

# **Project 6 All-Season Road Information Request Round 1 – Response**

## **MMF – National Government of the Red River Métis**

September 18, 2025



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# 1.0 Introduction

## 1.1 Project Background and Regulatory Process

In 2009, the Government of Manitoba indicated their commitment to the construction of a network of all-season roads on the east side of Lake Winnipeg, north of Manigotagan and Bisset—an area previously only accessible by plane or winter road. Through this network, Manitoba Transportation and Infrastructure (MTI or MI) aims to link 13 remote First Nation communities (previously only accessible by winter roads) to each other and through all-season road-access to the rest of Manitoba.

Project 6, one of the proposed all-season roads in this network, is a 141 km all-season road which would connect Manto Sipi Cree Nation, Bunibonibee Cree Nation and God’s Lake First Nation on the east side of Lake Winnipeg. As Project 6 required a federal Impact Assessment, the MTI began the regulatory process in 2017 under the *Canadian Environmental Assessment Act* of 2012. MTI submitted an Environmental Impact Statement (EIS) in April 2019.

As part of the Impact Assessment Process, the Manitoba Métis Federation (MMF) conducted a technical review of the EIS, which was sent to the Impact Assessment Agency of Canada (IAAC) in June 2019. IAAC sent a first round of Information Requests (IRs) to MTI in November 2021, and MTI provided responses to the IRs on August 27, 2025. In consideration of these responses, and to maintain active participation in the regulatory review of Project 6, the MMF provides comments and recommendations in response to MTI’s responses in the table below.

## 1.2 Summary of MMF’s Concerns

The MMF is deeply concerned by MTI’s dismissal of concerns specific to the MMF, and their overall approach to addressing the Information Requests issued to them through this Environmental Assessment. The MMF have been engaged in this project since it was first presented to us in 2009. At every instance, the MMF has made clear efforts to ensure that MTI is aware of the potential impacts this project may have on the rights, claims, and interests of the Red River Métis, signalling our interest in collaborating with MTI in working to determine opportunities to avoid or minimize impacts. This is made clear in our response to the EIS which was submitted to the Canadian Environmental Assessment Agency (CEAA) on June 14, 2019. This effort, however, has not been reciprocated. MTI, through their lack of engagement with the MMF since the issuance of the EIS in 2019, as well as their, at times, hostile responses to Information Requests, indicate they have no interest in meaningfully engaging the MMF. Table 1 below outlines the communication received by the MMF since 2019 regarding Project 6. Additionally, as noted on pages 22, 23, 24, 25, 26, 43, 49, and 55 of the MMF’s EIS technical review response, the MMF has not been provided any form of capacity to support the collection, analysis, or submission of Red River Métis Knowledge and Land Use Occupancy data. Contrary to MTI’s statements in the EIS and Round 1



Information Request responses, the MMF has identified significant potential for Project 6 to adversely impact the Aboriginal rights of Red River Métis Citizens, and that effort in the form of a Red River Métis Knowledge and Land Use Occupancy study is necessary to understand how to avoid, mitigate or otherwise accommodate these impacts. MTI has met this concern with opposition, a position which demonstrates MTI’s unwillingness to support meaningful consultation.

Table 1. List of Correspondence since the MMF’s Submission of EIS Technical Review

Date	Topic
2021/11/17	Notice of Information Request Round 1 Commencement
2022/07/21	Notice of Request for Extension on Round 1 Information Requests
2022/08/23	Notice of Granted Extension on Round 1 Information Requests
2025/03/14	Notification of Upcoming Information Requests Round 1 Release and Funding Agreement Clarification
2025/08/28	Release of Information Requests Round 1 Response to MMF

Project 6 is found within the National Homeland of the Red River Métis. As previously presented in our response to the EIS, there is significant historic and contemporary land use which surrounds the project area (Appendix A). The MMF has not been positioned by MTI to collect or provide Red River Métis Knowledge and Land Use Occupancy to inform the project. This is in opposition to several instances by which the MMF have identified this need in order to appropriately consider potential interactions between Métis rights and land use, and project activities or effects. Information provided in Appendix A is considered preliminary information, indicating extensive use and requiring further examination to appropriately understand potential project interactions and address direction provided by the EIS Guidelines.

While, as MTI outlines, Project 6 occurs outside of the Recognized Manitoba Métis Harvesting Zones, this agreement does not reflect Aboriginal rights held by the Red River Métis. The Province of Manitoba / Manitoba Métis Federation Agreement on Métis Natural Resource Harvesting reflects direction at the time (2012) from the Supreme Court of Canada and Manitoba courts to recognize practical terms for harvesting in areas where rights are affirmed. Areas outside of the Recognized Manitoba Métis Harvesting Zones are not equated to areas where the Red River Métis do not hold Aboriginal rights as per section 35 of the *Constitution Act*, but rather simply reflect areas where Manitoba and the MMF have not established such an agreement. MTI’s exclusion of the MMF in developing the EIS, follow-up IR responses and other aspects of this project, is a failure on behalf of MTI as a representative of the Crown to fulfil the duties



owed to the MMF, is a failure by MTI as the proponent in following direction provided by Section 5.1 of the EIS Guidelines, and places IAAC in a position of risk of failing to ensure aspects of consultation procedurally delegated to the Proponent have been addressed.

Collectively, the MMF does not feel we have been meaningfully engaged by MTI nor appropriately consulted through the regulatory process thus far. Practically, the MMF is concerned that feedback and recommendations raised to date will not be meaningfully considered within the development of the project or assignment of terms and conditions if this project is approved. Further, effects of the Project may be experienced by Red River Métis uniquely; as a result, a failure to appropriately involve the MMF in the Project may result in avoidable impacts and improper accommodation. The MMF has previously stated that we generally do support this project along with the broader road network along the eastern side of Lake Winnipeg; however, in supporting this Project, the MMF seek to be clear that impacts to Métis rights, claims, and interests must be identified, minimized, and, where necessary, accommodated appropriately.

The MMF's comments and recommendations are detailed in the table in Section 3 of this report. The MMF would like to highlight the following concerns regarding the regulatory process and MTI's responses to the Information Requests (IRs):

- **Short Regulatory Timeline:** Considering the extensiveness of the Information Request response document (approximately 900 pages), the MMF does not believe that the short timeline (August 27 to September 18 – 22 days) provided by IAAC for the MMF to provide comments and recommendations based on MTI's responses is justifiable.
- **MTI's Dismissal of Métis rights related to the Project:** Throughout MTI's responses to IAAC's IRs, MTI continuously dismisses that the Project is located within the National Homeland of the Red River Métis and holds the potential to impact Métis rights, claims, and interests. MTI utilize the Province of Manitoba / Manitoba Métis Federation Agreement to justify that the project is far from the National Homeland and harvesting areas, and therefore the Red River Métis do not hold Aboriginal or Treaty rights warranting consultation. This limited scope is problematic and must be rectified.
- **MTI's failure to meaningfully engage with the MMF:** MTI uses the above as justification for excluding Red River Métis Knowledge, and land and resource use information from its assessment. MTI's engagement with the MMF must follow guidelines established in the MMF's Resolution No.8 and must recognize and honour the Red River Métis Self-Government Recognition and Implementation Treaty.



## 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*.

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 the Red River Métis 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 of self-determination and the inherent right of self-government.

The Manitoba Métis Federation (MMF) – the National Government of the Red River Métis 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 the Red River Métis. 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 Red River Métis, for Red River 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 Red River Métis Citizens and mandates a "single-window" approach to consultation and engagement with the Red River Métis through the MMF Home Office.<sup>1</sup>

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<sup>1</sup> More information about Resolution No. 8 is available online at: <http://www.mmfmb.ca/docs/2013-Resolution%208%20Booklet-VFinal.pdf>



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

This Project 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. 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 of helping to bring Manitoba into Confederation. It is set out in section 31 of the *Manitoba Act, 1870* and must be resolved in accordance with the honour of the Crown.<sup>2</sup>

Prior to the creation of Manitoba, the Red River Métis had always exercised its right of self-determination and developed 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.*

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<sup>2</sup> [\[2\]](#) *Manitoba Métis Federation Inc. v. Canada (Attorney General)*, 2013 SCC 14, [2013] 1 SCR 623 (“MMF Case”). The Supreme Court of Canada recognized that this outstanding promise represents “a constitutional grievance going back almost a century and a half. So long as the issue remains outstanding, the goal of reconciliation and constitutional harmony, recognized in s. 35 of the *Constitution Act, 1982* and underlying s. 31 of the *Manitoba Act*, remains unachieved. The ongoing rift in the national fabric that s. 31 was adopted to cure remains unremedied. The unfinished business of reconciliation of the Métis people with Canadian sovereignty is a matter of national and constitutional import” (para. 140).



Red River Métis self-government has evolved and changed over time to better meet the needs of the collectivity. Today, the MMF is the recognized, democratically elected, National Government of the Red River Métis. On November 30, 2024, the Red River Métis and Canada signed the Red River Métis Self-Government Recognition and Implementation Treaty. The Treaty recognizes the MMF 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.<sup>3</sup>

By applying for Red River Métis Citizenship, individuals are confirming the MMF is their chosen and elected representative government for the purposes clearly set out in the MMF Constitution,<sup>4</sup> including as related to the collective rights, claims, and interests of the Red River Métis.<sup>5</sup>

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.

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<sup>3</sup> MMF Constitution, Article III outlines the citizenship definition and application process. This definition ("Métis" is defined to mean " a person who self-identifies as Métis, is of historic Métis Nation Ancestry, is distinct from other Aboriginal Peoples and is accepted by the Métis Nation ") aligns with the definition of what constitutes a section 35 rights-bearing Métis community as outlined by the Supreme Court of Canada in *Powley* at para. 30.

<sup>4</sup> *Newfoundland and Labrador v. Labrador Métis Nation*, 2007 NLCA 75 at para 47: "Anyone becoming a member of the [Labrador Métis Nation] should be deemed to know they were authorizing the LMN to deal on their behalf to pursue the objects of the LMN, including those set out in the preamble to its articles of association. This is sufficient authorization to entitle the LMN to bring the suit to enforce the duty to consult in the present case."

<sup>5</sup> *Behn v. Moulton Contracting Ltd.*, 2013 SCC 26 at para 30: "[A]n Aboriginal group can authorize an individual or an organization to represent it for the purpose of asserting its s.35 rights."





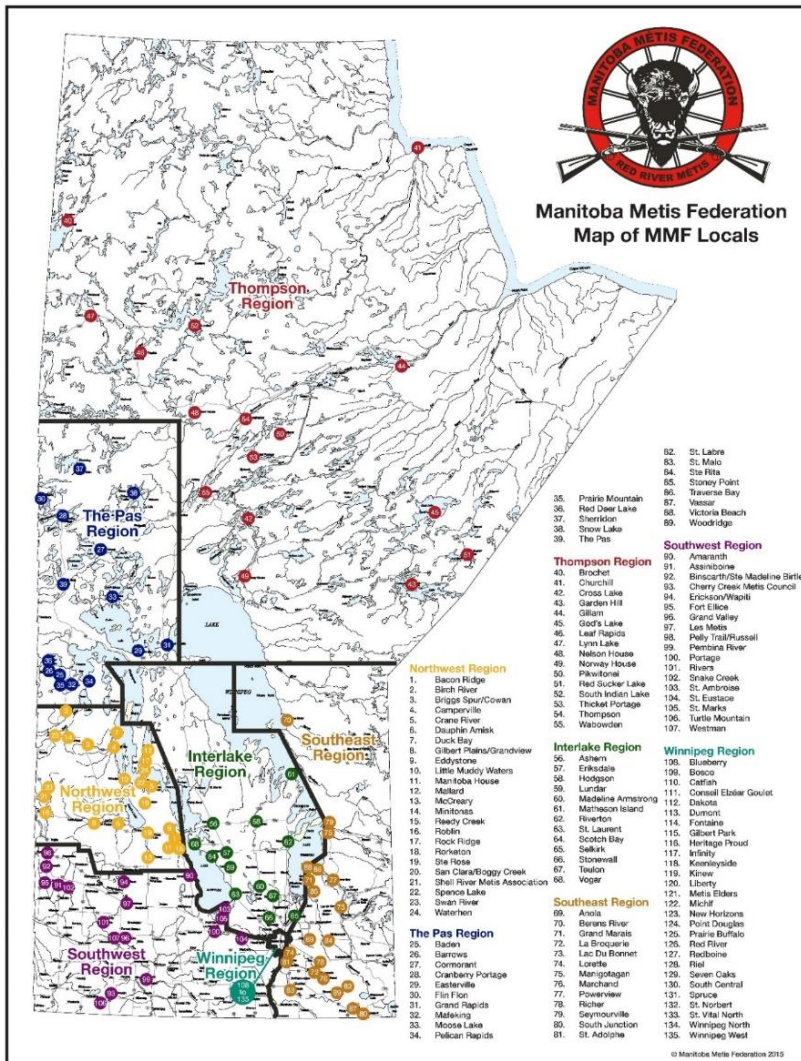


Figure 1. Manitoba Métis Federation (MMF) Regions.

Membership elects a Chairperson, a Vice-Chairperson, a Secretary and a Treasurer (or a Secretary-Treasurer, as the case may be) to serve the Local for a four-year term.

Consistent with the direction of our Citizens back in 2014, the 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 Red River Métis Citizens within the provincial borders of Manitoba, and thousands more across our National Homeland, and around the world.

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

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 thousands of Citizens who live outside of Manitoba. All Red River Métis 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 for the Infinity Women Secretariat. Each Local's



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." 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.

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 Indigenous collectivity:

*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.<sup>6</sup>*

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*.<sup>7</sup> 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".*

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<sup>6</sup> MMF-Manitoba Harvesting Points of Agreement (September 29, 2012), ss. 3, 6-7.

<sup>7</sup> *MMF Case*, *supra* note 6 at para 44.



*[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. "<sup>81</sup>*

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. Once Implementation Legislation is in place, the Treaty will become fully effective and will have constitutional protection, further strengthening the relationship between the Red River Métis and Canada.

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<sup>81</sup> MMF-Canada Framework Agreement on Advancing Reconciliation, November 15



### 3.0 Information Request Round 1– MMF Comments and Recommendations

Table 2. Table of Recommendations / Mitigation Measures

IR #	Status (addressed /partially addressed/ not addressed)	MMF Comment	MMF Recommendation/Mitigation Measures
5	Not Addressed	<p>a) Not Addressed</p> <p>The response provided by MTI regarding specifics of how, why and when mitigation measures and commitments described in Chapters 6 through 8 and applicable appendices do not act to further enhance our understanding of whether they are applicable for site-specific mitigation of impacts. We recognize that a similar approach has been employed on Project 1 and Project 4, however, it is unclear within the information provided in the initial EIS or in MTI’s follow-up response to IR-5 site-specific decision-making or applicability of the generalized mitigation measures and commitments presented.</p> <p>b) Not Addressed</p>	<p>a) It is requested that MTI further elaborate on how generalized commitments and mitigation measures outlined in Chapters 6 through 8 and applicable appendices will be adapted to minimize impacts on VCs in site-specific scenarios. Additionally, we see clarity on MTI’s approach to monitoring and adaptive management, where mitigation measures are implemented in order to ensure effectiveness. The MMF specifically requests that MTI provide:</p> <ul style="list-style-type: none"> <li>- A decision-making framework to inform site-specific implementation of mitigation measures to minimize or avoid impacts to VCs</li> <li>- An adaptive management strategy aimed at monitoring, evaluating, implementing corrective</li> </ul>



	<p>MTI’s response states: “As described in Response A of this response, the mitigation measures and commitments summarized in Chapter 6, Chapter 7, Chapter 8, Appendix 6-4, Appendix 7-1, Appendix 8-2, Appendix 8-3, Appendices A to D, and in any other applicable sections of the EIS may be amended to ensure they are detailed, specific, achievable, measurable, and verifiable once functional and detailed design phases are completed.</p> <p>The approach outlined in MTI’s response is problematic as it fails to recognize the core request being made, which is to provide clarity to the approach MTI will take in ensuring mitigation measures are appropriately tailored to site-specific conditions in order to minimize impact on VCs. As presented, MTI rely on the generalized environmental protection measures in Appendix 8.1 and 8.2; however, the MMF agrees with the question posed to MTI in IR-5(b), requesting detailed mitigation commitments that are detailed, specific, achievable, measurable, and verifiable. Appendix 8.1 and 8.2 set out a mitigation framework, but there are many instances in which this framework does not direct tangible action focusing on site-specific conditions which may be encountered or VCs to which project effects should be minimized.</p>	<p>measures, and re-evaluating, for the implementation of generalized and site-specific mitigation measures.</p> <p>b) The MMF remains concerned by the lack of detail regarding the direction on site-specific/VC-specific mitigation measure implementation as well as MTI’s ability to measure/respond to the success of measures outlined in Appendix 8.1, 8.2 and elsewhere in the EIS. The MMF therefore seek the following:</p> <ul style="list-style-type: none"> <li>- MTI provide a decision-making framework to inform site-specific implementation of mitigation measures to minimize or avoid impacts to VCs, and an adaptive management strategy aimed at monitoring, evaluating, implementing corrective measures, and re-evaluating, for the implementation of generalized and site-specific mitigation measures.</li> <li>- MTI be required to maintain a presence of MMF environmental and cultural monitors on site during construction of the project</li> <li>- MTI be required to maintain an environmental oversight body which includes representation from the MMF through the construction,</li> </ul>
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			operation, and if applicable, closure/reclamation phases of the project, with the objective of informing, and re-evaluating the performance of mitigation measures.
8	Partially Addressed	<p>a) Addressed.</p> <p>b) Addressed.</p> <p>c) Partially Addressed.</p> <p>MTI clearly states the rationale for the classification of non-fish-bearing watercourses and waterbodies based on superficial parameters such as depth, pH, and DO. However, MTI does not provide any of the data requested by the MMF (channel width and depth, flow, bank stability, and substrate type). While MTI stated the waterbody type and flow regimes of noted non-fish-bearing waterbodies, they do not provide any clear data and simply go into detail on the reasoning behind why they did not collect this data, or why these areas are considered non-fish-bearing. Aside from declaring their commitment to following the Fisheries Act, Manitoba Stream Crossing Guidelines, Fish Swimming Performance Guide, and the Swim Performance Online Tool. Along with consciously designing, MTI failed to provide the characteristics and data requested by the MMF or how the watercourses and waterbodies may be affected by the Project.</p>	<ul style="list-style-type: none"> <li>- MTI must provide enhanced justification for the classification of non-fish-bearing watercourses and waterbodies, given so few were visited as part of the baseline assessment, meaning that they may be misidentified.</li> <li>- As an affected Indigenous group identified under the EIS Guidelines for the P6 Project, MMF must be consulted about the design and impacts of construction of all water crossings, and the EIS (waterbody sensitivity classification, effects assessment, mitigation and environmental protection/management measures applied, monitoring plans) and future water crossing design and sizing must consider and address impacts to Métis rights, claims, and interests. Furthermore, MTI must report back to the MMF about how their input (including traditional use and Red River Métis Knowledge) has been considered and incorporated in this respect. MTI must also consult MMF on future water crossing design processes</li> </ul>



9	Not Addressed	<p>a) and b) Not Addressed</p> <p>MTI maintains significant uncertainty regarding the potential that exists for ARD/ML. MTI acknowledges that there are two primary routes in which ARD/ML may occur: 1) through the exposure of bedrock along the road corridor, and 2) through the exposure of aggregate materials used in road construction (e.g., crushed rock).</p> <p>Road materials are to be subject to a geochemical verification program. The MMF accepts this approach as decisions of where to source aggregate material from can be guided by future geochemistry survey work with little to no impact on project effects. Further, ongoing geochemical verification can ensure that PAG rock is not used in road construction.</p> <p>However, the same is not correct regarding the exposure of bedrock along the road corridor. As the road alignment will be fixed, exposure of rock which may contain sulphide, and or metals which may be subject to ML if exposed to external sources of acidified water (e.g., precipitation, streamflow), will be difficult to mitigate once exposed. The MMF therefore feels it of great importance to ensure road alignment is fully informed by detailed fine-scale geochemical survey.</p> <p>c) Not Addressed</p> <p>MTI states that “When exposure cannot be avoided, proper characterization of the material allows for immediate</p>	<p>a) The MMF requests that MTI provide a detailed plan regarding efforts to conduct geochemical survey along the road corridor to inform alignment in the detailed design phase of the project.</p> <p>b) The MMF request that MTI develop a detailed geochemical verification program for the purpose of proactively identifying and minimizing the use or exposure of ARD/ML in construction and operation of the road. While the MMF accepts that this plan may be based off of best practice such as those outlined in Figure 8-2 of the GARD Guide, it is necessary to develop this into a detailed and actionable plan for application on Project 6.</p> <p>c) The MMF requests that MTI provide a detailed reference describing the bulk-blend lime or other alkaline materials with the cut surface approach as well as a plan for how MTI may apply this approach, given the context of the project.</p> <p>- MTI contradicts itself in stating that the only known proven technique for permanently remediating these situations [exposure of ARD/ML rock or soils] is to bulk-blend lime or other alkaline materials with the cut surface, while also stating that additional adaptive measures, such as engineered covers, will be</p>
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	<p>application of appropriate remedial procedures. Currently, the only known proven technique for permanently remediating these situations is to bulk-blend lime or other alkaline materials with the cut surface, or with the bulk of the disposal fill based upon appropriate acid-base accounting procedures.”</p> <p>Additionally, MTI states “Where avoidance is not possible, such as along the road alignment where blasting is required, additional adaptive measures, such as engineered covers, will be considered to mitigate potentially negative effects of rock with high ARD/ML potential on surface and groundwater”.</p> <p>In each instance, the MMF is concerned about the applicability of the proposed mitigation measures as they pertain to Project 6.</p> <p>d) Not Addressed</p> <p>It appears from MTI’s response that they will implement a geochemical verification program to determine ARD potential to inform quarry, borrow pit, and blasting site selection. However, the MMF is not clear whether similar geochemical verification will be employed in other instances where bedrock is exposed, creating a potential ARD/ML pathway.</p>	<p>considered to mitigate potential negative effects of rock with high ARD/ML potential on surface and groundwater. As it is unclear what mitigations are feasible vs. speculative, the MMF seeks additional information regarding how MTI will implement both proactive and reactive mitigation measure which are effective in minimizing impacts of ARD/ML.</p> <p>d) The MMF requests:</p> <ul style="list-style-type: none"> <li>- MTI develop a detailed geochemical verification program for all potential sources of ARD/ML, and this program be approved as a condition of approval for the project.</li> <li>- MTI to confirm that all contractors be required to conform to the approved geochemical verification plan.</li> <li>- MTI confirm its approach to monitoring all potential sources of ARD/ML including the exposure of bedrock.</li> </ul>
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12	Not Addressed	<p>The MMF does not believe that MTI’s response adequately responds to IAAC’s Information Request, as it does not address nor describe the socio-economic benefits and impacts of the project for Red River Métis for the following reasons:</p> <ul style="list-style-type: none"> <li>- MTI’s response takes a pan-Indigenous approach rather than a distinctions-based approach and fails to address Red River Métis-specific rights and interests.</li> <li>- MTI states that the Project is located on Bunibonibee Cree Nation, Manto Sipi Cree Nation and God’s Lake First Nation traditional territories. MTI also mentions that engagement efforts have been focused on these first Nations. Therefore, MTI fails to recognize that the Project is also located within the Red River Métis National Homeland. MTI has yet to meaningfully engage with the MMF to determine the potential impacts of the Project on Métis rights, claims and interests and to develop Red River Métis-specific mitigation and enhancement measures for socio-economic impacts.</li> <li>- MTI has based its procurement strategy on Manitoba’s Indigenous Procurement Initiative (IPI). The IPI also takes a pan-Indigenous approach and does not provide guidelines for Red River Métis procurement and business opportunities.</li> <li>- MTI has provided training for community members from the three First Nations mentioned in b) and again has not</li> </ul>	<p>Given that MTI has not addressed the socio-economic impacts of the project on Red River Métis, the MMF request the following:</p> <ul style="list-style-type: none"> <li>- MTI must meaningfully engage with the MMF to incorporate Red River Métis socio-economic baseline information, and to assess the socio-economic impacts of the project on Red River Métis. Engagement with the MMF must follow guidelines established in the MMF’s Resolution No.8.</li> <li>- MTI must work with the MMF to develop and implement mitigation and enhancement measures to minimize the impacts and maximize the benefits of the Project on Red River Métis.</li> <li>- MTI must provide capacity support to the MMF for engagement in the consultation and Impact Assessment process.</li> <li>- MTI must develop specific guidelines for Red River Métis procurement that provides opportunities for Red River Métis-owned businesses within its procurement strategy.</li> <li>- MTI must provide training and employment opportunities to Red River Métis Citizens</li> </ul>
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		<p>provided training opportunities to Red River Métis Citizens.</p> <p>Given the above, the MMF does not believe that MTI has adequately responded to IAAC's IR #9 regarding the environmental, social and economic benefits of the Project on Red River Métis. Further, MTI has not provided a record of engagement activities with the MMF, nor described how it intends to engage with the MMF moving forward.</p>	
14	Not Addressed	<p>MTI states that "Potential effects related to air quality, country foods, and water quality were considered in Chapter 6 and included in Appendices 6-4 and 6-5, which present the assessment of potential effects before and after the implementation of mitigation measures. Although these effects are not presented in the light of impacts to human health, the assessment of impacts to air quality, country foods (i.e. land and resource use) and water quality and the mitigation measures developed to prevent, control or reduce these effects ultimately apply to reducing impacts to human health."</p> <p>It is very difficult to understand how MTI have reached a conclusion that potential effects related to air quality, country foods, and water quality, especially in the absence of an appropriate cumulative assessment of effects, are not considered to have impacts on human health. MTI does not explicitly state that these factors do not have adverse effects</p>	<ul style="list-style-type: none"> <li>- The MMF requests that, as a condition of approval for this project, MTI be required to conduct a HHERA contemplating impacts from factors such as, but not limited to, air quality, country foods, and water quality.</li> <li>- The MMF requests MTI elaborate on how engagement questionnaires will be used to inform the assessment of project effects and planning/design of the project. The MMF further requests IAAC's direct MTI to employ distinctions-based approaches to engagement and assessment of effects/impacts.</li> </ul>



	<p>on human health; rather, they simply did not consider these impacts.</p> <p>MTI state that they are in the process of preparing “an engagement questionnaire to share with scoped in Indigenous Nations and interested people and groups (such as government agencies, non-government organizations or members of the public, and stakeholders) during engagement activities (i.e., community meetings). The questionnaire will include environmental related topics (such as Indigenous health) for which regulatory expectations may have evolved since the EIS was filed, and for which additional input from Indigenous Nations could aid MTI to further address as Project mitigation measures and Project design advance...All responses received during discussions will be recorded and used to support MTI in providing meaningful feedback to provincial and federal regulatory bodies to meet environmental regulatory requirements and support consultation processes.” The MMF is unclear how MTI will utilize survey information “to meet environmental regulatory requirements and support consultation process.” Without knowing the contents of the engagement questionnaire, the MMF is only able to speculate on how it will be used. However, any form of engagement should be used to inform the EIS as well as project planning and design. It is unclear whether this information will do either. Further, while MTI and the Government of Manitoba are aware that generic or pan-Indigenous approaches to engagement and consultation are unacceptable, as they fail to contemplate the</p>	
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		unique impacts and perspectives of the Red River Métis, which may be lost through such approaches.	
16	Partially Addressed	The MMF appreciates MTI’s additional insight into the potential risks and implications of an accident or malfunction associated with roadway construction as outlined in IR-16 Appendix 2. We are, however, concerned by MTI’s risk assessment process and the definitions used regarding the “probability of occurrence” and “magnitude”. Each of the scenarios which are presented is identified as having a low probability of occurrence and low magnitude, which typically warrants the assignment of a low overall risk rating, and as such, mitigation and response measures at informed accordingly. The MMF raises concerns that some of the potential accidents or malfunctions described may be of a higher probability of occurrence of magnitude. For instance, an accidental release of hazardous substances such as fuel or sewage may have an elevated magnitude if the release is to occur near an area of environmental or cultural sensitivity.	The MMF requests that, in developing final environmental plans for this project, MTI re-evaluate the risk assessment for potential accident or malfunction.
19	Not Addressed	MTI state that they will conduct selective review(s) of data validity 1-2 years before all-season road construction begins. The review will focus on key topics where legislative changes (e.g., updates to species at risk listings) occur. The MMF is concerned that this targeted approach will not appropriately capture the breadth of environmental conditions which may change, affecting the overall baseline data quality. Additionally, we raise further concern that MTI have not outlined a meaningful strategy for addressing instances where data gaps	The MMF requests the following: <ul style="list-style-type: none"> <li>- MTI develop a baseline data integrity plan that describes strategies for assessing the quality of baseline data within 24 months of planned construction and details a plan for revising assessment predictions based on new baseline information.</li> </ul>



		are identified or the baseline has shifted, resulting in a material change to the assessment predictions.	<ul style="list-style-type: none"> <li>- The MMF will be provided the opportunity to participate in on-site monitoring and overall construction/operations oversight of the project to ensure assessment predictions are realized through the life of the project.</li> <li>- IAAC provide clear direction on what may trigger a material change to this Project based on changes to baseline information, which may evolve or change prior to project construction.</li> </ul>
23	Not Addressed	<p>As noted by the IAAC, “It is unclear whether the proponent engaged with or made attempts to engage with all Indigenous groups listed in Part 2, Section 5.1 of the EIS Guidelines, other than BCN, MSCN, and GLFN, or whether species of importance and traditional use areas of these groups were considered in the EIS and the selection of study areas.” However, MTI was directed to ensure that all communities identified in Section 5.1 of the EIS Guidelines were invited to participate in VC selection meetings, as MTI is required to reflect knowledge acquired through engagement with those communities (which includes the MMF). MTI note that the MMF did respond to MTI’s invitation to participate, highlighting several concerns with the project and indicating clear interest. MTI has failed to advance dialogue with the MMF, resulting in meaningful participation for MTI to fulfill the mandate of EIS Guidelines.</p> <p>The MMF restates our interest in participating in the selection and evaluation of plant and wildlife VCs (as well as others of</p>	<p>The MMF have significant concerns throughout the EIS of MTI’s efforts to dismiss the impacts of the proposed Project on the rights, claims, and interests of the Red River Métis (see IR-25). This position is in defiance of IAAC’s list of identified Indigenous groups and engagement activities (see EIS Guidelines Section 5.1).</p> <p>The MMF requests that IAAC consider MTI’s efforts to ensure appropriate participation by the MMF in the Environmental Assessment process, as well as MTI’s efforts to frustrate the MMF’s ability to contribute Knowledge to inform the process. We are concerned that IAAC’s delegation of procedural aspects of consultation to MTI and MTI’s failure to comply with IAAC’s direction will result in an ultimate failure to afford an appropriate level of consultation aimed at</p>



		<p>specific importance to the rights, claims, and interests of the Red River Métis). However, as with all proponents within the National Homeland of the Red River Métis, we require engagement to comply with the Resolution 8 consultation protocol.</p> <p>Ultimately, we are concerned that while the MMF has indicated clear and direct interest to participate, noting the potential impacts to Métis rights, claims and interests, MTI appears to have focused engagement with what they have unilaterally defined as “the Indigenous communities most directly affected by the Project” violating the spirit and direction of Section 5.1 of the EIS Guidelines.</p>	<p>addressing the unique rights, interests, and concerns of the Red River Métis.</p>
24	Not Addressed	<p>MTI indicates in its response that it has conducted engagement with “Indigenous communities most directly affected by the Project”. The MMF is concerned that MTI has made a decision about which Indigenous communities are most affected without considering the Red River Métis. This is in fact, confirmed in MTI’s response to part c) of the IR that states that the MMF has not provided supporting data on land use or territory within the Project area, and therefore was treated as a stakeholder and not an Indigenous group with Section 35 rights.</p> <p>This claim is false, as we have provided in our report from 2019 a map of the MMF Regions (which cover the RAA) as well as available Red River Métis Knowledge and Land Use (MKLU) data within the Project LAA (See Figure 5). It is important to</p>	<p>The MMF requests that MTI commits to meaningfully engage with the MMF to gather baseline information and integrate MKLU data into the project assessment. MTI must also update the EIS to include Red River Métis as rights holders whose Homeland overlaps with the Project area and whose rights, claims and interests may be impacted by the Project. The updated EIS must also evaluate these impacts, and work with the MMF to develop mitigation and monitoring measures.</p>



		<p>note that the asserted and recognized National Homeland and MKLU catalogue has evolved since 2019. The MMF would be happy to provide updated information to MTI. However this requires meaningful engagement with MTI and integration of MKLU in MTI’s assessment.</p> <p>Further, MTI’s rationale that it currently lacks the resources to conduct additional engagement with the MMF is not an adequate justification for excluding the MMF from the consultation and engagement process.</p>	
25	Not addressed	<p>MTI’s response to part a) of this IR concerning engagement with the MMF is based on letters exchanged between the MMF and CEAA in 2017. However, the MMF provided a technical review of the EIS for Project 6 in 2019 which demonstrates Red River Métis Knowledge and Land Use data within the Project area (based on then available information). Considering this, it is unclear why MTI is not integrating this information into its response to the IR.</p> <p>Despite the MMF sharing the MMF Regions with MTI in its report in 2019, as well as evidence of occupancy and land use (Appendix A), MTI defines Red River Métis “territory” as the designated <i>Métis Natural Resource Harvesting Zone</i>. The Province of Manitoba / Manitoba Métis Federation Agreement on Métis Natural Resource Harvesting reflects direction at the time (2012) from the Supreme Court of Canada and Manitoba courts to recognize practical terms for harvesting in areas where rights are affirmed. Areas outside of the Recognized</p>	<p>The MMF is concerned that MTI had minimal engagement with the MMF prior to the release of the EIS and have not provided opportunities for engagement and capacity funding to conduct RRMKLUOS, despite the persistent recommendations to do so from our 2019 EIS Technical Review report. Our 2019 response to the EIS demonstrates clear interest in participation in the project, and a need for MTI to work with the MMF to collect and examine more information or information about potential impacts to Métis rights, claims and interests.</p> <p>While the MMF acknowledges MTI’s engagement on the Large Area Transportation Network Study in 2009, it does not replace nor constitute adequate consultation for Project 6, which requires its own distinct and meaningful engagement process.</p>



		<p>Manitoba Métis Harvesting Zones are not equated to areas where the Red River Métis do not hold Aboriginal rights as per section 35 of the <i>Constitution Act</i>, but rather simply reflect areas where Manitoba and the MMF have not established such an agreement.</p> <p>MTI's response to part b) of the IR details engagement activities with Indigenous groups. MTI refers to Tables 5.1 and 5.7 of the EIS to describe these activities. Table 5.7 demonstrates that multiple meetings and engagement activities were held with Manto Sipi Cree Nation, Bunibonibee Cree Nation, God's Lake First Nation and God's Lake Narrows Northern Affairs Community. Table 5.7 also shows that the only engagement effort with the MMF was during meetings for the Large Area Transportation Network Study held in 2009. Again, MTI's justification for this lack of engagement is that the Project is outside of the Métis Natural Resource Harvesting Area.</p>	
27	Partially Addressed	<p>a) Addressed.</p> <p>a) i) Partially addressed.</p> <p>The MTI describes how contaminant migration can be calculated and determined in the event of a spill. However, they do not provide typical migration rates of contaminants due to the lack of soil data and other environmental conditions that would be unique to an area exposed to a spill. It can be noted, though that the MTI describe in detail their prevention practices, most common contaminants, spill procedures, and</p>	<p>The MMF seek additional clarity as to whether different areas of the project development area are subject to differing contaminant migration rates, and further, how this information will influence spill mitigation and response.</p>





		<p>how migration rates can be determined based on several factors.</p> <p>a)ii) Addressed.</p> <p>b) Addressed.</p> <p>c) Addressed.</p>	
29	Partially Addressed.	<p>a) Partially addressed.</p> <p>MTI provided evidence and support for unexpected increases in contaminant concentrations from increased sediment levels using Health Canada’s Guidance for Evaluating Human Health Impacts in Environmental Assessment: Drinking and Recreational Water Quality (2016). However, they fail to provide any information regarding the areas described and represented as the mixing zones. MTI states that the mixing zones will be defined within the detailed design phase.</p> <p>b) Partially addressed.</p> <p>MTI fails to respond to the MMF request of providing a list of potential effects to VCs from increased sediment inputs to receiving waterbodies and watercourses. The lack of information provided is linked to the incomplete design phase, but MTI does state the procedures that will be taken to ensure modelling is representative of mixing zones and any potential overlap with drinking water sources. Should the modelling provide any cause for concern, the MTI will revise mitigation</p>	<p>a) The MMF requests MTI provide additional information regard the areas described and represented as mixing zones, including how mixing zones will be monitored.</p> <p>b) The MMF request:</p> <ul style="list-style-type: none"> <li>- MTI provide, prior to the completion of detailed design, a preliminary list of potential effects to valued components (VCs) from increased sediment inputs (e.g., fish habitat, drinking water quality, aquatic health, traditional use sites). This list should be based on available baseline data, regional studies, and comparable projects, rather than deferred entirely to post-design modelling.</li> <li>- MTI share the specific modelling methods, input parameters, and assumptions that will be used to define mixing zones, including sensitivity</li> </ul>



		<p>measures accordingly to be shared with stakeholders, regulators, and Indigenous Nations.</p> <p>c) Addressed.</p> <p>Previously described in the EIS Chapter 6, Appendix 6-4, and Chapter 7, Appendix 7-1, and Chapter 8, Appendices 8-1 and 8-2.</p>	<p>analyses that capture worst-case sediment loadings and low-flow scenarios.</p> <ul style="list-style-type: none"> <li>- MTI commit that MMF be provided an opportunity to review and comment on the modelling approach before finalization.</li> <li>- Site-specific water use data and Indigenous Knowledge from Red River Métis land users be explicitly incorporated into identifying potential receptors (drinking water, harvesting areas, culturally significant sites).</li> <li>- Ensure that Red River Métis monitors are involved in baseline data collection and validation of water quality indicators.</li> <li>- Clear thresholds/criteria for when MTI will revise mitigation measures (e.g., sediment concentration exceedances, modelled overlap with water sources, effects on sensitive aquatic species).</li> <li>- Triggers be developed collaboratively with MMF and other Indigenous Nations, not solely by MTI.</li> <li>- MMF receive regular updates and access to raw data collected during the detailed design and</li> </ul>
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			<p>monitoring phases (flow, sediment, water chemistry).</p> <ul style="list-style-type: none"> <li>- Establish a data-sharing protocol to ensure timely access for MMF technical review.</li> <li>- Modelling and mitigation planning account not only for project-related sediment inputs, but also cumulative effects with other existing or reasonably foreseeable activities in the watershed.</li> <li>- The MMF, alongside regulators, should have the opportunity to review and comment on draft mitigation measures before they are finalized.</li> <li>- Recommend a joint oversight or advisory mechanism that includes Red River Métis participation in monitoring water quality during construction and operation.</li> </ul>
40	Partially Addressed.	<p>a) and b) Addressed.</p> <p>MTI has provided additional details regarding the potential effects on wetland function and connectivity, and details regarding measures undertaken to avoid Project footprint interactions with wetlands.</p> <p>c) Partially Addressed.</p>	<p>While the MMF understands that the area of old-growth forest potentially impacted by the project is likely much lower than the total area of old-growth forest available in the region, that does not preclude it from being significantly impacted. Old-growth forests are vitally important ecosystems that cannot be replaced and are increasingly imperilled by development. With an anticipated operational life of</p>



		<p>MTI notes that a large amount of the RAA is likely to contain old-growth forests and has used this as justification to exclude old-growth forests from the assessment because they are “<i>not limiting and areas removed for the Project are not anticipated to result in significant effects</i>”. MTI has evaluated the effects of wildlife and bird VCs that utilize old-growth forest as part of the assessment.</p> <p>MTI has noted a selection of mitigations for clearing old-growth forest.</p>	<p>multiple decades, the Project will almost certainly facilitate additional development and additional impacts to old-growth forest, either directly as logging or as a result of clearing for other industrial purposes.</p> <p>The MMF asserts that impacts on old-growth forests are unacceptable, and that the recognition of the Project’s contribution to cumulative effects should require that old-growth forests be included in the effects assessment.</p> <p>Additionally, the MMF notes that the use of herbicides must be prohibited across all areas of old-growth forest, not simply near environmentally sensitive sites.</p>
50	Partially addressed	<p>a) Addressed</p> <p>b) Partially Addressed.</p> <p>MTI has provided a table of critical lifecycle periods. However, only spawning has been considered for fish (including Lake Sturgeon), and fish are not listed as species of importance to Indigenous peoples.</p> <p>c) Addressed.</p> <p>d) Addressed.</p> <p>MTI has provided an outline of some decision-making factors relating to clearing in close proximity to sensitive wildlife areas.</p>	<p>The MMF recommends updating the critical lifecycle period table to ensure migration, incubation, and fry rearing are included as critical lifecycle periods for fish. Migration is especially important within the context of the Project, given that crossings are likely to impact fish movement/migration to a greater extent than other habitat uses.</p> <p>The MMF also requests updating the table to include walleye, sturgeon, whitefish, trout, and pike lifecycle periods as species of importance to Indigenous peoples.</p> <p>The MMF requests that any decision-making regarding clearing within 100 m of an eagle’s nest, heron rookery,</p>



		MTI has also partially committed to involving Indigenous communities (“...may involve discussions with Indigenous Nations...”).	or other sensitive wildlife area must include discussions with the MMF.
60	Partially Addressed	<p>a) [MMF not addressed, IAAC addressed]</p> <p>MTI provides a detailed explanation regarding the difficulty of collecting field data in this remote area, as justification for such limited baseline studies. They note that crossing designs will mitigate impacts to fish and fish habitat, despite detailed designs not yet being finalized.</p> <p>MTI discusses the limited fish habitat impacts compared to overall availability across the Project area.</p> <p>MTI also notes “Once detailed design for the Project is completed, and the footprints of the crossing structures and armouring are available, an assessment of the habitat currently available at the crossing sites as compared to the amount of habitat that may be lost, altered or disturbed by the Project will be provided to DFO for review under the Fisheries Act.”</p> <p>b) Partially Addressed.</p> <p>MTI notes “This information could be provided following the detailed design phase, once site-specific crossing designs are finalized.” But then asserts “Given the remote, undisturbed nature of the existing environment, known impacts and mitigations for all-season road projects, MTI’s experience with developing and maintaining road infrastructure and the results</p>	<p>a) The MMF notes that clear-span bridges and open-bottom culverts must be used to ensure impacts to fish and fish habitat are sufficiently mitigated to meet MTI’s assertions.</p> <p>The MMF remains concerned with the very limited seasonal and/or life cycle variability captured by the existing baseline data collection. With such constrained field data collection, MTI is unable to evaluate seasonal use or migratory use – especially for Walleye and Lake Sturgeon spawning, which generally occurs earlier in the spring than the baseline studies.</p> <p>The MMF reiterates the request for more robust field studies, which could include the use of technology such as eDNA as a more cost-effective way to evaluate seasonal fish presence or use.</p> <p>b) The MMF reminds MTI that it is the MMF, not MTI, that decides whether sufficient detail has been provided to evaluate the potential impacts of the Project on Métis rights, values, and interests.</p>



		<p>of the risk assessment, the level of mapping detail requested is not necessary at this stage of the proposed Project.”</p> <p>c) Addressed.</p> <p>d) Addressed.</p> <p>e) Partially Addressed.</p> <p>MTI notes that a clear-span bridge is planned for the God’s River crossing, thus no impacts to Lake Sturgeon are expected.</p> <p>However, as noted below in the response to IR1-63 (and in Chapter 3, Section 3.3.2 of the EIS), there are three options being considered for the God’s River crossing, one of which is a clear span.</p>	<p>c) The MMF looks forward to reviewing the updated mapping once the detailed design phase is complete and site-specific designs are finalized.</p> <p>d) The MMF requests that MTI use clear-span bridges and open-bottom culverts to ensure their assertions are accurate and that impacts to fish passage and fish habitat are avoided and/or minimized.</p> <p>e) To ensure this concern is addressed, the MMF requests that the God’s River crossing be a clear span bridge. Further, recognizing the 2024 Manitoba Lake Sturgeon Management Strategy, MTI must ensure that migratory paths and spawning habitat in these critical watersheds are not impacted by the Project.</p>
63	Partially Addressed	<p>a) and b) Not Addressed.</p> <p>MTI has stated that setback distances are not yet available. Regarding the potential effects due to construction of flow, erosion, etc., MTI references the characterization of potential effects due to construction. It appears MTI has not provided a characterization of effects following construction. MTI asserts that by adhering to industry design standards, “no significant changes to flow regimes or geomorphology are anticipated at watercourse crossings”. Given that one of the proposed solutions for God’s River is an in-channel pier, this assertion does not hold up.</p>	<p>a) and b) The MMF requests setback distances to be provided the moment they are available. The MMF also requests a more fulsome evaluation of post-construction Project effects due to culverts, especially with respect to channel constriction and increased erosion/scour. The MMF requests that all Project bridges be designed as clear-span bridges to ensure impacts to flow and geomorphology are avoided.</p> <p>The MMF also requests that, following detailed design, MTI share the conclusions of the fish and fish habitat reassessment with the MMF (as has been promised for DFO). The MMF reminds MTI that an</p>



	<p>c) Not Addressed.</p> <p>MTI has provided details regarding flood flows, water levels, and design basis for crossings in Manitoba. MTI does not appear to have understood the original IR, as the only reference to potential impacts due to ice is: “Impacts from ice scour and ice jams will certainly be considered in the design of the stream crossings and roads, and risk factors will be applied if an extreme high ice-affected flood level is found from the recorded levels at nearby gauging stations.”</p> <p>MTI has interpreted the concern as being related to water levels – and as noted below for 63(d), design to a 1:50 flood level risks not being sufficiently conservative even beyond the consideration of ice-related water level rise.</p> <p>However, the original concern was related to the potential physical impacts of ice on the crossings (e.g., bed scour, impact of flowing ice on footings, increased bank erosion due to scour, ice jamming at the crossing causing road damage, and other damage to structures caused by forming and flowing ice).</p> <p>e) – Partially Addressed.</p> <p>MTI has provided detailed information regarding culvert sizing, but suggests that mitigation for potential adverse effects to fish passage would consist of offsetting rather than correcting the passage issue.</p>	<p>adequate assessment of potential impacts to Métis rights, values, and interests is a key component of this process – which is resolved through the MMF not through DFO.</p> <p>c) The MMF recommends that MTI provide details regarding how impacts due to ice jams and scour “will be considered in the design” of crossings, as well as details regarding their planned mitigations for the physical impacts of ice formation and ice jams on Project infrastructure.</p> <p>d) The MMF asserts that if bridges and culverts are designed appropriately for fish passage, rather than cost minimization, then concerns regarding fish passage should be addressed.</p> <p>The MMF recommends crossings be designed to withstand 1:100 year flood levels (more realistic than 1:50, given the anticipated life of the road and anticipated frequency and magnitude of flood events), and that all culverts be open-bottom, as recommended by DFO for fish passage and to minimize impacts to fish habitat.</p> <p>e) The MMF recommends adaptive management planning, including thresholds, is discussed with the</p>
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		<p>f) Addressed</p> <p>MTI has stated that a Construction Environmental Management Plan (CEMP) and an Operation Phase Environmental Management Plan (OPEMP) will be created. Based on the response to IR1-73, the CEMP will include provisions for monitoring the effectiveness of mitigation measures during construction.</p> <p>The MMF notes, however, that specific details, especially thresholds for additional mitigation or adaptive management, appear not to be provided.</p>	<p>MMF prior to finalization of any Environmental Management plans.</p> <p>Further, the MMF requests that annual monitoring reports be provided to the MMF in addition to the three First Nations.</p>
64	Partially Addressed.	<p>a) – Partially Addressed</p> <p>MTI notes that the level of detail requested in IR1-64(a) is limited throughout the region due to minimal development, and appears to suggest that these data “would provide little additional information upon which to base impact predictions or to select appropriate mitigation for the proposed Project”.</p> <p>MTI appears to have attempted to gather additional supplementary information using desktop and literature review methods, but notes that new data are not available for fish populations or movement within the LAA and RAA. MTI has focused their response on providing details to justify this conclusion.</p> <p>b) – Addressed.</p>	<p>a) The MMF suggests that more rigorous baseline field data collection, beyond a single visit in mid-June, would allow MTI to provide Indigenous communities and regulators with more certainty regarding the accuracy of the fish community characterization. The use of technologies such as eDNA could facilitate multi-season sampling without substantial expense and provide an effective characterization of seasonal variation and movement of fish species through the LAA.</p> <p>e) and (f) MMF requests that MTI provides detail regarding specific programs and parameters for monitoring, including thresholds for additional mitigation and/or adaptive management measures. In lieu of providing this information, MMF requests that</p>





	<p>c) – Addressed.</p> <p>d) – Addressed.</p> <p>e) – Not Addressed.</p> <p>Despite the request to “Describe follow-up monitoring...”, MTI has noted that “...follow-up and environmental monitoring plans will be developed prior to construction.”</p> <p>MTI suggests that turbidity monitoring (upstream and downstream) will be used to verify the effectiveness of sediment management.</p> <p>MTI has not provided any description of follow-up monitoring that will be used to (1) confirm the predictions of the assessment, (2) assess the effectiveness of mitigations (beyond turbidity monitoring), or (3) monitor for any unanticipated effects.</p> <p>f) – Partially Addressed.</p> <p>MTI has focused on whether pre-construction monitoring indicates the presence of fish at crossings that were previously classified as non-fish-bearing.</p> <p>To this end, MTI notes that if fish are observed, then DFO will be contacted for discussions regarding the correct path forward. MTI has indicated three (3) mitigations they foresee:</p>	<p>MTI provide the site-specific follow-up and environmental monitoring plans to the MMF for review and comment prior to construction.</p>
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		<p>avoid work until risk is low, mitigate impacts, apply for a Fish Habitat Authorization.</p> <p>MTI has not addressed the concern regarding impacts to secondary productivity and associated contingency measures, nor provided any monitoring thresholds that would trigger contingency measures.</p>	
71	Not Addressed	<p>a) Addressed</p> <p>b) Not Addressed</p> <p>MTI has not done a meaningful job at describing past, current, or reasonably foreseeable projects. For example, key projects such as the God’s Lake Mine are absent from the list of past or current projects, and MTI further fail to consider projects which they identify (Project 2 and Project 5), which would connect the road to the Manitoba highway network as “reasonably foreseeable”. The MMF is concerned by this approach, as barring a clear policy statement from the Government of Manitoba stating they have abandoned these projects, they by definition are reasonably foreseeable. This matters as the connection of Project 6 to the provincial highway network will result in significant changes to the biophysical and social environment of Project 6 from a cumulative effects perspective.</p> <p>Beyond the limited identification of projects which may contribute to cumulative effects in association with Project 6,</p>	<p>b), c), and d) The MMF requests the following:</p> <ul style="list-style-type: none"> <li>- MTI provide an analysis of how all past, present, and reasonably foreseeable projects that may interact additively, synergistically, or antagonistically with the effects of Project 6 collectively contribute to cumulative effects to the biophysical and social environment. This analysis at a minimum, must contemplate effects from past, present, and reasonably foreseeable projects in a quantitative or qualitative manner, providing a reasonable accounting of cumulative effects</li> <li>- MTI must provide an analysis of the cumulative of Project 6, with the reasonable assumption that it may be connected to the provincial highway network at some point during the project life. This request is on the basis that while Manitoba has not indicated a timeline for the advancement of Project 2 and Project 5, it is</li> </ul>



		<p>the MMF is concerned about the level of analysis which MTI applied to consider the additive or interactive effects of Project 6 within the context of other past, current and reasonably foreseeable projects.</p> <p>c) Not Addressed</p> <p>As per b) MTI have not provided a meaningful analysis of past, current, or reasonably foreseeable projects, including the potential cumulative or interactive nature of overlapping effects. Because of this, MTI are unable to address the request IR, and further creates an impediment to understanding potential interactions with Métis rights, claims, and interests.</p> <p>d) Not Addressed</p> <p>As per b) and c) MTI have not provided a meaningful analysis of past, current, or reasonably foreseeable projects, including the potential cumulative or interactive nature of overlapping effects. Because of this, MTI are unable to address the request IR and further creates an impediment to understanding potential interactions with Métis rights, claims, and interests.</p>	<p>conceptually proposed and therefore reasonably foreseeable. This assessment is essential as these projects and the ultimate connection of Project 6 to the provincial highway network will drastically alter the effects of these projects when considered in isolation.</p>
75	Not Addressed	<p>a) Not Addressed</p> <p>The MMF is concerned about MTI's approach to developing environmental protection plans and other plans that support protection of the environment as part of Project 6. Specifically, MTI's plan is to have contractors develop these plans at a late stage of the project prior to construction. It is unclear how MTI</p>	<ul style="list-style-type: none"> <li>- MTI must make a meaningful effort to develop a consultation and engagement plan to ensuring that the concerns specific to the Red River Métis are appropriately contemplated within the development of all mitigations and follow up monitoring program.</li> </ul>



	<p>will ensure that these plans reflect the concerns of the MMF. Further, it is unclear how MTI and its contractors will employ distinctions-based approaches to identify and act upon concerns or recommendations which are unique to the Red River Métis, as MTI propose only generic engagement opportunities. The risk that the MMF see, especially when considering language used by MTI to dismiss the MMF's concerns outright (see MTI's response to IR-25), is that MTI is not obligated to consider the concerns raised by the MMF and will not act upon them. Ultimately, as both IAAC and MTI serve as representatives of the Crown, we are disappointed that MTI would be willing to side-step the review of environmental planning documents, matters which we see as essential to overall project consultation.</p> <p>b) Not Addressed</p> <p>While MTI don't specifically answer the question posed to them in IR-75(b), the MMF can infer by the lack of clear commitment that MTI have no intention of sharing the follow-up and monitoring program(s) results with the MMF.</p> <p>c) Not Addressed</p> <p>Again, MTI are clear that they have no intention to engage with the MMF regarding the development, review, and implementation of follow-up and monitoring plans. The MMF seeks to state clearly that we must be provided the opportunity to meaningfully participate in the development, review and</p>	<ul style="list-style-type: none"> <li>- MTI must work with the MMF to develop an agreement outlining an appropriate and meaningful approach to consultation and engagement that meets the requirements outlined in CEAA's EIS Guidelines and the MMF's Resolution No. 8. This should include direct, meaningful consultation with the MMF to ensure that its concerns are understood and reflected in the Project.</li> <li>- MTI must provide the MMF with the opportunity and the necessary resources and capacity to carry out an independent and comprehensive Manitoba Métis Community Traditional Knowledge and Land Use and Occupancy Study to address the gaps and deficiencies in Red River Métis-specific land use, traditional knowledge, impacts and proposed mitigation measures identified in the recommendations above.</li> <li>- MTI should provide written responses to the MMF and engage in consultation to ensure adequate resolution to all the issues/recommendations identified herein.</li> <li>- MTI must complete additional baseline surveys and monitoring in advance of construction to</li> </ul>
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		<p>implementation of follow-up and monitoring plans. While we are of the opinion that much of this information should be fleshed out prior to a project approval decision being made, elements which are conducted after approval must involve the MMF given impacts to the rights, claims, and interests of the Red River Métis.</p> <p>c) i) Not Addressed</p> <p>As per Recommendations 7, 13, 16, 19, 24, 26, 29, and 39 of the MMF’s response to the Project 6 EIS dated (June 14, 2019), the MMF have made it clear that we request participation in the development and implementation of the follow-up and monitoring program(s). Any effort by MTI failing to reflect that request is misleading and speaks to MTI’s continued lack of meaningful engagement.</p>	<p>ensure that gaps identified have been addressed.</p> <ul style="list-style-type: none"> <li>- MTI must prepare a plan for enhanced and ongoing engagement and consultation with the MMF and Red River Métis citizens for the construction and operations of the Project.</li> <li>- MTI must provide training, involvement, and employment of MMF environmental and cultural monitors for all phases of the Project.</li> <li>- MTI must consult with the MMF in all future stages of the environmental review process for the Project.</li> </ul>
77	Not Addressed	<p>MTI’s rationale and decision to not meaningfully engage with the MMF on Project 6 and to dismiss Red River Métis Knowledge and Land Use is unsubstantiated and fails to uphold asserted and recognized Métis Section 35 Aboriginal Rights and Title.</p> <p>The MMF is particularly concerned about the following statement made by MTI:</p> <p>“The other Indigenous groups listed in Part 2, Section 5.1 have not demonstrated use of the project area which aligns with MTI’s understanding definition and use of traditional territories</p>	<p>To address these concerns and shortcomings, the MMF requests the following:</p> <ul style="list-style-type: none"> <li>- MTI must begin by recognizing that the Project is located within the National Homeland, and that it has the potential to impact Métis rights and interests.</li> <li>- MTI must recognize Red River Métis contemporary and historical land and resource use in the Project area in its assessment.</li> </ul>



	<p>in the project area. Pertaining specifically to the MMF (also known as Red River Metis), they have not supplied specific documentation demonstrating use and their recognized and agreed upon harvest area is located far south and west of the proposed Project area, see Figure IR1-77-3 below.” (MTI, IR1-77, p.77).</p> <p>The MMF has in fact provided MKLU data to IAAC and MTI in the technical review report that was submitted on Jun 14, 2019. The Project is located within the Red River Métis National Homeland, and there is known historical and contemporary data that demonstrates Red River Métis have and still use and occupy the area.</p> <p>MTI’s claim that the Red River Métis National Homeland is constrained to the Red River region is false and has serious implications on MTI’s recognition of Red River Métis Aboriginal rights and title. Further, MTI refers to the <i>Métis Natural Resource Harvesting Zone</i> and uses the fact that it is far from the Project Regional Assessment Area as justification for excluding Red River Métis Knowledge and Land and Resource Use in its assessment (see MMF’s response to IR 25 for more details).</p> <p>Given the above, MTI has failed to uphold the constitutional duty to consult and accommodate impacts to Métis rights for Project 6.</p>	<ul style="list-style-type: none"> <li>- MTI must provide capacity for the MMF to conduct a Red River Métis Knowledge and Land Use and Occupancy Study in the project area. The results of this study, including sensitive Red River Métis cultural and harvesting areas must be integrated into MTI’s impact assessment. The results must also inform the implementation of mitigation measures that are specific to the impacts of the Project on Métis rights and interests.</li> </ul>
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81	Not addressed	<p>In the same vein as comments provided for IR 12 and 77, MTI has not engaged with the MMF on the Heritage Resources Impact Assessment (HRIA), nor has it considered Métis Knowledge and Land Use information to determine sacred sites in the Project region. Further, MTI states that copies of the HRIA were provided to several First Nations and local communities, but failed to provide the HRIA to the MMF for review.</p> <p>Therefore, no mitigation measures are provided for the potential impacts of the Project on Red River Métis cultural heritage, and the MMF is not considered in the development of a chance find protocol or procedure.</p>	<p>To address these concerns and shortcomings, the MMF requests the following:</p> <ul style="list-style-type: none"> <li>- MTI must engage with the MMF to identify Red River Métis cultural and sacred sites that could be impacted by the Project. This information must be integrated into the HRIA.</li> <li>- MTI must provide a copy of the Heritage Resources Impact Assessment to the MMF for review.</li> <li>- MTI must develop a Chance Find Procedure with the MMF to ensure the protection of Red River Métis Métis cultural heritage.</li> </ul>
83	Not addressed	<p>For the same reasons as identified in our response to IR 77, the MMF does not consider MTI's responses to adequately address the Information Request. IAAC's IR demands that MTI identify potential effects, mitigation measures, and residual and cumulative effects of the project for each Indigenous group, as listed in Part 2, Section 5.1 of the EIS Guidelines. Although this list includes the MMF, MTI has deliberately omitted to gather baseline information for Red River Métis and to assess the potential impacts on Métis rights. Again, MTI's rationale that the <i>Métis Natural Resource Harvesting Zone</i> is far from the RAA is unsubstantiated (see MMF comment to IR 25 for more details).</p>	<p>To adequately respond to IR 83, MTI must engage with the MMF to determine Red River Métis baseline conditions and identify potential effects, mitigation measures, residual and cumulative effects on Métis rights.</p>



90	Not addressed	<p>In its response to IR 90, MTI solely identifies the impacts of the project on the rights of God’s Lake Narrows Northern Affairs Community, Manto Sipi Cree Nation, Manto Sipi Cree Nation and god’s Lake First Nation. Therefore, MTI has again failed to meaningfully engage with the MMF and to assess the Impacts of Project 6 on Métis rights and interests.</p> <p>Further, MTI states that “Specific information about Aboriginal and Treaty Rights is currently limited to the information previously acquired for the Environmental Impact Statement (EIS) development.” (MTI, IR1-90, p.2). Considering the EIS was developed in 2019, MTI had over 6 years to gather additional information related to Aboriginal and Treaty Rights yet failed to do so. Despite our request in 2019, MTI did not provide the opportunity and capacity for the MMF to conduct a comprehensive Métis Knowledge and Land Use and Occupancy Study.</p> <p>This failure not only lacks justification, but also highlights the overall inadequacy of MTI’s assessment, particularly with respect to the consideration of Métis rights.</p>	<p>Same requests made for IR 77, 81 and 83 apply here. Additionally, the MMF requests that MTI provide an updated version of the EIS that meets <i>IAA 19</i> standards and guidelines, and that meaningfully considers the impacts of the Project on Métis rights and interests.</p>
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## 4.0 Conclusion

The MMF is greatly concerned by the efforts of MTI to meaningfully engage with the MMF and work collaboratively to address the real concerns which we have raised to date through the Environmental Assessment process and limited engagement opportunities. Our overall assessment of the Information Request responses provided by MTI is that they fail to address both the concerns of the MMF, as well as fall short in ensuring the EIS Guidelines are satisfied. We therefore do not see MTI as participating constructively in working to understand impacts to the rights, claims, and interests of the Red River Métis.

The MMF requests that MTI provide complete, site-specific baseline studies across all relevant valued components, including water, land, air, and biophysical resources, and ensure that these studies integrate Red River Métis land use and knowledge. A revised effects assessment should be undertaken using this information to provide predictions that are robust, transparent, and reflective of Red River Métis-specific impacts.

Mitigation and monitoring commitments must go beyond generalized measures. MTI should develop valued component-specific mitigation measures linked directly to predicted effects and establish a monitoring program that includes meaningful involvement of Red River Métis Citizen monitors in water, fish, and land-based studies. This will help ensure that monitoring reflects community concerns and that results are trusted by those most affected.

Socio-economic and health effects require a distinctions-based assessment. MTI should evaluate how the project may specifically affect Red River Métis Citizens, including opportunities for procurement, employment, and training, as well as psychosocial and health impacts related to water safety, country foods, and broader community well-being. Without this distinctions-based analysis, the project risks overlooking disproportionate impacts on the Red River Métis.

The assessment of risks and contingencies must also be strengthened. MTI should undertake site-specific modelling and worst-case scenario analysis for potential accidents and malfunctions, such as spills or acid rock drainage and metal leaching. Adaptive management and contingency plans must be shared in advance, with clear triggers for corrective actions should monitoring identify emerging problems.

Finally, governance and consultation commitments must be reframed. The MMF must be recognized as the National Government of the Red River Métis and a Section 35 rights-holder, not as a stakeholder. MTI should commit to ongoing, distinctions-based consultation with the MMF throughout the design, construction, and operations phases. This includes integrating Red River Métis Knowledge and Land Use data into project planning, design, and effects assessment to ensure Métis rights, culture, and perspectives are fully considered.



The MMF has stated previously that we support the development of a road network connecting communities east and north of Lake Winnipeg to the provincial highway network. However, Project 6 or any of the other proposed projects cannot proceed if they pose an unexamined or unmitigated threat to the rights, claims, and interests of the Red River Métis.



# Appendix A: Red River Métis Knowledge and Land Use Information (2019)

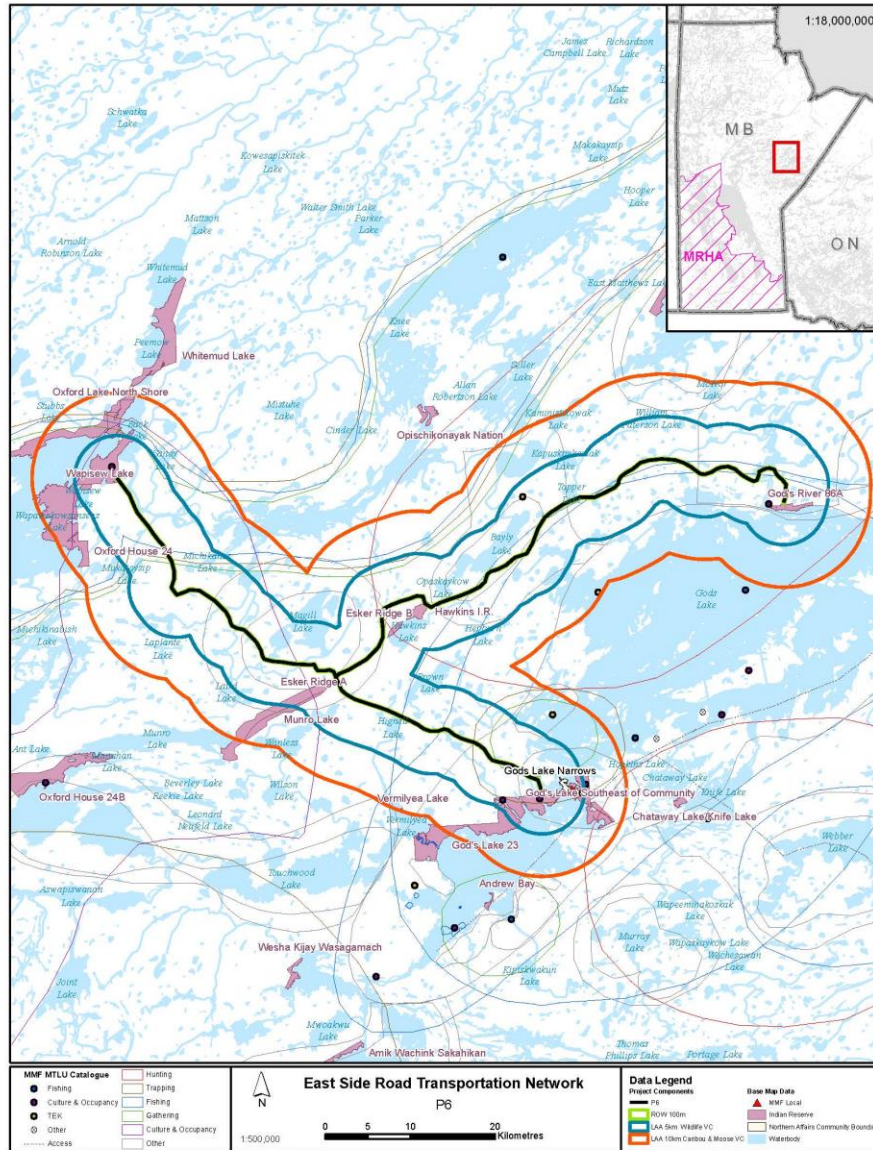


Figure 2. Map of documented Red River Métis Knowledge and Land Use in proximity of Project 6. This information was originally presented to MTI as part of the MMF's response to the 2019 EIS. The MMF highlight that this information represents only information that was previously documented, and that no capacity or opportunity was provided by MTI to collect project-specific information. However, given the extensive land use and occupancy demonstrated in this Figure, additional effort to understand project interactions with Red River Métis land use is necessary to fully contemplate impacts to the rights, claims, and interests of the Red River Métis.

