

**Manitoba Hydro**  
**Section 45 of NEB Act Application for 2017 Construction**  
**Alteration of a Portion of the Riel International Power Line (IPL) (Project)**  
**NEB File No.: OF-Fac-IPL-M180-2016-02 01**  
**Filed 10 November 2016**

**Information Request No. 1**

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## Aboriginal Matters

### 1.1 Consultation with Aboriginal Groups

- Reference:**
- i) Manitoba Hydro, Application, Section H Consultation, Paragraphs 28 and 30 (PDF page 8 of 12), [A80550-1](#)
  - ii) Manitoba Hydro, Application, Section I Environmental and Socio-Economic Assessment, Paragraph 37 (PDF page 10 of 12), [A80550-1](#)
  - iii) [NEB Electricity Filing Manual](#), Chapter 5 Consultation, Section 5.3 Implementing Project-Specific Consultation Activities, Page 30 (PDF page 44 of 122)
  - iv) [NEB Electricity Filing Manual](#), Chapter 5 Consultation, Section 5.4 Justification for Not Undertaking a Consultation Program, Pages 33 to 35 (PDF pages 47 to 49 of 122)

**Preamble:** In reference i), Manitoba Hydro states that the only significant impact of the Project is the outage required for de-energization of the Riel IPL during the modification and Manitoba Hydro did conduct extensive consultations with the public for the Bipole III Project. Manitoba Hydro further states that the location of the cross-over of the Riel IPL was evident on the maps and materials provided in those public consultations and no concerns regarding that cross-over were raised.

In reference ii), Manitoba Hydro states that the Project will represent a very minor change to the existing landscape and will not result in any adverse effects on recreational or cultural resources in the area. Manitoba Hydro further states that there are no First Nations reserve lands in the Project area.

In reference iii), the Board requires applicants to demonstrate that all persons and groups potentially affected by the project are aware of the project, the project application to the Board, and how they can contact the Board with outstanding application-related concerns.

In reference iv), the Board requires applicants to provide a justification of why it was not necessary to carry out consultation activities with respect to a proposed project.

It is unclear from references i) and ii) whether Manitoba Hydro notified any Aboriginal groups about the Project. The Board determines potentially affected Aboriginal groups according to known or asserted Aboriginal traditional territory. The Board has identified that the Project includes activities within the known or asserted traditional territory of the Birdtail Sioux (Oak Lake) First Nation, Canupawakpa Dakota First Nation, Dakota Plains Wahpeton First Nation, Dakota Tipi First Nation, Manitoba Métis Federation and Sioux Valley Dakota.

**Request:** Please provide the following:

- a) confirmation that the above Aboriginal groups have been provided with:
  - a.1) a description of the Project, including the location, and main components of the Project;
  - a.2) notice that Manitoba Hydro has filed an application with the Board and a link to the electronic copy of the application;
  - a.3) information on how outstanding application-related concerns can be raised with the Board within 14 days of receipt of the Project information;
- b) a summary of any concerns raised by the groups notified of the Project; and
- c) a description of how and when Manitoba Hydro has addressed or will address any concerns raised, or an explanation as to why no further action is required to address the concerns; or
- d) an explanation as to why consultation with these Aboriginal groups was considered unnecessary.

## **Engineering Matters**

### ***1.2 Scope of Work***

**Reference:** Manitoba Hydro, Application, Section B Project Description and Engineering, Paragraph 12 (PDF page 4 of 12), [A80550-1](#)

**Preamble:** In the above reference, Manitoba Hydro states:

“The modifications to the Riel IPL described herein are being undertaken in order to accommodate the cross-over of the Riel IPL by the new Bipole III transmission line...”

Further technical information that justifies the necessity of the alteration is required.

**Request:** Please provide the following:

- a) an explanation of the technical requirements involved in the cross-over of the two power lines; e.g., explain the need for a minimal clearance between the two crossing lines and the consequences of violating that minimal clearance, if any;
- b) a drawing showing the elevation of both the Riel IPL and the Bipole III transmission lines at the cross-over point and the required clearance between the two transmission lines; and

- c) the rationale for modifying the Riel IPL instead of adjusting the new Bipole III transmission line to the existing Riel IPL.

## **Environmental Matters**

### ***1.3 Migratory Birds***

- Reference:**
- i) Manitoba Hydro, Application, Section B Project Description and Engineering, Paragraph 14 (PDF page 5 of 12), [A80550-1](#)
  - ii) Manitoba Hydro, Application, Attachment 4 Environmental Protection Measures, Section 2.1.3 Timing Windows, Wildlife, page 2-1 (PDF page 36 of 178); and Appendix E Buffers and Setbacks (PDF pages 132-135 of 178), [A80550-5](#)
  - iii) Environment and Climate Change Canada (ECCC), [Technical Information – Specific Considerations related to determining the presence of nests](#)

**Preamble:** Reference i) states that Manitoba Hydro plans to commence the Project between April 15, 2017 and June 15, 2017.

Reference ii) shows a sensitive time period for birds from 1 May to 31 July and gives setback distances for wildlife species.

Reference iii) provides guidance on how to conduct non-intrusive bird nest surveys for migratory birds.

Given that the proposed Project would be taking place within the sensitive time period for birds, the Board requires further details regarding mitigation that will be implemented for migratory birds.

**Request:** Please provide the following:

- a) confirmation that Manitoba Hydro will contract a qualified avian biologist to conduct pre-construction bird nest surveys prior to commencement of clearing and construction activities on the Project;
- b) confirmation that the pre-construction bird nest surveys will be conducted using non-intrusive survey methods as outlined by ECCC in reference iii);
- c) confirmation that the pre-construction bird nest surveys will be conducted within 7 days prior to commencement of clearing or construction;
- d) confirmation that should migratory bird nest(s) be found during pre-construction surveys, Manitoba Hydro and its contractors will establish buffer zones and setback distances from the nest(s) according to guidance from ECCC outlined in reference iii);

- e) confirmation that Manitoba Hydro will consult with ECCC and relevant provincial authorities if a migratory bird nest or nests are discovered;
- f) an updated version of Manitoba Hydro's Environmental Protection Measures document with appropriate procedures to follow should a migratory bird nest be discovered (e.g., updates to Appendix E: Buffers and Setbacks, which does not currently include a buffer or setback for a migratory bird nest); and
- g) a description of any additional mitigation that will be implemented to reduce effects of the Project on migratory birds.

#### ***1.4 Wetlands, Amphibians and Reptiles, Bats***

- Reference:**
- i) Manitoba Hydro, Application, Section B Project Description and Engineering, Paragraph 14 (PDF page 5 of 12), [A80550-1](#)
  - ii) Manitoba Hydro, Application, Attachment 4 Environmental Protection Measures, Appendix D Timing Windows (PDF page 130 of 178), [A80550-5](#)
  - iii) Manitoba Hydro, Application, Attachment 4 Environmental Protection Measures Section 2.1.3 Timing Windows, Wildlife, page 2-1 (PDF page 36 of 178), [A80550-5](#)
  - iv) Manitoba Hydro, Application, Attachment 4 Environmental Protection Measures, Appendix E Buffers and Setbacks (PDF pages 132–135 of 178), [A80550-5](#)
  - v) Manitoba Hydro, Application, Section I Environmental and Socio-Economic Assessment, Paragraph 39 (PDF page 10 of 12), [A80550-1](#)

**Preamble:** Reference i) states that Manitoba Hydro plans to commence the Project between April 15, 2017 and June 15, 2017.

Reference ii) identifies sensitive timing windows for wildlife during the April to June timeframe, including sensitive timing windows for amphibians/reptiles and bats.

Reference iii) states that, where conflicting timing restraints with construction activities exist in a particular area, appropriate mitigation will be implemented to reduce Project effects.

Reference iv) gives setback distances for wildlife species.

Reference v) states that field studies did not reveal the presence of any species at risk within the Project area.

The Board notes that no information was provided regarding wetlands in the Project area. Given that the proposed Project would be taking place during the sensitive period for amphibians/reptiles and bats, as identified by Manitoba Hydro, the Board requires further information.

**Request:** Please provide the following:

- a) an aerial photograph or satellite imagery of the Project area;
- b) a description of any wetlands within 500 m of the Project works;
- c) a description of any suitable habitat for amphibians and reptiles within 250 metres of the Project;
- d) an explanation of how Manitoba Hydro determined the setback distances for amphibians provided in reference iv);
- e) a discussion of whether any suitable habitat for bats exists within 500 m of the Project;
- f) a description of what other mitigation will be implemented to reduce effects of the Project on wildlife, including species at risk; and
- g) the date that field studies mentioned in reference v) were conducted.

### ***1.5 Interactions Table***

- Reference:**
- i) Manitoba Hydro, Application, Section I Environmental and Socio-Economic Assessment (PDF pages 9-12 of 12), [A80550-1](#)
  - ii) [NEB Electricity Filing Manual](#), Section 6 Environmental and Socio-Economic Assessment, Table 6-1 Circumstances and Interactions Requiring Detailed Biophysical and Socio-Economic Information, pages 45-47 (PDF pages 59-61 of 122) and Table 6-2 Filing Requirements for Biophysical Elements, pages 67-76 (PDF pages 81-90 of 122)
  - iii) NEB Interactions Table template, Appendix A of this Information Request (attached)

**Preamble:** Reference i) provides minimal information on some biophysical attributes within the Project area.

Reference ii) provides guidance to applicants on what circumstances lead to the need for detailed information on biophysical attributes, and provides the filing requirements for those attributes requiring detailed information.

Reference iii) is a template for an interactions table.

Manitoba Hydro has not provided sufficient information regarding biophysical attributes for the Project and the Project's interaction with these attributes.

**Request:** Please complete the interactions table provided in reference iii), including the following:

- a) detailed information for those biophysical attributes identified by circumstances outlined in reference ii);

- b) a description of how the biophysical attributes in a) interact with the Project; and
- c) a detailed description of the mitigation measures that Manitoba Hydro proposes to minimize the effects of the Project on specific biophysical elements.

If the Project does not interact with a specific biophysical element, provide an explanation of why there is no interaction.

### ***1.6 Environment Act Licence***

- Reference:**
- i) Manitoba Hydro, Application, Attachment 4 Environmental Protection Measures, Appendix C Manitoba Environment Act Licence (PDF pages 118-128 of 178); [A80550-5](#)
  - ii) Manitoba Hydro, Application, Attachment 4 Environmental Protection Measures, Section 5 Environmental Mitigation Requirements, pages 5-1 to 5-47 (PDF pages 48-96 of 178), [A80550-5](#)

**Preamble:** Reference i) is a copy of the Environment Act Licence No. 3055 granted to Manitoba Hydro by the Manitoba Department of Conservation and Water Stewardship in August 2013 for the construction, operation, and maintenance of the Bipole III project. This document contains stipulations to be followed by Manitoba Hydro (e.g., measures for the prevention of spread of weeds).

The stipulations for environmental mitigation measures outlined in reference i) are not reflected in the general mitigation tables in reference ii).

**Request:** Please provide the following:

- a) confirmation that Manitoba Hydro will be implementing the mitigation measures outlined in reference i) for the Project; and
- b) a description of how these mitigation measures will be communicated to construction staff.

## Appendix A: Interactions Table Template

Please identify the interaction as well as what mitigation will be used to minimize the effects of the interaction. If no interaction is predicted, provide justification. If these mitigation measures are described in a manual already filed with the Board, please list the file name, date and version.

Please describe the mitigation proposed in Column G.

**Project Name:** project name goes here

## Interactions Table

[illegible]



[illegible]