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**CAC RESP.
FEB 5, 2014**

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February 5, 2014

The Public Utilities Board of Manitoba
Attention: Mr. Hollis Singh, Executive Director and Board Secretary
400 - 330 Portage Avenue
Winnipeg, MB R3C 0C4

Dear Mr. Singh:

RE: Proposed Socio-Economic Evidence of CAC MB

Our client has read with surprise the letter dated January 31, 2014 in which Manitoba Hydro objects to the proposed filing of CAC MB socio-economic evidence.

While our client offers only the greatest respect to Manitoba Hydro, it would note that the advice found in Hydro's letter:

- is based upon fundamental errors in fact; and,
- would leave the Public Utilities Board with an impoverished foundation upon which to provide advice to the Province on socio-economic matters.

Contrary to the assertion of Hydro, the evidence of CAC Manitoba will be uniquely focused on the NFAT. It will ask the most basic and profound of questions:

- what are the legacy socio-economic implications for Northern and aboriginal communities if the Plan proceeds?
- what are the legacy socio-economic implications for Northern and aboriginal communities if further construction on the Nelson River is deferred?

Hydro's Letter of January 31, 2014

Manitoba Hydro's letter of January 31, 2014 rests upon three bald assertions:

- CAC Manitoba is bringing the same witnesses to speak on exactly the same subjects as in the EIS and is relying upon updated versions of their reports (p. 1);
- there is no time to respond to the evidence (p. 2); and,
- there is a risk that the Government will become confused if it faces differing recommendations on exactly the "same evidence" (3).

These claims are without merit.

This not a replay of Keeyask

CAC MB does not plan to repeat or repackage the core evidence from the EIS. Our client would not have gone through the challenging task list of the last two months if it simply wished to refile EIS evidence. Nor would CAC MB have exposed itself to a considerable amount of criticism from legal counsel for the Keeyask Cree Nations to simply repeat the EIS. At the invitation of the PUB, our client undertook this task because they viewed the issue as important and the record before the PUB as inadequate.

Before turning to the proposed evidence in this proceeding, it would be helpful to recall the exact nature of the evidence presented by CAC Manitoba in the EIS:

- Dr Murray Lee and Ms Marla Orenstein focused on good process in the Keeyask Proceeding. They examined the EIS with a view to whether the analysis conducted was consistent with good health impact assessment practice.

They drew no conclusions with regard to the health impacts or benefits of Keeyask. They drew no conclusions with regard to the health impacts and benefits of Keeyask/Conawapa combined on Northern and Aboriginal communities.

- Dr. Jerry Buckland and Dr. Melanie O'Gorman took a community economic development perspective in the first hearing focused only on Keeyask and the Keeyask Cree Nations. A particular emphasis was the implications of the Joint Keeyask Development Agreements and Adverse Effects Agreements upon these four first Nations.

They did not examine alternatives to the Preferred Plan such as deferring additional development combined with community legacy investment and water rental sharing. They did not examine the impact on Northern communities other than the four Cree Nations; They did not examine the combined effects of the Keeyask/Conawapa plan on any community be it Northern or Aboriginal.

The Proposed Evidence will focus on the PUB mandate

The Terms of Reference seek the advice of the PUB on the socio-economic impacts and benefits of the Plan and alternatives to Northern and aboriginal communities.

The evidence of Orenstein/Lee and Buckland/O'Gorman will directly address the PUB criteria in a manner that is fundamentally different and broader than was undertaken for the purposes of the EIS. It will not duplicate the EIS evidence because it is asking very different conclusions.

Orenstein/Lee (Health/Impacts)

Unlike their evidence in the EIS, the work of Orenstein/Lee will not focus on the practice of health impact assessment. Instead, they will draw conclusions on areas of community health vulnerability and opportunity for potential health benefits specific to the Northern and aboriginal communities that would be affected by the Hydro Plan. No such conclusions were developed for the EIS.

The evidence of Orenstein/Lee also will be based upon a profile of the current health status of the local population. No such profile was submitted as part of their review of impact assessment practice.

It also is notable that the identification of health effect areas for the EIS review was primarily informed by international guidance documents (such as the International Finance Agency, International Council on Mining and Metals, etc.). For the NFAT, in contrast, the identification of key health influences comes from a review of statements submitted by local stakeholders.

Buckland/O'Gorman

In the EIS, Buckland/O'Gorman asked what are the potential challenges and opportunities posed by Keeyask.

In the NFAT, they will ask the much broader question of what are the legacy implications for Northern and aboriginal communities of the Preferred Plan as compared to a decision to defer further development on the Nelson.

Their report will present a critical assessment of the socio-economic consequences on northern and Indigenous Manitobans of Manitoba Hydro's Preferred Development Plan (PDP) and select alternative plans. The assessment will be conducted both from the perspective of international good practice and local perspectives.

The research of Buckland/O'Gorman can be contrasted from the EIS in that:

- it will consider the implications of the alternative of deferring future development on the Nelson River;
- the community and geographical scope is wider in that they will consider impacts not only on First Nations communities neighbouring the Keeyask project, but Northern Manitoba communities as well as First Nations communities neighbouring the proposed Keeyask and Conawapa projects; and,
- it will focus on the combined impacts and benefits of the Keeyask/Conawapa plan rather than the more limited effects of Keeyask.

Indeed, the only area of overlap will be a brief summary of the key features of the Keeyask model.

Additional contrast to the evidence from the EIS will be:

- the introduction of an international best practice criteria which will enable the assessment of the Preferred Plan versus deferring Nelson River development;
- a qualitative and quantitative analysis of certain perspectives on hydroelectric development coupled with interviews with stakeholders/commentators on energy alternatives for Manitoba, both in Winnipeg and in Northern Manitoba.

The perspectives of Elders and Traditional Land Users

Manitoba Hydro speculates as to the identity of traditional land user and Elders as well as to the nature of their evidence. It asserts they will be the same people with the same message.

The expectation of CAC Manitoba is somewhat different. Based upon the advice from Elders and traditional land users, CAC MB expects at least three of the five panel members would not have given evidence before the EIS. The evidence presented will address a central issue flowing from the EIS:

In your view, what are the potential legacy impacts and benefits on individuals, communities and families and upon traditional land use of the Plan as compared to an alternative that defers further construction of hydro-electric facilities on the Nelson River?

Put in more accessible language:

What would it mean to you, your families and your community if the plan went ahead?
What would it mean to you, your families and your community if the plan was deferred?

When one steps away from the lawyers, the engineers, the economists and the accountants, the central question of the NFAT is whether the Preferred Plan will have a positive effect on Manitobans or whether there is a safer, better alternative.

In the respectful view of CAC MB, it would do a great disservice to this debate if there was no way to provide evidence for the Elders and traditional land users likely to be most effected by this project.

The State of the Record

Before turning to timing issues, it is important to step back and take a look at the current record before the PUB. With respect to issues of Northern and aboriginal communities, the

evidence of Typlan appears to draw heavily from the EIS filing of the proponent. There appears to be little acknowledgement of the fact that prior projects have failed to achieve their socio-economic objectives. The evidence of Hydro might be described as a celebration of the project. It is an advocacy assessment rather than a critical analysis.

In other words, the current record of this proceeding does not meaningfully address the downside risk that socio-economic objectives will not be achieved.

The evidence of CAC MB will be independent and will try to provide a balanced perspective both of the upside opportunity and the downside risk.

Timing Issues

CAC MB acknowledges that there will be timing issues associated with the filing of this material just as there have been timing issues associated with the ongoing filing of Hydro information requests and the ongoing filing of Independent Expert evidence and information responses.

With respect, they believe that Manitoba Hydro overstates the challenges it will face in receiving this evidence. CAC MB would expect that Hydro's direct evidence will address the socio-economic elements of this proceeding and that if Hydro determines that there is a need, it can seek to offer written or oral rebuttal evidence to the CAC MB witnesses. Similar to its approach in the Keeyask EIS, CAC MB would be prepared to provide Manitoba Hydro with advance without prejudice drafts of its evidence as they become available in order that Hydro can prepare in a more orderly manner.

There should be no conflicting findings

Hydro's claim that there could be conflicting findings is undermined by the reality that the evidence of CAC MB will be focused on the NFAT issues and will be starkly different from the evidence filed in the EIS.

CAC MB recognizes this is not the EIS and does not intend to repeat evidence from that forum.

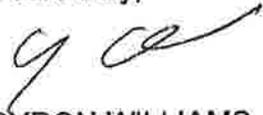
Conclusion

Consistent with its invitation by the PUB, CAC MB intends to bring unique socio-economic evidence to this forum focused on addressing the implications of the Hydro plan for both Northern and aboriginal communities. Unlike its evidence in the EIS, CAC MB also will focus on the legacy implications of the combined Conawapa/Keeyask plan as compared to the alternative of deferring construction on the Nelson River.

CAC MB intends to present this evidence in a balanced way in order to address shortcomings in the current record.

Thank you for your consideration of these comments.

Yours truly,

A handwritten signature in black ink, appearing to read 'Byron Williams', written in a cursive style.

BYRON WILLIAMS
DIRECTOR

BW/mm



MH POS 1510-
JAN 28, 2014

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January 31, 2014

The Public Utilities Board of Manitoba
400 – 330 Portage Avenue
Winnipeg, MB R3C 0C4

Attention: Mr. Hollis Singh
Executive Director and Board Secretary

Dear Mr. Singh:

RE: NFAT – Proposal of CAC to present socio-economic evidence

We have reviewed Ms. Meghan Menzies' letter to you of January 28, 2014 in which she describes the evidence and witnesses her client proposes to call on the subject of socio-economic impacts during the forthcoming NFAT hearing.

All of the evidence in question was introduced during the course of the Clean Environment Commission's review of the Keeyask Environmental Impact Statement and the same witnesses Ms. Menzies proposes to call were questioned, at length, during that hearing.

Specifically, both Dr. O'Gorman and Dr. Buckland testified before the Clean Environment Commission on precisely the matters that Ms. Menzies offers to have them address in the NFAT hearing. Dr. Orenstein and Dr. Lee work together, as Ms. Menzies' letter affirms. They co-authored the report filed before the Clean Environment Commission and Dr. Lee was questioned on it. Ms. Menzies' proposal does not explain why the need for the same witnesses, speaking on exactly the same subjects heard by the Clean Environment Commission using, presumably, updated versions of the same reports, must be heard also by the Public Utilities Board.

A number of aboriginal elders testified before the Clean Environment Commission, at length, about the Cree World View, their perspectives on the history of hydro-electric development in Manitoba and, particularly, their views on the potential impacts on aboriginal harvesters and on the traditional use of land by aboriginal peoples in Northern Manitoba of hydro-electric developments. The elders in question came from a number of First Nations which included the four First Nations who are partners in the Keeyask Project as well as First Nations which are not, including Shamattawa First Nation, the Nisichawayasihk Cree Nation, Pimicikamak Cree Nation and Peguis First Nation. Those who spoke frequently identified themselves as supporters of the Keeyask Project or opponents of the Project or, occasionally, as neither. Ms. Menzies does not identify which elders her client proposes to call but, presumably, they will

Recipient Name

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be drawn from those who spoke before the Clean Environment Commission as they are now known to Ms. Menzies' client and are known to be willing to address a public body. Ms. Menzies does not explain why it is necessary for this evidence to be heard a second time by a second public tribunal charged with providing recommendations to the same government that is to receive recommendations from the Clean Environment Commission. The fact that many found the testimony of many of the aboriginal elders to be "compelling" is not, in itself, a persuasive reason to hear it a second time.

The hearing before the Clean Environment Commission provided an opportunity for those members of the four First Nations who oppose the Keeyask Project and those who have supported the Project to testify about their reasons for opposing, or supporting, the Project and to be questioned thereon. It is the obligation of the Clean Environment Commission, having heard this testimony, to report to the Government of the Province of Manitoba what it heard and to provide whatever assessment, and recommendations it thinks appropriate with respect to this evidence. If the Public Utilities Board of Manitoba decides to take the unanticipated step of hearing the same evidence of aboriginal elders again, there will be an intense desire on the part of each of the four First Nations who are partners in the Project to ensure that "both sides" of the debate within each of their respective communities is heard in evidence before the Public Utilities Board. Had it been made known in the spring of 2013 that the Public Utilities Board would allow for this type of evidence to be introduced at its hearing, no doubt each of the First Nations in question would have sought, and likely been granted, standing to participate in the NFAT hearing. Ms. Menzies' letter is silent on how this is to be accomplished within the time frame and mandate with which the Public Utilities Board must now work and using the identified participants in the NFAT hearing.

With all counsel, clients and PUB Board members working five days a week, there is no time to read, assess and respond to evidence Ms. Menzies proposes filing on March 14, 2014. I note she does not propose a date for the hearing of this evidence. I note that she overlooks that the filing of this evidence would result in my client bringing forward a new panel to respond to it and, again, there is presently no time in the schedule to accommodate the presentations and questioning of all of this evidence.

The mandate of the PUB with respect to socio-economic impacts and benefits does not call for a second review of the Keeyask Project as measured against the "World Bank good practice framework", a second survey of the various community health issues that arise through the influx of a large work force to a remote region and the increase of mercury levels in fish as a consequence of flooding land heavy in peat, nor the personal testimony, again, of aboriginal elders who have lived through past hydro-electric developments. The mandate of the PUB with respect to this subject is narrow, and distinct from that of the Clean Environment Commission. It is to consider the socio-economic impacts and benefits "**of the Plan**" "**and alternatives**" to both "northern" and "aboriginal communities". The Clean Environment Commission heard during the course of reviewing the Keeyask Project extensive evidence on the socio-economic impacts and health issues associated with the Keeyask Generation Station Project and, in addition, the cumulative adverse effects of the Keeyask

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Generation Project in combination with the proposed Keeyask Transmission Project, the Bipole III Transmission Project, the Conawapa Generation Project and the Gillam Redevelopment Project. As stated, the extensive evidence in question included the reports and testimony of Dr. O’Gorman, Dr. Buckland, Dr. Lee and Dr. Orenstein.

The mandate of the Public Utilities Board specifically excludes the “environmental reviews of the proposed projects that are part of the Plan”. The Keeyask Generation Station project is a proposed project that is part of the Plan. It has just gone through a public “environmental review” that included all of the evidence and the witnesses that Ms. Menzies now wants to call at the NFAT hearing. This is excluded from the mandate of the Public Utilities Board.

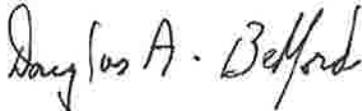
When one compares the mandate given to the Public Utilities Board with the mandate given to the Clean Environment Commission, it is apparent that some sensible effort was made to ensure that each tribunal did not hear witnesses and testimony that duplicated what the other heard. This was sound thinking, given that the purpose of each hearing is to make recommendations to the Government of the Province of Manitoba. If the Public Utilities Board is now to hear some of the same evidence from the same witnesses as were heard by five Commissioners of the Clean Environment Commission and also to assess this evidence and make recommendations to the same government with respect to it, whose recommendations on identical evidence are to take precedence where they differ? The mandates are silent on this dilemma. Ms. Menzies is silent on this dilemma. It would not be sensible to create this dilemma by giving the same witnesses the opportunity to speak on the same evidence a second time.

On behalf of my client, I respectfully submit that Ms. Menzies’ proposal be rejected.

Yours truly,

MANITOBA HYDRO LAW DEPARTMENT

Per:



DOUGLAS A. BEDFORD

Barrister and Solicitor

DB

cc. Ms. Meghan Menzies



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ORIGINAL CAC PROPOSAL

Writer's direct line: (204) 985-8533
Email: bwilliams@pilc.mb.ca

January 28, 2014

The Public Utilities Board of Manitoba
Attention: Mr. Hollis Singh, Executive Director and Board Secretary
400 - 330 Portage Avenue
Winnipeg, MB R3C 0C4

Dear Mr. Singh:

Re: NFAT - Socio-Economic Impact Proposal

CAC MB is writing to:

- Propose the presentation of written socio-economic evidence in this hearing to be filed on March 14, 2014;
- Present a proposal for a schedule related to this evidence which enables it to be fairly tested; and,
- Encourage the Public Utilities Board to find a mechanism to enable the reception of evidence from persons likely to be significantly affected by the Preferred Development Plan including Elders and traditional land users.

Background

The PUB Terms of Reference in this proceeding invite the Board to assess:

"2 (h) The Socio-Economic impacts and benefits of the Plan and Alternatives to Northern and Aboriginal communities."

In Order 92/13, the Board determined that a socio-economic review of the NFAT would encompass:

A critical analysis of the socio-economic impacts and benefits of Manitoba Hydro's Preferred Development Plan and Alternative Plans. Specifically, a high level summary of potential effects to people in Manitoba, especially Northern and Aboriginal communities, including such things as employment, training and business opportunities; infrastructure and services; personal family and community life; and resource use.

In November, 2013, after reviewing the Hydro filing and consulting with other interveners, CAC MB became concerned that the PUB would not have an adequate record to perform a critical analysis of socio-economic impacts and benefits. It conveyed its concerns to the PUB. On November 26, 2013, the PUB advised CAC MB that it was prepared to consider a proposal for further analysis and evidence relating to this issue.

Over the past two months, CAC MB with its legal team and consultants has taken a number of steps aimed at finding a mechanism to provide an adequate evidentiary basis for the critical analysis of socio-economic impacts. These steps have included:

- An extensive series of discussions with the MMF and MKO regarding their plans with regard to socio-economic analysis and the potential for cooperation and collaboration;
- Discussions with other persons familiar with the actual and potential effects of historic, current and proposed hydro-electric development activity on northern and aboriginal communities in Manitoba;
- Discussions with Ms Marla Orenstein of Habitat Health Impact Consulting on the implications of major resource development projects on infrastructure and services as well as upon personal, family and community life;
- Discussions with Dr. Jerry Buckland and Dr. Melanie O'Gorman on the benefits, challenges and risks which may flow from major resource development projects including potential effects related to employment, training and business opportunities;
- Preliminary discussions with persons who have different perspectives on hydro-electric development on the Nelson River system including traditional land users and Elders;
- Hosting separate focus groups to discuss the implications of major resource development both from a northern and remote First Nation perspective as well as from a southern perspective;
- Hosting an advisory group with input from a variety of sources including environmental, senior and indigenous perspectives;
- Hosting a one day inter-disciplinary discussion of economic and health impacts with experts and with guest input from a source familiar with the historic and current implications of hydro-electric development on remote and northern communities;
- Reviewing the submissions made in the Keeyask EIS by the KHP and by funded participants including traditional land users and Elders.
- Reviewing the evidence of the independent experts retained to comment on socio-economic matters in the NFAT;
- A preliminary consideration of international good practice;
- Writing to the Fox Lake Cree Nation to invite its input into any proposed evidence; and,
- Discussions with others who sought to intervene in the PUB proceeding including those

seeking to present the perspectives of traditional land users and Elders who have reservations about the Preferred Development Plan.

CAC MB also has had the opportunity to review the comments of the Cree Nation partners of Hydro relating to any proposed socio-economic evidence preferred by CAC MB and to undertake an extensive series of discussions with regard to these comments.

Preliminary Comments with Regard to Socio-economic Impacts Flowing from Resource Development Projects

Based on its review of this information, CAC Manitoba can offer the following preliminary observations:

- The historic record of major hydro-electric projects suggests a mixed outcome in terms of positive and negative benefits with socio-economic impacts that have often differed significantly from original predictions;
- The recent experience of the Wuskwatim partnership suggests a mixed outcome in terms of positive and negative benefits with socio-economic impacts that have often differed significantly from original predictions;
- Given the high level of unpredictability associated with the impacts of major resource development, there is an emerging view that it is critical to move towards legacy models and away from mitigation and compensation models;
- Within remote and northern communities, it is likely that there will be an uneven distribution both of benefits and of the adverse effects of major resource developments. Certain traditional land users are among those who may be particularly adversely effected;
- The ultimate success of major resource development projects from a socio-economic perspective cannot be meaningfully predicted without an understanding of how the positive and negative effects will be distributed; and,
- Central to the understanding of the socio economic effects of any major resource development project is an understanding of the risks and opportunities related to human health as a central aspect of personal, family and community life.

The Current State of the Record

Based on its preliminary view of the evidence of Manitoba Hydro and the socio-economic Independent Expert, CAC MB is concerned that the current record before the PUB will not enable the Board to make informed recommendations to the Province in terms of "the Socio-Economic impacts and benefits of the Plan and Alternatives to Northern and Aboriginal communities."

With all due respect to the efforts of both Hydro and of the socio-economic Independent Expert in this regard, it is the view of CAC MB that the socio-economic evidence filed to date:

- Fails to provide an adequate basis to evaluate the socio-economic uncertainty associated with any major resource development plan including the Preferred Development Plan;
- Fails to provide an adequate high level summary of the potential adverse effects and benefits of the Preferred Development Plan which is needed for the alternatives analysis;
- Fails to provide insight into the distribution of benefits and impacts under the Preferred Development Plan in order for it to be weighed against alternatives; and,
- Fails to provide meaningful insight into the implications for those who may be adversely effected by the Preferred Development Plan.¹

With regard to any existing high level summary of the potential adverse effects and benefits of the Preferred Development Plan, CAC MB is not confident that the evidence filed to date adequately summarizes either the potential socio-economic benefits or the potential adverse effects.²

In the view of CAC MB, the current record before the Public Utilities Board does not allow for a determination of the socio-economic risks, benefits and impacts of the Preferred Plan or of its leading alternatives.

The CAC MB Proposal

From the outset of this proceeding, CAC MB has stated its preference for evidence relating to impacts on northern and aboriginal communities to be led by organizations representative of aboriginal organizations in Manitoba.

CAC MB is engaged in ongoing discussions with both the MMF and MKO and is open to any collaborative opportunities that are available. At the current time, it is the understanding of CAC MB that while all three interveners are anxious to minimize duplication, all believe that the record will best be served by separate filings on socio-economic issues. Based on extensive discussions with the MMF and MKO, CAC MB is confident that its proposed evidence will not duplicate their evidence.

1 From the Keeyask Hearing for example, please see a discussion of the implications for resource users (Anderson, "Keeyask Hearing", November 6 2013 at p 2249), Elders concerned for lake sturgeon, (Beardy "Keeyask Hearing" December 12 2013 at p 6226-7) and Elders concerned for caribou (Massan, "Keeyask Hearing", December 11 2013 at p 6100).

2 For example, it could be argued that the evidence of the socio-economic Independent Expert fails to adequately represent the benefit in terms of increased capacity that might flow to certain communities.

The proposal of CAC MB is designed to provide an evidentiary and analytic basis for weighing the risks, benefits and adverse impacts potentially associated with the Preferred Plan against alternatives. This proposal is presented under the heading Panel 1.

The proposal of CAC MB also will consider mechanisms to enable the voices of certain persons directly affected by the project to be heard.³ These voices include the perspectives of traditional land users and of Elders who may wish to express reservations about the Hydro Preferred Plan. CAC Manitoba would strongly recommend that the Public Utilities Board consider granting intervener status to prior applicants who sought to bring the perspective of harvesters or Elders to these proceedings.

In the event the PUB chooses not to grant intervener status to groups representing harvesters or Elders, CAC Manitoba has been asked to facilitate testimony presenting the perspective of certain traditional land users and Elders. While CAC MB recognizes this is an imperfect substitute, they would be honoured to facilitate such a request. In their respectful view, this is likely to be among the most important perspectives the PUB will hear during this proceeding. This proposal is presented under the heading Panel 2.

Proposed Panel 1

The CAC MB team intends to produce a high-level study which addresses both the uncertainties and potential effects of Manitoba Hydro's Preferred Development Plan (PDP). Socio-economic issues as defined by the PUB will be addressed from both an economic and a human health perspective.

a) the economic perspective

This evidence will present:

- A brief history of hydro-electric resource development both in Canadian communities and in developing countries. Taking into account evolving perspectives of hydro-electric resource development and its socio-economic impacts, this section will introduce the World Bank good practice framework;
- A summary of the PDP and principal alternatives with a particular focus on the potential implications of the Keeyask and Conawapa projects for northern and indigenous peoples. A high level summary of the socio-economic and economic strengths, weaknesses and risks of the Manitoba Hydro model of development will be presented;⁴

3 CAC MB observes that legal counsel for the Keeyask Cree Nations have expressed an interest in having their voices directly heard in this proceeding.

4 The summary of the Hydro model strengths and weaknesses will include a consideration of Socio-Economic Advantages and Challenges including Joint Resource Development, Sharing of Hydro Benefits; Training and Employment Creation, Disruptions to Traditional Livelihoods and Economic Development and Compensation. Economic Impact considerations will include a discussion of labour income, business opportunities and investment income.

- An overview of perspectives of the Manitoba Hydro model of natural resource development informed by select key informant interviews and existing written materials;⁵ and,
- An assessment of these perspectives compared to World Bank good practice with appropriate recommendations.

This team is currently led by Dr. Jerry Buckland and Dr. Melanie O'Gorman. CAC MB hopes to add another lead author to this team who has particular experience in remote northern First Nations. Her addition to the team will not add to the overall cost. Expert costs for this research are estimated to range between \$40,250 and \$47,250 plus travel. Brief biographies of the current proposed witnesses are set out in Appendix A to this letter. Their *curriculum vitae* are set out under separate cover.

b) the human health perspective (personal, family and community life)

The objective of this review is to develop a report that identifies and explains the health issues that would be expected to result from a project of the type that Manitoba Hydro is proposing with specific reference to the cultural and geographic context of Manitoba.⁶

The review will not be geared to the project parameters specifically but will take into account the type of development, the scale of mobile workforce needed, the timeline of the proposed projects and other details as available. The report will discuss the potential positive and negative effects of development on a wide range of community health outcomes that may include:

- Health effects associated with social and economic change;
- Infectious disease transmission;
- Diet and nutrition;
- Injury and public safety;
- Stress and mental wellbeing;
- Health care service provision; and,
- Aboriginal health.

This team will be led by Ms Marla Orenstein and Dr. Murray Lee of Habitat Health Impact Consulting. It is estimated that costs for this research will range between \$16,800.00 and \$18,000.00 plus travel. Brief biographies of the proposed witnesses are set out in Appendix A to this letter. Their *curriculum vitae* are set out under separate cover.

5 Including transcripts from the Keeyask EIS.

6 The sources we will use to inform our work include published and grey literature; the Keeyask EIA application and possible discussions with key informed sources as well as any other information sources that come to light during the project.

Proposed Panel 2:

As stated earlier, CAC MB would strongly recommend the Public Utilities Board consider granting intervener status to prior applicants who sought to bring the perspective of harvesters or Elders to these proceedings.

In the event the PUB chooses not to grant intervener status to groups representing harvesters or Elders, CAC MB has been asked to facilitate testimony presenting their perspective. Panel members would provide a unique perspective of the potential impacts of the PDP and would assist in bringing before the PUB the voice of some of those most intimately affected.

Taking into account the PUB definition of socio-economic, this piece of evidence would involve the presentation of a panel of up to 5 Elders and traditional land users from Keeyask-affected First Nations. These presentations would address:

- Historical and current relationship with the people, land and waters of the Nelson River; and,
- Potential socio-economic implications of additional hydro-electric development on their personal, family and community life as well as upon their traditional land use.

Ideally, this second piece of evidence would be presented through an intervention led by these community members. The facilitation of this evidence by CAC MB should only be considered a secondary proposal.

It is estimated that the presentation of this community led evidence would cost roughly \$7,250.00 plus travel.

The Legal Team

The Legal Team already has incurred significant costs associated with developing this proposal. However, given the overall magnitude of this proposed budget increase, CAC MB will not add to its current estimate of legal hours presented to and approved by the PUB.

CAC MB believes the proposed panel of traditional land users and Elders will be among the most important evidence the PUB will hear in this proceeding. To facilitate the presentation of this evidence, CAC MB may assign legal counsel other than Mr. Williams or Ms Menzies.

Timing for the filing of evidence

While CAC MB has taken extensive steps to develop this evidence, efforts to meet a February 4, 2014 deadline have faced a number of barriers including:

- The fact that CAC MB did not receive official notice of the potential to present a proposal until November 26, 2013 which is a number of months after it received permission to proceed with other evidence. This relatively late notice meant that

potential experts were already committed to other projects;

- The commitment of potential experts to the Keeyask EIS project which ran until January 14, 2014 roughly six weeks beyond the expected end date of late November;
- The importance of making efforts to collaborate with both the MMF and MKO which, while productive, involved a considerable amount of time and energy;
- The objections to CAC MB evidence by legal counsel for one of the Keeyask Cree Nation partners. This objection necessitated an extensive series of discussions with community organizations, community leaders, concerned citizens and within CAC MB. In effect, it put effective preparations for evidence on hold for between two and three weeks.

Given these barriers, the experts retained by CAC MB have indicated that they cannot reasonably expect to finalize their evidence until on or about March 14, 2014. Should the PUB grant the CAC MB proposal, we are seeking an extension for the filing of socio-economic evidence from February 4, 2014 to March 14, 2014.

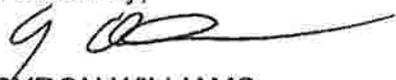
CAC MB recognizes that this may present a challenge to Manitoba Hydro and to other interveners. CAC MB would propose the following amendments to the schedule:

- Information requests to CAC MB's socio-economic Panel 1 by March 21, 2014;
- Responses to information requests by March 27, 2014; and
- Rebuttal evidence if any by April 3, 2014.

Conclusion

Thank you for the opportunity to submit this proposal and for your consideration of these comments. Should you have any questions or comments please feel free to contact Byron Williams directly at 204-985-8533 or Meghan Menzies at 204-985-5240.

Yours truly,


BYRON WILLIAMS
DIRECTOR


MEGHAN MENZIES
ATTORNEY

Attachments

BW/sk

CAC Manitoba
Intervenors
Manitoba Hydro

Appendix A

The CAC MB Economic Team

Dr. Melanie O'Gorman has expertise in quantitative and qualitative analysis, macroeconomics and community economic development. She testified before the Manitoba Clean Environment Commission in proceedings relating to the Keeyask proposed project. Among her current and recent research projects are:

- Where's the Money?: The Right to Water in First Nations Communities;
- Critical Conversations on First Nations and the Right to Water, University of Manitoba (March 2013);
- Cherishing water, claiming health: a planning symposium on water as a holistic health right in the Pas (May 2012); and,
- "Cultivating the Arctic's Most Valuable Resource: An Analysis of the Barriers to High School Completion Among Arctic Youth", joint with Manish Pandey.

Dr. Jerry Buckland has expertise in quantitative and qualitative analysis, financial exclusion and Development Economics. He has given expert evidence to the PUB on matters relating to financial exclusion on three separate occasions and has recently provided expert evidence to the Manitoba Clean Environment Commission on the Keeyask proposed project.

Dr. Buckland was the Acting Director of the University of Winnipeg's Master's in Development Practice program 2012/13, and a Visiting Fellow at the Bangladesh Institute of Development Studies in the early 1990s. Dr. Buckland's teaching and research focus on micro-finance/bank access, community/economic development, rural development, and development in Bangladesh. He teaches courses, among others, on research and evaluation methods in International Development Studies and in the Masters of Development Practice Program. Dr. Buckland currently serves as Dean of Menno Simons College.

The CAC MB Health Impact Team

Ms Marla Orenstein is an Epidemiologist, a founding partner of Habitat Health Impact Consulting, and an international leader in the field of Health Impact Assessment. She has led over 18 HIAs, mainly for resource development projects including oil & gas developments, sustainable energy projects, mining projects, and linear features. In addition, Marla has helped develop HIA practice standards, and has provided mentoring and assistance to external agencies to help them complete their own HIAs. She has worked with government to help develop HIA processes for public policy and has offered HIA training in Brazil, Mexico, Portugal, the US and Canada. She has co-authored a textbook on HIA that will be published by Springer in spring 2014. Marla has a M.Sc. in Epidemiology from the University of Edinburgh, and as an epidemiologist with the Alberta Cancer Board and the University of California was involved in designing, conducting, analyzing and publishing results of population-level research studies including studies on physical activity and cancer risk, chronic disease in rural populations, and environmental determinants of disease. Marla is a member of the International Association of Impact Assessment, and is a founding member of the

Society for Practitioners of Health Impact Assessment. Ms Orenstein co-authored written evidence before the Clean Environment Commission in its review of the Keeyask EIS.

Dr. Murray Lee is a practicing physician who specializes in rural and remote medicine and has worked extensively with aboriginal populations in the Canadian North, as well as with indigenous populations in New Mexico, California and Alaska. He is currently the regular visiting GP for Repulse Bay, Nunavut. Dr. Lee is also a Clinical Assistant Professor in the Department of Community Health Sciences at the University of Calgary; a Master Teacher in Calgary's Medical School; and a Research Affiliate with the Population Health Intervention Research Centre.

Dr. Lee's Masters in Public Health has a special emphasis on the impact of the built environment on community health and human health behaviours. He has been extensively involved in the creation, delivery and evaluation of undergraduate medical school curriculum at the University of Calgary and has mentored many students interested in pursuing electives or careers in northern, aboriginal and other resource constrained settings. Dr. Lee recently presented evidence before the Clean Environment Commission in its review of the Keeyask EIS.

Appendix B

NFAT Review

Socio-Economic Impact Proposal

Expert Budget and Workplan

Proposed Plan 1

Workplan:

Dr. Melanie O’Gorman, Dr. Jerry Buckland

| Item | Details | Participants | Timing | Work time (# people x days) |
|---|--|---|--------------------|---|
| Preparation | Preliminary research, plan development, drafting of consent forms, communication research assistants and affected persons | Dr. Buckland | January / February | 1 x 5 = 5 days |
| Literature review | A literature review of the historical and international impact of major industrial projects on Indigenous people and which would introduce and draw out the World Bank’s Best Practices Framework. | Dr. Buckland | January / February | 1 x 4 = 4 days |
| Team meeting in Winnipeg | Discuss key issues for Northern/Indigenous communities for preferred development plan and alternatives | Dr. Buckland, Dr. O’Gorman, | January | 2 x 1 = 2 days |
| Compilation of perspectives of various Manitoba stakeholders. | Interview, research, write-up, and analyze | Dr. O’Gorman, Dr. Buckland | January / February | 2 x 2 = 4 days Contingency = 1 day |
| Northern perspectives including travel to Thompson | Travel, interview, write-up, and analyze. | Dr. O’Gorman, Dr. Buckland (separate trips) | February | Travel, interview, write-up, and analyze. 2 x 4 = 8 days |
| Writing of the final report | | Dr. Buckland, Dr. O’Gorman, | February and March | Dr. Buckland = 4 days |

| | | | | |
|--------------------------------|--|-----------------------------|-------------|--|
| | | | | Dr. O'Gorman = 4 days |
| | | | | Contingency = 3 days |
| Slides and hearing preparation | | Dr. Buckland, Dr. O'Gorman | Early March | 2 x 1 = 2 days Contingency = 1 day |
| Participation in Hearing | | Dr. Buckland, Dr. O'Gorman, | TBD | 2 x 1 = 2 days Contingency = 2 days |
| Total | | | | Days : 35 – 42 days |

Ms. Marla Orenstein

| Item | Details | Timing | Work time (# people x days) |
|-----------------------------|--|------------------|------------------------------|
| Team meeting in Winnipeg | Discuss key issues for Northern/Indigenous communities for preferred development plan and three alternatives | January | 1 day |
| Writing of the final report | | February / March | 11 days |
| Hearing Preparation | | March / April | 1 day Contingency = 1 day |
| Participation in Hearing | | TBD | 1 day |
| Total | | | 14 Days - 15 days |

Research Assistants: Ms. Naomi Happychuk, Ms. Yechenu Audu,

| Item | Details | Participants | Timing | Work time (# people x days) |
|---|---|--------------------------|--------------------|-----------------------------|
| Literature review | Assist literature review of the historical and international impact of major industrial projects on Indigenous people and which would introduce and draw out the World Bank's Best Practices Framework. | Ms. Happychuk | January / February | 1 x 5 = 5 days |
| Team meeting in Winnipeg | Take minutes of discussions | Ms. Audu | January | 1 x 1 = 1 day |
| Compilation of perspectives of various Manitoba stakeholders. | Assist with contact, note-taking, analysis, write up. | Ms. Happychuk, Ms. Audu, | January / February | Ms. Happychuk = 15 days |

| | | | | |
|--------------|--|--|--|----------------------|
| | Researchers will also be seeking input from a variety of perspectives and sources. | | | Ms. Audu = 5.25 days |
| | | | | |
| Total | | | | 26.25 days |

Budget:

| Expert time | | | |
|----------------------------|----------------------|-------------|----------------------------------|
| | # of Days | \$ Per Day | Total |
| Dr. O'Gorman | 13 days to 16.5 days | \$1000/day | \$13,000.00 - \$16,500.00 |
| Dr. Buckland | 22 days to 25.5 days | \$1000/day | \$22,000.00 - \$25,500.00 |
| Ms. Orenstein | 14 days to 15 days | \$1,200/day | \$16,800 - \$18,000.00 |
| Research Assistants | | | |
| Ms. Happychuk | 20 days | \$200/day | \$4,000.00 |
| Ms. Audu | 6.25 days | \$200/day | \$1,250.00 |
| | | | |
| Total | | | \$57,050.00 - \$65,250.00 |

| Travel | |
|--|------------|
| Item | Cost |
| Flights for Ms. Orenstein to attend meeting in Winnipeg + accommodation | \$750.00 |
| Northern travel for Dr. Buckland and Dr. O'Gorman (2 flights + accommodation for 4 nights) | \$5,000.00 |
| Travel Contingency (allowing for Northern Travel Challenges) | \$2,500.00 |
| Flight Ms. Orenstein to provide oral evidence + | \$750.00 |

| | |
|---------------|--------------------------|
| accommodation | |
| Total | \$6,500 - \$9,000 |

| | |
|--------------|----------------------------------|
| Total | \$63,550.00 - \$74,250.00 |
|--------------|----------------------------------|

Proposed Plan 2

Workplan:

Approximately five traditional land users and Elders

| Item | Details | Participants | Timing | Work time (# people x days) |
|---|---|-----------------------------------|------------------|-----------------------------|
| Meeting in Winnipeg to prepare and coordinate | | Traditional land users and Elders | February / March | 2 x 2 = 4 days |
| Prep and consultation with team | Prep and consultation with executing body and panel members | Traditional land users and Elders | February / March | 5 x 1 = 5 days |
| Presentation of panel in Winnipeg | Preparation and presentation before PUB | Traditional land users and Elders | TBD | 5 x 4 = 20 days |
| Total | | | | 29 days |

Budget:

| Panel Members | | | |
|---------------|----------------|-----------------|-------------------|
| | # of Days | \$ Per Day | Total |
| Total | 29 days | \$250.00 | \$7,250.00 |

| Travel | |
|--|----------------------|
| Item | Cost |
| Approximate mileage for two persons to attend Winnipeg Meeting | \$950.00 |
| Accommodation for two persons to attend Winnipeg Meeting | 2 x \$240 = \$480.00 |

| | |
|--|---------------------------------|
| Approximate mileage for 4 of 5 panel members to attend proceedings | \$1,700.00 |
| Flights for one panel members to and from Winnipeg | 1 x \$2,000.00 = \$2,000.00 |
| Accommodation for 4 nights for panel members | 5 x \$480.00 = \$2,400.00 |
| Contingency for unexpected events regarding travel and scheduling | \$2,500.00 |
| Total | \$7,530.00 - \$10,030.00 |

| | |
|--------------|----------------------------------|
| Total | \$14,780.00 - \$17,280.00 |
|--------------|----------------------------------|