environmental assessment under the *Canadian Environmental Assessment Act* and *The Environment Act* (Manitoba). Before the Project can be built, both federal and provincial regulatory requirements must be met.

The Project is a “project” as defined in the *Canadian Environmental Assessment Act*. The environmental assessment is required due to two triggers under the Law List Regulations; namely, the *Fisheries Act* (Section 32 and 35[2]) and the *Navigable Waters Protection Act* (Section 5). As a hydroelectric generating station with a production capacity of 200 MW or more, it is identified in the Comprehensive Study List Regulations of the *Canadian Environmental Assessment Act*. As this Project will be assessed as a comprehensive study, the Canadian Environmental Assessment Agency will exercise the powers and perform the duties and functions of the responsible authorities during the assessment process until the comprehensive study report is submitted to the Minister of Environment. At the time of writing, following the Minister of Environment’s decision, Fisheries and Oceans Canada and Transport Canada will assume their roles as responsible authorities in relation to the Project.

The Project is a “development” as defined in *The Environment Act* (Manitoba). As an electrical generating facility with a generating capacity greater than 100 MW, the Project is designated as a Class 3 development in the Classes of Development Regulations pursuant to that act. The Minister of Conservation and Water Stewardship will require the Partnership to prepare an assessment report and will have the Clean Environment Commission conduct public hearings. The Minister will decide whether to issue a licence for the Project.

As expressed in the Canada-Manitoba Agreement on Environmental Assessment Cooperation (2007), Canada and Manitoba have agreed to carry out a cooperative environmental assessment that will generate the type and quality of information and conclusions on environmental **effects** required by both orders of government.

Appendix 1B includes a list of licences required for the Project.

1.4 ABORIGINAL TRADITIONAL KNOWLEDGE, LOCAL KNOWLEDGE AND TECHNICAL SOURCES

The Partners agreed early on that there should be two different processes leading to the approval of the Project: the Keeyask Cree Nations process and the government process.

The KCNs process has been underway for more than a decade with the support of Manitoba Hydro. The process assisted the KCNs to understand the Project and its impacts on their communities and Members and to determine the conditions under which they would support the Project. The Project was evaluated in terms of their own worldview, values and experience with past hydroelectric development. Each of the communities led their own consultations with their respective Members resulting in decisions to sign the **Joint Keeyask Development Agreement (JKDA)** and their respective Adverse Effects Agreements (AEAs). Each of the KCNs defined and presented their own evaluations of the Project based on their worldview of the environmental effects on their communities; and each of the KCNs has made an independent decision to support the Project. The Cree Nation Partners (CNP) has provided its Keeyask Environmental Evaluation Report to describe Members’ understanding of the expected impacts of the Project on themselves and to explain their independent decisions to be Project proponents. YFFN has provided their evaluation report, *Kipekiskwaywinan: Our Voices*. FLCN’s Environment Evaluation Report is currently in draft form and will be submitted by the Partnership when finalized. These reports contribute substantially to Chapter 2.

A video, *Keeyask: Our Story*, presents the KCNs history and perspectives related to hydroelectric development. Presented through the prism of their holistic Cree worldview, it explains the journey the KCNs travelled in evaluating their concerns about the Project, the nature of their participation as Partners, and the decisions they ultimately made.

The government processes are different from the KCNs process in terms of scope, methods, values and concepts. Consistent with provisions of the *Canadian Environmental Assessment Act* and *The Environment Act* (Manitoba), the KCNs and Manitoba Hydro have agreed that the planning and environmental assessment of the Project under the government legislation will provide that, in addition to local knowledge and knowledge derived from technical science, **Aboriginal traditional knowledge (ATK)** will be considered to contribute to a better understanding of the specific impacts of the Project. Accordingly, this document uses the following sources of information: ATK, community or local knowledge (including information from the Public Involvement Program – Chapter 3), and knowledge derived from technical sources (*e.g.*, engineering and scientific studies and analysis undertaken by the Partnership, articles and peer-reviewed journals, and government databases).

While the KCNs have led their own evaluation of the effects of the Project on their communities and Members, they have also collaborated in the preparation of this EIS. In particular, ATK gathered by the KCNs in the development of their evaluation on their own communities and Members, as explained in their respective Environmental Evaluation Reports, is also considered in this document.

Indeed, ATK and technical science are used throughout this EIS, from identifying issues to assessing effects and **mitigation**. Both were, and will continue to be, used by the Partnership to improve the Project (*e.g.*, reservoir clearing, safe trails program, choice of low head design). As a result of the ongoing participation of the KCNs in the Project planning, assessment and regulatory review, ATK, local knowledge and technical science underpin the planning and development of the Project.

Appendix 6A of the EIS provides a list of studies undertaken by the Partners and relied upon for the information provided in the environmental assessment. The references section provides citations for other relevant studies used in the assessment.

1.5 STRUCTURE OF THE RESPONSE TO THE EIS GUIDELINES DOCUMENT

This Response to EIS Guidelines document presents the information required to meet the requirements of the EIS Guidelines. The Response to EIS Guidelines includes the following chapters:

- Chapter 1: Introduction;
- Chapter 2: Partners' Context, Worldviews and Evaluation Process;
- Chapter 3: Public Involvement;

- Chapter 4: Project Description;
- Chapter 5: Regulatory Environmental Assessment Approach;
- Chapter 6: Environmental Effects Assessment;
- Chapter 7: Cumulative Effects Assessment;
- Chapter 8: Monitoring and Follow-Up;
- Chapter 9: Sustainable Development;
- Chapter 10: Conclusions;
- References;
- Glossary; and
- Map and Figure Folio.

APPENDIX 1A

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ACKNOWLEDGEMENTS

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J.D. MOLLARD AND ASSOCIATES (2010) LIMITED

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APPENDIX 1B

**KEEYASK GENERATION
PROJECT REGULATORY
LICENCES**

Keyask Generation Project Regulatory Licences

Applicable Legislation, Approval Required, Regulation	Activities
FEDERAL	
DFO Operational Statements	Ice bridges, high pressure directional drilling, beaver dam removal, etc.
<i>Canadian Environmental Assessment Act</i>	Town Centre Complex Project
<i>Navigable Waters Protection Act</i>	All in water structures affecting navigation, including GS, cofferdams, dykes causeways, culverts, boat/barge launches, groins, fish habitat compensation works, ice booms, etc.
<i>Fisheries Act</i> (Authorizations)	All in-water structures, including GS, cofferdams, dykes, causeways, culverts, boat/barge launches, groins, etc. Also blasting.
Notification of use of explosives (Federal: Nav Canada - NOTAM)	Blasting
PROVINCIAL	
<i>Environment Act</i> (Environment Act Licence)	Project including all water and wastewater treatment plants
<i>Environment Act</i> (Collection and Disposal of Waste Regulation)	Solid waste disposal
<i>Crown Lands Act</i> (Work permit)	Generation Station site and borrow areas
<i>Dangerous Goods Handling and Transportation Act</i> (Storage and Handling of Gasoline and Associated Products Regulation)	Petroleum storage
<i>Fire Prevention and Emergency Response Act</i> (Occupancy permit for Road Camp)	South access road camp
<i>Forest Act</i> (Permit to cut timber on Crown Lands)	Reservoir clearing, clearing access trails, etc.
<i>The Heritage Resources Act</i> (Heritage resources permit if heritage resources found)	Project

Keeyask Generation Project Regulatory Licences

Applicable Legislation, Approval Required, Regulation	Activities
<i>Highways Protection Act</i> (Permit to connect to highway)	South Access Road construction
<i>Mines and Minerals Act</i>	Quarry use
<i>Public Health Act</i> (Food handling Permit)	All food handling establishments in camps
<i>Environment Act</i> (Onsite Wastewater Management Systems Regulation) (Water and Wastewater Facility Operators Regulation)	Wastewater storage in work areas not connected to the camp, Water and wastewater treatment plants
<i>The Water Rights Act</i> (Water Rights Licence)	Concrete production and other water withdrawal
<i>Water Power Act</i>	Project
<i>Wildfires Act</i> (Work Permit and Burn permit)	Clearing, burning