Project 6 All-Season Road

Draft EA Report and Draft Conditions Response

MMF – National Government of the Red River Métis

December 8, 2025

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Introduction

The Manitoba Métis Federation ("MMF") – the National Government of the Red River Métis – has completed a review of the Draft Environmental Assessment Report ("Draft EA Report") and Draft Approval Conditions ("Draft Conditions") developed by the Impact Assessment Agency of Canada ("IAAC" or the "Agency"), for the Project 6 All Season Road Linking Manto Sipi Cree Nation, Bunibonibee Cree Nation, and God's Lake First Nation (the "Project"). The issuance of these two documents represents the final regulatory stage of the federal environmental assessment ("EA") for the Project before a decision is made regarding its approval by the minister responsible for IAAC. The Project was assessed under the *Canadian Environmental Assessment Act, 2012* ("CEAA").

Manitoba Transportation and Infrastructure ("MTI" or the "Proponent") is proposing to construct and operate a two-lane gravel 141-kilometre all-season road in northern Manitoba, located on the east side of Lake Winnipeg. The Project will link Manto Sipi Cree Nation, Bunibonibee Cree Nation, and God's Lake First Nation with intersecting road sections located at the boundaries of each reserve. Project components include two bridge crossings (God's River and Magill Creek), quarries and borrow areas, and temporary and permanent infrastructure; together, the Project will occupy an approximate area of 924 hectares and is Project is expected to support up to 300 vehicles a day. The Project is one of a series of all-season roads proposed through the Province of Manitoba's East Side Transportation Initiative to establish a regional all-season road network on the east side of Lake Winnipeg.

The Project is of concern to the MMF as it falls entirely within the National Homeland of the Red River Métis, intersecting with the MMF's Thompson Region. This area is home to significant Red River Métis land-use, occupancy, and Red River Métis Knowledge, including hunting, fishing, trapping, gathering, and cultural and occupancy sites. More broadly, Project impacts, regardless of where they fall within the National Homeland, hold the potential to impact and/or impair contemporary or future use, constituting a potential impact to rights for the Red River Métis as a collective. For these reasons, the MMF is concerned that the environmental effects of the Project may in turn impact the rights, claims, and interests of the Red River Métis.

In reviewing the Draft EA Report and Draft Conditions, the MMF has focused on examining how the MMF's past submissions, concerns, and recommendations have been represented and incorporated by the Agency, and how the Agency views the Proponent's efforts to incorporate the MMF's input into the EA. Additionally, the MMF, has identified expectations for the Agency to incorporate into the Draft Conditions to protect the MMF's rights and interests from potential Project impacts.

The MMF, in reviewing the Draft EA Report and Draft Conditions, notes that while this may be the final step in the EA process, several of the MMF's key concerns remain outstanding, including efforts by the Proponent and the Agency to minimize and accommodate impacts to Red River Métis rights. Therefore, the MMF looks forward to continuing to meaningful consultation with Canada and that expects Canada will continue to work to fully uphold its duties to the Red River Métis.

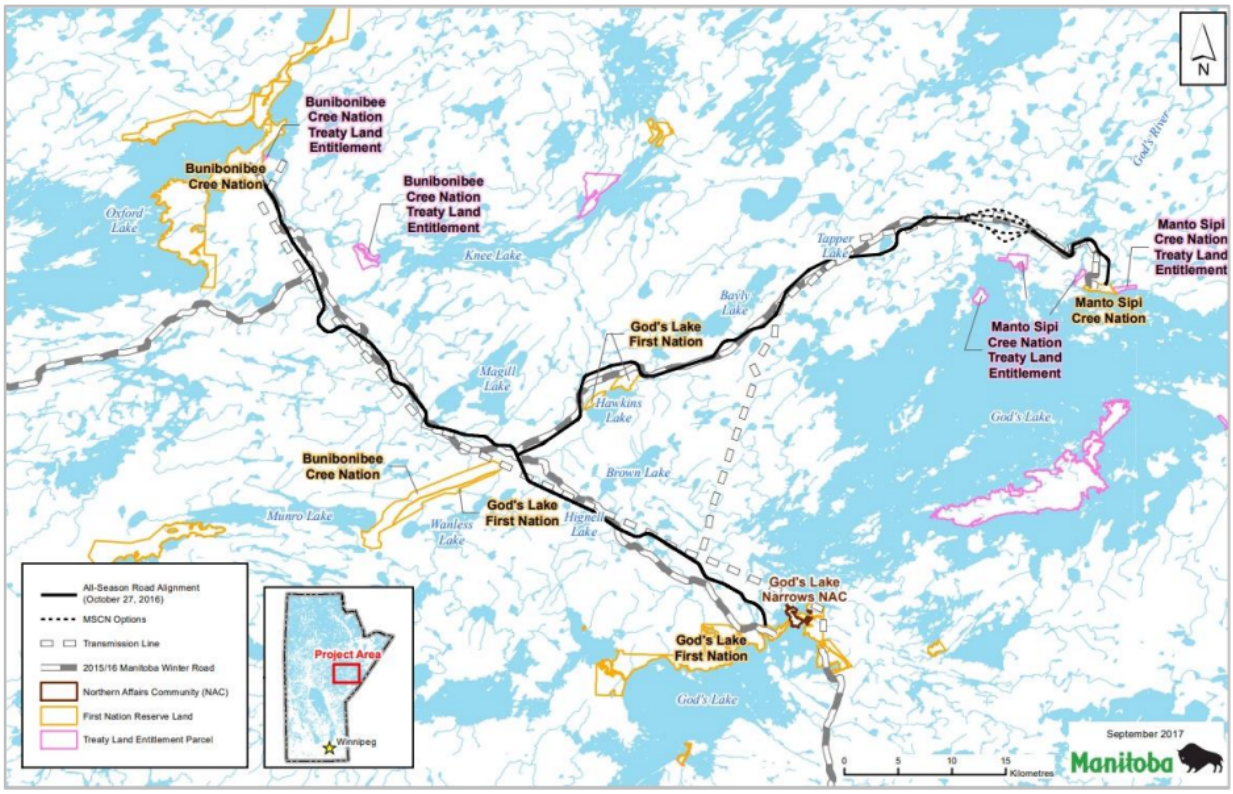

Figure 1. Project location and layout (IAAC, 2025).

Background – The Red River Métis and the Manitoba Métis Federation

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 in *R. v. Powley*, 2003 SCC 43 ("*Powley*"). Manitoba Courts also have recognized Red River Métis rights in *R. v. Goodon*, 2008 MBPC 59 ("*Goodon*"). These decisions have affirmed that the Métis hold existing Aboriginal rights throughout their traditional territories. Our Citizens[1] and harvesters, rely on and

[1] As such term is defined in Article IV of the Manitoba Métis Federation and the Manitoba Métis Federation Inc. Constitution, as ratified by the Annual General Assembly on October 20, 2024 ("MMF Constitution") and the Red River Métis Self-Government Recognition and Implementation Treaty.

use the lands, waters, and resources of our traditional territory throughout the Province of Manitoba and elsewhere within the historic Northwest, including in and around the area of the Project, to exercise their constitutionally protected rights and to maintain their distinct Red River Métis customs, traditions, and culture.

Red River Métis' Rights, Claims, and Interests

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

The MMF is mandated to promote, protect, and advance the collectively held Aboriginal rights of the Red River Métis. In accordance with this mandate, the MMF engages with governments, industry, and others about potential impacts of projects and activities on our community. In 2007, the MMF Annual General Assembly adopted Resolution No. 8, which provides the framework for engagement, consultation, and accommodation with the Red River Métis. Designed by Métis, for Métis, Resolution No. 8 sets out the process that is to be followed by governments, industry, and other proponents when developing plans or projects that have the potential to impact the rights, claims, and interests of the Red River Métis. It was unanimously passed by MMF Citizens and mandates a "single-window" approach to consultation and engagement with the Red River Métis through the MMF Home Office.[2]

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

Phase I: Notice and Response;

Phase II: Research and Capacity;

Phase III: Engagement and Consultation;

Phase IV: Partnership and Accommodation; and

Phase V: Implementation.

The 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

[2] More information about Resolution No. 8 is available online at: http://www.mmfmb.ca/docs/2013-Resolution%208%20Booklet-VFinal.pdf

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.[3]

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

> *When the Government of Canada presented itself at our doors it found us at peace. It found that the Métis peoples 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 exercise over a country that belong to it.*

Red River Métis self-government has evolved and changed over time to better meet the needs of the Red River Métis collectively. 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"). 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.[4]

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[3] *Manitoba Metis Federation Inc. v. Canada (Attorney General)*, 2013 SCC 14, [2013] 1 SCR 623 ("*MMF v Canada (AG)*"). 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 Metis people with Canadian sovereignty is a matter of national and constitutional import" (para. 140).

[4] MMF Constitution, Article III outlines the citizenship definition and application process. This definition ("Metis" 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 Metis community as outlined by the Supreme Court of Canada in *Powley* at para. 30.

By applying for Red River Métis Citizenship, individuals are confirming the MMF is their chosen and elected representative for the purposes clearly set out in its Constitution,[5] including as related to the collective rights, claims, and interests of the Red River Métis.[6]

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

The MMF governance structure includes a centralized MMF President, Cabinet, Regions, and Locals. There are seven (7) Regions and approximately 135 Locals throughout Manitoba (Figure 2). There are thousands of MMF Citizens who live outside of Manitoba. All MMF Citizens are Members of a Local. Locals and Regions work together to authorize and support the MMF Cabinet, and the MMF's various departments and offices. Through elections held every four years, Citizens choose and elect the MMF Cabinet consisting of the MMF President, who is the leader and spokesperson for the MMF, a Vice-President of each Region, and two Regional Executive Officers from each Region. The MMF Cabinet also includes the spokeswoman from the Infinity Women Secretariat. Each Local's 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.

[5] *Newfoundland and Labrador v. Labrador Metis Nation*, 2007 NLCA 75 at para 47: "Anyone becoming a member of the [Labrador Metis 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."

[6] *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."

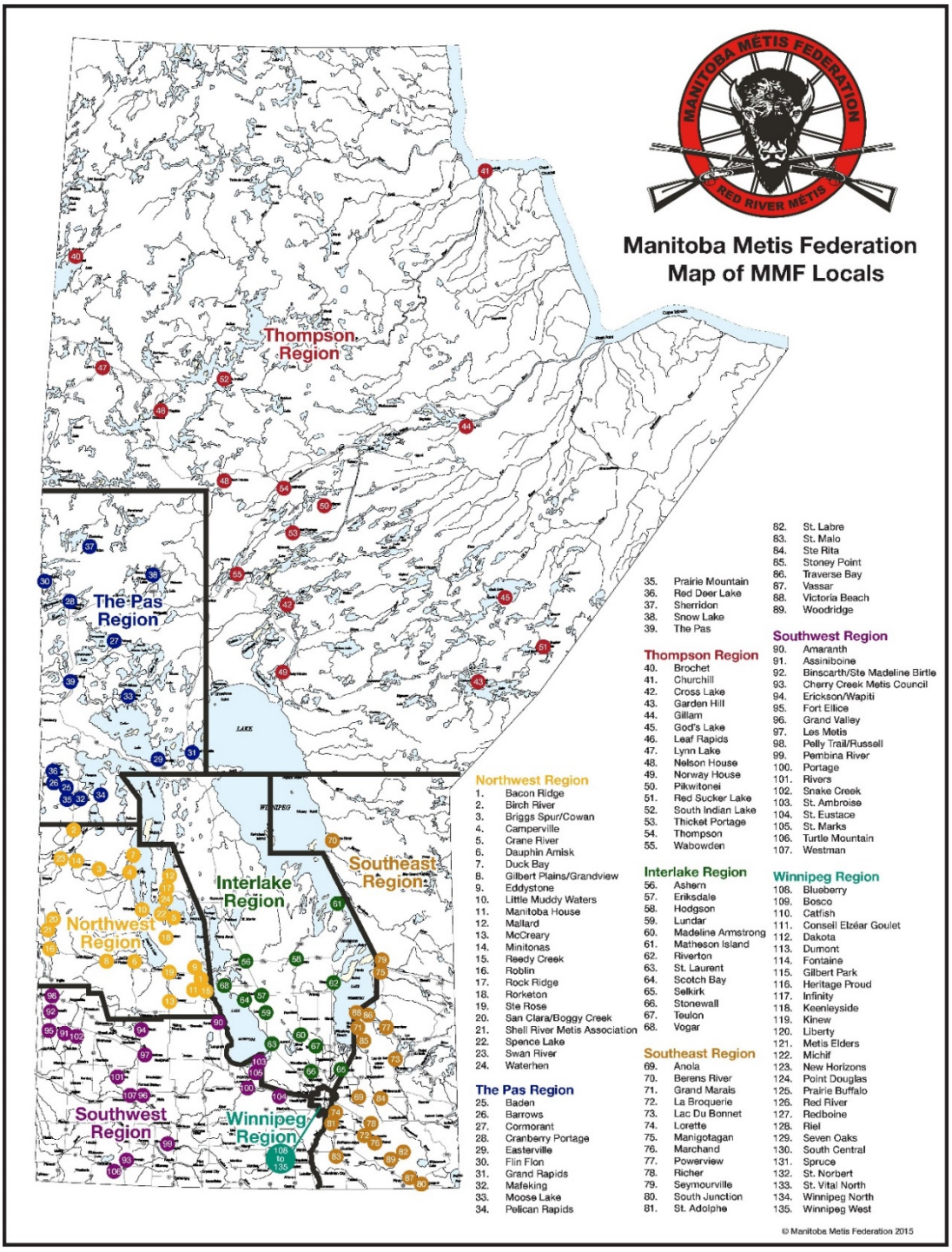

Figure 2. MMF Regions and Locals

Consistent with the direction of our Citizens 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 Red River Métis Homeland[7] (the "National Homeland").

The MMF, as the duly authorized government of the Red River Métis, has been recognized by both the federal and provincial governments in agreements, policies, and legislation. For example, in 2002, *The Child and Family Services Authorities Act* recognized the MMF for the devolution of child and family services to MMF institutions. This Act establishes a series of Child and Family Services Authorities to administer and provide the delivery of services to various distinct Indigenous communities in Manitoba. It creates a Métis Child and Family Services Authority, the directors of which is 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."[8] 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.*[9]

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

> *For the purposes of these Points of Agreement, Manitoba will recognize as Métis Rights-Holders, individuals who are residents in Manitoba and who hold a valid MMF Harvesters Card, issued according to the MMF's Laws of the Hunt. [... and will] consult with the MMF prior to implementing any changes to the current regulatory regime that may infringe Métis Harvesting Rights.*[10]

In 2013, the Supreme Court of Canada 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".[11]

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[7] The MMF Constitution defines "Red River Metis Homeland" as *the area of land within the historic Northwest centered in the Red River Valley as used and occupied as the traditional territory of the Red River Métis*.
[8] *MMF v Canada (AG)* and *R. v. Goodon,* 2008 MBPC 59 para 52. Note that the number of MMF Citizens (40,000) identified by the Court was as of 2007.
[9] Manitoba Métis Policy, September 2010 at 4, 12, online (PDF): https://www.gov.mb.ca/inr/mbmetispolicy.html
[10] MMF-Manitoba Harvesting Points of Agreement (September 29, 2012), ss. 3, 6-7.
[11] *MMF v Canada (AG),* at para 44.

Additionally, in 2016, the MMF and Canada signed the *framework agreement for advancing reconciliation* which states:

> *the Supreme Court of Canada recognized that the claim of the Manitoba Métis Community was "not a series of claims for individual relief" but a "collective claim for declaratory relief for the purposes of reconciliation between the descendants of the Métis people of the Red River Valley and Canada" and went on to grant the MMF standing by concluding "[t]his collective claim merits allowing the body representing the collective Métis interest to come before the court.*
>
> *[and that] Canada is committed to working, on a nation-to-nation, government-to-government basis, with the Métis Nation, through bilateral negotiations with the MMF.*[12]

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 enacted by parliament, the Treaty will become fully effective and will have constitutional protection, further strengthening the relationship between the Red River Métis and Canada.

Environmental Assessment Report and Draft Conditions

The MMF has reviewed the Draft EA Report and Draft Conditions. In evaluating these documents, and while considering previous submissions by the MMF, the Proponent, the Agency, and others as part of the federal EA process, we disagree with how the Agency has framed the MMF's concerns. In alignment with our criticism and concern with the Environmental Impact Statement (EIS) and Proponent responses to Information Request packages 1 and 2, we find that the assessment as a whole has failed to appropriately characterize and understand Red River Métis land use and exercise of rights. This, combined with an unacceptable level of uncertainty surrounding the potential impacts on wetlands, wildlife, fish populations, and non-avian species at risk, means it is not possible to fully understand or predict project interactions, or establish effective mitigation, monitoring, and management plans. As a result, we remain concerned that the Project, if approved, will allow for an unacceptable level of risk to environmental and cultural values if these gaps are not carefully addressed by effective approval conditions.

The MMF is unsatisfied with the completeness of the Agency's assessment and review of potential effects, residual effects, and cumulative effects to terrestrial valued components (including wildlife mortality risk

[12] See preamble to the Framework Agreement for Advancing Reconciliation, between the MMF and Canada, dated November 15, 2016.

and wetland loss/alteration). The Agency provided no draft conditions for wetlands, wildlife, or non-avian species at risk. The MMF is also unsatisfied with the provincial mechanisms in place to manage species at risk and consider these mechanisms inadequate to support section 35 obligations or protect species at risk on provincial Crown lands. This is described in further detail under the Migratory Birds and Wildlife section, below.

The Project represents a new right-of-way, located entirely on Crown land. The total predicted permanent disturbance resulting from the Project is approximately 924 ha. There is a notable lack of information around select components of planned infrastructure considered part of the Project, which has the potential to overprint rare vegetation species or important wildlife habitats for species at risk or species of traditional/cultural importance that were not appropriately evaluated in the Draft EA Report.

The MMF is dissatisfied with the Agency's conclusion that the Proponent has conducted sufficient due diligence for baseline assessment of fish and fish habitat in order to characterize potential impacts from the Project. Despite this conclusion, the Agency recognizes within the Draft EA Report that there are remaining concerns regarding the lack of field-based studies conducted by the Proponent to confirm the presence of fish and fish habitat in watercourses that will be impacted by the Project. Dismissal of the MMF's concerns on this matter is disappointing.

Further, the Agency has not identified through its Draft Conditions that the Proponent conduct more thorough investigation to confirm its assumptions regarding the non-fish-bearing status at 28 water crossings where no field assessment was done to confirm barriers to fish access. This is particularly concerning to the MMF because these two waterways, the bridge replacement at God's River and a bridge installation at Magill Creek, provide habitat to numerous species of fish, including the lake sturgeon (a species of Special Concern).

The EIS guidelines include specific verbiage that the MMF feels should be grounds for the Agency to reconsider its conclusion: "Note that certain intermittent streams or wetlands may constitute fish habitat or contribute indirectly to fish habitat. The absence of fish at the time of the survey does not irrefutably indicate an absence of fish habitat" (CEAA, 2017). This statement confirms the absolute need for thorough field assessments; even if a distinct barrier is identified through aerial imagery, above-barrier sampling is required to rule out resident fish populations.

In addition, the MMF is dissatisfied with the Agency's conclusion that the Proponent has provided sufficient consideration of the impacts the Project will have on the hydrology throughout the Project Footprint and the extended Local Assessment Area (LAA) and Regional Assessment Area (RAA). The review of the Draft EA Report suggests that the Agency and Proponent have not considered the extent of hydrological change to the Project Footprint and the long-term effects these impacts may pose not only to surrounding ecosystems, but also to the safety of roadway users and the lifespan of the Project.

While the Agency acknowledges that, in some instances, the Proponent lacks data collection and field-based studies, the Agency agrees with the proponent that development of the Project will likely have little

to no immediate or long-lasting effects on surface water and groundwater sources. The dismissal of the interconnectivity and chain effects this development process will have on surrounding water bodies and courses is extremely disappointing. While the MMF appreciates that the Agency acknowledges and highlights the importance of monitoring measures in collaboration with *Indigenous groups* and federal and provincial authorities, the Agency's weak response to a lack of information regarding hydraulic connectivity and ecosystem removal obscures the positives.

The EIS guidelines must be considered in the Draft EA Report. The MMF argues that proper inclusion of the EIS guidelines, especially for fish and fish habitat, and surface water and groundwater would strengthen validity of the Draft EA Report; however, there are still several information gaps that would benefit from the inclusion of a Project-specific Red River Métis Knowledge and land use study. Following, the Agency uses vague verbiage (i.e., "encourage") to urge the Proponent to implement mitigation measures or follow-up actions, instead of requiring firm commitments and/or proposing draft conditions.

The MMF, in reviewing the Draft EA Report and Draft Conditions, provides specific and outstanding concerns and recommended changes or additions to the Draft Conditions to ensure this Project, if approved, will protect the rights, interests, and values of the Red River Métis, and best provide mutual benefit to all affected.

Predicted Changes to the Environment (Section 6)

Surface Water and Groundwater

The proposed Project involves a number of activities that will alter the current surface water and groundwater systems in the northeastern region of Manitoba. These activities are anticipated to impact the quality, quantity, flow regimes, seasonal variations, and general hydrology of the existing water bodies and courses.

The Proponent has committed to several mitigation measures developed with the intent of reducing potential impacts and alterations to surface and groundwater quality and quantity. These include the development of a quarry site selection and requirements procedure, various site assessments, and best construction practices. The Proponent included several mitigative statements, but these are not sufficiently clear to understand the impacts they are designed to mitigate. This is not surprising, as there is a general lack of detail regarding the full extent of potential impacts.

The Proponent has also suggested a number of follow-up and monitoring programs for the continued protection of surface water and groundwater sources that include the development of an Aquatic Environment Monitoring Plan with Indigenous groups, collaboration with federal and provincial authorities, and monitoring criteria that fall within the Canadian Water Quality Guidelines for the Protection of Aquatic Life. Many of these follow-up and monitoring measures support the importance of continued communication and involvement with the MMF, First Nations, and federal or provincial

authorities; these measures lack the accountability of the physical effects the Project development will have on water sources in the area. The Agency is of the view that the Proponent has adequately considered the potential effects of the Project on groundwater, hydrogeology, surface water, and climate effects, and that the Proponent's proposed mitigation measures, monitoring, and follow-up programs are appropriate to address potential Project effects on the water bodies and courses of the region. The MMF disagrees with this assessment. While MMF is supportive of these monitoring initiatives in principle, they do not replace the Proponent's responsibility to have a) gathered sufficient baseline data to allow for the accurate prediction of impacts, b) demonstrated the adequacy of mitigation measures to manage the impacts, and c) designed monitoring programs that will determine whether mitigation is effective or requires adaptation.

Surface Water (Section 6.3)

The northeastern region of Manitoba is abundant in surface water sources, including lakes, rivers, streams, and wetland systems. As a result, the Project is currently planned to include the replacement or upgrade of existing bridges, installation of 51 culverts for stream crossings, and an additional 429 equalization culverts to attempt to maintain the hydraulic connectivity of the Project Footprint. The MMF is concerned that the Proponent has not adequately assessed and addressed the impact these will have on the overall hydrology in the area and the long-term effects these alterations will have on the surrounding landscape and aquatic ecosystems.

Quarries and Borrows

The Project proposes to clear approximately 470 hectares of land for quarries, borrows, and laydown areas. There will be 19 quarry locations selected, with the potential of 6 remaining open for the entirety of the construction operation. These quarry and borrow areas will involve blasting, compaction, and disturbance from large machinery. The Proponent acknowledges that site preparation and infrastructure installation, such as the quarries and borrows, may cause alterations to surface water quantity, drainage, and flows during construction and operation. These alterations may include surface water drainage patterns, localized flooding, soil erosion, channel and bank alteration, and siltation of watercourses. It is the Proponents' view that the Project would not alter flow patterns to a sufficient degree to affect winter thaw and ice flow patterns, but given their insufficient mitigation measures, blasting, removal or alteration of rock, vegetation, and natural water courses, this will pose a considerable impact on this region's seasonal cycles and flow patterns. As a result, these selected locations will be vulnerable to changes in flow patterns from runoff, contamination transport, and ground fracturing, leading to surface water loss or quality change from acidic rock disturbance.

Permafrost

Given the geographic location of the Project, the Proponent has acknowledged the likelihood that permafrost will impact the Project. To address this, the Proponent intends to remove any permafrost soils during site preparation. The MMF has raised concerns that the Proponent has not completed enough site surveying to understand the extent of permafrost in the region. While the Agency is of the view that the

Proponent has adequately characterized the potential for the removal of permafrost to impact surface water quantities and quality, the MMF is not satisfied. The removal of large permafrost systems is anticipated to alter the current landscape through surface drainage and collapse. Given that permafrost acts as an impermeable barrier to surface water, the removal and melting of any exposed permafrost may result in the creation of new water bodies or the complete loss of existing water bodies as water sinks deeper into the ground or is released as runoff.

Flooding

The Project development includes construction practices that alter existing natural water bodies and courses. The Proponent has indicated that, while flooding and bank scouring can occur within the Project Footprint as a result of seasonal flooding and ice jams, the Project design for a 1-in-50-year flood event will limit adverse effects. This design is a considerable concern for the MMF. While a 1-in-50-year flood design does improve the longevity of the Project through storm resilience, reducing the likelihood of damage and repairs, this design standard is simply outdated: many new development projects such as this require a base design of a 1-in-100-year flood event. The increased frequency and intensity of weather events from climate change and infrastructure development requires updated flood management systems. Although the Agency is of the view that the Proponent has adequately characterized the likelihood and magnitude of potential environmental effects on the Project, such as the dismissal of potential impact from climate change, permafrost removal, and water course alteration will increase risk of flooding and is not acceptable. Project development activities will alter the hydrology in this region, and given the expanse of water resources and the geological composition, a 1-in-50-year flood design is not sufficient. If proceeded with, it will increase the likelihood of Project failure. Should the Project fail in the future as a result of improper flood design, the surrounding environment and roadway users will be at risk of harm.

Groundwater (Section 6.2)

While surface water makes up a large majority of northeastern Manitoba's water resources, there is a considerable amount of groundwater in bedrock and sand or gravel aquifers as well. Due to the magnitude of available above- and below-ground water resources, this area of Manitoba is hydrologically rich throughout. Although the Draft EA Report acknowledges groundwater, there is a significant gap in the proposed mitigation and follow-up measures. This gap is a result of the Proponents' failure to meaningfully investigate groundwater impacts, leading to mitigation statements that are broad, generic, and dismissive of natural groundwater aquifers. The MMF maintains concerns that the proposed mitigation and monitoring efforts will not be sufficient to avoid impacts to the quantity or quality of groundwater.

Quarries and Borrows

Similar to the potential effects from quarries and borrows, the Proponent and the Agency have concluded that the Project effects to groundwater resources will likely be limited and that the current mitigation and

follow-up monitoring measures are sufficient. However, the disturbance of acid-generating rock raises significant concerns.

While the Proponent has stated that quarries and borrows will be located in areas with low acid rock drainage potential, the Project will potentially involve development in high acid rock drainage areas. The Proponent has not adequately described the selection process and requirements for the quarries and borrows that would ultimately require development in areas of low acid rock drainage potential. If development should occur in these hotspot areas, the MMF is concerned about the potential for acid rock drainage infiltration to surrounding groundwater resources. Given the geological characteristics of this region, the possibility of rock fracturing from quarries and general disturbance is considerable and poses direct impact to any fractured rock aquifers in the area.

The MMF agrees that engineered covers may be an effective mitigation measure, but insists that the implementation of engineered covers be required in these areas, not a secondary option. The development of engineered covers in these disturbed areas lowers the risk of acid rock drainage and offers a greater protection level compared to the addition of alkaline materials, which often fail over time. It is also noted that, due to the presence of fracture-dependant aquifers in this region, there is an increased likelihood of further fracturing from blasting and development. This could result in groundwater contamination from nearby saline aquifers, which are common along the northeastern boarder of Manitoba. The Proponent should be aware that saline intrusion may occur near a laydown or camp area since the Draft EA Report suggests that onsite workers may rely on nearby groundwater sources for potable water supplies.

Permafrost

As previously mentioned, the Proponent intends to remove permafrost within the Project Footprint during the preparation period. While this poses a significant threat to the surrounding landscape and surface water bodies, as mentioned above, this potential practice also raises concerns regarding the quantity of groundwater resources in the region. Similar to surface water impacts, groundwater resources have the potential to be impacted by permafrost removal and thaw through altered flow regimes, surface integrations, and contaminant mobilization. The direct removal and exposure of remaining permafrost has a high potential to increase the hydraulic connectivity of the surface and groundwater systems. This could cause wetlands or small lakes to seep, resulting in total loss or a sinkhole effect in place of the existing waterbody. Changes to hydraulic connectivity also increase the transportation and mobilization of existing or new contaminants, which can become widespread across the region due to new, larger flow paths.

While the Proponent and the Agency believe that permafrost removal will have limited impact on water resources, the MMF disagrees with these conclusions and highlights the importance of understanding permafrost structure prior to Project development, and the need for the Proponent to inform the MMF and other Indigenous groups of any removal. The MMF supports the recommendation from Natural Resources Canada to identify areas of greatest permafrost potential and thaw during the geotechnical investigations.

Flooding

During Project development, the Proponent has stated that there will be partial or complete loss of some wetland systems within the Project Footprint. While wetlands offer terrestrial landscape functions (Section 3.3.2) they are also a key factor in groundwater recharge and water cycling. The removal of these systems poses a significant threat to any nearby aquifers and the hydrology of the area. The complete removal of these ecosystems will result in water displacement and a lack of natural flood management. The removal of water recharge can also significantly impact groundwater quantity levels as aquifers become disconnected from surface sources.

Thus, this practice is expected to alter the hydrology in the area and increase the risk of flooding that could surpass the current 1-in-50-year flood design. While the Proponent and the Agency are of the view that potential impacts to the terrestrial landscape have been adequately addressed and pose little threat to the current ecosystem, the MMF disagrees with these conclusions and considers there to be a lack of mitigation and follow-up measures presented by the Proponent and the Agency regarding this topic. The MMF insists that mitigation measures be put in place when the complete removal of a wetland is required for Project development in instances where it is not possible to follow the current Proponent plan to avoid low-lying wetland areas.

Draft Conditions

Recommended Condition	
Condition 3.2.3	*Maintain an undisturbed vegetated buffer zone of 30 metres between areas of on land activity and the high-water mark of any waterbody, excluding in-stream structures*
Recommendation	Increase the buffer zone to a minimum of 50 m. A 30 m buffer is the minimum requirement for vegetated buffer zones. Given the extent of construction and the geographical characteristics of shallow soils in this region, the buffer zone should be increased to a minimum of 50 m. This increased distance will increase the chances of slowing runoff through obstruction and drainage, as well as the potential for contaminant transfer to water bodies and courses.
Requested Additional Condition 3.2.X	*Implement water management systems that are within a 1-in-100-year flood design. This design will encompass the severity of climate change impacts and the expected increase in flood levels and severity from hydrologic disturbance during project development.*
Recommendation	The geographical location of the Project, along with the predicted hydrological impacts from development, are too significant to draw a conclusion that a 1-in-50-year flood design is sufficient for the area. The implementation of a prior monitoring program that determines the extent of current seasonal flooding in the area should be conducted to determine which areas of the Project will be most susceptible to possible failure from flooding.

Requested Additional Condition 3.X	*Implement key mitigation measures, recommendations, and follow-up programs as outlined by the Agency pertaining to wetlands and ecosystem removal. Including but not limited to the development of follow-up and monitoring programs prior to construction and in consultation with Indigenous groups that will be implemented throughout the entirety of the Project timeline. These programs should focus on the Project effects on wetland functions, plant species, and cultural importance. Updated mitigation measures must also be in place for protection of remaining wetlands and implementation of appropriate water management infrastructure where wetland removal is required.*
Recommendation	Develop mitigation measures that anticipate the impacts of wetland removal on surrounding water sources. This mitigation would involve installation of water management infrastructure designed to accommodate an increase in flood potential from the removal of natural regulating systems. A follow-up and monitoring program designed with Indigenous groups and any relevant federal and provincial authorities should be implemented though the entirety of the construction phase to monitor the changes in hydrology and wetland areas.
Condition 3.4.2.1	*Manage the use or development of materials or sites characterized as acid generating, potentially acid-generating, and metal leaching by limiting oxidation reactions in materials characterized as acid generating, potentially-acid generating, and metal leaching or, which may include the use of covers;*
Recommendation	Engineered covers should be used in areas with high acid rock drainage potential, following studies and samples determining its presence. Once a cover is implemented, extensive monitoring and upkeep measures should be taken to ensure seepage and infiltration from contaminants is contained. Given the extent of acid rock drainage potential, a permanent, long-term engineered cover should be implemented to safeguard the area after construction is completed to contain any long-lasting effects.
Requested Additional Condition 3.4.2.2.x	*The proponent will develop an acid-generation monitoring program to confirm that the application of alkaline material effectively balances acid generation potential. The Proponent will implement this program throughout the life of the Project and a minimum of 10 years post-closure. Should acid rock drainage occur, the Proponent will undertake remediation action approved by remediation specialists to limit spreading and impact.*
Recommendation	The simple addition of alkaline material to acid rock drainage locations is an insufficient mitigation practice, given that this material often has a short-term effectiveness. The climate, physical disturbances, and freeze-thaw cycles of the Project Footprint increase the likelihood of acid rock becoming re-exposed. Additionally, alkaline material is noted to be insufficient to fully neutralize acid-generating potential: monitoring and follow-up measures should ensure proper stabilization in the years following Project development, regardless of whether quarries and borrows are in use.

Terrestrial Landscape (Section 6.4)

The Project serves as a new and significant linear disturbance with the potential to adversely impact vegetation, migratory birds, and wildlife (including species at risk), including through Project-related habitat loss and alteration and effects on individual health and mortality.

The Proponent has committed to several mitigation measures intended to reduce potential Project effects to wildlife and vegetation. For example, prior to construction, a Wildlife Monitoring Plan will be developed in consultation with the MMF. The plan is intended to address key valued species such as moose, caribou, migratory birds, furbearers, and species at risk. General follow-up and monitoring studies to be implemented, *may* include caribou, moose, furbearers, and migratory birds, but specific applicability to species of cultural importance (e.g., bald eagle) is not stated.

Monitoring and follow-up programs pertaining to species of cultural importance should also be described to provide clarity on the appropriateness and effectiveness of proposed measures. The Agency is of the view that the Proponent has adequately considered potential effects of the Project on the terrestrial landscape and that the Proponent's proposed mitigation measures, monitoring, and follow-up programs are appropriate to address potential Project effects to the terrestrial landscape. The MMF disagrees with this assessment, and is of the view that monitoring and follow-up programs should be implemented and further described in the Draft EA Report, as noted above.

Migratory Birds and Wildlife (Section 7.2 and 7.3)

Migratory birds (including species at risk)

Approximately 170 migratory bird species may occur in the RAA, including various species of waterfowl, waterbirds, raptors, and forest birds (including both migratory and non-migratory avian species at risk) that are also considered species of traditional importance to Red River Métis Citizens. The MMF maintains that Red River Métis Knowledge was not considered in the assessment of effects, and that the assessment lacks information on the methodology used to collect Red River Métis Knowledge, which may affect the accuracy of the assessment. Given the proposed construction start in 2030 (and expected to last approximately 8 years), baseline information presented in the Draft EA Report may become outdated, and mitigation measures proposed by the Proponent may not be relevant or sufficient.

The Project Footprint includes coniferous forest, riparian areas, wetland habitat, and other potential nesting sites that function as migratory bird habitat. The Proponent predicts that construction and operation activities (including clearing and watercourse crossings), would result in the direct removal of at least 1,469 ha of migratory bird habitat in the Project Footprint. This will also result in associated edge effects and habitat fragmentation and/or alteration, and sensory disturbances (i.e., blasting associated with construction, traffic associated with operations) that lead to displacement or abandonment. The Proponent further predicts that Project activities will result in changes to mortality risk and changes in health of migratory birds, described further below.

Environment and Climate Change Canada (ECCC) included several recommendations targeting migratory birds that should be included in the Draft Conditions for the Project. A list of key mitigation measures, and monitoring and follow-up programs are also considered *necessary* by the Agency and ECCC to ensure the Project does not result in significant adverse effects to migratory birds or migratory bird species at risk. These include:

Mitigation measures:

- All activities associated with the Project will be executed in a manner that protects migratory birds and avoids injuring, killing, or harassing migratory birds; destroying, taking, or disturbing their eggs; or damaging, destroying, removing, or disturbing their nests, while taking into account ECCC's *Guidelines to Avoid Harm to Migratory Birds*. Vegetation clearing, including tree clearing, will be conducted in accordance with the *Migratory Birds Regulations*. (IAAC, 2025, p. 60)

- Prior to initiating any project activities, determine the presence, or likely presence, of migratory bird nest(s) protected under the *Migratory Birds Convention Act*, 1994 and its regulations, and residences protected under the *Species at Risk Act* (SARA) that may be adversely affected by the Project. Under the direction of a qualified individual, determine setback distances around these nests or residences and avoid conducting project activities within these areas. (IAAC, 2025, pp. 60-61)

- Setback distances should be species-specific. (IAAC, 2025, p. 58)

- Restrict hunting and the use of firearms by non-local project personnel. (IAAC, 2025, p. 61)

Follow-up and Monitoring:

- Prior to construction, develop a follow-up program, in consultation with relevant federal and provincial authorities and Indigenous groups, to verify the accuracy of the EA, verify the effectiveness of mitigation measures related to avoiding harm to migratory birds and migratory bird species at risk, their eggs, and nests, and to inform the need for the implementation of contingency measures. The follow-up program will be implemented during the construction phase and during maintenance activities that may adversely affect migratory birds. (IAAC, 2025, p. 61)

Wildlife (including species at risk)

Valued components identified for wildlife in the EIS guidelines for the Project include ungulates (moose and caribou), aquatic and terrestrial furbearers, birds and migratory birds, and herptiles. Effects on the terrestrial environment would occur throughout the construction, operation, and maintenance phases of the Project. The Proponent suggests that effects are most likely to occur for wide-ranging wildlife species, such as moose and caribou; however, this does not account for the potential disproportionate effects to

species with limited ranges or specialized habitat requirements. MMF maintains that residual effects to wildlife should be considered "irreversible," since the foreseeable lifetime of the proposed Project is indefinite.

Boreal woodland caribou, eastern migratory caribou, little brown myotis, and wolverine are the non-avian species at risk assessed and predicted to have the potential to occur in the RAA. These species and their habitats are considered traditionally or culturally important to Red River Métis Citizens. The MMF is concerned that Red River Métis Knowledge was not considered in the assessment of effects to wildlife (including species at risk) or used to inform appropriate Project mitigation measures and follow-up programs. In addition to the implementation of mitigation, the Project design is intended to avoid or reduce potential adverse effects. Despite this, the Proponent has not proposed any design measures, such as species-specific setback distances, to address these effects.

Wildlife species of traditional importance to Red River Métis Citizens (including species at risk) were not evaluated or considered in the assessment. The Agency "encourages the Proponent" to engage on and implement appropriate mitigation measures for wildlife and habitat, instead of including commitments or firmer language in the Draft Conditions. There are currently no draft conditions proposed for wildlife or non-avian species at risk. However, the Draft EA Report acknowledges that the Project may result in residual environmental effects to species at risk that are of cultural importance to the MMF, including from habitat loss and effects to wildlife health and mortality (as outlined further below).

It is the MMF's position that the provincial species at risk plans do not adequately protect species at risk. While species at risk are ecologically important and represent several species of traditional/cultural importance to the MMF, the provincial management of these species has a material impact on the success or ability of Red River Métis Citizens to exercise their rights. Manitoba's approach to species at risk management is focused on western science-based approaches and colonialized legal protections targeting broad jurisdictional objectives, intended to protect or recover species at risk and the habitats that support them. Provincial legislation (*Endangered Species and Ecosystems Act*) prohibits harm to listed species and their habitats. Implementation of these protections on private lands varies significantly and falls short of MMFs expectations and the provincial objectives. Given the province's heavy reliance on voluntary/public actions and the requirements to coordinate diverse stakeholders and groups to develop these species at risk plans, this results in slowed plan development and a significant information gap in the availability of plans intended to protect species at risk in Manitoba. Further, it is apparent there are ongoing challenges with the province effectively integrating and applying traditional knowledge into species at risk plans, including Red River Métis Knowledge. While the Agency "is satisfied that provincial mechanisms are in place to protect species at risk," and the mitigation, monitoring, and follow-up measures proposed by the Proponent will avoid or lessen Project-related effects to species at risk, the MMF does not share this confidence and requests the inclusion of draft conditions for non-avian species at risk (IAAC, 2025, p. 67).

Vegetation (including species at risk) and Change in Habitat (Section 6.4 and 7.3)

The MMF maintains concerns that Red River Métis Knowledge was not considered in the assessment of effects to vegetation (including species at risk) or used to inform appropriate mitigation measures or follow-up programs for the Project. The new Project right-of-way will be constructed entirely on Crown land, totalling approximately 924 ha of permanent disturbance (i.e., all-season road, right-of-way, and permanent infrastructure). Crown land resources and availability are inherently linked to Red River Métis practices, transference of Red River Métis Knowledge, and exercising rights-based activities. The Project Footprint represents habitat for a diverse range of vegetation (including species at risk) and wildlife species (including migratory birds, species of traditional and cultural importance, and species of conservation concern). Twelve vegetation species of cultural importance to Indigenous Peoples, including three medicinal plant species, and fourteen vegetation species of conservation concern (including species at risk) have the potential to occur in RAA.

The Proponent acknowledges that changes in habitat include the direct loss of wetland area and function, where other indirect effects may also occur (i.e., Project-related changes to surface water/groundwater flow patterns, water levels, nutrient and mineral inputs), resulting in loss or changes to wetland plant communities and functions (i.e., species composition, nutrient cycling and transport, introduction or spread of non-native or invasive species). Approximately 3.6 km^2 of wetland vegetation within the footprint would be affected by Project activities, with bog-fen complexes experiencing the largest proportion of effects. The Proponent considers the wetlands that would be affected by the Project to be common in the area. The MMF maintains that residual effects associated with permanent and irreversible wetland removal were not adequately assessed, and recommends offsetting and restoration activities, including the use of native seed mixes and plantings that ensure vegetation species of cultural importance are included.

Construction is anticipated to begin in 2030 and will take approximately eight years to complete; once operational, the Project will continue indefinitely with ongoing and seasonal maintenance activities, as required.

The Proponent proposes select mitigation measures that will become commitments if the Project is approved (such as phasing, construction activity, etc.; listed in Appendix C (IAAC, 2025)), and intended to minimize potential adverse effects to vegetation and wildlife habitat, as follows:

Timing of Clearing Activities

Generally, right-of-way clearing is anticipated to take place during winter (where feasible) to facilitate access and minimize potential adverse effects to terrestrial resources. Vegetation and organic materials will be cleared from a 60 m portion of the right-of-way prior to grading, with stripped organic materials stockpiled or bermed on road shoulders for future use in the reclamation of temporary infrastructure or decommissioning winter road segments following construction. Cleared timber will be salvaged, with non-salvageable material intended for stockpiling, burning, or burial.

Clearing in winter does not necessarily mitigate impacts to wildlife or non-migratory birds (including species at risk) unless pre-construction surveys are conducted, during suitable time(s) of year and in appropriate weather conditions, to search for/verify the absence of occupied wildlife features in advance of disturbance.

Stockpiling of Materials

There is limited information available regarding the length of time stripped organic materials are intended to be stockpiled or bermed. Stockpiling can contribute to the erosion and or sedimentation of nearby watercourses/waterbodies. Further, the long-term storage of reclamation soils reduces their suitability (i.e., due to loss of nutrients) and may lead to the need for soil amendments or alternative construction techniques.

The fate of non-salvageable timber is unclear: long-term stockpiling may contribute to schedule disruptions (i.e., due to wildlife habitat features such as a bear den) or add fuel to wildfire scenarios. Burning at inappropriate times or in inappropriate conditions may contribute to wildfire conditions in a remote location with limited capacity to mitigate these risks.

Removal of Permafrost and Unsuitable Soil Materials

Roadbed construction includes stripping and removal of unsuitable soils (including permafrost soils), installation of geotechnical materials (where appropriate), rock and granular material placement/compaction, and road trimming/shaping. Nineteen quarries or borrow areas will be required for construction, and up to six quarries will be operated beyond the construction phase for road materials used in maintenance.

Removing “unsuitable” permafrost soils may lead to wide ranging consequences (i.e., surface water, groundwater, vegetation, wildlife habitat) that were not fully evaluated under the Draft EA Report. Further information is required to fully understand the potential impacts and inform appropriate mitigation measures (including construction techniques) and follow-up programs.

As quarries/borrow locations have not been finalized, in part due to the need for further information regarding possible metal leaching/acid rock drainage, there is potential for these areas to overlap sensitive habitats/areas, wildlife features, and important nesting habitat. Without further information on final locations proposed and testing results, it is unclear what the full impact of these quarries/borrow areas will be in perpetuity.

Progressive Reclamation and Maintenance

Construction of each road segment will be immediately followed by the removal and reclamation of temporary components, including revegetation using native species. During operations, ongoing and seasonal road maintenance activities will take place (i.e., culvert steaming/cleaning for water passage). Reclaimed areas where temporary infrastructure is located would be inspected periodically to monitor success.

There are no thresholds identified in the Draft EA Report for the length of road segment completed compared to removal and reclamation of temporary components, in addition to the decommissioning of winter road segments.

Ongoing and seasonal road maintenance activities must also take into account seasonal sensitivities of migratory birds and wildlife (including species at risk).

There is limited information provided on species intended for use, and no criteria proposed to determine success thresholds, adaptive management requirements, or frequency of monitoring. Reclaimed areas (i.e., temporary infrastructure and winter road decommissioning activities) *must* be inspected *regularly* to ensure metrics of success and rehabilitation trajectories are achieved (i.e., at minimum, three visual assessments completed during the growing season), proposed mitigation measures are effective as implemented, and follow-up programs are demonstrating and aligning with predictions of the Draft EA Report. Species of traditional and cultural importance to Red River Métis Citizens must be included in rehabilitation plans, and the MMF must be involved in the development and implementation of plans and adaptive management actions as it pertains to reclamation and rehabilitation.

Despite the Proponent's commitment to reclaiming the winter road following the construction of the Project, concerns remain around the potential effects to terrestrial vegetation and wetlands (including on species of cultural importance, sensitive wetland sites, permafrost areas, older growth forests, invasive or non-native species, baseline data used to inform assessment of effects, etc.), and the proposed management of these effects (i.e., herbicide use, dust suppressant applications, etc.). The Proponent has also committed to conduct a review of data validity prior to construction, which *may* include additional baseline data collection and/or field surveys to inform existing conditions; however, more information is required to comprehensively evaluate the proposed revegetation strategy, approaches, and potential success criteria.

Further, several components are required for the construction and operation of the Project, where locations or construction details are still pending. Without additional information, it is difficult to understand all potential effects and the appropriateness of mitigation measures and follow-up programs proposed. This may be especially important in areas with permafrost soils.

These components include:

- An 8 km-long route segment near Manto Sipi Cree Nation
- Tie-in to existing on-reserve access road at Bunibonibee Cree Nation
- Sixty-two potential borrow areas/quarry sites assessed: nineteen of these are to be selected prior to construction, and six are to remain permanently for Project maintenance and operation
- Temporary roads/construction camps

- Access for decommissioning of winter road corridors (in segments as all-season road is completed) – the Project follows closely to existing corridor with route deviations up to 3 km

The EIS guidelines for the Project require that "the duration of the follow-up program shall be as long as required to evaluate the effectiveness of the mitigation measures." and state that "the Proponent will prepare an environmental monitoring program for all phases of the project." The Agency recommends the Proponent develop and implement a follow-up and monitoring program with respect to vegetation and wetlands to verify the results of the Draft EA Report, verify the effectiveness of mitigation measures, and inform the potential need for contingency measures, highlighting the importance of continued engagement. The Agency proposed a list of key mitigation measures, monitoring, and follow-up programs considered *necessary* to ensure the Project does not result in significant adverse effects to the terrestrial landscape, including:

Mitigation Measures:

- Consult with Indigenous groups during the development of revegetation plans for the project to ensure that Indigenous knowledge is considered in the selection of plant species. To the extent possible, include plant species of importance to Indigenous groups identified through consultation. (IAAC, 2025, p. 47)

- During construction and maintenance activities, inspect and clean all project vehicles, machinery, and construction equipment prior to entering the Project Footprint to ensure that no soil or vegetative debris of invasive or non-native plant species is attached. (IAAC, 2025, p. 47)

- Take measures to ensure that herbicides are applied to only undesirable plant species, including the provision of training to employees applying herbicides and by avoiding application during windy conditions. (IAAC, 2025, p. 47)

- Prior to construction, complete geotechnical investigations to identify the location, extent, and degree of permafrost within the Project Footprint, including the type, degree, and extent of permafrost, for consideration in the final project design. (IAAC, 2025, p. 95)

- Prior to construction, develop a wildfire management plan, in consultation with Indigenous groups and relevant federal and provincial authorities, including an evacuation and emergency response plan, and mitigation measures to be implemented to limit or prevent potential adverse effects on the project as a result of wildfires. (IAAC, 2025, p. 95)

Follow-up and Monitoring:

- Develop a follow-up and monitoring program, prior to construction and in consultation with Indigenous groups and relevant federal and provincial authorities, that will be implemented during the entirety of the construction phase and when maintenance activities are taking place, and will provide a framework for monitoring project effects to wetlands and plant

species of cultural importance to Indigenous groups within the Project Footprint and LAA. Consult with Indigenous groups to identify the location of wetland sites and plant species of cultural importance within or near the Project Footprint that may be affected by the project, to inform this program. (IAAC, 2025, p. 47)

Change in Mortality Risk

The Project poses an increased risk of mortality for migratory birds and wildlife, including species at risk (i.e., collisions with vehicles/equipment, powerlines, etc.). As a result of the predicted increase of road traffic throughout the year vs. seasonally under baseline conditions, there is also increased potential that collisions could occur during critical life stages. Given the new access associated with the Project's linear disturbance, this may also result in increased hunting/trapping pressure on migratory birds (waterfowl) and wildlife from Project personnel during construction and increased access facilitated by Project operations. Several mitigation measures have been presented, intended to reduce the potential wildlife mortality risk identified to be associated with the Project.

The Proponent has failed to evaluate potential effects to wildlife mortality risk, for example, the availability of perch habitat for raptors in proximity to expanded lines-of-sight (Project right-of-way), could result in impacts to avian prey species, and cumulative effects of potential population-level trends impacting species of traditional or cultural importance.

Further, given the indefinite lifespan of the Project and maintenance activities proposed on the right-of-way, the Proponent has not identified the potential forage attractants that benefit select wildlife species and discourage others. With the anticipated removal of permafrost soils, this would be especially important for determining potential effects on local caribou populations that rely on the landscape conditions and vegetation communities available in permafrost habitats, particularly older semi-forested peatlands (bogs, fens) with abundant lichen (a primary winter food source for boreal caribou).

The Proponent assesses risk to the Project from beaver activity (i.e., flooding events/damage to infrastructure), suggesting mitigation actions that defer to their internal Nuisance Beaver Management Program. Internal policies should create favourable conditions for meaningful collaboration with MMF and the protection of Red River Métis-identified valued components.

Atmospheric Environment (Section 6.1)

The Proponent suggests that the Project will result in increased noise and vibration levels and increased contaminant concentrations (i.e., emissions to the atmosphere, sediment deposition to surface water) that may change the health of migratory birds and wildlife (including species at risk). Increased noise and vibration levels contribute to sensory disturbances associated with disorientation, collisions, increased stress levels or increased energy expenditure, which cause harm to exposed individuals (behavioural and fitness changes). There is potential for increased concentration of heavy metals in waterbodies associated with spills, which may accumulate in wildlife tissues. The physical disturbance represented by the Project

can result in the potential introduction or spread of disease or cause increased stress (i.e., habitat fragmentation, sensory disturbance, increased predator access).

An increase in dust emissions (resulting from the construction and operation of the Project) could also result in changes to the quality and availability of vegetation (and forage insects that rely on this vegetation). Birds and wildlife using dense forest understory and edge habitats may be indirectly affected by increased dust emissions through loss of foraging and nesting habitat (reducing overall fitness).

Draft Conditions

Recommended Condition	
Condition 4.3	*... When establishing set back distances, the Proponent shall take into account Environment and Climate Change Canada's Guidelines to avoid harm to migratory birds.*
Recommendation	The MMF requests the Condition to be modified to include the following: "set back distances must be determined on a species-specific basis".
Condition 4.1	*The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids capturing, killing, taking, injuring or harassing migratory birds or destroying, taking or disturbing their eggs, or damaging, destroying, removing or disturbing nests protected under the Migratory Birds Convention Act, 1994 and its regulations or the Species at Risk Act or both, while taking into account Environment and Climate Change Canada's Guidelines to avoid harm to migratory birds.*
Recommendation	The MMF supports the inclusion of Condition 4.1, however, request that the Agency adopt the following sub-conditions: 4.1.X the Proponent will implement key mitigation measures and recommendations as they pertain to vegetation, migratory birds and species at risk, as outlined above and considered necessary by IAAC to ensure the project does not result in significant adverse effects to terrestrial resources. 4.1.X. prior to construction, the Proponent will develop a follow-up program, in consultation with relevant federal and provincial authorities and Indigenous groups, to verify the accuracy of the EA, verify the effectiveness of mitigation measures related to avoiding harm to migratory birds and migratory bird species at risk, their eggs, and nests, and to inform the need for the implementation of contingency measures. The follow-up program will be implemented during the construction phase and during maintenance activities that may adversely affect migratory birds.
Requested Additional Condition 4.4	The Proponent will employ a Qualified Professional, that will implement the direction of the *Recommended Development Setback Distances and Restricted Activity periods for Birds by Wildlife Feature Type* (CDC, 2021) and *Guidelines for Early Mineral Exploration in Manitoba: BMP 15 - Wildlife* (Mining Association of Manitoba, 2025) to define and implement species-specific setback distances, and planning, operating and decommissioning considerations, for wildlife features of

	migratory birds (i.e., stick nests, rookeries, etc.) and species at risk (i.e., residences, seasonal movement corridors, interprovincial ranges, habitat requirements, key habitat areas, identified critical habitat/recovery habitat (where applicable), general life requirements such as mineral licks or calving sites) at the Project.
Recommendation	A follow-up program must be developed prior to construction, in consultation with relevant federal and provincial authorities and Indigenous groups, to determine the effectiveness of species-specific mitigation measures presented for migratory birds and species at risk, which will inform adaptive or corrective actions at the Project.
Requested Additional Condition 4.X	A follow-up program must be developed prior to construction, in consultation with relevant federal and provincial authorities and Indigenous groups, to assess potential changes and predictions of the EA Report with a focus on mortality risk, as it relates to migratory birds and species at risk (i.e., potential effects on individuals, potential effects to critical habitat).
Recommendation	Prior to construction, develop a follow-up program, in consultation with relevant federal and provincial authorities and Indigenous groups, to verify the accuracy of the EA, verify the effectiveness of mitigation measures related to avoiding harm to wildlife/non-avian species at risk, their dens or hibernacula, and other important habitat features (i.e., mineral lick, calving sites, areas exhibiting biophysical attributes of critical habitat features for species at risk that have partial identification of critical habitat, etc.), and to inform the need for the implementation of contingency measures. The follow-up program will be implemented during the construction phase and during maintenance activities that may adversely affect species at risk.
Requested Additional Condition X	The Proponent will implement key mitigation measures, recommendations, and follow-up program as outlined above and considered necessary by IAAC to ensure the project does not result in significant adverse effects to wetlands and vegetation, including species of cultural/traditional importance.
Recommendation	Develop a follow-up and monitoring program, prior to construction and in consultation with Indigenous groups and relevant federal and provincial authorities, that will be implemented during the entirety of the construction phase and when maintenance activities are taking place. The program should provide a framework for monitoring Project effects to wetlands and plant species of cultural importance to Indigenous groups within the Project Footprint and LAA. To inform this program, consult with Indigenous groups to identify the location of wetland sites and plant species of cultural importance within or near the Project Footprint that may be affected by the Project.
Requested Additional Condition X	The Proponent will implement key mitigation measures, recommendations, and follow-up program as outlined above and considered necessary by IAAC to ensure the project does not result in significant adverse effects to permafrost.
Recommendation	Should permafrost soils remain within the Project Footprint following construction, develop a follow-up program, prior to construction and in consultation with Indigenous groups and relevant federal and provincial authorities, to monitor permafrost within the Project Footprint, the potential for

	permafrost thaw to affect the Project, and associated potential effects to vegetation, wildlife, fish and fish habitat, and Indigenous Peoples.
Requested Additional Condition X	The Proponent will plan for offsetting, restoration, and decommissioning activities must be planned at a ratio deemed appropriate by federal and provincial authorities and Indigenous groups, prior to construction for intended wetland habitat. These activities will be prioritized in areas where disturbance. to wetlands or critical habitat for species at risk will occur.
Recommendation	The MMF defines an acceptable offsetting ratio of 2:1 for wetland or critical habitat for species at risk disturbance at the Project. Offsetting and restoration/enhancement measures must include the use of native seed mixes and plantings that ensure vegetation species of cultural importance are included. It is expected that the development and implementation of a follow-up program, as it pertains to offsetting will be required to determine effectiveness and success, and must be informed by Red River Métis Knowledge.
Requested Additional Condition X	The construction of temporary infrastructure must not include the excavation of soils containing permafrost.
Recommendation	No permafrost removal should be permitted to occur related to the installation of temporary features (i.e., work camps); only the use of modified construction techniques will be permitted in areas impacted by permafrost soils.
Requested Additional Condition X	Internal plans and programs developed to manage nuisance wildlife or terrestrial resources have been developed by the Proponent.
Recommendation	Internal management plans and programs intended to mitigate risk or protect terrestrial resources must be reviewed and informed by Indigenous groups, including Red River Métis-specific Knowledge and land use information applicable to the Project (i.e., Nuisance Beaver Management Plan).
Condition 5.3	*The Proponent shall implement measures to mitigate fugitive dust emissions attributable to the Designated Project, including by applying non-chemical dust suppressants, including water, on Designated Project roads during construction and operation when dust is expected or is occurring, such as periods of drought and high winds.*
Recommendation	Given the anticipated increase of fugitive dust generation from construction equipment and operational traffic, and the sensitivities along the Project Footprint (i.e., wetlands, important wildlife areas, etc.), the MMF recommends the Project implement a Dust Suppressant Study and follow-up program to determine the most effective non-chemical suppressant for application at the Project.

Predicted Effects on Valued Components

Fish and Fish Habitat (Section 7.1)

Overall Effects Determination

The proposed Project includes the installation of 51 stream crossings, a potential replacement or upgrade of an existing Acrow bridge at God's River, and the construction of a new two-span bridge at Magill Creek. Of the 51 crossings set out to receive installation of culverts, 23 have been classified as fish-bearing. Data collection for aquatic environmental studies was completed in June 2016. This short study window severely limits the utility of results as it does not represent seasonal variability, nor do the results capture year-to-year variation that is important for many characteristics of aquatic environments and to adequately understand impacts resulting from the Project and changes over time or seasons.

Within the Draft EA Report, the Agency recognizes and acknowledges that there are remaining concerns regarding the lack of field-based studies conducted by the Proponent to confirm the presence of fish and fish habitat in watercourses that will be impacted by the Project. However, the Agency has not requested, through its Draft Conditions, that the Proponent conduct a more thorough investigation of these water crossings to confirm their fish-bearing status. The MMF has previously raised concerns regarding the methods used to determine "non-fish-bearing" crossings through aerial or satellite images and remote survey data, without on-the-ground confirmation.

The EIS guidelines outline requirements for the acquisition of baseline data for fish and fish habitat and potentially affected surface waters, including but not limited to:

- A characterization of fish populations (e.g., abundance, distribution, and movements) on the basis of species and life stage including information on the surveys carried out and the source of data available (e.g., location of sampling stations, catch methods, date of catches, species, catch-per-unit effort).

- A description of primary and secondary productivity of aquatic resources (e.g., benthic communities, feeder species, aquatic plants) in terms of abundance and distribution in affected water bodies with a characterization of seasonal variability.

- A description of natural obstacles (e.g., falls, beaver dams) or existing structures (e.g., water crossings) that hinder the free passage of fish.

- The description and location of suitable habitats for fish species at risk that appear on federal and provincial lists and that are found or are likely to be found in the study area (CEAA, 2017, p. 23).

Within the Draft EA Report, the Agency finds that Project-related changes to fish habitat would be adequately addressed and unlikely to result in changes to fish abundance and distribution within the Project Footprint and LAA. The MMF disagrees with the Agency's conclusion that the Proponent has done sufficient work, and strongly reasserts the importance of gathering as much accurate data as possible prior to the start of construction. The credibility of any follow-up and monitoring program developed for this Project would benefit directly from the acquisition of reliable and robust baseline data to compare future results to. The MMF feels it is counterproductive for the Proponent to rely upon a "data validity review,": this approach could result in unanticipated additional fieldwork closer to the start of construction and cause delays and changes to the construction schedule based on findings.

The Draft EA Report identifies the main residual environmental effects of the Project, after implementation of key mitigation measures, as including effects on fish and fish habitat from habitat destruction or alteration, changes to fish passage, and effects on fish health and survival. Further, the Agency states that the Project may result in residual environmental effects to species at risk that are of cultural importance to Indigenous groups. Based on the review of the EIS and the Draft EA Report, the MMF concludes that there remains a considerable amount of uncertainty in the ability to accurately predict impacts when insufficient baseline assessment for fish and fish habitat has been completed for the proposed Project.

The Draft EA Report outlines that the Proponent predicts that the Project will result in approximately 1,170 square metres of fish habitat alteration and approximately 4,536 square metres of fish habitat destruction. Further, the Proponent predicts that this combined net loss of productive capacity of fish habitat could also result in measurable adverse changes to local fish communities and populations within the Project Footprint.

Within Section 7.1.1 of the Draft EA Report, the Agency states the Proponent's conclusion that "any residual net loss of the productive capacity of fish or fish habitat affecting local fish communities and populations, including fish species at risk, as a result of the project were not predicted to be of sufficient magnitude, frequency, or duration to result in measurable effects at the population level." The MMF does not understand how such a statement can be made without having conducted sufficient baseline surveys to accurately characterize fish and fish habitat within the Project Footprint and LAA. The Proponent has identified the difficulty associated with collecting field data in this remote area as justification for such a limited assessment. The MMF has expressed previously that there are methods available that can determine fish presence in waterways with fewer physical requirements for field staff, for example, through the use of eDNA, which is also cost-effective.

There is inconsistent messaging within the Draft EA Report, with the Agency stating that the Proponent predicts that Project-related destruction and alteration of fish habitat would be reversible over a long period and would only persist for the life of the Project. The Draft EA Report also claims, however, that the foreseeable lifetime of the proposed Project is "indefinite." Therefore, the statements made regarding reversibility and life of the Project are not made in earnest, knowing that there is no foreseeable decommissioning of this Project. As such, the wording should be changed within the Draft EA Report to

state that the residual effects to fish and fish habitat are “irreversible” given the indefinite lifetime of the Project.

Section 2.2 of the Draft EA Report states that culverts will be installed at 51 stream crossings; single or multiple round culverts would be installed at 23 fish-bearing streams, and small diameter culverts (minimum 900 mm diameter) would be used at 28 non-fish-bearing watercourse crossings. The Draft EA Report does not provide any additional information on whether these culverts would, at minimum, be embedded within the stream channel to provide more natural substrate throughout the culvert, or whether they have considered implementing best practices for fish-stream crossings by installing open-bottom structures which help maintain natural channel characteristics, minimize disturbance of the channel during installation, and minimize debris clogging.

It is recognized that open-bottom structures are more costly, and the MMF would be satisfied if these structures were proposed for only select crossings that have the highest quality fish habitat present (determined through in-field assessment, including Red River Métis monitors). Section 2.3 of the Draft EA Report briefly outlines the process that will be followed for the installation of culverts, but does not distinguish this process between fish-bearing and non-fish-bearing crossings. Further, the “restoration of vegetation following construction” of the crossings does not identify whether this would include riparian vegetation, in-stream vegetation, and to what extent. Riparian vegetation composition and structure is crucial for fish habitat through maintaining bank stability, providing insect drop for fish, providing shade, and more.

The data shown within Table 3: Total Habitat Destruction and Alteration at Proposed Watercourse Crossings are inherently incomplete without having conducted sufficient classification of the fish-bearing status of all watercourse crossings. Considering the Draft EA Report states that “fish habitat is anticipated to be destroyed or altered at all [fish-bearing] watercourse crossings except God’s River” (IAAC, p. 49), the MMF feels strongly that there must be on-the-ground confirmation of the assumed non-fish status for the 28 crossings, which could potentially also result in fish habitat loss if classification is inaccurate, subsequently resulting in a larger offsetting requirement.

It is recognized that detailed offsetting plans are not part of the Draft EA Report. However, the MMF would like to take this opportunity to highlight the importance of accurately depicting the amount of fish habitat that will be altered and/or destroyed so that future offsetting plans are based on a solid understanding of impacts. The MMF reiterates its previous request that the Proponent prepare conceptual offsetting plans to, at a minimum, identify potential locations and design objectives.

Lake Sturgeon and Species of Cultural Importance (Section 7.3 and 7.4)

Canadian lake sturgeon populations are subdivided into four separate “designatable units” based on national freshwater fish biogeographic zones and genetic distinctions. The Project overlaps with the DU3 population of lake sturgeon, referred to as the Southern Hudson Bay–James Bay populations. The Project

Footprint includes the God's River, which is a main tributary of the Hayes River. Currently, DU3 lake sturgeon are classified as Special Concern under SARA.

Considering anticipated timelines for construction to begin (if the Project is approved) and the eight-year construction window, the MMF would like to see the Agency acknowledge the possibility that lake sturgeon may be reassessed during that time, and potentially up-listed to a status of Threatened under SARA before the proposed bridge crossings are replaced/constructed over God's River and Magill Creek.

The MMF acknowledges that, depending on the bridge design selected, there may be limited to no in-stream works required at the God's River crossing. However, there will be an inevitable and considerable increase in vehicle traffic traversing the existing Acrow bridge during Project construction, as well as the predicted 300 vehicles a day following construction. This introduces new threats to God's River and Magill Creek including vehicle accidents (which commonly take place on or near bridges), fuel spills, mobilization of sediment and runoff from the road surface, increased fishing pressure, and more.

The MMF recently conducted a technical review of the draft *Management Plan for the Lake Sturgeon (Acipenser fulvescens) Southern Hudson Bay – James Bay Populations (DU3) in Canada*, a copy of which is attached hereto as Appendix "A" (the "Draft Management Plan"). Through this review, the MMF identified concerns as well as opportunities to improve the current understanding of the Hayes River watershed lake sturgeon population and inform management objectives for the species.

Within the Draft Management Plan, mature lake sturgeon within the God's River were estimated at >500 individuals, based on data that is greater than fifteen (15) years old. Another form of population estimate was made, referred to as effective population size, which is a measure of genetic variation within a population. While an estimate was not given for God's River, the draft plan estimated the effective population size of the Hayes River and Fox River (another main tributary of the Hayes River) at 52 and 94 individuals, respectively. A minimum estimate of 50 is thought to be required for the short-term viability of a population, indicating that the lake sturgeon population within the Hayes River watershed is further threatened by genetic limitation.

There is an opportunity here for the Agency to collaborate with Fisheries and Oceans Canada and propose that a monitoring program for lake sturgeon within the God's River be conducted as part of the Project 6 all-season road, given the increased pressures that accompany the Project's approval. Any data collected through this process could help Fisheries and Oceans Canada to better understand the watershed and aid in identifying areas for future restoration projects, and could be a meaningful complement to align with anticipated *Fisheries Act* Authorization habitat offsetting efforts or the development of complementary measures. This is a unique opportunity for Canada to demonstrate a collaborative approach between agencies and take initiative to better understand culturally significant species at risk.

The Draft EA Report outlines the Agency's recommendation that the Proponent include a component within the follow-up and monitoring program to verify the presence, distribution, and abundance of lake sturgeon, and to inform the need for the implementation of contingency measures. The MMF does not

find this recommendation to be effective, because it does not require the Proponent to conduct any surveys prior to construction, and does not guarantee that the assessments will be in line with the management objectives set out by Fisheries and Oceans Canada in the draft Management Plan for DU3 lake sturgeon. The potential threats to lake sturgeon in God's River begin when mobilization of construction machinery and materials is initiated. Therefore, assessment of the presence, distribution, and abundance of lake sturgeon should be conducted in advance of construction, so that any follow-up monitoring can compare baseline data to what is gathered after construction begins.

The MMF has made previous requests of the Agency that additional critical fish lifecycle periods be added to the respective tables, which identify reduced risk windows for construction works to take place. The Proponent currently only identifies spawning as a critical period, but does not include migration, incubation, and fry rearing as critical lifecycle periods to be considered during construction activities. The MMF would also like to see a requirement for the Proponent to consider critical lifecycle periods for species of cultural importance such as walleye, lake sturgeon, whitefish, trout, and pike.

Follow-Up and Monitoring Programs

The Agency has required, through its Draft Conditions, that the Proponent develop follow-up monitoring in consultation with Indigenous groups and relevant authorities, to verify the accuracy of the Draft EA Report and determine the effectiveness of mitigation measures with respect to effects on fish and fish habitat. The MMF recognizes that follow-up monitoring is required to verify predictions of the Draft EA Report. However, we note that there is a lack of conditions in place to compel the Proponent to intervene in the event that predictions are not verified. The MMF recommends the addition of language requiring that all follow-up monitoring be paired with an adaptive management framework with specific triggers for intervention, and proactive contingency measures or mitigations outlined to ensure effects which exceed those predicted in the Draft EA Report are not realized.

The MMF requests that the Agency require within its Draft Conditions that the Proponent install in-situ monitoring stations at God's River and Magill Creek, at minimum, as the two largest fish-bearing water crossings. Through this approach, real-time data would be available to the public with alerts set for determined triggers and thresholds, which would enhance transparency between the Proponent and impacted stakeholders and rights holders.

The MMF has identified, through previous review of the EIS, that no assessments have been completed within lakes in the Study Area (of which there are several). As such, it remains unclear whether these lakes could potentially provide habitat for a wider diversity of fish than has been reported thus far, such as lake trout and shortjaw cisco, a species at risk. Therefore, the MMF asserts once again that, in order to fully characterize the potential impacts to fish and fish habitat within the Project Footprint and RAA, all waterbodies that have the potential to be impacted must be appropriately surveyed (including physical, chemical, and biological criteria) prior to construction and be included in respective follow-up monitoring programs.

Draft Conditions

Recommended Condition	
Condition 2.4 (*Follow-up programs*)	*The Proponent shall, where a follow-up program is a requirement of a condition set out in this document, develop the follow-up program taking into account any guidance documents provided by the Agency and determine, as part of the development of each follow-up program and in consultation with the parties being consulted during the development of each follow-up program, the following information, unless otherwise specified in the condition:* *…* *2.4.5 – the levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s), including instances where the Proponent may require Designated Project activities causing the environmental change to be stopped.*
Recommendation	Rephrase the parent condition to highlight the need for the Proponent to, prior to the development of any follow-up programs, have conducted, to the best of their ability, a fulsome baseline assessment of all parameters that could foreseeably be part of a follow-up program: *The Proponent shall, in preparation for any follow-up program that is a requirement of a condition set out in this document, have conducted all applicable baseline assessment as required through the EIS guidelines and in anticipation of future follow-up monitoring, develop the follow-up program taking into account any guidance documents provided by the Agency and determine, as part of the development of each follow-up program and in consultation with the parties being consulted during the development of each follow-up program, the following information, unless otherwise specified in the condition*. This rephrasing is recommended such that sub-conditions, such as Condition 2.4.5, can accurately identify levels of environmental change relative to baseline that result from the Project and would require the Proponent to implement modified or additional mitigation measures.
Condition 3.2	*The Proponent shall implement and maintain, at a minimum, the following mitigation measures to control sedimentation, runoff and erosion in the Designated Project area, as appropriate, during construction and operation while taking into account Canadian Council of Ministers of the Environment's Canadian Water Quality Guidelines for the Protection of Aquatic Life.*
Recommendation	It is requested that this condition be enhanced to include the requirement for the installation of in situ real-time monitoring stations upstream and downstream of the proposed road crossing location on God's River and Magill Creek, and any other fish-bearing waterway with traditional use by Indigenous groups. These monitoring stations should provide real-time, publicly available measurements of turbidity, temperature, DO, pH, and conductivity. This would improve the understanding of real-time water quality and ensure short-term

	water quality events are not overlooked. These stations would complement other ongoing monitoring programs.
Condition 3.3	*The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement during construction and operation, an explosive and blasting management plan when using explosives in or around fish-bearing waters. In doing so, the Proponent shall:* *3.3.1 - avoid the use of ammonium nitrate explosives within 30 metres of fish-bearing watercourses or watercourses with known use by Indigenous Peoples as a drinking water source;* *3.3.2 - ensure that the following thresholds in Fisheries and Oceans Canada's Guidelines for the use of explosives in or near Canadian fisheries waters are not exceeded:* *3.3.2.1 an overpressure of 100 kilopascals (kPa) in fish habitat; and* *3.3.2.2 peak particle velocity of 13 millimetres per second in a spawning bed during the period of egg incubation.*
Recommendation	Additional requirements of this condition should include: 3.3.X – Rule out all other potential alternative methods prior to initiating the use of blasting and explosives at or near fish-bearing watercourses. 3.3.X - Adhere to reduced risk-timing windows for all critical lifecycle periods for fish species, such as avoiding the use of blasting and explosives during migration, egg incubation, and fry rearing. 3.3.X – If blasting occurs within reduced risk windows, consult with Indigenous groups and determine whether a fish salvage should be done to further reduce risks to fish prior to blasting.
Condition 3.6	*The Proponent shall identify, prior to construction and in consultation with Indigenous groups, Fisheries and Oceans Canada, and other relevant authorities, timing windows of reduced risk for in-water work and conduct in-water work within these reduced risk windows, unless otherwise approved by Fisheries and Oceans Canada. In doing so, the Proponent shall take into account Manitoba Restricted Activity Timing Windows of the Protection of Fish and Fish Habitat. The Proponent shall notify, prior to construction, the Agency of these reduced risk windows*.
Recommendation	We request that the Agency include additional language requiring the Proponent to provide notification to all impacted Indigenous groups if any works are delayed such that they may need to be conducted outside of the reduced-risk timing windows for minimizing impacts to fish.
Condition 3.X	*The Proponent shall conduct thorough baseline data collection, prior to any construction works taking place, as it pertains to the determination of fish-bearing status at all proposed water crossings, and identifying all potential pathways of effects for fish and water quality.*
Recommendation	Currently, the Proponent has outlined that if fish are identified at previously classified "non-fish bearing" crossings, works will pause and mitigation measures will be applied. This approach could lead to considerable delays in the scheduling of construction works. Thus, requiring the Proponent to conduct thorough

	examination of all water crossings prior to construction commencing will increase confidence and minimize unpredictable delays once construction begins.
Condition 3.5.X	*The proponent is required to quantify the amount of fish habitat altered, disturbed, or destroyed following construction at each water crossing, to inform a more accurate habitat offsetting program.*
Recommendation	Considering the possibility that one or more of the "non-fish-bearing" water crossings may be incorrectly classified, it is crucial that the Proponent keep detailed records of the precise amount of habitat that is altered, disrupted, or destroyed at each crossing, in the case that fish are later observed, and the site becomes part of the larger offsetting requirements.

Indigenous Peoples – Current Use of Lands and Resources for Traditional Purposes, Physical and Cultural Heritage, and Sites of Significance

Consultation, Engagement, and Red River Métis Land Use (Section 4 and 9)

MTI reports that Indigenous Traditional Knowledge[13] incorporated into the EIS was collected via community meetings, workshops, and interviews and that the following First Nations and Indigenous groups were provided an opportunity to participate in a Traditional Knowledge and Land Use Study[13]:

Manto Sipi Cree Nation

Bunibonibee Cree Nation

God's Lake First Nation

God's Lake Narrows Northern Affairs Community

Additional sources of information related to Traditional Knowledge included a Trapper Participation Program, which used local knowledge of the above groups to help provide baseline data on the potential effects of the Project on trappers and furbearers; and broader area studies completed on the east side of Lake Winnipeg as part of a Transportation Network Study completed by SNC-Lavalin.

To date, the Proponent has not undertaken any Project-specific Traditional Knowledge and Land Use Study, community meetings, workshops, interviews, or other processes to gather Red River Métis Traditional knowledge. Further, as we note in our submission in response to MTI's Information Request

[13] MTI. 2019. Chapter 5: Indigenous and Public Engagement. Available from : https://iaac-aeic.gc.ca/050/documents/p80138/129541E.pdf

responses (IR 23 and IR 25), MTI have failed to provide any form of meaningful engagement, and further have failed to make any effort to characterize Red River Métis land use and rights-based activities which are known to occur with the footprint of the project and nearby lands and waters. Our 2019 response to the EIS and 2025 response to Information Request responses demonstrated our 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 Red River Métis rights, claims and interests.

The MMF is very concerned that if this Project is approved, MTI's actions will impact Red River Métis Citizens ability to exercise rights, without being properly mitigated. In review of the Draft EA Report, the MMF takes issue with IAAC's summation of views expressed. While we do agree with the synopsis that the MMF raised concerns regarding potential adverse Project effects on current activities, this minimizes the MMF's contributions, which were muted simply by a lack of *meaningful* engagement. The consequence of this is that the MMF had limited opportunity to voice specific and targeted concerns regarding impacts to land use, not as a result of land use and exercise of rights not occurring, but rather as a result of these impacts not being assessed and addressed. The MMF raised concerns about the quality of impacts to land use and rights characterization in 2019, matters which are clearly required under the EIS guidelines, however, IAAC has failed to meaningfully compel MTI to achieve a standard acceptable to the MMF.

While the Proponent is primarily responsible, having advanced their assessment work knowingly ignoring the concerns of the MMF, ultimately, IAAC must act in accordance with the honour of the Crown as the decision-maker, to ensure that adequate measures are implemented to appropriately characterize, understand, and prevent negative impacts from Project activities on Red River Métis rights.

Physical and Cultural Heritage, and Sites of Significance (Section 9.2.2)

The MMF identified key issues related to significant gaps and deficiencies in how archaeology and cultural heritage—particularly Red River Métis heritage—have been addressed in the Project's EA. The necessary technical documents for archaeology and cultural heritage have not been provided, preventing a full review of the methods, results, and overall adequacy of the work.

Although federal legislation, the EIS guidelines and the common law duty to consult, all of which must now be implemented in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples*, which has been adopted under Canadian law, require engagement with Indigenous communities, including the MMF, only First Nations heritage has been considered, despite the Project being located on Crown land with documented historical and contemporary Métis use. As a result, Métis rights, interests, archaeology, and cultural heritage have not been properly assessed. Additionally, the EIS does not commit to the use of Indigenous archaeological monitors, provides no rationale for their exclusion, and lacks a formal Chance Find Protocol to guide responses if unexpected heritage resources are discovered—particularly those specific to Métis culture, which are often misidentified.

The recommendations call for the Proponent to provide all technical archaeology and heritage documents to the MMF for review; to return the EIS as deficient until Métis archaeology and cultural heritage are properly identified and assessed through a Project-specific Métis Traditional Knowledge study, supported by adequate capacity funding; to formally commit to including Indigenous (including Métis) archaeological monitors in all further heritage work with proper funding and proof of implementation; and to develop a clear, Red River Métis-inclusive Chance Find Protocol that outlines notification procedures, proper identification processes, and collaboration with the MMF if heritage resources are encountered.

The MMF remains concerned that the lack of distinction-based approaches applied to archaeological and cultural resource assessment continues to place Red River Métis cultural and historic values at risk.

Draft Conditions

Recommended Condition	
Condition 1.18	*Indigenous groups means the following Indigenous Peoples: Bunibonibee Cree Nation, Garden Hill First Nation, God's Lake First Nation, Manto Sipi Cree Nation, Norway House Cree Nation, Pimicikamak Okimawin (Cross Lake Band of Indians), Red Sucker Lake First Nation, St. Theresa Point First Nation, Wasagamack First Nation; and the Manitoba Métis Federation.*
Recommendation	The MMF requests that conditions clearly reflect the need for the Proponent and other parties to apply a distinctions-based approach to all activities that appropriately reflect the unique needs, interests, challenges, and opportunities for Red River Métis and First Nations. The MMF requests the following language be applied in addition to Condition 1.18: "The Proponent shall recognize the unique interests, needs, barriers, and impacts of this project on affected First Nations and Red River Métis, and apply a distinctions-based approach to the interpretation and execution of all approval conditions"
Requested Additional Condition – 2.3.X	The Proponent shall work with the Manitoba Métis Federation to develop and implement a life-of-project Engagement Plan detailing how it will engage with the MMF.
Recommendation	Given the Proponent's repeated dismissal of the MMF and lack of meaningful engagement throughout the EA process, the MMF requests that the Proponent develop an engagement plan for detailing how it will engage with MMF throughout the life of the Project. The plan should elaborate on how the Proponent will action the requirements outlined in Condition 2.2 and relevant sub-conditions. An MMF-specific engagement plan will ensure clarity regarding the Proponent's direction on engagement effort and channels.

Condition 6.9 and 6.9.1	The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, and implement during construction, a follow-up program to verify the accuracy of the EA and determine the effectiveness of mitigation measures as it pertains to the quality and quantity of resources used by Indigenous Peoples. In doing so, the Proponent shall: *identify locations for monitoring potential changes in the quality and quantity of resources in consultation with the MMF and based on Traditional Knowledge.*
Recommendation	The MMF is concerned that this Condition, while well-intended, will fail to be effective in monitoring potential changes in the quality and quantity of resources identified by the MMF; as such an opportunity was not provided during the assessment process, and as a result, no baseline data or description of meaningful indicators or valued components to monitor exists. In reiterating the direction provided in the EIS guidelines, the MMF requests the following language be adopted as a condition: Where, in discussion with the Red River Métis, the MMF identifies deficiencies in the Proponent's understanding of "quality and quantity of resources used by Indigenous Peoples – notably the Red River Métis," the Proponent shall, in collaboration with the MMF, develop a plan to address deficiencies, which will inform the monitoring described in Condition 6.9 and 6.9.1.
Condition 7.1.4	*Identify and map locations of physical and cultural heritage resources and sites of significance that could be affected by the Designated Project*
Recommendation	The MMF supports this Condition in principle; however, it is important to further elaborate on its intention. The MMF understands that this Condition directs the Proponent to conduct remaining or subsequent archaeological assessment in collaboration with Indigenous groups. Where opportunities exist for further investigation, investigation should be completed. The MMF is concerned that, as currently presented, the Proponent is only required to discuss opportunities but is not required to follow through on them. As a result, the MMF feels this falls short of providing comfort in addressing continued gaps related to an understanding of impacts to Red River Métis cultural heritage resources.
Condition 9.1, 9.1.1 and 9.1.2	*The Proponent shall retain, prior to construction, the services of Indigenous monitor(s) to participate in the implementation of follow-up programs. Prior to retaining the services of Indigenous monitor(s), the Proponent shall undertake a collaborative process to determine, in consultation with Indigenous groups, the scope, purpose and objectives of the participation of Indigenous monitors and shall provide that information to the Agency prior to construction. As part of that process, the Proponent shall determine:* *How each Indigenous monitor shall be involved in monitoring their areas of interest, including the location, frequency, timing and duration of their participation; and* *How the Proponent shall support the participation of Indigenous monitors.*

Recommendation	This falls far short of the MMF's expectation for the inclusion of Indigenous monitors able to reflect and project the interests of the Red River Métis. As presented, the Proponent is responsible for selecting monitor(s) and establishing their role. Monitors must be selected in a manner that addresses the gaps in knowledge and understanding regarding the potential for impact to rights and cultural resources. As the MMF's rights and cultural resources to be impacted by this Project are unique, a generic Indigenous monitor is not appropriate. As a result, we propose the following inclusion for Condition 9.1: "The Proponent will work with each Indigenous group to identify and develop an Indigenous monitoring plan that includes, but is not limited to a description of scope, objectives, resourcing, and a work plan for active participation in project oversight."

Appendix A – Technical Review of the Draft Management Plan for the Lake Sturgeon Southern Hudson Bay-James Bay Populations in Canada

Technical Review of the Draft *Management Plan for the Lake Sturgeon (Acipenser fulvescens) Southern Hudson Bay– James Bay Populations (DU3) in Canada*

MMF – National Government of the Red River Métis

November 2025

1.0 Introduction

Fisheries and Oceans Canada (DFO) is undertaking consultation with the Manitoba Métis Federation (MMF) regarding their draft *Management Plan for the Lake Sturgeon (Acipenser fulvescens) Southern Hudson Bay–James Bay Populations (DU3) in Canada* (herein the "draft Management Plan"). DFO initiated consultation with the MMF regarding the draft Management Plan with a specific interest in receiving feedback about the measures proposed, whether the MMF supports the proposed measures, and if the MMF foresees benefits or impacts to Red River Métis rights, claims, and interests. To provide this input, the MMF has completed a technical review of the draft Management Plan and provided associated comments and recommendations. The MMF expects that DFO will incorporate the comments and recommendations provided here in the next iteration of Management Plan.

1.1 Background

Management Plans outline the needs of species listed as of "Special Concern" under the federal Species at Risk Act (S.C. 2002, c.29) (SARA) and the actions required to support their conservation. A Management Plan will include information regarding species distribution, species description, habitat needs, threats, management objectives, and strategies and conservation measures to meet the outlined management objectives. To create accountability within this conservation tool, federal ministers are required to report on the progress of the Management Plan within five years after publication of the final document on the Species at Risk Public Registry.

There are a total of four (4) lake sturgeon designatable units (DUs) in Canada, all of which are of conservation concern and listed by either SARA or the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). The lake sturgeon's range spans broadly across Canada and populations can be Addedfound in the Hudson Bay drainage, Great Lakes, and inland lakes and rivers of Alberta, Saskatchewan, Manitoba, Ontario, and Quebec. They can be found as far north as the Churchill River (draining to Hudson Bay), west to the Saskatchewan River in Alberta, and east to the St. Lawrence River downstream of Quebec City.

The ranges of three (3) lake sturgeon DUs are within the National Homeland of the Red River Métis (DU1, DU2, and DU3). The focus of this draft Management Plan for lake sturgeon is on DU3, the southern Hudson Bay–James Bay populations, which span from northeastern Manitoba through Northern Ontario and into northwestern Quebec.

2.0 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 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.[14]

[14] 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 draft Management Plan 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.[15]

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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15 [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.[16]

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,[17] including as related to the collective rights, claims, and interests of the Red River Métis.[18]

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.

[16] 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.

[17] *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."

[18] *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."

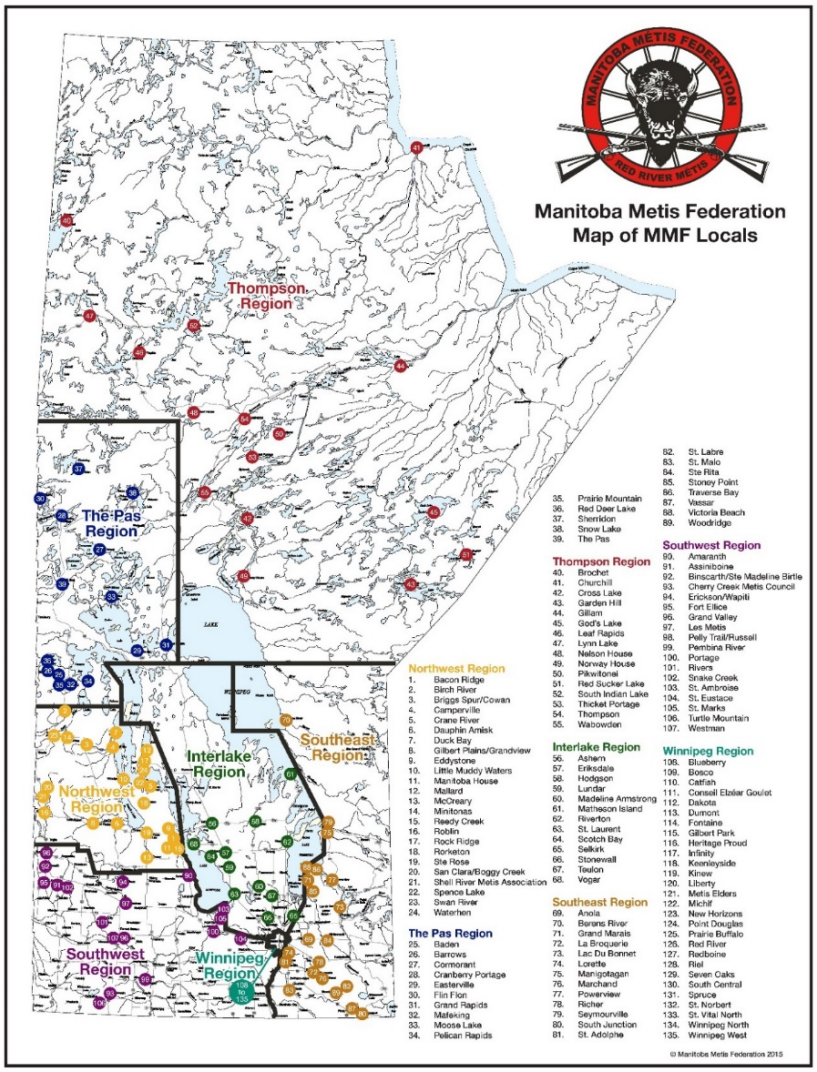

Figure 3. Manitoba Métis Federation (MMF) Regions.

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 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

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.*[19]

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.*[20] Additionally, in 2016, the *MMF-Canada Framework Agreement* stated:

> *the Supreme Court of Canada recognized that the claim of the Manitoba Métis Community was "not a series of claims for individual relief" but a "collective claim for declaratory relief for the purposes of reconciliation between the descendants of the Métis people of the Red River Valley and Canada" and went on to grant the MMF standing by concluding "[t]his collective claim merits allowing the body representing the collective Métis interest to come before the court". [and that] "Canada is committed to working, on a nation-to-nation, government-to-government basis, with the Métis Nation, through bilateral negotiations with the MMF. "*[21]

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[19] MMF-Manitoba Harvesting Points of Agreement (September 29, 2012), ss. 3, 6-7.
[20] *MMF Case, supra* note 6 at para 44.
[21] MMF-Canada Framework Agreement on Advancing Reconciliation, November 15

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.

3.0 Technical Review and Comment on the Draft Management Plan

The MMF has completed a technical review of the draft *Management Plan for the Lake Sturgeon (Acipenser fulvescens) Southern Hudson Bay–James Bay Populations (DU3) in Canada* (DFO, 2025). The following is a summary of primary technical concerns, with detailed comments provided in Appendix 1.

The most significant issue of concern to the MMF is that the draft Management Plan does not mention the Red River Métis or recognize the National Homeland of the Red River Métis. The Hayes River watershed, one of eight (8) major watersheds that are occupied by the southern Hudson Bay and James Bay lake sturgeon populations, is almost entirely within the National Homeland of the Red River Métis, yet this is omitted from the draft Management Plan. The MMF acknowledges that the draft Management Plan contains encouraging language regarding the importance of close and cooperative relationships with Indigenous communities and the incorporation of Indigenous Knowledge and input. However, by failing to take a distinctions-based approach and effectively recognize the Red River Métis and the importance of Red River Métis Knowledge, DFO has missed a key opportunity to demonstrate this close cooperation. The draft Management Plan must be updated to reflect the historic and contemporary presence of the Red River Métis and the location of DU3 within the National Homeland of the Red River Métis.

The MMF also has several technical concerns. For example, the draft Management Plan includes estimates for effective population size, which is a measure of genetic variation within a population, derived through genetic analysis (DFO, 2025). The draft Management Plan estimates the effective population size of two (2) areas within the Hayes River watershed, the Hayes River and Fox River mainstems, at 53 and 94 individuals, respectively (DFO, 2025). Based on the rule of 50/500 (Franklin, 1980), a minimum estimate of 50 is thought to be required for short-term viability of a population and a minimum of 500 is needed for long-term viability. Furthermore, the draft Management Plan does not speak to any possible causes of the low effective population estimates within the Hayes River watershed, nor does it pose any opportunities to apply measures that have worked well in other DUs where rebounding populations have been observed.

The draft Management Plan also provides specific estimates for mature lake sturgeon at over 500 in each of the Hayes River, Fox River, and Gods River. According to Table 3 in the draft Management Plan, these

estimates were derived from COSEWIC (2017) and are based on data over 15 years old. With effective population estimates close to the minimum requirement for short-term viability, it is critical that data be as accurate as possible. However, given that mature lake sturgeon estimates are based on data from 15 years ago (and older), the MMF is concerned that the estimates are rooted in uncertainty.

The draft Management Plan outlines the main threats to Canadian lake sturgeon (Section 6.1) as "the after-effects of historical harvest; contemporary harvest; habitat alterations resulting from dams and water management/use" (COSEWIC, 2017), among others. The MMF is concerned that, based on the specific order of threats, DFO puts unwarranted emphasis on contemporary harvest, given that commercial harvest operations targeting lake sturgeon have been vastly reduced (completely closed in Manitoba in 1999) (Manitoba Conservation and Water Stewardship, 2012). Recreational harvest is limited across DU3 to catch-and-release, leaving only "subsistence and traditional (Indigenous peoples)" harvesting and "illegal harvest" as the contributors to contemporary harvest. By appearing to place subsistence and traditional harvest as drivers of lake sturgeon population decline, DFO risks misrepresenting Red River Métis harvesting practices and minimizes the significant threats posed by habitat disruption, dams, and water management.

The Red River Métis value lake sturgeon and are committed to helping to build the foundation of knowledge on the DU3 lake sturgeon populations. While Red River Métis Knowledge documented by the MMF specific to lake sturgeon in DU3 is currently limited, it is important to note that this absence of data does not indicate an absence of use or knowledge. Rather, this is reflective of the MMF not yet having had the opportunity to focus data collection efforts in this area. It is clear that Red River Métis Citizens harvest within the Hayes River watershed and hold knowledge of this area. For instance, Red River Métis Citizens have reported harvesting sturgeon in the Hayes River watershed and adjacent areas including in Fox Lake, Cyril Lake, High Hill Lake, Silsby Lake, Cuddle Lake, and the Bigstone River. With continued support from the DFO, the MMF looks forward to documenting Red River Métis Knowledge and land use in DU3 specific to lake sturgeon that can support management efforts.

The MMF also acknowledge that there are limitations to Red River Métis Citizens and the MMF participating in monitoring and research programs 'on the ground' in DU3 due to the accessibility of the area and availability of funding. However, the MMF request that DFO make the MMF aware of field work and monitoring they are conducting in the area and seek opportunities for partnership on these initiatives. The MMF is keen to participate in programs within the DU1 and DU2 areas of Manitoba to develop capacity that would enable future collaboration in DU3.

4.0 Conclusion and Recommendations

Overall, the MMF acknowledges that the draft Management Plan identifies important concerns for DU3 lake sturgeon through a threat assessment and outlines clear management objectives as well as strategies and measures for the conservation of the species. However, the MMF has outstanding concerns as detailed in Appendix 1. The MMF's review of the draft Management Plan has resulted in a set of

recommendations that aim to strengthen the plan and minimize potential impacts to Red River Métis rights, claims, and interests.

Recommendations:

- DFO should engage the MMF through meaningful consultation and engagement to help fill data gaps related to the current extent of lake sturgeon within the Hayes River watershed. This includes continued opportunities to document Red River Métis Knowledge and land use within DU3.

- The MMF requests that (1) the language in lines 321–322 of the draft Management Plan be revised to read "The Hayes River watershed flows through the Traditional Territory of 4 First Nations and the National Homeland of the Red River Métis (Table 2)" and that (2) Table 2 of the draft Management Plan be revised to include the Red River Métis.

- DFO refers to "Indigenous groups" throughout the draft Management Plan, particularly in Section 8.3: Measures for the conservation of the species. The MMF requests that DFO take a distinctions-based approach and identify the Red River Métis alongside the First Nations that are currently identified as "Indigenous groups" having Traditional Territory overlapping the Hayes River watershed.

- The draft Management Plan outlines, in Appendix B, very limited cooperation and consultation activities pursued with "Aboriginal organizations". Furthermore, there is no explanation of the consultation process that took place to compile this draft Management Plan. The MMF requests that DFO amend Appendix B (or add a section within the document) outlining how Indigenous Traditional Knowledge was included in the drafting of this Management Plan, including details regarding future engagement and consultation, prior to its posting on the species-at-risk registry.

- Where feasible and accessible, DFO should include Red River Métis Citizens in research and monitoring programs that take place within the National Homeland of the Red River Métis. Additionally, the MMF requests that DFO provide notification of any research or monitoring activities that will take place within the National Homeland.

- DFO should commit to investigating the potential implications of lake sturgeon populations that have effective population estimates that barely support short-term viability. The draft Management Plan should discuss more options in terms of solutions for increasing genetic variation, such as translocation between populations and Indigenous-led hatcheries.

- The MMF requests that DFO provide further information on the prioritization of conservation and restoration efforts for areas with low estimations of effective population size, such as the Hayes River. If left too long, these estimates may dip below the threshold of 50 (for short-term population viability), and the chances of re-establishing healthy populations of lake sturgeon within the Hayes River watershed may be effectively lost.

5.0 References

COSEWIC. (2017). COSEWIC assessment and summary report on the lake sturgeon *Acipenser fulvescens,* Western Hudson Bay populations, Saskatchewan-Nelson River populations, Southern Hudson Bay – James Bay populations and Great Lakes – Upper St. Lawrence populations in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xxx + 153 pp.

Fisheries and Oceans Canada. (2025). Management Plan for the Lake Sturgeon (*Acipenser fulvescens*) Southern Hudson Bay – James Bay populations (DU3) in Canada [Draft]. *Species at Risk Act* Management Plan Series. Fisheries and Oceans Canada, Ottawa. xx + XX pp.

Franklin, I.R. (1980). Evolutionary change in small populations. In: Soule, M.E., and B.A. Wilcox (eds.) *Conservation Biology: An Evolutionary-Ecological Perspective*. Sinauer Associates, Sunderland, Massachusetts, pp. 135-149.

Manitoba Conservation and Water Stewardship. (2012). Manitoba Lake Sturgeon Management Strategy. 52 p.

Appendix 1: Comment Tracking Table

Table 1. Technical Review Comment Table

Line number—**Start**	Line number—**End**	**Comment / Request / Question Regarding Draft Management Plan**	Response
296	297	Within *Section 4.2: Population abundance and distribution*, the draft Management Plan states that within Canada, "some populations appear to be rebounding, while many have yet to exhibit meaningful signs of recovery" (COSEWIC, 2017). This statement is encouraging in that it states that there has been some success in terms of seeing rebounding lake sturgeon populations in the country. However, the section provides no indication of where these rebounds are occurring in Canada, and there is no mention throughout the document of what management or stewardship measures were associated with these rebounding populations. This is a missed opportunity to share more details about what has been successful thus far and discuss whether the same approaches could be applied to watersheds within DU3. The MMF requests that DFO include more information, where appropriate within the Management Plan, on how incidences of rebounding populations can be examples of success and discuss ways in which lake sturgeon management in DU3 can be modelled on this success.	
321	322	Lines 321–322 of the draft Management Plan state "*The Hayes River watershed flows through the traditional territory of 4 First Nations (Table 2).*" However, Table 2 does not include any reference to the Red River Métis nor the National Homeland. Almost the entire Hayes River watershed overlaps with the National Homeland (within Manitoba), and as such, the Red River Métis should be included within Table 2 of the Management Plan. The MMF requests that (1) the language in lines 321–322 be revised to read "The Hayes River watershed flows through the traditional territory of 4 First Nations and the National	

Line number—**Start**	Line number—**End**	**Comment / Request / Question Regarding Draft Management Plan**	Response
		Homeland of the Red River Métis (Table 2)" and (2) Table 2 of the draft Management Plan be revised to include reference to the Red River Métis.	
567	570	Within Table 4 of the draft Management Plan, estimates of effective population size for lake sturgeon in the Hayes River watershed are presented for two systems, the Hayes River and the Fox River, with effective lake sturgeon populations of 53 and 94, respectively. While both estimates are technically above the minimum of 50 required for short-term population viability, they are close to 50 (especially for the Hayes River), considering the draft Management Plan also states that an effective population size of 500 or more is necessary for long-term viability. The draft Management Plan does not discuss any possible causes for these low estimates within the Hayes River watershed, nor does it propose any potential solutions for increasing genetic diversity within these systems. Figure 4 only shows one "Unknown dam," high up within the Hayes River watershed. The MMF is concerned about why the lake sturgeon populations within the Hayes River and Fox River have low genetic variability, given the lack of obvious physical obstacles in the watershed. The MMF requests that DFO provide more information on the foreseeable effects of having an effective population size of 53 (Hayes River) and 94 (Fox River) might mean for these areas of the watershed. The MMF is concerned about the long-term viability of lake sturgeon populations in this important watershed within the National Homeland and the potential impacts to Red River Métis rights, claims, and interests should lake sturgeon effective population sizes continue to decline within the Hayes River watershed.	
681	688	Subsection 6.1 of the draft Management Plan outlines what DFO considers to be the main threats to Canadian lake sturgeon (lines 681 to 684), and lists "contemporary harvest" as the second main threat to the species. However, the draft Management Plan also outlines that the only method of harvest that is currently taking place within DU3 is Indigenous harvest (commercial harvesting has been illegal in Manitoba and since 1999; see line 788 of	

Line number—**Start**	Line number—**End**	**Comment / Request / Question Regarding Draft Management Plan**	Response
		Management Plan). The draft Management Plan refers to Indigenous harvest levels being "poorly known throughout the Ontario and Manitoba portions of DU3" (line 1,236) and also states that "in Manitoba, subsistence fishing is authorized under constitutionally-protected Aboriginal and Treaty Rights. Additionally, harvesting is considered to be at a relatively low level, and to be sustainable in the Hayes River system" (line 807 to 809). Based on the information provided, the MMF is unclear on the impact of harvesting on lake sturgeon in DU3. The MMF is concerned that this lack of clarity may result in ineffective or misguided regulatory or conservation efforts. The MMF requests that the DFO: (1) Please clarify, based on the quoted sections of the draft Management Plan, what methods of harvest are being referred to within the "contemporary harvest" threat. It is assumed that catch-and-release angling is not considered a method of harvest. (2) Please revise Section 6.1 for clarity and list the most significant threats first, followed by other threats (which would include contemporary harvest). The order in which the threats are listed on lines 681 to 688 is misleading compared to the order in which they are described within Section 6.2 (line 698 onwards).	
811	813	Subsection 6.2 of the draft Management Plan includes recreational harvesting as a threat, and states that throughout Ontario and Manitoba, fishing for lake sturgeon is strictly catch-and-release and is restricted to a subset of available waterbodies. The MMF recognizes that provincial fishing regulations are not within the scope of the DFO. However, the MMF is concerned about potential conflicts between the Management Plan and provincial fishing regulations. The MMF requests that DFO provide clarity regarding which criteria are used in determining the chosen subset of available waterbodies for recreational lake sturgeon fishing. Additionally, the MMF requests consultation regarding future decisions on the subset of available waterbodies.	

Line number—**Start**	Line number—**End**	**Comment / Request / Question Regarding Draft Management Plan**	Response
866	867	The MMF requests further information on whether DFO prioritization of conservation and restoration efforts will concentrate on areas that have low estimations of effective population size, such as the Hayes River. The MMF is concerned that, if left too long, these estimates may dip below the threshold of 50, and the chances of re-establishing healthy long-term (or even short-term) populations of lake sturgeon within the Hayes River watershed may be effectively lost. The MMF is also concerned about conservation and rehabilitation efforts being too little too late, and requests clarity on whether there are decision-making triggers as the effective population approaches 50, or based on downwards trends, to ensure efforts are appropriately targeted before the threshold is crossed.	
867	868	The MMF notes the following statement on line 867: “More quantifiable objectives relating to individual populations will be developed once necessary sampling and analysis have been completed.” The MMF notes that sampling and analysis programs are rare. Rather than conduct field work to build out lake sturgeon data, industrial and government proponents prefer to repeat localized small-scale monitoring or make assumptions based on desktop research. The MMF is also aware that sampling programs, and subsequent analysis, can take many years to design, organize, and implement. Given the existing reluctance to fill data gaps with new field studies, the MMF is concerned that it will take several years longer than expected to achieve the necessary sampling and analysis required for the development of more quantifiable objectives. By that time, it may be too late for many lake sturgeon populations within DU3. The MMF requests clarity regarding whether there is a forecasted timeframe or method of accountability to ensure that sampling and analysis is conducted in a timely fashion, so that the development of further objectives can take place before on-the-ground conditions potentially worsen. The MMF is concerned that, without accountability for timelines to fill	

Line number—**Start**	Line number—**End**	**Comment / Request / Question Regarding Draft Management Plan**	**Response**
		known data gaps, lake sturgeon will continue to decline, and restoration efforts will be ineffective in DU3.	
887	892	The MMF acknowledges that the draft Management Plan addresses the importance of close and cooperative relationships with Indigenous communities who inhabit the lands where lake sturgeon occur. However, Red River Métis have not been listed as an Indigenous group with territory overlapping DU3. The statements made between lines 887 and 892 refer to the requirements for accomplishing the three (3) long-term objectives of the Management Plan. The MMF is confident that with meaningful and ongoing consultation, Red River Métis Knowledge can be drawn on to support these management objectives. The MMF requests that the language in this section, and throughout the draft Management Plan, be updated to include the Red River Métis and recognition of the National Homeland of the Red River Métis.	
921	922	Within Section 8.1: Actions already being completed or currently underway, the draft Management Plan lists “improved understanding of genetic structure in lake sturgeon populations in northern Manitoba, where it was discovered that lake sturgeon in the Hayes system contained evidence of genetic structuring.” The MMF requests clarification as to whether this evidence of genetic structuring (a pattern of genetic variation) is related to the estimated effective population of lake sturgeon within Hayes River. For instance, is the low estimate of effective population a result of genetic structuring? If not, what are the implications of genetic structuring, and what plan does DFO have to ensure these implications are appropriately incorporated into the final Management Plan?	

Line number—**Start**	Line number—**End**	**Comment / Request / Question Regarding Draft Management Plan**	Response
1017	1018	Regarding the measures for the conservation of lake sturgeon, the draft Management Plan states “wherever possible, Indigenous Traditional Knowledge and input should be incorporated into these measures.” The MMF request that DFO provide clarification on how Red River Métis Knowledge and input will be incorporated, and how the MMF will be consulted on these matters moving forward.	
1054	1056	There are numerous instances in Table 6 within the draft Management Plan where the “Lead and Partners” column includes reference to “Indigenous groups.” The MMF request that the table be updated to include specific reference to the Red River Métis, and the MMF where applicable. Furthermore, is there a reason why “Indigenous groups” are mentioned within Table 6 in broad terms, as opposed to identifying groups by name?	
1054	1056	Within Table 6 of the draft Management Plan, in the column titled “Status / Timeline”, if a conservation measure has an upward limit to its timeline (e.g., #1-1 identifies a timeline of 2025–2030, and #4-1 identifies a timeline of 2022–2027), does this imply that the measure will not continue past the specified timeline? The MMF requests that DFO clarify why temporal limits are placed on measures such as “Habitat Improvement / Threat Mitigation” as opposed to having them be ongoing. Additionally, what contingencies are in place for conservation measures that fall behind their projected timelines, to help ensure that the measures do not stall or fail, and ensure lake sturgeons do not decline further?	
1698	1706	Within Appendix B of the draft Management Plan, the MMF is listed as an “Aboriginal Organization”. The MMF prefers to be referred to as an Indigenous Government, and requests that DFO make this adjustment within the document.	

Line number—**Start**	Line number—**End**	**Comment / Request / Question Regarding Draft Management Plan**	**Response**
		Additionally, the MMF seeks clarification on Appendix B where Chris Wilson is shown as affiliated with the Manitoba Métis Federation under "Province / Territory". It is likely that this was in error.	
NA	NA	**General comment:** Various statements highlight the importance of water temperature, flow rates, etc. for the success of lake sturgeon spawning, as well as other critical life stages such as larval drift. However, there are numerous references made throughout the draft Management Plan which indicate that climate change impacts are widely unknown in DU3. Despite this, two likely causes for changes in water temperatures, flow levels, sedimentation, etc. in the Hayes River watershed are climate change and hydroelectric dams. Recognizing the importance of climate-change sensitive aquatic habitat components and the stated lack of data across DU3, the MMF is concerned that the impacts of climate change on lake sturgeon are not being appropriately included in decision-making processes. The MMF requests a concerted emphasis from the DFO on having stricter authorization processes for the approval of any water use applications or future hydroelectric dams within the Hayes River watershed, to minimize potential impacts to lake sturgeon populations.	