



Bloodvein First Nation

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May 7, 2024

Sean Carriere
Regional Director
Impact Assessment Agency of Canada

Via Email: lakemanitoba-lakest.martin@iaac-aeic.gc.ca

Dear Mr. Carriere:

**Re: Lake Manitoba and Lake St. Martin Outlet Channel Project
Comments on Draft Environmental Assessment Report**

I write on behalf of Bloodvein First Nation (“BFN”) regarding the draft Environmental Assessment Report (the “Report”) in respect of the Lake Manitoba and Lake St. Martin Outlet Channel Project (the “Project”).

BFN has repeatedly raised concerns that the Project will have serious, long-term consequences on our rights, culture, and way of life. Despite our requests, the Impact Assessment Agency of Canada (the “Agency”) has yet to meaningfully consult with us or take the steps necessary to fully understand how the Project will affect our Treaty rights and way of life. The Project proponent, Manitoba Transportation, and Infrastructure (“MTI”) has similarly failed to consider or address our concerns.

As a result of these shortcomings, the draft Report cannot be relied on as a comprehensive or accurate assessment of the nature or scope of the impacts of the Project on BFN’s rights and territory. Further details are set out below.

Background

BFN is a self-governing Anishinaabe community located on the eastern shores of Lake Winnipeg in central Manitoba. We hold and exercise inherent and constitutionally protected rights, including rights guaranteed under Treaty 5. We rely on continued access to all lands and waters in the vicinity of Lake Winnipeg to exercise our rights. Preservation of our territory is necessary to ensure our rights are respected and maintained for future generations.

For decades, our community has been negatively affected by elevated water levels and flooding as a result of hydroelectric projects and water management systems on and around Lake Winnipeg. We have lost homes and vital infrastructure, as well as access to our reserve lands and to portions of our territory we use for hunting, fishing, and trapping. If allowed to proceed, the Channels Project will exacerbate these impacts and make it even more difficult for us to exercise our Treaty rights and maintain our connection to our culture and way of life.

The Draft Environmental Assessment Report

The following is a brief, non-exhaustive summary of our concerns regarding the draft Report.

Consultation and Engagement Activities (s. 4)

We understand the Agency is responsible for coordinating a whole-of-government approach to consultation in respect of the Project. We further understand the Agency intends to rely, in part, on consultation and engagement activities undertaken by MTI to fulfil the Crown's consultation obligations.

The draft Report provides that MTI is engaged with all 28 Indigenous groups who were initially invited by the Agency to participate in consultation, including BFN. This is incorrect. MTI has yet to engage directly with BFN in relation to the Project. MTI further failed to invite BFN to participate in the Environmental Advisory Committee established between MTI, First Nations and other third parties. Information provided by MTI should not be relied upon for the purpose of assessing whether and to what extent BFN's concerns have been considered and addressed.

We have also consistently expressed our concerns regarding the Agency's failure to assess the impacts of the Project on our rights, including its failure to consider the cumulative impacts of previous and ongoing hydroelectric projects. These concerns are set out more fully below.

Cumulative Environmental Effects (s. 8.3)

The draft Report confirms several deficiencies in the scope and methodology for MTI's assessment of cumulative impacts of the Project. Specifically, the Report confirms the concerns raised by First Nations, including BFN, that MTI failed to adequately determine temporal boundaries for its cumulative effects assessment. The Report further confirms that MTI failed to include several key projects and activities in its cumulative effects assessment, including the Lake Winnipeg Regulation, Lake of the Woods Regulation, Portage Diversion and Lake Manitoba/Lake Winnipegosis Reservoir.

BFN also disagrees with the Agency's conclusion that the Project is not likely to contribute to significant cumulative effects to fish and fish habitat. The Report does not include sufficient information to properly understand these effects.

The Agency must consider the cumulative effects of the Project as part of its environmental assessment. We further understand the Government of Canada intends to rely on information collected for the purposes of the environmental assessment to discharge the Crown's duty to consult. Consultation must consider the impacts of the Project in the context of the cumulative effects of historic and ongoing hydroelectric projects on our territory and rights.

The draft Report does not provide an adequate basis to assess the cumulative environmental effects of the Project. The Report further cannot be relied upon to assess the cumulative impacts of the Project on our ability to exercise our Treaty rights.

BFN has serious concerns that the Project will exacerbate the existing effects of hydro-electric developments and water management systems on our rights and territory. To this end, we have identified specific concerns regarding the cumulative effects of existing projects on water levels, water quality, shoreline erosion, fish and fish habitat, riparian ecosystems, and wildlife (including species at risk and species of cultural importance). These issues remain outstanding and unaddressed.

Impacts on Aboriginal and Treaty Rights (s.9)

BFN has repeatedly raised concerns about how this Project will affect our Treaty rights and way of life.

The draft Report provides that in the Agency's view, the Project may affect the exercise of rights for Treaty 5 First Nations. The Report further provides that the Agency anticipates the severity of impacts on rights to hunt, fish, trap and engage in cultural activities will be "low" to "moderate."

The draft Report further confirms that BFN and other First Nations located along Lake Winnipeg have been impacted by historic and ongoing water quality and flooding issues on Lake Winnipeg. The Report specifically acknowledges that BFN may experience the effects of changing water flow directions as a result of the Project.

We reiterate that the extent and severity of the impacts on our Treaty rights has yet to be assessed. No consideration has been given to the impacts of the Project in conjunction with historic and ongoing hydroelectric projects and water management systems.

Proposed Conditions

The draft Report includes several proposed conditions for the Project. In our view, these conditions are premature. It is not possible to determine the effectiveness of proposed conditions or mitigation measures if the extent of the impacts of the Project have not been assessed. This assessment must include a robust assessment of the cumulative impacts of the Project on our Treaty rights.

Conclusion

To date, the Agency and MTI have consistently failed to properly consider or address our serious concerns about the Project. The deficiencies in the draft Report confirm that our concerns are still not being taken seriously.

BFN requires a process directly with Crown decision-makers to assess the potential affect of the Project on our Treaty rights.

Please contact my office at your earliest convenience to initiate this process.

Sincerely,

<Original signed by>

Chief Roland Hamilton
Bloodvein First Nation

cc. BFN Council Members
Vivienne Wilson, IAAC (Vivienne.Wilson@iaac-aeic.gc.ca)
Tanishka Gupta, IAAC (Tanishka.Gupta@iaac-aeic.gc.ca)