

**MSCN Comment on MTI Response to IAAC Information Request
Project 6 – All-Season Road Linking Manto Sipi Cree Nation, Bunibonibee
Cree Nation and God’s Lake First Nation**

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

- Proponent response indicates that details regarding mitigation cannot yet be provided as *detailed design has not been developed due to lack of funds to continue developing the road project.*
- Lack of information and timelines for P6 construction while seeking permanent licensing indicates that new data, full design and added public and community reviews are required before any permanent licence is issued. Climate change impacts alone plus significant changes in costs between now and actual final design provide a basis for access to information, filings, review periods, and final decision making for licence to be made on update information and review results.
- Proponent indicates that such generalizations (lacking in detail) were sufficient in other EIS. The proponent appears to be telling us that what was done in other “P” projects over the past is adequate for P6. This project is intended to be much farther north in the boreal region than the others. Other road projects in Manitoba have dated previous EIS products that do not reflect either CEEA Guidelines or IAAC Guidelines for First Nations/Indigenous Peoples. They had fewer kilometers in staged lengths or had fewer waterway crossings, or different species mixture. In short there are many differences between earlier “P” projects and this P6 project.
- If an EIS is to be developed there should be enough information to provide more specific mitigation measures details.

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

- The MTI GHG assessment finds that emissions over 38 years would represent 0.98% of Manitoba’s total GHG emissions – but notes an absence of regional data to compare this to; they are going off provincial total emissions.
- MTI claims that any GHG emissions from increased vehicle travel would be ‘minor’. They fail to justify this assumption. MTI also claim that inter-community travel volume is unknown; there is question as to why participant First Nations were not asked (e.g. via survey). Also, a model may be used to determine estimates in road traffic.

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

- The proponent notes that it is possible that ‘more efficient’ equipment be used during project construction, but that full Tier 4 compliance cannot be guaranteed because they anticipate on using equipment owned/operated by local First Nations.

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

- The MTI responses incorrectly note: *“As discussed in Chapter 5 of the EIS, the traditional territories are defined by the registered traplines (RTLs) held by the communities and represent the traditional lands used by a community”*.
 - This inaccurate description of traditional territory is repeated in numerous locations throughout the report, including within IR1-12, IR1-30, IR1-77, and IR1-90.
- The community disagrees that the RTL defines their traditional land. The RTL system is a system put in place by the Crown approximately 75 years ago. MSCN ancestral lands/traditional territory are historic and extend north, south, east, and west of the RTL section boundary. Potential impacts from the proposed road project are limited in the MTI project area, but the proponent appears to be lacking in knowledge about traditional and ancestral land, land use, treaty rights and Aboriginal rights and history in the region and potential impacts of the project on these. The EIS requires updating on this matter. It should be noted that our traditional and ancestral land significantly predate the Crown’s RTL system and regulation.
- This error may affect other First Nations’ traditional land and land uses, including effects on land access, water access, traditional practices, and rights. For the provincial Crown to declare that a Nation’s traditional land is the result of a regulation for the trapline district - without the appropriate knowledge of MSCN is bad faith and does not reflect well the honour of the crown.

QUESTION IAAC IR1-19: (relates to EIS data sources, given the construction delay until at least 2030. New federal SAR could be added to Schedule 1 of SARA).

- The same is true regarding species that could be affected by project impacts on waterways. Manitoba’s Endangered Species and Ecosystems Act, ongoing ECCC field work for birds, plus other species and sites would be relevant for final project design.
- MTI notes “If there are significant changes in baseline data, a review of potential effects may also be conducted. In addition, if there are changes “...these will be

discussed with regulators and Indigenous Nations, whose traditional territory may be affected”.

- It appears the proponent will make this determination alone as to: a) whether there have been ‘significant’ changes in data, that then b) a ‘review of potential effects’ may be conducted. IAAC needs to include standards in any licence or permits issued to include requirements for such potential steps. MSCN and other affected Nations must be included in such reviews.
- IAAC needs to require a process for reviews due to updated data – and required studies, EMPs, with data to be publicly available and reviewed.
- MTI indicates *“the outcomes of the data validity review will be documented in a report.”* MTI indicates it will submit the report to IAAC, EAB, and First Nations.
- Participant First Nations should be listed by IAAC in an attachment to any permits of licences issued.
 - A “report” would document valid new data. Submitting a report to different crown entities provides no assurances to MSCN about their land, risks, or rights. It is not clear that MTI would maintain the honour of the Crown in these steps. The situation requires consultations by the Manitoba Crown, separate from MTI.
 - The Manitoba government, prior to 2016, proceeded with community consultations - about proposed projects, any new studies, data, or final design. These community consultations were funded and access to information was consistent. An interdepartmental committee assessed the outcome from consultations and response to project plans, EIS, and any changes to these.
- MTI notes *“EMPs and monitoring plans will be updated accordingly so as to account for changes to legislation and environmental protection.”* MTI needs to explain how updated EMPs and monitoring plans would be made available. An explanation about theoretical “changes to legislation and environmental protection” is required. This assurance likely applies to Manitoba legislation, given the proponent MTI is a Manitoba government department. Information is needed to explain. MSCN rights and the honour of the Crown point to a need for consultations on such changes in legislation, changes to the project design or project plan prior to any construction.
- The MTI reassurance is based on MTI conducting a *“selective review”* of data validity 1-2 years before construction begins. MTI indicates that *“data verification will include a desktop exercise incorporating detailed design, newly collected data*

available to MTI, and may be followed by field studies if required". MTI is not clear about the type of data which would be reviewed and whether MTI would seek data to review prior to final design or construction start.

- The term “*selective*” suggests some baseline data will not be reviewed. The terms “*may be followed*” implies flexibility. This appears to be left to the discretion of the proponent. MSCN reminds the proponent that as a government of Manitoba department they must make sure that consultation and the honour of the Crown are upheld in all steps between September 18, 2025, start of any construction and during construction.
- Process for future changes/reviews must be public. Perhaps First Nations would comment that MTI wishes to make its decisions once the licence and permits are in place, while not providing relevant EIS content and full answers to IAAC IRs.

QUESTION IAAC IR1-21: (relates to lack of detail regarding data and field work for **species**, concern about methodology to collect TK and why permission to publicly display certain information was assumed)

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

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

- Methodology without risk to confidentiality is well established in Canada.
- According to the proponent, several efforts were made to solicit input on potential project effects from the other First Nation communities, only the MMF responded. GLFN, MSCN and BCN were focussed on due to degree of impact to each community.
 - A generalized observation is insufficient and reflects badly on the Crown as proponent. When were “several efforts” made? Perhaps it was before the several First Nations identified and supported by IACC as P6 participants occurred. That would mean there were no resources in place when the “several efforts” were made – resulting in Crowns efforts which were poorly timed, and inconvenient. MTI needs to provide more detail and the timeline in their answer.

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

- In the response to IR1-24 MTI states that the traditional territory of MSCN (and other Nations) are shown in Chapter 6, Figure 6-16 of the Environmental Impact Statement (EIS), Appendix IR1-24-1 and Appendix IR1-24-2. MTI further states that traditional territories of MSCN, GLFN and BCN were identified by traditional knowledge studies. MTI also states, *“In addition, none of these communities [Norway House Cree Nation, Cross Lake Band of Indians/Pimicikamak Okimawin, Garden Hill First Nation, Red Sucker Lake First Nation, St. Theresa Point First Nation and Wasagamack First Nation] have Reserve Lands or Treaty Land Entitlements (TLEs) in the Indigenous Land/Resource Use RAA (Indigenous RAA) and the Indigenous RAA is not within the Resource Management Areas or Registered Trapline (RTL) Districts of these communities.”*
- MSCN did not have a funded, community-led Traditional Knowledge study for Project 6, and thus does not agree to MTI’s assertion of MSCN traditional territory in in the EIS, Appendix IR1-24-1 or Appendix IR1-24-2. The supposed “traditional territory” for MSCN in these images, described in the EIS or in the MTI response to IR1-24 is not correct. MTI does not decide the land included in MSCN’s traditional territory.

- The Registered Trapline (RTL) and Resource Management Area (RMA) boundaries were created by the Government of Manitoba for management purposes, not by Indigenous communities themselves, and Indigenous traditional territory and traditional use areas do not have prescribed boundaries.
- The assumption that RTLs for RMAs are boundaries of traditional territories benefits the proponent (who is a Manitoba Crown government department). MTI has a responsibility to uphold the honour of the Crown. The numerous inaccurate statements about traditional territory does not respect the honour of the Crown.
- MTI must engage with Indigenous communities and use community-designated traditional territories/ ancestral lands to discuss impacts on Aboriginal and Treaty Rights.

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

- MTI notes that *“increased access to previously remote areas may shift [plant] harvesting locations, but it is unlikely to impact other VCs significantly, as the overall [plant] harvest levels are not expected to increase. [plant] Harvesting is anticipated to occur in new areas due to all-season road access, meaning wildlife would still have access to vegetation and comparable plant communities and habitats in nearby areas”*.
 - Although this may be true for community members, MTI does not address the possibility that harvesting (not limited to plants) may increase if non-community members start accessing the area (for example, access to a new berry patch could also mean new access to bears-someone from outside the community might be more interested in the bear than the berry).
 - MTI needs to consider and detail the impacts of harvesting from individuals outside of the communities on plants, as well as animals, on the ability of affected Indigenous communities to harvest according to their Aboriginal and Treaty Rights.

QUESTION IAAC IR1-42: (relates to sensory disturbance, and to calving areas and hunting pressures)

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

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

- MTI notes *“very low anticipated traffic volumes for the Project...”*, though there is concern traffic volumes would increase on an all-weather road compared to the volumes associated with the existing winter road.
- The proponent correctly identifies that moose may avoid the road due to disturbances but also notes that the road may provide moose with foraging and travel benefits.
 - The proponent doesn’t address the issue of increased hunting pressure to due increase access-not just seasonally (all year instead of just winter) but potentially to a great number of people (not limited to community members).
- The proponent argues that although individual moose may be affected, the overall effects are unlikely to result in population-level impacts.
 - Where does MTI think there would be little effect on population level impacts? Has MTI looked at comparable new grid roads and effects on moose? MTI needs to base this on the range size for moose.
 - Increased access means increased hunting, which means increased risk to Moose.
- Impacts to caribou and lake sturgeon are not adequately addressed.
- The Proponent is relying on two main arguments throughout the various wildlife responses:

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

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

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

- Elsewhere, the proponent notes that “*the EIS anticipates that hunting pressure is unlikely to increase but may shift with construction of the new road*”.
- Hunting of which species - its not clear, and therefore is an incomplete answer to IAAC. New roads in Boreal regions across Canada have increased access by hunters. Impacts on ungulates across Canada have worsened due to new roads. MTI did not research on these matters. MTI is conflating past situation with assumptions about situation after the road is built.
- MTI is conflating only winter traffic to all year travel on new grid all weather road. MTI should have metrics that show the increase in traffic (from winter road to all-season road) from other all-season road projects. The difference in year-round traffic levels and year-round impacts to species needs to be considered.

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

- proponent states that a:

“Wildlife Monitoring Plan will be developed to verify key Project EIS predictions, to evaluation the effectiveness of mitigation strategies for environmental effects on wildlife and wildlife habitat, and to establish a framework for adaptive management that can be used to enhance mitigation strategies if required.

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

- The answer to this IR from IAAC needs to acknowledge and explore potential increase of 40 to 60 sq km of boreal forest region due to extending or move the location of the P6 road bed up to 1 km north. This would be a significant project alteration. The proponent should have been explicit about what this involved and risks, effects, etc. in the EIS. These changes cannot be only hidden inside a 900-page Information Request response document. Once the route is confirmed it must be included in an updated EIS for P6. MTI needs to provide clarity on what they mean and when the details on moving the road bed up to 1 km north for must or most of the project will be available for review.
- Although the details have not yet been described, in the IR response the proponent anticipates that monitoring will involve trail cameras, engagement of local trappers

or resource users, as well as general field observations, including incidental wildlife observations.

- The answer above indicates that the monitoring criteria will be updated or applied in response to IRs. The IR and answers from MTI are still outstanding. Affected and potentially affected First Nations will need to see them and have an ability to respond. There is no reference from the proponent here about First Nation participation during the life of the project in monitoring the project and its surround.
- The proponent should be required to submit monitoring criteria for the WMP to help participants and IAAC determine the suitability of monitoring and the project as a whole.

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

- MTI claims that no ‘tangible trend’ has been observed in recorded peak flows in the study area as a result of climate change.
- MTI claims that ‘due to a lack of data’ in northern MB, MTI “*does not incorporate projected flow under future climate scenarios in flood frequency analysis*”. Instead, they will mitigate risk of floods by using the historic max peak flows in the bridge design.
- Climate change is impacting the boreal north at twice the global rate. Use of climate scenarios and models for northern projects is critical.
- Any claim of lack of data in northern Manitoba indicates that IAAC needs to be informed of what data MTI used, from which sources and years. Then MTI needs to explain whether they used a model instead based on the data they did use, and if not, why they did not bother. The repeat pattern of no data appears like an excuse.
- Future flow is relevant for the 160 or so streams mentioned in the EIS - including should the Crown proponent in the Manitoba government decide to move the road bed north up to 1 km - affecting most of the streams.

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

- MTI claims ice jams are “*not anticipated*” and does not have plan ready (though presents options of explosives and cutting ice with augers/saws).
 - With the large number of water crossings along P6, and changing impacts due to climate change, MTI needs to provide a plan to mitigate and respond to ice jams.
- MTI has selected a 1 in 50-year flood scenario design.

- MTI notes that their 1 in 50-year flood scenario design is “in accordance with the MTI Structures Design Manual (Government of Manitoba, 2011).” Nowhere in this 2011 manual is climate change referenced.
- The use of a 1 in 50-year flood scenario design focuses on historical data, not potential climate changes (i.e. increases in occurrences and severity of precipitation events)

Question IAAC IR1-69: (relates to environment changes, such as permafrost thaw, impacting the project)

- MTI recognises that Canada’s north has warmed 2.3 degrees Celsius from 1948-2016 which results in permafrost thaw.
 - MTI does not note whether precautionary elements will be incorporated into the road/project design to address permafrost thaw. Instead, MTI says that road maintenance (i.e. adding material to sunken areas) will be the main measure taken.
- MTI notes that permafrost thaw, and resulting maintenance taken may result in road closure.
 - MSCN would like to know why MTI has not identified preventative and adaptive steps for the road design, construction and operation that would prevent flooding, freezing, road closures and possible use of explosives, etc.

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

- MTI claims that “*for MTI to scope in an Indigenous Nation for project specific TK, they must demonstrate historical and current occupancy and use of the Project area and identify specific Project effects.*”
- MTI also say they follow CEAA’s guidance document Considering Aboriginal Traditional Knowledge in environmental assessments under the Canadian Environmental Assessment Act, 2012.
 - The proponent put all onus on First Nations for proving/ demonstrating a history/ use of land. Placing burden of proof on First Nations is an antiquated practice that contradicts UNDRIP’s inherent recognition of Indigenous rights. Burden of proof also requires resources. There is question as to whether necessary resources were provided to participant First Nations.
 - This answer is similar to content in many 40-year-old court cases in Canada. MTI did or did not collect tradition land use and occupancy information from affected communities? The Manitoba government did or did not fund the

consultants who collected the TK? Manitoba government staff did or did not go into the communities and acquire TK information? The EIS and answers to IAAC IR indicate the Crown Proponent did – but as Rights holders, MSCN does not agree.

- MTI may wish to avoid the reality that the current project area is within MSCN traditional territory. And that any consideration of moving the road bed up to 1 km north is also in MSCN and other First Nations' traditional territory. MSCN doubts that the Crown proponent MTI has undertaken the field work, consultations, engagement or research needed to include this statement in answer to an IR from IAAC.
- In addition to CEAA's guidance document Considering Aboriginal Traditional Knowledge in environmental assessments under the Canadian Environmental Assessment Act, 2012, the proponent and CEAA/ IAAC must also follow other current acts related to First Nations. The conditions of Section 35 under the Constitution Act (1982), and the United Nations Declaration of Rights of Indigenous Peoples Act (2021) relating to the rights of Indigenous peoples, Aboriginal Rights and Treaty Rights have not been followed under the environmental assessment process for P6. The honour of the federal and provincial Crowns has not been upheld.