

MSCN Comments on Draft IAAC Environmental Assessment

Section	Topic	MSCN Comment
1.2.2	Missing cumulative effects as a value component (VC) under federal jurisdiction	<p>Include cumulative effects on the environment, species, Aboriginal and Treaty Rights, health, socio-economics, etc.</p> <p>CEAA, 2012 requires the assessment of all connected projects in place or intended. MTI maps in the EIS have shown the P6 road complex to be connected to Manitoba’s existing road network. Clarify if the P6 road network will eventually be connected to the rest of the east-side road network and if so, include in cumulative effects.</p>
3.2.1	<p>Road alignment</p> <p>Water crossing type over God’s River</p> <p>Culvert design</p> <p>Burrow areas and quarries</p> <p>Temporary construction camps and laydown areas</p>	<p>MTI has indicated road alignment near MSCN (see current winter road corridor), water crossing infrastructure over God’s River, culverts (type, location, number), quarries and burrow pits, temporary work camps and laydown areas have not been finalized.</p> <p>If these infrastructure pieces are finalized after licencing MSCN will require funding/ capacity to meaningfully review and community review. There is no guarantee that MTI will meaningfully consult (following a pattern of poor consultation across the lifespan of the project so far).</p> <p>IAAC needs to know the finalized designs for each component (road, water crossing, culvert, burrow areas, quarries, camps and laydown areas) to determine if design and mitigation is adequate, what residual impacts would be, and if Aboriginal and Treaty Rights are infringed upon.</p> <p>IAAC needs to make mandatory in draft conditions (with input from MSCN) the alignment has least impact on all VCs.</p>
3.2.3 6.3.3 6.4.3 7.1.3 7.2.3	Data validity review with additional baseline data collection and field surveys	MTI needs to be required to share the data collected as part of the data validity review with MSCN.

<p>7.4.2.3 7.4.3 8.1.3 8.2.3 Appendix C</p>	<p>Development of follow-up and monitoring programs (fish)</p> <p>Development of revegetation plans</p> <p>Fish habitat offsetting plan</p> <p>Explosives and Blasting Management Plan</p> <p>Fish Rescue Plan</p> <p>Mitigation measures for caribou</p> <p>Mitigation measures for wolverine</p> <p>Artefact Recovery program</p> <p>Protection measures for known sites of significance</p> <p>Chance Finds protocol (archeological sites)</p> <p>Indigenous monitoring program (physical and cultural heritage sites and sites of significance)</p> <p>Communication Plan</p> <p>Follow-up program to verify accuracy of the environmental assessment and effectiveness of mitigation measures on use of lands and resources for traditional purposes.</p> <p>Follow-up program to monitor project-related changes in contaminant concentrations in country foods and soil where country foods are harvested</p> <p>Emergency response plan</p> <p>Notification plan (with respect to accidents and malfunctions) for Indigenous groups</p>	<p>When will additional baseline and field surveys take place? Each year for the eight years of construction?</p> <p>What is the procedure if the data validity review indicates changes in any of the VCs? How will project changes be reassessed under the licence?</p> <p>How will MSCN be consulted as to any new possible impacts on VCs and project changes?</p> <p>How can licensing assess adequacy of follow-up and monitoring programs when MTI has not yet disclosed them?</p> <p>With all of these additional follow-up plans, mitigation measures, monitoring and undecided infrastructure and route designs (13 pages in Appendix C), what capacity will be provided to MSCN to ensure meaningful consultation by both provincial and federal Crowns and engagement by the proponent?</p>
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	<p>Evacuation and emergency preparedness plan for wildfires</p> <p>Follow-up program to monitor permafrost within the Project Footprint, the potential for permafrost thaw to affect the project, and associated potential effects to fish and fish habitat and Indigenous Peoples.</p>	
4.1	Crown Consultation with Indigenous People	There has been no consultation with the Provincial Crown. The proponent (MTI) cannot also be the Crown.
6.1.3	Baseline air quality, noise and vibration levels	<p>IAAC needs to require MTI to conduct air quality monitoring as part of baseline validity</p> <p>Proponent should develop an air quality, noise and vibration level follow-up and monitoring program to verify the results of the environmental assessment, verify the effectiveness of mitigation measures, and inform the need for the implementation of contingency measures</p> <p>No mention or consideration that the construction phase is anticipated to be 8 years long. That is a long time for health of people and wildlife to be impacted by decrease air quality and considerable noise and vibration</p>
6.3.3	Surface water and flooding	<p>IAAC requests “where project activities on land will occur within 30 metres of the 1-in-2 year ordinary high-water mark of a waterbody, maintain an undisturbed vegetated buffer zone and avoid the use of heavy equipment, except where there are in-stream structures”.</p> <p>With ongoing weather changes and increasingly severe weather more robust buffers and water infrastructure should be developed, especially due to the project’s remote location.</p>
7.2 7.4.1.2 7.4.2.2 7.4.1.3	<p>Lack of incorporation of Indigenous knowledge into EIS, IRs, draft EA, etc.</p> <p>Lack of engagement by proponent for MSCN</p>	The draft EA report notes, “Manto Sipi Cree Nation and the Manitoba Métis Federation noted concerns that Indigenous knowledge regarding migratory waterfowl, forest birds, and culturally significant species was not considered in the proponent’s assessment of effects. This, along with the lack of information on the

	<p>Lack of provincial Crown consultation</p>	<p>methodology used to collect Indigenous knowledge, could affect the accuracy of the assessment.”</p> <p>There has been a lack of engagement with MSCN from the proponent throughout the project, and on each value component. As a condition of licencing IAAC should require MTI to fund a MSCN traditional land use study completed by MSCN members.</p> <p>“IAAC is of the view that the proponent’s proposed mitigation, follow-up, and monitoring measures, including identifying and mapping harvesting areas prior to construction... are appropriate to address potential project effects to current use.” (7.4.1.3)</p> <p>The proponent should have been required to fund MSCN to identify and map harvesting areas as part of engagement and to contribute to the EIS and the remainder of the assessment project. MSCN MUST be funded to complete this work prior to construction.</p> <p>“IAAC recognizes that concerns remain regarding potential project effects to Indigenous Peoples’ connection with the land and any associated loss of traditions. IAAC highlights the importance of ongoing engagement with Indigenous groups throughout the life of the project to identify, manage, mitigate, and monitor project effects to lands and resources of cultural and traditional importance to Indigenous groups, including traplines, that may be affected by the project, and associated effects to Indigenous Peoples’ connection with the land.” (7.4.1.3)</p> <p>There has been a lack of engagement by the proponent and no provincial Crown consultation with MSCN.</p> <p>“IAAC understands that the proponent committed to implementing mitigation measures to prevent or limit adverse effects to physical and cultural heritage resources and sites of significance, including... identification</p>
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		and mapping of areas of cultural importance to Indigenous groups prior to construction...” (7.4.2.3)
Table 5	Migratory birds labeled as non-migratory	Rusty Blackbird, Peregrin Falcon and Short-eared Owl are all migratory birds in the habitat around MSCN. This needs to be corrected.
Table 5 7.3.3	Changes in Species at Risk (SAR) listings	<p>“IAAC agrees with Environment and Climate Change Canada that, should eastern migratory caribou be listed under Schedule 1 of SARA before or during construction of the project, the proponent should be prepared to apply appropriate mitigation measures.”</p> <p>There have already been changes in in SAR under SARA over the course of this assessment. Construction is anticipated to continue over an eight-year period. SAR must be monitored, reported, and mitigation plans updated yearly.</p>
7.4.1	MSCN ancestral land	There is no mention of impacts by the road across MSCN ancestral land as a whole. MSCN ancestral land is more than just the registered trapline district.
7.4.3	Monitoring	In addition to an Indigenous monitoring program for sites with physical and cultural heritage and sites of significance, an Indigenous monitoring program should also include monitoring of all aspects of the project during construction.
7.5	Temporary work camps impact on Indigenous health and socio-economic condition	<p>No mention of the impact of an influx of people staying in temporary work camps on the health and socio-economic condition of MSCN community members.</p> <p>There has been a history of negative impact work camps on Indigenous communities in Manitoba including increased violence against Indigenous women and girls, substance abuse, social disruption, and strain on local services. (See the Manitoba Clean Environment Commission’s 2018 report <i>A Review of the Regional Cumulative Effects Assessment A For Hydroelectric Developments on the Nelson, Burntwood, and Churchill River Systems</i>).</p> <p>Conditions of the environmental assessment process and licencing must keep our communities and MSCN members safe and</p>

		healthy with the influx of outside workers in construction camps.
8.2.3	Climate change, flooding and infrastructure	<p>Project infrastructure, including stream crossings, were designed to accommodate a 1-in-50-year flood event.</p> <p>Climate change is resulting in more severe storms and storms occurring more frequently. Due to the remote nature of this site (i.e. difficult access for repair), MSCN requests infrastructure be designed to handle a 1-in-100-year flood event.</p>
8.3	Cumulative effects and VC choices	<p>“IAAC focused its analysis on effects to fish and fish habitat, migratory birds, species at risk, and Indigenous Peoples’ current use, physical and cultural heritage, sites of significance, and health and socio-economic conditions. IAAC is of the view that effects on the other valued components identified in this EA Report are unlikely to act in combination with the effects of other past, present, or reasonably foreseeable projects” (8.3)</p> <p>Two projects likely in MSCN territory include mining and timber harvesting, both which can have negative impacts on water quality (which would compound with Project 6). There are historical mines in the project area, and multiple companies working on different phases of mining currently.</p>
Table 6	Cumulative effects	<p>MTI eventually has plans to connect Project 6 to the rest of Manitoba’s highway network via provincial roads 373 or 374. There is no publicly available timeline yet, however, other east-side roads are in the IAAC registry and so it can be assumed the east-side road project is continuing to move forward.</p> <p>Impacts of connecting Project 6 communities to the Manitoba provincial road network need to be considered.</p>