

CEC Review of Lake Winnipeg Regulation

Pimicikamak Hearing Presentation Outline

February 24, 2015

Expected Presentation Date: April 7, 2015

Introduction

Manitoba Hydro has applied for a final licence for LWR and Jenpeg under the same conditions that have been in place for the past 39 years. This period of time has given Pimicikamak time to observe and experience the effects of LWR and the relative success of mitigation measures to date. The licence conditions are clearly prejudicial to the Peoples and environments downstream of LWR. Operations under existing licence conditions are focused primarily on providing flood and drought control upstream, and regulating water flow to maximise the production of electricity at the large generating stations along the lower Nelson River.

The LWR operating system is also dependent upon regulating water from the Churchill River under the Churchill River Diversion licence. Neither that licence nor the licence for the Kelsey Dam are being subjected to review by the CEC despite the fact that there are many extensive and long-term environmental and sociocultural impacts of the system as a whole. Manitoba Hydro also refrains from attempting to even discuss many of the environmental effects in areas that experience overlapping influence of these parts of the system as they rightly point out that it is difficult if not impossible to separate the effects.

There are two conditions on the LWR licence that are intended to provide some measure of protection for the downstream environment and people. The limit on the rate of change in flow from the Jenpeg control structure is 15,000 cfs over a 24 hour period. This licence condition allows rapid changes over the course of several days that result in many adverse downstream consequences. This condition also continues to be periodically violated as evidenced by information provided by Manitoba Hydro. The minimum flow rate of 25,000 cfs is an historical low and is technically permitted at any time of the year.

While extreme floods and droughts, are addressed in licence conditions to protect upstream environments, these same environmental extremes have been experienced at a greater rate downstream. (see hydrographs appended) The LWR licence conditions allow Manitoba Hydro and the Manitoba Government to inflict increased periods of flooding, at higher levels than possible pre-LWR on Pimicikamak lands and waters. Natural seasonal patterns of water flow, so critical for ecological processes have been disrupted, and are erratic from year to year. These year-round fluctuations in water levels have had many profound negative ecological, sociocultural and economic implications for Pimicikamak and will continue long into the future.

Climate change predictions also suggest that conditions could be further exacerbated for Pimicikamak under the current licence conditions if increased inflow into the watershed occurs.

Manitoba Hydro's submission to the CEC suggests that adequate compensation for this transfer of hardship has been paid to Pimicikamak, and measures are in place to successfully mitigate the effects

and ensure environmental sustainability. Pimicikamak submits that these conclusions have not been properly evaluated, and that much more can be done to work towards achieving a better balance for the future of the watershed. The other mechanisms intended to address ecological sustainability and social and economic justice for Pimicikamak have not been proven satisfactory over the past four decades.

Recently, in response only to extreme political action, a process agreement was negotiated with Pimicikamak and Manitoba Hydro to develop a new work plan on NFA implementation. However, it is only a process agreement, and no outcomes are guaranteed. Given the history surrounding the implementation of the NFA, licence conditions should be explicit about the obligation to fulfill agreements for mitigation, rather than proceeding on a largely ad hoc basis year to year.



Sipiwesk Lake Shoreline 2012 Further assessment of the health of riparian habitats in the downstream reaches is important.

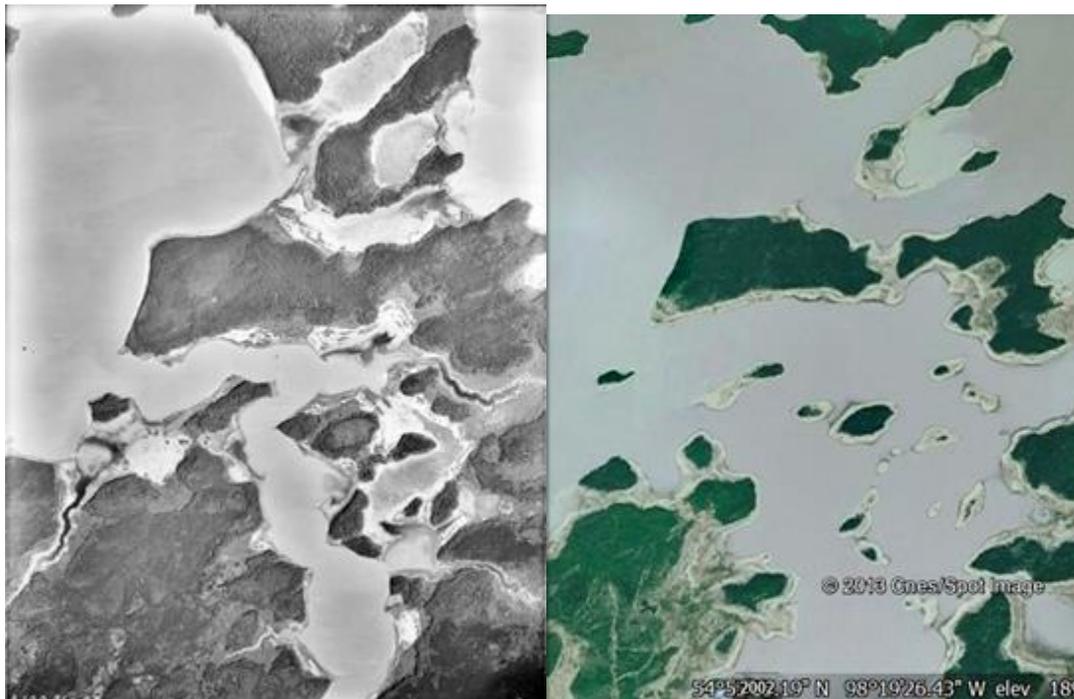
Pimicikamak will provide evidence to the CEC as to the lengthy, difficult and flawed process of NFA implementation, including historical and active claims as well as historical and present process agreements and implementation protocols. Pimicikamak will submit that this history proves the need for conditions in the LWR license that ensure that all mitigation obligations contained in treaties such as the NFA and associated agreements, must be met.

Pimicikamak will present some detailed evidence based on local ecological observations over time of the specific and direct downstream effects of the LWR. These are mainly related to the nature of the hydrological regime. This will be followed by discussion of the possible cumulative effects to aquatic and riparian habitats along with other environmental stressors, i.e. eutrophication of Lake Winnipeg; increases in water treatment plant effluent; introduction of invasive species.

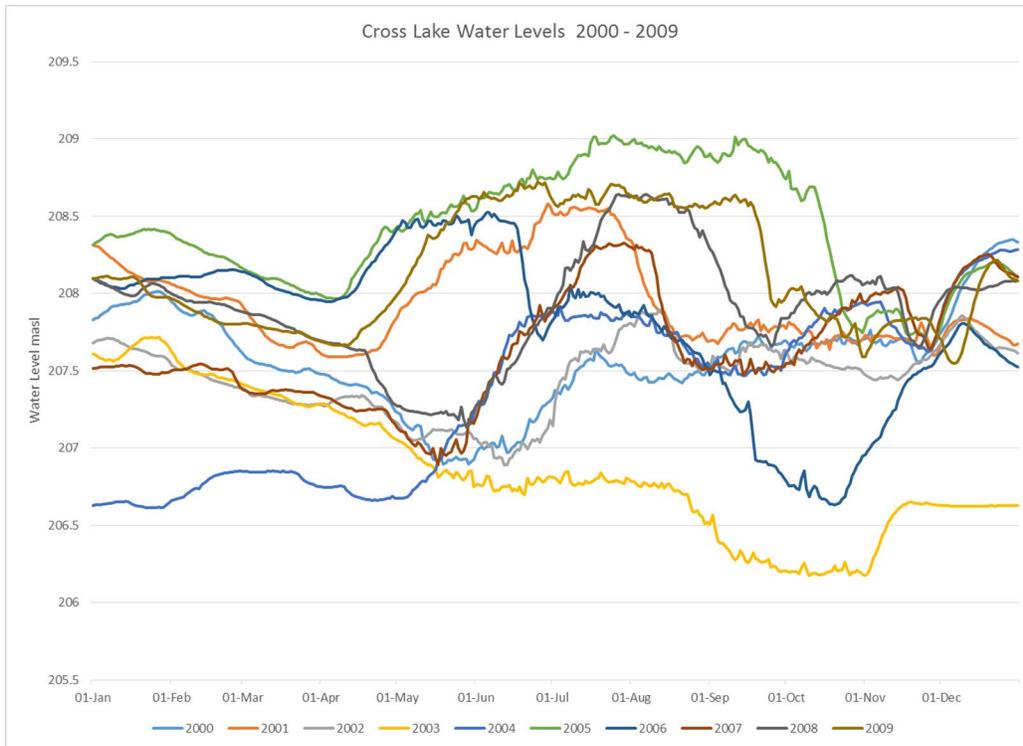
Despite the recommendation by the LWNRSB to establish a long-term ecological monitoring program, there are many key ecological parameters that are receiving little study. Examples of important areas of ecological study will be provided.

We will then discuss effects on Pimicikamak culture and health related to the levels of authority and control permitted to Manitoba Hydro by virtue of the licences.

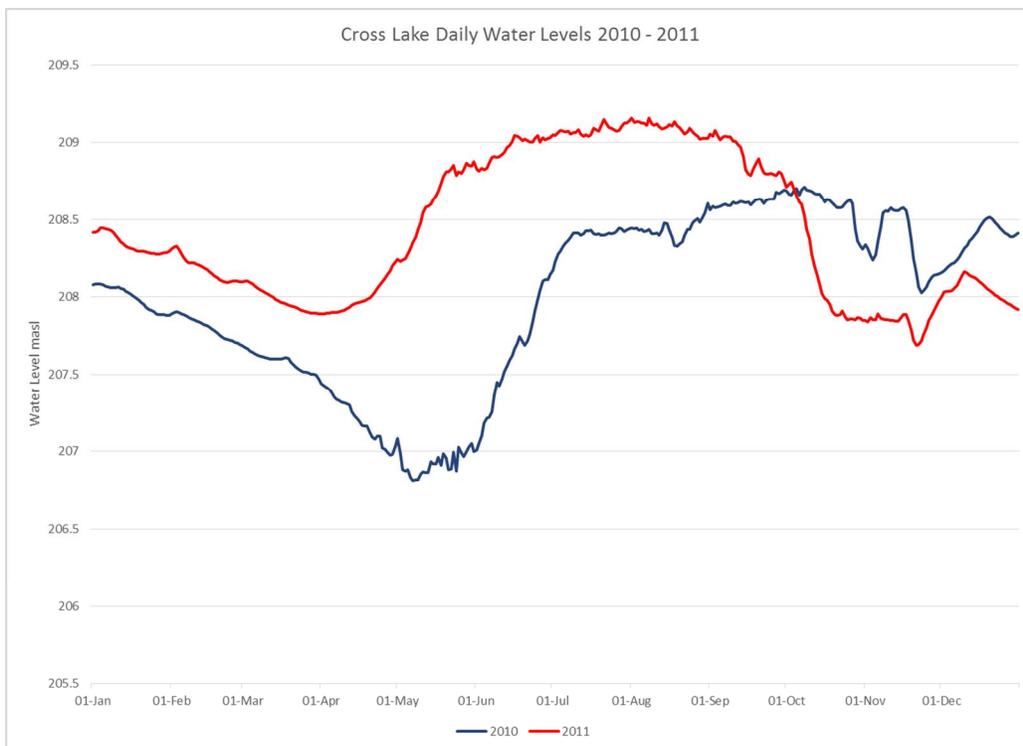
Proposed licence conditions will address the development of a better balance in watershed governance, environmental sustainability and social justice for Lake Winnipeg and the Nelson River over the next ten years. Licence conditions can be added that provide support for a certain level of additional commitment to ecological monitoring and experimentation towards ecosystem remediation over the next ten years of a final licence.



Southern section of Sipiwesk Lake in 1946 and 2013. This area is influenced by LWR and the Kelsey Dam. Riparian and aquatic habitats have been radically altered.



1 *Water levels in Cross Lake are erratic from year to year, and do not follow a natural seasonal pattern.*



2 *Record high water levels have been seen in Cross Lake in recent years. This is because flood protection on Lake Winnipeg transfers the water downstream more quickly than in the past before LWR and Jenpeg.*

