

Hello Tanishka,

Please see the following response to the draft Environmental Assessment (EA) Report and potential conditions for the Lake Manitoba and Lake St. Martin Outlet Channels Project, on behalf of York Factory First Nation:

York Factory First Nation (YFFN) remains strongly opposed to the Project, and urges the Minister to issue a Decision Statement that would prohibit the Project from proceeding. York Factory First Nation agrees with the Agency's assessment that "the Project is likely to cause direct and cumulative significant adverse environmental effects on the current use of lands and resources for traditional purposes by Indigenous peoples; to physical and cultural heritage; and to structures, sites, and things of historical, archaeological, paleontological, or architectural significance despite the implementation of mitigation, monitoring and follow-up measures" and believe the Proponent has not provided certainty in their assessment of the Project's potential effects to surface water, groundwater, wetlands, vegetation, and wildlife habitat.

Should the Minister allow the project to proceed with conditions, YFFN asserts that several of the proposed conditions should be strengthened:

- Proposed Condition 3.19 would require the Proponent to conduct monitoring surface water and effects on fish and fish habitat in locations including Split Lake. However, Condition 3.19.1 specifies that monitoring for surface water quality is only required "at a minimum two years post commissioning" as well as "to capture seasonal variability and effects after a minimum number of outlet channel operations and a range of magnitudes of floods, including any new record floods"; YFFN requests: a) that the length of detailed surface water quality monitoring be increased from the minimum length of two years post commissioning and b) that the Agency specify the minimum number of outlet channel operations after which monitoring will be required.
- Proposed Condition 7.2 would require the Proponent to maintain the "existing Environmental Advisory Committee (EAC) to support dialogue and issue resolution between the Proponent and Indigenous groups." The Nations raised concerns about the structure, function, participation, and transparency of the EAC at the February 2024 Technical Advisory Group Meeting. Several members, including Peguis First Nation, have already withdrawn from the Committee due to these concerns. Until these concerns are addressed, YFFN cannot support the proposed Condition that gives decision-making authority to the existing EAC on behalf of all Indigenous groups.
- Proposed Condition 7.12 would require the Proponent "to develop, in consultation with Indigenous groups and relevant authorities, a wetland compensation plan to offset the residual effects of the Designated Project on wetlands, including class 2 wetlands, resulting from project-related changes". This condition is unclear on whether or not other classes of wetlands are also included in the Condition. MTI has said they will voluntarily commit to offsetting Class 3, 4, and 5 wetlands and peatlands in their proposed accommodation measures letter, which also states, "the Steering Committee will recommend to the decision maker that the Wetland offsetting program be the subject of a specific Environment Act Licence condition" (5). YFFN requests that the proposed

Condition clearly specify that the offsetting requirements would extend to include Class 3, 4, and 5 wetlands and peatlands, in addition to class 2 wetlands.

- Proposed Condition 10.1 would require the Proponent to retain the services of a third-party independent environmental monitor. Indigenous Nations should have input into the hiring process for the third-party independent environmental monitor. The position should also be open to Indigenous-knowledge-based monitoring led by a local Indigenous group, not just restricted to scientific monitoring.

Please let us know if you have any questions.

Thank you,

Adam

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