

MSCN Response to IR

Number pages

General comment: invitation to review Responses to the Round 1 IRs was sent by IAAC staff to Chief Yellowback on August 28, 2015. Comments to the IR responses are requested by September 18, 2025 (less than one month later).

The attached file contains responses to 90 IRs, spanning 976 pages. The timeframe for review does not reflect the amount of information returned by IAAC.

Also noted during my review: many responses rely, at least in part, on the 'precedent' approach- justifying some aspect of the P6 EIS because it was similar to and sufficient for other federally reviewed environmental assessments (P4 and/or P1).

IR CATEGORY:

Alternative Means

Project Schedule

Mitigation Measures

QUESTION IAAC IR1-05: (relates to lack of detail described for mitigation measures)

- Proponent response indicates that details regarding mitigation cannot yet be provided as *detailed design has not been developed due to lack of funds to continue developing the road project.*
- Lack of information and timelines for P6 construction while seeking permanent licensing indicates that new data, full design and added public and community reviews are required before any permanent licence is issued. Climate change impacts alone plus significant changes in costs between now and actual final design provide a basis for access to information, filings, review periods, and final decision making for licence to be made on update information and review results.
- Proponent indicates that such generalizations (lacking in detail) were sufficient in other IAs (the argument of consistency in IA requirements) Note: Other road projects in Manitoba are dated previous EIS products, or were fewer kms in staged lengths or had fewer waterway crossings, or different species mixture, or are not as far north in the boreal regions. In short there are many variances between earlier P projects and P6 process. The numbered P projects on east side of Manitoba include going back 10 -15 years.
- EIAs and project decisions shouldn't be based on generalizations: if specific enough for an EIS to be developed, then there should be enough information to

provide more specific mitigation measures details requested (proponent notes “applicable sections of the EIS may be amended....once functional and design phases are completed”, but again, one wonders if an EIS was warranted if such details haven’t yet been worked out (distinction between approving “A” road vs “THIS” road)

Atmospheric Environment

QUESTION IAAC IR1-06: (regards potential changes to atmospheric environment)

- Their GHG assessment finds that emissions over 38 years would represent 0.98% of MBs total GHG emissions – but notes an absence of regional data to compare this to; they are going off provincial total emissions.
- Claims any GHG emissions from increased vehicle travel would be ‘minor’ – does not back this up

QUESTION IAAC IR1-32: (regards air quality impacts from construction)

- They note that it is possible that ‘more efficient’ equipment be used during project construction, but that full Tier 4 compliance cannot be guaranteed because they plan on using equipment owned/operated by local FN.

Hydrology

Surface Water

Geology/Geochemistry

Noise

Socio-Economic

QUESTION IAAC IR1-12: (relates to accuracy in describing socioeconomic benefits)

- However, the response incorrectly notes:
- “As discussed in Chapter 5 of the EIS, the traditional territories are defined by the registered traplines (RTLs) held by the communities and represent the traditional lands used by a community”.
- The community disagrees that the RTL defines their traditional land. The RTL system is a system put in place by the Crown approximately 75 years ago. MSCN ancestral lands are historic and extend north, south, east, and west of the RTL section. Potential impacts from the proposed road project are limited in the MTI project area, and the proponent appears to be lacking in knowledge about traditional and

ancestral land, land use, and Aboriginal rights and history in the region and potential impacts of the project. The EIS requires updating on this matter.

- This error may reach to other potentially affected First Nations traditional land and land use, including in how the project may affect land access, water access, traditional practices, and rights. For the provincial crown to declare that a Nation's traditional land is the result of an ancient regulation for the trapline district done without the knowledge of MSCN is bad faith and does not reflect well the honour of the crown.

Explosives

Human Health

Accidents and Malfunctions

Editorial

Baseline

QUESTION IAAC IR1-19: (relates to EIS relying on outdated data sources, given the construction delay (until at least 2030). For example, new federal SAR could be added to Schedule 1 of SARA by 2030, species which may have not been studied/mitigation described for in the EIS). The same is true regarding species in the project area or region that could be affected by impacts on waterways from the project, etc. The Manitoba Species Act and regional species work, the ongoing ECCC field work near by for bird plus other species and sites are all relevant for the final design of this project. New information before any final design, or start of construction must be included in design, and therefore be viewed, reviewed, and incorporated into final decisions

- Proponent notes "If there are significant changes in baseline data, a review of potential effects may also be conducted. In addition, if there are changes "...these will be discussed with regulators and Indigenous Nations, whose traditional territory may be affected".
 - It appears that the proponent will make this determination alone as to: a) whether there have been 'significant' changes in data, that then a 'review of potential effects' may be conducted. IAAC needs to include standards in any licence or permits issued to include requirements for such potential steps. MSCN and other affected Nations must be included in such reviews, with access to information.
 - IAAC needs to require a process for reviews due to updated data – and require species studies, data, etc. to be publicly available and reviewed.

- MTI indicates that “the outcomes of the data validity review will be documented in a report.” Should changes be identified, MTI indicates it will submit the report to IAAC, EAB, and potentially affected FNs.
 - Effected FNs should be listed by IAAC in an attachment to any permits of licences issued for this project.
 - Nothing is clear in process here – a “report” would document valid new data perhaps. Submitting a report to different crown entities provides no assurances to MSCN about their land, risks, or rights. We are not sure that MTI would maintain the honour of the crown in this situation. Perhaps this situation requires new consultations by the Manitoba Crown, separate from MTI as the Manitoba government prior to 2016 proceeded with consultations - about any new studies, data, and the final design.

- “EMPs and monitoring plans will be updated accordingly so as to account for changes to legislation and environmental protection.” MTI needs to explain how any updated EMPs and monitoring plans would be made available, what the timing would be. An explanation about theoretical “changes to legislation and environmental protection” is required, perhaps with examples provided. This kind of assurance likely only applies to Manitoba legislation, given MTI is a Manitoba government department. More information is sought. MSCN rights and the honour of the Crown point to a need for consultations on such changes in legislation of the proposal or project plan prior to any construction.

- The MTI reassurance is based on MTI conducting a “selective review” of data validity 1-2 years before construction begins. MTI indicates that “data verification will include a desktop exercise incorporating detailed design, newly collected data available to MTI, and may be followed by field studies if required”. Nothing to tell MSCN what types of data would be reviewed, and whether MTI would seek data to review prior to final design or construction start.

- The term “selective” suggests some baseline data won’t be reviewed. The terms “may be followed” imply flexibility. All of this appears to be left to the discretion of the proponent, who will make the determination as to whether revision(s) to baseline data are required. MSCN reminds the proponent that as a government of Manitoba department they must make sure that consultation and the honour of the crown are upheld in all steps between September 18, 2025 and start of any construction.
 - Process for future changes/reviews must be public and in the license being issued. Perhaps non-First Nation readers would comment that MTI wishes to make its decisions once the licence and permits are in place, while not providing relevant EIS content and full answers to IAAC IRs.

QUESTION IAAC IR1-21: (relates to lack of detail regarding desktop and field work for species, as well as concern relating to methodology used to collect TK and whether permission was granted to publicly display certain information contained in the EIS)

- Vegetation surveys: Concern that site selection criteria are described, with ‘accessibility’ [of the site to the researcher] given as the first criterion. ‘Inaccessible’ sites might otherwise have been surveyed for at risk/rare or ‘significant species’ This road project is in a roadless area of a huge Boreal region. The proponent needs to provide its plan and approach to access and its commitment to accessible sites data sources. It remains possible that the proponent avoided or ignored locations or sites they deemed inaccessible when preparing the original EIS. MTI should provide information as to how they will identify and access these sites for further field work, data collection etc. This includes seasonal approaches, use of ATV. Boats, snow machines, etc. The pattern and methods for such field work in the northern Boreal in Manitoba is common and available to MTI.
- MTI indicates “The confidential information contained in Maps 8a to 8c was regrettably not removed before it was posted to IAAC’s registry for the project. MTI has acknowledged its error, discussed with IAAC and implemented corrective actions to remove the original version of the report and replace with a revised version without the confidential data”
- MTI needs to provide information here in their answer to this question about notification to the affected First Nation or First Nations. It appears that has not been done. IAAC and MTI need to make sure that affected participants in this lengthy and complicated EIS review are notified about this error and how it was fixed. This content in a 900 + page IR document is not sufficient.

QUESTION IAAC IR1-23: (relates to whether TK was collected from potentially affected communities beyond GLFN, MSCN and BCN. Also asks why MSCN traplines were not included in the scope of the trapper program, and why wildlife locations reported by community members were not shared in the EIS.)

- Scale of map and methodology is well established in Canada as to how to show such information without risk.
- There appears to be confusion about the trapline district, individual traplines and the trapper program. Limited project area can conveniently give the developer an advantage – enabling omissions in the EIS or project plan. When the developer is a Crown government department it is very important to make sure that the Crown is fulfilling the honour of the crown in all steps, all interaction with the First Nation. The reference to the trapline district being the traditional territory of MSCN is inaccurate and could be taken as a crown convenience and artificial construct and is reappearing
- According to the proponent, several efforts were made to solicit input on potential project effects from the other FN communities, only the MMF responded. GLFN,

MSCN and BCN were focussed on due to degree of impact to each community. A generalized observation is insufficient and reflects badly on the Crown as proponent. When were “several efforts” made? Perhaps it was before the several First Nations identified and supported by IACC as P6 participants occurred. That would mean there were no resources in place when the “several efforts” were made – and means the Crowns effort was poorly timed, and convenient. MTI needs to provide more detail and the timeline in their answer.

QUESTION IAAC IR1-24 (relates to issue of traditional lands vs RTL boundaries)

- The Agency notes that the First Nations communities listed above have Aboriginal and Treaty rights in areas outside of the boundaries of reserve lands/TLEs and may practice traditional use activities within the Project footprint, LAA, and/or RAA. Additionally, RTLs may not be representative of Indigenous groups asserted traditional territory.
- GLFN notes that RTL boundaries were created by the Government of Manitoba for management purposes, not by Indigenous communities themselves, and Indigenous traditional territory and traditional use areas do not have prescribed boundaries.
- Pimicikamak Okimawin indicated that their asserted traditional territory extends into the Indigenous RAA and MSCN noted that the conceptual boundaries of their ancestral lands are greater than the boundaries indicated in the EIS.
- Further, GLFN noted that although there may be limited activity on the land in certain areas or at certain times, the land is considered sacred and a lack of current traditional use of an area or resource should not be considered an indication that GLFN does not have an interest in the land or resources in that area.
- Supplementary information is required to support the proponent’s characterization of potential Project effects to Indigenous peoples, including all Indigenous groups listed in Part 2, Section 5.1 of the EIS Guidelines. See Annex I for related advice.
- Proponent response (in part) states:

“Figures illustrating the extent of the asserted traditional territories of Manto Sipi Cree Nation (MSCN), Bunibonibee Cree Nation (BCN), God’s Lake First Nation (GLFN), and God’s Lake Narrows Northern Affairs Community (GLNAC) are provided in Chapter 6, Figure 6-16 of the Environmental Impact Statement (EIS) and has been included in Appendix IR1-24-1 (Figure IR1-24-1).

This figure presents the traditional territory boundaries of these three communities within the Indigenous Regional Assessment Area (RAA) alongside associated lodge locations. The Reserve boundaries are also found in Chapter 3, Appendix 3-7 of the

EIS. An additional figure showing the traditional territories of all the Indigenous groups listed in Part 2, Section 5.1 of the EIS Guidelines has also been provided in Appendix IR1-24-2 (Figure IR1-24-2).

- As described in Chapter 4, Section 4.3.3 of the EIS, the Traditional Territories of MSCN, BCN, and GLFN were identified by Traditional Knowledge (TK) studies. These boundaries were informed through collaborative engagement with each of the communities, including community-specific TK studies, mapping workshops, and follow-up verification meetings.”

NOTE. 630 PM THURS Sept 18
Gaile to edit below.

(I'd have to go into the EIS to verify this-if accurate and correct, then my comment in relation to QUESTION IAAC IR1-12 is more editorial in nature, highlighting the need for consistency in how the proponent references the traditional territory)

Federal Lands

Surface Water Quality

Atmospheric Environment

Light, Noise and Sensory Disturbance

Hydrogeology

Vegetation and Habitat

QUESTION IAAC IR1-39: (relates to potential effects to vegetation communities and harvesters)

- proponent notes that “increased access to previously remote areas may shift [plant] harvesting locations, but it is unlikely to impact other VCs significantly, as the overall [plant] harvest levels are not expected to increase. [plant] Harvesting is anticipated to occur in new areas due to all-season road access, meaning wildlife would still have access to vegetation and comparable plant communities and habitats in nearby areas”.
- although this may be true for community members, response doesn't address the possibility that harvesting (not limited to plants) may increase if non-community members start accessing the area (for example, access to a new berry patch could also mean new access to bears-someone from outside the community might be more interested in the bear than the berry-although I note that bears aren't VCs)

- proponent response is otherwise satisfactory (detailed mitigation for dust and flooding described)

QUESTION IAAC IR1-40: (relates to permanent loss of wetlands, ESS, etc.)

- proponent response appears satisfactory.

QUESTION IAAC IR1-41: (relates to nuisance beaver management)

- proponent first describes possible measures to try and avoid having to removing nuisance beavers and/or dams
- proponent notes that the Nuisance Beaver Management Plan (if needing to be implemented) will “involve local trappers to assist MTI staff in road maintenance activities within their registered trap line areas. Nuisance beaver areas will be identified by MTI staff or contractors during construction or maintenance works or during routine road inspections, typically done twice a year in spring and fall, or by community members or others that raise the issue.”

QUESTION IAAC IR1-42: (relates to sensory disturbance not being properly quantified, question also relates to calving areas and hunting pressures)

- proponent notes that “the proposed all-season road will generally follow the pre-existing winter road alignment and will remain within 1 km of the winter road corridor along most of the alignment.”
- proponent makes the point (accurately) that moose densities were found to be relatively low in the RAA, and that the moose which do exist in the region are already exposed to (seasonal) winter road traffic. The proponent references Joro:

“Similarly, sensory disturbance from operation is also anticipated to be low as traffic volumes are generally anticipated to remain the same, with peak traffic volumes occurring in winter when winter road connections open (Joro, 2018b).”

Perhaps I am reading this out of context, but I would expect that traffic volumes would increase on an all-weather road compared to the traffic volumes associated with the existing winter road.

(elsewhere in the response, the proponent notes: “the very low anticipated traffic volumes for the Project...”)

- proponent correctly identifies that moose may avoid the road due to disturbances but also notes that the road may provide moose with foraging and travel benefits.

However, it doesn't address the issue of increased hunting pressure to due increase access-not just seasonally (all year instead of just winter) but potentially to a great number of people (not limited to community members)

- the proponent argues that although individual moose may be affected, the overall effects are unlikely to result in population-level impacts.
- Impacts to caribou, lake sturgeon are adequately addressed
- proponent is relying on two main arguments throughout the various wildlife responses:

1. There is already wildlife exposure to road effects due to the existing winter road – as the all-season road will (mostly) follow the existing ROW, additional effects will be minor.

2. Additional harvesting pressures resulting from the all-season road are not of concern as any additional pressure will likely be from Indigenous harvesters:

“As described in Section 6.1.9 in Chapter 6 of the EIS, with the exception of a few lodges, the human environment in the vicinity of the Project is primarily composed of Indigenous Nations whose harvesting rights are constitutionally protected. Indigenous harvest is therefore not considered poaching. Additionally, because the road provides no additional connection to the remainder of Manitoba except for times when the winter road is open, the Project does not change the potential access to the region by non-indigenous peoples (until all season road link(s) are made to the Manitoba highway network), and therefore is not considered to be a potential cause for increased non-indigenous poaching.”

Elsewhere, the proponent notes that “the EIS anticipates that hunting pressure is unlikely to increase but may shift with construction of the new road”.

QUESTION IAAC IR1-43: (relates to need to describe potential impacts to species health, as well as the health of Indigenous peoples involved in harvesting)

- response is satisfactory; I was glad to see the issue of invasive species addressed in the context of species and human health

QUESTION IAAC IR1-44: (relates to need for monitoring, residual effects assessment)

- proponent states that a:

“Wildlife Monitoring Plan will be developed to verify key Project EIS predictions, to evaluation the effectiveness of mitigation strategies for environmental effects on wildlife

and wildlife habitat, and to establish a framework for adaptive management that can be used to enhance mitigation strategies if required.

The monitoring criteria established for the WMP will be informed by concerns raised through the Project's environmental assessment review and subsequent information requests received from federal and provincial regulators, Indigenous rights-holders, and stakeholders. Opportunities will be provided for provincial and federal regulators as well as Indigenous Nations to review the WMP prior to it being finalized”.

- although the details have not yet been described, the proponent anticipates that monitoring will involve trail cameras, engagement of local trappers or resource users, as well as general field observations, including incidental wildlife observations (not clear if collaring data will also be considered, again, proponent is clear that the details haven't been worked out yet)

Fish & Fish Habitat

QUESTION IAAC IR1-63: (regards impacts to fish and fish habitat)

- Claims that no 'tangible trend' has been observed in recorded peak flows in the study area as a result of climate change.
- Claims that 'due to a lack of data' in northern MB, MTI "does not incorporate projected flow under future climate scenarios in flood frequency analysis".
 - Instead, they will mitigate risk of floods by using the historic max peak flows in the bridge design.

Effects of the Environment on the Project

QUESTION IAAC IR1-68 (regards mitigation/contingency plans for ice jams, flooding from climate change)

- Claims ice jams are 'not anticipated' – does not have plan ready, though presents options of explosives and cutting ice with augers/saws.
- MTI has selected a 1 in 50-year flood scenario design – this focuses on historical data, not potential climate changes (i.e. increases in precipitation events)

Indigenous Traditional Knowledge and Land Use Plans

QUESTION IAAC IR1-77: (regards traditional knowledge, land use and occupancy)

- Claims that "for MTI to scope in an Indigenous Nation for project specific TK, they must demonstrate historical and current occupancy and use of the Project area and identify specific Project effects."

- They also say they follow CEEA's guidance document Considering Aboriginal Traditional Knowledge in environmental assessments under the Canadian Environmental Assessment Act, 2012.
 - This method puts all onus on FN for proving/ demonstrating a history/ use of land

OVERAL OBSERVATION RE THE USE OF 'TRADITIONAL TERRITORY' WITHIN REPORT:

- The way the report describes 'traditional territory' is that it is either *defined/based on/align with/* the RTLs (IRI-12, IRI-30, IRI-77, IRI-90) and further claims this is justified through Traditional Knowledge studies/community engagement (IRI-24, IRI-30, IRI-77, IRI-90). Though extent of TK unclear at this time.