

Winnipeg River Dams Short Term Extension Licenses Technical Review Manitoba Métis Federation

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1.0 Introduction

Manitoba Hydro (MH) owns and operates Water Power Generating Stations, also known as hydroelectric facilities or power plants (herein referred to as “GSs” or “facilities”), within the National Homeland of the Red River Métis (Red River Métis). These facilities generate electricity from the power of falling water, often requiring the flooding of valleys and the creation of dams and water reservoirs. These dams have had long-standing impacts to Red River Métis Citizens. Historically they have impacted travel routes, decimated heritage resources, and permanently flooded crown and private land. These changes have destroyed habitat for key fish species (e.g., Lake Sturgeon) and fur-bearing mammals (e.g., beaver), and eliminated once-productive areas of wild rice; impacts which continue in some areas due to ongoing erosion. Currently, impacts persist regarding water flow management and continued alternation and destruction of shorelines, fish habitat, and water quality.

Consultation and engagement with the Manitoba Métis Federation (MMF) and Red River Métis Citizens have been lacking over the lifetime of waterpower projects, despite these direct impacts from MH operations on rivers and waterways. Manitoba Hydro has repeatedly evaded meaningful consultation and engagement through the issuance of Short Term Extension Licences (STELs), which do not require fulsome consultation. The Government of Manitoba Environmental Approval Branch (EAB) has recently requested review and citizen engagement on the approval of several STELs for Winnipeg River Dams. The MMF hopes this opportunity to engage will result in meaningful collaboration on the development of licence conditions and avenues to address Red River Métis concerns through renewal licences.

1.1 Project Descriptions

Manitoba Hydro is submitting applications for Short Term Extension Licences (STELs) for hydroelectric dams along the Winnipeg River. STELs are short-term licences distributed under the *Water Power Regulation* (M.R. 25/88R) and administered under *The Water Power Act* (2022). These licenses may be issued for up to five (5) years if a final licence has expired or a final licence has not been renewed. Short term licences are subject to all terms and conditions of the final licence, except when it is in the public interest to amend any term or condition. There is no limit on the number of STELs that may be issued to a project.

If a STEL is approved, it is considered an application for an extended final licence. The minister may conduct public hearings and provide consultations with First Nations or other Indigenous groups during the term of short-term license extension. Within a 2-year period before expiry of a STEL or Final License, operators (e.g., Manitoba Hydro) may submit a request for a Renewal License from the EAB.

In December of 2023, Manitoba Hydro submitted STEL requests for two (2) generating stations on the Winnipeg River (Slave Falls GS and Pointe Du Bois GS). There are also three additional facilities on the



Winnipeg River which have STELs expiring in 2025 (Seven Sisters, McArthur Falls, Pine Falls). Each of these facilities had submitted a request for a Renewal License between 2018 and 2023.

1.1.1 Winnipeg River Dams

The Winnipeg River runs north-west from Lake of Woods, Ontario, to Lake Winnipeg along a 260 kilometre (km) long pathway within the Canadian Shield. The drainage basin is approximately 150,000 square km and encompasses a much longer system of tributaries and connecting channels nearly 765 km in length. Flow in the Winnipeg River is controlled by the Lake of Woods Control Board (LWCB), headquartered in Ontario.

There are seven (7) power stations on the Winnipeg River, generating approximately 8% of Manitoba Hydro's capacity as of 2022-2023. The seven (7) stations were gradually built from 1902 to 1955 to accommodate growing electricity demand and make use of an efficient water resource in the Winnipeg River. There are five (5) power stations that are currently undergoing license extension (Figure 1):

- Slave Falls
- Pointe du Bois
- Seven Sisters
- McArthur Falls
- Pine Falls

Pointe du Bois Generating Station

The Pointe du Bois GS is the most easterly generating station on the Winnipeg River. It is located approximately 160 km northeast of Winnipeg, upstream of Lake Winnipeg. The generation station has been operating since 1911, making it the oldest power plant on the Winnipeg River. The station consists of a powerhouse, spillways bays, sluiceway, concrete non-overflow dams, and earthfill dykes impounding Natalie Lake. The Pointe du Bois GS has a generating capacity of 78 megawatt (MW).

The Final License for Pointe du Bois was issued in 1911 for a 20-year term. Since then, the plant has had four Renewal Licenses issued (1932-1952; 1952-1972; 1972-1992; 1992-2012). In 2012, the First STEL was issued for a 5-year term. A Second STEL was issued for a 5-year term from 2017-2022 and in 2022, a Third STEL was issued from January 1, 2020, until January 1, 2025. The Third STEL had conditions requiring Indigenous consultation with respect to the Fifth Renewal License. In 2023, Manitoba Hydro requested a Fourth STEL be approved for an additional term of 5-years (2025 – 2030). Supporting documentation from the Third STEL (2022) is provided with the request and is dated September 15, 2016.

The Pointe du Bois GS was also required to undergo an Environmental Assessment (EA) for the Spillway Replacement Project in 2016. In 2015, the Spillway Replacement Project was completed and invoiced



the replacement of the east gravity dam, spillway bays, and rockfill dam with a new 7-bay spillway as well as main and south earthfill dams,

Slave Falls Generating Station

Slave Falls GS is located on the Winnipeg River approximately 160 km northeast of Winnipeg. The hydroelectric station has a capacity of 72 MW and consists of bay spillways, sluiceways, non-overflow dams and earth dykes.

The Slave Falls GS Final License was issued in 1932 for a period of 50-years. A License Renewal was issued in 1982, renewing the Final License for a period 40-years. Upon the expiry of this renewal in 2022, a STEL was issued for a 3-year period. This STEL expires January 1, 2025, and has conditions for Indigenous engagement with respect to a Second Licence Renewal. In 2023, Manitoba Hydro submitted a request for a Second STEL for a term of 5-years (2025-2030). This request also indicates Second Renewal License was submitted in 2017 and updated technical requirements will be submitted within the term of the Second STEL. The latest technical support available is from the First STEL request (2021) and is considered valid for the application of the Second STEL.

Seven Sisters Generating Station

The Seven Sisters GS is located about 90 km northeast of Winnipeg on the Winnipeg River and about 72 km upstream of Lake Winnipeg. The Station has been operating since 1932 and has a current capacity of 180 MW. Infrastructure includes bay spillways, two (2) non-overflow dams, north and south dykes, and two (2) bay-gated sluiceways.

The Final License for the Seven Sisters GS was approved in 1966 and covered a period of 1932 to 1981. A STEL was then issued from 1982 until 2015, prior to the 5-year term limit. A Second STEL was issued in 2015 for a 5-year period. The station is currently operating under a Third STEL that covers a term of January 1, 2020, until January 1, 2025. Two (2) requests for Renewal License have been submitted in 1978 and 2018 for a 50-year term but have not yet been approved. The latest technical documentation available is from the Renewal License technical support submitted in 2018. It is not clear if the station has a current submission to extend the current STEL.

McArthur Falls Generating Station

The McArthur Falls GS is located on the Winnipeg River, approximately 120 km northeast of Winnipeg and 42 km upstream of Lake Winnipeg. The station has a generating capacity of about 60 MW. The station consists of a powerhouse, spillway and dykes.

Manitoba Hydro was issued the original Final License for the McArthur Falls GS on January 1, 1955, for a term of 50-years. Two (2) STELs were then issued to extend the Final License from 2005 to 2015 and the again from 2015 to 2020. A Third STEL was issued in 2020 for a term of October 1, 2020, to September 30, 2025. The operating terms of the third STEL are identical to the original Final License. McArthur Falls



GS submitted a Report in Support of a Request for a Renewal Licence in December of 2023, within the two-year application window.

Pine Falls Generating Station

The Pine Falls GS is located approximately 120 km northeast of Winnipeg and approximately 13 km upstream of Lake Winnipeg on the Winnipeg River. The station has been operating since 1952 and have a generating capacity of 90 MW. Infrastructure includes a powerhouse, gated spillways, a non-overflow dam, a transition dam, and an earth dyke.

The Final License for Pine Falls GS was issued for a term of 50-years starting in 1952. In 1997, Manitoba Hydro submitted an application for a Renewal License which was not issued. A STEL was issued from 2002 until 2015, prior to the 5-year term limit. A Second STEL was issued in 2015 for a 5-year term and in 2020, a Third STEL was issued for a period of 5-years, expiring on September 30, 2025. A submission for a Renewal License for 50-years was requested by MH in 2019 which included technical supporting documentation. This documentation was the most recently available for the current review.



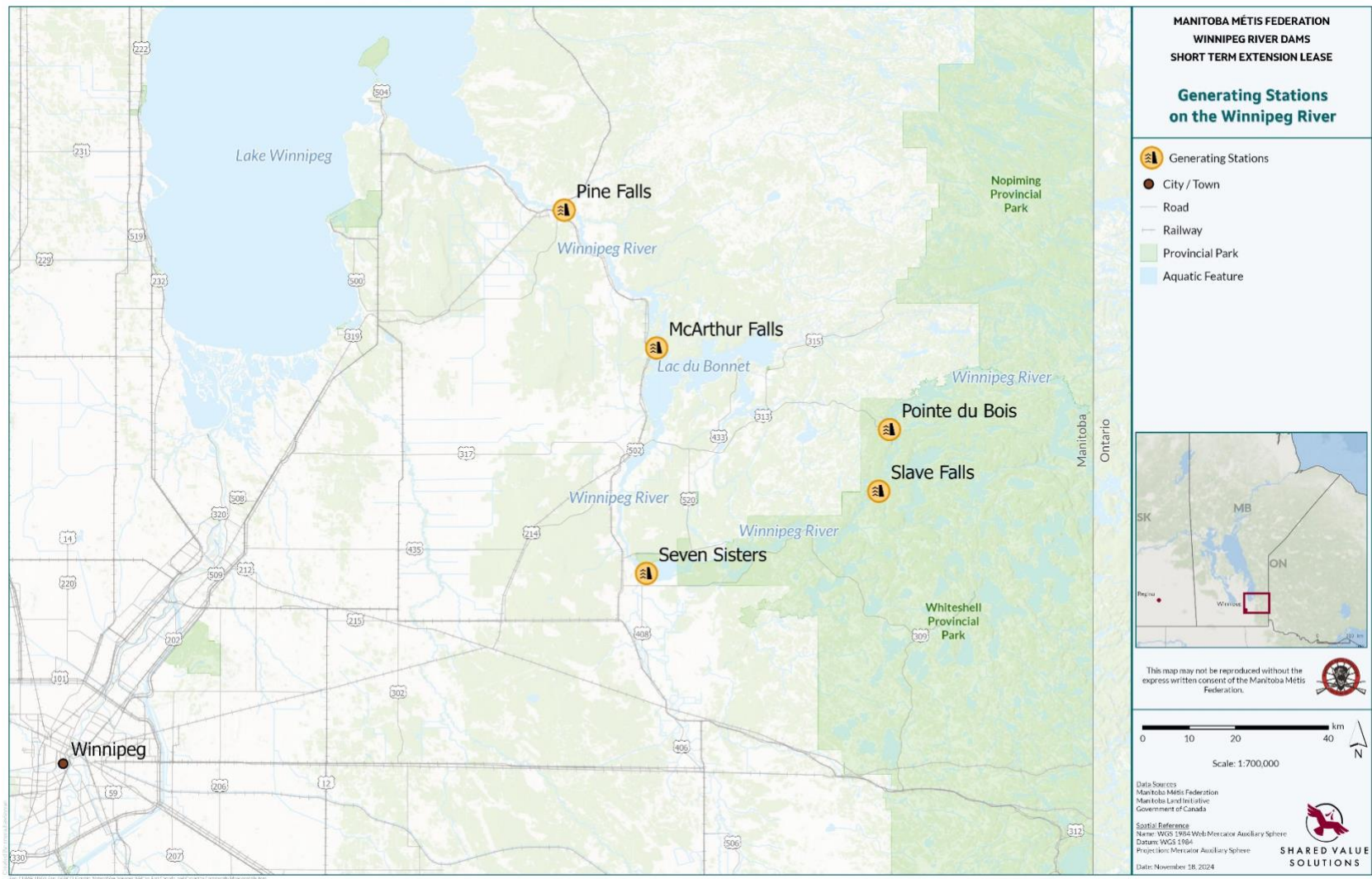


Figure 1: Locations of the Five (5) Generating Stations on the Winnipeg River with current STEL applications.



2.0 Background—The Red River Métis and the MMF

2.1 The Red River Métis

The Red River Métis is an Indigenous collectivity and Aboriginal People within the meaning of section 35 of the *Constitution Act, 1982*. Based on our emergence as a distinct Indigenous People in the Northwest prior to effective control by Canada and the creation of the province of Manitoba, the Red River Métis holds rights, interests, and claims throughout and beyond the Province of Manitoba.

Since 1982, Métis rights have been recognized and affirmed by section 35 and protected by section 25 of the *Constitution Act, 1982*. These rights were further confirmed and explained by the Supreme Court of Canada (“SCC”) in *R. v. Powley*, 2003 SCC 43. Manitoba Courts also have recognized Red River Métis rights in *R. v. Goodon*, 2008 MBPC 59. These decisions have affirmed that the Métis hold existing Aboriginal rights throughout their traditional territories. Our Citizens and harvesters rely on and use the lands, waters, and resources of our traditional territory throughout the Province of Manitoba and elsewhere within the historic Northwest, to exercise their constitutionally protected rights and to maintain their distinct Red River Métis customs, traditions, and culture.

2.2 Red River Métis’ Rights, Claims, and Interests

Based on its emergence as a distinct Indigenous People in the Northwest prior to effective control by Canada and the creation of the province of Manitoba, the Red River Métis holds rights, claims, and interests throughout and beyond the Province of Manitoba consistent with the United Nations Declaration on the Rights of Indigenous Peoples, including the right to self-determination.

The MMF is mandated to promote, protect, and advance the collectively held Aboriginal rights of the Red River Métis. Through this mandate, the MMF engages with governments, industry, and others about potential impacts of projects and activities on our community. In 2007, the MMF Annual General Assembly adopted Resolution No. 8, which provides the framework for engagement, consultation, and accommodation with the Red River Métis. Designed by Métis, for Métis, Resolution No. 8 sets out the process that is to be followed by governments, industry, and other proponents when developing plans or projects that have the potential to impact the section 35 rights, claims, and interests of the Red River Métis. It was unanimously passed by MMF Citizens and mandates a “single-window” approach to consultation and engagement with the Red River Métis through the MMF Home Office.¹

In engaging the MMF, on behalf of the Red River Métis, the Resolution No. 8 Framework calls for the implementation of five phases:

Phase I: Notice and Response;



Phase II: Research and Capacity;

Phase III: Engagement and Consultation;

Phase IV: Partnership and Accommodation; and

Phase V: Implementation.

The application of the CER Rules of Practice and Procedure has the potential to impact Red River Métis rights, claims, and interests and as such, engagement and consultation with the MMF, through the process set out above, must be followed. Federally regulated, energy projects are located within the National Homeland of the Red River Métis. The “postage stamp province” of Manitoba was the birthplace of the Red River Métis. We currently have an outstanding claim flowing from the Federal Crown's failure to diligently implement the land grant provision of 1.4 million acres of land promised to the Red River Métis as a condition for bringing Manitoba into Confederation and set out in section 31 of the *Manitoba Act, 1870* in accordance with the honour of the Crown.²

Red River Métis section 35 rights are distinct from First Nations rights and must be respected. The Manitoba Métis Federation is the National Government of the Red River Métis.

Prior to the creation of Manitoba, the Red River Métis had always exercised its inherent right of self-determination to develop its own self-government structures and institutions centered around the Red River Settlement and throughout the Northwest. As described by Louis Riel in his 1885 memoirs, Métis self-government was well-established and functioning when Canada came to the Red River Métis in the late 1800s:

When the Government of Canada presented itself at our doors it found us at peace. It found that the Métis people of the North-West could not only live well without it . . . but that it had a government of its own, free, peaceful, well-functioning, contributing to the work of civilization in a way that the Company from England could never have done without thousands of soldiers. It was a government with an organized constitution whose junction was more legitimate and worthy of respect, because it was exercised over a country that belonged to it.

Métis self-government has evolved and changed over time to better meet the needs of the Red River Métis. Today, the MMF is the recognized, democratically elected, national self-government representative of the Red River Métis. On November 30, 2024 the Red River Métis and His Majesty the King signed the Red River Métis Self-Government Recognition and Implementation Treaty. The Treaty recognizes the Manitoba Métis Federation as the government of the Red River Métis.

Since 1967, the MMF has been authorized by the Red River Métis through a democratic governance structure at the Local, Regional, and national levels. As part of this governance structure, the MMF maintains a Registry of Red River Métis Citizens.³ By applying for Red River Métis Citizenship, individuals



are confirming the MMF is their chosen and elected representative for the purposes clearly set out in its Constitution,⁴ including as related to the collective rights, claims, and interests of the Red River Métis.⁵

The MMF Constitution confirms that the MMF has been created to promote the political, social, cultural, and economic rights and interests of the Red River Métis. The MMF is authorized to represent the Red River Métis' collective rights, interests, and claims. This authorization is grounded in the MMF's democratic processes that ensures the MMF is responsible and accountable to the Red River Métis.

The MMF governance structure includes a centralized MMF President, Cabinet, Regions, and Locals. There are seven (7) Regions and approximately 135 Locals throughout Manitoba (Figure 1). There are more than three thousand Citizens who live outside of Manitoba. All MMF Citizens are Members of a Local. Locals and Regions work together to authorize and support the MMF Cabinet, and the MMF's various departments and offices. Through elections held every four years, Citizens choose and elect the MMF Cabinet consisting of the MMF President, who is the leader and spokesperson for the MMF, a Vice-President of each Region, and two Regional Executive Officers from each Region. The MMF Cabinet also includes the spokeswoman from the Infinity Women Secretariat.

The MMF, as the duly authorized government of the Red River Métis, has been recognized by both the federal and provincial governments in agreements, policies, and legislation. For example, in 2002, *The Child and Family Services Authorities Act* recognized the MMF for the devolution of child and family services to MMF institutions. This Act establishes a series of Child and Family Services Authorities to administer and provide the delivery of services to various distinct Indigenous communities in Manitoba. It creates a Métis Child and Family Services Authority, the directors of which are appointed by the MMF.

In 2008, the courts in Manitoba further recognized that “[t]he Métis community today in Manitoba is a well organized and vibrant community. Evidence was presented that the governing body of Métis people in Manitoba, the Manitoba Métis Federation, has a membership of approximately 40,000, most of which reside in southwestern Manitoba.”⁶ In 2010, the Manitoba Government adopted a Manitoba Métis Policy, and stated that:

*The Manitoba Métis Federation is a political representative of Métis people in Manitoba and represents in Manitoba the Métis who collectively refer to themselves as the Métis Nation.... Recognition of the Manitoba Métis Federation as the primary representative of the Métis people is an important part of formalizing relationships.*⁷

In 2012, the *MMF-Manitoba Harvesting Agreement (2012)* negotiated between the MMF and the Manitoba Government recognized some of the collective section 35 harvesting rights of the Red River Métis and relied on the Citizenship processes of the MMF as proof of belonging to a rights-holding Aboriginal community:



For the purposes of these Points of Agreement, Manitoba will recognize as Métis Rights-Holders, individuals who are residents in Manitoba and who hold a valid MMF Harvesters Card, issued according to the MMF's Laws of the Hunt. [. . . and will] consult with the MMF prior to implementing any changes to the current regulatory regime that may infringe Métis Harvesting Rights.⁸

In 2013, the SCC recognized the “collective claim for declaratory relief for the purposes of reconciliation between the descendants of the Métis people of the Red River Valley and Canada.” It went on to grant the MMF standing as the “body representing the collective Métis interest” in the *MMF Case*.⁹ Additionally, in 2016, the *MMF-Canada Framework Agreement* stated:

the Supreme Court of Canada recognized that the claim of the Manitoba Métis Community was “not a series of claims for individual relief” but a “collective claim for declaratory relief for the purposes of reconciliation between the descendants of the Métis people of the Red River Valley and Canada” and went on to grant the MMF standing by concluding “[t]his collective claim merits allowing the body representing the collective Métis interest to come before the court. [and that] Canada is committed to working, on a nation-to-nation, government-to-government basis, with the Métis Nation, through bilateral negotiations with the MMF.”¹⁰

The MMF signed the *Manitoba Métis Self-Government Recognition and Implementation Agreement* (MMSGRIA) on July 6, 2021. This marked a major step forward in reconciliation between the Red River Métis and Canada. The MMSGRIA, among other things, immediately recognized the MMF as the National Government of the Red River Métis and sets out a path forward towards the completion of a modern Treaty. As noted above, that Treaty was signed on November 30, 2024.

Consistent with the direction of our Citizens, MMF removed the arbitrary provincial borders from our Constitution that separated Red River Métis who live outside of Manitoba from those within. Today, the MMF represents over 125,000 Citizens within Manitoba, and thousands more across our National Homeland, and around the world. Because of this the MMF has a regional, provincial, national, and international mandate.

Our modern Treaty was ratified by thousands of Red River Métis Citizens in June 2023 and builds upon the important work of the MMSGRIA. The signing of the Treaty with His Majesty the King, and passage of its implementation legislation will enable the Red River Métis, acting through its National Government the MMF, to renew its partnership with Canada.

3.0 Review Findings

The MMF is pleased for the opportunity to review and comment on licence extensions for generating facilities on the Winnipeg River. The MMF have identified high level review comments common to all extension applications, discussed here. In addition, review comments for each facility STEL application and supporting documentation are found in Section 3.1.



Relevance of Supporting Documentation

The MMF is concerned that STELs continued to be issued without appropriate and up to date supporting documentation. For example, the latest available supporting documentation for the Point Du Bois GS is from 2016, over eight (8) years out of date. Furthermore, multiple STELs have been issued to generating stations using the same supporting documentation without any updates. The MMF expects the Province of Manitoba to require updated technical reports in support of STEL and licence renewals, especially when there are ongoing and planned upgrades to the facilities.

In support of the above, previous STELs issued indicated updated documentation would be submitted within their term period which was not fulfilled by MH. The Pointe du Bois STEL issued for 2022 – 2025, indicated *“within this period Manitoba Hydro will submit the licence supporting documentation for the completion of the application for the Fifth Renewal License for the Undertaking.”* As of 2024, MH has failed to submit updated documentation, yet continues to request a STEL extension. The current STEL applications consider a similar commitment to updated reporting, where there is the *intention* to submit the technical requirements for updated licence is anticipated in this extended term. The MMF finds this unacceptable by both MH and the EAB. The MMF is not confident that technical documentation will be submitted within the STEL term and requests that STEL conditions provide stricter requirements for updating technical documentation on a shorter timeline.

Furthermore, outdated supporting documentation refers to out-of-date and/or superseded guidance documents, and misrepresents current operating capacity at some facilities. If this documentation is to be considered “still valid” it should at the very least reference current operating procedures and protocols.

Licensing Requirements

Review of current and past STEL requests, licence renewals and supporting documentation have identified that “licensing requirements” have prevented the issuance of Renewal Licences. It is often indicated that *“due to licensing requirements for other projects, Manitoba Hydro is requested a short-term extension licence to allow for licence renewal to occur at a later date”*. This language is specifically identified in supporting documentation for Slave Falls GS (Manitoba Hydro, 2021) and McArthur Falls (Manitoba Hydro, 2023). Additional language such as “resource constraints” and “other project licensing priorities” have been cited as the cause for licencing delay for Pine Falls GS (Manitoba Hydro, 2019).

Competing priorities for licencing requirements appear to be persistent for the last 10+ years. The MMF cannot rationalize what competing priorities have circumvented appropriate licensing for large-scale hydroelectric stations such as those on the Winnipeg River.

It is especially perplexing that for most of the facilities, the licensing requirements have remained identical to those laid out in the middle of the 20th century, despite advancements in technology, shifting priorities, and increased emphasis on reconciliation, environmental responsibility and stewardship. Manitoba Hydro specifically notes that *Environment Act* Licensing was put into effect in 1988 *“...to develop and maintain an environmental protection and management system...which will*



ensure that the environment is protected and maintained to sustain a high quality of life, including social and economic development, recreation and leisure for present and future generations.” Despite these documented assurances, MH then exempts itself from environmental responsibility, stating it is “...not required to obtain [Environment Act] licenses for any of its legacy projects...as these projects predate the legislation”.

The MMF require that the EAB prioritize adequate licensing of these large-scale facilities through rigorous consultation, engagement, and impact assessments. The cumulative impacts of these waterpower stations have been ongoing for decades and it should be a priority of the EAB to ensure licence conditions protect the interests of the public.

Dam Safety

The MMF recognizes that there are a number of Dam Safety measures implemented at the Winnipeg River facilities including a Dam Safety Program, Dam Safety Reviews and Dam Safety Emergency Plans. However, there is concern that the Dam Safety Review program is not explicit in the prescribed schedule of reviews or the outcome of inspections. The current supporting documentation indicates that reviews have not been completed in the past 10-20 years for some operating facilities (e.g., last review in 2004 for Pine Falls, 2010 for Slave Falls GS, 2014 for McArthur GS).

The MMF recommends that future licence extensions (STELs or renewals) include explicit conditions for Dam Safety Review schedules and reporting. The schedule of Dam Reviews should be completed within a period no longer than five (5) years and the issuance of further STELs or Renewal Licences should not occur without commitments to timely and transparent workplan to address any requirements identified in Dam Safety Reviews.

Aquatic Monitoring

Aquatic Monitoring of the generating stations is implemented through the Coordinated Aquatic Monitoring Program (CAMP). This program was established in 2008 to deliver long-term aquatic monitoring of rivers and lakes affected by the generation systems through a coordinated effort between MH and the Province of Manitoba. There are only five (5) sites established to monitor both the Winnipeg River Dams. These monitoring stations extend from the Manitoba/Saskatchewan Boarder to Lake Winnipeg. Three (3) sites are monitored annually (Pointe du Bois Forebay, Lac du Bonnet, and Manigotagan Lake) and two (2) sites are monitoring on a three-year rotational basis (Pine Falls Forebay and Eaglenest Lake).

While the MMF is encouraged that there is a coordinated multiple-endpoint program to monitor aquatic impacts, it cannot be overlooked that the program has only been operational for 12-years. In some cases (i.e., where sampling is only prescribed to occur every three years), this means that characterization of the aquatic ecosystems is only based on up to four (4) samples. Most of the generation stations have been operating for over 70 years, and some for nearly 100 years. Thus, the recent effort to monitor (1) cannot sufficiently characterize the significant environmental impacts of the generating stations, and (2) does not outweigh the negative impacts imposed by the facilities over the last century. The MMF



expects to see improvements in the monitoring program and further commitments from Manitoba Hydro to accommodate for long-standing environmental and social impacts felt by Red River Métis Citizens.

The MMF notes there has been exclusion of Red River Métis Citizens from CAMP planning and direction. The CAMP annual workshop includes representatives from *“federal and provincial agencies, private consultants, research groups and Manitoba Hydro staff.”* The annual workshop excludes Red River Métis Citizens, MMF representatives and other Indigenous groups. Inclusion of Red River Métis Citizens in the planning phases of monitoring program is necessary to ensure the rights and interests of Red River Métis Citizens considered and protected.

Red River Métis Citizens are further concerned on the scope and frequency of sampling under the monitoring program. Generally, monitoring stations are sparse, and it is unclear how these sites were selected. The program has a strong focus on lentic (e.g., lake) monitoring while monitoring of lotic (e.g., river) systems is lacking. Aquatic and hydrometric monitoring of river systems is required to understand potential impacts to Sturgeon spawning habitat as well as changes to river geomorphology, erosion and sedimentation patterns. To this extent, the program relies on minimal lake monitoring locations (i.e., Lac Du Bonnet) to characterize conditions “along” the Winnipeg River. A single monitoring site cannot adequately characterize conditions along a lotic system which is subject to various impoundments and reservoirs. Furthermore, results from the Lac Du Bonnet site are extended to Pine Falls GS, where the McArthur GS is located between the monitoring location and this GS. This monitoring site could not possibly capture impacts/monitoring of the Pine Falls GS without the direct influence of McArthur Falls, creating ambiguity in the interpretation of results and design of mitigations. It is clear that additional monitoring stations and programs are needed to adequately monitor impacts of each GS and understand the extent of impacts at locations identified by Red River Métis Citizens.

Although committees and boards have been established to support Lake Sturgeon throughout both dam regions, Red River Métis Citizens remain concerned about the status of sturgeon populations. The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) assessment completed in 2017 classified the Saskatchewan-Nelson River populations (Designatable Unit 2; DU2) as Endangered, and implicated dams as one of the primary sources of impacts to Lake Sturgeon populations in DU2. The follow-up COSEWIC document detailing Lake Sturgeon recovery potential assessed the population status in most management units (MUs) as “Poor”. Only the MU5 (Winnipeg River: Pointe du Bois GS to Slave Falls GS) and MU6 (Winnipeg River: Slave Falls GS to Seven Sisters GS) populations were assessed as “Good”. The COSEWIC assessment also notes that the majority of management units have no data available regarding population estimates. Determination of accurate population estimates for Lake Sturgeon within DU2 must be a component of any long-term monitoring program in the region.

There are further concerns related to the monitoring of mercury in fish, sediment and water. The CAMP monitors for mercury in fish tissues on a rotational basis (i.e., every 3 years) at a limited number of monitoring sites (i.e., only two sites in the Winnipeg River). The Winnipeg River is subject to seven (7)



hydropower plants and various other sources of cumulative effects. The current monitoring effort does not reflect the risk and mitigations required to ensure protection of aquatic environments within this highly developed basin. A more extensive mercury monitoring program should be implemented as part of the CAMP program, including coordinated sampling of mercury, methylmercury, and sulphate in fish tissue, sediment, and surface water on an annual basis. As part of this program, additional monitoring sites should be added that are in areas directed by Red River Métis interest.

There are additional gaps in the monitoring approach for water quality and sedimentation and erosion. The current water quality monitoring regime is limited to nutrients, oxygen and water clarity. Information on general water quality (e.g., major ions, metals) and contaminants of concern (i.e., mercury, methyl mercury) should be integrated into the CAMP program for a fulsome analysis of impacts. The sedimentation monitoring program has not yet collected meaningful data in the Winnipeg River, despite erosion and sedimentation being a historical and ongoing concern Red River Métis Citizens. CAMP does not define the frequency and number of future monitoring sedimentation and erosion monitoring stations. Engagement of Red River Métis Citizens in the creation of erosion and sedimentation monitoring plans is critical to tailor monitoring to impacted sites.

Most concerning to the MMF is the lack of response and adaptive management offered by the monitoring approach. While the CAMP program offers monitoring capabilities, there is no clear plan to adapt and respond to data collected from the investigations. The MMF sees this as an inadequate response to aquatic protection, as all monitoring programs should be complemented by an adaptive management framework to respond to identified changes in environmental conditions. Adaptive management frameworks should also include a clear strategy to interpret and report environmental data.

Licence Areas

The Licence Area is defined as a combination of lands required for the project and lands impacted by the project. This can include lands which could be unsafe to the public, lands which experience a modified water regime due to project operations, and lands which could prove to be geotechnically unstable a result of project operations. The MMF understands that a Licence Area (or Renewal Licence Area) can be changed in STEL or Renewal Licence applications, without consultation with those communities affected by the project, such as Red River Métis Citizens.

The MMF considers it unacceptable that severance lines and Licence Areas are proposed to be modified without engagement with Red River Métis Citizens impacted by operations. Without proper consultation and engagement, there is no guarantee that the defined Licence Areas adequately capture all areas impacted by the project. Additionally, the MMF is concerned that these lands may also prove to be unsafe or geotechnically unstable, creating a safety hazard for Red River Métis Citizens exercising rights and interests.



It is also noted there are no provisions within STELs or Final Licences for annual reporting on the state and condition of affected lands. As MH is responsible for these impacted lands, the MMF expects that there is regular reporting completed on the quality of these environments. This reporting should include assessments of the state of aquatic and terrestrial habitat, water quality and quantity, shoreline quality, erosion and sedimentation, and fish health. Regular reporting should also include information on how the extents of effects were determined and any ongoing mitigations and management actions to address or prevent prolonged negative impacts.

Current active applications for STELs and Licence Renewals request amendments to the current severance lines and Licence Areas. The MMF is concerned that Traditional Métis Knowledge and Land use is not considered in EAB approvals for Licence Areas and that there is no formal impact or environmental assessment utilized to help determine Licence Areas. It is noted that the renewal applications request additional lands to be added to the severance area. The issuance of STELs does not include provisions to expand the licence area, meaning these areas are not included in licence extensions.

STEL Conditions

STELs issued previously to generating stations have indicated *“it is contemplated that decisions will be made about the application for a Second Renewal License during the term of this Short-Term Extension License”*. While the MMF understands this condition does not stipulate a decision must be made during this term, it is the expectation of the MMF that a decision, which considers proper consultation and engagement, would take place during this time. The MMF is concerned that conditions previously issued in STELs have not been meaningfully implemented or enforced. Manitoba Hydro and the EAB have failed to deliver a decision on the Licence Renewal during the previous STEL terms, and the MMF is not confident that a decision will be made during the period of the next STEL.

Past STELs have also imposed conditions on future planning, studies, and initiatives: *“The Licensee shall participate in future planning, studies, and other initiatives as instructed by the Minister in areas impacted by the Undertaking along with affected communities and other stakeholders.”* The MMF understands it is the discretion of the Minister to direct future planning studies. However, without an avenue for consultation and engagement there is no feasible pathway for the MMF to contribute to the scoping of these studies to address areas or interests impacted by generating stations.

Conditions of more recent STELs issued from 2020-2025 required Indigenous consultation with respect to Renewal Licences to be undertaken with affected Indigenous communities during this period. However, there has been a distinct lack of meaningful consultation and engagement with the MMF and Red River Métis Citizens to fulfill this condition. Furthermore, information on Indigenous engagement with the MMF and other Indigenous groups is not detailed in the Winnipeg River Engagement Report, which was required as a condition for the Pointe du Bois and Slave Falls generating stations. These oversights are further evidence to why the MMF is not confident that conditions imposed on Manitoba Hydro for Indigenous Engagement will be fulfilled. The MMF requires conditions with more precise



language to ensure there is an avenue for engagement and consultation with the MMF for further STELs and Licence Renewals.

3.1 Technical Review Comments

The comment tracking table below has been separated out with specific comments and recommendations for each facility. However, we recognize that there are some concerns the MMF has that are applicable to all facilities. There, the first nine (9) comments for each facility are essentially identical (Comments 2-10 for Pointe du Bois GS, comments 14-22 for Slave Falls GS, comments 28-36 for Seven Sisters GS, comments 44-52 for McArthur Falls GS, and comments 56-64 for Pine Falls GS). We have also provided overarching comments at the beginning of Table 1 that were better presented as generalizations rather than facility specific requests.



Table 1: Comment Tracking Table

Comment #	Reference	Comment	Recommendation
Winnipeg River Dams			
MMF-1	General comment	The MMF notes that the contribution of the Winnipeg River Dams to MH generating capacity has been consistently decreasing, with the most recent estimate at ~8% of the total capacity. Further, the Pine Falls GS and Seven Sisters GS alone contribute over half of this capacity according to MH documentation. This suggests the remaining stations (Great Falls, McArthur, Slave Falls, Point du Bois) contribute less than 4% of the MH generating capacity. Finally, MH data appear to suggest that water levels in the Winnipeg River system are not sufficient to operate the stations at their full potential.	The MMF recommends that MH be required to justify the continued operation of the Winnipeg River Dams, recognizing the continual reduction in contribution to overall generating capacity. This justification should include multiple scenarios that compare full system removal to removal of select stations. The MMF asserts that the decommissioning and removal of, at least, the Great Falls, McArthur, Slave Falls, and Point du Bois generating stations will result in substantial benefit to the Endangered Lake Sturgeon populations in the Winnipeg River, and that this benefit will greatly outweigh any reductions in generating capacity.
Pointe du Bois			
MMF-2	General Comment	The MMF finds that outdated supporting documentation is being accepted as technical requirements for STEL applications. The documentation does not demonstrate compliance with recent STEL conditions, adequately describe engagement with the MMF and other Indigenous groups, or detail upgrades to	The MMF requests that the EAB applies stricter requirements for technical supporting documentation in support of STEL extensions and renewal licences. Updated supporting documentation should be required with each STEL request and detail compliance with STEL conditions, including water level elevations, generating capacity and requirements for



Comment #	Reference	Comment	Recommendation
		project components or monitoring protocols. It is unacceptable to the MMF that licence extensions are issued based on outdated technical reporting. Up to date reporting should be required for any licence renewal or extension and must adequately demonstrates compliance with licensed conditions (i.e., operating capacity, water levels, Indigenous engagement).	Indigenous engagement. Supporting documentation should include data from the previous STEL term (e.g., past 5-years) as well as historic data from the GS. It is imperative that the EAB is making licencing decisions based on up-to-date information that accurately reflects on-going operations at each generation station.
MMF-3	Licence Area/Renewal Licence Area	Supporting documentation requests an expansion of the Licence area based on current cadastral information, updated geotechnical analysis of shoreline erodibility and wind setup and wave uprush analysis. The Licence area is defined by Final Licence includes lands which could be unsafe to the public, which have experienced a modified water regime due to project operation, and lands which could prove to be geotechnically unstable. It is concerning to the MMF that decisions on licence area renewal do not include consultation with Indigenous groups and the consideration of Métis knowledge and land use.	It is recommended that MH conduct meaningful consultation and engagement with the MMF when expanding the licence area, including consideration of Métis land use and occupancy data from Red River Métis Citizens. MH should support the collection of Métis knowledge and land use data through funding support for Métis knowledge studies and archeological programs. The MMF requests MH commitment to the collection and consideration of Métis knowledge and land use data through broader consultation and engagement framework, developed collaboratively between MH and the MMF. The MMF requests conditions for this engagement framework are written into any new STELs to ensure that there will be meaningful engagement with the MMF within the next term



Comment #	Reference	Comment	Recommendation
			of licencing and prior to the issuance of a Renewal Licence.
MMF-4	Licence Area/Renewal Licence Area	Reasons for changes to the licence area (i.e., severance lines) are not explicit in the supporting documentation. It is understood that this are a may be changes to include areas subject to erosion and shoreline erodibility, geotechnical instability, lands that that are unsafe to the public, or for project structures and site access. The MMF is concerned that the reasons for area expansion are not transparent, despite the potential of these lands being unsafe or subject to increased erosion. There are further concerns that licence area expansion are issued without and adequate impact assessments and oversight from an environmental regulators, despite on-going impacts to aquatic habitats, shoreline, and Red River Métis harvesting rights from dam operations.	The MMF requires greater transparency in the expansion of Licence Areas. The MMF be clearer in licence area changes (e.g., change to total area) and provide justification and rationale for expanding this boundary. It is recommended that expansion of the license area is treated as a “significant change” and an Environmental Assessment is conducted to fully assess potential impacts to the environment and available mitigations.
MMF-5	Water Levels	Water levels and flows are reported to the province annually to confirm data collection, verification and reporting of deviations to Water Act Licences. Facilities	It is recommended that there is collaboration with the MMF and Red River Métis Citizens to update Licence Implementation Guides. Red River Métis Citizens require transparency in



Comment #	Reference	Comment	Recommendation
		measure water level under Licence Implementation Guides. The MMF has not had the opportunity to consult on the Implementation guide. Red River Métis Citizens are concerned that water level monitoring is limited to only select locations and not reported publicly in real time. The MMF is also not notified in the event of a non-compliance or other changes in water level, yet this information would be useful to inform MMF monitoring programs and Red River Métis citizen activities on their homelands. Further, it is noted that some supporting documentation reference outdated implementation guides.	water level measurement, including real time data sharing to the MMF website. Red River Métis Citizens also recommend the expansion of the water level monitoring network, including multiple point measurement and continuous monitoring of discharge from the spillway. A single monitoring point does not provide adequate contingency and redundancy in water level measurements. Further, supporting documentation should ensure that up to made Licence Implementation Guides are referenced to be considered "still valid" for the purposes of licence applications.
MMF-6	Observance of Final Licence Terms	Refinement of severance lines is observed as "in-progress" regarding compliance with the final licence terms. It is understood that without a proper licence renewal, the licence area is not expanded and impacted lands are not licenced under the Water Power Act. It is unclear who is responsible for these lands that should be included in the severance line of a STEL application but are not yet in the Final or Renewal Licence. The MMF is concerned that without the	The MMF is very concerned that the issuance of STELs has prevented the expansion of severance areas for lands negatively impacted by MH operations. The MMF requests clarity on (1) who is responsible for such lands when a Renewal License has yet to be issued (2) formal engagement with MH on rehabilitation and reclamation plans for these impacted lands.



Comment #	Reference	Comment	Recommendation
		issuance of a Renewal Licence, MH is not responsible for these lands that impacted by operations of Winnipeg River dams.	
MMF-7	General Comment	Pointe du Bois is affected by flows on the Winnipeg River controlled by the Lake of the Woods Control Board (LWCB). MH sits a stakeholder in the LWCB to provide input on regulation strategy and current and projected water conditions in Manitoba. Water levels and open water management by MH has led to historical and on-going issues for erosion, land flooding, and habitat destruction that impact Red River Métis rights and interest.	The MMF recommends MH establishes shared priorities with Red River Métis to bring to the LWCB. Alignment between Red River Métis citizen interest and MH priorities while engaging with the LCWB may prevent further negative impacts to environmental, cultural and economic resources for Red River Métis Citizens.
MMF-8	Annual Reporting	The current approach to annual reporting focuses only on Annual Water Level and Flow Compliance Reporting. This is a limited view of operations and impacts at the generating station. The generation station includes all areas within the severance lines and reporting on the quality of the environment within this area should be a requirement of annual reporting.	The MMF recommends future STELs include conditions for Annual Reporting on the state of the environment within the Licence Area. The Licence Area includes crown and private lands that are “required for the project and impacted by the project”. As such, there should be adequate reporting on the state of these areas, including aquatic habitat, shoreline conditions, sedimentation and erosion, water quality, and fish health, as well as mitigations and



Comment #	Reference	Comment	Recommendation
			interventions conducted annually to address these impacts.
MMF-9	Erosion	Erosion and bank instability extend beyond the water storage lands and severance lines, yet MH has only addressed impacts water levels, shoreline erosion, and bank stability are limited to locations within the “Water Power Act licence limits located downstream in the forebays of Seven Sister, McArthur Falls, Great Falls and Pine Falls Generating Stations” and in acquired water storage land. MH established the Winnipeg River Bank Protection Program (WRBPP) to address impacts on private “property within the Water Power Act Licence limits”. This program does not address erosion impacts to the aquatic environment or the social/economic impacts of continued erosion along the Winnipeg River from all MH dams which limits development opportunities and access to cultural sites and travel routes for Red River Métis Citizens.	MH must commit to a more comprehensive efforts to identify and mitigate impacts to shoreline erosion and bank stability from MH operations. Efforts should address impacts to lands outside of MH owned property and include an assessment of the historical and impacts to Red River Métis land use and cultural sites. Results from the assessment should outline restoration or accommodation commitments from MH to address the legacy and on-going impacts of bank instability and erosion on Red River Métis Citizens. Collaboration between the MMF and MH to develop a more comprehensive program to assess erosion impacts should be included as part of the broader consultation framework. These commitments should be outlined as part of new STEL conditions to provide assurance to the MMF.
MMF-10	Aquatic Monitoring	The MMF has identified several deficiencies in the aquatic monitoring program (i.e.,	The MMF requires greater engagement to co-develop a robust aquatic monitoring program



Comment #	Reference	Comment	Recommendation
		CAMP). There are concerns with the (1) sampling frequency, (2) spatial coverage, (3) sampling site selection, (4) approach to mercury monitoring, (5) lack of river/lotic monitoring, (6) erosion/sedimentation monitoring, (7) lack of adaptive management protocols and response programs and the (8) overall lack of engagement with the MMF.	which addresses deficiencies identified. It is requested that MH commit to capacity building and steps to engage the MMF on the development of an expanded CAMP program to deliver more useful environmental monitoring data.
MMF-11	Aquatic Monitoring	The MMF is concerned with the impact of the Point du Bois GS on Lake Sturgeon, which is classified as Endangered by COSEWIC. COSEWIC notes the population upstream of Point du Bois was historically very healthy – but is currently low abundance with an unknown trajectory. Downstream of the GS, the population is stable but has no/low juvenile recruitment.	The MMF recommends an investigation into the Lake Sturgeon populations upstream and downstream of Point du Bois GS, with specific focus on determining whether limitations on Lake Sturgeon are due to the GS.
MMF-12	Dam Safety	There are no provisions for independent Dam Safety Reviews at the Pointe du Bois GS. The MMF understand this is a key dam safety protocol in other GS and expect to see independent dam safety reviews at all GS on the Winnipeg River.	It is recommended that all future licence extensions (STELs or Renewal Licences) include explicit and prescribed schedules for independent Dam Safety Reviews. The schedule should be determined in consultation with the MMF and reflect a more frequent review program (e.g., 5-years) where the outcomes



Comment #	Reference	Comment	Recommendation
			(i.e., deficiencies, interventions and remediations) are reported and shared with the MMF. Progress towards remediations and recommendations should be detailed in technical documentation prior to the assurance of new STELs or Renewal Licences and used as criteria in decision making to issue licences. The current structure of review and intervention does not provide reasonable assurance to the MMF that Red River Métis Citizens are protected from dam operation concerns and that MH is taking the required steps to address the results of safety inspections in a timely manner.
MMF-13	Community Engagement	Supporting documentation for the Pointe du Bois GS does not document Indigenous engagement efforts, as detailed in some other facilities documentation. This leads the MMF to understand there has not been Indigenous Engagement for the Pointe Du Bois GS as this document is considered “still valid”. This is concerning as the Pointe Du Bois GS was required to undertake Indigenous consultation as per conditions of the third (2021) STEL: “Indigenous consultation with respect of the Fifth	The MMF requires that a consultation framework be prepared that conditions MH to timely and meaningful engagement with the MMF. The requirement for an MMF engagement framework is recommended to be included in the conditions for the next issued STEL. It is also recommended that updated technical documentation, detailing Indigenous engagement is published if the Pointe Du Bois GS desires further licence extensions.



Comment #	Reference	Comment	Recommendation
		Renewal Licence for the Undertaking will also be undertaken with affected Indigenous communities during this period.” The MMF is concerned that (1) there is no documentation of Indigenous engagement and (2) MH has not fulfilled conditions of the Third STEL.	
Slave Falls			
MMF-14	General Comment	The MMF finds that outdated supporting documentation is being accepted as technical requirements for STEL applications. The documentation does not demonstrate compliance with recent STEL conditions, adequately describe engagement with the MMF and other Indigenous groups, or detail upgrades to project components or monitoring protocols. It is unacceptable to the MMF that licence extensions are issued based on outdated technical reporting. Up to date reporting should be required for any licence renewal or extension and must adequately demonstrates compliance with licensed conditions (i.e., operating capacity, water levels, Indigenous engagement).	The MMF requests that the EAB applies stricter requirements for technical supporting documentation in support of STEL extensions and renewal licences. Updated supporting documentation should be required with each STEL request and detail compliance with STEL conditions, including water level elevations, generating capacity and requirements for Indigenous engagement. Supporting documentation should include data from the previous STEL term (e.g., past 5-years) as well as historic data from the GS. It is imperative that the EAB is making licencing decisions based on up-to-date information that accurately reflects on-going operations at each generation station.



Comment #	Reference	Comment	Recommendation
MMF-15	Licence Area/Renewal Licence Area	Supporting documentation requests an expansion of the Licence area based on current cadastral information, updated geotechnical analysis of shoreline erodibility and wind setup and wave uprush analysis. The Licence area is defined by Final Licence includes lands which could be unsafe to the public, which have experienced a modified water regime due to project operation, and lands which could prove to be geotechnically unstable. It is concerning to the MMF that decisions on licence area renewal do not include consultation with Indigenous groups and the consideration of Métis knowledge and land use.	It is recommended that MH conduct meaningful consultation and engagement with the MMF when expanding the licence area, including consideration of Métis land use and occupancy data from Red River Métis Citizens. MH should support the collection of Métis knowledge and land use data through funding support for Métis knowledge studies and archeological programs. The MMF requests MH commitment to the collection and consideration of Métis knowledge and land use data through broader consultation and engagement framework, developed collaboratively between MH and the MMF. The MMF requests conditions for this engagement framework are written into any new STELS to ensure that there will be meaningful engagement with the MMF within the next term of licencing and prior to the issuance of a Renewal Licence.
MMF-16	Licence Area/Renewal Licence Area	Reasons for changes to the licence area (i.e., severance lines) are not explicit in the supporting documentation. It is understood that this are a may be changes to include areas subject to erosion and shoreline erodibility, geotechnical instability, lands that that are unsafe to the public, or for	The MMF requires greater transparency in the expansion of Licence Areas. The MMF be clearer in licence area changes (e.g., change to total area) and provide justification and rationale for expanding this boundary. It is recommended that expansion of the license area is treated as a “significant change” and an Environmental



Comment #	Reference	Comment	Recommendation
		project structures and site access. The MMF is concerned that the reasons for area expansion are not transparent, despite the potential of these lands being unsafe or subject to increased erosion. There are further concerns that licence area expansion are issued without adequate impact assessments and oversight from an environmental regulators, despite on-going impacts to aquatic habitats, shoreline, and Red River Métis harvesting rights from dam operations.	Assessment is conducted to fully assess potential impacts to the environment and available mitigations.
MMF-17	Water Levels	Water levels and flows are reported to the province annually to confirm data collection, verification and reporting of deviations to Water Act Licences. facilities measure water level under Licence Implementation Guides. The MMF has not had the opportunity to consult on the Implementation guide. Red River Métis Citizens are concerned that water level monitoring is limited to only select locations and not reported publicly in real time. The MMF is also not notified in the event of a non-compliance or other changes in water level, yet this information would	It is recommended that there is collaboration with the MMF and Red River Métis Citizens to update Licence Implementation Guides. Red River Métis Citizens require transparency in water level measurement, including real time data sharing to the MMF website. Red River Métis Citizens also recommend the expansion of the water level monitoring network, including multiple point measurement and continuous monitoring of discharge from the spillway. A single monitoring point does not provide adequate contingency and redundancy in water level measurements. Further, supporting documentation should ensure that up to made



Comment #	Reference	Comment	Recommendation
		be useful to inform MMF monitoring programs and Red River Métis citizen activities on their homelands. Further, it is noted that some supporting documentation reference outdated implementation guides.	Licence Implementation Guides are referenced to be considered "still valid" for the purposes of licence applications.
MMF-18	Observance of Final Licence Terms	Refinement of severance lines is observed as "in-progress" regarding compliance with the final licence terms. It is understood that without a proper licence renewal, the licence area is not expanded and impacted lands are not licenced under the Water Power Act. It is unclear who is responsible for these lands that should be included in the severance line of a STEL application but are not yet in the Final or Renewal Licence. The MMF is concerned that without the issuance of a Renewal Licence, MH is not responsible for these lands that impacted by operations of Winnipeg River dams.	The MMF is very concerned that the issuance of STELs has prevented the expansion of severance areas for lands negatively impacted by MH operations. The MMF requests clarity on (1) who is responsible for such lands when a Renewal License has yet to be issued (2) formal engagement with MH on rehabilitation and reclamation plans for these impacted lands.
MMF-19	General Comment	Slave Falls is affected by flows on the Winnipeg River controlled by the Lake of the Woods Control Board (LWCB). MH sits a stakeholder in the LWCB to provide input on regulation strategy and current and projected water conditions in Manitoba.	The MMF recommends MH establishes shared priorities with Red River Métis to bring to the LWCB. Alignment between Red River Métis citizen interest and MH priorities while engaging with the LCWB may prevent further negative



Comment #	Reference	Comment	Recommendation
		Water levels and open water management by MH has led to historical and on-going issues for erosion, land flooding, and habitat destruction that impact Red River Métis rights and interest.	impacts to environmental, cultural and economic resources for Red River Métis Citizens.
MMF-20	Annual Reporting	The current approach to annual reporting focuses only on Annual Water Level and Flow Compliance Reporting. This is a limited view of operations and impacts at the generating station. The generation station includes all areas within the severance lines and reporting on the quality of the environment within this area should be a requirement of annual reporting.	The MMF recommends future STELs include conditions for Annual Reporting on the state of the environment within the Licence Area. The Licence Area includes crown and private lands that are “required for the project and impacted by the project”. As such, there should be adequate reporting on the state of these areas, including aquatic habitat, shoreline conditions, sedimentation and erosion, water quality, and fish health, as well as mitigations and interventions conducted annually to address these impacts.
MMF-21	Erosion	Erosion and bank instability extend beyond the water storage lands and severance lines, yet MH has only addressed impacts water levels, shoreline erosion, and bank stability are limited to locations within the “Water Power Act licence limits located downstream in the forebays of Seven Sister, McArthur Falls, Great Falls and Pine Falls	MH must commit to a more comprehensive efforts to identify and mitigate impacts to shoreline erosion and bank stability from MH operations. Efforts should address impacts to lands outside of MH owned property and include an assessment of the historical and impacts to Red River Métis land use and cultural sites. Results from the assessment should



Comment #	Reference	Comment	Recommendation
		Generating Stations” and in acquired water storage land. MH established the Winnipeg River Bank Protection Program (WRBPP) to address impacts on private “property within the Water Power Act Licence limits”. This program does not address erosion impacts to the aquatic environment or the social/economic impacts of continued erosion along the Winnipeg River from all MH dams which limits development opportunities and access to cultural sites and travel routes for Red River Métis Citizens.	outline restoration or accommodation commitments from MH to address the legacy and on-going impacts of bank instability and erosion on Red River Métis Citizens. Collaboration between the MMF and MH to develop a more comprehensive program to assess erosion impacts should be included as part of the broader consultation framework. These commitments should be outlined as part of new STEL conditions to provide assurance to the MMF.
MMF-22	Aquatic Monitoring	The MMF has identified several deficiencies in the aquatic monitoring program (i.e., CAMP). There are concerns with the (1) sampling frequency, (2) spatial coverage, (3) sampling site selection, (4) approach to mercury monitoring, (5) lack of river/lotic monitoring, (6) erosion/sedimentation monitoring, (7) lack of adaptive management protocols and response programs and the (8) overall lack of engagement with the MMF.	The MMF requires greater engagement to co-develop a robust aquatic monitoring program which addresses deficiencies identified. It is requested that MH commit to capacity building and steps to engage the MMF on the development of an expanded CAMP program to deliver more useful environmental monitoring data.



Comment #	Reference	Comment	Recommendation
MMF-23	Aquatic Monitoring	The MMF is concerned with the impact of the Slave Falls GS on Lake Sturgeon, which is classified as Endangered by COSEWIC. COSEWIC notes the population upstream of Slave Falls is stable but has no/low juvenile recruitment. Downstream of the GS, the population is stable, but this is attributed to harvest restrictions.	The MMF recommends an investigation into the Lake Sturgeon populations upstream and downstream of Slave Falls GS, with specific focus on determining whether limitations on Lake Sturgeon are due to the GS.
MMF-24	Dam Safety	Dam Safety Reviews (DSR) are said to be undertaken on a “prescribed schedule”. No such schedule is presented as part of the technical documentation. Further, it is noted that the last DSR was completed in 2010 and prompted “several deficiency investigations”. The MMF is concerned that the last inspection was over 14 years ago and that there is a lack of transparency from MH on the scope and extent of deficiencies/recommendations identified, as well as progress towards remediation.	It is recommended that all future licence extensions (STELs or Renewal Licences) include explicit and prescribed schedules for independent Dam Safety Reviews. The schedule should be determined in consultation with the MMF and reflect a more frequent review program (e.g., 5-years) where the outcomes (i.e., deficiencies, interventions and remediations) are reported and shared with the MMF. Progress towards remediations and recommendations should be detailed in technical documentation prior to the assurance of new STELs or Renewal Licences and used as criteria in decision making to issue licences. The current structure of review and intervention does not provide reasonable assurance to the MMF that Red River Métis Citizens are protected from dam operation concerns and



Comment #	Reference	Comment	Recommendation
			that MH is taking the required steps to address the results of safety inspections in a timely manner.
MMF-25	Community Involvement and System Upgrades/Studies	The 2017 Spillway Conversion Project indicates an “Indigenous Nation” was involved in a heritage assessment of the quarry used for rehabilitation work. The MMF understands there are multiple overlapping Indigenous communities with rights to the area of the waterpower projects, however it is expected that all Indigenous groups with rights to project areas, including the MMF, is consulted on all heritage assessments pursuant to facilities upgrades.	Red River Métis Citizens have cultural resources spread across their regional homeland which require notification and inclusion of the MMF. The MMF requires that MH collaborate with the MMF to create Heritage Resource Assessment Plan as part of a broader consultation framework and include the MMF on all heritage assessments.
MMF-26	Community Involvement and System Upgrades/Studies	It is stated that “Manitoba Hydro informed anyone who might be affected by the planned or potential work at Slaves Falls and implemented remedial measures for people affected by the 2018/2019 water lowering.” Without a comprehensive environmental assessment or impact assessment, it is not clear how the effects of the planned and potential work were determined. It is further indicated that an	MH cannot rely on reactive methods to assess impacts from dam operation. The collection of impacts from community members is not an effective form of impact assessment, mitigation or consultation. The MMF requests that MH employ proactive measures to determine the extent of impacts, such as impact or environmental assessments. These assessments



Comment #	Reference	Comment	Recommendation
		online survey was used to collected feedback on potential effects to inform impact management in future works. This is a reactive protocol and an ineffective method of proactively identifying and mitigating impacts.	must occur prior to any further upgrades requiring changes in water level.
MMF-27	Community Involvement and System Upgrades/Studies	Additional concrete repairs are on-going and planned for the Slave Falls station. The 7-bay sluiceway requires structural rehabilitation between 2024-2026, with further work anticipated for remaining structures. The current work includes quarrying, construction of boat launches, work pads/berms, bridge repairs, and concrete repairs of piers, rollways, and walkways. This is an extensive amount of work for which an impact assessment should be conducted.	The MMF require that an impact assessment or environmental assessment is completed for all future work, upgrades or rehabilitation to generating stations. As the Red River Métis Citizens have experienced impacts from Manitoba Hydro facilities for the past 100-years, it is imperative that there is further oversight on the impacts due to operations of GS and incremental upgrades these facilities. Assessments should include engagement with the Department of Fisheries and Oceans (DFO) for any in water works, as well as consultation with the MMF to determine appropriate mitigations to ensure protection of Red River Métis rights and interests.
Seven Sisters			
MMF-28	General Comment	The MMF finds that outdated supporting documentation is being accepted as technical requirements for STEL	The MMF requests that the EAB applies stricter requirements for technical supporting documentation in support of STEL extensions



Comment #	Reference	Comment	Recommendation
		applications. The documentation does not demonstrate compliance with recent STEL conditions, adequately describe engagement with the MMF and other Indigenous groups, or detail upgrades to project components or monitoring protocols. It is unacceptable to the MMF that licence extensions are issued based on outdated technical reporting. Up to date reporting should be required for any licence renewal or extension and must adequately demonstrates compliance with licensed conditions (i.e., operating capacity, water levels, Indigenous engagement).	and renewal licences. Updated supporting documentation should be required with each STEL request and detail compliance with STEL conditions, including water level elevations, generating capacity and requirements for Indigenous engagement. Supporting documentation should include data from the previous STEL term (e.g., past 5-years) as well as historic data from the GS. It is imperative that the EAB is making licencing decisions based on up-to-date information that accurately reflects on-going operations at each generation station.
MMF-29	Licence Area/Renewal Licence Area	Supporting documentation requests an expansion of the Licence area based on property assessments, site visits and topographic imagery. The Licence area is defined by Final Licence includes lands which could be unsafe to the public, which have experienced a modified water regime due to project operation, and lands which could prove to be geotechnically unstable. It is concerning to the MMF that decisions on licence area renewal do not include consultation with Indigenous groups and	It is recommended that MH conduct meaningful consultation and engagement with the MMF when expanding the licence area, including consideration of Métis land use and occupancy data from Red River Métis Citizens. MH should support the collection of Métis knowledge and land use data through funding support for Métis knowledge studies and archeological programs. The MMF requests MH commitment to the collection and consideration of Métis knowledge and land use data through broader consultation and engagement framework, developed



Comment #	Reference	Comment	Recommendation
		the consideration of Métis knowledge and land use.	collaboratively between MH and the MMF. The MMF requests conditions for this engagement framework are written into any new STELS to ensure that there will be meaningful engagement with the MMF within the next term of licencing and prior to the issuance of a Renewal Licence.
MMF-30	Licence Area/Renewal Licence Area	Reasons for changes to the licence area (i.e., severance lines) are not explicit in the supporting documentation. It is understood that this are a may be changes to include areas subject to erosion and shoreline erodibility, geotechnical instability, lands that that are unsafe to the public, or for project structures and site access. The MMF is concerned that the reasons for area expansion are not transparent, despite the potential of these lands being unsafe or subject to increased erosion. There are further concerns that licence area expansion are issued without and adequate impact assessments and oversight from an environmental regulators, despite on-going impacts to aquatic habitats, shoreline, and	The MMF requires greater transparency in the expansion of Licence Areas. The MMF be clearer in licence area changes (e.g., change to total area) and provide justification and rationale for expanding this boundary. It is recommended that expansion of the license area is treated as a “significant change” and an Environmental Assessment is conducted to fully assess potential impacts to the environment and available mitigations.



Comment #	Reference	Comment	Recommendation
		Red River Métis harvesting rights from dam operations.	
MMF-31	Water Levels	Water levels and flows are reported to the province annually to confirm data collection, verification and reporting of deviations to Water Act Licences. facilities measure water level under Licence Implementation Guides. The MMF has not had the opportunity to consult on the Implementation guide. Red River Métis Citizens are concerned that water level monitoring is limited to only select locations and not reported publicly in real time. The MMF is also not notified in the event of a non-compliance or other changes in water level, yet this information would be useful to inform MMF monitoring programs and Red River Métis citizen activities on their homelands. Further, it is noted that some supporting documentation reference outdated implementation guides.	It is recommended that there is collaboration with the MMF and Red River Métis Citizens to update Licence Implementation Guides. Red River Métis Citizens require transparency in water level measurement, including real time data sharing to the MMF website. Red River Métis Citizens also recommend the expansion of the water level monitoring network, including multiple point measurement and continuous monitoring of discharge from the spillway. A single monitoring point does not provide adequate contingency and redundancy in water level measurements. Further, supporting documentation should ensure that up to made Licence Implementation Guides are referenced to be considered "still valid" for the purposes of licence applications.
MMF-32	Observance of Final Licence Terms	Refinement of severance lines is observed as "in-progress" regarding compliance with the final licence terms. It is understood that without a proper licence renewal, the	The MMF is very concerned that the issuance of STELs has prevented the expansion of severance areas for lands negatively impacted by MH operations. The MMF requests clarity on (1)



Comment #	Reference	Comment	Recommendation
		licence area is not expanded and impacted lands are not licenced under the Water Power Act. It is unclear who is responsible for these lands that should be included in the severance line of a STEL application but are not yet in the Final or Renewal Licence. The MMF is concerned that without the issuance of a Renewal Licence, MH is not responsible for these lands that impacted by operations of Winnipeg River dams.	who is responsible for such lands when a Renewal License has yet to be issued (2) formal engagement with MH on rehabilitation and reclamation plans for these impacted lands.
MMF-33	General Comment	Seven Sisters is affected by flows on the Winnipeg River controlled by the Lake of the Woods Control Board (LWCB). MH sits a stakeholder in the LWCB to provide input on regulation strategy and current and projected water conditions in Manitoba. Water levels and open water management by MH has led to historical and on-going issues for erosion, land flooding, and habitat destruction that impact Red River Métis rights and interest.	The MMF recommends MH establishes shared priorities with Red River Métis to bring to the LWCB. Alignment between Red River Métis citizen interest and MH priorities while engaging with the LCWB may prevent further negative impacts to environmental, cultural and economic resources for Red River Métis Citizens.
MMF-34	Annual Reporting	The current approach to annual reporting focuses only on Annual Water Level and Flow Compliance Reporting. This is a limited view of operations and impacts at the	The MMF recommends future STELs include conditions for Annual Reporting on the state of the environment within the Licence Area. The Licence Area includes crown and private lands



Comment #	Reference	Comment	Recommendation
		generating station. The generation station includes all areas within the severance lines and reporting on the quality of the environment within this area should be a requirement of annual reporting.	that are “required for the project and impacted by the project”. As such, there should be adequate reporting on the state of these areas, including aquatic habitat, shoreline conditions, sedimentation and erosion, water quality, and fish health, as well as mitigations and interventions conducted annually to address these impacts.
MMF-35	Erosion	Erosion and bank instability extend beyond the water storage lands and severance lines, yet MH has only addressed impacts water levels, shoreline erosion, and bank stability are limited to locations within the “Water Power Act licence limits located downstream in the forebays of Seven Sister, McArthur Falls, Great Falls and Pine Falls Generating Stations” and in acquired water storage land. MH established the Winnipeg River Bank Protection Program (WRBPP) to address impacts on private “property within the Water Power Act Licence limits”. This program does not address erosion impacts to the aquatic environment or the social/economic impacts of continued erosion along the Winnipeg River from all MH dams which limits development	MH must commit to a more comprehensive efforts to identify and mitigate impacts to shoreline erosion and bank stability from MH operations. Efforts should address impacts to lands outside of MH owned property and include an assessment of the historical and impacts to Red River Métis land use and cultural sites. Results from the assessment should outline restoration or accommodation commitments from MH to address the legacy and on-going impacts of bank instability and erosion on Red River Métis Citizens. Collaboration between the MMF and MH to develop a more comprehensive program to assess erosion impacts should be included as part of the broader consultation framework. These commitments should be outlined as part



Comment #	Reference	Comment	Recommendation
		opportunities and access to cultural sites and travel routes for Red River Métis Citizens.	of new STEL conditions to provide assurance to the MMF.
MMF-36	Aquatic Monitoring	The MMF has identified several deficiencies in the aquatic monitoring program (i.e., CAMP). There are concerns with the (1) sampling frequency, (2) spatial coverage, (3) sampling site selection, (4) approach to mercury monitoring, (5) lack of river/lotic monitoring, (6) erosion/sedimentation monitoring, (7) lack of adaptive management protocols and response programs and the (8) overall lack of engagement with the MMF.	The MMF requires greater engagement to co-develop a robust aquatic monitoring program which addresses deficiencies identified. It is requested that MH commit to capacity building and steps to engage the MMF on the development of an expanded CAMP program to deliver more useful environmental monitoring data.
MMF-37	Dam Safety	Dam Safety Reviews (DSR) are said to be undertaken on a “intermittent schedule”. No such schedule is presented as part of the technical documentation. Further, it is noted that the last DSR was completed in 2015 and prompted various recommendations. The MMF is concerned that the last inspection was over 9 years ago and that there is a lack of transparency from MH on the scope and extent of	It is recommended that all future licence extensions (STELs or Renewal Licences) include explicit and prescribed schedules for independent Dam Safety Reviews. The schedule should be determined in consultation with the MMF and reflect a more frequent review program (e.g., 5-years) where the outcomes (i.e., deficiencies, interventions and remediations) are reported and shared with the MMF. Progress towards remediations and recommendations should be detailed in



Comment #	Reference	Comment	Recommendation
		deficiencies/recommendations identified, as well as progress towards remediation.	technical documentation prior to the assurance of new STELs or Renewal Licences and used as criteria in decision making to issue licences. The current structure of review and intervention does not provide reasonable assurance to the MMF that Red River Métis Citizens are protected from dam operation concerns and that MH is taking the required steps to address the results of safety inspections in a timely manner.
MMF-38	Project Upgrades	The Seven Sisters GS has undergone “significant rehabilitation” that should be considered major alterations and require comprehensive environmental impact assessment and consultation. Rehabilitation has occurred since 1979 and continued until 2003. It’s understood that the dam is now in excellent condition, however the MMF is concerned that these major construction projects, which can threaten aquatic life and water quality, were not required to undergo additional environmental assessments.	The MMF require that an impact assessment or environmental assessment is completed for all future work, upgrades or rehabilitation to generating stations. As the Red River Métis Citizens have experienced impacts from Manitoba Hydro facilities for the past 100-years, it is imperative that there is further oversight on the impacts due to operations of GS and incremental upgrades these facilities. Assessments should include engagement with the Department of Fisheries and Oceans (DFO) for any in water works, as well as consultation with the MMF to determine appropriate mitigations to ensure protection of Red River Métis rights and interests.



Comment #	Reference	Comment	Recommendation
MMF-39	Historic Power Generation	Manitoba Hydro rehabilitated four of the six turbine generators at the Seven Sisters GS. There was no consultation with the Red River Métis Citizens during decisions to upgrade turbines. Without consultation, Red River Métis Citizens do not have the opportunity to advocate for innovative turbine technology, such as Restoration Hydro Turbines, that provide enhanced protection to fish and aquatic life pertinent to Red River Métis rights and interests.	It is requested that MH commit to a consultation framework with the MMF to allow Red River Métis Citizens an opportunity to voice concerns and considerations when there are decisions that impact fish passage and aquatic life. Manitoba Hydro should consider the use of Restoration Hydro Turbines or other technology that supports the safe passage of fish through hydropower facilities during turbine upgrade projects and present justification for technology selected for upgrades.
MMF-40	Historic Power Generation	Constraints used to optimize energy generation include “provincial energy demand, export contracts as well as physical, environmental and social requirements.” These constraints do not consider impacts to Red River Métis rights and interests, as well as the rights of other Indigenous groups.	Impacts to Indigenous rights, including those of Red River Métis Citizens should be explicitly included in constraints for decision making at MH generating stations. The lack of consideration for Red River Métis rights further strengthens requests for a formal engagement framework to be co-developed with the MMF and MH and included into STEL conditions.
MMF-41	Community Involvement	“Manitoba Hydro responded to all issues raised and held discussions with all stakeholders who raised concerns or had an interest in learning about Manitoba Hydro’s operations.” Impacts from MH’s operations occur presently and historically to Red River	The MMF does not accept response and discussion as resolution to concerns raised by MMF Citizens. A formal engagement framework should include steps to resolution agreed upon by the MMF to ensure there is meaningful and



Comment #	Reference	Comment	Recommendation
		Métis Citizens. A “response” is not an appropriate method to address concerns that require action and meaningful engagement.	measurable actions taken to respond to concerns from Red River Métis Citizens.
MMF-42	Observance of Final Licence Terms	“The Licence shall not be responsible for loss or damage of or to lands or property upstream from Seven Sisters Falls Development caused by or resulting from the operation of the said Development at headwater elevations not exceeding those from time to time authorized.” MH offers no observance on this licence condition. It is understood that the Seven Sisters GS has been out of compliance with headwater elevations for a 13-year period (1966-197 12.2% of the time). This is a significant amount of time where impacts upstream are likely. There has been no assessment completed to confirm that the non-compliance has not caused issues upstream.	MH has demonstrated non-compliance with headwater elevations during a significant period which may have caused impacts upstream and hence should be responsible for loss or damage to lands or property. The MMF requests as part of the consultation framework MH commits to the development of a restoration and rehabilitation plan for lands and property impacted by MH operations.
MMF-43	General Comment	Following retirement of the Pinawa GS, a rock dam was left in place at the Pinawa Channel, despite this being valuable Lake Sturgeon habitat connecting Lac du Bonnet	The MMF requests justification regarding the decision to not facilitate fish passage between



Comment #	Reference	Comment	Recommendation
		with the Winnipeg River. This channel is now supported only by seepage, and the rock dam is not fish passable.	the Pinawa Channel and Winnipeg River upstream of the Seven Sisters GS.
McArthur Falls			
MMF-44	General Comment	The MMF finds that outdated supporting documentation is being accepted as technical requirements for STEL applications. The documentation does not demonstrate compliance with recent STEL conditions, adequately describe engagement with the MMF and other Indigenous groups, or detail upgrades to project components or monitoring protocols. It is unacceptable to the MMF that licence extensions are issued based on outdated technical reporting. Up to date reporting should be required for any licence renewal or extension and must adequately demonstrates compliance with licensed conditions (i.e., operating capacity, water levels, Indigenous engagement).	The MMF requests that the EAB applies stricter requirements for technical supporting documentation in support of STEL extensions and renewal licences. Updated supporting documentation should be required with each STEL request and detail compliance with STEL conditions, including water level elevations, generating capacity and requirements for Indigenous engagement. Supporting documentation should include data from the previous STEL term (e.g., past 5-years) as well as historic data from the GS. It is imperative that the EAB is making licencing decisions based on up-to-date information that accurately reflects on-going operations at each generation station.
MMF-45	Licence Area/Renewal Licence Area	Supporting documentation requests an expansion of the Licence area based on hydraulic and geotechnical reviews, property assessments, site visits and	It is recommended that MH conduct meaningful consultation and engagement with the MMF when expanding the licence area, including consideration of Métis land use and occupancy



Comment #	Reference	Comment	Recommendation
		<p>topographic imagery. The Licence area is defined by Final Licence includes lands which could be unsafe to the public, which have experienced a modified water regime due to project operation, and lands which could prove to be geotechnically unstable. It is concerning to the MMF that decisions on licence area renewal do not include consultation with Indigenous groups and the consideration of Métis knowledge and land use.</p>	<p>data from Red River Métis Citizens. MH should support the collection of Métis knowledge and land use data through funding support for Métis knowledge studies and archeological programs. The MMF requests MH commitment to the collection and consideration of Métis knowledge and land use data through broader consultation and engagement framework, developed collaboratively between MH and the MMF. The MMF requests conditions for this engagement framework are written into any new STELS to ensure that there will be meaningful engagement with the MMF within the next term of licencing and prior to the issuance of a Renewal Licence.</p>
MMF-46	Licence Area/Renewal Licence Area	<p>Reasons for changes to the licence area (i.e., severance lines) are not explicit in the supporting documentation. It is understood that this are a may be changes to include areas subject to erosion and shoreline erodibility, geotechnical instability, lands that that are unsafe to the public, or for project structures and site access. The MMF is concerned that the reasons for area expansion are not transparent, despite the potential of these lands being unsafe or</p>	<p>The MMF requires greater transparency in the expansion of Licence Areas. The MMF be clearer in licence area changes (e.g., change to total area) and provide justification and rationale for expanding this boundary. It is recommended that expansion of the license area is treated as a “significant change” and an Environmental Assessment is conducted to fully assess potential impacts to the environment and available mitigations.</p>



Comment #	Reference	Comment	Recommendation
		subject to increased erosion. There are further concerns that licence area expansion are issued without adequate impact assessments and oversight from an environmental regulators, despite on-going impacts to aquatic habitats, shoreline, and Red River Métis harvesting rights from dam operations.	
MMF-47	Water Levels	Water levels and flows are reported to the province annually to confirm data collection, verification and reporting of deviations to Water Act Licences. facilities measure water level under Licence Implementation Guides. The MMF has not had the opportunity to consult on the Implementation guide. Red River Métis Citizens are concerned that water level monitoring is limited to only select locations and not reported publicly in real time. The MMF is also not notified in the event of a non-compliance or other changes in water level, yet this information would be useful to inform MMF monitoring programs and Red River Métis citizen activities on their homelands. Further, it is	It is recommended that there is collaboration with the MMF and Red River Métis Citizens to update Licence Implementation Guides. Red River Métis Citizens require transparency in water level measurement, including real time data sharing to the MMF website. Red River Métis Citizens also recommend the expansion of the water level monitoring network, including multiple point measurement and continuous monitoring of discharge from the spillway. A single monitoring point does not provide adequate contingency and redundancy in water level measurements. Further, supporting documentation should ensure that up to made Licence Implementation Guides are referenced to be considered "still valid" for the purposes of licence applications.



Comment #	Reference	Comment	Recommendation
		noted that some supporting documentation reference outdated implementation guides.	
MMF-48	Observance of Final Licence Terms	Refinement of severance lines is observed as “in-progress” regarding compliance with the final licence terms. It is understood that without a proper licence renewal, the licence area is not expanded and impacted lands are not licenced under the Water Power Act. It is unclear who is responsible for these lands that should be included in the severance line of a STEL application but are not yet in the Final or Renewal Licence. The MMF is concerned that without the issuance of a Renewal Licence, MH is not responsible for these lands that impacted by operations of Winnipeg River dams.	The MMF is very concerned that the issuance of STELs has prevented the expansion of severance areas for lands negatively impacted by MH operations. The MMF requests clarity on (1) who is responsible for such lands when a Renewal License has yet to be issued (2) formal engagement with MH on rehabilitation and reclamation plans for these impacted lands.
MMF-49	General Comment	McArthur Falls is affected by flows on the Winnipeg River controlled by the Lake of the Woods Control Board (LWCB). MH sits a stakeholder in the LWCB to provide input on regulation strategy and current and projected water conditions in Manitoba. Water levels and open water management by MH has led to historical and on-going issues for erosion, land flooding, and	The MMF recommends MH establishes shared priorities with Red River Métis to bring to the LWCB. Alignment between Red River Métis citizen interest and MH priorities while engaging with the LCWB may prevent further negative impacts to environmental, cultural and economic resources for Red River Métis Citizens.



Comment #	Reference	Comment	Recommendation
		habitat destruction that impact Red River Métis rights and interest.	
MMF-50	Annual Reporting	The current approach to annual reporting focuses only on Annual Water Level and Flow Compliance Reporting. This is a limited view of operations and impacts at the generating station. The generation station includes all areas within the severance lines and reporting on the quality of the environment within this area should be a requirement of annual reporting.	The MMF recommends future STELs include conditions for Annual Reporting on the state of the environment within the Licence Area. The Licence Area includes crown and private lands that are “required for the project and impacted by the project”. As such, there should be adequate reporting on the state of these areas, including aquatic habitat, shoreline conditions, sedimentation and erosion, water quality, and fish health, as well as mitigations and interventions conducted annually to address these impacts.
MMF-51	Erosion	Erosion and bank instability extend beyond the water storage lands and severance lines, yet MH has only addressed impacts water levels, shoreline erosion, and bank stability are limited to locations within the “Water Power Act licence limits located downstream in the forebays of Seven Sister, McArthur Falls, Great Falls and Pine Falls Generating Stations” and in acquired water storage land. MH established the Winnipeg River Bank Protection Program (WRBPP) to	MH must commit to a more comprehensive efforts to identify and mitigate impacts to shoreline erosion and bank stability from MH operations. Efforts should address impacts to lands outside of MH owned property and include an assessment of the historical and impacts to Red River Métis land use and cultural sites. Results from the assessment should outline restoration or accommodation commitments from MH to address the legacy and on-going impacts of bank instability and



Comment #	Reference	Comment	Recommendation
		address impacts on private “property within the Water Power Act Licence limits”. This program does not address erosion impacts to the aquatic environment or the social/economic impacts of continued erosion along the Winnipeg River from all MH dams which limits development opportunities and access to cultural sites and travel routes for Red River Métis Citizens.	erosion on Red River Métis Citizens. Collaboration between the MMF and MH to develop a more comprehensive program to assess erosion impacts should be included as part of the broader consultation framework. These commitments should be outlined as part of new STEL conditions to provide assurance to the MMF.
MMF-52	Aquatic Monitoring	The MMF has identified several deficiencies in the aquatic monitoring program (i.e., CAMP). There are concerns with the (1) sampling frequency, (2) spatial coverage, (3) sampling site selection, (4) approach to mercury monitoring, (5) lack of river/lotic monitoring, (6) erosion/sedimentation monitoring, (7) lack of adaptive management protocols and response programs and the (8) overall lack of engagement with the MMF.	The MMF requires greater engagement to co-develop a robust aquatic monitoring program which addresses deficiencies identified. It is requested that MH commit to capacity building and steps to engage the MMF on the development of an expanded CAMP program to deliver more useful environmental monitoring data.
MMF-53	Dam Safety	Dam Safety Reviews (DSR) are said to be undertaken on a “prescribed schedule”. No such schedule is presented as part of the technical documentation. Further, it is	It is recommended that all future licence extensions (STELs or Renewal Licences) include explicit and prescribed schedules for independent Dam Safety Reviews. The schedule



Comment #	Reference	Comment	Recommendation
		noted that the last DSR was completed in 2014 which identified deficiencies and recommendations for follow up. The MMF is concerned that the last inspection was over 10 years ago and that there is a lack of transparency from MH on the scope and extent of deficiencies/recommendations identified, as well as progress towards remediation.	should be determined in consultation with the MMF and reflect a more frequent review program (e.g., 5-years) where the outcomes (i.e., deficiencies, interventions and remediations) are reported and shared with the MMF. Progress towards remediations and recommendations should be detailed in technical documentation prior to the assurance of new STELs or Renewal Licences and used as criteria in decision making to issue licences. The current structure of review and intervention does not provide reasonable assurance to the MMF that Red River Métis Citizens are protected from dam operation concerns and that MH is taking the required steps to address the results of safety inspections in a timely manner.
MMF-54	Operational Description	Flows in the McArthur forebay are adjusted to reduce impacts to upstream stakeholders while maintaining internal operational requirements for the water level at the Town of Lac du Bonnet. It is not clear to the MMF how flows are adjusted to reduce impacts, while there has been no formal impact assessment or avenue Red River	If MH intends to operate generating stations in a manner that reduces impacts, there must be further engagement and assessment to document impacts to Red River Métis Citizens. This should be accomplished through a Red River Métis engagement protocol and the development of an Open Water Management Plan that mitigates on-going impacts to aquatic



Comment #	Reference	Comment	Recommendation
		Métis Citizens to communicate impacts to MH.	resources that sustain Red River Métis rights and interests.
MMF-55	Operational Description	Flows in the McArthur forebay are adjusted to reduce impacts to upstream stakeholders while maintaining internal operational requirements for the water level at the Town of Lac du Bonnet. It is not clear to the MMF how flows are adjusted to reduce impacts, while there has been no formal impact assessment or avenue Red River Métis Citizens to communicate impacts to MH.	If MH intends to operate generating stations in a manner that reduces impacts, there must be further engagement and assessment to document impacts to Red River Métis Citizens. This should be accomplished through a Red River Métis engagement protocol and the development of an Open Water Management Plan that mitigates on-going impacts to aquatic resources that sustain Red River Métis rights and interests.
Pine Falls			
MMF-56	General Comment	The MMF finds that outdated supporting documentation is being accepted as technical requirements for STEL applications. The documentation does not demonstrate compliance with recent STEL conditions, adequately describe engagement with the MMF and other Indigenous groups, or detail upgrades to project components or monitoring protocols. It is unacceptable to the MMF that licence extensions are issued based on outdated technical reporting. Up to date	The MMF requests that the EAB applies stricter requirements for technical supporting documentation in support of STEL extensions and renewal licences. Updated supporting documentation should be required with each STEL request and detail compliance with STEL conditions, including water level elevations, generating capacity and requirements for Indigenous engagement. Supporting documentation should include data from the previous STEL term (e.g., past 5-years) as well as historic data from the GS. It is imperative that



Comment #	Reference	Comment	Recommendation
		reporting should be required for any licence renewal or extension and must adequately demonstrates compliance with licensed conditions (i.e., operating capacity, water levels, Indigenous engagement).	the EAB is making licencing decisions based on up-to-date information that accurately reflects on-going operations at each generation station.
MMF-57	Licence Area/Renewal Licence Area	Supporting documentation requests an expansion of the Licence area based on hydraulic and geotechnical reviews, property assessments, site visits and topographic imagery. The Licence area is defined by Final Licence includes lands which could be unsafe to the public, which have experienced a modified water regime due to project operation, and lands which could prove to be geotechnically unstable. It is concerning to the MMF that decisions on licence area renewal do not include consultation with Indigenous groups and the consideration of Métis knowledge and land use.	It is recommended that MH conduct meaningful consultation and engagement with the MMF when expanding the licence area, including consideration of Métis land use and occupancy data from Red River Métis Citizens. MH should support the collection of Métis knowledge and land use data through funding support for Métis knowledge studies and archeological programs. The MMF requests MH commitment to the collection and consideration of Métis knowledge and land use data through broader consultation and engagement framework, developed collaboratively between MH and the MMF. The MMF requests conditions for this engagement framework are written into any new STELs to ensure that there will be meaningful engagement with the MMF within the next term of licencing and prior to the issuance of a Renewal Licence.



Comment #	Reference	Comment	Recommendation
MMF-58	Licence Area/Renewal Licence Area	Reasons for changes to the licence area (i.e., severance lines) are not explicit in the supporting documentation. It is understood that this are a may be changes to include areas subject to erosion and shoreline erodibility, geotechnical instability, lands that that are unsafe to the public, or for project structures and site access. The MMF is concerned that the reasons for area expansion are not transparent, despite the potential of these lands being unsafe or subject to increased erosion. There are further concerns that licence area expansion are issued without and adequate impact assessments and oversight from an environmental regulators, despite on-going impacts to aquatic habitats, shoreline, and Red River Métis harvesting rights from dam operations.	The MMF requires greater transparency in the expansion of Licence Areas. The MMF be clearer in licence area changes (e.g., change to total area) and provide justification and rationale for expanding this boundary. It is recommended that expansion of the license area is treated as a “significant change” and an Environmental Assessment is conducted to fully assess potential impacts to the environment and available mitigations.
MMF-59	Water Levels	Water levels and flows are reported to the province annually to confirm data collection, verification and reporting of deviations to Water Act Licences. facilities measure water level under Licence Implementation Guides. The MMF has not had the opportunity to consult on the	It is recommended that there is collaboration with the MMF and Red River Métis Citizens to update Licence Implementation Guides. Red River Métis Citizens require transparency in water level measurement, including real time data sharing to the MMF website. Red River Métis Citizens also recommend the expansion of



Comment #	Reference	Comment	Recommendation
		Implementation guide. Red River Métis Citizens are concerned that water level monitoring is limited to only select locations and not reported publicly in real time. The MMF is also not notified in the event of a non-compliance or other changes in water level, yet this information would be useful to inform MMF monitoring programs and Red River Métis citizen activities on their homelands. Further, it is noted that some supporting documentation reference outdated implementation guides.	the water level monitoring network, including multiple point measurement and continuous monitoring of discharge from the spillway A single monitoring point does not provide adequate contingency and redundancy in water level measurements. Further, supporting documentation should ensure that up to made Licence Implementation Guides are referenced to be considered "still valid" for the purposes of licence applications.
MMF-60	Observance of Final Licence Terms	Refinement of severance lines is observed as "in-progress" regarding compliance with the final licence terms. It is understood that without a proper licence renewal, the licence area is not expanded and impacted lands are not licenced under the Water Power Act. It is unclear who is responsible for these lands that should be included in the severance line of a STEL application but are not yet in the Final or Renewal Licence. The MMF is concerned that without the issuance of a Renewal Licence, MH is not	The MMF is very concerned that the issuance of STELs has prevented the expansion of severance areas for lands negatively impacted by MH operations. The MMF requests clarity on (1) who is responsible for such lands when a Renewal License has yet to be issued (2) formal engagement with MH on rehabilitation and reclamation plans for these impacted lands.



Comment #	Reference	Comment	Recommendation
		responsible for these lands that impacted by operations of Winnipeg River dams.	
MMF-61	General Comment	Pine Falls is affected by flows on the Winnipeg River controlled by the Lake of the Woods Control Board (LWCB). MH sits a stakeholder in the LWCB to provide input on regulation strategy and current and projected water conditions in Manitoba. Water levels and open water management by MH has led to historical and on-going issues for erosion, land flooding, and habitat destruction that impact Red River Métis rights and interest.	The MMF recommends MH establishes shared priorities with Red River Métis to bring to the LWCB. Alignment between Red River Métis citizen interest and MH priorities while engaging with the LCWB may prevent further negative impacts to environmental, cultural and economic resources for Red River Métis Citizens.
MMF-62	Annual Reporting	The current approach to annual reporting focuses only on Annual Water Level and Flow Compliance Reporting. This is a limited view of operations and impacts at the generating station. The generation station includes all areas within the severance lines and reporting on the quality of the environment within this area should be a requirement of annual reporting.	The MMF recommends future STELs include conditions for Annual Reporting on the state of the environment within the Licence Area. The Licence Area includes crown and private lands that are “required for the project and impacted by the project”. As such, there should be adequate reporting on the state of these areas, including aquatic habitat, shoreline conditions, sedimentation and erosion, water quality, and fish health, as well as mitigations and



Comment #	Reference	Comment	Recommendation
			interventions conducted annually to address these impacts.
MMF-63	Erosion	Erosion and bank instability extend beyond the water storage lands and severance lines, yet MH has only addressed impacts water levels, shoreline erosion, and bank stability are limited to locations within the “Water Power Act licence limits located downstream in the forebays of Seven Sister, McArthur Falls, Great Falls and Pine Falls Generating Stations” and in acquired water storage land. MH established the Winnipeg River Bank Protection Program (WRBPP) to address impacts on private “property within the Water Power Act Licence limits”. This program does not address erosion impacts to the aquatic environment or the social/economic impacts of continued erosion along the Winnipeg River from all MH dams which limits development opportunities and access to cultural sites and travel routes for Red River Métis Citizens.	MH must commit to a more comprehensive efforts to identify and mitigate impacts to shoreline erosion and bank stability from MH operations. Efforts should address impacts to lands outside of MH owned property and include an assessment of the historical and impacts to Red River Métis land use and cultural sites. Results from the assessment should outline restoration or accommodation commitments from MH to address the legacy and on-going impacts of bank instability and erosion on Red River Métis Citizens. Collaboration between the MMF and MH to develop a more comprehensive program to assess erosion impacts should be included as part of the broader consultation framework. These commitments should be outlined as part of new STEL conditions to provide assurance to the MMF.
MMF-64	Aquatic Monitoring	The MMF has identified several deficiencies in the aquatic monitoring program (i.e.,	The MMF requires greater engagement to co-develop a robust aquatic monitoring program



Comment #	Reference	Comment	Recommendation
		CAMP). There are concerns with the (1) sampling frequency, (2) spatial coverage, (3) sampling site selection, (4) approach to mercury monitoring, (5) lack of river/lotic monitoring, (6) erosion/sedimentation monitoring, (7) lack of adaptive management protocols and response programs and the (8) overall lack of engagement with the MMF.	which addresses deficiencies identified. It is requested that MH commit to capacity building and steps to engage the MMF on the development of an expanded CAMP program to deliver more useful environmental monitoring data.
MMF-65	Dam Safety	Dam Safety Reviews (DSR) are said to be undertaken on a “intermittent schedule” for Pine Falls Dam, contrasting other GS which use a prescribed schedule. It is not clear why the schedule is not similar to other GS at this site. The last DSR was conducted in 2004 and the next is “tentatively planned for 2020”. This schedule is unacceptable to the MMF finds 15 years between dam safety reviews unacceptable. There is also lack of transparency from MH on the scope and extent of deficiencies identifies, and their progress towards remediation.	It is recommended that all future licence extensions (STELs or Renewal Licences) include explicit and prescribed schedules for independent Dam Safety Reviews. The schedule should be determined in consultation with the MMF and reflect a more frequent review program (e.g., 5-years) where the outcomes (i.e., deficiencies, interventions and remediations) are reported and shared with the MMF. Progress towards remediations and recommendations should be detailed in technical documentation prior to the assurance of new STELs or Renewal Licences and used as criteria in decision making to issue licences. The current structure of review and intervention does not provide reasonable assurance to the MMF that Red River Métis Citizens are



Comment #	Reference	Comment	Recommendation
			protected from dam operation concerns and that MH is taking the required steps to address the results of safety inspections in a timely manner.
MMF-66	Historic Power Generation	Turbine refurbishments have occurred at the Pine Falls GS since the early 1990's. The MMF has not been consulted on these upgrades. Without consultation, Red River Métis Citizens do not have the opportunity to advocate for innovative turbine technology, such as Restoration Hydro Turbines, that provide enhanced protection to fish and aquatic life pertinent to Red River Métis rights and interests.	It is requested that MH commit to a consultation framework with the MMF to allow Red River Métis Citizens an opportunity to voice concerns and considerations when there are decisions that impact fish passage and aquatic life. Manitoba Hydro should consider the use of Restoration Hydro Turbines or other technology that supports the safe passage of fish through hydropower facilities during turbine upgrade projects and present justification for technology selected for upgrades.
MMF-67	Renewal License Capacity	Pine Falls GS has been operating over the licenced generating capacity since the early 1990's. No amended Final Licence has been issued to accommodate the increased in operational capacity that took place for Units 5 and 6 and proposed upgrades to Units 3 and 4. Without an impact assessment, the MMF is not satisfied that capacity upgrades will not have an impact on Red River Métis rights and interests,	The MMF requires a consultation framework be developed and conditioned in STELs to provide an avenue for meaningful consultation when it comes to significant changes and upgrades to facility operations. Facility upgrades offer an opportunity to apply the innovative and beneficial technologies. Further, consulting with the MMF provides assurance that upgrades will not result in negative impacts to the environment, in lieu of full environmental



Comment #	Reference	Comment	Recommendation
		such as fish passage, shoreline erosion, and water quality. The MMF is concerned that Pine Falls GS has (1) been operating over licenced capacity and (2) continues to make upgrades without appropriate licencing.	assessments. Lastly, a consultation framework will help to hold MH accountable to compliance with licence conditions.
MMF-68	Observance of Final Licence Terms	Condition (5) of the final licence requires MH to be liable for damage occurring to lands caused by the raising of headwater above elevations from time to time. Headwater elevations were out of compliance for 27% of time from 1967-1979, likely contributing to damage documented by Red River Métis Citizens. The WRBPP program does not address the reclamation of lands impacted by operations unless they are private property.	As per condition (5), MH should be held liable for damage caused by non-compliant head elevations. To fully understand and address impacts, there must be meaningful consultation and engagement with Red River Métis Citizens. This must include interviews to collect Métis knowledge and land use information to understand how Red River Métis rights have been impacted. MH must address damage caused to Red River Métis Citizens through restoration efforts.



4.0 What We Heard: Red River Métis Citizen Engagement

On November 20, 2024, Red River Métis Citizens gathered for a citizen engagement session to discuss the Winnipeg River Dams. Citizens expressed various concerns with the on-going and historic operations of MH dams, as well as concerns for the licencing process and a lack of Red River Métis citizen engagement.

A key concern for Red River Métis Citizens is the impact of erosion from dam operation. They expressed that erosion is occurring more rapidly along embankments of the Winnipeg River and is believed to be a result of water storage and release from MH dams. Some Citizens mentioned erosion on the river has been accelerated in the last 30-years from dam operations and other cumulative effects (e.g., boat traffic). It was also noted that there are on-going challenges to plan developments along the Winnipeg River as more erosion is anticipated for various locations along the shoreline. Citizens are also concerned about the lack of transparency from MH in erosion estimates and shoreline planning.

Citizens were also concerned about access restrictions imposed by MH dams. MH restricts access and use of shoreline and nearshore areas in provincial parks within MH severance lines. The presence of dams has also impacted canoe and portage routes. Further, access to dam crossings have been restricted, limiting Red River Métis ability to cross the dams and access trails along both sides of the Winnipeg River.

There are further concerns with the application and licensing process of MH dams on the Winnipeg River. Red River Métis Citizens are concerned that the Environmental Act does not apply to MH dams and other relevant acts (i.e., Water Power Act) are too vague in their language for environmental protection. They shared concerns of how to ensure compliance with permits and regulations at these facilities, especially before future permits or permit extensions are issued. Citizens would like to see MMF have a seat at the table when it comes to regulating and permitting to ensure there are measurable and enforceable criteria for compliance. Red River Métis Citizens would also like transparency from MH and clarity on why renewal permits (i.e., 50-year permits) have not been issued. Citizens also suggested that a Renewal Permit term of 25-years would be more relevant for engagement than a 50-year term, and compliance checks every 5-years should be conditioned into permits.

Red River Métis Citizens would like more transparency on how water level is monitored and reported at MH dams. They note that changing the water level, even slightly, means increased operating power for MH while causing issues for water ponding and erosion upstream. It was suggested that MH should report water levels in real time to the MMF website to provide Red River Métis Citizens with up-to-date water level information. Citizens would like to see improved monitoring methods for water level, ponding techniques, and spillage, including multiple water level points at the facility. Citizens suggested



further monitoring to understand how species of concern are impacted by Winnipeg River dams and how these concerns are alleviated. Monitoring of fish ladders, sturgeon and other fish species was suggested as an effective option to improve monitoring protocols.

5.0 Recommendations

5.1 Consultation and Engagement Framework

The MMF is very concerned that further STEL conditions will not fulfill requirements for engagement without precise language to establish a framework for consultation and engagement with the MMF. The MMF asks that such a framework is developed by MH and conditioned into newly approved STELs.

The MMF notes that MH's general consultation and engagement with Indigenous communities as part of the STEL processes is quite limited, which does not inspire confidence in their commitment to a meaningful process. This appears to be consistent throughout the operation and licensing of the facilities, despite the significant impacts that power generation and storage structures have on aquatic systems and the ability of Red River Métis Citizens to exercise their Rights. Based on information provided, MH's preferred approach appears to be rooted in limited conversations with a small number of communities and lacking proactivity. For example, for the Pointe du Bois GS STEL application, from 2016: *"Manitoba Hydro and Sagkeeng Nation signed an Agreement and Accord in March, 1997 to address issues arising from the effects of Manitoba Hydro works up to November, 2006. Negotiations are continuing on an extension/renewal of the Accord."* The MMF notes that negotiations were continuing 10 years after the original accord ended.

The MMF understands that under subsection 93(2) *The minister may (a) conduct a public hearing that the minister considers necessary in accordance with subsection 46(3) and (b) provide for any consultations with First Nations or aboriginal communities about an extended final licence during the term of the short-term extension licence.* Given that all seven facilities of discussion are within the term of a STEL, the minister holds the right to provide for consultation with the MMF at this time. Therefore, the MMF requests that the minister ensures meaningful consultation and engagement with the MMF, through a co-developed consultation and engagement framework. This framework must meet the standards and expectations of the MMF and be created as soon as possible to prevent further negative impacts to Red River Métis Citizens.

Specifically, we recommend that a meaningful consultation and engagement framework would address two overarching themes: engagement and consultation, and commitments to address gaps (existing and new) and concerns in environmental and cultural data associated with the facilities.



Requested Engagement and Consultation Framework

Both MH and the EAB as agents of the Crown hold a duty to consult with the MMF, meaningfully hear the concerns of Citizens, and address or accommodate past, present, and future adverse impacts. The MMF sees the review of the STEL as simply this first step of many in understanding the cumulative impacts of the Winnipeg River GS, and articulating concerns. As a result, the MMF expects to be enabled to continue to engage in the identification of issues and concerns, and the development of a shared decision-making framework overseeing the impacts of dam activities, operations, and ultimately the eventual closure and decommissioning of these structures. The MMF also highlights the need to continue to inform and enable Citizens to raise concerns and constructive recommendations for the future of these structures, ensuring that future licencing conditions create both an environment and a regulatory structure which is flexible to meet the social and environmental needs of the Red River Métis impacted by these dams into the future.

The MMF also seek to work with MH to identify opportunities to better leverage the existing CAMP program to inform meaningful management action to minimize or avoid adverse impacts. To this end, the MMF requests that as a condition of the STEL working towards a Final Licence, MH be required to work with the MMF in identifying meaningful surveillance endpoints, early warning management triggers, and an adaptive response framework that is built on the principles of co-management and decision-making.

Commitments to Address Gaps and Concerns

The MMF recommends that overall, the framework includes capacity and steps to meaningfully review and include past land use and occupancy data through a gap analysis, Métis needs assessment, interviews with Red River Métis Citizens, and spatial mapping. Additionally, the MMF requests that MH commit to addressing the following specific items related to environmental and cultural data:

- An archaeological assessment for new and existing severance lines;
- Expansion of the CAMP program in the area to deliver more useful monitoring data collected annually, more targeted data for certain locations and/or species (e.g., Lake Sturgeon), expanded mercury monitoring (including investigations into drivers of methylation), and greater spatial
- Co-development of an Open Water Management Plan for each facility that better reflects the interests of Red River Métis Citizens;
- Targeted monitoring, triggers, and actions to address Red River Métis concerns regarding Water Level and Erosion;



- Discussion of opportunities to restore important traditional use areas (e.g., wild rice harvest areas, key fishing and hunting areas, beaver and other small mammal trapping areas);
- Explore decommissioning scenarios for specific facilities to improve conditions for fish, including Lake Sturgeon;
- Co-development of a vision for end-of-life management for the facilities and structures that will appropriately adapt to Manitoba's changing and future electricity needs;

6.0 References

Manitoba Hydro. (2023). McArthur Generating Station Report in Support of a Request for a Renewal License Under the Water Power Act and Regulations.

Manitoba Hydro. (2019). Pine Falls Generating Station Report in Support of a Request for a Renewal License Under the Water Power Act and Regulations. Report No. WP&O 19-04.

Manitoba Hydro. (2021). Water Power Act Licences Slave Falls Short-Term Licence Extension Application: Supporting Documentation.

