



“When You Talk - We Listen!”



MANITOBA PUBLIC UTILITIES BOARD

Re:

MANITOBA HYDRO  
NEEDS FOR AND ALTERNATIVES TO  
REVIEW OF MANITOBA HYDRO'S  
PREFERRED DEVELOPMENT PLAN

Regis Gosselin	- Chairperson
Marilyn Kapitany	- Board Member
Larry Soldier	- Board Member
Richard Bel	- Board Member
Hugh Grant	- Board Member

HELD AT:

Public Utilities Board  
400, 330 Portage Avenue  
Winnipeg, Manitoba

May 12, 2014

Pages 10315 to 10533

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2	NO.	PAGE NO.
3	146	MMF panel to advise when the Romaine
4		hydroelectric complex in Quebec went
5		through the approvals and permitting
6		process
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3 --- Upon commencing at 9:01 a.m.

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5 THE CHAIRPERSON: Good morning. I  
6 believe we're ready to begin. Mr. Hombach...?

7 MR. SVEN HOMBACH: Good morning, Mr.  
8 Chair and members of the panel. Today is reserved for  
9 the evidence of Rick Hendriks, a witness testifying on  
10 behalf of the Manitoba Metis Federation to  
11 macroenvironmental and socioeconomic matters. I would  
12 also like to advise the parties that at 12:45 today a  
13 presenter has been scheduled, Ms. Lorna Kopelow.

14 Now, before we turn it over to Ms.  
15 Saunders to have Mr. Hendriks sworn and qualified, I am  
16 advised by Manitoba Hydro counsel that Manitoba Hydro  
17 has to acknowledge some undertakings.

18 MS. ODETTE FERNANDES: Thank you, Mr.  
19 Hombach. Yes, on Thursday late afternoon, Manitoba  
20 Hydro did file some responses to two (2) undertakings.  
21 The first one (1) was the response to Manitoba Hydro  
22 Undertaking number 139, which was for Manitoba Hydro to  
23 confirm the earliest required in-service date for  
24 Keeyask from both an energy and capacity perspective if  
25 the diversity agreements were extended beyond 2024/'25.

1 And I expect that would be marked as Manitoba Hydro  
2 Exhibit number 194.

3 MR. KURT SIMONSEN: That's correct,  
4 thank you.

5

6 --- EXHIBIT NO. MH-194: Response to Undertaking 139

7

8 MS. ODETTE FERNANDES: And then we also  
9 filed a response to Manitoba Hydro Undertaking number  
10 140, which was for Manitoba Hydro to confirm if it has  
11 considered extending the diver -- diversity agreements,  
12 and that would be Manitoba Hydro Exhibit number 195.

13 MR. KURT SIMONSEN: Correct, thanks.

14

15 --- EXHIBIT NO. MH-195: Response to Undertaking 140

16

17 MS. ODETTE FERNANDES: And also, Mr.  
18 Chairman, in terms of an introduction we do have Mr.  
19 Brad Regehr sitting directly in front of me, and he  
20 will be cross-examining on behalf of Manitoba Hydro for  
21 the macroenvironmental impact report from Mr. Hendriks.

22 THE CHAIRPERSON: Good morning, Ms.  
23 Saunders.

24 MS. JESSICA SAUNDERS: Good morning,  
25 Mr. Chair, and members of the panel. Jessica Saunders,



1 for the record. Attending with me today is Mr. Tony  
2 Marques of our firm. On behalf of our client, the  
3 Manitoba Metis Federation, we are pleased to be calling  
4 the evidence of Rick Hendriks on macroenvironmental and  
5 socioeconomic matters. I will be leading Mr.  
6 Hendriks's evidence and will be assisted by Mr. Marques  
7 today. We are pleased that Mr. Marques will be also  
8 joining us tomorrow to lead the evidence of Whitfield  
9 Russell Associates.

10 So with that, I will start by addressing  
11 a few administrative matters in refiling and  
12 introducing some exhibits. I spoke with Mr. Simonsen  
13 before hearings, and so he does have my documents to  
14 save time and me walking over, and to save him a walk.  
15 But I will introduce them on the record.

16 The first -- the MMF provided a  
17 submission May 9th on errata in Camerado's reports,  
18 minor errors and corrections and references, et cetera,  
19 which do not change the conclusions of the reports. We  
20 provided versions of these reports and all of the  
21 documents we are seeking to refile to the parties prior  
22 to proceedings and to Ms. Villegas, so she does have  
23 copies of them.

24 So firstly is the -- if I guess Mr.  
25 Simonsen would just confirm, I'll begin by introducing

1 the revised report evaluating macroenvironmental  
2 impact, and we would seek to file that as revised MMF  
3 Exhibit 26.

4

5 --- EXHIBIT NO. MMF-26: Revised report evaluating  
6 macroenvironmental impact

7

8

9 MS. JESSICA SAUNDERS: As well, we  
10 would like to file the revised report evaluating the  
11 economic -- the socioeconomic, rather, implications of  
12 additional wind resources in Manitoba as revised MMF  
13 Exhibit 13.

14

15 --- EXHIBIT NO. MMF-13: Revised report evaluating  
16 the socioeconomic  
17 implications of additional  
18 wind resources in Manitoba

19

20 MR. KURT SIMONSEN: Correct.

21 MS. JESSICA SAUNDERS: And we would  
22 also like to file the revised CV of Rick Hendriks as  
23 revised MMF Exhibit 19.

24

25 --- EXHIBIT NO. MMF-19: Revised CV of Rick Hendriks

1 MR. KURT SIMONSEN: Correct. Thank  
2 you.

3 MS. JESSICA SAUNDERS: Lastly, we would  
4 like to file the MMF Exhibit 30, titled, 'The NFAT  
5 Review Macroenvironmental and Socioeconomic  
6 Considerations' Power Point presentation to be  
7 delivered today by Mr. Hendriks.

8  
9 --- EXHIBIT NO. MMF-30: 'The NFAT Review  
10 Macroenvironmental and  
11 Socioeconomic  
12 Considerations' PowerPoint  
13 presentation  
14

15 MR. KURT SIMONSEN: Thank you.

16 MS. JESSICA SAUNDERS: With that, I  
17 would ask that Mr. Simonsen please assist in, I  
18 believe, affirming this witness.

19  
20 MMF PANEL 1 - SOCIOECONOMIC AND MACROENVIRONMENTAL  
21 MATTERS:

22

23 RICK HENDRIKS, Affirmed (Qual.)

24

25 QUALIFICATION OF WITNESS:

1 MS. JESSICA SAUNDERS: Thank you, Mr.  
2 Simonsen. Mr. Hendriks, you are the author of two (2)  
3 reports: the first, 'Evaluating Macro Environmental  
4 Impact', and the second, 'Evaluating the Macro  
5 Environmental and Socioeconomic Implications of  
6 Additional Wind Resources in Manitoba', correct?

7 MR. RICK HENDRIKS: Yes.

8 MS. JESSICA SAUNDERS: Mr. Hendriks,  
9 you also provided a number of Information Requests on  
10 the Applicant, Manitoba Hydro's, pre-filed written  
11 evidence, correct?

12 MR. RICK HENDRIKS: Correct.

13 MS. JESSICA SAUNDERS: In addition, you  
14 also prepared responses to a number of Information  
15 Requests from Manitoba Hydro on your pre-filed written  
16 evidence.

17 Is that correct?

18 MR. RICK HENDRIKS: Yes.

19 MS. JESSICA SAUNDERS: You can confirm  
20 that your pre-filed written evidence, that being both  
21 of your reports and to the Information Requests you  
22 prepared and responded to, were prepared under your  
23 direction and control?

24 MR. RICK HENDRIKS: Yes.

25 MS. JESSICA SAUNDERS: Were there any

1 others that assisted in the preparation of your pre-  
2 filed written evidence?

3 MR. RICK HENDRIKS: Yes, there were two  
4 (2) persons, Meghan Dalrymple and her assistant at  
5 MSES. And they only reviewed the very final versions  
6 of my reports.

7 MS. JESSICA SAUNDERS: And is it your  
8 understanding, Mr. Hendriks, that those are also  
9 consultants retained to assist the MMF in the NFAT?

10 MR. RICK HENDRIKS: Yes, those are two  
11 (2) -- two (2) consultants retained by the MMF.

12 MS. JESSICA SAUNDERS: Thank you.  
13 There was errata filed with respect to your evidence.

14 And apart from that, you can confirm  
15 that your pre-filed written evidence is accurate, to  
16 the best of your knowledge and ability?

17 MR. RICK HENDRIKS: Yes.

18 MS. JESSICA SAUNDERS: And, Mr.  
19 Hendriks, in preparing this evidence, would you agree  
20 that you relied on your expert knowledge and  
21 understanding of the socioeconomic implications and  
22 environmental consequences for Aboriginal communities  
23 in both the development of large-scale hydro  
24 developments and alternatives to large-scale hydro  
25 developments?

1 MR. RICK HENDRIKS: Yes.

2 MS. JESSICA SAUNDERS: With respect to  
3 your education background, you hold a bachelor of  
4 engineering and society, civil, from McMaster  
5 University, which you obtained in 1996, correct?

6 MR. RICK HENDRIKS: Correct.

7 MS. JESSICA SAUNDERS: You also hold a  
8 bachelor of science, honours, in psychology from the  
9 McMaster University as well, which you received in  
10 2009?

11 MR. RICK HENDRIKS: Correct.

12 MS. JESSICA SAUNDERS: In your CV you  
13 summarize that you were trained in engineering science  
14 and social science.

15 Is that correct?

16 MR. RICK HENDRIKS: That is correct.

17 MS. JESSICA SAUNDERS: I understand  
18 that throughout your more recent professional  
19 experience, and at the present time, you do not offer  
20 or provide engineering services to your clients, and  
21 you do not hold a Certificate of Authorization from the  
22 Professional Engineers of Ontario.

23 Is that correct?

24 MR. RICK HENDRIKS: That is correct.

25 MS. JESSICA SAUNDERS: And from your

1 CV, it appears that you provided mostly management,  
2 consulting, and strategic planning services to clients  
3 on energy plans and proposals.

4 Is that fair to say?

5 MR. RICK HENDRIKS: Yes.

6 MS. JESSICA SAUNDERS: I take it that  
7 is more advising clients on policy matters than on  
8 engineering-type services?

9 MR. RICK HENDRIKS: Yes, policy  
10 matters, environmental assessment, and negotiation-  
11 related matters.

12 MS. JESSICA SAUNDERS: And before  
13 moving to your professional experience, I just thought  
14 it to worth note that drawing on your fifteen (15)  
15 years of experience in the area that you've just  
16 mentioned, you've also given a number of presentations  
17 throughout your career to First Nations, government  
18 agencies, and associations on the subject of  
19 environmental assessment and impacts to Aboriginal  
20 communities, correct?

21 MR. RICK HENDRIKS: Correct.

22 MS. JESSICA SAUNDERS: Moving to your  
23 professional experience, you worked for Halsell  
24 Associates Consulting Engineers from 1997 to 1999,  
25 correct?

1 MR. RICK HENDRIKS: Yes.

2 MS. JESSICA SAUNDERS: What kind of  
3 work did you do there?

4 MR. RICK HENDRIKS: That was an  
5 engineering consulting firm. I was responsible for  
6 engineering services in relation to the build  
7 environment; so structural issues, building science,  
8 contracting, construction management.

9 MS. JESSICA SAUNDERS: To confirm  
10 though, the projects listed in your CV, which we will  
11 get to in a minute, are not in relation to any of your  
12 work with Halsell Consulting Engineers, but with your  
13 other professional experience?

14 MR. RICK HENDRIKS: That is correct.

15 MS. JESSICA SAUNDERS: And you then  
16 worked with the Innu Nation from 1999 to 2002, correct?

17 MR. RICK HENDRIKS: Yes.

18 MS. JESSICA SAUNDERS: Would you please  
19 describe the work that you did with the Innu Nation?

20 MR. RICK HENDRIKS: With Innu Nation, I  
21 was responsible for their engagement in the  
22 environmental assessment process for proposed large-  
23 scale hydroelectric complex on the Churchill River. I  
24 was also responsible for their engagement with the  
25 proponent, in terms of an impact benefit agreement,



1 particularly in relation to environmental matters, but  
2 also, to some extent, in relation to other matters. It  
3 was a team approach.

4 I was also responsible there for a study  
5 in relation to export markets. So we were evaluating  
6 the potential of the project as an export project and  
7 whether or not the nation should consider an investment  
8 position in the project.

9 MS. JESSICA SAUNDERS: And I do believe  
10 we've heard a bit about the Lower Churchill  
11 hydroelectric generation project, but could you just  
12 confirm the size of that project, in terms of  
13 megawatts?

14 MR. RICK HENDRIKS: Yes. The -- the  
15 project went through several evolutions. The initial  
16 project was -- involved two (2) river diversions in --  
17 into a reservoir of an existing project, an expansion  
18 of the capacity by a thousand megawatts at the existing  
19 facility, and then two (2) downstream facilities, 2,200  
20 megawatts and 800 megawatts.

21 The revised version that ended up being  
22 approved consisted only of the downstream facilities at  
23 2,200 megawatts and 800 megawatts approximately. There  
24 was also a transmission line component to that project  
25 in order to export the power to the Maritimes.

1 MS. JESSICA SAUNDERS: Thank you. You  
2 then worked for Chignecto Consulting Group from 2002 to  
3 2009.

4 What position did you hold and what kind  
5 of work did you do in that position?

6 MR. RICK HENDRIKS: I was -- I was an  
7 associate with -- with Chigneco -- Chignecto Consulting  
8 Group. I was responsible there for their engagement  
9 with several Aboriginal clients in relation to impact  
10 benefit agreements and environmental assessments of  
11 large-scale projects: hydro, mining, and related  
12 infrastructure, such as transportation and transmission  
13 lines.

14 MS. JESSICA SAUNDERS: And in this  
15 position I note that you also assisted the Smith's  
16 Landing First Nation in the Atco-TransCanada Slave  
17 River hydro development starting in 2007, correct?

18 MR. RICK HENDRIKS: That is correct.

19 MS. JESSICA SAUNDERS: Can you provide  
20 us a brief description of that project and the work  
21 that you completed for the First Nation in that  
22 project?

23 MR. RICK HENDRIKS: Yes. I was  
24 primarily responsible for three (3) things. The first  
25 item was the negotiation of a environmental baseline

1 study, an engineering feasibility study plan; so,  
2 basically, what would be the studies that would be  
3 undertaken in order to prepare for the project. Those  
4 negotiations took place over a couple of years.

5 I was also responsible for an issue  
6 scoping study collaboratively with two (2) community  
7 members and -- and a colleague from another firm in  
8 order to understand the -- the context of the community  
9 at the time, prior to the -- to the project, in order  
10 to design those studies and plan for the project.

11 And also, I undertook a systematic  
12 review of the -- of the literature related to the  
13 conditions in the river prior to the project  
14 proceeding. Now, the project did not end up  
15 proceeding. It was later withdrawn by the proponent.

16 MS. JESSICA SAUNDERS: And also during  
17 your time at Chignecto, you assisted the Attawapiskat  
18 First Nation in the Victor Diamond Project from 2003 to  
19 2008, correct?

20 MR. RICK HENDRIKS: That is correct.

21 MS. JESSICA SAUNDERS: Could you please  
22 provide a brief description of this project and the  
23 work you completed on behalf of Attawapiskat First  
24 Nation in that project?

25 MR. RICK HENDRIKS: Yes. I had a wide

1 range of responsibilities in Attawapiskat, including  
2 negotiation of the environmental protection chapter in  
3 an impact benefit agreement; engagement of an Elders  
4 committee, in terms of preparation for the project and  
5 -- and gaining Aboriginal perspectives on the projects  
6 and its environmental and social effects.

7 I also was involved in a committee with  
8 -- a joint committee with the proponent, in terms of  
9 preparing for the -- for the project. I was  
10 responsible -- I had primary responsibility for all  
11 submissions to the regulatory process on behalf of the  
12 First Nation.

13 In terms of follow-up, I worked with a  
14 colleague to design a comprehensive socioeconomic  
15 monitoring framework to be put in place following the  
16 project. And I also negotiated with the Government of  
17 Canada and with the proponent a follow-up program  
18 agreement dealing with biophysical matters and the  
19 implications of those matters for land use.

20 MS. JESSICA SAUNDERS: And after your  
21 work with Chignecto, you founded Camerado Energy  
22 Consulting in 2009, correct?

23 MR. RICK HENDRIKS: That is correct.

24 MS. JESSICA SAUNDERS: And it's been a  
25 busy few years for Camerado. Most of your related

1 professional experience has occurred in the time that  
2 you founded and operated Camerado.

3 So starting with your work with Treaty 8  
4 Alberta Nations in 2010/2011, can you provide us of the  
5 work that you completed for Treaty 8 Nations?

6 MR. RICK HENDRIKS: Yes. Treaty 8  
7 Nations were a registered Intervenor in a process with  
8 the Alberta Utilities Commission, looking at the  
9 feasibility of additional hydroelectric development in  
10 the province. And I was retained to prepare a report  
11 and make an -- make oral testimony to the Commission in  
12 relation to two (2) -- two (2) areas: one (1), the --  
13 the regulatory framework for hydroelectric development,  
14 what should that look like, what can we learn from case  
15 studies in other regions; and then the assessment  
16 process. Again, how should we assess -- how should we  
17 assess these projects in an environmental assessment  
18 setting -- setting.

19 And again, I -- I made use of the best  
20 practices and case studies in other jurisdictions. And  
21 portions of my advice were accepted by the Utilities  
22 Commission in their final pro -- final report.

23 MS. JESSICA SAUNDERS: And would it be  
24 fair to say that in your role in assisting the Treaty 8  
25 Alberta Nations in the Alberta Public Utilities

1 Commission, you provided written evidence and oral  
2 testimony?

3 Would that be fair to say?

4 MR. RICK HENDRIKS: Yes, that would be  
5 fair.

6 MS. JESSICA SAUNDERS: And you also  
7 assisted the Robinson-Huron Treaty First Nations in  
8 2010 to 2013, correct?

9 MR. RICK HENDRIKS: Yes.

10 MS. JESSICA SAUNDERS: Could you just  
11 provide a brief descr -- description of the work that  
12 you completed on their behalf?

13 MR. RICK HENDRIKS: Yes, I was retained  
14 to investigate the potential of a compensation claim in  
15 relation to a historic transmission line; so a  
16 transmission line that had been built several decades  
17 before. And there was also a proposal for an  
18 additional transmission line pursuant to the province's  
19 integrated power system plan.

20 And so I was asked to look at the  
21 potential for that claim. So that involved evaluating  
22 what the actual impacts were on -- on the communities  
23 and their land use; what the prospects were for the  
24 success of that claim; and what the value of that claim  
25 might be. And I provided a written report to the

1 client in that respect.

2 MS. JESSICA SAUNDERS: And I note that  
3 you also assisted the Mikisew Cree First Nation, and as  
4 well the Wabun Tribal Council on -- on projects as  
5 well. But, Mr. Hendriks, I will move you to your most  
6 recent work.

7 You assisted the Treaty 8 Tribal  
8 Association in the BC Hydro Site C Clean Energy Project  
9 from 2010 to 2014, correct?

10 MR. RICK HENDRIKS: Yeah, that is  
11 correct.

12 MS. JESSICA SAUNDERS: Can you please  
13 provide a brief description of the BC Site C Project  
14 and the work that you completed on behalf of the  
15 association in that matter?

16 MR. RICK HENDRIKS: Sure. I was  
17 involved in primar -- primarily in three (3) ways: 1)  
18 in negotiation of a -- a baseline study and a baseline  
19 study arrangement with the Proponent, a funding  
20 arrangement. They supported the Nations in terms of  
21 undertaking the studies that the Nations wanted to  
22 take.

23 Secondly, I had primary responsibility  
24 for all written submissions to the -- to the EA process  
25 beginning in 2011, until the hearings were completed

1 recently. I also was involved in policy and planning  
2 matters, particularly in relation to engagement in --  
3 with the IRP process. So review of the integrated  
4 resource plan in British Columbia, as well as the  
5 industrial electricity policy review, both of which had  
6 significant implications for the development of the  
7 Site C Project. And my role there was to intervene  
8 appropriately in order to put forward the perspectives  
9 of my client.

10 MS. JESSICA SAUNDERS: And in that did  
11 you also provide written submissions as well as oral  
12 submissions --

13 MR. RICK HENDRIKS: Yes.

14 MS. JESSICA SAUNDERS: -- to the  
15 regulatory process?

16 MR. RICK HENDRIKS: Yes, to -- to the  
17 IRP process it was just a written submission process.  
18 The indus -- industrial electricity policy review was a  
19 written hearing with cross-examination. And finally,  
20 the -- the environmental assessment process was a  
21 written and oral submission process. And the panel  
22 issued its report this past Thursday and accepted  
23 several aspects of the advice that I had put forward.

24 MS. JESSICA SAUNDERS: And if you don't  
25 mind, Mr. Hendriks, could you just confirm the



1 hydroelectric development involved in that case?

2 What was the -- the proposed size of it?

3 MR. RICK HENDRIKS: Oh, the Site C  
4 Project is a proposed 1,100 megawatt facility on the  
5 Peace River in BC.

6 MS. JESSICA SAUNDERS: Mr. Chair, we've  
7 heard a lot from Mr. Hendriks and his experience.  
8 Before I seek to outline the areas that I'm seeking to  
9 qualify him in, I'll just briefly summarize that  
10 experience that I would like noted.

11 So, Mr. Hendriks, to summarize, in going  
12 through most of your professional experience and the  
13 projects you've worked on, would it be fair to say that  
14 a majority of your professional experience has been  
15 spent in the review, assessment, management, and  
16 monitoring of the environmental socioeconomic  
17 challenges and opportunities in the development of  
18 large-scale hydro projects?

19 MR. RICK HENDRIKS: That is correct.

20 MS. JESSICA SAUNDERS: And as part of  
21 your experience in assisting clients in the review of  
22 these large-scale hydro projects, particularly in the  
23 Site C hearings in 2014 and to some extent, we heard,  
24 in the Lower Churchill hearings in 2011, is it fair to  
25 say that you have examined electricity resource

1 alternatives, such as wind?

2 MR. RICK HENDRIKS: Yes, both of those  
3 processes involved a -- a extensive look at  
4 alternatives to the proposed project, including wind  
5 development.

6 MS. JESSICA SAUNDERS: And Mr.  
7 Hendriks, what credentials -- you've -- you have  
8 indicated some of your credentials, but if you wouldn't  
9 mind to just summarize the credentials you have in  
10 relation to electricity resource planning?

11 MR. RICK HENDRIKS: My primarily -- my  
12 primary reason for engaging in energy -- excuse me,  
13 energy resource planning processes is strategic. That  
14 is, my clients are interested in knowing whether or not  
15 their project might be feasible, economically and  
16 otherwise. They might want to change the course of the  
17 development or policy process to meet their needs, or  
18 they may be interested in simply improving that process  
19 from a consultation basis, or from an environmental  
20 protection basis.

21 MS. JESSICA SAUNDERS: And to  
22 summarize, you've provided oral as well as written  
23 submissions on behalf of clients in other occasions,  
24 including the Alberta Public Utilities Commission  
25 inquiry on hydroelectric power generation in 2011 --

1 2010, sorry, the Joint Review Panel hearings for the  
2 Lower Churchill Hydroelectric Generation Project in  
3 2011, as well as the Joint Review Panel hearings on the  
4 Site C Clean Energy Project in 2013 and '14?

5 MR. RICK HENDRIKS: Yes, that is  
6 correct.

7 MS. JESSICA SAUNDERS: With that, Mr.  
8 Chair and members of the panel, subject to any  
9 questions you and the other parties may have, having  
10 heard Mr. Hendriks outline his educational background,  
11 his work on related projects, and the related testimony  
12 that he has provided, we would seek to qualify him as  
13 having expert knowledge and understanding of the  
14 socioeconomic implications and environmental  
15 consequences for Aboriginal communities in both the  
16 development of large scale hydroelectric developments  
17 and alternatives to large scale hydroelectric  
18 developments, such as wind.

19 As well, we would seek to qualify Mr.  
20 Hendriks as having expert knowledge necessary to  
21 appreciate the policy and planning aspects of large-  
22 scale hydroelectric developments.

23

24 (BRIEF PAUSE)

25

1 THE CHAIRPERSON: Ms. Saunders, could  
2 you repeat your first sentence -- the very first  
3 sentence? You indicated review and -- review and  
4 management and monitoring of environmental review.  
5 Could you -- could you repeat that sentence, please,  
6 where you summarized Mr. Hendriks's qualifications?

7 MS. JESSICA SAUNDERS: What we're  
8 seeking to qualify him in, or --

9 THE CHAIRPERSON: No, no --

10 MS. JESSICA SAUNDERS: -- oh, sorry,  
11 his quali --

12 THE CHAIRPERSON: -- no, the very first  
13 one you -- you had said you had summarized -- you  
14 provided a summary before you described the areas you  
15 wanted him qualified.

16 MS. JESSICA SAUNDERS: Yeah. That it  
17 was -- he -- his experience has been spent in the  
18 review, assessment, planning, management, and  
19 monitoring of the environmental socioeconomic  
20 challenges and opportunities in the development of  
21 large-scale hydro projects.

22 THE CHAIRPERSON: And the two (2)  
23 examples you cited were Lower Churchill, and what was  
24 the other one?

25 MS. JESSICA SAUNDERS: And the Site C

1 Clean Energy Project out of BC.

2 THE CHAIRPERSON: Thank you for that.

3 I'd like to canvass the Intervenor, please, starting  
4 with you, Mr. Gange, please?

5 MR. WILLIAM GANGE: GAC has no  
6 objections to the qualifications.

7 THE CHAIRPERSON: Thank you, Mr. Gange.  
8 Mr. Orle, please?

9 MR. GEORGE ORLE: MKO has no objections  
10 to the qualification of the witness as an expert.

11 THE CHAIRPERSON: Thank you, Mr. Orle.

12 I overlooked you, Ms. Menzies, sorry.

13 MS. MEGHAN MENZIES: No, it's just that  
14 Mr. Gange is advising me that perhaps you're not  
15 interested in my opinion. No. CAC (Manitoba) has no  
16 objections to the witness as qualified.

17 THE CHAIRPERSON: Thank you, Ms.  
18 Menzies. Me. Monnin, s'il vous plait?

19 MR. CHRISTIAN MONNIN: Merci, M.  
20 President. The independent expert consultants have no  
21 objections.

22 THE CHAIRPERSON: Merci, Me. Monnin.

23 And now Manitoba Hydro, please?

24 MS. JANET MAYOR: Manitoba Hydro  
25 doesn't have any objection to the qualifications.

1 THE CHAIRPERSON: Thank you.

2 And Mr. Hombach, any questions at all?

3 MR. SVEN HOMBACH: No concerns and no  
4 questions, thank you.

5

6 (BRIEF PAUSE)

7

8 THE CHAIRPERSON: The panel agrees that  
9 we will accept Mr. Hendriks for the areas of expertise  
10 that has been outlined by Ms. Saunders. With that,  
11 I'll turn the microphone back to you, Ms. Saunders.  
12 Thank you.

13

14 EXAMINATION-IN-CHIEF BY MS. JESSICA SAUNDERS:

15 MS. JESSICA SAUNDERS: Merci, M.  
16 President. I had to say that one (1) time. I've  
17 listened enough that I mastered it and I had to say it  
18 once on the record. With that, Mr. Hendriks, would you  
19 please begin your presentation?

20 MR. RICK HENDRIKS: Merci, mesdames et  
21 messieurs. I will now continue in English. Good  
22 morning, Mr. Chairman, members of the Board, Manitoba  
23 Hydro, independent experts, and Intervenors.

24 I'm glad that I could make it here to be  
25 with you this morning. I'd like to begin by

1 acknowledging the Manitoba Metis and the Treaty 1 First  
2 Nations on whose -- whose territory we meet this  
3 morning.

4 I know that you are at the -- nearing  
5 the end of a very long process, soon to be followed by  
6 an intense deliberation and report writing, and my aim  
7 is not to keep you from your work, but to give you a  
8 few further things for consideration.

9 I'm sorry. All -- all of you have  
10 copies of my presentation? Yes. Recognizing that  
11 there have been some developments over the course of  
12 the few months since I wrote my initial reports, I had  
13 tried to focus the presentation, despite its apparent  
14 length, on outstanding matters and some -- I wouldn't  
15 call them new matters, but perhaps some new  
16 perspectives of interest.

17 So my presentation this morning is  
18 entitled, 'NFAT Review Macroenvironmental and  
19 Socioeconomic Considerations'.  
20

21 (BRIEF PAUSE)  
22

23 MR. RICK HENDRIKS: The outline of my  
24 presentation this morning, I will speak to my mandate  
25 briefly. I'll review the definitions of

1 'macroenvironmental' and 'socioeconomic impacts and  
2 benefits' just to refresh our memories. I will briefly  
3 speak to some of the inform -- NFAT information that I  
4 reviewed that was particularly of relevance, but I will  
5 spend the bulk of my presentation dealing with  
6 information to assist the PUB.

7

8 (BRIEF PAUSE)

9

10 MR. RICK HENDRIKS: So my mandate was  
11 to review the available evidence concerning the  
12 macroenvironmental impact of the PDP and the  
13 alternative plans, comment on the determination of the  
14 macroenvironmental impact of the hydroelectric  
15 resources of the PDP and the alternative plans, speak  
16 to the potential for development of additional wind --  
17 wind resources in Manitoba as part of an alternative  
18 plan to the PDP, or as part of an optimized plan to  
19 delay a decision to proceed with the PDP, and to  
20 identify additional relevant information that would  
21 assist the Board.

22

23 (BRIEF PAUSE)

24

25 MR. RICK HENDRIKS: Now, what -- what



1 may seem like an eternity ago, you provided us with the  
2 opportunity to present our perspectives on two (2) very  
3 important considerations in this proceeding, under your  
4 Order 67/13. You've required Manitoba Hydro and any  
5 prudent Intervenors intending to submit div --  
6 intending to submit comments on these matters to submit  
7 definitions.

8                   So Manitoba Hydro, the CAC, and the MMF,  
9 and others submitted definitions. Manitoba Hydro and  
10 the CAC tended to disagree on a lot of things, and I  
11 understand that that is a pattern at these hearings.

12                   So in terms of macroenvironmental  
13 impact, you're all familiar with this. The collective  
14 macroenvironmental consequences of changes to air,  
15 land, water, flora, and fauna, including the potential  
16 significance of these changes, their equitable  
17 distribution within and between present and future  
18 generations.

19                   In my report, I spoke a little bit to my  
20 understanding of what this meant for me.

21                   MR. KURT SIMONSEN:   Sorry, Mr.  
22 Hendriks, can you give a page number for the purpose of  
23 the transcript?

24                   MR. RICK HENDRIKS:   Oh, yes. Thank  
25 you. Yeah. I'm on page 9.

1                   In terms of 'collective', I understood  
2 this to mean a bringing together of the consequences  
3 resulting from all components of the PDP, or of the  
4 alternative plans, that maintains their defining  
5 features.

6

7                   (BRIEF PAUSE)

8

9                   MR. RICK HENDRIKS:   In terms of  
10 'consequences', I consider this to mean the potential  
11 and likely positive and adverse direct and indirect,  
12 individual and cumulative, secondary and synergistic  
13 effects determined by the probability that they might  
14 occur and their uncertainty. So those are two (2)  
15 important factors mitigating the understanding of -- of  
16 the effects.

17                   In terms of 'significance', I looked at  
18 the -- the definition that is commonly used across  
19 Canada, which is the definition from the Canadian  
20 Environmental Assessment Agency. It speaks to the  
21 magnitude of the effects, their geographic extent,  
22 duration, and frequency, degree -- degree to which the  
23 consequences are reversible or irreversible, and the  
24 context in which they occur.

25                   I chose this -- there was some debate

1 about whether this was the appropriate course of  
2 action. I chose to do so because this definition is in  
3 wide use across Canada and it allows comparison across  
4 time and jurisdictions.

5 THE CHAIRPERSON: You're on slide 12,  
6 Mr. Hendriks, yes?

7 MR. RICK HENDRIKS: Sorry. Slide 12,  
8 yes.

9 And comparison across resources and  
10 plans. The next slide, slide 13. In terms of  
11 'socioeconomic impacts and benefits', this was defined  
12 as a high-level summary of potential effects to people  
13 in Manitoba, especially Northern and Aboriginal  
14 communities, including such things as employment,  
15 training, and business opportunities; infrastructure  
16 and services; personal, family, and community life; and  
17 resource use.

18 And I understood this definition to mean  
19 that the -- slide 14, that the identified indicators of  
20 socioeconomic impact are not intended to be exhaustive,  
21 but others are relevant, especially to Aboriginal  
22 communities, and that that term 'Aboriginal  
23 communities' is inclusive of identified Aboriginal  
24 reserves and residential communities within the  
25 province, but also the broader Metis and First Nation

1 communities.

2                   Okay, turning to slide 15, in terms of  
3 the NFAT information. I reviewed the NFAT information,  
4 and these are some of my key findings.

5                   Slide 16. The Proponent used a multiple  
6 accounts benefit-cost approach -- analysis, I should  
7 say, in which they identified a number of -- of  
8 accounts. One (1) of those was environment. And the  
9 focus of that account is not the impacts in themselves,  
10 but rather the exter -- externality they represent, the  
11 external net benefit or cost to Manitobans not  
12 reflected in the market valuation or in other -- other  
13 accounts.

14                   I raise the potential that there may be  
15 somewhat of a conflict between use -- use of cost-  
16 benefit analysis and a concern that significant  
17 environmental effects might get overlooked within that  
18 analysis. So this is a comment from the Canadian  
19 Environmental Assessment Agency:

20                   "Although cost-benefit analysis could  
21 be used to justify proceeding with a  
22 project that is likely to cause  
23 significant adverse environmental  
24 effects, justification can take place  
25 only after the likelihood of

1                   significant adverse environmental  
2                   effects has been determined."

3                   I'm on slide 17. My understanding is  
4 that MA-BCA is designed to inform, not to resolve. So  
5 it needs to be informed by an understanding of the  
6 residual effects of the entirety of the PDP, which  
7 would include Conawapa and the transmission  
8 infrastructure, including whether or not these residual  
9 effects are significant.

10                  The question that arises also, in  
11 looking at the multiple account benefit-cost analysis  
12 more closely, is: What is the amount of this non-  
13 monetized consequence? Does it change the ranking of  
14 alternatives based on the monetized consequences? I  
15 believe this is an important consideration for the  
16 Board.

17                  So there are uncertain issues here. In  
18 my view, there is uncertain financials because the  
19 project will not proceed for several years, and so its  
20 financial position could change. And so the monetized  
21 consequences could be different in a few years than  
22 they are now.

23                  And there are also uncertain  
24 environmental, for a number of reasons, the first of  
25 which is that we have not undertaken -- excuse me.

1 There are potential for cumulative effects related to  
2 the Conawapa Project. And my understanding is that the  
3 -- the Proponent has been requested to create a  
4 framework for cumulative effects assessment and  
5 monitoring.

6 And that framework itself could have  
7 implications for what the environment will look like in  
8 the future. And I say that because typically those  
9 frameworks, they create an objective, if you will.  
10 What is the environmental quality that we want to have,  
11 and how do we go about achieving that? So we don't know  
12 yet whether Conawapa is consistent with what the --  
13 that objective might be.

14 And so in my experience as well, in  
15 terms of downstream effects on the Peace River as well  
16 as on the Churchill River, the -- the initial dams  
17 there were constructed in the 1960s in both cases. We  
18 are still seeing changes in the downstream rivers.  
19 This is -- I would have every reason to believe that  
20 the river, the Nelson River at the Conawapa location,  
21 is still changing as a result of the other projects.

22 And that introduces another element of  
23 uncertainty. The changes could be in terms of  
24 sedimentation. They could be in terms of erosion; so  
25 struc -- structural changes to the environment, which

1 would in turn have biophysical changes, which in turn  
2 have changes to how the land is used by local land  
3 users.

4                   So there's a number of uncertainties.  
5 And I'll speak to -- to those as I go through the  
6 presentation. But those uncertainties lead me to  
7 believe that we should proceed very cautiously if we're  
8 going to justify a project in the -- in that kind of a  
9 context.

10

11                   (BRIEF PAUSE)

12

13                   MR. RICH HENDRIKS: Excuse me, Mr.  
14 Chairman. There seems to be a difference between this  
15 -- the presentation that's on here and the one (1)  
16 that's on your slides. And I'll just seek to resolve  
17 that.

18                   MS. JESSICA SAUNDERS: Yes, if we could  
19 just stand down. I just noticed the same thing. I  
20 just sent a version to Ms. Villegas this morning, and  
21 so I will just confirm briefly, if that's okay.

22

23 --- Upon recessing at 9:36 a.m.

24 --- Upon resuming at 9:41 a.m.

25

1 THE CHAIRPERSON: I believe that we're  
2 ready to resume the proceedings. Mr. Hendriks, please.

3

4 CONTINUED BY MS. JESSICA SAUNDERS:

5 MS. JESSICA SAUNDERS: Before Mr.  
6 Hendriks begins, I just wanted to explain. I provided  
7 Ms. Villegas with the updated version that you have,  
8 but I guess I -- I should have provided it to Mr.  
9 Hendriks as well, just to let him know. I think  
10 there's was an addition of a -- of a nice picture at  
11 the end. So we have it all figured out now. Thank  
12 you.

13 MR. RICK HENDRIKS: Thank you, Mr.  
14 Chairman. As I mentioned, the Proponent has used a  
15 multiple account benefit-cost analysis. And I noted in  
16 response to an Information Request of the Proponent  
17 that a cost-benefit analysis could be appropriate where  
18 information concerning collective consequences and  
19 environmental changes, including cumulative effects,  
20 and the significance of those changes in relation to  
21 the preferred alternative, has been previously  
22 determined and were considered in the cost-benefit  
23 analysis.

24 Slide 19. I also reviewed information  
25 that was provided by the independent expert consultant



1 to the Board, MNP. And MNP made an observation that:

2 "The net environmental benefits of  
3 Manitoba Hydro's Preferred Plan are  
4 found to outweigh its overall  
5 environmental costs in a regional and  
6 global context."

7 And I rai -- and I didn't disagree with  
8 that point with respect to greenhouse gases. The  
9 question that was left for me was whether other plans  
10 could perform worse or better on the basis of GH -- GH  
11 -- excuse me -- worse on the basis of GHGs, but could  
12 they perform better in other ways? And so how do we  
13 get the full picture, in terms of -- in terms of the  
14 comparative analysis between the net benefits between  
15 the different plans?

16 Slide 20. So without knowledge of the  
17 macroenvironmental impact of the alternative plans with  
18 respect to the consequences of other, i.e. non-GHG,  
19 changes to the environment, it's not possible to  
20 determine whether or not an alternative plan performs  
21 better overall than the PDP. And therefore, there's a  
22 need to provide information respecting some of these  
23 consequences. And I looked at hydroelectric projects,  
24 as well as wind. Obviously, more time, I would have  
25 looked at a lot more things. But this is our

1 contribution to this understanding.

2 Slide 21. With respect to wind  
3 resources, I noted in my report that there are several  
4 development advantages to wind. I won't go into them  
5 in great detail. I'm sure you've -- you've heard from  
6 others in this proceeding about what they are.

7 But just to summarize, minimized  
8 transmission losses; wind development in the province  
9 would be located near to the primary load centre in  
10 Winnipeg.

11 Modularity; you can bring wind -- wind  
12 resources onto the system in much smaller increments  
13 than, say, large-scale hydro or -- or large-scale gas.

14 There are shorter lead times. I will  
15 speak a little bit about that and my determinations  
16 with respect to how quickly wind could be brought onto  
17 the system. Low operating costs, similar to hydro;  
18 contracting matters.

19 Renewing or decommissioning. One of the  
20 benefits of -- of wind is that it can be renewed, but  
21 it also can be decommissioned. And as I pointed out in  
22 my report, BC Hydro recently took advantage of that  
23 opportunity and noted that they would not be renewing  
24 all of their wind projects -- the wind contracts. And,  
25 of course, it's a form of dependable energy.

1                   There are some disadvantages, and  
2 they're not immaterial. Lack of predictability.  
3 Operation during peak -- peak winter loads is  
4 problematic here in -- in Manitoba. There's low export  
5 potential because they would be competing with wind  
6 resources in other jurisdictions. And it's not  
7 dependable capacity.

8                   Slide -- that was slide 22. Now moving  
9 to slide 23. The multiple account benefit-cost  
10 analysis compared the PDP to three (3) plans: the All  
11 Gas Plan, and then a plan without interconnection, and  
12 a plan with a small interconnection. So Plan 1, Plan  
13 2, and Plan 4.

14                  Moving then to slide 24. The analysis  
15 did not compare the PDP to any of the alternative plans  
16 containing wind resources, such as Plan 3 or Plan 9.  
17 Hydro concluded that the two (2) plans with wind  
18 generation were, to use its words, "clearly  
19 uneconomic."

20                  I'm aware that the Board has heard  
21 differing perspectives on the economic viability of  
22 wind resources, either as part of a plan or as part of  
23 a -- of other arrangements, which I'll speak to.

24                  The first of those is wind as a result  
25 of unattended delays to hydro. Manitoba Hydro notes --

1 I'm on slide 25. Manitoba Hydro notes that it also  
2 includes wind generation as a resource option in the  
3 event of significant delays or deferral of large hydro  
4 if large -- large hydro cannot be built due to  
5 environmental or regulatory issues.

6                   Moving to slide 26. Hydro also notes  
7 that wind can be part of another pathway, supplementing  
8 the primary forms of generation that are part of that  
9 pathway. So many other possible plans that could in --  
10 could occur in each of these -- these five (5) pathways  
11 resulting, for example, from inclusion of other options  
12 such as wind generation, et cetera.

13                   In Hydro's view, it's not expected that  
14 the inclusion of these other options would  
15 substantially change the analysis with respect to the -  
16 - the comparative value of the different plans. And I  
17 won't speak to that. I know that the Board has  
18 received considerable information from other  
19 intervenors and experts in relation to those matters.

20                   Slide 27. I summarized information from  
21 other participants to demonstrate overall -- the  
22 overall state of knowledge respecting cost of wind and  
23 made a couple of observations. There is evidence of  
24 declining cost. Use of a generic 65 megawatt facility  
25 as opposed to optimized resource selection.

1                   So inter -- in integrated resource  
2 planning, typically a resource selection function or a  
3 system optimizer, if you will, selects projects based  
4 on their size and their cost and other factors. And  
5 using a stripped size facility at 65 megawatts may be  
6 suboptimal. The system might choose a smaller or  
7 larger project depending on the -- on the need and the  
8 cost of the project. It can be -- it can be quite  
9 complex as to how the -- the optimizers ultimately  
10 chose facilities.

11                   I noticed that Hydro used a cost  
12 averaging approach. And again, when a system optimizer  
13 chooses projects, it's going to choose them based on the  
14 one that's most suitable, so there won't be an  
15 averaging process. It will choose, in more cases than  
16 not, the lowest-cost option. But if that facility is  
17 too large, they might choose a smaller facility that's  
18 a slightly higher cost. My point being that simply  
19 averaging the -- the facilities and -- and doing  
20 analysis on that basis does not really reflect how wind  
21 would be used in an integrated resource planning  
22 process.

23                   The situation was summarized by La Capra  
24 in their submission when they said that the NFAT  
25 handicaps technology with expected improvement.

1 Slide 28. I made a note in my  
2 submission that there may be merit in an economic  
3 delay, what I called the optimized development  
4 strategy. At that point in time, I was not -- I was  
5 not aware that La Capra was going to be undertaking  
6 Plan 17, which I'll speak to. It was an observation  
7 that I made independently that, looking at the  
8 situation and being aware of large hydro facilities in  
9 other jurisdictions, this is something that we often  
10 look at. It's not no -- it's -- the go/no go decision  
11 is often a false dilemma. There can be very good merit  
12 in taking a delay position and saying, Maybe just not  
13 yet. We might get more value from this resource if we  
14 waited a little bit longer.

15 In part, I -- I made that observation  
16 due to expected cost declines in wind; my knowledge of  
17 -- of demand-side management and how that can play a  
18 powerful role, particularly on the capacity side as  
19 well as on the energy side, recognizing that I  
20 understand that energy is the primary -- at least the  
21 first need here in Manitoba, capacity following about  
22 three (3) years later; so that wind could play a role  
23 in -- in part of a plan to avoid the PDP for the  
24 foreseeable future.

25 My estimate was beyond 2030. And I

1 notice that La Capra came back with a number of 2029,  
2 so my guesswork wasn't perhaps too far off. And doing  
3 so might avoid the adverse environmental impact of the  
4 PDP for a period of time. And who knows, the situation  
5 can change in ten (10) or fifteen (15) years. It's a  
6 very different world than it was ten (10) years ago.  
7 And I say that particularly because the technologies  
8 that have changed with respect to natural gas.

9 Slide 29. I did not speak to this in my  
10 report. I'm presenting information on here because it  
11 arrived following the submission of my report. I refer  
12 to this as the Economic Delay Plan that was filed by --  
13 by La Capra in March 2014. And just to refresh your  
14 memory, it's the use of non-generation resources --  
15 resources, such as managing demand through sponsorship  
16 of energy efficiency -- excuse me -- and heating fuel  
17 switching, and increasing imports through strategic  
18 transmission expansion to the US can economically delay  
19 the need for generation investments, whether they be  
20 natural gas or hydroelectric facilities.

21 Slide 30. This is Figure 9-94 from La  
22 Capra's report. And it illustrates a high level. It's  
23 a high-level illustration of some of the economic  
24 advantages of Plan 14. You can see that these are the  
25 -- the crossover points at twenty (20) years, thirty-

1 five (35) years, fifty (50) years, and seventy-eight  
2 (78) years analyzed by La Capra.

3                   And you can see that the Plan 14 does  
4 eventually cross over Plan 17, in terms of present  
5 value, but it does so quite late in the planning  
6 period. Much can happen between now and seventy-three  
7 (73) years from now. And it also has, as an additional  
8 measure, a fairly robust internal rate of return. And  
9 so this information, I consider it to be confirming of  
10 my -- my intuition that there may be some value in this  
11 type of a plan.

12                   La Capra also noted in its Appendix 9B  
13 that Manitoba Hydro's fifteen (15) options also lack a  
14 set of plans to test the timing of resource additions,  
15 such as delaying Keeyask five (5) or ten (10) years; or  
16 addition of natural gas fuel generation or wind  
17 generation, and then the development of Keeyask or  
18 Conawapa; or even plans where we can compare if there  
19 are benefits to adding transmission to a natural gas  
20 generation plan. And I understand La Capra's point to  
21 mean that they did Plan 17. But had they had more time  
22 and resources, they might have been able to optimize  
23 what the Economic Delay Plan might be.

24                   While the current Plan 17 does not  
25 explicitly include resources, an optimized plan,



1 depending on the -- on the cost of wind -- wind  
2 resources going forward, might include wind -- wind  
3 resources in it.

4 Slide 32. However, I caution the Board  
5 in this regard. Implications of suspending Keeyask are  
6 numerous, largely as a result of the project being so  
7 near to construction. What exactly are the socio --  
8 are the environmental and socioeconomic impacts and  
9 benefits of Plan 17? We don't yet know.

10 La Capra pointed out that there is a  
11 cost of suspending Keeyask. The window of opportunity  
12 identi -- identified by the Proponent may close. On  
13 the other hand, it may open further. Who's to say in  
14 the future? We don't know exactly. There wouldn't  
15 need to be alternative to export contracts.

16 On the other hand, delaying would allow  
17 for the completion of the Cumulative Effects Assessment  
18 and establishment of a framework for the region, which  
19 would have some value. The environmental impacts and  
20 benefits of the PDP, or at least Keeyask, would be  
21 deferred or replaced by those -- Plan 17 for a period  
22 of time.

23 And I wanted to speak to those in some  
24 detail. I'm moving to -- to slide 33. I took a look  
25 at the -- the JKDA, in terms of benefits to the local

1 First Nations. I noted that Section 12.6.2 of the JKDA  
2 includes a -- a construction employment target of six  
3 hundred and thirty (630) person years; and that would,  
4 of course, be delayed. And depending how long the delay  
5 is, and if the JKDA was terminate -- terminated, those  
6 benefits would be lost to the Nations.

7 Section 12.7.1 includes an operational  
8 employment commitment to be met over a twenty (20) year  
9 period. And of course, if the JKDA is terminated, my  
10 understanding is that would also be terminated. I was  
11 unable to locate any survival clause in the agreement  
12 that would suggest that that would continue.

13 It also raises for me a -- a tricky  
14 question, in terms of the benefit-cost analysis. If  
15 Hydro and the Nations are successful in terms of the  
16 long-term operational employment and -- and they  
17 maintain that agreement, by 2029, they'll have met,  
18 more or less, that agreement. There will be one  
19 hundred and eighty-two (182) members working for Hydro.

20 Does that mean then that the employment  
21 advantage of Keeyask is significantly reduced? I think  
22 it's a question for consideration. So in -- in other  
23 words, do the -- do the net benefits of construction  
24 employment, in a sense, erode over time?

25 The financial benefits under the JKDA

1 would be delayed, or the agreement would be terminated  
2 in accordance with Article 21. And my understanding  
3 from reviewing only one (1), I confess, of the adverse  
4 effects agreements, but I suspect the -- the clause  
5 would be applied to all of them, would be no longer  
6 payable.

7

8 (BRIEF PAUSE)

9

10 MR. RICK HENDRIKS: I believe the PUB  
11 should consider these implications of -- of Keeyask --  
12 of a Keeyask delay on the KCNs, especially in the event  
13 of a lengthy delay or -- or a termination of the JKDA.

14 Moving to slide 34. I did review the  
15 screening analysis of BC Hydro with respect to wind  
16 resources. I'm going to speak to two (2) issues.  
17 First, employment and the so-called Aboriginal  
18 neutrality, with respect to the development of wind. I  
19 will get to land use impacts and birds and bats when I  
20 summarize the information about the wind projects in  
21 Manitoba.

22 Table 3-1 in my report summarizes direct  
23 employment for designed wind projects in British  
24 Columbia. I used that information simply because  
25 British Columbia had a lot more projects on the go, and

1 they had considered a large number of projects which  
2 would be comparable to what would be the case here in  
3 Manitoba in the event of the Wind/Gas Plan, so the most  
4 extreme version of wind.

5                   And they determined there were  
6 equivalent -- I -- I determined that there was an  
7 equivalent of about two hundred and seventy-five (275)  
8 person years of the long-term employment. Appendix 7.2  
9 of the NFAT states directly that direct operations  
10 employment for a generic 65 megawatt wind facility are  
11 four (4) to eight (8) full-time person -- positions, or  
12 about one hundred and eight (108) to two hundred and  
13 sixteen (216) person years, based on the Wind/Gas Plan.

14                   So there are -- there's a significant  
15 difference between the -- the perceptions of the long-  
16 term employment benefits of wind between the BC Hydro  
17 analysis and the Integrated Resource Plan, and the  
18 analysis that was done in -- in the NFAT. I'm not sure  
19 why the NFAT estimates are lower. They may be due to  
20 methodological differences, or perhaps there are real  
21 project differences, although I confess I can't figure  
22 out what would explain this.

23                   I could see there being construction  
24 employment differences, to rain, access, et cetera, but  
25 once the machines are operating, unless there are --

1 are perhaps a fewer number with higher capacity, there  
2 could be differences, but nonetheless, I believe that  
3 the estimates that are in the NFAT may be somewhat low  
4 in terms of operations employment from wind projects.

5 I also took a look at the economic  
6 impact analysis in Section 2.3, just for illustrative  
7 purposes. Table 1 of the NFAT indicates direct  
8 provincial employment of eighty-six (86) person years  
9 for the PDP, and of course, that would be considerably  
10 less than the two seventy-five (275) that I had  
11 calculated for wind resources.

12 Now, that would be at full scale wind  
13 resour -- that would be once it's up to 1,755  
14 megawatts. I also looked at the total employment, so  
15 direct, indirect, and induced employment, and again, I  
16 found that operations employment for wind based on the  
17 BC Hydro numbers would be considerably higher than for  
18 the PDP, and that -- moving to -- that was slide 36.

19 Moving to slide 37, my conclusion is  
20 that large hydroelectric projects tend to create higher  
21 levels of construction employment as compared to wind,  
22 but the alternatives with wind provide higher levels of  
23 operations employment, and the construction advantage  
24 of hydro is made up, in a sense, over time.

25 I note here also that I did not include

1 employment related to natural gas backup, which would  
2 be required for the wind or some other form of backup.  
3 I would assume that it would have to be natural gas  
4 here in the province.

5                   Now, of course, as has been raised by --  
6 by Hydro's -- where the benefits take place matters in  
7 terms of economic rent. Creating employment where it  
8 is needed is of higher value, and I don't dispute that.  
9 The value of employment in wind -- wind regions of the  
10 province was not determined in the NFAT, and it would  
11 depend on the timing of the project, so it could be  
12 some time from now before wind projects would come  
13 online.

14                   So it would be difficult at this point  
15 to suggest whether or not the -- the percentages used  
16 in the multiple accounts benefit cost analysis should  
17 be 15 percent, as they are for the general population,  
18 or closer to 50 percent, as they were for the  
19 Aboriginal population. My sense is it's probably  
20 somewhere in the middle, that rural unemployment is  
21 probably somewhat higher in Manitoba than urban  
22 unemployment, but that's just a guess. We would have  
23 to look at the numbers at the appropriate time, so.

24                   I'm on slide number 38, and as a -- the  
25 -- the issue that I raised earlier about the current

1 levels of Aboriginal employment, and the value of the  
2 project with respect to dealing with the unemployment  
3 situation, I -- I addressed that more fully in response  
4 to Manitoba -- in Manitoba Hydro's Information Request  
5 number 23.

6                   So to the extent that current levels of  
7 Aboriginal unemployment are the result of historical  
8 outcomes of training or hiring of Aboriginal people by  
9 Manitoba Hydro, the PDP fares better. So to the extent  
10 that -- that Hydro has hired fewer people in the past,  
11 the project looks better now, and I found that a bit  
12 unusual. It seemed to me that that -- that was almost  
13 counterintuitive.

14                   Although it's true that you would want  
15 to create employment to -- to compensate to where there  
16 might have not been enough opportunity before, I'm just  
17 not sure whether that should be a benefit to the  
18 proposed project, whether it should be allocated in  
19 that way. I don't see -- consider this to be a, you  
20 know, a deal-breaking issue, but it -- it struck me as  
21 an inconsistency.

22

23                   (BRIEF PAUSE)

24

25                   MR. RICK HENDRIKS: I'm now on slide

1 39. In its response to CA -- Consumers' Associate of -  
2 - Association of Canada request, Hydro looked at the  
3 Aboriginal interest in wind projects, and concluded  
4 that employment interest and business opportunity  
5 interest would either be null, or they didn't -- they  
6 didn't estimate it, because they didn't expect that  
7 there would be any, and the reason given is development  
8 on private land, and I will speak to the findings of my  
9 report with respect to wind projects developed on  
10 private land by Aboriginal groups later in the  
11 presentation.

12 THE CHAIRPERSON: I think there's a  
13 typo there, just the previous one. I just want to make  
14 sure that business opportunities -- I'm looking at the  
15 sub -- sub second bullet --

16 MR. RICK HENDRIKS: Oh, there is a  
17 typo.

18 THE CHAIRPERSON: It should be 'wind',  
19 right?

20 MR. RICK HENDRIKS: Yes.

21 THE CHAIRPERSON: Both wind and...

22 MR. RICK HENDRIKS: Yes, it should be  
23 'wind' rather than 'with', thank you. I didn't quite  
24 catch every last one.

25 I'm now on slide 40. With respect to



1 the Manitoba Metis community, the existing wind farms  
2 at St. Joseph and St. Leon are in close proximity to  
3 Metis communities at Carman, Morris, and Ste. Agathe.  
4 The southern and southwestern regions of Manitoba,  
5 where wind development is more likely, are also located  
6 entirely within recognized Metis harvesting zones. The  
7 Metis would take an interest in these opportunities,  
8 were they to arise.

9 Moving to slide 41, I relied on  
10 information provided by my client on the location of  
11 Metis communities within Manitoba.

12

13 (BRIEF PAUSE)

14

15 CONTINUED BY MS. JESSICA SAUNDERS:

16 MS. JESSICA SAUNDERS: Sorry, Mr.  
17 Hendriks, if I could just have you go back to slide 41,  
18 on the monitor as well?

19 MR. RICK HENDRIKS: Yes, we're back on  
20 slide 41.

21 MS. JESSICA SAUNDERS: New information  
22 that this was -- you indicated that this was  
23 information you relied on from your client. Could you  
24 just provide a -- perhaps your understanding of -- of  
25 what this map is, for the Board?

1 MR. RICK HENDRIKS: Yes, I'll do my  
2 best. My understanding is this is the -- the pink zone  
3 is a recognized Metis harvesting zones.

4 MS. JESSICA SAUNDERS: And just to  
5 confirm, although we can tell with the Manitoban  
6 signature there, but this was from the website?

7 MR. RICK HENDRIKS: Yes, this is a  
8 Government of Manitoba map.

9 MS. JESSICA SAUNDERS: Thank you.

10 THE CHAIRPERSON: Ms. Saunders, could  
11 you educate me about harvesting zones? Could you two  
12 (2) let me know what those are -- is?

13 MS. JESSICA SAUNDERS: Yes. I can tell  
14 you, Mr. Chair -- I know Mr. Williams noted this as  
15 well, giving evidence on the record, but I can advise  
16 of the information that the client did provide to Mr.  
17 Hendriks that the -- the zones in the pink area  
18 indicate those GHA game hunting areas, where -- that --  
19 that's a designation from, I believe, Manitoba  
20 Conservation in terms of the various hunting areas, and  
21 they have a number.

22 Those are the GHAs within Manitoba,  
23 where under the agreement with the Manitoba Metis  
24 Federation and the government of Manitoba, those areas  
25 are recognized as areas that the Metis recognized

1 through a collaborative process with the Metis that is  
2 still ongoing that Metis can harvest within that area  
3 under certain processes and specifications. So the map  
4 was provided to Mr. Hendriks from the website. Thank  
5 you.

6 MR. RICK HENDRIKS: Thank you, Mr.  
7 Chairman. So moving on to information to assist the  
8 PUB, and I'll begin with a discussion of hydroelectric  
9 information, and then move to a discussion of -- of  
10 wind information.

11 Feel free to -- to stop me, Mr.  
12 Chairman, if at any time you wish to -- to take a  
13 break.

14 In terms of hydroelectric information, I  
15 looked to see whether -- what type of information I  
16 might be able to locate in terms of the prior  
17 hydroelectric projects on the Nelson River, and I also  
18 looked at similar hydroelectric complexes on other  
19 river systems, my belief being that -- that the  
20 experiences in other jurisdictions and the prior  
21 experience of Manitoba Hydro would be valuable to the  
22 Board in understanding the implications of the PDP.

23 Slide 44. In terms of the prior  
24 hydroelect -- hydroelectric projects, there's an  
25 opportunity to understand the actual environmental

1 effects. We don't get to do this very often in my  
2 practice. As an aside, Canada has done not a very good  
3 job of monitoring our hydroelectric projects across  
4 Canada consistently, and as a result, we are left with  
5 poor quality information in terms of trying to  
6 understand the effects of -- of new projects, and I  
7 don't blame anyone in particular for that. It's just a  
8 reality that we face.

9                   And so this information is potentially  
10 valuable to understand the likely macroenvironmental  
11 impact of the PDP, which of course would be constructed  
12 in a very similar landscape and located in a similar  
13 biophysical and socioeconomic context.

14                   I made an effort to try to come to terms  
15 with what the prior information was, recognizing that  
16 my goal was not to -- to repeat the work of the EIS  
17 done for Keeyask, and recognizing that I had limited  
18 time.

19                   What I was looking for was a  
20 comprehensive summary of residual effects from the  
21 prior projects. What do we know about the environment  
22 prior to the project's coming into being? What  
23 happened, what changed, both scientific perspectives as  
24 well as local Aboriginal perspectives?

25                   And I was unable to locate a

1 comprehensive set of organized information, and  
2 biophysical and socioeconomic effects, and as I  
3 mentioned, it was just simply too -- too time -- time  
4 consuming to try to compile this information. More  
5 information can come out of the recommended regional  
6 cumulative effects assessment, but it will come too  
7 late for your purposes, so I looked elsewhere.

8                   Slide 46, and I tried to identify  
9 similar hydroelectric complexes in other regions, and I  
10 screened them through a number of criteria, and those  
11 criteria were -- were fairly carefully developed. I --  
12 I understood what was being proposed here and what  
13 existed on the landscape already: Multiple large  
14 generation facilities on a river diversions built over  
15 several decades, high voltage transmission facilities,  
16 new generation diversion and/or transmission facilities  
17 that had been assessed in the past decade.

18                   So there was up to date information. A  
19 lot of these early projects were never assessed, so we  
20 don't have that assessment information. Existing or  
21 propo -- proposed generation -- generation facilities  
22 on the main stem of the river system, and this is  
23 important, because impacts on -- of a hydroelectric  
24 complex are quite different if the -- if there is no  
25 project on the main stem and only on the tributaries,

1 but the project's had substantial implications for  
2 Aboriginal groups. In general, that's true almost  
3 everywhere across Canada, but I felt it was important  
4 to include it as a criteria -- a criterion located in  
5 boreal ecosystems or similar ecosystems, and also  
6 reviewed by an independent panel.

7                   And I -- that last one I chose because I  
8 felt that that was the highest standard of review in  
9 the -- in the country, and that we would have access to  
10 the best -- the best minds, if you will, who had  
11 considered these matters and, that we should, in a  
12 sense, stand on their shoulders.

13                   So after the screening process was  
14 complete, I'm on slide 47, I -- I narrowed the list  
15 down to three (3), which was quite workable. I was  
16 worried I might end up with seven (7) or eight (8), but  
17 it came down to three. La -- the La Grande Complex, in  
18 particular, the recently developed East -- Eastmain 1-A  
19 Rupert Diversion, the Churchill River in Labrador, the  
20 Lower Churchill Project, and Peace River, Site C.

21                   And luckily for me, these -- two (2) of  
22 these projects I know quite intimately. I'm not as  
23 familiar with the La Grande Complex. I'd ask that you  
24 keep that in mind when you -- should you have any  
25 questions about the projects. My level of knowledge of

1 the La Grande is a little bit less than the other two  
2 (2).

3 Slide 48. So just quite simply, the --  
4 the project that was being proposed as an addition to  
5 the complex that already existed on the La Grande  
6 River, the Eastmain 1-A Powerhouse and Rupert  
7 Diversion, it was called, so entailed the construction  
8 of Eastmain 1 Powerhouse and Sarcell powerhouse further  
9 downstream, as well as the part -- partial diversion of  
10 the Rupert River into the East 1 -- Eastmain 1-A  
11 reservoir, which could -- which would then be diverted  
12 into La Grande Complex via the Eastmain 1 reser --  
13 Eastmain 1 reservoir.

14 So it's a series of -- of diverted  
15 reservoirs, and proponents tend to do that to make --  
16 take maximum advantage of the water that they have.  
17 Rather than building new facilities on a river, they'll  
18 divert part of the river. And, of course, here in  
19 Manitoba, you have the exact situation with the  
20 Churchill River.

21 The project was implemented through a --  
22 a renegotiation, if you will, of -- of the -- of the  
23 James Bay Northern Quebec Agreement, called the  
24 agreement concerning a new relationship between le  
25 gouvernement du Quebec and the Crees du Quebec, in

1 English, known as the NRA, and the Boum -- Boumhounan  
2 Agreement, which is a sub-agreement of the NRA that  
3 pertained specifically to the project that was signed  
4 between the Crees, Hydro-Quebec, and Societe d'energie  
5 de la Baie James

6 Slide 50. This renegotiation has some  
7 implications, I think, for the current situation.  
8 Historic agreements like the JBNQA can be renegotiate -  
9 - renegotiated as circumstances change. The framework  
10 for dealings between the Crown and Aboriginal peoples  
11 is not -- it's not stagnant. It's part of an ongoing  
12 relationship that can change over time.

13 And it's also not uncommon, as I noted  
14 in my report, for large hydroelectric utilities to  
15 reconsider their initial plans, as Manitoba Hydro has  
16 done in relation to Wuskwatim, for example, and to  
17 Keeyask, as well. There have been number -- a number  
18 of different configurations over the years, in light,  
19 of -- of course, of changing circumstances.

20 Slide 51. There are some other  
21 implications that I gleaned from the process, and that  
22 is the -- the issue of an electricity surplus. There  
23 are several utilities across Canada that are running  
24 surpluses. We have surpluses in Quebec. We have  
25 surpluses in Ontario. We have surpluses in British



1 Columbia.

2                   The Government of Quebec recently  
3 commissioned a fairly substantial review of this -- of  
4 the energy system in Quebec, and the -- the surplus  
5 issue was front and centre. And as a result of  
6 developing both the project, meaning Eastmain 1-A, the  
7 Romaine Complex, and wind resources, coupled with a  
8 decin -- continued decline in load growth in domestic  
9 and export markets -- I should say decline in the rate  
10 of load growth might be more correct, although in some  
11 jurisdictions, the -- the actual load has declined,  
12 Hydro-Quebec will be running a large surplus.

13                   So from an environmental perspective and  
14 socioeconomic impacts perspective, I question the --  
15 the nece -- the necessity of having undertaken that  
16 project. We now have all the surpluses being sold at  
17 costs that would be lower than the cost of generation.  
18 That raises certain -- certain issues in my mind that I  
19 think should be considered carefully by the Board.

20                   We did not have access to the export  
21 price information, so I cannot say whether -- with  
22 certainty this is an issue here, but it certainly has  
23 been the experience elsewhere.

24                   Other implications, cumulative effects.  
25 The findings of the panel support the concern that the

1 cumulative environmental effects related to large-scale  
2 hydroelectric developments cannot be determined without  
3 a comprehensive research and follow-up program related  
4 to the existing facilities. It's very difficult to  
5 predict what the cumulative effects might be if we  
6 don't know the trends that are already happening in the  
7 environment. The -- and as you'll see, this is a  
8 repeating theme throughout my presentation.

9 Slide 53. The projects need to stand on  
10 their own. We heard this again this past Thursday at  
11 the Site C panel hearing report. There have to be  
12 clear benefits. The effects can be mitigated only if  
13 all the necessary conditions are put into effect and  
14 justifiable only if there are clear benefits. And I  
15 know that the Board has received information, both from  
16 -- from Manitoba Hydro as well as from your expert  
17 consultant, about the benefits of the project. And  
18 those should be considered carefully.

19 In a highly unusual situation, and --  
20 and I emphasize this for the Board, in my knowledge and  
21 the knowledge of several practitioners I have spoken  
22 with, there has never been a dissenting position on an  
23 -- on an environmental assessment of -- of a panel  
24 review, ever. And so -- in Canada from -- up to that -  
25 - up to that point in time, so in 2005.

1                   And so I took this dissenting opinion  
2 fairly seriously, because not only was it rejecting the  
3 conclusions that there were no significant  
4 environmental effects -- which was kind of implied. It  
5 doesn't say outright in the panel report whether there  
6 were or there weren't, but it's kind of implied. But  
7 it was a rejection of the project. So not only did  
8 this dissenter conclude that there must have been  
9 something to worry about, but it was so serious that  
10 the project should not be approved.

11                   What the dissenting opinion noted was  
12 that the project's economic profitability must be  
13 assessed on the basis of the environmental requirements  
14 before permits are obtained. Otherwise, the project  
15 would be funded on environmental credit. So in other  
16 words, if there's so much uncertainty with respect to  
17 whether or not mitigations will be effective, that must  
18 be taken into consideration. Otherwise, if we find  
19 later that they aren't effective, then the critical  
20 value, if you will, between the different choices is  
21 altered.

22                   We need to have confidence in that  
23 critical value because that's what we're basing our  
24 decision on. And again, I -- I use that term 'critical  
25 value'. That goes back to the -- the multiple account

1 benefit-cost analysis as the difference between the --  
2 the preferred project and -- and another project, and  
3 how that difference could be made up if there are  
4 differences in the consequences between the projects.

5               So the onus is on Manitoba Hydro to  
6 demonstrate that the macroenvironmental risks have been  
7 substantially addressed so as not to threaten either  
8 the economic viability of the PDP or threaten the  
9 economic advantage that the PDP may have over the  
10 alternative plans. So we don't want to be in a  
11 situation where we approve Plan A and we're uncertain  
12 about what the environmental impacts will be and what  
13 the costs of those are associated with that, instead of  
14 Plan B because Plan B appears right now to be more  
15 expensive. So you -- you can't put those uncertainties  
16 on the credit card, is what the dissenter is saying  
17 here, in order to be -- maybe pay them later. We need  
18 to be sure about what the costs are now.

19               Slide 55. The Lower Churchill Project,  
20 the Churchill Falls Project, a fairly notorious project  
21 in Canadian history because of its very unfair  
22 arrangement between Newfoundland Labrador Hydro and  
23 Hydro-Quebec where power is sold for less than a  
24 quarter cent per kilowatt hour. It was built in the  
25 1960s. The Lower Churchill Project has been on the

1 books since the mid-1970s. It consists of two (2)  
2 generation facilities: Gull Island approximately about  
3 2,250 megawatts, has not yet moved to construction but  
4 has gone through the process, and on the Churchill  
5 River downstream of the existing Churchill Falls  
6 Project; and the Muskrat Falls Generation Project, also  
7 located on the Churchill River downstream of the Gull  
8 Island facility. That -- that project is currently  
9 under construction. And the export transmission  
10 facilities to the Maritimes are also under  
11 construction.

12 Slide 56. As with the -- the Eastmain  
13 1-A River Project, Lower Churchill was facilitated --  
14 facilitated and came into being as a result of an  
15 agreement between the proponent, the provincial Crown,  
16 and the local Innu communities, the Innu Nation, who  
17 were my client in that -- in that project.

18 There was the Tshash Petapen, also known  
19 as the New Dawn Agreement. 'Tshash Petapen' just means  
20 'new dawn'. It's a direct translation. It had three  
21 (3) components. And you've heard about this from  
22 Typlan. I believe they discussed it in their --  
23 discussed it briefly in their presentation and in their  
24 submission. That was a land claim agreement in  
25 principle.

1                   There was the Upper Churchill Redress --  
2 Redress Agreement, as well as the Lower Churchill  
3 Impact Benefit Agreement. Typlan noted, importantly I  
4 might add:

5                   "The IBA and the UCRA  
6 Churchill Redress Agreement] come  
7 into effect immediately upon  
8 signing."

9                   Slide 57. And I raise this point for  
10 the Board, because it illustrates that the Innu were  
11 able to renegotiate their prior position on an existing  
12 project. And that was not contingent on the new  
13 project proceeding. It was contingent on them agreeing  
14 to the new project to proceed; so, in a sense, getting  
15 out of the way, if you will. But it was not contingent  
16 on it proceeding.

17                   And what this allowed was the Innu to  
18 separate themselves from the uncertainty regarding the  
19 new projects so they could receive benefits,  
20 compensation benefits, from the prior project,  
21 additional benefits, without -- without having to -- to  
22 be worried about whether or not the project would  
23 proceed.

24                   And I think this is an -- an important  
25 detail. It's a very subtle detail. But I notice in

1 the JKDA in 12.71 there are these operational jobs and  
2 -- that are not -- that are contingent, it seems to me,  
3 on -- on the Keeyask project proceeding. I -- I can  
4 find no -- no indication to the contrary. And -- and  
5 it raises certain questions for me about the  
6 willingness to accept the impasse -- impa -- impacts  
7 and risks on the part of the affected communities.

8                   One (1) of the -- the issues that --  
9 that comes to mind here in -- in evaluating the  
10 environmental impacts is that willingness to accept is  
11 a key issue in the analysis, the multi -- multiple  
12 account benefit-cost analysis.

13                   And I question -- I guess I'm raising a  
14 question out loud about whether or not the affected  
15 communities would be less willing if the arrangements  
16 that had existed -- which both parties, I understand,  
17 have never been all that satisfied with for the  
18 existing projects. If those could have been improved,  
19 would that have changed the willingness or would it  
20 have altered it in some way?

21                   Perhaps it could have been done in a  
22 similar way to what the Tshash Petapen Agreement was,  
23 where there were improvements on the prior -- well, in  
24 the Innu case, there was no agreement before, so a new  
25 agreement. In the case of the -- the JBNQA, there were

1 improvements on the prior agreement in accept -- in  
2 accepting the new project. And I didn't seen evidence  
3 of that here.

4                   And I'm not trying to say that this is a  
5 quote/unquote "best practice." I actually find that  
6 term a bit dangerous. I think every community faces  
7 these things differently. What's best for one (1)  
8 might not be best for the other. But I think this is  
9 an important consideration about how we evaluate  
10 willingness. And -- and I put that out there for  
11 consideration by the Board.

12                   I was not privy to all of the concerns  
13 about the prior agreements, but I know some were raised  
14 and I did read some in some of the reports. So my  
15 concluding comment on that is: Would they have been  
16 willing -- would -- would they have been as willing to  
17 accept the impacts and risks? And would Hydro have  
18 been able to basically make those zero net cost if  
19 benefits from the prior projects were improved?

20                   Slide 58. One (1) of the other things  
21 that happened during the process for Lower Churchill,  
22 and which I think has some -- some relevance here, is  
23 that the variant changed. Now, the variant is just a  
24 term used by engineers to describe -- when they do  
25 their alternatives analyses, they'll come up with a



1 number of different ways that they might build the  
2 project.

3                   So if there's one (1) project, they  
4 might put the spillway on one (1) side or on the other  
5 side. They might -- and the dam might be a slightly  
6 different height. It might be a different location on  
7 the river. If there's more than one (1) project, then  
8 they might -- might also look at sequencing variances.  
9 So which project should they build first, second, et  
10 cetera?

11                   So the variant change for the Lower  
12 Churchill, pretty much at the very last minute in the  
13 EA process, the preferred variant was to build Gull  
14 Island first, followed by Muskrat Falls. And then it  
15 switched. So circumstances can change.

16                   And it raised, for me, a recommendation  
17 to the Board which I included in my report that you  
18 clearly indicate your understanding of the pr --  
19 description of the PDP or alternative plan that is  
20 being recommended and that you indicate any changes to  
21 that -- that -- to the PDP or the plan that's being  
22 recommended that would be inconsistent with the  
23 findings of the PUB with respect to the associated  
24 macroenvironmental impact. Example, changes that would  
25 make the PDP or recommended plan acceptable or

1 unacceptable based on macroenvironmental impacts.

2                   So something that, in a sense, would  
3 change that critical value, that difference between the  
4 two (2) plans. So, for example, what -- what might  
5 that be? It could be a change in the transmission  
6 infrastructure, or it could be a change in the height  
7 of the dam facility. It could be a change in the  
8 sequencing. Right now it looks like Keeyask is going  
9 to go. Circumstances can change. So I -- I'm  
10 recommending the Board carefully outline what it is  
11 that you -- you are recommending.

12                   Other implications, the -- slide number  
13 60. The Environmental Assessment Panel recommended the  
14 use of integrated resource planning process for future  
15 decisions regarding energy resources in Newfoundland  
16 and Labrador. It's my view that that's material to  
17 ensuring that DSM is properly considered as a resource  
18 option; that the macroenvironmental impact of DSM is  
19 also properly evaluated, particularly the benefits, the  
20 macroenvironmental benefits of DSM. The advantage of  
21 IRP is that -- it optim -- optimally selects resources.

22                   The decision not to include DSM as a  
23 resource option is to implicitly accept greater  
24 macroenvironmental impact from the outset, and great  
25 macroenviron -- macroenvironmental impact than is

1 necessary. It's very difficult, in my experience, to  
2 try to mimic the -- the algorithms of a sophisticated  
3 system optimizer. And I have not reviewed in detail  
4 how Manitoba Hydro has gone about this process of  
5 trying to select resources, I confess. But I am  
6 concerned that -- about this issue. And I know others  
7 have raised this concern as well in this proceeding.

8                   Slide 61. Again, the panel there found  
9 that the large-scale hydroelectric projects being  
10 proposed were associated with several significant  
11 environmental effects in relation to fish and  
12 terrestrial habitat, and -- and caribou, et cetera.

13                   Slide 62. Again, they raised the same  
14 issues as -- as the Eastmain 1-A panel. The cumulative  
15 effects of interaction between existing and proposed  
16 projects are poorly understood and contribute to  
17 uncertainties regarding consequences of changes and the  
18 potential significance of changes.

19                   Slide 63. I noted some comments from  
20 Intervenors and -- and others in this proceeding that  
21 if there are already several hydroelectric projects on  
22 the river, why not just build another one? My  
23 experience has been actually the opposite, that the  
24 remaining portions of the river tend to be more high --  
25 highly valued by the affected communities. Now, that

1 might be different here in Manitoba, I'm not sure. But  
2 certainly that was the case in the Lower Churchill and  
3 was also the case at Site C. And the theory there  
4 being that as something becomes more rare, it becomes  
5 more valued.

6 Slide 64. The Bennett Dam was --  
7 actually came into operation in the early 1970s, but  
8 the concept was developed in the 1950s. Sorry, the dam  
9 was completed in 1968, but the reservoir filling took,  
10 actually, three (3) years. The reservoir behind the  
11 dam is -- is quite large. And then a second dam was  
12 constructed in 1980. The proposed Site C generating  
13 station is located approximately 83 kilometres  
14 downstream from the existing Peace Canyon Dam on the  
15 Peace River.

16 There are historical agreements in  
17 place. I won't get into detail with -- about what they  
18 are, but they -- they deal with the communities that  
19 had to be relocated because of the size of the  
20 reservoir. In that case there were commun -- First  
21 Nation communities that were relocated, and I believe  
22 also non-First Nation -- or non-Aboriginal communities  
23 as well. However, there are no agreements with  
24 communities surrounding the reservoir who didn't have  
25 to be relocated. In fact, those issues are still being

1 resolved.

2 BC Hydro, slide 66, has made public its  
3 proposed approach to negotiation. The approach has not  
4 been accepted by the First Nations. It hasn't been  
5 rejected either. Many of the First Nations are not  
6 interested in negotiating with Hydro on the project.  
7 But their proposed approach, in terms of participation,  
8 includes cash payments, lump sum payments, and streams  
9 over time.

10 They are not proposing an equity  
11 arrangement. They have not made that available as an  
12 option. They're willing to support education,  
13 training, and community infrastructure, considering --  
14 they also considered land compensation, so for lands  
15 that have been lost through Crown land transfers, and  
16 also implementation of land protection mechanisms or  
17 special land management designations to compensate for  
18 lost lands.

19 Slide 67. Again, in this case, the  
20 proponent itself predicted a number of significant  
21 adverse environmental effects associated with the  
22 project. In the panel report that recently came out  
23 last Thursday, the panel expanded on that list.

24 So again, this confirms the -- the  
25 concern that large hydroelectric projects can be

1 associated with many significant effects, including  
2 cumulative effects. And again, the -- the same issue  
3 that we saw with the other projects that I mentioned  
4 earlier, with respect to cumulative effects and -- and  
5 issues of uncertainty.

6 Slide 69. One (1) of the things that  
7 often happens in order to get a project approved is  
8 that a proponent will not consider the effects of the  
9 prior projects in their assessment. They will assume  
10 that they are incorporated into the baseline. What  
11 this has -- the -- or what it does -- it's not -- I was  
12 going to say it has a tendency to do. But what it --  
13 what it does is it creates an incremental effect.  
14 Essentially, you say that those effects didn't really  
15 matter, the ones that happened.

16 Now, in my experience from an Aboriginal  
17 community perspective, imagine that you have a pie of  
18 land that you use. And so a couple of slices are taken  
19 out. And the proponent says, Well, you still have 100  
20 percent left because we're starting with 100 percent  
21 again when we take our new slice out.

22 This is an issue that is quite  
23 controversial and is the reason why many First Nations  
24 across Canada have been very -- expressing a lot of  
25 frustration about that kind of a process, in terms of

1 the implications for their land use and rights.

2                   And also, from a cumulative effects  
3 perspective, it pretends that there weren't any effects  
4 and there aren't any changes in the landscape that are  
5 still ongoing as a result of those prior projects,  
6 which is not consistent with the facts. It also  
7 implies that those prior effects were, to a certain  
8 extent, acceptable. And the reality is that we would  
9 not approve some of these prior projects under today's  
10 regulatory regimes.

11                   Slide 70. So viewing these additional  
12 impacts in the context of larger impacts that occurred  
13 historically is not appropriate, in my view. If we did  
14 something really environmentally damaging in the past,  
15 it's not enough just to say, Well, we're doing better  
16 now. We have -- the projects have to be measured on  
17 their own merit.

18                   And how future generations view the  
19 choices we make today may be very different than the  
20 way we see them ourselves. And I say this in both  
21 directions. I'm not just saying this -- I mean, in  
22 report I think I implied that I was being critical;  
23 that we might, you know, look back and say that, Oh, we  
24 shouldn't have built this dam. Or we may look back and  
25 say, In light of climate change, we could have done

1 more. So it is very difficult to predict. And I -- I  
2 don't envy the position of the Board, in terms of  
3 trying to make sense of these issues.

4 THE CHAIRPERSON: I think it would be  
5 an appropriate time to take a break now. We've been at  
6 it for about an hour and a half. So I suggest we take  
7 a ten (10) minute break and resume the proceedings  
8 after that.

9

10 --- Upon recessing at 10:32 a.m.

11 --- Upon resuming at 10:47 a.m.

12

13 THE CHAIRPERSON: I believe that we're  
14 ready to resume the proceedings. I'll turn the  
15 microphone over to Mr. Hendriks, please.

16 MR. RICK HENDRIKS: Thank you, Mr.  
17 Chairman. Just to confirm with the transcriber, we're  
18 on slide 71. And I will endeavour to speak a little  
19 bit slower to improve the transcription.

20 Information to assist the PUB with  
21 respect to wind. In regards to wind energy, I looked  
22 at the existing wind resources in Manitoba, the two (2)  
23 facilities that are -- that are operating here in the  
24 province, as well as wind -- wind resources in other  
25 jurisdictions, to get some sense of what significant



1 expansion of the wind industry in the province might  
2 look like.

3                   Slide 73. With respect to the existing  
4 wind resources in Manitoba, I wanted to obtain  
5 information not only about what effects were predicted,  
6 but what the actual effects have been since -- since  
7 the projects came into operation. And I thought that  
8 would be valuable to understand the likely  
9 environmental -- macroenvironmental impact of more  
10 wind, which, of course, would be constructed in a  
11 similar landscape in South and Southwest Manitoba.

12                   Slide 74. As you all know, there are  
13 two (2) facilities in the province: one (1) at St.  
14 Joseph's and one (1) at St. Leon. Total installed  
15 capacity of 237 megawatts. They are both Ecologo  
16 certified and Green-e certifiable. And they qualify as  
17 renewable energy in Minnesota. But Manitoba Hydro does  
18 not realize any Class 1 renewable energy credit value.  
19 That information is taken from the NFAT.

20                   Slide 75. I looked particularly at the  
21 St. Joseph's wind energy project. I was not able to  
22 find as much information about St. Leon. The facility  
23 has sixty (60) turbines, 138 megawatts, distributed  
24 over an area of 215 square kilometres, primarily in  
25 agricultural land. There's a twenty-seven (27) year

1 power purchase agreement between Manitoba Hydro and  
2 Pattern Energy. And development took place over a six  
3 (6) year period beginning in 2005.

4 Slide 76. In terms of this development  
5 schedule, the six (6) year development schedule for St.  
6 Joseph, it's my view, based on the information that  
7 I've put together for this submission, that that would  
8 be longer than would likely be the case for future  
9 projects, particularly if community engagement and --  
10 and potential baseline studies were initiated fairly  
11 early in the process and that the time to operation  
12 could be shortened. I will speak to that a little bit  
13 later in -- in the context of the many other wind  
14 projects that I considered in the submission.

15 With respect to the St. Joseph's wind  
16 facility, I -- I was able to -- to obtain environmental  
17 effects monitoring information with respect to birds  
18 and bats. Those are the only two (2) species for which  
19 there was post-project monitoring.

20 And I also had the predictions of the --  
21 of the regulatory process. And there were no predicted  
22 significant adverse residual environmental effects for  
23 any environmental valued components. And follow-up  
24 monitoring to date confirms this prediction. To the  
25 best of my knowledge, that follow -- follow-up

1 monitoring is now complete and the reports have been  
2 filed. And no further monitoring of birds and bats is  
3 anticipated.

4 Slide 78. As is acknowledged in the  
5 NFAT agriculture could continue unaffected below the  
6 transmission lines or near the wind turbines, other  
7 than the immediate infra -- infrastructure footprint  
8 area. So that just means the concrete pad on which the  
9 -- the turbine would be constructed. The criterion  
10 used in the -- in the analysis in the NFAT does not  
11 consider the potential for remediating the affected  
12 area following the end of the useful service of the  
13 particular resource option.

14 Historically, we have been having  
15 electricity load growth every decade. Now, the rate of  
16 that growth, as has been reported in other locations in  
17 -- during the NFAT proceedings, has slowed  
18 considerably. In some jurisdictions, we now have --  
19 where I live, for example, in Ontario, we have been in  
20 negative load growth for several years. We are well  
21 below our peak load of 2008. And that is not  
22 anticipated to change any time soon.

23 So one (1) of the advantages of wind  
24 projects is that they can be put up and they can be  
25 taken down if they're no longer needed. And as I

1 indicated in my report, BC Hydro is setting the stage  
2 to do exactly that in the event they need to. They are  
3 choosing not to confirm that they will renew every  
4 independent power project in the future.

5                   So the flexibility issue is becoming  
6 more important as we move to situations where load  
7 growths are very small or, in fact, negative. And this  
8 allows for -- for resource flexibility for ratepayers.

9                   Slide 79. I considered these land  
10 impacts. If we expanded to 1,755 megawatts, which  
11 would be the maximum amount under the Wind/Gas Plan,  
12 we'd be looking at a fairly large area of -- of  
13 development of wind turbines, about 1,600 square  
14 kilometres. Now, obviously that wouldn't be one (1)  
15 chunk. It would be spread out. And so the existing  
16 facility, St. Joseph's, is 138 megawatts over 215  
17 square kilometres.

18                   So I did some extrapolation of the two  
19 (2) projects that are there and -- and came up with  
20 that number. These land impacts are less than in some  
21 other regions. So, for example, if you were to go to  
22 Quebec, or go to Iowa, or Minnesota -- Southern  
23 Minnesota, Southern Iowa, you would see very high  
24 density of wind turbines there. But still nonetheless,  
25 this is a fairly -- fairly large undertaking that --

1 that would be required for the maximum amount of wind  
2 contemplated under that plan.

3                   In terms of other land impact -- impacts,  
4 the collective landscape and visual impact is a  
5 consideration on -- on many projects and would require  
6 planning management and social licence. Not every  
7 community will want a wind project -- that has  
8 certainly been the experience where I live in Ontario -  
9 - but many will. There need to be willing community  
10 hosts. There needs to be appropriate land use planning  
11 in advance; opportunities for community benefits, and I  
12 will speak to those, how those have been realized in  
13 many projects throughout the country; and management  
14 and monitoring committee. That has become standard now  
15 in Quebec and is also -- also pretty much the norm now  
16 in Ontario. So that's a joint committee between  
17 affected -- the affected community and the operator and  
18 the regulator.

19                   Slide 81. Just some specifics on the  
20 birds. The mortality rates for the two (2) years of  
21 monitoring represented a low impact on the avian  
22 populations, well below federal thresholds established  
23 by Environment Canada. And it's anticipated that would  
24 continue to remain consistently low throughout the life  
25 of the project. The writers of the report didn't

1 foresee anything that -- at this point that would  
2 change that.

3                   Slide 82. In terms of bats, again, the  
4 first year represented a low -- a low mortality rate,  
5 and the second year represented a moderate -- moderate  
6 mortality rate. And they noted that the proximity of  
7 development close to the Red River -- and I would  
8 assume that might apply to other water bodies in the  
9 territory --, may have an upward -- upward influence on  
10 the mortality of bats in the area.

11                   Slide 83. The purpose of cumulative  
12 effects frameworks -- or, if you want, regional or  
13 strategic environmental assessment, as it's sometimes  
14 called -- is to establish what the outcome is. Where  
15 do you want to be in the future, and then work  
16 backwards from there. And so if you want to have 1,755  
17 more megawatts of wind in the territory, what does  
18 approximately 2,000 megawatts of wind look like, and  
19 how can it be optimally developed? There could be a  
20 cumulative effect. And so developing a kind of  
21 framework to try to manage the change, in my view, is a  
22 valuable step.

23                   Also, there is a lot of data held at  
24 Natural Resources Canada about birds and bats. It has  
25 -- one has to go get it. They don't make it available

1 easily. But again, the information is there to do this  
2 right. It is possible to minimize the potential for  
3 macroenvironmental and socioeconomic impacts related to  
4 more intensive wind development, but it will take a bit  
5 of planning.

6 Slide 84. So this was the socioeconomic  
7 benefits associated with the St. Joseph's Wind Project  
8 based on the information I was able to obtain. So  
9 there -- there were two hundred and fifty (250)  
10 directly affected landowners. They were compensated.

11 Also those along the transmission line  
12 were also compensated, which is good practice, and  
13 apparently the law here in Manitoba. It's not the law  
14 everywhere, but it is the law here in Manitoba that  
15 those along the transmission lines are compensated in  
16 accordance with Manitoba Hydro policy. Annual grants  
17 to the local museum of twenty thousand dollars  
18 (\$20,000), and priority hiring of local residents.

19 I commented in my report that I didn't  
20 think that would cut it for current wind projects, and  
21 I say that because the -- as you'll see, the agreements  
22 that are now being arranged with other communities are  
23 much more lucrative than this. And it wouldn't take  
24 much for a local Manitoban to figure that out and ask  
25 questions about why the agreements that may be offered

1 here aren't improved in the future.

2 Slide 85. Generally, there's an  
3 expectation now that there will be an opportunity to  
4 own the energy resource on the part of local  
5 communities, either through a cooperative or some form  
6 of ownership share in the company. It allows those  
7 whose lands might not be suitable for wind turbines but  
8 who experience some impacts to benefit. It might  
9 include the -- the municipality, potentially affected  
10 Aboriginal groups, et cetera.

11 It may bring on side those who might  
12 otherwise oppose a project. And I make that claim  
13 based on my experience with impact benefit agreements  
14 on other types of resources; so hydro, as well as  
15 mining. The ben -- the benefits do matter, in terms of  
16 the willingness. I don't -- I don't disagree with that  
17 on that point.

18 Employment. There was creation of two  
19 hundred (200) to three hundred (300) direct jobs during  
20 construction, and fifteen (15) direct jobs during  
21 operations. Local populations, including the local  
22 First Nation, were given priority in employment and  
23 training. The direct -- if I were to extrapolate those  
24 direct jobs to 1,755 megawatts, those direct operating  
25 jobs, sorry, to 1,755 megawatts, which is the plan --



1 Plan 3, I'd suggest a hundred and ninety (190)  
2 operating jobs.

3 And that's reasonably consistent with  
4 the findings of operations employment projected in  
5 British Columbia. I had -- two seventy-five (275) was  
6 my other number, so we're in the same ballpark. And  
7 again, it's the long-term employment from these  
8 projects that -- that really is beneficial in that  
9 particular account, of the multiple account cost-  
10 benefit analysis.

11 Slide 87. I'm wondering -- I'm just  
12 making a note here, it might be useful to -- I'm  
13 looking to have a -- a document put up in the next few  
14 slides. It's a response to MH/MMF number I-25b. It's  
15 a table of wind projects and a summary table at the  
16 end. I'm just giving you an advance on that.

17 So I looked at wind resources in other  
18 jurisdictions, in particular, British Columbia,  
19 Ontario, Quebec, and Newfoundland and Labrador. Now,  
20 Newfoundland -- Newfoundland and Labrador, there are  
21 only two (2) projects, so I really focussed on the  
22 other three (3) jurisdictions.

23 I looked at the observations,  
24 conclusions, and recommendations of regulatory  
25 decisions. I was able to obtain the environmental

1 decision statements for just about all of the projects,  
2 and I've reviewed the summaries. Clearly, reviewing  
3 them all was not possible in the time frame that I had  
4 available, but I was able to get a pretty good sense of  
5 the projects and -- and what their implications were on  
6 the landscape and on the communities.

7                   And those were the same jurisdictions  
8 that I considered for the hydroelectric resources.  
9 Other than -- yeah, sorry, in terms of Ontario, it was  
10 added in response to an Information Request from Hydro.  
11 It was not considered in my initial submission.

12                   So again, I -- I, you know, I -- I try  
13 to get into some details between the projects, but I  
14 was looking for sort of the high-level implications of  
15 -- of the development in other jurisdictions. That was  
16 slide 88.

17                   Moving now to slide 89. In terms of  
18 technical matters, I found that the average period from  
19 the request for proposals -- so all of these  
20 jurisdictions are, in a sense, farming out, no pun  
21 intended, wind farm development to the private sector,  
22 and so they issue an RFP and say, you know, We're  
23 looking for so many megawatts of wind over a certain  
24 time period, and everybody comes forward and puts in  
25 their development proposals and some are accepted, some

1 are rejected, some are put on hold, and eventually you  
2 get to the commercial operation date. So there was an  
3 average of four (4) years, which is pretty quick,  
4 quicker than I would have guessed, actually.

5                   Now, my sense is that this is occurring  
6 because those proponents are getting themselves ready  
7 in anticipation of the RFP. So they're building  
8 community support, they're doing their wind resource  
9 assessments, they are doing any studies of wildlife or  
10 -- or other things that they need to do. So that --  
11 that's enabled them to -- to hasten the timeframe, if  
12 you will.

13                   I noticed that the project sizes seem to  
14 be getting bigger, up to an average of 150 megawatts,  
15 which is somewhat higher than the 65 megawatts used in  
16 the analysis by Hydro. It could have some implications  
17 in terms of economies of scale.

18                   Decommissioning plans, this fits in with  
19 what I said earlier, that -- that these resources are -  
20 - are not being built because they're assumed to be  
21 permanent. They're being built to meet -- meet the  
22 need that is there now, and if they're not longer  
23 needed later, then they'll be taken down.

24                   They are required in Quebec,  
25 decommissioning plans, and also required in Manitoba.

1 Although, I -- I got the sense that that requirement  
2 was not being enforced. I'm not really sure why that  
3 would be the case, but -- and in Ontario as well.  
4 There is consideration being given to requiring  
5 decommissioning plans, although most proponents now  
6 treat it as sort of standard practice and -- and best  
7 practice to -- to do so.

8 Slide 90. Now, this is -- this comment  
9 is based only on the -- the Environmental Assessment  
10 decisions I've reviewed for the report. I did not  
11 review this particular issue for the Environmental  
12 Assessment decisions for the projects that I added when  
13 I answered the Information Request.

14 So -- but of the twenty-five (25) that  
15 I've reviewed for the report, none require the  
16 justification of any significant residual adverse  
17 environmental effects, including cumulative effects, in  
18 order to approve the project.

19 Post-construction monitoring was  
20 required for birds and bats in almost every instance.  
21 A couple times, it was required for other species, and  
22 the uncertainty about the potential effects on those  
23 monitored species was acknowledged on several  
24 occasions. I am not aware that there has been a  
25 revision in terms of the predicted effects of any wind

1 project in -- in Canada -- or in the jurisdictions that  
2 I looked at, I should say, in -- on the list that I --  
3 that I compiled. And so monitoring has not changed the  
4 -- the views of the predictions that occurred during  
5 the environmental assessment.

6 Slide 91. At this point, if we could  
7 put up MH/MMF I-25b? Now, do I control that, or how  
8 does that work? Okay. Okay, I'm going to ask that you  
9 just scroll down, please. Okay. Can we just go up a  
10 little bit? So in response to the Information Request  
11 from Hydro, and to assist the Board, I tested Table 4.1  
12 and Table 4.1a.

13 Now initially, you may have some  
14 questions about this. In Table 4.1 -- before I get  
15 there -- so I looked at wind projects in Ontario, and I  
16 adjusted the -- the capacity threshold. So I looked at  
17 projects in all the jurisdictions above 20 megawatts.

18 Due to the large number of smaller wind  
19 projects, particularly in Ontario, so below 20  
20 megawatts, and the lack of readily available  
21 information concerning those projects, particularly on  
22 the internet, which is where I did most of the search,  
23 I excluded them from the table. However, there are  
24 smaller projects in Ontario that have Aboriginal  
25 ownership or community ownership, and many more in the

1 planning stages, and I just provided a couple  
2 references there just to illustrate the -- the level of  
3 engagement that's now occurring at the community and  
4 Aboriginal level and wind development.

5 Can you scroll down, please? Okay, so  
6 for all five (5) projects -- or all provinces, excuse  
7 me, wind projects are included that have received a  
8 power purchase agreement -- I was not interested in --  
9 in speculative projects -- with a provincial utility or  
10 authority, so there's the list of the authorities, and  
11 that have entered or completed the regulatory process.  
12 So they have a PPA. They're in the process. Pretty  
13 good chance they're going to -- going to go ahead.

14 So the version of 4.1 in my initial  
15 submission only included those wind projects that had  
16 completed the regulatory process, and for which I could  
17 locate an environmental assessment decision statement.  
18 So I really expanded the list here, because I felt it  
19 was important to give a proper picture fo the Board.

20 The status column indicates whether a  
21 proj -- a wind project has received a power purchase  
22 agreement and has entered the regulatory process --  
23 regulatory, has received a power purchase agreement and  
24 regulatory approval, construction, or is as -- or is in  
25 operation as of the date indicated.

1                   So if we can scroll down a little bit  
2 further? So to assist the panel in interpreting the  
3 information, I included a second table. When I  
4 originally prepared Table 4.1, I -- I circulated it to  
5 a colleague, and his comment was, You're going to need  
6 to call your lawyer. I had originally included all of  
7 the financial information, which is public, in a list  
8 beside each of the projects, and the feeling was among  
9 colleagues that that was too much information to be  
10 available on one (1) location out in the public domain.

11                   And so what I did, I created this  
12 summary table, which, in my view, gives the -- an  
13 indication to the Board about what the magnitude of the  
14 -- the benefits are from these projects.

15                   So Aboriginal involvement indicates  
16 those projects for which information has been located  
17 to confirm that an Aboriginal group holds an equity  
18 share, or receives revenues or other benefits from a  
19 proposed or operating wind project.

20                   I should explain here that I -- that I  
21 expanded on what I was asked to provide, and I feel I  
22 should justify why I did that. Hydro asked me to  
23 provide only those cases where equity was provided --  
24 or where there was actual equity on the part of the  
25 Aboriginal group, and in my experience, Aboriginal

1 groups are offered equity, but for their own reasons,  
2 sometimes don't choose it. And I felt that it was  
3 important to include the revenue in places where  
4 they're receiving revenue as well, because just because  
5 a -- an Aboriginal group chooses not to have equity, I  
6 didn't think that was relevant to the consideration of  
7 whether or not they might benefit, so I -- I did  
8 separate out, though, the equity and -- and the revenue  
9 benefits.

10 So ninety-two (92) of the identified  
11 wind projects larger than 20 megawatts, at least seven  
12 (7) have some Aboriginal ownership, ranging from 10  
13 percent to a hundred percent. So in my initial table,  
14 I had listed the ownership percentages as well. I  
15 thought that maybe that was a bit too sensitive. And  
16 at least nine (9) others have revenue sharing and  
17 benefits agreements.

18 I view these numbers as conservative,  
19 because I know that there other negotiations going on  
20 that aren't public and there will be future  
21 negotiations on some projects. And almost all of this  
22 involvement has occurred in relation to projects that  
23 have come online in the last three (3) years.

24 In my experience, part of the reason for  
25 this is that there's greater engagement now by



1 Aboriginal groups across the country; that's reason  
2 number 1. Reason number 2 is that Aboriginal groups  
3 have gained a lot of experience as a result of  
4 participation in development of small scale hydro  
5 projects.

6                   So small scale hydro projects used to be  
7 what we'd say at the margin. So they used to be the  
8 projects that would bid in to power calls, and they  
9 would be the ones that would be successful. Well, now  
10 wind projects are at the margin, so they are the  
11 preferred resource in most -- most places outside of,  
12 for example, British Columbia, Ontario, Quebec, et  
13 cetera. So the small hydro has kind of taken a back  
14 seat.

15                   In terms of -- in terms of community  
16 involvement, it pretty much means the same thing as  
17 Aboriginal involvement, just the numbers are different.  
18 I provided the information on community involvement for  
19 context, so to get a sense of, you know, are Aboriginal  
20 communities getting -- having more involvement than  
21 locally affected non-Aboriginal communities, or is it  
22 less? You know, how does it compare? Are they getting  
23 more money? Are they getting less?

24                   I felt that that was important to -- to  
25 give a sense to the Board, because you're also looking

1 at the benefits to Manitobans, and that was part of our  
2 -- our mandate on this file. And I'm speaking too  
3 quickly, and I will slow down.

4                   So these numbers also should be viewed  
5 as conservative. I don't know, you know, there could  
6 be other negotiations going on that I'm not aware of,  
7 or that I was not able to find information about, and  
8 others that may still be nego -- be announced.

9                   So as a general statement, the financial  
10 benefits on average, where revenue agreements are in  
11 place with Aboriginal groups and/or local communities -  
12 - in some cases it was both -- and where specific  
13 monetary information could be obtained, the revenues  
14 received over a twenty (20) year contract period on the  
15 -- are on the order of fifty thousand dollars (\$50,000)  
16 per inst -- per megawatt. So that is twenty-five  
17 hundred dollars (\$2,500) per megawatt per year.

18                   So if we can scroll down to the table?  
19 So I'll just give you a sense. So the project's -- the  
20 PR stands for province. So those are the projects in  
21 British Columbia and then Manitoba. Those are the two  
22 (2) projects in Manitoba, Newfoundland, Ontario, et  
23 cetera. A lot of projects in Ontario, and then Quebec.

24                   And just to give you a sense, some are  
25 still in -- in, you know, the regulatory process. Some

1 are in construction. Some have been operating for more  
2 than ten (10) years now.

3 Okay. Let's look at the summary table.

4

5 (BRIEF PAUSE)

6

7 MR. RICK HENDRIKS: So in terms of  
8 Aboriginal involvement, there are seven (7) Aboriginal  
9 equity projects. As I said, the range of equity is  
10 from 10 percent to 100 percent. Aboriginal revenue  
11 projects, there are nine (9) altogether. Of these  
12 sixteen (16) projects, two (2) are located on private  
13 lands, so there are instances where Aboriginal groups  
14 have been able to participate in ownership or revenue  
15 on development of wind projects on private lands.

16 And the revenue per megawatt, now this  
17 was only for those agreements where the revenue was  
18 stated. So I - I knew I -- I could obtain the  
19 existence of agreement in some instances, but not  
20 obtain the monetary value within that agreement. So  
21 these are only for the -- those for which I was able --  
22 able to obtain the monetary information.

23 So you can see there's quite a  
24 disparity, but on average for Aboriginals, it -- that's  
25 a weighted average, is thirty-six thousand (36,000),

1 and for non-Aboriginal communities, it is fifty-six  
2 thousand (56,000). So in the case of the Aboriginal  
3 communities, if my recollection is correct, this will  
4 be subject to check, only one (1) in BC and one (1) in  
5 Ontario was I able to obtain the revenue. So we're  
6 dealing with a pretty small sample size for the  
7 Aboriginal revenue.

8 In terms of the Aboriginal equity  
9 projects, I could not obtain any information on the  
10 equity returns, which would be -- which would be  
11 confidential in -- in usual circumstances. All I was  
12 able to obtain was the -- the ownership percentages.

13 Similar for the community projects, and  
14 again, you can see that in Manitoba, the revenue paid  
15 to communities was substantially lower than in the  
16 other jurisdictions and that's where my concern was  
17 raised that the development of future wind projects  
18 might require developers to share a bit more of the pie  
19 than they have in the past.

20

21 (BRIEF PAUSE)

22

23 THE CHAIRPERSON: Could you -- could  
24 you -- before I go further, I'm -- I'm trying to  
25 understand the fifty thousand (50,000) per installed

1 megawatt. Now, that is just revenue to the community  
2 involved?

3 MR. RICK HENDRIKS: Yes. Yeah.

4 THE CHAIRPERSON: It does not include a  
5 revenue that might be earned to the landowner, or --

6 MR. RICK HENDRIKS: No. No, it's --  
7 it's above and beyond. Yeah, I should emphasize that.  
8 Actually if we go back up, I think I include it in  
9 here. Just back above the table. Yes. It is above  
10 and beyond any taxation revenue or any compensation  
11 revenue, or any -- any monies that are paid for  
12 permitting. This is just revenue. It's extra -- I  
13 won't say extra. Communities don't see it that way.  
14 It's important to them.

15 But -- can we just -- yeah, here it is.  
16 Above and beyond amounts received from municipal  
17 taxation, permitting, and landowner compensation.

18 THE CHAIRPERSON: So the operating --  
19 operating and maintenance costs would be borne by --

20 MR. RICK HENDRIKS: By the Proponent.  
21 Yeah, unless the community is an owner. Then they  
22 would have their ownership share of -- of O&M costs,  
23 yeah.

24 So I think we can -- I think we can  
25 return now to the regular slide, if that's okay? So I

1 moved around. I -- the last slide that I gave to you I  
2 believe was slide 91.

3 So I'm now going to move to slide 92.

4 This is information that I summarized already, that at  
5 least seven (7) of ninety-two (92) projects have some  
6 level of Aboriginal ownership. At least nine (9)  
7 others have revenue sharing and benefits agreements.  
8 The estimates are conservative due to confidential  
9 agreements, or their agreement is still in negotiation.  
10 All of the projects with agreements have come into  
11 service since 2011, and two (2) projects are located on  
12 private lands.

13 One (1) thing I might also emphasize,  
14 particularly with ownership, Aboriginal communities may  
15 be surrounded by ten (10) wind projects, but may only  
16 have the financial ability to get involved with -- with  
17 one (1) or two (2), and so we shouldn't necessarily read  
18 the -- the low numbers on ownership participation, you  
19 know, when -- when the ratio is seven (7) of ninety-two  
20 (92), it may be the case that they're maxed out. You  
21 know, they -- they've put in their maximum amount that  
22 they have available to invest in the wind industry.

23 So I -- I wouldn't want to leave you  
24 with the impression that there isn't interest, because  
25 there is strong interest. In fact, since I wrote this

1 report, there is another project. The Mi'gmaq  
2 communities in Quebec have reached an agreement at --  
3 with Innergex on a large project in Quebec which has  
4 already got a PPA, and they are going through the  
5 regulatory process. So things continue to evolve, and  
6 the opportunities are there.

7 Slide 93. Just to clarify then, so  
8 Aboriginal ownership of wind projects can and does  
9 occur on Crown and private land in response to the  
10 concern that -- that Hydro had raised in the NFAT, that  
11 there would be no Aboriginal participation in wind.  
12 And I just want to emphasize that -- that I would  
13 expect that Aboriginal groups in southern Manitoba,  
14 including the Metis and First Nations, would -- would  
15 take interest in the development of wind develop -- in  
16 wind projects, and would want to participate if that  
17 were to transpire.

18 In terms of community involvement, I'm  
19 now on slide 94, just summarizing again. So forty-one  
20 (41) of the ninety-two (92) altogether had equity or --  
21 or revenue sharing arrangements, again above and beyond  
22 taxation, permitting, and land owner compensation.

23 Slide 95. Again, the summary of the  
24 financial benefits amounting to fifty thousand dollars  
25 (\$50,000) per installed megawatt.

1 So finally, conclusions. Slide 96.

2 Now moving to slide 97. Going way back  
3 to the beginning of the presentation, the conclusions  
4 and recommendations to government provided by the CEC  
5 in relation to the Keeyask project, though necessary to  
6 the NFAT, will apply only to that development, to a  
7 single component of the PDP, and to those alternative  
8 plans that contain Keeyask as a plan component.

9 As a result, other means to determine  
10 the likelihood of significant adverse environmental  
11 changes or effects -- excuse me -- as well as the con -  
12 - the consequence of these changes need to be used in  
13 the absence of information from additional -- or even  
14 to supplement available information, if you will, or  
15 absence of full information might be a better way to  
16 say that, from additional environmental assessments of  
17 the PDP.

18 Slide 98. Considering the current  
19 relatively modest differences between the cost of wind  
20 resources and the cost of hydroelectric resources,  
21 they'll likely decline in the cost of wind resources,  
22 and the imposition of the macroenvironmental impacts  
23 associated with the PDP does appear -- appears to be  
24 merit in analyzing the most appropriate strategy for  
25 delaying a decision on the PDP beyond 2030.



1                   And I might say, that is the word-for-  
2 word conclusion of my report. I did not change it.  
3 But I think it is reenforced, in my view, by the  
4 findings of La Capra with respect to Plan 17 and that  
5 there might be other resources available that could be  
6 part of that economic delay strategy, including DSM and  
7 interconn -- transmission -- interconnection, et  
8 cetera.

9                   The fact that so many wind projects have  
10 been approved in Canada, including the development of  
11 many projects in the Gaspé region of Quebec, as well as  
12 near to my home in south -- Southern and Southwestern  
13 Ontario, without concerns respecting significant  
14 residual adverse environmental effects contrast with  
15 the findings of environmental assessment reviews of  
16 large-scale hydro electric projects in the same  
17 jurisdictions.

18                  Slide 99. Considering the current  
19 relatively modest differences between the cost of wind  
20 resources and the cost of hydroelectric resources --  
21 excuse me, that's a repeat slide. I apologize for  
22 that.

23                  Moving to slide 100. To best achieve  
24 this potential, development of additional wind  
25 resources should be preceded by development of

1 cumulative effects management framework aimed at  
2 identifying those locations most economically,  
3 ecologically, and socially suitable for future wind  
4 energy development. This would have the effect of  
5 minimizing the potential for macroenvironmental and  
6 socioeconomic impacts related to more intensive wind  
7 development as part of any future alternative plan to  
8 the PDP.

9                   The development of many wind projects in  
10 other jurisdictions supports the characterization of  
11 wind resources as a flexible system planning option.  
12 They can be developed on short time frames in a  
13 sequence that avoids costly surpluses and in a manner  
14 that supports the maximization of socioeconomic  
15 benefits for Manitobans, including Aboriginal groups.

16                   Slide 101. Finally, as a result of  
17 public knowledge of wind energy and the many examples  
18 of communities participating as owners in the  
19 development of wind resources and other small scale  
20 renewables, a different approach to that used  
21 previously in Manitoba -- Manitoba will be necessary in  
22 order to achieve the highest levels of socioeconomic  
23 benefits for Aboriginal communities and for Manitobans  
24 in general.

25                   Thank you. That's the end of my

1 presentation.

2

3 (BRIEF PAUSE)

4

5 MS. MARILYN KAPITANY: Thanks for that,  
6 Mr. Hendriks. I noticed that you spoke a lot about  
7 wind power, but you didn't speak really about solar.

8 And I'm wondering, is that because solar  
9 wasn't included in any of the development plans that  
10 were before us, or is there another reason that you  
11 didn't refer to solar in your discussion?

12

13 (BRIEF PAUSE)

14

15 MR. RICK HENDRIKS: I would say the  
16 main reason was that I was requested by my client to  
17 look at wind. Wind, when I looked at the initial  
18 information, in terms of current -- as in today --  
19 prices of wind and solar, potential cost, that is, wind  
20 is still considerably cheaper than solar.

21 I do -- I -- I am very aware -- I am a  
22 avid solar supporter in my hometown. I'm a part of a -  
23 - of a co-op. We monitor the prices for solar very  
24 closely. They continue to fall. But I chose to look  
25 at wind simply because of its current status. But I do

1 think the evolving status of solar is an important  
2 consideration.

3

4 (BRIEF PAUSE)

5

6 THE CHAIRPERSON: I have a question  
7 relating to slide 14, please, if Diana could call that  
8 up.

9

10 (BRIEF PAUSE)

11

12 THE CHAIRPERSON: Now, I'm looking at  
13 the first bullet. You indicate that there are other  
14 indicators of socioeconomic impact that are relevant to  
15 Aboriginal communities.

16 Could you speak about that briefly?

17 MR. RICK HENDRIKS: Sure. The  
18 definition had a list of indicators in it, which I  
19 don't recall immediately off the top of my head. For  
20 example, I don't believe health was -- community  
21 health, for example, was listed among those indicators  
22 explicitly. That would be one (1) that could be of  
23 interest to Aboriginal communities.

24 Quiet enjoyment of the land, often  
25 something I hear from Aboriginal communities, it's not

1 easily categorized, but I think it is a socioeconomic  
2 effect.

3 Loss of place, another value that's  
4 often stated by Aboriginal communities that I work  
5 with. Those are a few that I -- that come to mind.

6 THE CHAIRPERSON: Thank you for that.  
7 That's all the questions the panel has for now. So  
8 I'll turn the microphone over to Ms. Menzies.

9 MS. MEGHAN MENZIES: Thank you. And I  
10 think the first order of business will be for us to  
11 introduce CAC Exhibit 45-15, which is CAC (Manitoba)'s  
12 book of documents. And I'll just wait for that to be  
13 handed out.

14

15 --- EXHIBIT NO. CAC-45-15: Book of Documents

16

17 MS. MEGHAN MENZIES: And I believe that  
18 it's been distributed. And it was sent out last night  
19 for anyone's -- for further interest.

20

21 CROSS-EXAMINATION BY MS. MEGHAN MENZIES:

22 MS. MEGHAN MENZIES: All right, good  
23 morning, Mr. Hendriks.

24 MR. RICK HENDRIKS: Good morning.

25 MS. MEGHAN MENZIES: I know we've met

1 before, but my name is Meghan Menzies. And I -- I  
2 represent the Consumers' Association of Canada Manitoba  
3 branch.

4 MR. RICK HENDRIKS: Thank you.

5 MS. MEGHAN MENZIES: And I would like  
6 to apologize to the court reporter. My voice is kind  
7 of hoarse today. I don't know if that comes across in  
8 the transcript, but if it does, my apologies.

9 So, Mr. Hendriks, as we've heard this  
10 morning and as I see in your CV, you consulted on the -  
11 - BC Hydro's Integrated Resource Plan from 2012 to  
12 2013.

13 Is that correct?

14 MR. RICK HENDRIKS: Yes, that is  
15 correct. Actually, I may have started consulting as  
16 early as 2011.

17 MS. MEGHAN MENZIES: Okay. Thank you.  
18 And would it be correct to say that through your work  
19 in BC, you've had some level of famil -- you have some  
20 level of familiarity with the 2013 BC Integrated  
21 Resource Plan?

22 MR. RICK HENDRIKS: Yes.

23 MS. MEGHAN MENZIES: And is it your  
24 understanding that the BC Hydro 2013 Integrated  
25 Resource Plan is BC Hydro's most recent Integrated

1 Resource Plan?

2 MR. RICK HENDRIKS: Yes, that's  
3 correct.

4 MS. MEGHAN MENZIES: And would it be  
5 your understanding that, in terms of resource  
6 optimization, BC Hydro initially looked at five (5)  
7 different DSM options?

8 MR. RICK HENDRIKS: Yes, that is  
9 correct.

10 MS. MEGHAN MENZIES: And further, would  
11 it be your understanding that BC Hydro ultimately  
12 modelled three (3) different DSM options in its system  
13 optimizer?

14 MR. RICK HENDRIKS: That is correct,  
15 with -- with one (1) exception. They actually only  
16 modelled two (2). I should clarify this for the Board.  
17 In the 2012 draft IRP, they -- BC Hydro screened  
18 resources, so they determined which are cost effective.  
19 They had five (5) options, as Ms. Menzies has pointed  
20 out, and three (3) were deemed cost effective: DSM  
21 Option 1; DSM Option 2; and DSM Option 3.

22 When they got to the final IRP, those  
23 three were still cost effective. However, BC Hydro  
24 made an adjustment to its IRP. They were concerned  
25 that if DSM Option 3 were -- well, they were concerned

1 about losing the proposed start date for the Site C  
2 Project, and so they fixed the start date at 2024. And  
3 this had the effect of penalizing DSM Option 3 even  
4 though the option was cost effective.

5 So I just -- I just wanted to clarify  
6 that. So at the end, if you look at the list which is  
7 there, which I believe is on page 65...

8 MS. MEGHAN MENZIES: Yes. And -- and  
9 just to direct the Board to that page, that is -- in  
10 the book of documents, that is page 75, I believe.  
11 That's --

12 MR. RICK HENDRIKS: So just -- just let  
13 me...

14

15 (BRIEF PAUSE)

16

17 MR. RICK HENDRIKS: Thank you. It's on  
18 the screen. Very good. I thought I was still in  
19 control. So if you see there, you will see DSM Options  
20 1, 2/DSM target. So DSM target refers to that DSM  
21 option, which was the one (1) that was selected, if you  
22 will, or that was the target option or the one (1)  
23 carried forward and...

24 So DSM Option 3 is not listed there. So  
25 it was not -- it was, in a sense, bumped, subject to



1 check. I'm going to have to get perhaps exact wording  
2 on this. But by fixing that date for Site C, DSM  
3 Option 3 was no longer available to the resource  
4 selection system optimizer.

5 So that was an observation that we made  
6 during the process and, you know, that we felt was  
7 important that an available resource option was -- and  
8 a cost-effective resource option was not -- was not  
9 considered in the final IRP.

10 MS. MEGHAN MENZIES: And just to  
11 clarify, Mr. -- Mr. Hendriks, so if we're looking at  
12 page 465 -- so please correct me if I'm wrong. But  
13 what I read here is:

14 "DSM Options 1; 2, DSM target; and 3,  
15 savings."

16 Can you clarify what -- what, "3,  
17 savings," refers to?

18 MR. RICK HENDRIKS: I cannot. I don't  
19 know what that means.

20 MS. MEGHAN MENZIES: But your  
21 understanding would be that it's not referring to DSM-  
22 3?

23 MR. RICK HENDRIKS: My understanding is  
24 that it's not referring to DSM Option 3 for the reasons  
25 that I explained.

1 MS. MEGHAN MENZIES: Thank you.

2

3 (BRIEF PAUSE)

4

5 MS. MEGHAN MENZIES: Mr. Hendriks, much  
6 of your report -- or portions of your report make  
7 reference to an upcoming decision by Manitoba's Clean  
8 Environment Commission with regard to the Keeyask dam.

9 Is that correct?

10 MR. RICK HENDRIKS: Yes, at -- at the  
11 time, it was an upcoming decision. My understanding is  
12 that it's no longer. But, yes, that's correct.

13 MS. MEGHAN MENZIES: And so to follow  
14 up with that, you are then aware that the Clean  
15 Environment Commission has now released its final  
16 report?

17 MR. RICK HENDRIKS: Yes, I am aware of  
18 that.

19 MS. MEGHAN MENZIES: One (1) of the  
20 things that I understand from your evidence is that due  
21 to the relative permanency of hydroelectric resources,  
22 you would recommend that the Board review the CEC  
23 report, paying particular attention to the uncertainty  
24 assigned to predicted effects.

25 Is that correct?

1 MR. RICK HENDRIKS: Yes, that is  
2 correct.

3 MS. MEGHAN MENZIES: And further, I  
4 understand from your evidence that you would recommend  
5 that where the CEC has considered effects to be  
6 moderately or likely to occur, this Board should assume  
7 that they will occur.

8 Is that a fair understanding?

9 MR. RICK HENDRIKS: Yes, that was my  
10 recommendation. Yes.

11 MS. MEGHAN MENZIES: And have you had  
12 an opportunity to review the CEC's final report?

13 MR. RICK HENDRIKS: I have not. I have  
14 glanced at certain portions. The Site C panel report  
15 came out the same day, so I have been quite  
16 preoccupied. I apologize. I would like to have read  
17 it, but...

18 MS. MEGHAN MENZIES: Fair enough.  
19 Well, hopefully the portions that I refer to you have  
20 referred -- you have reviewed. And if not, we can move  
21 along. But I would like to turn again to CAC Exhibit  
22 45-15 and to page 3 of the book of documents.

23 And can you confirm that this is page  
24 138 of the CEC's final report?

25 MR. RICK HENDRIKS: Yes.

1 MS. MEGHAN MENZIES: And have you had  
2 an opportunity to review this page?

3 MR. RICK HENDRIKS: I have read it. I  
4 -- I must confess I read it fairly quickly, but I have  
5 read it.

6 MS. MEGHAN MENZIES: Okay. Well, if  
7 I'm pushing you too far when it comes to -- to these  
8 references, please let me know. Or I'm sure you will  
9 let me know.

10 In the third paragraph on this page,  
11 would it be your understanding that the Clean  
12 Environment Commission says that:

13 "There is a potential that lake  
14 sturgeon and woodland carible --  
15 caribou will experience significant  
16 cumulative effects."

17 MR. RICK HENDRIKS: Sorry, the -- the  
18 third paragraph being the one (1) that starts with the  
19 word, "One"?

20 MS. MEGHAN MENZIES: Yes.

21 MR. RICK HENDRIKS: Okay. Could you --  
22 could you repeat the question please?

23 MS. MEGHAN MENZIES: Most definitely.  
24 Would it be your understanding that the Clean  
25 Environment Commission says that:

1 "There is a potential that lake  
2 sturgeon and woodland caribou will  
3 experience significant cumulative  
4 effects."

5

6 (BRIEF PAUSE)

7

8 MR. RICK HENDRIKS: Can you return just  
9 to the start of the paragraph? I'd like to -- I'd like  
10 to reread it please?

11 MS. MEGHAN MENZIES: If it's of any  
12 assistance, I believe this is page 3 of the book of  
13 documents if you have that before you.

14

15 (BRIEF PAUSE)

16

17 MR. RICK HENDRIKS: Yes, I would agree  
18 with that.

19 THE CHAIRPERSON: It's not quite --

20 MS. MEGHAN MENZIES: And could you --

21 THE CHAIRPERSON: -- I'm just -- I just  
22 want to -- don't want to belabour this point, but it's  
23 not quite what it says here as I read it. It says  
24 there's a potential for the combination of past,  
25 present, and future to have -- to have a significant --

1 the potential. So are -- are we misread -- are you and  
2 I misreading this? Are we at odds here?

3 MR. RICK HENDRIKS: Well, that -- in  
4 terms of the question I recorded here that you asked  
5 the word -- you included the word 'potential'.  
6  
7

8 CONTINUED BY MS. MEGHAN MENZIES:

9 MS. MEGHAN MENZIES: That's -- that's  
10 correct. I believe -- I could repeat the question if  
11 it -- if it --

12 MR. RICK HENDRIKS: Perhaps that would  
13 be helpful.

14 MS. MEGHAN MENZIES: And the question  
15 was that: Would it be your understanding that the  
16 Clean Environment Commission says that:

17 "There is a potential that lake  
18 sturgeon and woodland caribou will  
19 experience significant cumulative  
20 effects."

21 But perhaps I should have highlighted  
22 that.

23 MR. RICK HENDRIKS: Okay. Yes, my  
24 response to the question that -- upon clarification, it  
25 remains the same. It's yes.

1 MS. MEGHAN MENZIES: Okay. Mr.  
2 Hendriks, could you please explain how, if at all,  
3 these findings from the Clean Environment Commission  
4 apply to the recommendations within your evidence?

5

6 (BRIEF PAUSE)

7

8 MR. RICK HENDRIKS: Yes. In terms of  
9 the implications to my recommendations, yes.

10

11 (BRIEF PAUSE)

12

13 MR. RICK HENDRIKS: I'll speak to two  
14 (2) issues. One (1) relates to Conawapa, the other to  
15 Keeyask. It's my view that these findings from the CEC  
16 need to be read alongside the information in the NFAT  
17 with respect to the potential environmental effects and  
18 the significance of those effects for the Keeyask  
19 Project. So they need to be along -- read alongside  
20 the other environmental information that is contained  
21 in the NFAT.

22 That goes to my recommendation -- or my  
23 conclusion, I guess, that I made with respect to the --  
24 or observations that I made to the Conawapa Project as  
25 well, and the PDP more generally, that -- a question

1 was asked much earlier in this proceeding of MNP, of  
2 whether or not there -- if there are significant  
3 effects of the Keeyask Project or not, what would that  
4 mean for significant effects conclusions with respect  
5 to Conawapa?

6 And my understanding of the response  
7 that was given by MNP, and I agree with that response,  
8 which was that if there were significant effects from  
9 Keeyask, there would be significant effects from  
10 Conawapa, and so I would add -- if I were asked that  
11 question, I would -- so my -- excuse me. So in terms  
12 of my conclusions about the uncertainty around  
13 Conawapa, which I raised in my comments, this does  
14 provide some greater certainty with respect to the  
15 likely significant adverse amount of environmental  
16 effects of Conawapa.

17 But I would -- I would want to add just  
18 a couple caveats about that. We don't yet have a  
19 cumulative effects management framework, so that could  
20 further exacerbate the conclusions here. So expanding  
21 on the -- on the, I guess, the significance, if you  
22 will, of the cumulative effect on these species.

23 And I want to reiterate the point that I  
24 made earlier, that this environment is still changing,  
25 and so the conclusions for Conawapa would be subject to



1 -- to those changes, which hopefully we will understand  
2 better once we have the cumulative effects management  
3 framework in place.

4 MS. MEGHAN MENZIES: Thank you. And  
5 just to narrow that question just slightly --

6 MR. RICK HENDRIKS: Sure.

7 MS. MEGHAN MENZIES: So I -- I believe  
8 your response to my question previously of whether or  
9 not it was your understanding that your evidence  
10 recommends that where the Clean Environment Commission  
11 has considered effects to meet -- has considered  
12 effects to be moderately or likely to occur, the Board  
13 should assume that they will occur.

14 How does that recommendation align with  
15 the -- the conclusions of the Clean Environment  
16 Commission with regard to lake sturgeon and woodland  
17 caribou?

18 MR. RICK HENDRIKS: Yes. The reason I  
19 made that recommendation with respect to moderately  
20 likely to occur is because there is an uncertainty.  
21 There's always uncertainty in environmental assessment.  
22 And what -- what my reading of the CEC materials is  
23 that they say here there is potential. They have not  
24 used the word 'likely' or 'unlikely', but I would  
25 interpret that word 'potential' to mean 'moderately

1 likely'.

2                   And so further to my recommendation, I  
3 would say this would be an instance where I would --  
4 what I would -- where I would be recommending that the  
5 Board presume that -- that that would happen.

6                   MS. MEGHAN MENZIES:   Thank you very  
7 much, Mr. Hendriks, and that concludes the questions  
8 from CAC (Manitoba).

9

10   (BRIEF PAUSE)

11

12                   THE CHAIRPERSON:   Thank you, Ms.  
13 Menzies.           Mr. Gange, please.

14

15 CROSS-EXAMINATION BY MR. WILLIAM GANGE:

16                   MR. WILLIAM GANGE:   Thank you, Mr.  
17 Chair. Mr. Hendriks, I only have a few questions, but  
18 if -- if I may, there are a number of points in your  
19 presentation where you refer to the Preferred  
20 Development Plan and where you've made comments about  
21 the lack of information with respect to Conawapa.

22                                   Am I taking it from that that the  
23 concerns that -- that you've raised are -- are  
24 primarily with respect to the lack of information that  
25 -- that you have, or -- and that the Board has with

1 respect to the Conawapa development?

2

3 (BRIEF PAUSE)

4

5 MR. RICK HENDRIKS: Yes and no.

6 Clearly, I don't have access to all the information

7 about the Conawapa Project that the Proponent would

8 have. Sorry. However, I did note in my submission

9 that my feeling was that the determination of

10 significant environmental effects at Conawapa would

11 have to be pursuant to an environmental assessment.

12 And so I guess what I'm saying is, in

13 some cases, there is information that is out there that

14 I don't have, and then there's other instances where

15 there -- there's information that's not yet out there,

16 so.

17 MR. WILLIAM GANGE: Yes. And it's that

18 -- that -- part of the concern is that -- that there's

19 information that isn't yet out there to anybody. Is --

20 is that correct, sir?

21 MR. RICK HENDRIKS: Yes, that's

22 correct.

23 MR. WILLIAM GANGE: If -- if you could

24 go to -- Diana, if you could go to slide 27? Mr.

25 Hendriks, the -- the last entry there, when you say

1 that, "NFAT handicaps technology with expected  
2 improvement," I wasn't really sure what you meant by  
3 that.

4 Are you saying that -- that the -- the -  
5 - not the NFAT, but the -- is -- is it because the --  
6 the models that have been run by Manitoba Hydro  
7 handicaps the technology, correct, sir?

8 MR. RICK HENDRIKS: Yes, that's  
9 correct.

10 MR. WILLIAM GANGE: So it's not this  
11 hearing that's doing the handicapping, it's the  
12 modelling that's been done leading up to it?

13 MR. RICK HENDRIKS: Yes, that is my  
14 understanding, and that -- that that was what was  
15 intended by La Capra when -- when that was written.

16 MR. WILLIAM GANGE: Right. Okay. And  
17 -- and one (1) of the concerns that -- that my clients  
18 have had, and you may have had the opportunity of  
19 reviewing the transcript and the presentations of Mr.  
20 Stevens and Mr. -- and Mr. Chernick, was that -- that  
21 the pres -- or the -- the modelling that was done with  
22 respect to wind was not robust enough.

23 You would agree with that, sir?

24 MR. RICK HENDRIKS: I'm not in a  
25 position to -- to say. I have not reviewed the

1 modelling with respect to wind.

2 MR. WILLIAM GANGE: Okay.

3 MR. RICK HENDRIKS: Just to clarify,  
4 I'm assuming you're referring to resource selection  
5 model -- modelling or economic modelling.

6 MR. WILLIAM GANGE: Well, no the --  
7 what I'm talking about is -- is the development plans  
8 that were put forward by -- in this process by Manitoba  
9 Hydro. That's what I'm referring to. Okay. Thank  
10 you.

11 The -- the -- are you in agreement, sir,  
12 that the intertie is a valuable part of this process?

13 MR. RICK HENDRIKS: Yes, I am.

14 MR. WILLIAM GANGE: And the intertie is  
15 valuable for a number of reasons, but not the least of  
16 which is the -- the impact that it has upon risk for  
17 Manitoba Hydro, correct, sir?

18 MR. RICK HENDRIKS: I would agree with  
19 that in the sense that it provides other options that  
20 would not be available now, yes.

21 MR. WILLIAM GANGE: So -- so that in  
22 the -- in -- in a situation where there's a drought in  
23 Manitoba, there's -- there would be a greater capacity  
24 to import electricity for a short period of time.

25 You'd agree with that, sir?

1 MR. RICK HENDRIKS: I would -- I would  
2 agree with that, yes.

3 MR. WILLIAM GANGE: And in the  
4 references to -- to the intertie, from your review, was  
5 it your understanding that the -- that the intertie can  
6 be built without the construction of -- of Keeyask?

7 MR. RICK HENDRIKS: I did not review  
8 enough of the -- of -- of the NFAT documentation to  
9 take a position on that.

10 MR. WILLIAM GANGE: Fair enough. Thank  
11 you. When -- when the discussion -- when -- in your  
12 paper is -- makes reference to Preferred Development  
13 Plan, you -- and -- and your commentary about some of  
14 the negative aspects of the Preferred Development Plan  
15 because of the lack of information, you're not breaking  
16 that down to say that those same negative aspects apply  
17 with respect to the intertie and the development of  
18 Keeyask, are you?

19 MR. RICK HENDRIKS: To the extent that  
20 there would be adverse effects from the PDP, which  
21 includes Keeyask, Conawapa, and the transmission lines  
22 -- to the extent that those are attributable to the  
23 various components, I -- I would be saying that they  
24 were attributable to -- to those components, yes.

25 MR. WILLIAM GANGE: Yes, and -- and

1 what I was trying to concentrate on was if you take  
2 Conawapa out of the mix so that you -- you -- we just  
3 are looking at Keeyask and the intertie, I -- I'm just  
4 kind of interested, sir, in whether your assessment,  
5 after doing the review that you've done with the  
6 information that's available to all of us, given that  
7 none of us have access to the -- the CSI.

8 But just on the basis of what you've  
9 seen, is -- is the Keeyask with the intertie a -- a  
10 positive development for Manitoba Hydro?

11 MR. RICK HENDRIKS: I have not -- not  
12 undertaken a de -- a detailed assessment of this. I  
13 will respond, however. I think that -- that the  
14 certain macroenvironmental impacts would be reduced as  
15 a result, particularly biophysical impacts.

16 However, I would presume that Keeyask  
17 with -- in order to fairly compare development plans, I  
18 would anticipate that there would be more gas  
19 generation with the Keeyask transmission, because if  
20 you're losing Conawapa, you're going to have to replace  
21 it with something.

22 And so there would be a trade-off there  
23 in terms of the biophysical impacts being reduced, but  
24 other impacts, perhaps greenhouse gas emissions, and  
25 not even perhaps greenhouse gas emissions being

1 increased. So I have not undertaken a -- a modelling  
2 or -- or comparison in that regard. That would be my  
3 observation, however.

4 MR. WILLIAM GANGE: But one (1) of the  
5 options that would be available, sir, would be that if  
6 Keeyask were built, then the -- the extra generation  
7 could well be the wind --

8 MR. RICK HENDRIKS: Yes. Yes.

9 MR. WILLIAM GANGE: -- the wind plants?

10 MR. RICK HENDRIKS: It could be wind  
11 plants backed up with gas, yes, and so in that sense,  
12 wind with gas as opposed to just gas would be an --  
13 would then act to improve upon the impacts associated  
14 with GHG emissions. Yes.

15 MR. WILLIAM GANGE: Or, sir, it could  
16 be Keeyask wind backed up by the intertie, couldn't it,  
17 sir?

18 MR. RICK HENDRIKS: Yes, the intertie  
19 could be used. It's my understanding that it could be  
20 used for capacity support. Yes.

21 MR. WILLIAM GANGE: So -- so that -- so  
22 that that extra firming up capacity of the gas, that is  
23 one (1) of the benefits of the transmission line.

24 You'd agree with that, sir?

25 MR. RICK HENDRIKS: Yeah. Yeah, my



1 sense is that the transmission line, all things being  
2 equal, would -- would make better use of any facilities  
3 that might be on standby, for example, in the US or in  
4 -- in the markets to which that transmission line would  
5 be connected.

6 And so I would anticipate, and again I  
7 have not modelled this, but I would anticipate that  
8 those facilities would be more efficiently used, and so  
9 you would see a reduction overall in greenhouse gas  
10 emissions per unit of energy.

11 MR. WILLIAM GANGE: Thank you, Mr.  
12 Hendriks. Those are my questions. Thank you, Mr.  
13 Chair, appreciate it.

14 THE CHAIRPERSON: Mr. Hendriks, you  
15 know, I went through your report last night again, and  
16 I didn't -- you didn't discuss a great deal the  
17 intertie issue, did you? I mean, beyond -- beyond  
18 knowing it's part of the Preferred Development Plan and  
19 so on?

20 MR. RICK HENDRIKS: No, I looked at it  
21 only in the context of Plan 17. Yeah.

22 THE CHAIRPERSON: Okay. So, you know,  
23 reading your report, it's clearly you -- you indicated  
24 wind is a very viable option to the Keeyask -- Keeyask  
25 proposal that's before this panel, at least the

1 Preferred Development Plan proposal, which includes the  
2 Keeyask at the front end. It's clearly -- you -- you  
3 suggest, I think, that wind is probably a more viable  
4 option in the Keeyask project from a -- from a number  
5 of standpoints, environmental and so on.

6 Am I misreading your report?

7 MR. RICK HENDRIKS: Not necessarily.  
8 What I've tried to demonstrate in my report and in the  
9 conclusions that wind could play a much larger role in  
10 the province here, and I indicated a number of ways in  
11 my report where that could happen.

12 It could happen as part of a -- a number  
13 of different development paths. I didn't disagree with  
14 Hydro that wind could be on a number of -- of the five  
15 (5) paths, but in terms of the macroenvironmental  
16 effect issue, which is the one (1) that I looked at,  
17 based on the -- the materials that I reviewed, the  
18 macroenvironmental biophysical impacts and -- and other  
19 impacts from wind would be less than for Keeyask and  
20 Conawapa, yes.

21 THE CHAIRPERSON: Thank you for that.  
22 Now, calling on Mr. Orle, please.

23 MR. GEORGE ORLE: Thank you, Mr. Chair.  
24 MKO has no questions of this witness.

25 THE CHAIRPERSON: Thank you, Mr. Orle.

1 Me. Monnin, s'il vous plait.

2 MR. CHRISTIAN MONNIN: Merci, M.

3 President. Any question I did have, have been  
4 canvassed by Mr. Gange, so no questions. Thank you.

5

6 (WITNESS RETIRES)

7

8 THE CHAIRPERSON: Thank you for that.

9 I'm looking at the clock. I think it's probably an  
10 appropriate time, rather than start -- ask Manitoba  
11 Hydro to start immediately, it's probably an  
12 appropriate time to take a break and we'll resume after  
13 -- oh, Ms. Fernandes.

14 MR. WILLIAM GANGE: Mr. Chair, may --  
15 may I -- may I interrupt for a second?

16 THE CHAIRPERSON: Please.

17 MR. WILLIAM GANGE: With respect --  
18 before we break, can I just introduce -- I've sent out  
19 this morning GAC Exhibits 24 and 25. They've been  
20 filed with Mr. Simonsen, and they are the Undertaking  
21 Number 134 of Mr. Chernick during his testimony, and  
22 Undertaking 135 of Mr. Chernick from his testimony. So  
23 if we could put those on the record as GAC 24 and 25?  
24 Thank you.

25

1 --- EXHIBIT NO. GAC-24: Undertaking 134 of Mr.  
2 Chernick

3  
4 --- EXHIBIT NO. GAC-25: Undertaking 135 of Mr.  
5 Chernick

6  
7 (BRIEF PAUSE)

8  
9 THE CHAIRPERSON: Ms. Fernandes,  
10 please.

11 MS. ODETTE FERNANDES: Thank you, Mr.  
12 Chairman. I do have paper copies of the two (2)  
13 responses to undertakings I entered this morning, and  
14 then I'd also like to file a response to GAC Pre-ask  
15 Question 1, which was filed on April 25th, and that was  
16 for Manitoba Hydro to update the graph and commentary  
17 for Appendix 12-2 of its 2010/2012 GRA, and I suggest  
18 that be marked as Manitoba Hydro Exhibit number 196.

19  
20 --- EXHIBIT NO. MH-196: Response to GAC Pre-ask  
21 Question 1

22  
23 MR. KURT SIMONSEN: So noted. Thanks.

24 THE CHAIRPERSON: Thank you, Ms.  
25 Fernandes. With that, I think it's probably an

1 appropriate time to recess for lunch. I would remind  
2 everyone that we have a presentation at 12:45, so after  
3 the presentation we will start the cross by Manitoba  
4 Hydro.

5 So with that, presentation at 12:45.  
6 We'll see you then.

7

8 --- Upon recessing at 11:53 a.m.

9 --- Upon resuming at 12:47 p.m.

10

11 THE CHAIRPERSON: Good afternoon. I  
12 believe that we're ready to resume today's proceedings.  
13 I'd like to welcome Mrs. Lorna Kopelow and her son,  
14 Leo. Welcome. And we're looking forward to hearing  
15 from you. So go ahead, please.

16

17 PRESENTATION BY MS. LORNA KOPELOW:

18 MS. LORNA KOPELOW: Good afternoon,  
19 Board members and everyone. My name is Lorna Kopelow.  
20 And I'm speaking on behalf of my neighbours and myself.  
21 We are landowners who live along a potential route for  
22 the proposed Manitoba/Minnesota transmission line.  
23 That is routes 201, 202, 203, and 204.

24 My life and the lives of my neighbours  
25 changed in April. I remember the moment in the way

1 most of us remember where we were when Kennedy was  
2 shot: a big, unexpected and horrifying thing. Hydro  
3 was proposing to build two (2) big dams and send the  
4 power to the US via a large 500 kilovolt transmission  
5 line possibly through our land.

6                   Since then, my neighbours and I have  
7 gathered our energy, squeezed out some time from lives  
8 that are already overloaded, and informed ourselves  
9 about Keeyask, Conawapa, and the Manitoba/Minnesota  
10 Transmission Project. In our view, the plan to  
11 construct the dams and to transmit power to the US is a  
12 mistaken one.

13                   Some key ideas I'm going to share with  
14 you have to do with damage to our heritage, financial  
15 impact, unfairness to our community in particular,  
16 damage to our ecosystem, experimentation with our  
17 health, threats to our security, Hydro's flawed route  
18 selection process, misuse of the concept of  
19 expropriation.

20                   Our reactions to the bad news had  
21 several common themes. We saw our plans for the future  
22 disappearing. Many of us had planned on building other  
23 dwellings on our land for children and grandchildren.  
24 If the planned transmission line goes through, those  
25 sites will be occupied by 200-foot-high towers and

1 terrain sprayed bare.

2 This is Linn and her family who says:

3 "This has been my home for twenty-six  
4 (26) years. I have raised six (6)  
5 children and many foster children  
6 here. My older son has blueprints  
7 drawn up to build and live here with  
8 his family. The build site would now  
9 be impossible."

10 Linn also runs a retreat and healing  
11 program for troubled youth, many of them Aboriginal.  
12 She teaches them to track, hunt, gather healing plants,  
13 and live in the woods.

14 In his book, 'Last Child in the Woods',  
15 Richard Louv writes, quote:

16 "A growing body of research links our  
17 mental, physical, and spiritual  
18 health directly to our association  
19 with nature. Several of these  
20 studies suggest that thoughtful  
21 exposure of youngsters to nature can  
22 even be a powerful form of therapy  
23 for attention deficit disorders and  
24 other maladies."

25 End quote. As well, Linn and her family

1 supplement their diet with bear, deer, and berries from  
2 the forest. Other neighbours have had their land  
3 passed down to them through several generations and  
4 they are deeply rooted in the heritage they have  
5 received.

6                   As we absorbed the bad news, we saw the  
7 largest investment one usually makes in life slashed.  
8 Who would want to buy a property with this gigantic  
9 transmission line going through it?

10                  Many of us already have a hydro line  
11 running through our land. We have already done our  
12 civic duty, and help provide the means for Manitobans  
13 to receive electricity. The idea of building another  
14 larger and more powerful line alongside the first one  
15 is similar to running someone over, and then backing up  
16 and running over them again. only this time with a  
17 steamroller. Along the Highway 15 portion of this  
18 route, the Manitoba/Minnesota corridor would be a third  
19 line, resulting in a gigantic right-of-way about 700  
20 feet wide, a hydro wasteland.

21                  We keenly feel the threat to the loss of  
22 our wilderness. We chose our locations because we love  
23 the plants and animals, the peace and quiet there.

24                  This is Jim and Donna, who have  
25 designated a portion of their land as a conservation



1 area. You can see a beaver dam in the background.

2 My next-door neighbours, Ron and Deb,  
3 took these photos of sandhill cranes on their property.  
4 Deb says, I am of Metis descent, and nature and what it  
5 has to offer is very important to me. We enjoy the  
6 abundance of wildlife that we see on our property and  
7 the natural habitat that we have surrounding us. We do  
8 not want to look out our front window and see large  
9 steel towers in front of our home.

10 Much of our area is wetland, like this  
11 neighbour's yard. And we all know that wetland plays  
12 an important role in preventing flooding and soil  
13 erosion; storing, filtering, and purifying water; and  
14 providing exceptional biodiversity. In fact, during  
15 spring and fall migration I often hear flocks of geese  
16 and ducks settling down for the night in the woods near  
17 my house.

18 Other wildlife in our area are black  
19 bears, deer, coyotes, cougars, foxes, beavers,  
20 muskrats, mink, otters, skunks, wolves, fishers,  
21 woodchucks, squirrels, chipmunks, snowshoe hare,  
22 salamanders, frogs, toads, snakes, and many, many more.  
23 Our woods and meadows are full of a huge variety of  
24 wild plants. Much of the land in our area has never  
25 been cleared, and the forests are populated by

1 Tamaracks, poplars, cottonwoods, spruce, pine, oak,  
2 high-bush cranberries, wild plums, saskatoons, choke  
3 cherries, pin cherries, dogwood, willows, and again  
4 many more.

5                   A great variety of birds live in our  
6 area. Among them blue birds, catbirds, thrushes, cedar  
7 waxwings, ravens, bald eagles, great horned owls,  
8 screech owls, great grey owls, killdeer, sandpipers,  
9 red headed woodpeckers, pileated woodpeckers, northern  
10 flickers, and northern shrikes, to name only a  
11 sampling. Near me there are at least five (5) nesting  
12 pairs of whippoorwills, a species which is on  
13 Manitoba's threatened list.

14                   Now comes the only part of this  
15 presentation where there will be some humour. The  
16 morning traffic report on CBC Radio last month included  
17 a warning to watch out for the large flock of wild  
18 turkeys who were occupying Highway 15. And the Highway  
19 15 portion of the proposed route that I've been  
20 describing is in a far less wooded area than the rest  
21 of the proposed corridor's path.

22                   As you can imagine, the soundtrack that  
23 accompanies our lives is very pleasant, ranging from  
24 near silence to full birds -- birdsong. You can gather  
25 how we feel about the addition of a constant drone from

1 a high voltage power line.

2 As for plants, in our neck of the wood  
3 you'll find pitcher plants, rare pink lady slipper,  
4 many kinds of asters, goldenrod, marsh marigolds,  
5 Culver's root which is on Manitoba's list of threatened  
6 plants, and others too numerous -- numerous to name.

7 This slide shows some pictures taken by  
8 a resident who says:

9 "The pictures contain just a small  
10 sampling of the wildflowers on my  
11 property, all in a little spot where  
12 the Hydro line would go." Hydro has  
13 not assessed the huge  
14 environmental impact that would be  
15 caused by a transmission line along this route.

16 Of course we also thought of our health.  
17 While Hydro maintains that a definitive link has not  
18 yet been proven between illness and proximity to a  
19 hydro line, who wants to be a guinea pig for this  
20 experiment? This is a photo from Ian, who says:

21 "We have gone to great lengths to  
22 ensure that our daughter grows up in  
23 a very healthy environment, and we  
24 are worried about the impact on our  
25 family."

1 Ian is also concerned about the use of  
2 herbicides on the right-of-way as he says:

3 "With such a high watertable around  
4 here, these things can get into the  
5 water very easily. We have animals,  
6 livestock, and run an all-natural  
7 product business that can all be  
8 compromised from this line."

9 Hydro corridors in the country quickly  
10 become routes for off-road vehicles and snowmobiles.  
11 With a hydro corridor going through our land, an  
12 intact, private, and beautiful space becomes a noisy  
13 public roadway, bringing trespassers, vandalism, crime,  
14 theft of firewood, litter, illegal hunting on our land,  
15 and partying.

16 Forest fires are frequently caused by a  
17 spark from an all-terrain vehicle igniting vegetation.  
18 One (1) of our neighbours has been a rural fire chief  
19 for thirty (30) years and has fought many a fire that  
20 travelled rapidly down the cleared Hydro corridors. As  
21 well, many of us heat our homes with firewood, and  
22 losing a large swathe of forest would have a direct  
23 impact on our ability to provide ourselves with heat.

24 I would also like to let this panel know  
25 my view on Hydro's process in choosing potential

1 routes. While they claim to -- I am quoting here:

2 "...involve the public throughout the  
3 route selection and environmental  
4 assessment processes; provide clear,  
5 timely, and relevant information in  
6 responses; and deliver a public  
7 engagement process that is adaptive  
8 and inclusive."

9 In fact, I was unaware that round 1 of  
10 route selection was even going on. Some people in our  
11 area received notices in their mailboxes and some did  
12 not. The route that would go across my land was not  
13 even among the routes considered in round 1.

14 Suddenly, as I described at the start of  
15 this presentation, I got a notice in my mail stating  
16 that Hydro had narrowed their choices for routes down  
17 to two (2), without input from the people living along  
18 those two (2) routes, and that one (1) of them would go  
19 across my property. This, to me, is neither logical  
20 nor transparent.

21 Furthermore, I feel that every landowner  
22 along a potential right-of-way should be informed by  
23 phone. The cost of doing this is nothing compared to  
24 the financial penalty that this project would apply to  
25 landowners. If Hydro cannot deliver on their

1 commitment to a transparent process, how can we trust  
2 them to do the right thing for Manitobans?

3                   We are well aware that the state has the  
4 legal ability to expropriate private property for  
5 public good. However, Hydro's view of what is in the  
6 public interest is dramatically misaligned with the  
7 view of our community and, I believe, most Manitobans.  
8 Hydro's chief motivation for building the Manitoba-  
9 Minnesota Transmission Line is to sell power to the US,  
10 not to provide electricity to Manitobans. They are  
11 making risky gambles with an extreme footprint, all in  
12 the name of endless growth.

13                   Hydro claims a secondary motivation in  
14 this project: providing energy -- energy security for us  
15 citizens. However, I'm absolutely certain that power  
16 to abundantly meet our needs could be accomplished  
17 through energy conservation. I'm in favour of Hydro's  
18 current conservation ideas: its Power Smart  
19 initiatives, the amazing new Hydro building downtown,  
20 or the notion of charging customers at higher rates for  
21 energy consumed beyond a certain threshold.

22                   However, I know that these initiatives  
23 are just a drop in the bucket of what could be done.  
24 For example, there is real innovation happening on the  
25 demand reduction side, such as new advances in sensor

1 and reporting technology which allow homeowners to make  
2 more informed choices about how and when they use  
3 electricity. We, and the energy-hungry American  
4 customers, have merely scratched the surface of demand-  
5 side management.

6 I would like to talk about risk. Energy  
7 conservation is a sure thing, while mega-dams like  
8 Keeyask and Conawapa and the hydro lines that accompany  
9 them not only damage living beings and ecosystems, they  
10 are financially risky.

11 The proposed expenditure is enormous,  
12 and it seems that the plan is based on hope: Hope that  
13 the price of gas and other sources of energy will go  
14 up, while in fact they are going down. Hope that our  
15 energy needs will grow, which they will if we do not  
16 conserve.

17 If Hydro's hopes turn out to be  
18 unfounded, it is the citizens of Manitoba who will pay  
19 for their mistaken forecasts and decisions. This does  
20 not seem like a healthy plan to me. What I would like  
21 to see is for Hydro to step out of its traditional way  
22 of thinking: mega-dams, big power lines, money-making  
23 deals with the US that, to be blunt, would make money  
24 on the backs of landowners like me; and to step into a  
25 healthier, more modern mind set: diversifying energy

1 sources, taking a serious look at solar, wind, and  
2 geothermal energy, creating a really strong sus --  
3 thrust toward conservation, working to shine as a world  
4 leader in demand-side management.

5                   This, to me, is clearly the way to go  
6 and the good path to follow. Ordinary citizens are  
7 increasingly aware of the value of conservation and  
8 alternative energy sources. These measures are  
9 appreciated and approved of by most people at a time  
10 when we are looking great planetary changes in the  
11 face.

12                   On the other hand, ordinary citizens,  
13 especially those living on marginal or fixed incomes,  
14 would be extremely upset by the increasing Hydro bills  
15 that would follow on the heels of this project.

16                   As you can gather from this  
17 presentation, life for me and my neighbours since April  
18 has not been good. We feel sad, and worried, and we  
19 have nightmares. Our main source of hope, panel  
20 members, is you. We hope that you, as an independent  
21 body, will listen to our views and ideas with your  
22 hearts and your heads. We hope that you will act as  
23 conscientious gatekeepers to protect our province from  
24 the numerous and negative consequences of Hydro's plan.

25                   We hope that you will oppose this



1 project. Finally, of course, we trust that the  
2 Manitoba government will be guided by a wise and just  
3 verdict on this project. And that verdict would be a  
4 resounding 'no'.

5 Thank you very much for listening.

6 THE CHAIRPERSON: Thank you, Mrs.  
7 Kopelow. And just -- I have a question. Your property  
8 is located where?

9 MS. LORNA KOPELOW: I can show you on a  
10 map, if you like. But if I'm looking at this map  
11 provided by Hydro at one (1) of the open houses, and  
12 mine is right by 202. Okay. The little purple dot by  
13 202 is mine.

14 THE CHAIRPERSON: We'll just wait till  
15 that shows up on the screen.

16 MS. LORNA KOPELOW: Sure.

17

18 (BRIEF PAUSE)

19

20 MS. LORNA KOPELOW: Do you see that  
21 little triangle there and a purple dot by the most  
22 northerly corner? Yeah. That is my -- my land.

23 THE CHAIRPERSON: So you're just east  
24 of the city?

25 MS. LORNA KOPELOW: M-hm.

1 THE CHAIRPERSON: Just a -- what looks  
2 like a mile down from Highway 15.

3 Is that right?

4 MS. LORNA KOPELOW: Six (6) miles south  
5 of Highway 15.

6 THE CHAIRPERSON: Oh, six (6) miles,  
7 okay. Now, you -- you indicated there was another line  
8 that's going across the property?

9 MS. LORNA KOPELOW: Yes, it's a two  
10 hundred (200) --

11 THE CHAIRPERSON: What -- what can you  
12 tell me --

13 MS. LORNA KOPELOW: Sorry?

14 THE CHAIRPERSON: Could you tell me  
15 what line that is?

16 MS. LORNA KOPELOW: Yeah, it's a 230  
17 kilovolt line. I don't know the name of it. It's --  
18 it's smaller than the proposed Manitoba-Minnesota line,  
19 but it does cross our property, yeah.

20 THE CHAIRPERSON: So, where does it run  
21 in relation to this -- the map we've got before us now?

22 MS. LORNA KOPELOW: It runs to the west  
23 of my house. And I believe that for -- I'm not  
24 entirely sure about this, I believe that for most of  
25 the length of the proposed Manitoba-Minnesota line,

1 that that would be running west of the line that I  
2 currently have going across my property. But you would  
3 need to check with Hydro if that relationship would  
4 cont -- continue all the way down the line.

5 I know that they told me at one (1) of  
6 the open houses that it would be west of my current  
7 line.

8 THE CHAIRPERSON: So the -- you know,  
9 according to your presentation, I guess the round 1 has  
10 gone -- gone by already, so --

11 MS. LORNA KOPELOW: Yes.

12 THE CHAIRPERSON: -- you got notice of  
13 round 2. Have you -- did you appear at round 2 or did  
14 you --

15 MS. LORNA KOPELOW: We went to the open  
16 -- I went to the open houses and spoke to the different  
17 representatives of -- of Hydro there. And I will fill  
18 out the very minimal feedback form that you get and put  
19 my views down on there and submit it to them.

20 But I would say that that is a really  
21 minimal interaction to have with a corporation that's  
22 planning on doing what they're hoping to do. You know,  
23 an open house, talking to some representatives of the  
24 Corporation, and then a -- I think it's a two (2) page  
25 sheet with little spaces to fill out your responses.

1 It -- to me, it's not very meaningful.

2

3 (BRIEF PAUSE)

4

5 THE CHAIRPERSON: I think that's all  
6 the questions the panel has. I -- I'd like to thank  
7 you for a very well prepared presentation and excellent  
8 slides. I know you took the time -- you put a lot of  
9 effort into your presentation, and you certainly conveyed  
10 your concerns to us very eloquently.

11 So thank you very much for -- for the  
12 work you've done and taking the time to come and meet  
13 with us. Thank you.

14 MS. LORNA KOPELOW: Thank you for the  
15 opportunity. I really appreciate it.

16

17 (BRIEF PAUSE)

18

19 THE CHAIRPERSON: I believe that we're  
20 ready to resume the formal proceedings. So before we  
21 turn the microphone over to Manitoba Hydro, I do want  
22 to make a statement on the record. The Board's panel  
23 has considered the schedule further and has determined  
24 that the closing submissions from Board counsel and  
25 counsel for -- pardon me, for CAC and counsel for GAC

1 will be heard on May 20th starting at 9:00 a.m.

2                   The panel has also determined that to  
3 the extent there is further rebuttal from Manitoba  
4 Hydro on issues raised for the first time during the  
5 oral testimony of the IEC witnesses and Intervenor  
6 witness -- and Intervenor witnesses, it should be  
7 provided to the panel and all parties in writing by  
8 noon on Friday May 16th, 2014.

9                   The Board already has the hundred and  
10 forty-five (145) pages of written rebuttal from  
11 Manitoba Hydro which has been marked as Exhibit MH  
12 number 85. Additionally, the Board has a written  
13 rebuttal from Manitoba Hydro in respect of the evidence  
14 of Whitfield Russell Associates that was filed on May  
15 12th, 2014.

16                  For closing submissions, the panel will  
17 hear from counsel for PUB, CAC, and GAC commencing at  
18 9:00 a.m. on Tuesday May 20th. Closing submissions  
19 from counsel from MIPUG, MKO, and MFF will be heard  
20 commencing at 9:00 a.m. May 21st, 2014. Closing  
21 submissions from counsel for Manitoba Hydro will be  
22 heard on May 26th, 2014.

23                  The Board also recognizes that Manitoba  
24 Hydro is still to file written responses to questions  
25 that have been posed. And we appreciate the efforts of

1 Manitoba Hydro to provide those as soon as possible, as  
2 parties may want to address them in their closing  
3 arguments.

4           Should the Board have further questions  
5 of any party, including Manitoba Hydro, those questions  
6 will be advanced in writing with a request for  
7 responses as quickly as possible. We appreciate the  
8 best efforts of the parties, as we have throughout this  
9 review.

10           To remind parties, the Board will hear  
11 from Whitfield Russell Associates on May 13, 2014. The  
12 panel will also be hearing presentation in Thompson May  
13 14, 2014. A transcript will be -- will be posted  
14 following those presentations.

15           So with that, I will turn the microphone  
16 over to Manitoba Hydro. I just want to make sure I  
17 pronounce your name properly. It's Mr. Regehr. Is  
18 that the right way? So, Mr. Regehr, please, welcome to  
19 these proceedings.

20           MR. BRAD REGEHR: Thank you. Thank  
21 you, Mr. Chair. To -- to clarify, I am legal counsel  
22 to York Factory First Nation, which is a partner in the  
23 Keeyask hydro power limited partnership. And so I want  
24 to thank the Board for allowing me to come here today  
25 and do the cross-examination.

1 I'm joined by my colleague, Ms. Uzma  
2 Saeed, also from D'Arcy & Deacon, who will be assisting  
3 me today.

4 THE CHAIRPERSON: Thank you for that  
5 clarification.

6  
7 MMF PANEL 1 - SOCIOECONOMIC AND MACROENVIRONMENTAL  
8 MATTERS Continued:

9 RICK HENDRIKS, Affirmed (Qual.)

10

11 CROSS-EXAMINATION BY MR. BRAD REGEHR:

12 MR. BRAD REGEHR: Mr. Hendriks, I'm  
13 going to be asking you some questions. My questions  
14 will be exclusively in relation to your paper,  
15 'Evaluating Macroenvironmental Impact'. I'm not going  
16 to be asking you any questions in relation to your  
17 paper on -- on wind. Ms. Fernandes may or may not have  
18 some questions for you once I'm done.

19 The first question I have for you, I  
20 just want to confirm you are aware that the Clean  
21 Environment Commission has released the Keeyask  
22 Generating Station report?

23 MR. RICK HENDRIKS: Yes, I am aware.

24 MR. BRAD REGEHR: And so you're -- you  
25 also indicated that you have looked at portions of it,

1 but not the entire thing?

2 MR. RICK HENDRIKS: That's correct.

3 MR. BRAD REGEHR: You are aware, then,  
4 that the Clean Environment Commission has recommended  
5 that a licence be granted for Keeyask?

6 MR. RICK HENDRIKS: I did not read that  
7 in the report, but I have -- I have it second-hand,  
8 yes. I did not read that -- that particular section of  
9 the report.

10 MR. BRAD REGEHR: For the record, Mr.  
11 Chair, I'd like to enter into evidence Manitoba Hydro  
12 197 Exhibit, which is our book of documents, which has  
13 been circulated already, and we have a second one,  
14 Manitoba Hydro 198, which I believe has also been  
15 circulated, as well.

16

17 --- EXHIBIT NO. MH-197: Book of documents

18

19 --- EXHIBIT NO. MH-198: Second book of documents

20

21 THE CHAIRPERSON: Mr. Regehr, the --  
22 the larger document is one ninety-eight (198)?

23 MR. BRAD REGEHR: It's one ninety-seven  
24 (197).

25 THE CHAIRPERSON: Ninety-seven (97).



1 MR. BRAD REGEHR: And the smaller  
2 document is one ninety-eight (198).

3

4 CONTINUED BY MR. BRAD REGEHR:

5 MR. BRAD REGEHR: I would ask that the  
6 document at Tab 1 of Manitoba Hydro 197 be brought up.

7

8 (BRIEF PAUSE)

9

10 MR. BRAD REGEHR: There we have it. If  
11 we could move to -- no, I don't. This is the --

12 MS. JESSICA SAUNDERS: Just -- Mr.  
13 Regehr, would it be possible -- Jessica Saunders here,  
14 my apologies for interrupting.

15 Would it be possible to get an extra  
16 copy, or do you have the book of documents there, Mr.  
17 Hendriks? Just so he can follow along on hard copy.  
18 Right here.

19

20 (BRIEF PAUSE)

21

22 MS. JESSICA SAUNDERS: We have a copy  
23 of -- of -- I just wanted to bring it to Mr. Hendriks's  
24 attention that he has it in hard copy, as well. Thank  
25 you.

1 CONTINUED BY MR. BRAD REGEHR:

2 MR. BRAD REGEHR: The -- the document  
3 to which I'm directing you to is the foreword written  
4 by the chair of the Clean Environment Commission, Mr.  
5 Terry Sargent, as well as the licensing and non-  
6 licensing recommendations in the report.

7 You haven't had a chance to redo the  
8 foreword or the recommendations on this report?

9 MR. RICK HENDRIKS: No, I have not.

10 MR. BRAD REGEHR: I would direct you  
11 to, I guess, page 2. In the actual document itself,  
12 it's Roman numeral VI, but it's page 2 of our exhibit  
13 list, and there's a paragraph, the third full paragraph  
14 states:

15 "The environmental assessment was  
16 better written. It was better  
17 organized, and its much improved  
18 analysis led to conclusions that were  
19 understandable, and for the more --  
20 most part supportable."

21 Do you see that paragraph?

22 MR. RICK HENDRIKS: Yes, I do.

23 MR. BRAD REGEHR: Now, you would agree  
24 with me, then, from that statement, that it would  
25 appear that the Clean Environment Commission was quite

1 happy with the quality of information presented by the  
2 Proponent, in that case, the Keeyask Hydro Power  
3 Limited Partnership.

4 You -- you would agree with me on that  
5 statement?

6 MR. TONY MARQUES: I'm -- I'm sorry,  
7 but I think this witness is in no better position to  
8 answer that question than anybody else in this room.  
9 Who knows what the CEC was thinking, but certainly the  
10 document speaks for itself, so. I -- I'd just say I  
11 think it's an unfair question to ask of this witness.

12

13 (BRIEF PAUSE)

14

15 MR. RICK HENDRIKS: I -- I'm prepared  
16 to give a response, Mr. Chairman. The -- the comment  
17 here is relative. It says here:

18 "...was better written. It was  
19 better organized, and its much  
20 improved analysis..."

21 I don't have any reference point as to  
22 better than what.

23

24 CONTINUED BY MR. BRAD REGEHR:

25 MR. BRAD REGEHR: Let's move to page 4

1 of Tab Number 1, the first full paragraph states:

2 "In the end, the panel is more than  
3 satisfied that the record is  
4 sufficiently complete for it to offer  
5 sound advice to the minister."

6 Would -- would that seem to be an  
7 indication that the Clean Environment Commission was  
8 happy with the quality of the information?

9 MR. RICK HENDRIKS: Yes, that  
10 particular paragraph does seem to indicate that. Yes.

11 MR. BRAD REGEHR: Thank you. On page  
12 11 of your report, you provide your understanding for  
13 how the term 'significance' should be defined, and I  
14 believe you define significance as:

15 "Consideration of the following  
16 criteria in relation to the  
17 consequences of the changes:  
18 a) Magnitude."

19 Well, I'm putting in 'A' because it's  
20 just bullet points. So the next one would be:

21 "Geographic extent, duration and  
22 frequency, degree to which the  
23 consequences of the changes are  
24 reversible, irreversible, and  
25 ecological context."

1 Now, that's the definition you're using  
2 of significance that's un -- that's set out by the  
3 Canadian Environmental Assessment Agency, correct?

4 MR. RICK HENDRIKS: Correct.

5 MR. BRAD REGEHR: Are you aware that  
6 the Canadian Environmental Assessment Agency's draft  
7 comprehensive study report on the Keeyask generation  
8 project has been posted online since April 23rd, 2014,  
9 and that it's currently in the public participation  
10 process?

11 MR. RICK HENDRIKS: Yes, I am.

12 MR. BRAD REGEHR: And to my  
13 understanding, and you can correct me if I'm wrong,  
14 this would be the last phase before the report is sent  
15 to the Minister of Environment for final decision?

16 MR. RICK HENDRIKS: That would depend  
17 on whether this project was grandfathered into the 2012  
18 -- under -- yeah, 2012. There's a slightly different  
19 process, as I understand. So I -- I can't confirm  
20 that, but assuming that process would be nearing its  
21 end if they're consulting on the CSR.

22 MR. BRAD REGEHR: Have you had a chance  
23 to read the CSR?

24 MR. RICK HENDRIKS: I've looked only at  
25 the agency conclusions, which I see are in front of me

1 here. So I have read this -- this particular paragraph  
2 before.

3 MR. BRAD REGEHR: Could we bring up Tab  
4 2 of Manitoba Hydro 197, please? If we go to page 9 of  
5 Tab Number 2, which is actually page 83 of the CSR, it  
6 states:

7 "The comprehensive study process gave  
8 the Canadian public and Aboriginal  
9 groups opportunity to participate in  
10 improving the project during the  
11 design phase and helped reduce the  
12 environmental effects of its  
13 construction and operation.

14 As a result, the design,  
15 construction, and operation of the  
16 project are not based solely on  
17 technical or economic criteria, but  
18 also incorporate environmental  
19 criteria that promote a balanced  
20 approach to keeping with the  
21 principles of sustainable  
22 development.

23 The project design incorporated  
24 precautionary approaches,  
25 conservatism, and best management --

1 management practices, e.g. avoidance,  
2 to minimize the ecological footprint  
3 of the project."

4 Would you agree that that is a positive  
5 statement from the Canadian Environmental Assessment  
6 Agency?

7 MR. RICK HENDRIKS: Yes, I would.

8 MR. BRAD REGEHR: Now, as you  
9 indicated, you relied upon the Agency's understanding  
10 of the term 'significance'.

11 And are you aware that in the CSR, at  
12 page 84, they state that the Keeyask project is not  
13 likely to cause significant adverse environmental  
14 effects?

15 MR. RICK HENDRIKS: Yes, I am aware.  
16 It appears on the third paragraph on page 84.

17 MR. BRAD REGEHR: Now, at page 14 of  
18 your report, you indicated that the Clean Environment  
19 Commission's report on Keeyask will be helpful and  
20 necessary for this Board, but you point out that this  
21 report is about Keeyask and not other components of the  
22 Preferred Development Plan.

23 Is that correct?

24 MR. RICK HENDRIKS: Yes.

25 MR. BRAD REGEHR: You are aware that

1 the other components will also have to go through their  
2 own environmental regulatory reviews?

3 MR. RICK HENDRIKS: I'm aware that --  
4 that would be the usual practice under the current --  
5 current laws, yes.

6 MR. BRAD REGEHR: At page 15, you state  
7 that:

8 "A problem that the Public Utilities  
9 Board faces is that they cannot gauge  
10 the macroenvironmental effects of the  
11 Preferred Development Plan until each  
12 component of the PDP has undergone an  
13 environmental assessment that would  
14 have to be done prior to the  
15 completion of the Needs For and  
16 Alternatives To."

17 Would you say that in your paper?

18 MR. RICK HENDRIKS: That -- that sounds  
19 similar to what I would have written, yes.

20 MR. BRAD REGEHR: So what you're  
21 saying, essentially, is that each component must go  
22 through a complete environmental regulatory hearing,  
23 and then presumably, those regulatory bodies would have  
24 to issue their final reports before the Public  
25 Utilities Board can make a decision on the NFAT?



1 MR. RICK HENDRIKS: Yes.

2 MR. BRAD REGEHR: And you understand  
3 that environmental regulatory hearings like the Clean  
4 Environment Commission are very detailed. They are not  
5 reviews of macroenvironmental or macroeconomic impacts,  
6 right?

7 They're -- they're detailed reviews?

8 MR. RICK HENDRIKS: Yes, they are  
9 detailed reviews. However, the information that's  
10 gathered doesn't form macroenvironmental assessment.

11 MR. BRAD REGEHR: And you would agree  
12 that environmental assessments and assessments on needs  
13 and alternatives have different purposes?

14 MR. RICK HENDRIKS: I responded to that  
15 in an IR indica -- I don't have the number of the IR  
16 handy, but my response is -- is on the record.

17

18 (BRIEF PAUSE)

19

20 MR. BRAD REGEHR: So can you confirm  
21 that's your...?

22 MR. RICK HENDRIKS: My recollection of  
23 my response was that -- that the need and alternatives  
24 analysis typically looks at the net benefits of the --  
25 of the endeavour, whereas an environmental assessment

1 is looking more at the externalities.

2                   However, I pointed out that in -- not in  
3 all instances are those two (2) tasks neatly separated  
4 as they are here in Manitoba. And I provided some  
5 examples to the Board in which -- in which the  
6 determination -- or the justification decision, if you  
7 will, is undertaken with those two (2) pieces happening  
8 separately and informing the justification decision, or  
9 perhaps also happening together and informing the  
10 justification decision.

11                   The point I made in my response was that  
12 the justification decision should not precede the  
13 conclusions around significant adverse environmental  
14 effects.

15                   MR. BRAD REGEHR: At page 22 of your  
16 report, you state that you recognize that the NFAT  
17 process is not intended to duplicate the CEC process.

18                   Is that correct?

19                   MR. RICK HENDRIKS: That is correct.

20                   MR. BRAD REGEHR: I do note, and please  
21 confirm with me, that you only reviewed portions of the  
22 aquatic section from the Keeyask EIS and only the  
23 historical overview portions of the three (3) Cree  
24 Nation environmental evaluation reports.

25                   Is that correct?

1 MR. RICK HENDRIKS: In preparing my  
2 report, that's correct.

3 MR. BRAD REGEHR: And am I correct in  
4 assuming that you obtained this information online at  
5 the Keeyask Hydro Power Limited Partnership website?

6 MR. RICK HENDRIKS: Yes, that's  
7 correct.

8 MR. BRAD REGEHR: And would you agree  
9 with me that the entire environmental impact statement,  
10 including the Cree Nation reports and the video and all  
11 of the Information Requests, are available on this  
12 website?

13 MR. RICK HENDRIKS: Yes, they are  
14 available.

15 MR. BRAD REGEHR: And were you aware  
16 that the Clean Environment Commission has recommended  
17 that the website remain active and that all the  
18 information on it remain available to the public?

19 MR. RICK HENDRIKS: No, I was not aware  
20 of that.

21 MR. BRAD REGEHR: And am I correct in  
22 that the website contains information available with  
23 regard to Keeyask on physical environment?

24 Does the website contain information in  
25 relation to the physical environment aspect of the EIS?

1 MR. RICK HENDRIKS: I would presume  
2 that the entire EIS is there, yes.

3 MR. BRAD REGEHR: So also biophysical  
4 environment, which includes both aquatic and  
5 terrestrial --

6 MR. RICK HENDRIKS: Yes.

7 MR. BRAD REGEHR: -- and socioeconomic  
8 that includes both the resource use and heritage?

9 MR. RICK HENDRIKS: Yes, those are the  
10 usual portions of an environmental effects statement.

11 MR. BRAD REGEHR: And also,  
12 importantly, the Cree World View set out in Cree Nation  
13 environmental valuations reports, that would be there?

14 MR. RICK HENDRIKS: Yes. And my  
15 understanding is it's all filed at the same location.

16 MR. BRAD REGEHR: Were you aware the  
17 environmental impact statement addressed issues related  
18 to health, quiet enjoyment, and loss of place?

19 MR. RICK HENDRIKS: No, I was not.

20 MR. BRAD REGEHR: Would you agree with  
21 me that the broad headings that I've just put to you  
22 contain much more detailed information regarding the  
23 fauna and flora, terrestrial species, effects of  
24 mercury intactness, and socioeconomic impacts, and a  
25 wide variety of other topics would be included in the

1 EIS?

2 MR. RICK HENDRIKS: Yes.

3 MR. BRAD REGEHR: But you chose not  
4 review that information. Is that correct?

5 MR. RICK HENDRIKS: I wouldn't say that  
6 it was a choice. There's only a certain amount of time  
7 and resources available for us to participate in this  
8 process. And I had to allocate my time as I felt was  
9 appropriate.

10 MR. BRAD REGEHR: At page 21 of your  
11 report, you state that your review indicates that the  
12 EIS and environmental evaluations describe the adverse  
13 nature of the effects of the prior development in very  
14 general terms and provide overall perspectives on the  
15 implications of these effects for use of the effected  
16 lands and waters.

17 Is that correct?

18 MR. RICK HENDRIKS: That is correct.  
19 However, that was in reference to the prior paragraphs  
20 which deal with a particular -- which deal only -- only  
21 with the particular sections in which I -- I looked at.  
22 So it's in reference to the prior projects. So I  
23 looked at only certain sections seeking information  
24 with respect to the prior projects.

25 And the information that I located I've

1 described in my -- in my view how that information  
2 describes the effects of the prior projects.

3 MR. BRAD REGEHR: But you came to this  
4 opinion, however, through your selective reading of a  
5 limited portion of the environmental impact statement,  
6 correct?

7 MR. RICK HENDRIKS: That's correct.

8 MR. BRAD REGEHR: And you didn't review  
9 the terrestrial environment section of the EIS, did  
10 you?

11 MR. RICK HENDRIKS: No, I did not.

12 MR. BRAD REGEHR: Well, I submit to you  
13 that the terrestrial environment section provides  
14 historical terrestrial losses due to Hydro and other  
15 developments in the Keeyask region and that in the  
16 reports in that section they document terrestrial  
17 effects related to Kelsey, Kettle, Long Spruce, Notigi,  
18 and Wuskwatim Lake.

19 Do you have any reason to dispute that  
20 statement?

21 MR. RICK HENDRIKS: I don't have any  
22 reason to dispute that statement, no.

23 MR. BRAD REGEHR: It's my understanding  
24 that ecologists -- and I'm just a lawyer, so I don't  
25 necessarily always understand these things, but they

1 identify intactness, which is essentially the opposite  
2 of fragmentation, and total terrestrial habitat loss as  
3 key indicators for cumulative effects on terrestrial  
4 ecosystems.

5                   Would you agree that these are good  
6 overall indicators of cumulative effects on terrestrial  
7 ecosystems?

8

9                   (BRIEF PAUSE)

10

11                   MR. RICK HENDRIKS: Could I ask you to  
12 repeat the list again?

13                   MR. BRAD REGEHR: Ecologists often  
14 identify intactness, which is essentially the opposite  
15 of fragmentation and total terrestrial habitat loss as  
16 key indicators for cumulative effects on terrestrial  
17 ecosystems?

18

19                   (BRIEF PAUSE)

20

21                   THE CHAIRPERSON: Mr. Regehr, have you  
22 got a reference for us to -- to read? You're quoting  
23 from something, and I just want to make sure I've got  
24 it in front of me.

25                   MR. BRAD REGEHR: That's my question.

1 I'm not -- not quoting from a...

2

3 (BRIEF PAUSE)

4

5 CONTINUED BY MR. BRAD REGEHR:

6 MR. BRAD REGEHR: Do you need me to re-  
7 ask you the question?

8 MR. RICK HENDRIKS: Yes, please.

9 MR. BRAD REGEHR: So would you agree  
10 that these are good overall indicators of commutative  
11 effects on terrestrial ecosystems?

12 MR. RICK HENDRIKS: Yes, they are  
13 indicators of cumulative effects.

14 MR. BRAD REGEHR: Could we bring up Tab  
15 3 from Manitoba Hydro 197, please? And so these are  
16 portions from the Keeyask EIS supporting volume on  
17 terrestrial environment. And if we go to page 12, this  
18 is Table 2-4 of the Keeyask, Terrestrial environment  
19 supporting volume.

20 Were you aware that it quantifies total  
21 terrestrial habitat loss and alteration for an  
22 approximately 14,200 square kilometre region  
23 surrounding the Keeyask project?

24 Were you aware of that?

25 MR. RICK HENDRIKS: No, I was not.



1 MR. BRAD REGEHR: And if we could move  
2 forward to Tab 4, please. Tab 4 is Table 2-33 of the  
3 Keeyask terrestrial environment supporting volume, and  
4 Tab 5. I'm not going to run you through all the  
5 individual numbers, but if we could bring up Tab 5,  
6 please.

7

8 (BRIEF PAUSE)

9

10 MR. BRAD REGEHR: Tab 5 is the response  
11 to Round 2 CEC-0102c.

12 Were you aware that these documents  
13 provide detailed breakdowns of the composition of that  
14 historical habitat loss?

15 MR. RICK HENDRIKS: No, I was not.

16 MR. BRAD REGEHR: Were you aware that  
17 IR Round 2 CEC-0102c, which is Tab 5, which we're  
18 looking at currently, actually has a specific website  
19 link to it out of all the IRs?

20 MS. JESSICA SAUNDERS: I'm going to  
21 have to object, Mr. Chair. I question how much further  
22 Manitoba Hydro will go on this line of questioning.  
23 I'm mindful of Mr. Hendriks's comments, as he first  
24 started, that in his report he noted that as a  
25 requirement as part of the PUB process, he was not to

1 duplicate any of the CEC proceedings.

2 And while he indicated he went the added  
3 step to be informed of some matters that related to his  
4 understanding of the definition as used by  
5 the PUB in the NFAT, I think Mr. Hendriks went to  
6 lengths today to indicate in his presentation the NFAT  
7 information that he relied upon in -- in the  
8 information that he did provide with respect to his  
9 understanding of the definition as used by the PUB.

10 So I'm -- I'm just not sure how much  
11 further in the exercise we will go, but I would ask  
12 that we just bear that in mind. And I -- I do  
13 appreciate that Mr. Hendriks is trying to do his best,  
14 but that he was quite restrained in -- in what of the  
15 CEC material that he could consider.

16 MR. BRAD REGEHR: Mr. Chair, Mr.  
17 Hendriks has made the statement earlier on, when I  
18 indicated at page 21 of his report, that:

19 "The EIS and environmental  
20 evaluations described the adverse  
21 nature of the effects in very general  
22 terms and provide overall  
23 perspectives."

24 So I would like to explore that a little  
25 bit further with him in terms of whether he can still

1 come to that conclusion, given the evidence that was  
2 available to him to review.

3 THE CHAIRPERSON: Okay. I think we  
4 should get to the point, though, if you don't mind.

5 MR. BRAD REGEHR: Duly noted.

6

7 (BRIEF PAUSE)

8

9 CONTINUED BY MR. BRAD REGEHR:

10 MR. BRAD REGEHR: What we'll do, Mr.  
11 Chair, is I will just simply direct you to Tab 6 and 7  
12 of Manitoba Hy -- Hydro 197. We won't run through them  
13 in any detail. They are Tables 2-21 and 2-22 from the  
14 terrestrial effects supporting volume from the Keeyask  
15 EIS, and that they quantify cumulative effects on  
16 intactness. I won't use them to put questions  
17 currently to the -- to the witness.

18 But I'd just like to confirm that you  
19 didn't look at those documents?

20 MR. RICK HENDRIKS: Sorry, you're  
21 looking right now at Tab 6 and 7?

22 MR. BRAD REGEHR: Yes. You've not seen  
23 those documents before?

24 MR. RICK HENDRIKS: No, I have not.

25 MR. BRAD REGEHR: Thank you.

1 THE CHAIRPERSON: Mr. Hendriks, the obv  
2 -- I think the point being made here is that, you know,  
3 you -- you based your opinion on data that was largely  
4 unavailable to you. I'm sorry, let me rephrase that.  
5 You -- you based your decision -- your recommendation  
6 on information that was available to you at the time.  
7 Might -- might be different if you had examined this  
8 report from the CEC.

9 Am I -- am I correct, or...

10 MR. RICK HENDRIKS: Yes, you are  
11 correct. If I had had more time available I would have  
12 reviewed more of the EIS, correct.

13 THE CHAIRPERSON: Now, Mr. Regehr, is  
14 that the point you wanted to make, or am I -- am I...

15 MR. BRAD REGEHR: Perhaps one (1) more  
16 question and I'll --

17 THE CHAIRPERSON: Okay.

18

19 CONTINUED BY MR. BRAD REGEHR:

20 MR. BRAD REGEHR: Would you agree with  
21 me, Mr. Hendriks, that when providing an expert  
22 opinion, it's prudent that you review all of the  
23 material available to you, particularly stuff that's  
24 readily available on line?

25 MS. JESSICA SAUNDERS: I'm just going

1 to caution in here again. I -- we did caution Mr.  
2 Hendriks in writing his report of the requirement that  
3 we not duplicate. And I will just mention again that we  
4 appreciated to the extent to which he was able to go in  
5 the aspects of his report where he did suggest certain  
6 aspects of the CEC report that should be highlighted.  
7 He did attempt to inform himself, but  
8 mindful again of the requirement not to duplicate. I  
9 would be careful in putting that he should have read  
10 the entire Keeyask EIS prior to doing any  
11 recommendation or type analysis in his NFAT report.

12 MR. RICK HENDRIKS: Just to clarify on  
13 that point, I did make that clear in my report that I  
14 was not intending to duplicate, nor would I have the  
15 time or resources to do so.

16

17 (BRIEF PAUSE)

18

19 CONTINUED BY MR. BRAD REGEHR:

20 MR. BRAD REGEHR: Then I just want to  
21 put to you on page 22 of your report you state:

22 "The apparent lack of comprehensive  
23 information concerning the residual  
24 environmental effects of the existing  
25 hydroelectric facilities is

1                   unfortunate. This kind of  
2                   information would be very valuable in  
3                   characterizing the potential  
4                   consequences of the changes to the  
5                   environment resulting from future  
6                   hydroelectric developments on the  
7                   Nelson River, whether in relation to  
8                   the PDP, to the alternative plans, or  
9                   to some other future hydroelectric  
10                  development in the province."

11                 You come to that conclusion in your  
12    report?

13                 MR. RICK HENDRIKS: Yes, note that I  
14    said, "The apparent lack." I also clarified in my  
15    presentation that these documents may be available at  
16    other locations that I had not had time to search.

17                 MR. BRAD REGEHR: And in -- but in  
18    coming to that conclusion you -- as indicated, you did  
19    not review -- or you selectively reviewed materials  
20    from the Keeyask EIS, correct?

21                 MR. RICK HENDRIKS: I selected the --  
22    the reviewed material from the Keeyask EIS, yes,  
23    correct.

24

25                                 (BRIEF PAUSE)

1 MR. BRAD REGEHR: I'm going to jump  
2 ahead to talking a little bit about Aboriginal  
3 traditional knowledge. And I'm --

4 THE CHAIRPERSON: Mr. Regehr, I just --  
5 I just want to clarify one (1) point here. The  
6 information that Mr. Regehr has referred to in his line  
7 of questioning obviously contained fairly detailed  
8 information regarding the consequences of the Keeyask  
9 project. Is that what you had in mind when you talked  
10 about comprehensive information, or...

11 MR. RICK HENDRIKS: Let -- let's keep  
12 in mind that I'm -- I'm referring here to information  
13 about the prior projects. So the information I was  
14 looking for in looking in the Keeyask EIS was not about  
15 Keeyask. It was about the prior projects.

16 THE CHAIRPERSON: Okay, I get the  
17 point.

18

19 CONTINUED BY MR. BRAD REGEHR:

20 MR. BRAD REGEHR: And were you -- well,  
21 you're not going to be aware, because you didn't read  
22 the terrestrial environment supporting volume.

23

24 (BRIEF PAUSE)

25

1 MR. BRAD REGEHR: Now, let's take you  
2 back to an earlier part of your report on page 11,  
3 where you discuss your understanding of what  
4 'macroenvironmental' means. And you bring up the  
5 definition that -- that was directed to the parties by  
6 the Public Utilities Board and in particular the word  
7 'collective':

8 "A bringing together of the  
9 consequences resulting from all  
10 components of the PDP, or of the  
11 alternative plans that maintains  
12 their defining features."

13 You would be aware that the Cree World  
14 View believes in a holistic or collective approach, as  
15 well? And you were aware that the four (4) partner  
16 First Nations were heavily involved in the planning  
17 process for the Keeyask Project?

18 MR. RICK HENDRIKS: Yes, I am aware.

19 MR. BRAD REGEHR: And that in terms of  
20 studying the impacts of a project on the environment,  
21 having a local knowledge of the affected rivers and/or  
22 having lived in the region for several years, like many  
23 of the Cree partners and -- who were involved in  
24 developing the EIS and the reports, that would be --  
25 that would be invaluable, wouldn't it, that knowledge?



1 MR. RICK HENDRIKS: Yes, that would,  
2 yes.

3 MR. BRAD REGEHR: And that would be  
4 invaluable, in terms of studying and determining the  
5 environmental effects of a project, correct?

6 MR. RICK HENDRIKS: Correct.

7 MR. BRAD REGEHR: And being involved in  
8 field studies over a period of ten (10) to twenty (20)  
9 years would also be inval -- invaluable, would it not?

10 MR. RICK HENDRIKS: Yes, it would be.

11 MR. BRAD REGEHR: Now, am I correct  
12 that you have not had an opportunity to actually carry  
13 out an environmental impact assessment or cumulative  
14 effects assessment on behalf of a proponent?

15 MR. RICK HENDRIKS: That is correct.

16 MR. BRAD REGEHR: And also am I correct  
17 in understanding that you did not have an opportunity  
18 to visit the Nelson River watershed region as part of  
19 this report you did?

20 MR. RICK HENDRIKS: That's correct.

21 MR. BRAD REGEHR: Have you ever visited  
22 the Nelson River watershed region?

23 MR. RICK HENDRIKS: No, I have not.

24 MR. BRAD REGEHR: So you have not  
25 studied the potential environmental impacts of the

1 proposed generation stations in the PDP firsthand, or  
2 on the ground in the field.

3 Is that correct?

4 MR. RICK HENDRIKS: That's correct.

5 MR. BRAD REGEHR: And so clearly, the  
6 Cree Nation environmental evaluation reports were  
7 available to you, because you read certain selected  
8 portions of them, but you didn't read them in their  
9 entirety?

10 MR. RICK HENDRIKS: Since I wrote the  
11 report I have read one (1) of them in its entirety,  
12 yes, but not for writing the report, no.

13 MR. BRAD REGEHR: Would you agree with  
14 me that the inclusion of ATK and the Cree World View in  
15 the development of the PDP does ensure that the  
16 components of the PDP are assessed collectively?

17 MR. RICK HENDRIKS: Yes. In fact in  
18 proposing that term, that was my intention.

19 MR. BRAD REGEHR: I would like to again  
20 go back to the CEC's final report on Keeyask, and this  
21 is Manitoba Hydro 198? I've already lost count.

22 And do you have that in front of you?  
23 It's on the screen, but do you have a paper copy? If  
24 not, do we have an extra paper copy available for Mr.  
25 Hendriks?

1 (BRIEF PAUSE)

2

3 MR. BRAD REGEHR: And the highlighted  
4 portion comes from page 59 of the Keeyask final report  
5 on -- from the CEC, and it's in relation to the -- how  
6 important and valuable the addition of ATK was to the  
7 Keeyask Project.

8 And do you see the wording in front of  
9 you in yellow?

10 MR. RICK HENDRIKS: Yes, I do.

11 MR. BRAD REGEHR:

12 "The Commission found that the three  
13 (3) KCN evaluations added greatly to  
14 an understanding of the Keeyask  
15 Project and to the environmental,  
16 historical, cultural, social, and  
17 spiritual context of the project. In  
18 addition to documenting the  
19 experiences and knowledges of the  
20 members, the communities that will be  
21 most affected by the project, these  
22 three (3) reports provided a better  
23 idea of how the KCNs came to their  
24 decisions to participate in Keeyask  
25 and how they put forward issues of

1 great importance to them. They added  
2 immeasurably to the ability of the  
3 panel members to consider the  
4 holistic nature of impacts to the  
5 environment of the Lower Nelson  
6 River.

7 The reports presented a range of  
8 views regarding the project, pro and  
9 con and mixed, and this helped the  
10 panel to better understand the  
11 relationship between hydroelectric  
12 development and neighbouring  
13 communities."

14 As well, at page 160, which is the next  
15 page of that, a little bit further down in yellow, it  
16 states on Aboriginal World Views:

17 "The Panel found the inclusion of  
18 Cree World View and Aboriginal  
19 technical knowledge, ATK, to be a  
20 very positive and critical part of  
21 the information, providing a context  
22 for much of the scientific studies."

23 Do you agree with the Commission's  
24 comments on the inclusion and value of ATK?

25 MR. RICK HENDRIKS: Yes, I do.

1 MR. BRAD REGEHR: Now, if I could take  
2 you to page -- and I don't have very many questions  
3 left for the witness -- slide 56 of your presentation  
4 this morning, I just want to clarify something. In it,  
5 you talk about the -- and I apologize if I mispronounce  
6 it. Is it the Tshash Petapen?

7 MR. RICK HENDRIKS: Tshash Petapen,  
8 yeah.

9 MR. BRAD REGEHR: Tshash Petapen  
10 Agreement. And this is an agreement involving the Innu  
11 in Labrador. Is that correct?

12 MR. RICK HENDRIKS: Yes.

13 MR. BRAD REGEHR: Actually, it's a  
14 series of agreements. And the land claim AIP is a  
15 comprehensive land claim settlement agreement --

16 MR. RICK HENDRIKS: Yes.

17 MR. BRAD REGEHR: -- with the federal  
18 government --

19 MR. RICK HENDRIKS: And the provincial  
20 government.

21 MR. BRAD REGEHR: -- and the provincial  
22 government, and that primarily came about as a result  
23 of the fact that they didn't have a treaty with the  
24 Crown?

25 MR. RICK HENDRIKS: Excu -- excuse me,

1 I just wish to correct myself, actually. This  
2 document, Tshash Petapen Agreement, only covers off the  
3 provincial and Innu aspects of the -- of the  
4 comprehensive claim. The federal government is not a  
5 signatory to this Tshash Petapen Agreement.

6 MR. BRAD REGEHR: So the Tshash Petapen  
7 Agreement and the land claim agreement are separate  
8 agreements?

9 MR. RICK HENDRIKS: Yes. The Tshash  
10 Petapen Agreement is agreement on principles that are  
11 then carried forward into the other three (3)  
12 agreements.

13 MR. BRAD REGEHR: Okay. Now, the land  
14 claim agreement's something with the federal government  
15 and the provincial government, and --

16 MR. RICK HENDRIKS: Yes. Yeah.

17 MR. BRAD REGEHR: And -- and it's  
18 essentially what we would now call a modern day treaty.  
19 Is that correct?

20 MR. RICK HENDRIKS: Yes, correct.

21 MR. BRAD REGEHR: And the Upper  
22 Churchill Redress Agreement, this deals with the  
23 impacts from the -- the Churchill Falls development.  
24 Is that correct?

25 MR. RICK HENDRIKS: Correct.

1 MR. BRAD REGEHR: And the Innu were --  
2 they were left out of that?

3 MR. RICK HENDRIKS: They were, yes.

4 MR. BRAD REGEHR: Is -- is that fair to  
5 say?

6 MR. RICK HENDRIKS: Yes.

7 MR. BRAD REGEHR: And then the Lower  
8 Churchill IBA, that deals with the proposed development  
9 -- further -- further development. Is that correct?

10 MR. RICK HENDRIKS: Correct.

11 MR. BRAD REGEHR: And you said this  
12 morning that the -- the Upper Churchill Redress  
13 Agreement, the benefits in that are not contingent upon  
14 the Lower Churchill Project proceeding?

15 MR. RICK HENDRIKS: Yes, I did say  
16 that.

17 MR. BRAD REGEHR: That in slide 57.  
18 Can I ask why you made that state -- that particular  
19 statement, as why it was relevant?

20 MR. RICK HENDRIKS: Yes. It was  
21 relevant because, at this point -- at this juncture,  
22 the Board here is considering options for whether or  
23 not it should proceed with the PDP, and there's several  
24 options that are available to you. One (1) -- one (1)  
25 of those includes not proceeding. You could make a

1 recommendation, is my understanding, to not proceed  
2 with any of the -- not proceed with the PDP, but not  
3 make a recommendation as to what to do next.

4                   So Plan 17, for example, which is put  
5 forward by La Capra, and any other variance that  
6 involve a delay would delay benefits, as I understand,  
7 to the KCNs under the JKDA.

8                   And so my reading of the JKDA, and I  
9 stand to be corrected, is that both the benefits  
10 associated with Keeyask, moving forward with Keeyask,  
11 as well as these operational jobs which could be  
12 anywhere in the province as I understand, of Hydro's  
13 facilities, and appear to me to be related to -- or to  
14 be an attempt to improve upon the benefits of prior  
15 arrangements.

16                   And so in my experience, separating  
17 those two (2) things can be valuable in the event that  
18 a decision maker decides not to proceed with the new  
19 project. Then the benefits of the prior -- that are  
20 hooked up with the prior projects still go ahead. So  
21 in other words, the affected communities -- the eggs  
22 are not all in one (1) basket, so to speak.

23                   MR. BRAD REGEHR: But the Upper  
24 Churchill Redress Agreement deals with something that  
25 happened in the 1960s and '70s, correct? A project



1 that happened some time ago?

2 MR. RICK HENDRIKS: The effects of the  
3 Upper Churchill are ongoing.

4 MR. BRAD REGEHR: Sure, they're  
5 ongoing, but it -- it deals with that particular  
6 Churchill Falls project, correct?

7 MR. RICK HENDRIKS: It does. Correct.

8 MR. BRAD REGEHR: And Lower Churchill  
9 deals with a different project?

10 MR. RICK HENDRIKS: Correct.

11 MR. BRAD REGEHR: And so are you -- are  
12 you familiar with the history of Cree Nation  
13 involvement and Manitoba Hydro on the Nelson River in  
14 Manitoba?

15 MR. RICK HENDRIKS: I would say that  
16 I'm generally familiar, yes.

17 MR. BRAD REGEHR: So you'd be aware of  
18 the 1977 Northern Flood Agreement?

19 MR. RICK HENDRIKS: Yes, and the  
20 implementation agreements that followed from that.

21 MR. BRAD REGEHR: And you would  
22 understand that these agreements stand on their own,  
23 that they're not contingent upon the JKDA, they're not  
24 contingent upon the Keeyask project being built?

25 Is that what you're suggesting here,

1 that -- that somehow the JKDA would impact those  
2 implementation agreements?

3 MR. RICK HENDRIKS: No, that's not what  
4 I'm suggesting. What I'm suggesting here is that those  
5 operational jobs which are occurring at other projects  
6 other than the -- the Keeyask project do seem to be  
7 contingent on the JKDA going forward, or on the Keeyask  
8 project going forward.

9 MR. BRAD REGEHR: But you're not  
10 coming, then, to the conclusion which -- which you seem  
11 to indicate -- well, I'll -- I'll correct that.

12 Then you're not indicating to me that  
13 you think that somehow, the Keeyask project will impact  
14 those rights and benefits that the Cree Nations have  
15 under their other agreements?

16 MR. RICK HENDRIKS: No, I'm not  
17 suggesting that they -- that the JKDA has an effect on  
18 the prior agreements. No, I'm not suggesting that.

19 MR. BRAD REGEHR: So in -- in fact, it  
20 would seem that just like the Innu in Labrador who have  
21 certain rights and benefits under the Upper Churchill  
22 Redress Agreement, the Cree in Northern Manitoba have  
23 rights and benefits under their agreements which will  
24 not be affected --

25 MR. RICK HENDRIKS: Correct.

1 MR. BRAD REGEHR: -- whether or not  
2 Keeyask goes forward?

3 MR. RICK HENDRIKS: Correct.

4

5 (BRIEF PAUSE)

6

7 MR. BRAD REGEHR: Thank you, Mr. Chair.  
8 Those are all my questions.

9 THE CHAIRPERSON: Thank you, Mr.  
10 Regehr.

11

12 (BRIEF PAUSE)

13

14 THE CHAIRPERSON: Ms. Fernandes,  
15 please.

16 MS. ODETTE FERNANDES: Thank you, Mr.  
17 Chairman. I was actually going to say as a result of  
18 the questions posed this morning and Ms. Saunders  
19 filing a -- refiling the response to MH/MMF-26a with  
20 respect to the capital costs of wind projects from BC  
21 Hydro's 2013 IRP, I don't have any further questions.

22 THE CHAIRPERSON: Thank you, Ms.  
23 Fernandes. Mr. Hombach, please.

24 MR. SVEN HOMBACH: Thank you, Mr.  
25 Chairman, and good afternoon, Mr. Hendriks.

1 (BRIEF PAUSE)

2

3 MR. SVEN HOMBACH: There's been  
4 repeated reference now to the Clean Environment  
5 Commission report with respect to Keeyask, and several  
6 parties have prepared books of documents that have  
7 excerpts of it. I'm going to make everybody's life  
8 easier and I will ask that the entire report is going  
9 to be made an exhibit on the record. I suggest that  
10 that go in as a PUB exhibit, and I believe that would  
11 be PUB Exhibit 69.

12

13 --- EXHIBIT NO. PUB-69: Clean Environment  
14 Commission report with  
15 respect to Keeyask

16

17 (BRIEF PAUSE)

18

19 MR. KURT SIMONSEN: That's correct.  
20 Thanks.

21

22 CROSS-EXAMINATION BY MR. SVEN HOMBACH:

23 MR. SVEN HOMBACH: I was struck by one  
24 (1) of the comments you made this morning, Mr.  
25 Hendriks, that if there are significant effects for

1 Keeyask, there likely would be significant effects for  
2 Conawapa as well.

3 And first of all, did I understand it  
4 correctly that that's what you were saying?

5

6 (BRIEF PAUSE)

7

8 MR. RICK HENDRIKS: If I recall the  
9 context of that comment, it was in relation to a  
10 question that had been posed by MMF legal counsel to  
11 MNP, the independent expert to the Board, in which the  
12 MNP was asked if there were significant adverse  
13 environmental effects at Keeyask, would that mean that  
14 there would be significant adverse environmental  
15 effects at Conawapa?

16 Or if there weren't significant adverse  
17 environmental effects at Keeyask, would that mean there  
18 weren't significant adverse environmental effects at  
19 Conawapa? And the -- the response from MNP was, Yes,  
20 and I said that I agreed with that, but with some  
21 caveats, and I indicated those caveats this morning.

22 To -- to repeat them, if I recall them  
23 correctly, one (1) was that the cumulative effects  
24 framework that's been recommended by the CEC could  
25 provide further information that would alter

1 presumption that a conclusion about Keeyask could be  
2 applied to Conawapa.

3                   Secondly, that the environment is still  
4 changing, so the environment at Conawapa is still  
5 evolving. I would expect that that would be the case  
6 based on my experience in other jurisdictions.

7

8                   (BRIEF PAUSE)

9

10                   MR. RICK HENDRIKS: Oh, and my final  
11 point, which is that Keeyask's EIS is predictive  
12 information.

13                   MR. SVEN HOMBACH: Based on the  
14 information that you've actually reviewed to date  
15 yourself, do you see any significant or substantial  
16 differences between Keeyask and Conawapa so that one  
17 (1), in fact, that you would expect for Keeyask you  
18 wouldn't expect for Conawapa, or vice versa?

19                   MR. RICK HENDRIKS: Yes, I would say  
20 the primary difference between the two (2) facilities,  
21 from the information I have available to me from the  
22 NFAT, is that Conawapa essentially does not have any  
23 flooding. I mean, it -- the flooding -- the inundation  
24 from Conawapa is -- is quite modest compared to that  
25 from Keeyask. So I would consider that to be a -- a

1 substantial difference between the two (2) projects.

2 MR. SVEN HOMBACH: Are you able to say  
3 whether you'd anticipate any differences with respect  
4 to the impact on sturgeon that this panel has heard a  
5 lot about with respect to Keeyask?

6 MR. RICK HENDRIKS: No, I would not.

7 MR. SVEN HOMBACH: You're aware that  
8 the Clean Environment Commission indicated in its  
9 report that a regional cumulative asses -- effects  
10 assessment is currently underway, but not yet ready?

11 MR. RICK HENDRIKS: Excuse me,  
12 currently underway, but not?

13 MR. SVEN HOMBACH: But not yet  
14 complete, not yet -- not yet ready?

15 MR. RICK HENDRIKS: Yes, that's my  
16 understanding.

17 MR. SVEN HOMBACH: And that is expected  
18 in 2015?

19 MR. RICK HENDRIKS: Yes, that's the  
20 date I've been told.

21 MR. SVEN HOMBACH: To make sure that  
22 we're getting our terminology straight, a cumulative  
23 effects assessment does not look at each project on an  
24 incremental basis, but it looks at the total effects of  
25 the new proposed projects and those that came before

1 it?

2 MR. RICK HENDRIKS: Correct. It  
3 operates from a baseline earlier -- a -- a temporal  
4 baseline that would capture the changes prior to all of  
5 the developments in question.

6 MR. SVEN HOMBACH: So essentially, the  
7 -- the baseline for a cumulative assessment would be a  
8 pristine environment, and the baseline for a non-  
9 cumulative environment would be the environment as it  
10 currently exists, without adding on more projects --

11 MR. RICK HENDRIKS: Yes, more or less,  
12 that's the case. I mean, in some instances, we can't -  
13 - in recreating the baseline from the past, we have to  
14 -- we have to work with the available information, and  
15 so that information is often coming from a certain  
16 period of time, and so it may not be -- have been a  
17 quote/unquote "pristine environment" at that time.

18

19 (BRIEF PAUSE)

20

21 MR. SVEN HOMBACH: You also commented  
22 on the need to understand the residual effects today,  
23 and appreciating your earlier comment that you haven't  
24 had an opportunity to read the report in detail, does  
25 the CEC report address any of those concerns at all?



1                   MR. RICK HENDRIKS:   My answer to that  
2 is yes. I mean, conceptually, my understanding was  
3 that the -- the CEC report and the -- and the  
4 assessment was to inform the Board indirectly. I mean,  
5 they weren't doing it for the Board, but my  
6 understanding of this process was -- was that the CEC  
7 report was going to be an input, if you will, of  
8 knowledge available to the Board in its -- its  
9 determinations with respect to the NFAT.

10                  MR. SVEN HOMBACH:   You're familiar with  
11 the term VECs, or valued ecosystem components?

12                  MR. RICK HENDRIKS:   Yes, I am.

13                  MR. SVEN HOMBACH:   Okay. When Manitoba  
14 Hydro's panel was cross-examined earlier in the hearing  
15 process, I put the question to Manitoba Hydro as to  
16 what it thought the top three (3) VECs would be of  
17 concern. And the response that came was sturgeon,  
18 public safety, and caribou. Do you agree with that  
19 assessment?

20                         And first of all, is that something that  
21 you have considered, or am I taking you beyond the  
22 scope of your retainer now?

23                  MR. RICK HENDRIKS:   In answering this  
24 question, I'm -- you know, I'm generally familiar with  
25 the environment in -- in the area of the project. But

1 in answering this question I would be relying to some  
2 extent on my knowledge -- my general knowledge of  
3 hydroelectric projects in other locations.

4                   So in that sense, I would expect that  
5 fisheries and fish would be a key VEC for a large-scale  
6 hydroelectric project. I would expect that terrestrial  
7 animals would be a key VEC as well. I'm not sure that  
8 I would put public safety as one of the top three (3).  
9 I would -- I would be tempted to more -- to put a VEC  
10 related to the affected communities as -- as a primary  
11 VEC, depending on -- on the -- the circumstances in the  
12 community as to what that VEC might be.

13                   MR. SVEN HOMBACH: To follow up on that  
14 point, this morning the Chairman asked you on what you  
15 would add to the definition of 'macroenvironmental',  
16 and you stated that it should include community health  
17 when you're dealing with Aboriginal groups.

18                   And my understanding is that public  
19 safety would -- would involve those issues of community  
20 health?

21                   MR. RICK HENDRIKS: Okay. That would  
22 not be my understanding. When I -- having worked with  
23 a fair number of large utilities across Canada, public  
24 safety -- the term 'safety' has a very -- it has a  
25 particular -- I wouldn't necessarily put community

1 health under the umbrella of public safety. If that --  
2 if they're intending that that is the case, then I --  
3 then I would support community health being on the top  
4 three (3).

5 MR. SVEN HOMBACH: What's your  
6 understanding of the term?

7 MR. RICK HENDRIKS: My understanding is  
8 that -- that it relates more to physical safety; so  
9 rather than emotional or psychosocial safety or safety  
10 of the relationships between families and -- and  
11 communities. I -- I wouldn't put that under the  
12 umbrella of public safety.

13 MR. SVEN HOMBACH: You also commented  
14 this morning about the challenge in monetizing some  
15 aspects under the multiple account benefit-cost  
16 analysis framework, and how that should actually impact  
17 the decision making. And you indicated the -- the  
18 challenge in weighing those issues.

19 Do you have any guidance to the panel on  
20 how it should compare certain environmental impacts  
21 under benefit costs to others, and stack those projects  
22 against each other?

23

24 (BRIEF PAUSE)

25

1 MR. RICK HENDRIKS: In terms of the --  
2 the monetized items that are on Hydro's multiple  
3 accounts benefit-cost analysis, I don't -- I don't take  
4 issue with the monetization that's happened. And so  
5 what we would have at that point would be monetized  
6 values for each of the plans. And then we'd be left  
7 with the non-monetizable items, and the question  
8 becomes then how to compare those. I understand that  
9 that's -- that's the nature of your question.

10 The way that Dr. Schaffer describes it,  
11 and it's my understanding of how he describes it, is  
12 that the key issue here is one of critical -- what he  
13 calls critical value. So let's say for example that  
14 we're able to monetize - we have -- we have plan -- I'm  
15 -- I'm not going to use numbers that are in the plan  
16 list.

17 So we have Plan 20 and Plan 21. And if  
18 Plan 21 costs, say, \$1 billion more than Plan 20 on the  
19 monetized values, and in terms of the non-monetizable  
20 values -- so Plan 20 is cheaper. And -- but there are  
21 some non -- non-monetized consequences, as he refers to  
22 them.

23 The difference between the monetized  
24 values, you will have to make a judgment. You will  
25 have to say, It's my understanding from Mr. Schaffer's

1 work, and I would support that. At some point, you  
2 have to make a judgment about whether or not the -- the  
3 non-monetized consequence associated with the cheaper  
4 alternative takes it above the more expensive  
5 alternative.

6 And so that -- that would be my advice,  
7 is -- is to try to -- is to try to -- to take it to  
8 that point where you're clearly understanding what  
9 exactly is -- what is being traded off here.

10 MR. SVEN HOMBACH: So you're saying  
11 it's entirely subjective?

12 MR. RICK HENDRIKS: I'm not saying it's  
13 entirely subjective.

14

15 (BRIEF PAUSE)

16

17 MR. RICK HENDRIKS: In making a  
18 decision about justification, we have to weigh these  
19 things. We have to weigh the tradeoffs that -- that  
20 we're left with here, and so there is a subjectivity to  
21 that. I think the objective part comes in, in dealing  
22 with the monetized. And then we're -- we're left with  
23 a -- with a residual that has to be, to some extent,  
24 subjective.

25 Again, you have advice here in terms of

1 the -- the guidance that's been given in the terms of  
2 references, what are the -- the principles that are to  
3 guide that decision. Those have been clearly outlined  
4 in the terms of reference.

5 I wish I could provide you perhaps more  
6 of what you're asking for.

7 MR. SVEN HOMBACH: With that, let's  
8 move on to the subject of resource planning. You spoke  
9 about Quebec this morning.

10 And you indicated that there's currently  
11 a substantial surplus?

12 MR. RICK HENDRIKS: Yes.

13 MR. SVEN HOMBACH: Now, presumably,  
14 when the most recent generation facilities were planned  
15 in Quebec, Quebec did not budget to have a large  
16 surplus, or did it?

17 MR. RICK HENDRIKS: Hydro-Quebec  
18 production does always maintain -- all utilities  
19 maintains somewhat of a surplus. But, no, my  
20 understanding is that they did not plan to have a  
21 surplus, no.

22 MR. SVEN HOMBACH: Do you have an  
23 understanding of what changed between the time the most  
24 recent Quebec dam was planned and it was actually  
25 placed in service?

1 MR. RICK HENDRIKS: Yes, I have a  
2 general understanding. The --

3 MR. SVEN HOMBACH: Can you provide a  
4 brief description?

5 MR. RICK HENDRIKS: There was a change  
6 in the economy which lowered the amount of consumption  
7 of electricity. There was also a change in the -- in  
8 the markets as a result of new technologies. So  
9 natural gas became available in a much cheaper form as  
10 a result of hydraulic fracturing. And so prices on the  
11 markets went down considerably and created, if you  
12 will, a surplus on the -- on the export markets that  
13 Hydro-Quebec would normally export into.

14 So there were -- there were changes that  
15 -- that led to the -- those were -- those are two (2)  
16 that led to the situation that they're now in, yes.

17 MR. SVEN HOMBACH: Let's go to page 51  
18 of your presentation from this morning for a moment.  
19 The Romaine hydroelectric complex that you mention on  
20 page 51, is that the most recent dam that was  
21 constructed in Quebec? Oh, and the slide is in front  
22 of you.

23 MR. RICK HENDRIKS: Thank you. Yes,  
24 that is the Romaine hydroelectric project complex on  
25 the Romaine River in Quebec, yes.

1 MR. SVEN HOMBACH: Do you recall when  
2 that was actually planned and when that went through  
3 the regulatory approval process?

4

5 (BRIEF PAUSE)

6

7 MR. RICK HENDRIKS: I would want to say  
8 2004, but I'm not certain.

9 MR. SVEN HOMBACH: So the lead time is  
10 approximately ten (10) years in that case?

11 MR. RICK HENDRIKS: Yeah, I would -- I  
12 wouldn't want to conjecture it. To be honest with you,  
13 I don't know.

14 MR. SVEN HOMBACH: Perhaps I can ask  
15 you by way of undertaking to advise when the Romaine  
16 hydroelectric complex went through the permitting  
17 process.

18 MS. JESSICA SAUNDERS: Yes, that is  
19 acceptable. And for the court reporter, did you want  
20 that confirmed?

21 MR. SVEN HOMBACH: I'm seeking an  
22 undertaking for the witness to advise when the Romaine  
23 hydroelectric complex in Quebec went through the  
24 approvals and permitting process.

25 MR. RICK HENDRIKS: Just to clarify,



1 that would be the date from which -- normally the --  
2 the process would be triggered by a submission from the  
3 Proponent to the regulator. So that would be the start  
4 date.

5 Do we agree on that?

6 MR. SVEN HOMBACH: Yes, sir.

7 MR. RICK HENDRIKS: Okay.

8

9 --- UNDERTAKING NO. 146: MMF panel to advise when  
10 the Romaine hydroelectric  
11 complex in Quebec went  
12 through the approvals and  
13 permitting process

14

15 CONTINUED BY MR. SVEN HOMBACH:

16 MR. SVEN HOMBACH: Let's go to page 59  
17 of your slides. In the second bullet this morning, you  
18 indicated that as appropriate, indicate any changes to  
19 the Preferred Development Plan that would be  
20 inconsistent with the findings of the PUB.

21 Are you suggesting, sir, that the Public  
22 Utilities Board should anticipate potential changes to  
23 the Preferred Development Plan that Manitoba Hydro  
24 might want to implement after the completion of this  
25 hearing, or what are you suggesting?

1 MR. RICK HENDRIKS: I'm suggesting that  
2 it's often the case that circumstances change, so the  
3 Quebec surplus as an example. So circumstances can  
4 change considerably, such that a Proponent would  
5 proceed with something different than what it had  
6 originally intended.

7 MR. SVEN HOMBACH: Okay. Let's move  
8 on, then, to the subject of wind.

9 Have you actually been involved in the  
10 development or regulatory guidance with respect to wind  
11 farms? Or was your information this morning based  
12 primarily on your literature review?

13 MR. RICK HENDRIKS: The information was  
14 primarily based on my literature review, as well as  
15 comparative analyses that I had reviewed and -- and  
16 undertaken in the past on hydroelectric projects.

17 MR. SVEN HOMBACH: Are you aware that  
18 the provincial strategy in this province is to develop  
19 up to a thousand megawatts of economic wind? And I'm  
20 stressing the word 'economic'.

21 MR. RICK HENDRIKS: Yes, I am aware of  
22 that. Actually, that was a slide in my presentation  
23 that I removed last night to shorten it.

24 MR. SVEN HOMBACH: How would you define  
25 economic wind in that context?

1 MR. RICK HENDRIKS: In response to an  
2 IR from Man -- Manitoba Hydro, I was asked the  
3 question, I believe, if -- if I've got it right, Was I  
4 aware of any examples where wind had been -- come onto  
5 the system and it was not -- not pursuant to a  
6 government subsidy, I believe was the -- the phrase  
7 they used.

8 And so to my mind, wind that's economic  
9 is wind that's part of a -- of a portfolio of resources  
10 that meets the needs of the utility. So what that --  
11 in that sense, I'm assuming that there would be an  
12 integrated resource planning process of some sort that  
13 is going to select different supply and demand-side  
14 options to meet the need for capacity and energy.

15 And so a wind project in a certain  
16 portfolio might have a -- its unit energy cost might be  
17 higher, for example, than other resources, but it might  
18 be more modular. It might fit more well with the needs  
19 of the utility, and that was the example that I gave in  
20 the case of BC.

21 So for example, there, there's a large  
22 hydroelectric project proposed, and that project is  
23 Site C, and Site C creates a surplus. So even though  
24 Site C has a lower unit energy cost, because of the  
25 surplus which has to be sold on the export markets at a

1 considerably lower price than the marginal cost of  
2 production, if you compare that to a -- another  
3 resource plan that also fulfills the need that contains  
4 wind projects, some of those wind projects might  
5 actually have a higher unit energy cost than Site C  
6 because they fit the need better. They avoid the  
7 expensive surplus and allow you to step up supply with  
8 demand.

9                   And so to answer your question, I would  
10 -- I would say that what I said earlier, which is that  
11 it's economic if it's the least cost -- it's part of a  
12 least cost portfolio for meeting the -- you know, the  
13 energy and -- and capacity requirements.

14                   MR. SVEN HOMBACH: Are you concerned  
15 about the competition between different jurisdictions  
16 in attracting winds, and one (1) province being able to  
17 compete with another province or another jurisdiction  
18 that might offer a higher price or a larger subsidy?

19                   MR. RICK HENDRIKS: Sorry, competition  
20 in what sense?

21                   MR. SVEN HOMBACH: Let's -- let me get  
22 back to that point. If we could put the IR response  
23 from this morning back up on screen? It's Manitoba  
24 Hydro/MMF IR response 25b, page 7.

25                   You provided a chart that lists wind

1 projects in several different provinces, and I  
2 appreciate, sir, that this does not include wind within  
3 MISO. It's my understanding that the province of  
4 Ontario does not use an RFP process for wind. It uses  
5 the FIT process, the feed-in tariff regime.

6 Are you familiar with that?

7 MR. RICK HENDRIKS: Yes, I am familiar  
8 with FIT.

9 MR. SVEN HOMBACH: And when FIT first  
10 came online, the program would permit twenty (20) year  
11 power purchase agreement at a per kilowatt hour cost --  
12 or price of thirteen and a half (13 1/2) cents?

13 MR. RICK HENDRIKS: That --

14 MR. SVEN HOMBACH: Will you take that  
15 subject to check?

16 MR. RICK HENDRIKS: I would have --  
17 actually have to agree with that. I'm not aware that  
18 the -- the feed-in tariff price for wind has ever been  
19 that high. Feed-in tariff price for wind is typically  
20 around eleven (11) to fourteen (14) cents.

21 MR. SVEN HOMBACH: Will you accept,  
22 subject to check, that currently it's eleven and a half  
23 (11 1/2) cents per kilowatt hour?

24 MR. RICK HENDRIKS: Yes, I will --  
25 subject to check, I would agree with that amount, yes.

1 MR. SVEN HOMBACH: And you testified  
2 this morning about the Aboriginal revenue and  
3 Aboriginal participation.

4 You're familiar with the Aboriginal  
5 price at or under that tariff?

6 MR. RICK HENDRIKS: Yes, I am. I spoke  
7 about it in my report.

8 MR. SVEN HOMBACH: Yeah. And that's  
9 currently up to one and a half (1 1/2) cents, depending  
10 on the equity stake?

11 MR. RICK HENDRIKS: Yeah, it depends on  
12 the -- on the share -- or involvement of the -- of the  
13 Aboriginal group in the project. Yes, that's correct.

14 MR. SVEN HOMBACH: So that means with  
15 maximum Aboriginal equity stake, Ontario's currently  
16 offering to pay thirteen (13) cents per kilowatt hour  
17 for wind?

18 MR. RICK HENDRIKS: Subject to check,  
19 yes.

20 MR. SVEN HOMBACH: Are you aware what  
21 type of system Quebec uses?

22 MR. RICK HENDRIKS: Quebec uses an RFP  
23 system, as far as I know. They had a -- their last  
24 call, I believe, subject to check, was in 2010.

25 MR. SVEN HOMBACH: And are you aware as

1 to what price is being offered in Quebec for new wind  
2 farm installations?

3 MR. RICK HENDRIKS: I am not aware.

4 MR. SVEN HOMBACH: Okay.

5 THE CHAIRPERSON: I wonder if we could  
6 pause here and recess for about ten (10) minutes. So  
7 we'll just recess and -- and resume after that.

8

9 --- Upon recessing at 2:12 p.m.

10 --- Upon resuming at 2:28 p.m.

11

12 THE CHAIRPERSON: I believe we are in a  
13 position to resume the proceedings. Mr. Hombach,  
14 please.

15

16 CONTINUED BY MR. SVEN HOMBACH:

17 MR. SVEN HOMBACH: Mr. Hendriks, before  
18 the break you and I were discussing wind developments  
19 in different jurisdictions and the commercial  
20 frameworks that are in place for those. I'm wondering  
21 if we could put the IR response back up on screen?

22 I didn't have an opportunity to ask you  
23 about British Columbia. Are you familiar with what  
24 type of commercial framework British Columbia uses to  
25 develop wind?

1 MR. RICK HENDRIKS: Yes, I am. They  
2 use an RFP process as well. So they have cull, what  
3 they call a cull for power.

4 MR. SVEN HOMBACH: And are you aware  
5 what price per kilowatt hour is being offered under  
6 those RFPs?

7 MR. RICK HENDRIKS: They don't -- my  
8 understanding, in the past anyways, they have not  
9 offered a particular price. What they say is that  
10 there is a block of power that they are seeking. And  
11 then they select the -- from the responses, the  
12 proposals that come in to the request for proposals,  
13 and they rank them. They're ranking them in terms of  
14 cost. They're ranking them in terms of deliverability,  
15 confidence that the contractor can actually deliver the  
16 product, and other criteria.

17 So they -- they have a ranking system is  
18 my understanding.

19 MR. SVEN HOMBACH: So it's essentially  
20 a lowest cost type of regime? A low bidder?

21 MR. RICK HENDRIKS: Low bidder. There  
22 are other considerations as well; as I said,  
23 deliverability and there -- there would be other things  
24 as well.

25 MR. SVEN HOMBACH: And is that the case



1 in Quebec as well, or are you not familiar with how --  
2 how wind is priced in that jurisdiction?

3 MR. RICK HENDRIKS: I'm not sure  
4 whether in Quebec they go with a block, or whether they  
5 -- a block of power and -- and let the prices fall  
6 where they may, like BC, or whether they are providing  
7 a price threshold and saying, Anyone who gets under  
8 that threshold is in and anyone who can't is out. So  
9 I'm not familiar which of those two (2) they would  
10 have. I would suspect it would be one (1) or the  
11 other.

12 MR. SVEN HOMBACH: So when we look at  
13 the Aboriginal revenue and Aboriginal participation, it  
14 appears from your chart that it's highest in Ontario,  
15 which has the Aboriginal price adder.

16 Are you familiar with whether any of the  
17 other Canadian jurisdictions have a similar system in  
18 place where there's additional benefits if there's  
19 Aboriginal ownership of wind projects?

20 MR. RICK HENDRIKS: To the best of my  
21 knowledge, neither -- none of the other provinces have  
22 -- let me clarify that. They don't -- BC does --  
23 definitely does not have a price adder that I'm -- that  
24 I'm aware of. Quebec actually did issue a special  
25 request for proposals from community and Aboriginal

1 groups.

2                   Whether they paid a higher price than  
3 they did in their general request for proposals, I'm  
4 not certain, but they did have a separate request for  
5 proposals. I am aware of that.

6                   MR. SVEN HOMBACH: This morning you  
7 also spoke about wind agreements with municipalities.  
8 And you commented that those agreements might have to  
9 become more lucrative for other municipalities in the  
10 future.

11                   Can you offer some specific examples on  
12 what incentives or deal sweeteners municipalities are  
13 now being offered?

14                   MR. RICK HENDRIKS: Sorry, are -- are  
15 now being offered? Is that --

16                   MR. SVEN HOMBACH: Yes, you indicated  
17 that recent agreements with municipalities, or more  
18 generous for the municipalities than they have been in  
19 the past. What types of incentives are being offered  
20 to municipalities?

21                   MR. RICK HENDRIKS: Typically they're  
22 of -- of two (2) forms. They could be revenue-sharing  
23 agreement or an -- an equity partner agreement,  
24 although municipalities have tended to opt towards the  
25 revenue sharing, but there are municipalities that do

1 have equity shares. Those would be the two (2) main  
2 ways.

3 Now, there are other ways in which  
4 benefits could accrue to the local communities. There  
5 could be set asides, for example, contractual set  
6 asides for local companies. It might not be the muni -  
7 - municipal government, per se, who would benefit, but  
8 local companies. There could be several, you know,  
9 donations. Grants in lieu of taxes. There could be  
10 several ways in which -- in which the Proponent conveys  
11 benefits to the local community.

12 MR. SVEN HOMBACH: Did you turn your  
13 mind when you tried to determine what the Aboriginal  
14 benefits are for different projects as to whether those  
15 accrue primarily in the south or in the north in other  
16 provinces? For example, there's a number of wind farms  
17 in southern Ontario. There are a few in northern  
18 Ontario as well, but are those benefits primarily in  
19 northern Ontario or southern Ontario?

20 MR. RICK HENDRIKS: They're in both,  
21 yeah. They're Aboriginal -- there is an Aboriginal  
22 ownership of a -- part ownership of a project in  
23 southwestern Ontario, as well as in southern Quebec.  
24 In fact, one (1) of the projects is -- is entirely  
25 owned by a -- an Aboriginal group in southern Quebec.

1 So it's -- it's a bit of both.

2 In BC, the wind region, the primary wind  
3 region is in the Peace region, which is in northeast  
4 British Columbia, so all of those are in -- on Crown  
5 land, so Aboriginal groups are involved in all of those  
6 projects. And the only other project in BC is in  
7 northern -- on northern Vancouver Island, so -- which  
8 would be considered the north if you lived in BC. So  
9 those are all in the north, but in Quebec and Ontario,  
10 there's a mix.

11 MR. SVEN HOMBACH: And in your view, if  
12 there were to be more wind development in this  
13 province, do you see it as feasible for any of that  
14 development to take place in northern Manitoba as  
15 opposed to in southern Manitoba where it's taken place  
16 to date?

17 MR. RICK HENDRIKS: I do not. The wind  
18 resources in southern Manitoba are far superior to  
19 those in -- in northern Manitoba, and I wouldn't think  
20 that a project in northern Manitoba could compete.

21 MR. SVEN HOMBACH: And it follows,  
22 then, that there wouldn't be any northern Aboriginal  
23 benefits flowing from wind projects in southern  
24 Manitoba?

25 MR. RICK HENDRIKS: I would say that

1 would be correct, yes.

2 MR. SVEN HOMBACH: Okay. Thank you,  
3 sir. Those are all my questions to you. I would like  
4 to clarify the record, having spoken to Ms. Pachal  
5 earlier, I referred you to -- I used the word 'public  
6 safety' earlier, indicating that among the top three  
7 (3) VECs, Manitoba Hydro used public safety as number  
8 two (2). It should actually have been public safety  
9 and worker interaction.

10 You understand that to be the case now?

11 MR. RICK HENDRIKS: I understand that  
12 is the case, yes.

13 MR. SVEN HOMBACH: Thank you, sir.

14 THE CHAIRPERSON: Ms. Saunders, please.

15

16 RE-DIRECT EXAMINATION BY MS. JESSICA SAUNDERS:

17 MS. JESSICA SAUNDERS: Yes, thank you,  
18 Mr. Chair. I do have a few questions in redirect, if -  
19 - if that's all right, but before I do that, I'm  
20 advised by Mr. Hendriks that over the break, he did  
21 consider one (1) of the questions that you had posed to  
22 him earlier this morning, and so he did, I do believe  
23 want to provide some additional comments on that before  
24 I ask some questions in redirect.

25 MR. RICK HENDRIKS: Thank you, Mr.

1 Chairman. I just wanted to clarify a comment that I  
2 think that you said, that I was proposing that wind  
3 development should replace Keeyask, or act as a  
4 replacement to Keeyask. In my presentation, I  
5 presented many different ways in which wind could be  
6 part of the resource mix here in Manitoba.

7                   On its own, wind cannot replace Keeyask.  
8 Keeyask provides capacity, dependable capacity, and --  
9 and wind does not, so wind would need to be part of a  
10 portfolio with -- with capacity, if it were to replace  
11 Keeyask. So I just wanted to -- to clarify that point,  
12 that I was not proposing that on its own, wind  
13 development would replace Keeyask.

14                   MS. JESSICA SAUNDERS: Thank you. Just  
15 a few questions in redirect. Mr. Hendriks, Mr. Regehr  
16 asked you if you were aware that the EIS addresses  
17 issues such as health, client enjoyment, and loss of  
18 place, and those three (3) additional considerations  
19 you had mentioned were in response to a question from  
20 the Chair on your slide 14 of your presentation. If we  
21 could just bring that up?

22

23                                   (BRIEF PAUSE)

24

25                   MS. JESSICA SAUNDERS: And I just want

1 to confirm. In this slide you are discussing the  
2 definition of socioeconomic impacts in the NFAT. And -  
3 - and Mr. Chair had asked you to identify potential  
4 additional considerations that would be important to  
5 Aboriginal communities.

6 Is that your recollection?

7 MR. RICK HENDRIKS: Yes, that's my  
8 recollection, based on the materials in the definition  
9 itself, which is on slide 13.

10 MS. JESSICA SAUNDERS: Okay. And so in  
11 response to some of Mr. Regehr's questions, the  
12 particular one, whether you're aware of the IES  
13 addressing those three (3) additional considerations  
14 you mentioned; health; quite enjoyment; and loss of  
15 place.

16 I'll refer you to Manitoba Hydro  
17 response to CAC-123a filed in the Information Request  
18 process on the screen. Did you review this -- this  
19 chart? This would be from the first round of  
20 Information Request. It's a matrix summarizing where  
21 Manitoba Hydro in fact summarizes the socioeconomic  
22 benefits under the various plans.

23 MR. RICK HENDRIKS: Yes, I did.

24 MS. JESSICA SAUNDERS: Okay. What is  
25 your understanding of this chart insofar as the

1 additional considerations of health, quiet enjoyment,  
2 and loss of place are concerned? So what, if any,  
3 information on those considerations do you see as being  
4 indicated in this chart?

5 MR. RICK HENDRIKS: I don't see those  
6 as being indicated in this chart.

7 MS. JESSICA SAUNDERS: Thank you. In  
8 redirect, with respect to Mr. Hombach's question just  
9 to you regarding the socioeconomic benefits of wind  
10 that would not necessarily apply to Northern  
11 communities, I just wanted to confirm, Mr. Hendriks, in  
12 your understanding of potential benefits to Aboriginal  
13 communities, could those benefits apply to say an  
14 umbrella organization, whether it be First Nation or  
15 Metis, that has representatives from communities that  
16 happen to be northern and southern and say pull their  
17 resources and develop a joint venture of some sort that  
18 would be all-encompassing of communities say from north  
19 and south.

20 Is that something that may be within the  
21 ambit of Aboriginal communities that you've discussed  
22 in your report?

23 MR. RICK HENDRIKS: Yes. There are a  
24 num -- there are a number of different ways in which  
25 communities across Canada, both Aboriginal and non-



1 Aboriginal, have chosen to participate in wind  
2 development, so those include cooperatives.  
3 Cooperatives would be drawing from a wide -- could be  
4 drawing from a wide geographical area in terms of their  
5 participation.

6 So, yes, it's conceivable that that  
7 could be the case, yeah.

8 MS. JESSICA SAUNDERS: Those are all my  
9 questions. Thank you.

10 THE CHAIRPERSON: Thank you, Ms.  
11 Saunders. I believe that ends today's proceedings.  
12 Oh, Mr. Orle, please.

13 MR. GEORGE ORLE: Yes. Thank you, Mr.  
14 Chair. Last week, when we had concluded with the MKO  
15 portion being deferred to -- to the panel in Thompson,  
16 there had been an agreement between all counsel and the  
17 PUB counsel that the opinion letter from Chymko  
18 Consulting and Desiderata Energy Consulting would be  
19 put before the panel on the record as MKO Exhibit  
20 number 7. And I just have that to -- to pass around  
21 right now. And that was the only matter that we had to  
22 ple -- put on the record. Thank you.

23

24 --- EXHIBIT NO. MKO-7: Opinion letter from Chymko  
25 Consulting and Desiderata

1 Energy

2

3 THE CHAIRPERSON: Thank you for that,  
4 Mr. Orle. I do believe that there's no further  
5 business to conduct today. With that, I think that  
6 we'll adjourn today's proceedings.

7 I want to thank you, Mr. Hendriks, for  
8 the work you contributed -- for the work you've done  
9 and the contribution you've made to the deliberations  
10 of this panel --

11 MR. RICK HENDRIKS: Thank you for your  
12 time today.

13 THE CHAIRPERSON: -- for your  
14 thoughtful paper and comments. And we will -- the rest  
15 -- those of us that are meeting again, we'll meet  
16 tomorrow morning at nine o'clock. So thank you very  
17 much, everyone. Have a good evening.

18

19 (WITNESS STANDS DOWN)

20

21 --- Upon adjourning at 2:40 p.m.

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1 Certified Correct,

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8 Cheryl Lavigne, Ms.

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<u>\$</u>	10455:9,13	<b>101</b> 10420:16	<b>10533</b>	10349:19
<b>\$1</b> 10510:18	,18	<b>10315</b>	10315:25	10361:24
<b>\$2,500</b>	10459:11	10315:25	<b>108</b> 10366:12	10362:3
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