

Poplar River First Nation

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Lake Manitoba and Lake St. Martin Outlet Channels Project

Comments for The
Draft Environmental Assessment (EA) Report and Potential Conditions
for the Lake Manitoba and Lake St. Martin Outlet Channels Project

Community Meeting & Presentation

Monday 6th May 2024

Poplar River First Nation Band Hall

10:00 AM to 3:00 PM

Outline

1. What is the Lake Manitoba Lake St Martin Outlet Channels Project
2. What is Environmental Impact Assessment
3. What is the Impact Assessment Agency of Canada
4. **Finding 1: Significant Impacts on Indigenous Peoples**
5. **Finding 2: Significant Environmental Impacts**
6. Why is Poplar River First Nation (PRFN) involved?
7. How is Poplar River First Nation involved?
8. Some concerns PRFN raised about the Channels Project:
9. IAAC Findings – Engagement with Indigenous Groups
10. IAAC Findings – Surface Water and Ground Water
11. IAAC Findings – Land, Wildlife and Plants
12. IAAC Findings – Fish and Fish Habitat
13. IAAC Findings – Physical and Cultural Heritage
14. IAAC Findings – Traditional Land and Resource Use
15. IAAC Findings – Indigenous People’s Health
16. IAAC Findings – Indigenous People’s Socio-Economic Conditions
17. Take Away Messages from IAAC Draft Assessment Report:
18. Discussion

Lake Manitoba Lake St Martin Outlet Channels Project

The Channels project is a permanent flood control system proposed by Manitoba Transportation and Infrastructure (MTI). This project consists of two channels that would move flood water from Lake Manitoba to Lake St Martin, and from Lake St Martin to Lake Winnipeg.

MTI proposed this project due to impacts of flooding on Lake Manitoba in 2011, and 2014. The reviews of MTI's environmental impact statement began in 2019, after MTI filed their statement. The government of Canada pledged funding for the Channel project after the 2015 federal election.

Project Description

Manitoba Infrastructure is proposing the construction and operation of a new permanent flood control management system located in Manitoba. As proposed, the Lake Manitoba and Lake St. Martin Outlet Channels Project would consist of two new diversion channels each approximately 24 kilometres long: the first running northwards from Watchorn Bay on Lake Manitoba, to Birch Bay on Lake St. Martin (Lake Manitoba Outlet Channel), and a second running northeast from Lake St. Martin to Sturgeon Bay on Lake Winnipeg (Lake St. Martin Outlet Channel). The project would also include the construction of two combined bridge and water control structures, a 24-kilovolt distribution line, and the re-alignment and/or construction of provincial highways, municipal roads and three bridge structures.

- IAAC public registry for Channels project, selected May 3, 2024

Environmental Impact Assessment

An environmental impact assessment happens when a proposed project has the potential for significant environmental effects or effects on people. The federal government is leading the process for the Channels Project. Because it started in 2018 the assessment is under CEAA 2012, not the new Act. This process examines the project's impact on the land, water, plants, animals, communities, and people (including Aboriginal and Treaty Rights).

Environmental impact assessments include the construction, operation, and decommissioning (when the project is removed) phases. Many plans for project elements are required.

There are many steps to an environmental impact assessment. Potentially affected First Nations and their Elders, Knowledge Holders and technical experts provide knowledge, review what the participant provides, and express concern as participants at each stage on any topic. Over 20 funded First Nation/Indigenous community participants are in the Channel project.

Impact Assessment Agency of Canada

The Impact Assessment Agency of Canada (IAAC) leads federal environmental impact assessments. At the beginning of each project, the agency issues guidelines for the environmental statement's contents.

The Agency collects and manages the information needed to understand the potential impacts of proposed projects. It issues questions that the proponent must answer. The participants reviewed the environmental statement and the answers to questions from the Agency. These documents and sets of comments are online in a public registry.

The review of the IAAC draft assessment report for the Channels project is one month long and closes soon. (Wednesday 8th May 2024.) At the end of the process, IAAC provides its report and project conditions to the federal Minister, who determines if the project should proceed. For the Lake Manitoba Lake St Martin Channels Project, there are about 150 conditions. After the draft IAAC report is reviewed, the final report goes to the Minister of Environment and Climate Change for decision-making.

Impact Agency of Canada (IAAC) Findings for Outlet Channels Project

Finding 1: Significant Impacts on Indigenous Peoples

After the environmental impact review and assessment process, the IAAC found the project is likely to have significant negative impacts to Indigenous people in several ways.

Impacts could include being unable to use the land in traditional ways, changes to connection to the land and loss of traditional knowledge, and loss of important historical and cultural sites.

In the IAAC draft report conditions tell the proponent what would be involved if the project is built, Indigenous People must be notified, and their important role continues throughout the life of the project.

“The Agency is of the view that, after taking into account the implementation of the key mitigation measures identified in this draft EA Report in relation to section 5 of CEAA 2012, the Project is likely to cause direct and cumulative significant adverse environmental effects on:

- *Indigenous peoples’ current use of lands and resources for traditional purposes, including from loss or alteration of access, effects to the availability and quality of resources, and effects to quality of experience;*
- *Indigenous peoples’ physical and cultural heritage, including from effects to aspects of intangible cultural heritage, such as sense of place, spiritual connection to the land, and intergenerational knowledge transfer; and*
- *Indigenous peoples’ sites or things of historical, archaeological, paleontological, or architectural significance, including from the loss of sites of importance and lack of*

mitigations for effects to sites outside the Project's footprint." (Page iv of Summary Draft Environmental Assessment)

Finding 2: Significant Environmental Impacts

"The Agency concludes that, taking into account the implementation of key mitigation measures, monitoring, and follow-up programs, the Project is likely to cause significant adverse environmental effects as defined under CEAA 2012. The Minister of Environment and Climate

Change (the Minister) will consider the proposed key mitigation measures in establishing conditions as part of an Environmental

Assessment Decision Statement under CEAA 2012." (Draft IAAC report summary, pg. 4)

This means when the federal minister and cabinet review the IAAC final report, the conditions for the Channels project included in the IAAC report could be put in place, and construction could be licensed.

Poplar River First Nation's (PRFN) Role in Environmental Impact Assessment

Why is Poplar River First Nation (PRFN) involved?

Lake Winnipeg has been impacted by receiving water from many floods, through many flood control structures in the past. Water coming from the Red River Floodway, and the Portage Diversion impact the health of Lake Winnipeg, the plants and animals that depend on the water and surrounding habitat, and the livelihoods of the people who use the Lake. Impacts to Lake Winnipeg impact the Treaty and Aboriginal Rights that PRFN members exercise on traditional territory territories.

This new project would bring different water into Lake Winnipeg – from the western provinces through Lake of the Prairies, Assiniboine River, The Portage Diversion, Lake Manitoba, Lake St Martin and the Channels.

PRFN has a long, effective history of speaking up for their rights, lands, waters, protection, and First Nation management – including decisions regarding roads, transmission lines, establishment of protected areas and the new World Heritage Site, and the future of Lake Winnipeg. PRFN also supports its neighbours - during the review of significant projects like the Channels.

How is Poplar River First Nation involved?

In 2018, the IAAC recognised PRFN as one of the Manitoba First Nations potentially affected by the Channel Project. As a potentially affected First Nation, PRFN received funding to participate in the environmental impact assessment and reviews. (The First Nations involved grew from 14 to over 20 during the review process.)

As a participant, PRFN provided comments about lands, water quality, plants, animals, fishing, and traditional land use for areas potentially affected by the Channels Project. PRFN has also asked questions and expressed concerns about the impact of the Channels project on their traditional territory.

PRFN has submitted documents to the IAAC and attended each Technical Advisory Meeting (TAG) since 2019.

Several other First Nations around Lake Winnipeg are participants in the reviews and assessment. Other potentially affected Nations are located on the Nelson River are also participants.

Poplar River First Nation Concerns about Channel Project

Some concerns PRFN raised about the Channels Project:

- Risks to Lake Winnipeg, including the north basin. As other First Nation participants have stressed, there are still many unknowns about how the waters from Channels going into the lake will impact the lake.
- Worry about invasive aquatic species seen at PRFN.
- Channel operating during a flood means Lake Winnipeg could have *water fast-tracked* from the US (Red River, Winnipeg floodway) and from Saskatchewan and Alberta (Assiniboine River, Portage Diversion, new Channels).
- Risks to water quality, aquifers, wells, and water bodies.
- Risks to shorelines, wetlands and erosion from changing drainage and fast-moving water.
- Risks to fish and fish habitat, including loss of spawning habitat, increased unknown pollution and sediments.
- Worry about how all potential impacts and concerns above could impact Treaty and Aboriginal Rights, and PRFN members' livelihoods.
- MTI's (the proponent) analyses for the Channels Project are based on the 2011 flood level. Their data in the EIS is much older than 2011. There is no analysis of how climate change may affect future flooding. If a ten-year period to build the Channels is added, then information could be three or more decades old before operation.
- MTI (the proponent) made no effort to learn about PRFN. It seems MTI did not read the PRFN lands plan or the regulations for protecting PRFN land and waters. (Both are online and public.)
- MTI has ignored PRFN's crown protected islands in Lake Winnipeg.
- MTI aims to be both the proponent (who builds the project) and the Manitoba Crown. As a result, nothing like a meaningful consultation has occurred.
- IAAC and MTI did not engage with non-Indigenous neighbours and communities in the area potentially impacted by the project. Those people have not been able to ask questions or express concerns.

IAAC Findings – Engagement with Indigenous Groups

For many steps in the Draft Environmental Assessment, IAAC, if the Channel project is built, requires the proponent (MTI) to engage Indigenous communities when implementing mitigation (actions to reduce negative impacts) and monitoring programs. The example below is about Indigenous engagement related to surface water:

“The Agency highlights the importance of engagement with Indigenous groups regarding the development and implementation of mitigation measures, monitoring, and follow-up programs with respect to surface water quality and quantity, including the establishment of water quality benchmarks and adaptive management triggers, to ensure that Indigenous land and resource use practices and Indigenous Knowledge are adequately considered.” (Page 55, Draft Environmental Assessment)

IAAC Findings – Surface Water and Ground Water

The IAAC found that mitigation measures, follow-up, and monitoring programs would be needed to ensure that the Channels Project does not significantly negatively affect surface water and ground water.

“The Agency is of the view that potential project effects to surface water quality and quantity would be adequately addressed, taking into account the implementation of the mitigation, follow-up, and monitoring measures proposed by the Proponent and the key mitigation measures...” (Page 55, Draft Environmental Assessment)

“The Agency is of the view that potential effects of the Project to groundwater quantity and quality would be adequately addressed, taking into account the implementation of the mitigation, follow-up, and monitoring measures proposed by the Proponent and the key mitigation measures...” (Page 72, Draft Environmental Assessment)

IAAC Findings – Land, Wildlife and Plants

IAAC found that the Channels Project will result in the loss of habitat, but that MTI’s work to offset habitat loss through protection and restoration of other wetlands, and revegetation in the area of the project will reduce the negative impacts of the project.

“The Agency recognizes that the Project would result in the loss of terrestrial habitat, including the permanent loss or alteration of wetlands and wetland functions, and that these changes to terrestrial habitat and wetlands may affect migratory birds, species at risk, and species of importance to Indigenous groups. The Agency understands that effects to terrestrial vegetation and wetlands would be partially mitigated through revegetation and wetland offsetting.” (Page 84, Draft Environmental Assessment)

IAAC Findings – Fish and Fish Habitat

IAAC sees how the Channels Project will permanently change or remove fish habitat. However, IAAC determined that mitigation measures such as creation of new fish habitat, or making changed habitat more suitable for fish, etc. will result in no significant negative impacts to fish or fish habitat.

“The Agency recognizes that the Project may permanently alter or destroy fish and fish habitat in the PDA and LAA during construction and operation of the LMOC and LSMOC and concludes that residual effects to fish habitat may result in changes to fish movement and reductions in fish abundance the Proponent is committed to ... develop a fish habitat offsetting plan and obtain a Fisheries Act authorization for the Project. The Agency is therefore of the view that fish habitat losses would be adequately addressed and unlikely to result in a significant change in fish abundance and distribution within the LAA and RAA...” (Page 103, Draft Environmental Assessment)

IAAC Findings – Physical and Cultural Heritage

The IAAC found that the project would likely cause significant negative impacts and long-term irreversible damage to Indigenous people’s physical and cultural heritage.

“The Agency notes that spiritual and cultural practices of Indigenous groups are often integrally linked to specific locations and surrounding landscape features, as well as structures, sites, and things of historical, archaeological, paleontological, or architectural significance. The Agency recognizes that the loss or alteration of heritage resources and sites of significance has the potential to affect the transmission of traditional language, oral history, and teachings between generations of Indigenous people” (Page 156, Draft Environmental Assessment)

“The Agency acknowledges that Indigenous groups expressed concerns that Project-related effects to Lake Winnipeg and its species could affect Pimachiowin Aki” (World Heritage Site)(Page 159, Draft Environmental Assessment)

IAAC Findings – Traditional Land and Resource Use

The IAAC found that the Channels Project would cause significant negative impacts to how Indigenous people can use the lands and waters of their traditional territories.

“The Agency is of the view that the Project’s residual adverse effects to access for current use would likely be high in magnitude, irreversible, and long-term.” (Page 143, Draft Environmental Assessment)

IAAC Findings – Indigenous People’s Health

The IAAC found that the project would not lead to any significant impacts to the health of Indigenous people *in the area of the project*. However, IAAC said that it is very important that Indigenous communities meaningfully participate in monitoring programs and that Indigenous knowledge is included. The area of the project only includes where the project is built, it does not include where the water would go.

“After taking into account the implementation of proposed key mitigation measures, monitoring, and follow-up programs, the Agency is of the view that the Project is not likely to cause significant adverse environmental effects to Indigenous peoples’ health.” (Page 175, Draft Environmental Assessment)

“The Agency highlights the importance of the participation of Indigenous groups in the development and implementation of follow-up and monitoring programs to monitor project effects to Indigenous peoples’ health and to ensure that Indigenous Knowledge and views regarding measurable or perceived effects to Indigenous peoples’ health are adequately considered.” (Page 175, Draft Environmental Assessment)

IAAC Findings – Indigenous People’s Socio-Economic Conditions

The IAAC found that the Project would not lead to significant negative impacts to the social or economic conditions of Indigenous people.

“The Agency is of the view that the Project is not likely to cause significant adverse environmental effects to Indigenous peoples’ socio-economic conditions, after taking into account the implementation of proposed key mitigation measures, monitoring, and follow-up programs” (Page 181, Draft Environmental Assessment)

Take Away Messages from IAAC Draft Assessment Report:

1. Environment is potentially significantly affected.
2. First Nation-Aboriginal Rights are potentially significantly affected.
3. The project area where the Channels could be built is mostly what is included in MTI EIS.
4. The water, lands and First Nation territories outside the small project area are largely ignored by MTI.
5. The participants reviews, comments, and discussions in TAG meetings disagree with MTI approach.
6. MTI thinks only four First Nations could be affected. The TAG discussed potential impacts everywhere the Channels would send water. IAAC identified and funded over 20 First Nation and Indigenous participants.
7. The conditions IAAC identified if the Channel is built are thorough, including involvement, notification, and information to all First Nation groups.
8. The Environmental Advisory Committee MTI wishes to establish is only for 4 – 6 First Nations. It is not functional yet.
9. The IAAC conditions require updated plans, transparency and shared information, advance notice of any changes, and Aboriginal rights and practices included and respected throughout.
10. MTI left out Lake Winnipeg, the emergency channel, winter, aquifers, wells, sacred sites, many species, traditional land uses, and climate change (except for emissions from trucks and earthmovers) in its EIS.
11. No new fieldwork was done regarding sacred sites, or archaeology.

12. Little field work was done for species.

13. Large mammals were assumed irrelevant by MTI, and no Indigenous knowledge about species was included in the EIS by MTI.