



Attachment 2: Comment Table for the Draft Environmental Assessment Report (“the Report”) for the Lake Manitoba Lake St. Martin Outlets Channels Project (“the Project”)

Please note, that all the requested changes and conditions do not constitute SBOFN or PFN support for the Project’s approval. These changes are requested with the intention of protecting our rights, interests, and the environment to the best of our ability; however, we strongly oppose the Project as it poses a severe risk to our rights, interests, environment, and the future of our communities. The contents of this document are entirely without prejudice to our position that this project must not be allowed to proceed.

#	Section, page(s)	Comment/ Issue	Requested Change or Addition
1	1.2.2, p. 3	In Table 1 Value Components Identified, the list provided of First Nations who will be impacted by the Project with reserves on federal lands is incomplete. Many Nations are missing, including SBOFN. We recognize that the Project area falls on the federal lands / reserves listed in the table, however the environmental effects of the Project will be felt on reserves up- and downstream, and in the surrounding areas. The impacts will not be limited to the RAA.	IAAC to add the following to this section: 1) Expand the list of potentially impacted Nations to ensure the environmental effects on reserve lands outside of the Project location are also acknowledged, considered, and protected. It is important to acknowledge all the First Nations who may be impacted by the Project (should it proceed) to ensure consultation and engagement is adequate, and to ensure that all Nations are respectfully involved in Project planning and monitoring should it proceed.
2	1.2.2, p. 4	In Table 1, under the valued component "Effects of changes to the environment on Indigenous peoples – physical and cultural heritage; and any structure, site or thing that is of historical, archaeological, paleontological or architectural sites of significance", there are aspects missing from the Agency Rational.	IAAC to add the following to this section: 1) The description: "Including knowledge transmission and cultural revitalization and maintenance". This is an essential feature of this VC and deserves special mention due to the history of the First Nations in the area, and our goals for revitalization, reconciliation, and healing.



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3	1.2.2, p. 4	<p>In Table 1, under the valued component "Effects of changes to the environment on Indigenous peoples – health and socio-economic conditions", the Agency rational is missing essential elements of wellness from an Indigenous perspective. Considering this assessment is about impacts to Indigenous health, it is important to approach health from an Indigenous perspective, using present-day best practice, to adequately understand potential impacts to health and mitigate these impacts.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Add "wellbeing" as part of health and socio-economic status. This relates to Indigenous determinants of health, which is a widely used approach to health with Indigenous peoples in Canada. Namely, the goal is to focus on "wellness" (i.e. healing and/or maintaining health) rather than just "sickness" (i.e. ensuring water contamination remains below certain levels). Please see PFN's Socio-Economic Wellbeing (SEWB) Study for further information on this.
4	2.1.1, p. 10	<p>The Agency has erred in not including the Portage Diversion in the RAA for the Project. The purpose of the Project is to protect against flooding. Flooding on the lakes is not a natural phenomenon: flooding in Lake St. Martin is caused by flooding in Lake Manitoba which in turn is caused by operation of the Portage Diversion. This was the major finding of a court case brought against the Province of Manitoba. Whenever the gates are opened at the Portage Diversion the lakes flood and if the channels are built, they will operate in conjunction with operation of the Portage Diversion – accordingly, the operation and environmental impacts of the Portage Diversion cannot be left out of the review. The omission is a failing of the EIS and the Agency's guidance of the project.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) The requirement for the inclusion of the Portage Diversion in the RAA for the Project.



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5	2.1.2, p. 10	<p>The Proponent defined the temporal boundary as six years for the construction phase and in perpetuity for the operation phase. Accordingly, the Environmental Management/Monitoring Plans (EMP) proposed for the project must be conducted in perpetuity. Floods do not occur every year, but when they do occur, they will have an effect on water quality, fish, and fish and benthic habitat and shorelines. Monitoring must be conducted during and between floods in perpetuity to understand the changes the project will continue to cause to the environment. However, EMPs proposed by MTI do not have this long-term view and the Agency will commit a grave oversight if the project is approved without this condition.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Please add a statement in the EA Report describing the methodological gaps with these temporal and spatial boundaries (discussed further in the cover letter and past IR response review processes) and that SBOFN and PFN have opposed this narrow temporal and spatial boundaries used in this EA. Please indicate that these concerns have been repeatedly brought up throughout the EA process and have not been addressed by the Proponent. 2) Environmental Management and Monitoring Plans must take into account the Proponent's anticipated temporal boundary for the Project's operations in order to adequately evaluate the ongoing impacts channel operation will have on the environment.
6	2.3, p. 18	<p>The source of the riprap has not been investigated and the impacts of hauling the large amount of riprap required to armour the channels has not been assessed. MTI's Engineering and Construction: Aggregate Quarries and Haul Routes presentation estimates they will need more than 5 million tonnes of riprap. This amount of riprap will take 250,000 truckloads to haul, assuming each truck has a capacity of 20 tonnes. Over the two years scheduled for placement of the riprap, this will require about 700 truckloads per day. Because some of the riprap will be sourced from granite quarries on the east side of Lake</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) The full scale of potential impacts from the haulage on roads, traffic, and accidents must be evaluated as part of the Proponent's assessment and of the Agency's Report.



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		<p>Winnipeg or northern Manitoba the haul routes encompass a range of over 500 kilometres north and west of the project. How this haulage of riprap will affect the condition of roads, traffic and accidents has not been considered in the EIS or the Agency's Review.</p>	
7	3.2, p.21	<p>CEAA 2012 requires that environmental assessments of designated projects take into account alternative means to carry out a project that are technically and economically feasible. It does not require an assessment of alternatives to the project. As such, the Proponent did not include an alternatives assessment in the EIS; the Agency advised that they had agreed to this exclusion. We reject the exclusion of an assessment of alternatives to the Project (especially given how flawed the project plan is and the lack of consultation and engagement that has occurred).</p> <p>The Agency's EA Report includes a section entitled alternative means which lists the options for routing of the diversion channels, numbers of bridges, placement of water control structures, routing of transmission lines and selection of quarry areas - but these are options for building the Project, not alternatives to the Project itself.</p> <p>MTI conducted an assessment of alternatives to the Project study in 2016, the Assiniboine River and Lake Manitoba Basins Flood Mitigation Study, but it was excluded from the EIS and the Agency has repeatedly</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Consideration and review of the Proponent's Assiniboine River and Lake Manitoba Basins Flood Mitigation Study, including a full consideration of alternatives to the Project that will still preventing flooding in the Interlake region. Considering alternative means of executing the same proposed Project is not sufficient.



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		<p>refused requests to have the study included and reviewed. Some of the Project alternatives assessed in the Report would provide a technically and economically feasible way to prevent flooding without the Project's social and environmental costs to First Nations. This study requires scrutiny under CEAA 2012 to determine whether the Project is the best choice, especially considering its ballooning costs. This is an unresolved issue with the Project and the EA, and a serious information gap.</p>	
8	3.1, p. 20 3.2.3, p. 25	<p>IAAC has not included a discussion of the Project Purpose in section 3.1 and Section 3.2.3. The Environmental Assessment Guidelines for the Project require as part of the description of the Project Purpose that the, "The water regulation and flood management context of the Project will be described such that the need for and justification of the Project as proposed is explained" (CEAA 2018, p.14) and that the "The EIS will also describe the predicted environmental, economic and social costs and benefits of the Project, and the distribution of costs and benefits amongst potentially affected communities" (CEAA 2018, p. 14). The Agency has not provided comment on the adequacy of the Project Purpose described in the EIS nor has the Agency included a discussion on whether the information presented by the Proponent adequately describes the benefits or harms from the Project and how/if they will be fairly distributed.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) An analysis of the adequacy of the information provided concerning justification for the Project Purpose and include discussion of the distribution of impacts among potentially affected communities in section 3.2.3 Agency Analysis and Conclusions.



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		<p>Reference</p> <p>Canadian Environmental Assessment Agency. 2018. "Guidelines For The Preparation Of An Environmental Impact Statement: Pursuant To The Canadian Environmental Assessment Act, 2012". Lake Manitoba And Lake St. Martin Outlet Channels Project, Proposed By Manitoba Infrastructure: 1-45. https://ceaa-acee.gc.ca/050/documents/p80148/122691E.pdf</p>	
9	3.2 pp. 20 – 26 3.2.2 p, 26.	<p>The Agency has stated that the Proponent has considered input from Indigenous Groups in the Project Alternative Means Assessment (AMA) (p. 20). Section 3.2 provides a description of the methods employed by the Proponent to conduct the Alternative Means Assessment but does not include a description of how or if Indigenous Input was sought by the Proponent at each stage of the AMA. IAAC guidance requires that the approach and level of effort in an AMA must consider the "the level of concern expressed by Aboriginal groups or the public" (CEAA 2015, para 21). Section 3.2.2 does present several concerns from Indigenous Groups concerning the AMA and Project Design, but the Agency has not provided an analysis of whether AMA methods were appropriate in light of these concerns.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A description of methods/approach taken by the Proponent to include Indigenous Groups in each stage of the alternative means assessment and or note their absence in section 3.2. 2) An analysis of whether the methods employed by the Proponent met the level of effort required by the seriousness of concerns raised by First Nations.



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		<p>Reference Canadian Environmental Assessment Agency. 2015. "Addressing "Purpose of" and "Alternative Means" under the Canadian Environmental Assessment Act, 2012." Catalogue no. En106-77/2014E-PDF: 1-6. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/addressing-purpose-alternative-means-under-canadian-environmental-assessment-act-2012.html</p>	
10	3.2.3, p. 27	<p>The Agency has recognized that there are concerns for the need to assess "Alternatives to" the Project but has noted their responsibility only extends to analyzing "Alternative Means" under CEAA 2012 (p.27). The Environmental Assessment Guidelines do however require that the Proponent, "will identify whether and how Indigenous groups have been engaged in Project design" (CEAA 2018, p.15) and that the Proponent, "will demonstrate that all aspects of the Project have been examined and planned in a careful and precautionary manner in order to avoid significant adverse environmental effects and any impacts to Aboriginal or Treaty rights" (CEAA 2018,p.3). Section 3.2.3 does not describe, present, or analyse evidence that the Proponent engaged Indigenous Groups in early Project design discussions including Alternatives to nor does it assess whether the Proponent's Alternative Means Assessment and Project Design Methods undertook a precautionary approach concerning Aboriginal or Treaty Rights.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) An analysis on the Proponent's adequacy of engagement with Indigenous Groups on early Project Design and provide comment on whether Proponent AMA methods and Project Design decisions employed a precautionary approach concerning Aboriginal or Treaty Rights as required. The analysis should identify gaps in engagement and how these gaps have led to issues with project design (e.g. the Proponent's mis-calculation of water levels based on number of basins in Lake St Martin, use of concrete channels in cultural use zones rather than designing a project that works with local ecosystems, etc.).



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		<p>Reference Canadian Environmental Assessment Agency. 2018. "Guidelines For The Preparation Of An Environmental Impact Statement: Pursuant To The Canadian Environmental Assessment Act, 2012". Lake Manitoba And Lake St. Martin Outlet Channels Project, Proposed By Manitoba Infrastructure: 1-45. https://ceaa-acee.gc.ca/050/documents/p80148/122691E.pdf</p>	
11	3.2.3, p.28	<p>In its analysis, the Agency has identified, "the importance of ongoing engagement and consultation with Indigenous groups to ensure that potential effects are identified and addressed" (p.28). CEEA (2015) guidance on Alternative Means Assessment notes that, "the Proponent must provide sufficient information to allow the decision maker to decide whether, based on the definition of environmental effects in section 5 of CEEA 2012, the designated Project is likely to cause significant adverse environmental effects after implementing mitigation measures" (para 32). It is unclear if sufficient information was provided by the Proponent in the alternative means assessment concerning impacts to Aboriginal or Treaty rights if the Agency is advocating further engagement to identify impacts. Further, if impacts have not been fully assessed then the Agency's assertion that the AMA was "sufficiently assessed" is misleading (p.28).</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) What additional engagement will be required of the Proponent with Indigenous Groups to identify and mitigate impacts for the Project to proceed and how the Proponent will be held account to follow through with this engagement. 2) Amendment to the statement that the AMA was "sufficiently assessed" in section 3.2.3 on p.28.



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		<p>Reference: Canadian Environmental Assessment Agency. 2015. "Addressing "Purpose of" and "Alternative Means" under the Canadian Environmental Assessment Act, 2012." Catalogue no. En106-77/2014E-PDF: 1-6. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/addressing-purpose-alternative-means-under-canadian-environmental-assessment-act-2012.html</p>	
12	4.2, p. 33	<p>Section 4 remains incomplete and requires additional information on whether the duty to consult and accommodate has been met. IAAC must state clearly at the beginning of the section whether and how consultation requirements have been met. This should include details on Indigenous feedback and analysis of the experiences of the First Nations with consultation and engagement. Issues and concerns with consultation have been identified and should be described up front and honestly. This includes the fact that many of our communications, requests, and concerns have not been responded or acknowledged to by MTI, despite clear requests for written responses. This lack of responsiveness needs to be noted. The single bulletpoint on page 34: " lack of meaningful Indigenous engagement by the Proponent in the development of methodology" is reductive and frustrating considering the hundreds of pages and dozens of documents PFN and SBOFN have submitted.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A review of the issues with consultation and engagement between MTI and the First Nations, including a description on whether and how consultation requirements have been met from the perspectives of First Nations as well as IAAC. We ask that IAAC take seriously the ongoing issues with consultation and engagement and review these issues clearly and honestly to ensure the duty to consult has been met and the impacts of the Project on Indigenous rights are taken seriously. 2) A table summarizing Indigenous feedback and concerns and gaps with consultation during the EA of the Project. This should include a list of our submitted concerns with consultation and engagement, provided throughout several documents. PFN and SBOFN can meet with IAAC to review the outstanding concerns if necessary.



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13	4.2, p. 33	The section incorrectly states that SBOFN is located downstream from the Project on "Lake Winnipeg and the Nelson River system".	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A correction for the location of SBOFN, SBOFN is located upstream of the Project on Lake Manitoba 2) Correct the name of SBOFN, it is "Sandy Bay Ojibway First Nation", not "Sandy Bay First Nation".
14	4.2, p. 34	The list of key concerns raised by First Nations is missing some points that have been raised by SBOFN and PFN. It is imperative that all our concerns are captured adequately at this stage of the EA. Many of these issues have yet to be addressed and remain unresolved by MTI.	<p>IAAC to add the following concerns to the list:</p> <ol style="list-style-type: none"> 1) Issues with modelling and baseline data, and refusal to alter from the EIS. 2) Inappropriate mitigations and accommodations. 3) Inadequate and flawed engagement and consultation from MTI (e.g. not responding to direct requests to consider concerns; disregard for concerns, comments and studies). 4) Disregard for First Nation governance and stewardship rights in Project planning, mitigations and accommodation processes. 5) The structure and role of the EAC, which is top-down, MTI-led, and advisory only. It cannot be counted as a mitigation due to this.
15	6.1 p. 44	We agree with the Proponent's prediction that water flows and flow patterns within the RAA would be altered by the Project. However, we disagree with the full impacts that have been predicted.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) An independent assessment of impacts to erosion and sediment deposition in the north basin of Lake St. Martin as a result of the increased hydraulic



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		<p>In the EIS, the predicted changes include:</p> <ul style="list-style-type: none"> • Alteration of the hydraulics of the Dauphin River resulting in less water passing from Lake St. Martin to Lake Winnipeg in the future. • The peak spring flows of the Dauphin River would be decreased, and flow peaks flattened. • The LMOC and the LSMOC would be used to transit water between the three lakes especially during flood events. <p>Most of the water carried by the Project channels will be from the agriculturally polluted Assiniboine River system into the southern portion of Lake Manitoba via the Portage Diversion, then diverted into the LMOC and Lake St. Martin, before draining via the LSMOC into Lake Winnipeg.</p> <p>We believe that due to increased hydraulic pressure from the water level differential at either end of the Narrows, there will be increased erosion and sediment deposition in the north basin of Lake St. Martin.</p> <p>The Proponent believes the increase in sedimentation will be minor, but based on their present modelling of the sediment plume, we, and the Environment and Climate Change Canada, believe that a great deal of uncertainty regarding sediment movement and distribution downstream of the Narrows remains. Increased sediment loads and deposition can directly impact spawning success by smothering the food base</p>	<p>pressure from the water differential at either end of the Narrows. This must include an analysis of sediment movement and distribution downstream of the Narrows, and an assessment of impacts to spawning success as a result of loss of food base and increased egg incubation. These impacts must be considered alongside impacts to CULRTP and Aboriginal and Treaty Rights.</p>



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		<p>of Benthic invertebrates) as well as incubating eggs. The North Basin of LSM is an extremely important spawning and rearing area for fish species within the LAA and they will likely be negatively impacted by the projects.</p>	
<p>16</p>	<p>6.1 p. 44</p>	<p>The Proponent concluded that downstream effects of the changes in flow would be negligible, and that the changes to regional flows and water levels would be adverse or neutral in direction, long-term, negligible to low in magnitude, local and regular in frequency and irreversible, as opening of the WCS gates are expected to occur approximately every three years. The Proponent noted that operation of the Project would occur based on high lake water levels and “does not expect operation in dry periods”.</p> <p>While at the RAA Level we find these statements of neutral impact to be mostly correct, at the LAA and PDA levels of impact they would be negative in direction, locally high in magnitude, long term, regular in frequency and irreversible.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Revise the concluding level of impact at the LAA and PDA scale to be negative in direction, locally high in magnitude, long term, and regular in frequency and irreversible. 2) Taking into consideration the information provided by the First Nations, please reconsider the conclusion that downstream effects of changes in flow would negligible.
<p>17</p>	<p>6.1.3, p. 55-59</p>	<p>These proposed monitoring and mitigation programs are well thought out and we hope they will adequately address our concerns regarding the already-identified impacts. However, there are a handful of additions we would like to request.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) The oversight committee’s make-up and terms of reference; 2) Funding that is driven by the monitoring and mitigation plan requirements as decided by the committee, not the other way around; and



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			<p>3) The development of a physically-based model that can simulate the hydraulics and water quality of the whole aquatic system from the Portage Diversion through Lake Manitoba and Lake St. Martin to Lake Winnipeg. The model simulations will be able to inform monitoring and mitigation plans and provide insight into the future effects of the channels and climate change on the lakes.</p>
18	6.3.1 p. 79	<p>Table 8 of the draft EA describes the estimated loss of wetlands in the Project Development Area (PDA), Local Assessment Area (LAA), and Regional Assessment Area (RAA) by wetland type. However, it is unclear if Table 8 accounts for indirect impacts to wetlands from the Project (e.g., alterations to surface and subsurface flows and water levels), or the future effects of climate change and drought. Without considering these impacts to wetlands, wetlands and wetland habitats (e.g., for species at risk) may not be appropriately accounted for in mitigation and compensation efforts. This could reduce the ability of PFN and SBOFN members to maintain their current uses of the lands and waters within the PDA, LAA, and RAA.</p>	<p>As previously raised in IAAC-R3-04 comment A, IAAC is requested to make the following change in the EA Report:</p> <ol style="list-style-type: none"> 1) Include analysis and discussion of the full suite of Project effects on all wetlands, including indirect hydrologic impacts, climate change, and drought, on all wetland classes, if this was not accounted for previously. <ol style="list-style-type: none"> a. If and how indirect hydrological impacts to wetlands were previously reviewed, including detailed explanation of the methodologies used to assess hydrological impacts to wetlands. b. How indirect hydrological impacts have been integrated into evaluating project impacts to all classes of wetlands, and the ways in which this consideration has



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			<p>impacted the assessment of other valued components.</p> <p>c. Whether these direct and indirect impacts are justified and accepted, taking into consideration the mitigations proposed by the Proponent.</p>
19	6.3, p. 80	<p>The draft EA states that “the extent of effects to terrestrial habitat from the alteration of surface water, shallow groundwater flows and fragmentation of the landscape is not clear, particularly in areas such as the downgradient area to the north of the LSMOC which will experience dewatering of both surface and groundwater sources to a large area of fen and bog containing the Buffalo Creek complex” (p. 85). This is extremely concerning to SBOFN and PFN as there are no mitigation measures provided by the Proponent to address the potential impacts to wetland form and function (e.g., carbon sequestration capacity), wildlife, vegetation, and carbon sequestration capacity (rewatering was determined to be unfeasible). Without a clear assessment of impacts and clear mitigations, there is no assurance that impacts to wetland form and function will be avoided or mitigated.</p>	<p>As previously requested in IAAC-R3-04 comment A, IAAC is requested to:</p> <ol style="list-style-type: none"> 1) Include analysis and discussion of the full suite of Project effects on wetlands, including indirect hydrologic impacts to wildlife, plants, and wetland form and function. The level of uncertainty described in the draft EA is not acceptable. 2) Explain whether these impacts are justified and accepted by IAAC and whether the mitigations will do enough to offset these impacts. 3) Add requirement for the Proponent to co-develop mitigations for these Project effects with impacted Indigenous communities.



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20	6.3.1 p. 81	<p>The draft EA states that "the Proponent indicated that the loss of wetlands along the LMOC and the PR-239 realignment would be largely minimized through wetland offsetting and compensation as per Manitoba's The Water Rights Act. However, the wetland compensation required under The Water Rights Act would only require compensation for 0.1 hectares of the 768.5 hectares of wetlands removed for the construction of the LSMOC. It is understood that the Proponent has provided offsetting ratios for Class III, IV, and V wetlands (2:1 if restoring or enlarging an existing wetland, 3:1 if enhancing or providing permanent legal protection to an existing wetland) and peatlands (3:1). While it is acknowledged that the Proponent is not required by law to provide any form of wetland offsetting, these ratios are likely insufficient to fully account for all impacted wetland functions. Further, the Proponent has stated it will not be providing offsetting for Class II wetlands. This is concerning as ephemeral wetlands are extremely important for many herptile and avian species to provide habitat needs and maintain connectivity between terrestrial and aquatic habitats. Without effective mitigation and offsetting, altered habitat function of wetlands has the potential to have adverse impacts on species at risk (e.g., yellow rail).</p>	<p>To address concerns previously raised in IAAC-R3-04 comment C, IAAC is requested to include a condition that requires the Proponent to:</p> <ol style="list-style-type: none"> 1) Undertake offsetting for Class II wetlands that will be directly and indirectly affected by the Project. 2) Determine an appropriate wetland compensation ratio with input from PFN and SBOFN, if they choose to do so.



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21	6.3.1 p. 86	<p>The IAAC considers the implementation of measures to limit the introduction and spread of invasive plant species within the PDA necessary to ensure there are no significant adverse environmental effects from the Project. In doing so, IAAC requires that the Proponent shall inspect all vehicles, machinery, and construction equipment before it enters the Project development area for the presence of invasive species and remove any invasive species that are present before entrance to the PDA.</p> <p>While these steps are important, they must also be paired with an invasive species monitoring and management program if invasive species do establish, despite these efforts.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A requirement for the Proponent to develop an invasive species monitoring and management program to identify and eliminate new invasions. The program must: <ol style="list-style-type: none"> a. Be developed by a QEP, with input from Indigenous groups (if they so choose). b. Include surveys of existing invasive species populations prior to construction c. Include regular (e.g., annual) monitoring during all phases of the Project (i.e., construction, operations, and decommissioning). d. Include invasive plant control measures to manage established invasive species populations and to prevent further invasive species establishment. e. Support and work with an Indigenous Monitoring Guardian Program on this issue.



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22	6.3.1 p. 86	<p>The Proponent has stated that approximately 267.5 ha of potential large mammal and furbearer denning habitat will be affected during winter clearing for the Project. The IAAC states that if clearing vegetation during time periods when denning furbearers are denning, the Proponent must conduct, prior to construction, pre-construction surveys within the Project development area to identify active denning sites. If active den sites are discovered, the Proponent will establish no work buffer zones for these dens, corresponding to the setback distances in Appendix D until the den is no longer active.</p> <p>SBOFN and PFN are concerned that the Proponent has not provided enough information about the den sweeps that will be completed prior to construction activities, nor additional measures that will be taken to prevent the mortality of culturally important large mammals and furbearers that den or burrow, to determine whether the proposed mitigation measures will be sufficient to avoid impacts to these species.</p>	<p>IAAC is requested to require:</p> <ol style="list-style-type: none"> 1) The Proponent consult with PFN and SBOFN (if PFN and SBOFN choose to do so) to determine and implement appropriate no work buffer zones around active denning sites, suitable methodology for surveying for (and monitoring) active denning sites, and other mitigation measures that will be taken to avoid impacts to culturally important large mammals and furbearers.
23	6.3.2 p. 82	<p>SBOFN and PFN agree with Environment and Climate Change Canada's concerns regarding the described autonomous recording unit malfunctions and resulting loss of baseline data collection. SBOFN and PFN agree with Environment and Climate Change Canada's recommendation that baseline data collection is completed prior to Project construction to ensure that sufficient year-to-year comparisons can be made as per the commitments described in the Proponent's</p>	<p>IAAC is requested to require:</p> <ol style="list-style-type: none"> 1) The Proponent to collect additional baseline data prior to Project construction to ensure that sufficient year-to-year comparisons can be made, as per the commitments described in the Proponent's Wetland Monitoring Plan, and to ensure that adaptive management is appropriately triggered.



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		<p>Wetland Monitoring Plan and to ensure that adaptive management is triggered.</p> <p>SBOFN and PFN reiterate previously expressed concerns regarding insufficient baseline information collection and methods for data analysis. This lack of baseline information will make it difficult to create effective mitigation and wetland offsetting measures for habitat fragmentation (edge effects), habitat enhancements, and compensation plans.</p>	
24	6.3.2 p. 83	<p>There remains considerable concern from SBOFN and PFN that residual effects from the Project have not been addressed for many wildlife species. Without sufficient baseline information and accurate assessment of residual effects, impacts to wildlife from the Project may not be appropriately mitigated or monitored.</p>	<p>IAAC is requested to require:</p> <ol style="list-style-type: none"> 1) The Proponent to collect additional baseline data prior to Project construction to ensure that sufficient year-to-year comparisons for species-specific surveys can be made. IAAC must require the Proponent to reassess the residual impacts to all species including those requested in previous IRs: <ol style="list-style-type: none"> a. A detailed reassessment of residual effects to current use arising from increased levels of predation on wildlife as a result of Project infrastructure (IAAC-R3-05 comment C vi). b. A detailed reassessment of residual effects to current use arising from the fragmentation of the landscape as a result of Project infrastructure and consideration of barriers to wildlife access (IAAC-R3-06 comment B i).



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			<ul style="list-style-type: none"> c. A reassessment of the residual impacts to snapping turtles because of site fidelity and loss of potential overwintering habitat (IAAC-R3-05 comment C vi). d. A description of the criteria used in determining the significance of residual effects as noted in the EIS Guidelines (IAAC-R3-06 comment B i).
25	6.3.3 p. 88	<p>IAAC has stated that the Proponent must develop a follow-up monitoring program to assess the Project's effects to the current use of lands and resources for Indigenous purposes resulting from drying and flooding of wetlands. However, there is no clear direction for the Proponent to develop thresholds or benchmarks (in consultation with PFN and SBOFN) where further mitigative action and consultation would be required.</p>	<p>IAAC is requested to require:</p> <ol style="list-style-type: none"> 1) The Proponent to consult with PFN and SBOFN to determine parameters for mitigation monitoring, where adequacy of consultation will be defined by affected Indigenous groups. 2) Through the consultation process identified above, collaborate with PFN and SBOFN to define specific decision points and benchmarks (i.e., thresholds for change in selected monitoring indicators) for mitigation monitoring of Project effects on traditional land use and in what instances further mitigative action and consultation is required.
26	6.3.3, p. 85-87	<p>MTI has yet to determine the size and shape of the riprap that will armour the bed and banks of the full length of the channels. This determination must be done now because these qualities affect how the channels will impact habitats for aquatic animals, birds,</p>	<p>IAAC is requested to require:</p> <ol style="list-style-type: none"> 1) The Proponent to determine the size and shape of the riprap that will be used to armour the beds and banks of the channels. Its



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		<p>and zebra mussels, and they could injure or deter wildlife from crossing the channels.</p> <p>The Manitoba and Lake St. Martin Outlet Channels Project: System Hydraulic Design Criteria report states that the LMOC channel geometry is designed for passage of flows up to the Design Flood with a maximum permissible velocity of 1.5 metres per second. Maximum permissible velocity is not given for the LSMOC, but with a steeper channel employing eight drop structures the permissible velocities will be higher. Looking at ASTM Engineering tables for riprap sizing based on permissible velocity suggests that the riprap for the channels will have to be equal to or greater than 150 millimetres in diameter. This size of riprap will be a impact aquatic habitats and deter wildlife trying to cross the channels. The angular shape of riprap that is being envisioned by MTI for use in the channels will further deter wildlife from crossing.</p>	<p>assessments of the impacts of its selection must then be assessed.</p>
27	6.3.3, p. 85-87	<p>Once the size and shape of the riprap along the entire channels has been determined, a second aspect to be determined is how wildlife populations and health will be affected by the barrier caused by the riprapped channels. The Agency comments on this in Section 7.3.1 of their review when they state: "During operation, the Proponent noted that as northern leopard frog moves through areas with riprap, there may be an additional mortality risk due to lack of vegetative cover and entrapment... Both the LMOC and LSMOC would potentially fragment local populations of northern</p>	<p>IAAC is requested to require:</p> <ol style="list-style-type: none"> 1) The Proponent to consider the impact of channel armouring on other key wildlife populations beyond those designated as species at risk. Not all culturally relevant species fall into the category of species at risk but the Project's impacts on their habitat and behaviour must also be thoroughly considered.



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		<p>leopard frog and snapping turtle habitat, therefore reducing movement across the LAA.”</p> <p>But only SARA species were considered; since other wildlife were not considered a Valued Component of the environment in the EIS, the complete assessment of effects of the channels on segregating other wildlife populations is missing. Moreover, this exclusion will also have repercussions to the protection of Aboriginal and Treaty Rights.</p>	
28	6.3.3, p. 85-87	<p>The impacts of the project on the wetlands around the Big Buffalo Lake have not been adequately assessed. The LSMOC will dewater the wetlands, lakes and streams in the area which are used by First Nations to hunt, fish, gather medicinal plants and other herbs, and hold ceremonies. MTI has used the extents of the damage done to the area by the Emergency Outlet Channel as a measuring stick to determine the damage that will be done by the LSMOC. But this is an over-simplification. The EOC is one-third the depth and one third the length of the LSMOC with some parts of the channel extending through the overlying sediments to the bedrock. We expect that the effects of the LSMOC will be much greater than MTI’s estimate and will be irreversible. Experience with other diversion channels in Alberta, B.C and Northwest Territories supports this view and points out that monitoring and mitigation proved useless in preventing the effects of dewatering wetlands.</p>	<p>IAAC is requested to require:</p> <ol style="list-style-type: none"> 1) A complete assessment of all effects of the LSMOC must be completed before a final decision on the project is made. Using the existing EOC as a standard to assess potential impacts is inadequate.



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		<p>Therefore, we disagree with the Agency's view that MTI adequately characterized potential project effects to the terrestrial landscape in the Big Buffalo area. The loss of functional wetland habitat and altered habitat functions will destroy viable and diverse ecosystems that contain and support culturally important wildlife and plant species. Monitoring and mitigation methods will prove useless.</p>	
29	7.1.2, pgs. 99 - 103	<p>The report does not reiterate the concern expressed in comment IAAC-R3-01 that no examples of Indigenous Knowledge were incorporated into the studies or analyses. The Proponent claims that the Traditional Knowledge they received was used to help focus studies and analyses carried out to examine Project effects; however, the Proponent does not provide any specific details on how inputs from Indigenous Nations and communities informed studies and analyses. These details must be reflected in the draft EA report to fully retain the concerns expressed in previous comments.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A comment under section 7.1.2 that identifies the Nations and communities that provided Indigenous Knowledge and whether this knowledge was adequately incorporated into the studies and analysis.
30	7.1.2, p. 100	<p>The report does not fully express PFN and SBOFN's mitigation request regarding the lack of ongoing sedimentation monitoring. In the draft EA, IAAC writes that Indigenous groups suggested that the Proponent work with groups to fill gaps in the assessment of potential effects of sediment transport and deposition on fish and fish habitat. However, it limits this assessment request to Lake St. Martin Narrows and</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Prior to construction, the Proponent to conduct collaborative assessments with Indigenous groups related to erosion, sediment transport, and deposition throughout the entire RAA; and 2) The Proponent to commit to ongoing engagement (in the form of assessments) throughout the



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		<p>the north basin of Lake St. Martin. As well, the draft report assumes this collaborative monitoring should only occur to assess potential impacts, and not ongoing impacts throughout the construction and operational phases of the Projects lifespan.</p>	<p>construction and operational phases to assess and document issues relating to erosion, sediment transport, and deposition and their impacts on fish and fish habitat.</p>
31	7.1.2, p. 102	<p>The report does not capture many of PFN and SBOFN's key issues regarding the Fish and Fish Habitat Offsetting Plan, and engagement with MTI has not been completed. The current proposed offsetting measures are entirely inadequate to mitigate the potential and likely harm to fish and fish habitat caused by the proposed Project. Offsetting measures proportional in scale to the scale of harmful impacts are not sufficient to address key considerations in offsetting practices or legacy impacts. To be effective, conservation offsetting must safeguard species, ecosystems, and Indigenous cultural values (Dermott and Bell 2017). Research into offsetting has indicated substantial ratios are required ranging from a minimum of 2:1 (Minns 2006) or much higher depending on how critical the habitat is that is being lost, the type of habitat lost (Quigley and Harper 2006), available information / incorporation of uncertainty (Smokoroski et al. 2015; Clarke and Bradford 2017), and the goals of offsetting (Quigley and Harper 2006).</p> <p>Furthermore, it is unclear what offsetting ratios are used, how they were calculated, and how types of offsetting structures will be selected and implemented, especially considering very little is known about the</p>	<p>To address this oversight in the draft EA report, PFN and SBOFN request that IAAC include the following revisions:</p> <ol style="list-style-type: none"> 1) Details about the current proposed offsetting ratios/structures and mitigation measures, including methods to determine indicators, targets, as well as details on monitoring. 2) Commitment to implement minimum 2:1 offsetting ratio (or higher depending on compounding factors) of fish habitat, with clear identification of factors that require higher offsetting ratios to be used. 3) Details on mitigation measures in reference to known fish use at the site currently, informed by Indigenous Knowledge. 4) Request for additional baseline on-the-ground fish habitat assessment following standardized protocols (e.g., Johnston and Slaney 1996) prior to the commencement of any work. <p>Reference:</p>



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		<p>current fish habitat due to the lack of on-the-ground surveys. There is also no information on how the Proponent will seek engagement with Indigenous groups and incorporate Indigenous Knowledge into Fish and Fish Habitat Offsetting.</p> <p>Additionally, the Proponent uses the reasoning that prior to the operation of the EOC, the baseline habitat conditions were not fish habitat and therefore no offsetting is needed.” PFN and SBOFN are highly concerned and disagrees with this characterization as it does not reflect the Nations' Indigenous Knowledge about the importance of the area for ecological and culturally important fish. Regardless of pre-EOC conditions, if an area is now being used as fish habitat, it must be treated as such.</p> <p>References: Clarke, Keith D., and Michael J. Bradford. 2014. "A Review of Equivalency in Offsetting Policies". Fisheries and Oceans Canada, Canadian Science Advisory Secretariat, Document 109 :1-18. https://publications.gc.ca/collections/collection_2015/m-po-dfo/Fs70-5-2014-109-eng.pdf McDermott, Larry, and Anne Bell. 2017. "Indigenous Perspectives on Conservation Offsetting: Five Case Studies from Ontario, Canada". Ontario Nature, Plenty Canada and the Indigenous Environmental Studies and Sciences Program at Trent University: 1-35. https://ipcaknowledgebasket.ca/indigenous-perspectives-on-conservation-offsetting-five-case-</p>	<p>N.T. Johnston and Slaney, P.A. 1996. "Fish Habitat Assessment Procedures," B.C. Ministry of Environment, Lands and Parks. <i>Watershed Restoration Technical Circular</i>, no. 8: 1-97. https://a100.gov.bc.ca/pub/acat/documents/r15711/Fish_Habitat_Assessment_Procedures_1229454360370_60d06fb366d66d9a96f0f58ea082db1abc58c0fc1e3805cd799cd37fc0143bdb.pdf</p>



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		<p>studies-from-ontario-canada Charles K. Minns. 2006. "Compensation Ratios Needed to Offset Timing Effects of Losses and Gains and Achieve No Net Loss of Productive Capacity of Fish Habitat." Canadian Journal of Fisheries and Aquatic Sciences 63, no. 6: 1172–82. https://doi.org/10.1139/f06-025. Quigley, Jason T., and David J. Harper. 2006. "Effectiveness of Fish Habitat Compensation in Canada in Achieving No Net Loss." Environmental Management (New York) 37, no. 3: 351–366. https://doi.org/10.1007/s00267-004-0263-y. Smokorowski, Karen E., Michael J. Bradford, Keith D. Clarke, Marie Clément, Robert S. Gregory, and Robert G. Randall. 2015. "Assessing the Effectiveness of Habitat Offset Activities in Canada: Monitoring Design and Metrics." Fisheries and Oceans Canada, Canadian Technical Report of Fisheries and Aquatic Sciences 3132: 1-48. https://publications.gc.ca/collections/collection_2015/m-po-dfo/Fs97-6-3132-eng.pdf</p>	
32	7.1.3, p. 103	<p>The Agency concludes 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, provided that more detailed biological data is collected prior to construction. PFN and SBOFN agree that more biological data must be collected prior to construction; however, given the Proponent's limited efforts to date to collect fish and</p>	<p>IAAC to add the following mandatory sampling requirements in this section and as conditions:</p> <ol style="list-style-type: none"> 1) Fish and fish habitat assessments following standardized protocols at all potentially impacted water bodies within the RAA using a watershed-scale based approach (assessing the whole watershed instead of individual streams) and also engagement of Indigenous Knowledge.



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		<p>fish habitat data, the agency must be clearer in the expectations of this data collection. Without clear direction, it is expected that the Proponent will again inadequately conduct baseline fish and fish habitat assessments. PFN and SBOFN must be provided with the opportunity to review the additional baseline data collection effort to determine its adequacy, before its findings are incorporated into future versions of the EA.</p>	<ol style="list-style-type: none"> 2) Sampling effort across different seasons and throughout the year to document fluctuations due to migrations and spawning/rearing habitat. 3) Minimum three years of sampling to accurately identify critical habitat and fish life history cycles. 4) Details regarding statistical robustness required to determine if additional years monitoring is required. 5) Details of methods to assess fish habitat, water quality, water quantity (hydrology), macroinvertebrate communities, fish populations, fish movements/migrations, and riparian habitat. 6) Details on an approach to engage with affected Indigenous Nations and communities, as well as the meaningful incorporation of Indigenous Knowledge in these assessments. 7) Details about the limitations of the additional sampling, for transparency and assurances in the quality of the data collected. <p>All sampling must be done in collaboration with the Indigenous Guardian Program and with Indigenous monitors.</p>
33	7.1.3, p. 105	<p>The Agency states that the likelihood that the Project will notably increase the risk of aquatic invasive species (AIS) dispersal in the LAA and RAA is low. PFN and SBOFN disagree with this statement. The proposed</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) The Agency change their statement within the Report to accurately reflect:



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		<p>LMOC and LSMOC provide direct routes of travel for new AIS, therefore more likely increase the rate of spread of these invasive species. Potential impacts from these species (especially zebra mussels) could drastically impact ecological, recreational, and economical aspects of the currently uninhabited lakes, and importantly, PFN and SBOFN's inherent rights associated with access and fishing in these areas. Therefore, this impact must be acknowledged, and monitoring and mitigation measures must be adaptive, proactive, and include the dedicated financial assurances should major issues arise.</p>	<ul style="list-style-type: none"> a. the high likelihood of an increase in the rate of AIS dispersal from the proposed Project, b. the associated impacts from this, c. whether these impacts are justifiable to IAAC, and d. what mitigations and offsets will be required.
34	7.1.3, p. 105	<p>The Agency discusses the changes to fish habitat but does not include many key systems where decreases in flow will have major impacts on the systems. These include Birch Creek with a 27% reduction in flow, and potential impacts to the surrounding lakes (Clear Lake and Reed Lake), and Buffalo Creek with a 40% reduction in flow, and again potential impacts to the surrounding lakes including Big Buffalo Lake. The Agency agrees with the Proponent, in that potential effects on fish and fish habitat within these systems are expected to be negligible. PFN and SBOFN strongly disagree with this statement due to both the known reductions/changes in flow and the unknown impacts due to the lack of baseline data collection. Furthermore, there are no details on if and how environmental flow needs for fish species of interest, especially to PFN and SBOFN's ability to exercise</p>	<p>IAAC to add the following to this section:</p> <ul style="list-style-type: none"> 1) Include Birch and Buffalo Creek and their connected lake systems into their assessment on permanent alteration of destruction of fish and fish habitat 2) Include a summary of how environmental flow needs, including from Indigenous Knowledge perspectives and considering impacts on Aboriginal rights and interest, were considered in the effects determination, and whether this consideration was accurate and acceptable to IAAC. 3) Revise potential impacts on fish and fish habitat as high (not negligible) and throughout the RAA.



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		<p>Aboriginal rights and interests, were considered. Quantifying environmental flow needs to consider Indigenous Knowledge and linkages to socio-cultural impacts on Indigenous rights are increasingly important consideration in water management in Canada and globally (Anderson et al. 2019).</p> <p>Additionally, due to the lack of baseline studies, the potential impacts cannot be confined to the LAA. The Proponent also states that there is abundance of additional habitat throughout Lake Winnipeg, and fish will most likely disperse into alternate habitat. This prediction is made without any evidence and with no consideration of additional competition or predation to currently established populations of fish in Lake Winnipeg. Therefore, potential impacts may be seen throughout the RAA.</p> <p>Reference: Anderson, Elizabeth P., Sue Jackson, Rebecca E. Tharme, Michael Douglas, Joseph E. Flotemersch, Margreet Zwarteveen, Chicu Lokgariwar et al. 2019. "Understanding rivers and their social relations: A critical step to advance environmental water management." <i>Wiley Interdisciplinary Reviews, Water</i> 6, no. 6: 1-21. https://doi.org/10.1002/wat2.1381</p>	



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35	7.1.3, p. 106	<p>The Proponent's continued insistence on the use of an Environmental Advisory Committee (EAC) as a mechanism of engagement with First Nations and as a mitigation for Project-related impacts is not acceptable. PFN and SBOFN have consistently raised concerns with the governance, membership, activities, and approach of the proposed EAC throughout the course of the EA process. For the Proponent to maintain its position on both the substance and purpose of the EAC suggests a deliberate disregard for the perspectives and wellbeing of those communities who stand to be most significantly impacted by the construction and operations of the proposed Project. The issues with the EAC have been repeatedly shared with the Proponent across numerous reviews and letters. Please refer to previous letters for a complete list of issues regarding the functioning of the EAC.</p>	<p>To address this ongoing issue, IAAC is requested to:</p> <ol style="list-style-type: none"> 1) Include a condition within the EA that replaces the Proponent's proposed EAC with a system co-established by MTI, IAAC, PFN, SBOFN, and other First Nations for engagement, approvals, and communications. 2) The system must include proper mechanisms for reporting and accountability and must allow First Nations and concerned parties to affect change to Project activities. 3) We ask that IAAC include the condition mentioned above regarding an Indigenous-led monitoring guardian program.
36	7.1.3, p. 106	<p>The Agency states that "while fish may be redistributed, the effect on focal fish populations in the LAA and RAA... is expected to be neutral". This statement is written with no rationale as to how this assumption was made. An example of this redistribution is the changes in larval whitefish populations in Lake St. Martin as a result of increased flow through the Narrows during flood flows. Whitefish tend to emerge during spring flooding, and with increased flow velocities through the channels, will be swept into Lake Winnipeg. This was seen in the use of the Emergency Outlet Channel in 2011 and 2015. Fish that have been moved out of Lake</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Provide detailed rationale for the expected 'neutral' outcome on the effect of focal fish populations from fish redistribution, including: <ol style="list-style-type: none"> a. Current populations of focal fish species within LAA and RAA b. Current habitat use of focal fish species within LAA and RAA including different habitat uses based on life stages.



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		<p>St. Martin will not be able to return using the channel due to the drop structures that will be built between the two lakes.</p> <p>Given the lack of baseline studies on fish populations, it is impossible to determine the behaviours and populations of fish within the LAA and RAA as a result of the Project. Therefore, this uncertainty must be stated, and a more precautionary approach should be taken regarding the potential redistribution of fish within the LAA and RAA.</p>	<ul style="list-style-type: none"> c. Migratory movement patterns of focal fish species within LAA and RAA d. Habitat modelling of RAA with ground truthing to determine current available habitat e. Modelled carrying capacity of aquatic habitats within RAA <p>2) Change the language to accurately reflect the uncertainty that remains in regard to the potential impacts on focal fish populations from redistribution.</p>
37	7.1.3, p. 107	<p>The Agency states that "although stranding and mortality of individual fish or fish eggs along the margins of the channels may be unavoidable, a change in the status of fish populations within the RAA, including their abundance and distribution is not likely". This statement is written with no rationale as to how this assumption was made. Given the lack of baseline studies on fish populations and distribution, it is unreasonable to know the likelihood of potential direct or indirect harm or death to fish from the hydrological regime of the outlet channels. Therefore, this uncertainty must be stated, and a more precautionary approach must be taken to determining potential changes to the status of fish populations within the RAA.</p>	<p>IAAC to add the following to this section:</p> <ul style="list-style-type: none"> 1) Provide rationale detailed for the expected 'not likely' outcome on the effect of the outlet channel's hydrological regime on death or harm to fish including: <ul style="list-style-type: none"> a. Current populations of fish species within the RAA b. Migratory movement patterns of focal fish species within LAA and RAA c. Current distribution of fish within the RAA including habitats used for different life stages. 2) Explain whether IAAC accepts the level of baseline data provided on fish populations and



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			<p>distribution to make this determination and the reason for this determination.</p> <p>3) Change the language to accurately reflect the uncertainty that remains regarding the effect of the Project's altered hydrological regime on death or harm to fish.</p>
38	7.1.3, p. 108	<p>The Agency concludes that the Project is not likely to cause significant adverse effects on fish habitat and fish populations and that the Proponent has identified the creation of additional habitat and fish stocking as contingencies. It is unclear how the Agency has come to this conclusion given:</p> <ol style="list-style-type: none"> 1) The lack of baseline studies to understand potential impacts 2) The known impacts listed throughout Section 7.1 3) The lack of commitment from the Proponent to conduct long term monitoring 4) The lack of offsetting ratios and measures currently proposed 5) The overall lack of details on mitigation measures. 	<p>IAAC to change the following to this section:</p> <ol style="list-style-type: none"> 1) Avoid conclusory language and use a more precautionary approach to adequately reflect the uncertainty involved in the assessment and the potentially significant adverse effects on fish habitat and fish populations that this Project poses.
39	7.1.3, p. 109	<p>The Agency requires the Proponent to develop a fish habitat offsetting plan with Indigenous communities and share the plan 30 days prior to submission. This mitigation measure does not provide enough time nor assurances to ensure the Proponent will fully engage</p>	<p>IAAC to change the following to this section:</p> <ol style="list-style-type: none"> 1) State that the Proponent will share the plan with Indigenous groups 60 days prior to submission. Groups will then have 30 days to review and provide feedback on the plan, and the Proponent



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		<p>PFN and SBOFN in the plan and incorporate comments/feedback before submission. To date, MTI has not sought engagement from PFN and SBOFN on an updated fish habitat offsetting plan.</p>	<p>will share a final draft, highlighting the incorporated feedback before submission to DFO.</p>
<p>40</p>	<p>7.1.3, pgs. 108 - 112</p>	<p>The Agency states in their review that additional detailed biological data must be collected prior to construction to support the development of a fish habitat offsetting plan (pg. 103). However, in the Key Mitigation Measures and Monitoring section, the Agency does not request the Proponent complete additional baseline assessments, nor do they provide specific details for standards for adequate baseline assessments. The lack of robust baseline assessments is a key issue with the current state of the Project. Potential impacts, adequate mitigation measures, and offsetting requirements cannot be accurately documented without additional information on the current state of fish and fish habitat within the RAA.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A requirement for additional baseline biological data collection before construction of the proposed Project. Data collection parameters must be developed, reviewed with, and approved by potentially impacted Indigenous communities and include: <ol style="list-style-type: none"> a. All potentially impacted water bodies within the RAA b. Multiple site visits each year to document seasonal fluctuations c. Minimum three years of data collection prior to construction d. Details regarding statistical robustness required to determine if additional years monitoring is required e. Assessments of fish habitat, water quality, water quantity (hydrology), macroinvertebrate communities, fish populations, fish movements/migrations, and riparian habitat



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			<p>f. Details on an approach to engage with affected Indigenous Nations and communities, as well as the meaningful incorporation of Indigenous Knowledge in these baseline assessments</p>
41	Section 7.2, p. 112-122	<p>In the IAAC's assessment of Project effects to migratory birds (Section 7.2), they note that the Project could cause residual adverse effects to birds and their eggs, nests, and habitat, including migratory birds and bird species at risk through habitat loss or alteration, and changes in bird mortality risk. They conclude that the Project is "not likely to cause significant adverse effects to migratory birds or bird species at risk, after taking into account the implementation of proposed key mitigation measures, monitoring, and follow-up programs." (p. 112).</p> <p>Throughout PFN's and SBOFN's engagement on this Project they have raised concerns about the gaps in the Proponent's assessment of effects and the suitability of their mitigation program do reduce adverse effects to birds and their eggs, nests, and habitat, including migratory birds and bird species at risk. Many of these concerns and gaps still remain.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Details on previous concerns related to migratory birds and how they will be included and addressed (see specific comments and requests for Appendix D and Potential Project Conditions). It is essential that these additions and changes to conditions are enacted so that mitigation gaps and other issues noted in PFN's and SBOFN's comments are fully addressed to ensure that all potential residual adverse effects to birds and their eggs, nests, and habitat are fully mitigated.
42	7.3, p. 126	<p>The draft EA does not adequately acknowledge the impacts the Project will have on wildlife movement, including culturally important species and species at risk. It is expected that the channels will be a major barrier to wildlife movement and result in habitat</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Document the concerns raised previously.



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		<p>fragmentation (e.g., due to the proposed height of riprap). SBOFN and PFN have made multiple requests regarding project impacts to wildlife movement and habitat fragmentation that have not been addressed by the Proponent or in the draft EA. For example, the draft EA fails to resolve the previous requests to provide:</p> <ul style="list-style-type: none"> • Whether the mitigation measures proposed to address habitat fragmentation for northern leopard frog will be sufficient to avoid impacts to the species (IAAC-R3-04 comment E). • The exact location of where the spoil pile gaps will occur based on feedback from Indigenous communities and the location of wildlife movement corridors (i.e., IAAC-R3-06 comment Bi). • Details on the potential spoil pile design that will be used to guide wildlife to crossing locations, including details on height, slope, orientation, gap width, and where these configurations may be used (e.g., in proximity to northern leopard frog habitat, ungulate movement corridors) (IAAC-R3-06 comments Bi and Biv). • The minimum number of spoil pile mediated wildlife crossing locations that will be used to mitigate impacts to wildlife, including details on the locations of critical habitat relative to potential wildlife crossing locations and the proximity to existing wildlife trails/movement corridors (IAAC-R3-06 comment Bi, IAAC-R3-06 comment Bii). 	<p>2) Include additional conditions for the Proponent on spoil pile design to mitigation impacts to wildlife movement, including the following conditions:</p> <ol style="list-style-type: none"> a. The Proponent must work with a qualified professional and Indigenous knowledge holders to collaboratively design spoil pile configurations (e.g., rip rap size, height, slope, orientation, gap width) and identify where these configurations will be used to reduce impacts to wildlife species movement (e.g., in proximity to northern leopard frog habitat; in proximity to ungulate movement corridors). Locations of spoil piles to support wildlife movement must be informed by Indigenous knowledge and western science. b. The Proponent must work with a qualified professional and Indigenous knowledge holders to identify the number of spoil pile mediated wildlife crossing locations associated with the LMOC and LSMOC that will be used to mitigate impacts to wildlife, including details on the locations of critical habitat for life stages relative to potential wildlife crossing locations, and details on proximity to existing wildlife trails/movement corridors.



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		<p>With so many unknowns, it cannot be assumed that the proposed mitigation measures will avoid impacts to culturally important species and species at risk. SBOFN and PFN are also concerned about the details that the Proponent has provided. For example, the proposed size of riprap is too large for moose and other ungulates to step on and much too large for amphibians to traverse.</p> <p>Further, the draft EA states that “the Proponent expects no measurable effects to regional populations as habitat remains abundant and contiguous on the upgradient side of the LMOC” (p. 126) in reference to northern leopard frog. SBOFN and PFN are concerned that this western-science perspective does not acknowledge the value of the habitat that will be destroyed in situ. Habitat availability on adjacent lands is no replacement for the destruction of suitable habitat. The construction and operation of the outlet channels may displace wildlife into adjacent fragmented / impacted landscapes with reduced habitat quality.</p>	<p>c. The Proponent is required to co-develop additional mitigations for these Project effects with impacted Indigenous communities.</p>
43	7.3.2 p. 127	<p>As acknowledged in the draft EA, there remains considerable uncertainty regarding the amount of habitat for herptile species at risk that may be affected by the Project and the extent of habitat use within the Project area. The Proponent has not fully characterized mitigation measures or follow-up programs for these species. Without this important information, Project</p>	<p>IAAC must make the following changes in the Report:</p> <ol style="list-style-type: none"> 1) Describe whether the risks are acceptable to IAAC and the Crown, especially considering the lack of detailed mitigation measures. 2) Include requirement for the Proponent to commit to:



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		<p>effects on snapping turtle and northern leopard frog cannot be accurately mitigated or compensated for.</p>	<ul style="list-style-type: none"> a. Prior to approval, undertake additional analyses to assess whether the mitigation measures proposed to address fragmentation impacts to northern leopard frog are sufficient, particularly as northern leopard frogs have been shown to have site fidelity to both breeding and hibernation sites (as stated previously in IAAC-R3-04 comment E) b. Prior to approval, reassess the residual impacts to snapping turtles because of site fidelity and loss of potential overwintering habitat and provide detailed mitigations for these impacts (i.e., relocating to nearest suitable overwintering habitat or enhancing nearby habitat so it provides overwintering properties) (as stated previously in IAAC-R3-05 comment C vi). c. Prior to approval, provide habitat offsets for Class II wetlands that provide northern leopard frog habitat to offset Project impacts (as stated previously in IAAC-R3-05 comment C xi).



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			<ul style="list-style-type: none"> d. Prior to approval, provide a detailed methodology (e.g., surveyor experience, timing, frequency, equipment) of pre-construction surveys to verify the presence of suitable northern leopard frog and snapping turtle habitat, and the distribution and extent of these species within the Project development area, LAA and RAA. e. Prior to approval, complete turtle nesting surveys by a qualified biologist in active areas of construction to identify and locate nesting turtles and turtle nests. Nests should be protected with a nest protector and setbacks and monitored until eggs hatch (as requested previously in IAAC-R3-05 comment C vi). f. Prior to approval, commit to a robust approach Indigenous community engagement throughout the development of monitoring programs and mitigation measures, to ensure impacts to herptile species are mitigated to the extent possible.
44	7.3.3, p. 128	As acknowledged in the draft EA, there remains considerable uncertainty regarding at-risk bats and the	IAAC to add the following to this section:



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		<p>amount of bat habitat that may be affected by the Project, the extent of habitat use, and the distribution of bat species within the PDA, LAA, and RAA. Further, the Proponent has not fully characterized mitigation measures or follow-up programs to monitor residual impacts to at-risk bats. Without this important information, Project effects on little brown myotis and northern myotis cannot be accurately mitigated or compensated for.</p>	<ol style="list-style-type: none"> 1) The Proponent to commit to strict avoidance of tree clearing during the maternity roosting window for species at risk bats. Pre-construction surveys should not be used to confirm species absence from a suitable roost prior to vegetation clearing during the maternity roosting period, because of the difficulty in accurately detecting roost activity. 2) The Proponent to commit to developing detailed plans to monitor residual impacts to at-risk bats.
45	7.3.3, p. 128	<p>The key mitigation measures identified in the draft EA to avoid impacts to short-eared owl and its habitat include verifying the presence of active nests and establishing buffer zones around active nests. However, these measures are insufficient to avoid significant effects for short-eared owl and its habitat. To protect this species and their eggs and nest, there should be no vegetation removals between April 1 and September 15, according to the Manitoba Conservation Data Centre's Recommended Development Setback Distances and Restricted Activity Periods for Birds by Wildlife Feature Type (2021).</p> <p>Reference: Manitoba Conservation Data Centre. 2021. "Recommended Development Setback Distances and Restricted Activity Periods for Birds by Wildlife Feature Type." 1- 4. https://www.gov.mb.ca/nrnd/fish-wildlife/cdc/pubs/mbcdc-bird-setbacks-nov2021.pdf</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) The Proponent to refrain from clearing any vegetation between April 1 and September 15 during the operation and maintenance of the Project. This should include tree removals, haying/mowing, and hand clearing. This will help to ensure that Project mitigation measures are fully protective of short-eared owl and other migratory birds/species at risk (e.g., bobolink).



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46	7.3.3 p.130	<p>SBOFN and PFN remain concerned about the lack of baseline data collected and lack of identified thresholds for all species at risk, which reduces their confidence in the residual effects assessment and the mitigation measures put forth in the Wildlife Monitoring Plan. The IAAC has stated that the Proponent must develop "a follow-up and monitoring program, in consultation with Indigenous groups to determine the effectiveness of mitigation measures for little brown and northern myotis, northern leopard frog, short-eared owl and snapping turtle. If monitoring indicates that mitigation measures are not effective at mitigating Project effects, additional mitigation measures will be developed, in consultation with Indigenous groups and relevant federal and provincial authorities". However, without clear decision points, benchmarks, and associated actions, the point at which additional mitigation measures should be required may not be identified.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Requirement that the Proponent collects additional baseline data on species at risk prior to Project construction to allow for sufficient year-to-year comparisons and ensure that adaptive management is triggered. 2) Requirement that the Proponent commit to developing (in consultation with PFN and SBOFN, if they so choose) a clear outline of the decision points and benchmarks that will be used to monitor Project effects to species at risk and the associated actions that will be undertaken when further mitigative action is warranted. 3) Requirement that the Proponent support the development and implementation of an Indigenous-led monitoring guardian program.
47	7.4.1.1, 133-34	<p>The Proponent has simultaneously acknowledged the potential danger involved in crossing the LSMOC anywhere other than a formal crossing ("crossing of the LSMOC at drop structures or at any other uncontrolled location would not be recommended as this would present considerable safety risks and could result in serious injury or death") and refrained from proposing the construction of any formal crossings of the channel ROW and structure. This is consistent with the Proponent's disregard for the safety and security of Indigenous community members; MTI is aware that</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Requirements for the construction and maintenance of LSMOC crossings, distributed at reasonable intervals the length of the channel. 2) The specific locations and natures of these crossings must be determined in consultation with PFN, SBOFN, and other Indigenous groups who have indicated that the LSMOC would interrupt existing travel ways and disrupt current use patterns in the area. PFN is amongst those who



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		<p>there is a potentially serious issue with a component of the proposed Project but fails to provide a solution or propose measures to mitigate the acknowledged issue. The Proponent is also aware that the members of several First Nations, including PFN, routinely traverse the area crossed by the LSMOC in the course of hunting, trapping, and gathering activities and that the construction and operation of the channel will disrupt access by interrupting established access routes: "The channels would intersect traditional use trails and travel ways and act as barriers to accessing traditional resources." It is highly concerning that, despite knowing this, the Proponent has refrained from taking steps to reduce impacts related to safety and access.</p> <p>The Proponent has also indicated that the construction of additional crossings of the LSMOC will be dependent on financial considerations. It is unacceptable to reduce this issue of safety and access - and which will also have cascading impacts on cultural practices and knowledge transfer - to one of money. The Proponent must ensure that community members continue to be able to access the area on both sides of the LSMOC in a way that is consistent with pre-construction access.</p>	<p>have shared information with the Proponent regarding specific trails and travel ways that the LSMOC would disrupt and/or destroy.</p>
48	7.4.1.1, 134-138	<p>Many of MTI's conclusions regarding the magnitude of impacts on current use do not correspond to the conclusions made by PFN and SBOFN, and their experts. For example:</p> <ul style="list-style-type: none"> • "The Proponent concluded that the overall residual effects of the Project on access for current use from 	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A clear statement that the Proponent's conclusions regarding the severity of impacts on current use do not correspond with PFN and SBOFN's own conclusions and that the evidence on which the Proponent's conclusions are based has been



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		<p>the construction, installation, and maintenance of permanent outlet channels are anticipated to be moderate in magnitude..." (134)</p> <ul style="list-style-type: none"> • "...the Proponent concluded the potential effect on fish habitat was expected to be negligible" (137) • "The Proponent concluded that the overall disruption to access to traditional lands and resources is anticipated to be moderate" (138) • "...there should be no effects to traditionally harvested fish species" (138) <p>The Proponent has come to conclusions such as these despite acknowledging the permanent and irreversible impact of certain aspects of Project construction and operation on current use, as well as a serious lack of important data to make these determinations (including fish habitat impact determination, see comments on fish above). This is consistent with the Proponent's history of underplaying the potentially devastating extent of Project impacts on PFN and SBOFN. It also illustrates MTI's consistent dismissal of Indigenous knowledge and findings which contradict its conclusions, which have routinely (as documented over the course of multiple rounds of Information Requests) relied on incomplete and out of date data and unclear or inconsistent methodologies.</p>	<p>challenged on the basis of both Indigenous Knowledge and scientific soundness.</p> <p>2) A revision to the determination that, "the Project is not likely to cause significant adverse environmental effects on fish and fish habitat, migratory birds, federal lands, and Indigenous peoples' health and socio-economic conditions" (as stated earlier in the EA Report on page IV). Please see relevant comments on fish and fish habitat (7.1), migratory birds (7.2), and Indigenous people's health and socio-economic conditions (7.5) for reasons why this is an incorrect determination.</p>



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49	7.4.1.1, 134-36	<p>When considering potential Project impacts on hunting and trapping, the Proponent has not meaningfully considered the ways that impacts directly related to Project construction and operation will interact with existing, cumulative impacts on culturally, economically, and nutritionally significant land-based species. For example, the Proponent concludes that the Project will have relatively minimal impact on moose habitat within the LAA. However, its analysis does not thoroughly consider how, given the already-impacted character of moose populations and habitat in the area, any additional impacts may push moose population beyond a sustainable threshold within the LAA - the straw that broke the moose's back, as it were. This is despite MTI's acknowledgement that moose populations in the area of the proposed Project are at a critical low.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A determination of cumulative impacts within the historical context of cumulative impacts in the Interlake region. Ignoring the context of cumulative change will result in inaccurate conclusions regarding the potential severity of Project impacts.
50	7.4.1.1, 136	<p>The Proponent states that: "...effects are predicted to be adverse due to a loss in abundance and quality of resources, but low in magnitude as it is anticipated that current land and resource practices would be able to continue in the RAA with minor alteration of behaviour by Indigenous groups."</p> <p>It is unclear how the Proponent has determined that the 'changes in behaviour' on the part of Indigenous groups would only need to be minor; there is no basis for this assertion. It furthermore displaces the responsibility of the Proponent to manage and mitigate impacts to current use on to impacted communities and their</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A clear statement that it is incumbent on the Proponent to minimize and mitigate Project impacts and not rely on SBOFN, PFN, and other Indigenous groups to alter, contrary to their preferences and traditions, their use practices.



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		<p>members. The Proponent offers no support for the increased burden that changes to current use practices will potentially impose on PFN and SBOFN.</p>	
51	7.4.1.1, 136-138	<p>The Proponent has acknowledged that the Project will have significant effects within the LAA but has routinely minimized the potential seriousness of these impacts on current use by asserting that they will not have significant effects on the larger RAA. For example:</p> <ul style="list-style-type: none"> • "...effects are predicted to be adverse due to a loss in abundance and quality of resources, but low in magnitude as it is anticipated that current land and resource practices would be able to continue in the RAA..." (136) • "The Proponent concluded that the Project is not expected to threaten the viability of moose in the RAA" (136) • "...the Proponent predicted that the terrestrial species on which Indigenous peoples rely for traditional hunting and trapping would continue to be available and accessible within the RAA" (136) • "While the Proponent expects that the Project would affect the distribution and abundance of fish species in the LAA, the direct and indirect loss of habitat for harvested species is relatively small compared to the remaining habitat available in the RAA." (138) 	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) An analysis of the Proponent's stance on the likelihood of the the significant impacts to the lands, waters, and non-human inhabitants of the LAA based on the assertion that, as Project impacts will be less significant within the larger RAA, current use practices can simply be deferred or relocated to that area. In so far as current use is concerned, the relative 'intactness' of the RAA does not render losses within the LAA acceptable. Please also explain whether IAAC agrees with the Proponent that significant impacts within the LAA is acceptable so long as current use practices can be relocated to elsewhere in the RAA and how this will impact our rights and use.



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		<p>This indicates a failure on the part of the Proponent to understand and/or acknowledge the implications of a reduced ability of PFN and SBOFN members to maintain their current uses of the lands and waters of the LAA. Where preferred hunting and trapping sites within the LAA are lost, and culturally relevant species are removed or driven out, their persistence in the larger RAA is not a substitute for the loss. To maintain the hunting and trapping practices which currently take place in the LAA, community members will have to travel further, requiring a greater investment of time and resources without guarantee of success; the economic implications of this change may be more than some households are able to bear. Important sites within the LAA, some of which may have been used for generations, cannot merely be replaced by those in the RAA.</p> <p>In short, the Proponent has underestimated potential impacts on current hunting and trapping practices by misunderstanding community members, and communities', relationships with their lands and waters. Furthermore, the Proponent has demonstrated that it considers significant impacts within the LAA acceptable so long as current use practices can be relocated to elsewhere in the RAA.</p>	
52	7.4.1.1, 138	The Proponent has consistently failed to recognize and account for the fact that the operation of the proposed Project would likely hasten the movement of AIS into new bodies of water and has use this as justification for	IAAC to add the following to this section:



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		<p>failing to propose mitigation measures to minimize and/or slow the introduction of AIS to Lake Manitoba, St. Martin, and Winnipeg.</p>	<ol style="list-style-type: none"> 1) An assessment on the potential impact of AIS on the Interlake region, and the severity of these impact. 2) Require appropriate mitigation measures to prevent or minimize impacts, given the potential for channel operation to accelerate the movement of AIS into previously un- or minimally affected bodies of water.
53	7.4.1.1, 138-39	<p>As discussed above, the Proponent consistently asserts that impacts within the LAA can, in essence, be 'off-set' by the relatively minor character of Project-specific impacts in the larger RAA. This is unacceptable. The First Nations should not be forced to shoulder the costs and impacts of the Project on behalf of the Proponent. Shifting current use practices from the LAA to the RAA - assuming that such a change is even possible - will require an increased investment of time and resources on the part of PFN and SBOFN's members and have social, cultural, economic, and nutritional implications. The Proponent's expectation of behavioural change on the part of Indigenous communities does not consider these implications.</p>	<p>IAAC to change the following to this section:</p> <ol style="list-style-type: none"> 1) Document in the EA Report the areas, as identified by the First Nations, where the Proponent makes assumptions that behavioural changes on the part of Indigenous groups will compensate for impacts within the LAA. 2) Require the Proponent to conduct assessment of potential behavioural changes on the part of Indigenous groups, taking into consideration of the broader social, cultural, economic, and nutritional implications of these expected behavioural changes. 3) Include a holistic lens, whereby consideration of the broader social, cultural, economic and nutritional implications of expected behavioural changes is fully implemented, the drafting of the EA Report.



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54	7.4.1.1, 139, 146	<p>The Proponent persists in pushing the EAC as a mechanism for both engagement and mitigation. The Agency proposes a number of changes to the EAC to make it more acceptable to Indigenous groups.</p> <p>PFN and SBOFN have been consistent in their objections to the continued use of the EAC as a mechanism for engagement and discussion between the Proponent and Indigenous groups. The Proponent has thus far refused to consider other, co-developed and mutually acceptable alternatives to the EAC. Issues with the EAC, which have been shared with the Proponent on multiple, documented occasions, include:</p> <ul style="list-style-type: none"> • The exclusion of certain First Nations based on the Proponent's belief that they will not be seriously impacted by the proposed Project; • The Proponent's exclusive control on the committee's organization, processes, and timelines • Terms of Reference which do not allow for member Nations to contract their own consultants to assist in document review; and • Insistence on the EAC as a mechanism for implementing adaptive mitigation measures, allowing the Proponent to avoid proposing and implementing proactive mitigation measures. <p>Furthermore, the Proponent has not thus far demonstrated a willingness to hear the concerns of</p>	<p>IAAC to change the following to this section:</p> <ol style="list-style-type: none"> 1) Require the disbanding of the current EAC - from which most impacted Indigenous groups have already withdrawn - in favour of the creation of a new, collaboratively built committee that prioritizes Indigenous leadership and shared decision-making. The EAC is not an acceptable or meaningful vehicle for ongoing engagement between the Proponent and Indigenous groups.



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		<p>Indigenous communities or engage meaningfully with First Nations, leaving us with no reason to believe that they will start doing so in the context of the EAC. PFN and SBOFN feel that the EAC needs to be disbanded and a new entity, co-developed and -administered with Indigenous groups, be created in order to foster meaningful engagement and in acknowledgment of the authority of PFN, SBOFN, and other Indigenous groups over their ancestral lands and waters.</p>	
55	7.4.1.1, 140	<p>The exclusion of Indigenous Knowledge and perspectives from the Proponent's assessments has been a persistent issue throughout the IA process. PFN and SBOFN have provided the Proponent with their knowledge and perspectives in the form of a Rights Impact Assessment (PFN), Socio-Economic Well-Being study (PFN), Information Requests Response Reviews (PFN and SBOFN), multiple reviews of Project documentation, including, but not limited to, the Proponent's Environmental Impact Statement, as well as a consultation report (PFN and SBOFN), review of the Heritage Resources Impact Assessment (PFN and SBOFN), and the Access Road Review (PFN). Throughout the assessment process, PFN and SBOFN have requested that the Proponent provide concrete evidence that it has seriously considered the information provided to it, responded to issues and concerns raised, and applied recommendations.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Include a discussion on the ongoing issues with meaningfully considering Indigenous Knowledge and perspectives. The Proponent has not engaged with PFN, SBOFN, or other First Nations in good faith at any point in the assessment process, and there is no reason to believe that it will do so at any point in the future. 2) This needs to be a crucial consideration in the Agency's assessment when determining if the mitigation measures will truly resolve these issues and ensure our rights are not impacted.



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56	7.4.1.1, 141	<p>The Proponent has frequently focused on the quantity of land and water affected rather than qualitative considerations such as desirability and preference. For example, the Proponent has predicted that 'only' 6.6% of moose habitat in the LAA will be impacted by construction and operations and routinely asserted that, while impacts on a given value component in the LAA may be significantly affected, the same component should remain health, accessible, etc. elsewhere in RAA. This not only disregards the possibility that the lands and waters affected may be of particularly high value or quality (for example, sites where a culturally significant plant grows in particular abundance) but consistently omits considerations of access. This is particularly relevant in the context of current intergenerational knowledge transmission and the sites and spaces currently used for this purpose. Established sites in a given location are not interchangeable with those elsewhere though the difference may not be readily apparent to an outsider such as the Proponent. This is why the consideration and integration of Indigenous Knowledge into both assessment processes and mitigation measures is crucial.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Require that the Proponent demonstrate, using concrete examples, of how it has applied any of the information provided to it by PFN, SBOFN, and other Indigenous groups to its assessment processes and how it has made appropriate and relevant changes to its processes, conclusions, and decision-making to reflect the Indigenous Knowledge and perspectives that have been shared with it.
57	7.4.1.1, 143, 145	<p>PFN and SBOFN concur with the Agency's assertion that "the Project's residual adverse effects to access for current use would likely be high in magnitude, irreversible, and long-term" and that "the Project's adverse residual effects to access, availability and</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) We ask that the Agency ensure that, in determining its conditions for approval, it give this category of impacts the same level of



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		<p>quality of resources, and quality of experience are likely to cause significant adverse environmental effects to Indigenous peoples' current use of lands and resources for traditional purposes."</p>	<p>seriousness of other environmental impacts, and keep in mind the severe and lasting character of the Project's potential impacts on current use practices.</p>
58	7.4.1.1, 146-147	<p>PFN and SBOFN agree that the gathering and inclusion of Indigenous Knowledge throughout the planning, construction, and operational phases of the proposed Project is of critical importance. However, the use of the term 'continued' suggests that the Proponent has thus far been diligent in considering Indigenous Knowledge in its assessment processes. It has not. We are concerned that framing any requirements as a 'continuation' of the Proponent's engagement activities risks overlooking the Proponent's history of disregarding and/or ignoring the knowledge that has been provided to them by Indigenous groups, including the PFN and SBOFN. In short, since the Proponent has so far failed to demonstrate its willingness to include Indigenous Knowledge and perspectives in its processes, we cannot trust that it will do so in the future, and we do not want a "continuation" of MTI's current approach.</p>	<p>IAAC to change the following to this section:</p> <ol style="list-style-type: none"> 1) Amend its language to reflect the Proponent's lack of meaningful engagement with Indigenous groups throughout the assessment process and its resistance to improving its engagement methods or mechanisms. The Proponent has failed to act in good faith in its dealings with PFN, SBOFN, and other impacted Indigenous groups and it is crucial that the Agency acknowledge this.



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59	7.4.2.1 p. 150,151,152	<p>This section incorrectly frames certain gaps in information related to cultural heritage as the First Nations withholding information from MTI. For example, the draft EA includes the following quotes:</p> <ul style="list-style-type: none"> • "no specific locations of unmarked burials in the PDA or LAA have been shared by Indigenous groups." • "The Proponent indicated that Pinaymootang First Nation and Sagkeeng Anicinabe First Nation identified ceremonial and spiritual sites within the Project area but did not disclose the exact locations. • "The Proponent noted that there are currently no heritage resources recorded by the HRB on islands located on lakes Winnipeg, Manitoba, and St. Martin within the RAA..." <p>There is a reason for First Nations are not sharing certain sensitive information, and it is due to MTI not building a good relationship with First Nations leading to a lack of trust, especially regarding follow through. MTI does not and has not understood the governance and stewardship rights of the First Nations, does not respect or appreciate the connection and history of the First Nations in the territory, and has not shown any ability to understand the information that First Nations provide them. MTI has demonstrated a disregard for concerns, mentioning them in passing without resolving</p>	<p>IAAC to change the following to this section:</p> <ol style="list-style-type: none"> 1) Recharacterize this lack of information provided as evidence that MTI has not fostered a trusting relationship with First Nations, to the point that Nations are not comfortable sharing sensitive information with them. 2) Ensure follow through with MTI on all matters that require further engagement consultation.



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		<p>them, and disrespecting the deep knowledge members have on the area.</p>	
60	7.4.2.1 p. 151,152	<p>There are many examples in this section where MTI reports conclusions that stand in opposition to SBOFN and PFN conclusions. The following examples have been disputed by the SBOFN and PFN repeatedly:</p> <ul style="list-style-type: none"> • "The Proponent indicated that the majority of potential effects to Lake Manitoba and Lake St. Martin and their shorelines, as a result of the Project, would be positive due to the reduction of floodwater elevation." • "The Proponent indicated that... adverse effects to heritage resources from dust and noise, altered surface and groundwater, or unmarked graves, were not expected." • "While Indigenous groups have expressed concerns regarding cultural and heritage sites located on islands and federal lands beyond the PDA, the Proponent indicated that a pathway of 	<p>IAAC to alter the language in this section to explain that MTI:</p> <ol style="list-style-type: none"> 1) Is making assumptions about impacts and their significance without evidence; 2) Is disregarding the concerns of our members and the importance of the cultural heritage resources in the area; and 3) Undertook a highly flawed approach to the archaeological assessment (Including serious gaps like not assessing many areas, not including First Nation input, and conducting a surface level assessment and ground surveys (see our past comments on this).



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		<p>effects from the Project does not exist for these sites, given that the purpose of the Project is to reduce flooding and the Project is not anticipated to increase shoreline erosion. "</p> <p>This further demonstrates the Proponent's ongoing disregard for First Nation input, choosing instead to assert and defend its own claims and conclusions despite our deep knowledge and lived experience of the impacts that come from water management in the Interlake area. We have provided these conclusions, rational, and data to MTI to support our claims, to no avail.</p>	
61	7.4.2.1 p. 152	<p>In response to the line: "The Proponent anticipated that effects of the Project would not critically reduce or eliminate the availability of and access to cultural sites, and effects to both known and previously undiscovered heritage resources would be mitigated by the implementation of the proposed HRPP and adherence to Manitoba's The Heritage Resources Act, including the implementation of mitigations (such as detailed recording and mapping of spiritual or cultural sites)." PFN and SBOFN take serious issue with this statement that the Project would not critically reduce or eliminate availability. MTI is stating this with no evidence, and in fact is contrary to the numerous comments, concerns and evidence provided by PFN and SBOFN in the EA process; we have been very clear about what the impacts will be. In addition, the Proponent relies on the</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A statement that MTI's statement on lack of impacts is not based on any evidence and is in stark contrast to the input and knowledge of the First Nations who have attempted to work with MTI on these issues but continue to be ignored. 2) A condition for a cultural heritage plan to be co-developed between MTI and the First Nations, and a requirement that MTI cannot rely on "plans for plans" for any limitations or accommodations.



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		<p>HRPP as the main source for mitigation for cultural heritage resources, but this plan has been highly criticized by PFN and SBOFN, and was not developed with us. The HRPP also doesn't allow for PFN and SBOFN to be directly involved in monitoring and archaeological work. The HRPP, therefore, is not a document that can be trusted by PFN and SBOFN to protect cultural and heritage resources and should not be considered a mitigation plan for reducing impacts to cultural resources.</p>	
62	7.4.2.2 p. 153	<p>Missing Kinonjeoshtegon First Nation and Lake Manitoba First Nation from the list of concerned Indigenous parties. Both of these Nations have engaged on the Project EA process and have submitted comments and studies.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Include Kinonjeoshtegon First Nation and Lake Manitoba First Nation in the list of concerned parties and include them in subsequent paragraphs where their concerns have been raised.
63	7.4.3 p. 160-161	<p>Community-specific communication and engagement plans are a needed mitigation measure. The measures as written are a good start but require some changes.</p>	<p>IAAC to add the following mitigations and conditions to this section:</p> <ol style="list-style-type: none"> 1) Co-develop a list of operations where Proponent will provide notice to affected Indigenous groups (such as before opening the channels in flooding conditions), and this will include requirements to pre-emptively engage with SBOFN and PFN when developing decision protocols, such as when to open the channels.



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			<ul style="list-style-type: none"> 2) Co-develop consultation and engagement for these communication plans outside of the EAC structure. 3) Co-develop a tailored complaint resolution process needs to include 3rd party resolution processes, and binding language to ensure that complaints are resolved. 4) In addition to these community specific communication and engagement plans being sent to the Agency before Project construction commences, the Agency needs to ensure that the plans have been approved by the relevant Nations.
64	7.4.3 p. 161	This section refers to the EAC, please see previous comments on the EAC on why this is inappropriate and should be changed.	<p>IAAC to remove all language:</p> <ul style="list-style-type: none"> 1) Referencing the EAC as a vehicle for reconciling issues, implementing mitigations, establishing/running communications with PFN and SBOFN, and undertaking monitoring with PFN and SBOFN. See the requirements above for the system to replace the EAC.
65	7.4.3 p. 162	IAAC's wording for the requirements for ongoing community specific engagement is too vague. There needs to be specific, Indigenous-focused language and requirements to ensure that the First Nations are adequate engaged, and their rights protected.	<p>IAAC to add the following to this section:</p> <ul style="list-style-type: none"> 1) Requirement for the Proponent to not only engage with First Nations in follow-up program implementation, but also to co-develop the programs with First Nations. These programs must account for concerns and issues that have been



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			<p>raised by First Nations but have not yet been accounted for by the Proponent.</p> <p>2) Remove noncommittal language such as "If required...". Require the Proponent to co-develop and co-implement additional mitigation measures based on unaddressed First Nation concerns.</p>
66	7.4.3 p. 162	<p>The requirement for Project personnel to undergo cultural awareness and heritage training is an important and necessary step to protect First Nations. However, this training needs to be developed and run by the Nations and communities, and the requirement for Project personnel needs to be completion of the training.</p>	<p>IAAC to add the following to this section:</p> <p>1) Require the Proponent to provide funding and appropriate resources for the First Nations to develop and provide cultural awareness training to all Project personnel, including to Proponent staff.</p> <p>2) Requirement that Project personnel complete the training prior to any onsite work.</p>
67	7.4.3 p. 163, 166	<p>MTI needs to work with First Nations to co-develop plans for revegetation and locations for ancillary areas (work camps, quarries, laydown areas). This is the only way to ensure that these areas will be protected, and Indigenous knowledge integrated properly.</p>	<p>IAAC to add the following to this section:</p> <p>1) Require the Proponent to co-develop plans and mapping for revegetation and locations for ancillary areas (work camps, quarries, laydown areas). This is discussed further in the comments on wildlife habitat and vegetation.</p>
68	7.4.3 p. 166	<p>In the Follow-Up and Monitoring section, we note that any follow-up programs cannot be facilitated through the EAC. It must be a co-developed and appropriate system that properly respects Indigenous knowledge, feedback, and right of stewardship.</p>	<p>IAAC to add the following to this section:</p> <p>1) Require the Proponent to not only engage with First Nations in follow-up program implementation, but also to co-develop the programs with First Nations. These programs must account for concerns and issues that have been raised by</p>



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		See the requirements above for the system to replace the EAC.	<p>First Nations but have not yet been accounted for by the Proponent.</p> <p>2) Remove noncommittal language such as "If required...".</p> <p>3) Require the Proponent to co-develop and co-implement additional mitigation measures based on unaddressed First Nation concerns.</p>
69	7.4.3 p. 167	Due to the rapidly changing nature of the regional hydrology as a result of climate change and landscape alterations, reviewing the operating guidelines every 5 years is a very long and infrequent process that will not facilitate the degree of adaptive management required. Operational policy should be reviewed every 2 years.	<p>IAAC to add the following to this section:</p> <p>1) Change the requirement for the Proponent to consult Indigenous groups on the Lake Manitoba and Lake St. Martin Water Control Structures Operating Guidelines every two years, instead of five.</p>
70	7.4.3 p. 167	The plans for assessment, monitoring and mitigation needs to include not only Indigenous monitors, but also allow for Indigenous land users to report their observations and concerns while on the land, and for those observations to be followed up on by the Proponent.	<p>IAAC to add the following to this section:</p> <p>1) A mitigation condition where the Proponent will co-develop a communication system whereby Indigenous land users can report their observations and findings to MTI for inclusion in the assessment of Project effects.</p>
71	7.4.3 p. 168	Regarding a potential Environmental Monitoring Committee, PFN and SBOFN are of the opinion that a committee should be created, and this committee should be led by federal authorities and Indigenous groups in order to hold MTI accountable to the standards and commitments outlined in the EA.	<p>IAAC to add the following to this section:</p> <p>1) IAAC to add a condition for the creation of a joint federal-Indigenous Environmental Monitoring Committee, that will observe and assess impacts from the Project, should it proceed.</p>



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72	7.5.1 p. 173	<p>The discussion on views expressed by Indigenous Groups incorrectly reflects that only Peguis First Nation indicated that trauma from the 2011 Flooding events should be considered under health and socio-economic considerations. In reality, all the First Nations have been vocal about the mental health impacts from the flooding, including PFN and SBOFN. It is important to document the extent to which the First Nations have raised concerns about health and socio-economic impacts as these concerns are widely shared. Including this context is vital to a robust understanding of potential impact pathways.</p>	<p>IAAC to change the following:</p> <ol style="list-style-type: none"> 1) Alter language to reflect the input from SBOFN and PFN on the mental health impacts from the 2011 flood. IAAC must also note that the First Nations are still experiencing adverse effects from 2011 and 2014 flooding events that have yet to be dealt with, offset, or compensated for.
73	7.5.1 p. 173	<p>IAAC requires the Proponent implement the Complaint Resolution Process and monitoring programs as part of the overall Environmental Management Plan and the Construction Environmental Management Program. This requirement is vague. As previously stated, the First Nations hold no faith that the Proponent will meaningfully develop and/or implement complaint resolution processes or monitoring programs. Our repeated engagement on the EMPs has not been reflected in MTI's development of the plans to any extent. It is imperative that the EMPs are co-developed with our input. Furthermore, complaint resolution processes and monitoring programs must require clear targets, parameters, and accountability mechanisms to ensure that MTI upholds the spirit and intent of the programs.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Detailed discussion and analysis of the Proponent's lack of engagement and co-development of the complaint resolution processes and monitoring programs associated with the EMPs. 2) A clear condition that outlines the Proponent's responsibilities to co-develop complaint resolution processes, EMPs, and all other Project plans with the First Nations. This condition must include clear action items and mechanisms to ensure Indigenous engagement and co-development have adequately occurred.



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74	7.5.1 p. 174	<p>The First Nations disagree with IAAC's conclusion that impact to Indigenous socio-economic and health components will not be significant and adverse. The Proponent has considered only bio-physical impacts to health from the Socio-Economic and Well-Being Studies from seven Indigenous groups in the assessment, including changes to air quality, surface water and groundwater quality, the acoustic environment, and the quantity and quality of country foods. As illustrated in First Nation studies and submissions, there will likely be significant impacts to the health of community members including both physical and mental impacts. Drawing on a purely bio-physical approach to health does not reflect an accurate understanding of Indigenous perspectives on health. A broader holistic view of health should be taken, and clearer links to socio-economic and wellbeing should be made through potential Project impacts on mental health, ability to practice traditional skills, and an increased risk of instances of GBV through an influx of non-local Project workers, among other factors. In addition, the sensitivity of health and socio-economic conditions as a result of past flooding events must be acknowledged.</p> <p>We also note that the Proponent refused to pay for a socio-economic and wellbeing study for SBOFN regardless of multiple requests for one. This means, MTI has yet to consider impacts to SBOFN socio-economic and wellbeing conditions.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Implement the IAAC's own guidance on health impact assessment (see "Analyzing Health, Social and Economic Effects under the Impact Assessment Act") to ensure a holistic perspective with present-day best practice and methods on health, and Indigenous perspectives on health, are included. Reassess conclusions about impacts to Socio-economic conditions and health from these perspectives. 2) Include additional discussion and analysis of whether project impacts are justified considering this additional information. 3) The Proponent to fund a SEWB for SBOFN so SBOFN can document the baseline conditions and cumulative effects currently impacting SBOFN health and wellness. Should the project be approved, this study must be completed prior to any construction activities and the results of the study must be incorporated into the finalization of construction, operation, closure, mitigation, and monitoring plans. 4) Add a condition that requires the Proponent to invest in mental health and wellness resources for the communities, such as cultural programming.



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		<p>IAAC and the Crown must implement present-day best practice with respect to health impact assessments. IAAC has been involved in these discussions and knows what this entails. See for example, “Analyzing Health, Social and Economic Effects under the Impact Assessment Act”.</p> <p>Reference:</p> <p>Government of Canada. 2020. "Analyzing Health, Social and Economic Effects under the Impact Assessment Act."</p>	<p>5) Add a condition that requires the Proponent to monitor for environmental impacts on water, air, and country food quality.</p>
75	7.5.2 p. 179	<p>It is noted that several First Nations expressed concerns that the Project could further interrupt schooling if there is a need to relocate residents, if access to educational facilities is affected, if there is competition with migrant workers for limited housing, or if existing housing and building stocks are further damaged. However, it must also be noted that relocation and interruptions to schooling can have long-term impacts on both cultural and economic wellbeing. This includes traditional economic activities and skill development (e.g., hunting, trapping, fishing). It also impacts the likelihood that individual members will finish schooling, and thus impacts the likelihood that members will pursue post-secondary employment. This context is vital to understand the complex impact pathways that will have an effect on socio-economic and health conditions.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Additional discussion and analysis regarding impacts to economic wellbeing due to schooling interruptions. 2) Analysis and discussion of the impacts of relocation on the PFN and SBOFN members' way of life, including analysis of the complex impact pathways resulting from forced relocation. 3) Additional discussion and analysis of whether project impacts are justified considering this additional information.



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76	7.5.2 p. 180	<p>The Agency recommends that the Proponent consider the purposeful inclusion of Indigenous groups in the economic benefits of the Project, including training, employment, and contracting opportunities. While this is good, clear accountability and enforcement mechanisms are required to ensure that the Proponent will meaningfully include SBOFN and PFN. As illustrated previously, the First Nations have no faith that MTI will meaningfully include Indigenous groups throughout this Project. This includes providing Indigenous communities with the opportunity to share the economic benefits of the Project. As such, any commitments required of the Proponent must be clearly regulated with tangible accountability mechanisms.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A clear condition requiring the Proponent to share the economic benefits of the Project. This must include consultation with First Nations to determine what benefits are needed and clear targets for the employment of Indigenous peoples on the Project (including workforce percentages, training opportunities, contracting opportunities, etc.). The condition must also include enforcement and accountability mechanisms to ensure these targets are met.
77	7.5.2 p. 181	<p>The Nations disagree with the Agency's view that the Project is not likely to cause significant adverse environmental effects to Indigenous peoples' socio-economic conditions. This conclusion does not reflect an accurate understanding of Indigenous perspectives on health. The Agency's view considers health from a narrow Western / bio-physical perspective. A broader holistic view should be taken, and clearer links to socio-economic and wellbeing should be made through potential Project impacts on mental health, ability to practice traditional skills, and an increased risk of instances of GBV through an influx of non-local Project workers, among other factors. Broader historical context of hydro-development Projects and floods in the Interlake region is also lacking as SBOFN and PFN</p>	<p>IAAC to make the following changes to this section:</p> <ol style="list-style-type: none"> 1) Revisit this conclusion, drawing on best practice approaches to health and taking into account a holistic view to socio-economic and wellbeing component. Include discussion and analysis of the impacts due to interconnected health and wellbeing issues. IAAC's conclusion should reflect the linkages between potential Project impacts on mental health, the ability to practice traditional skills, and an increased risk of instances of GBV, among other factors.



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		<p>have noted this will exacerbate associated previous and ongoing trauma.</p>	
<p>78</p>	<p>7.5.3 p. 181</p>	<p>The mitigation measures proposed by the Proponent are inadequate regarding socio-economic conditions. The mitigation measures do not reflect an accurate understanding of Indigenous perspectives on health. The views expressed consider health from a narrow Western / biophysical perspective. A broader holistic view should be taken, and clearer links to socio-economic and wellbeing should be made through potential Project impacts on mental health, ability to practice traditional skills, and an increased risk of instances of GBV through an influx of non-local Project workers, among other factors. Broader historical context of hydro-development Projects and floods in the Interlake region is also lacking as SBOFN and PFN have noted this will exacerbate associated previous and ongoing trauma.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A condition that requires the Proponent to re-develop Project mitigations through a collaborative process with the First Nations. This will allow for the development of mitigation measures that rely on a broader understanding of health that identifies potential Project impacts on mental health and cultural wellbeing. 2) A condition that requires the Proponent to invest in mental health and wellness resources for the communities, such as cultural programming. 3) A condition that requires the Proponent to monitor for environmental impacts on water, air, and country food quality. These conditions must be targeted and specific and must have clear accountability and enforcement mechanisms.
<p>79</p>	<p>7.6 p. 184</p>	<p>The overarching issue with this section is that it excludes VCs (i.e., ground water, migratory birds, species at risk, CULRTP) that were discussed in previous chapters. While we understand that this decision was likely made for efficiencies sake, it is</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Detailed discussion and analysis of how the conclusions for each of the VCs in previous chapters pertain to reserve and Federal lands.



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		<p>important to discuss how these impacts to various VCs are related, including any significant adverse impacts to reserve lands that may occur due to impacts to other VCs.</p> <p>The Agency states that effects to federal lands will be mitigated, and references mitigation measures discussed in other chapters of the Draft EA Report, but does not identify any specific mitigation measures, or explain how they will mitigate the specific effects on federal lands.</p>	<p>2) A list of required mitigations to offset impacts to federal lands.</p>
80	7.6.1 p. 186	<p>Under the Changes to Surface Water section, the Report states: "The Proponent indicated that the Project is intended to reduce flooding and inundation of low-lying areas."</p> <p>Based on this, the Report determines that the impacts to reserve lands will be minimal, or can be mitigated, because the intention of the Project is to reduce flooding along Lake Manitoba, Lake St. Martin, and Lake Winnipeg, including on federal lands. As previously identified, we find this conclusion untenable due to the fact that reserve lands will continue flooding at a water level of 806 ft asl including wind and wave action.</p> <p>The EA Report fails to acknowledge that the flooding related to the Project is itself an impact on reserve lands. The EIS and modelling from the Proponent suggest that the reserve lands around Lake St. Martin are predicted to flood once every 13 years.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Further evidence (including data) and rationale that the project will reduce flooding to pre-contact levels and proof that the Proponent is adhering to the precautionary principle in all aspects of the project's design and evaluation and mitigation of potential impacts, especially regarding the likelihood that the Project may result in flooding of reserve lands and traditional use areas. 2) Additional discussion and analysis of whether project impacts are justified considering this additional information. 3) Include the information that the Proponent and the Agency are acknowledging and accepting that the reserve lands in the PDA will be flooded every 13 years or so.



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		The Agency, acting in the capacity of the Government of Canada, has a fiduciary obligation to protect and preserve reserve lands for the continued use of the signatory Nations.	
81	7.6.2 p. 187	The Report acknowledges that many Nations had concerns regarding the lack of information provided on potential flooding of reserve lands, and our requests to establish a co-management structure. It must also be noted that our requests for information and for co-management were ignored by the Proponent.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Discussion and analysis of the fact that, that despite extensive requests for further information, MTI has continually refused to provide us with the details requested. 2) A sentence that our requests for a co-management process have also been ignored.
82	7.6.3 p. 188	We request more information regarding the statement "The Agency acknowledges that there is some uncertainty given the nature of the parameters and concerns from Indigenous groups about downstream effects to Lake Winnipeg, and that mitigations to address these concerns are difficult to develop."	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Detailed discussion and analysis of how the uncertainty regarding downstream effects was or can be considered in the development of project conditions, mitigations, and approvals.
83	7.6.3 p. 188	PFN and SBOFN have a concern with the statement "...accepts that the intention of the Project is to reduce flooding along Lake Manitoba, Lake St. Martin, and Lake Winnipeg, including on federal lands and that the Proponent will develop an Operations and Maintenance Manual for the Project." While IAAC can accept the intention, intention does not equate to reality.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Detailed discussion and analysis how the Project will reduce flooding to pre-contact levels and that the Proponent is adhering to the precautionary principle in all aspects of the project's design and evaluation and mitigation of potential impacts, especially regarding the likelihood that the Project may result in flooding of reserve lands and



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			<p>traditional use areas. This analysis must account for the studies and information provided by the Nations showing that the Project may cause significant flooding of our lands.</p>
84	7.6.3 p. 189	<p>PFN and SBOFN disagree with the statement "The Agency understands that effects to federal lands would be mitigated through mitigation measures, monitoring, and follow-up programs for other valued components, as noted below." As previously discussed, the mitigation measures are substantially lacking and will not reduce adverse effects to a significant degree.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Discussion and analysis of how the First Nations find the Proponent's proposed mitigations to be unacceptable and that they will not adequately reduce adverse effects. 2) Additional discussion and analysis of whether project impacts are justified considering this additional information. 3) Reconsideration of IAAC's its conclusion based on our provided information.



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85	8.1.1 p. 190-92 8.1.3, p. 194	<p>The temporal scope used to evaluate impacts due to accidents and malfunctions is inadequate and conflicts with the Project's temporal scope outlined in section 2.1.2 of the EA report, which states that the Project will operate "in perpetuity" (10). If this is the case, then a 1-in-300-year flood event should be taken seriously and should not be dismissed as rare. The EA Report accepts the Proponent's determination that impacts due to a catastrophic 300-year flood are so rare than the risk is insignificant (194). It accepts the Proponent's conclusion "that the magnitude of effects from a dyke breach or WCS failure could be high, while the likelihood of occurrence would be low" (191). PFN and SBOFN disagree with this conclusion and consider potential impacts resulting from a 1-in-300-year flood to be significant, especially given the increasing likelihood of catastrophic flood events due to climate change, of which there is no mention in the Agency or the Proponent's assessment of potential flood events.</p> <p>The Agency regrettably accepts that "the Proponent has committed to implementing mitigation measures to prevent a containment dike breach or overtopping and water control structure failure." However, the primary mitigation proposed by the Proponent (and accepted by the Agency) for a dyke breach or failure of the WCS is the anticipated improbability of such an event occurring and reliance on inadequate response measures that have failed impacted Nations in the past (see comment below). These are inadequate mitigation measures for</p>	<p>IAAC to make the following changes to this section of the Report:</p> <ol style="list-style-type: none"> 1) Remove statements that characterize the rarity of a 1-in-300-year flood as a mitigating factor for flood-related impacts to PFN and SBOFN rights and interests. Instead, IAAC should include such an event in its evaluation of potential impacts due to catastrophic flooding, dyke failure, WCS failure, and any other accidents and malfunctions and should avoid dismissing impacts due to relative unlikelihood. 2) Clearly state that the Proponent's evaluation of the duration of impacts is inadequate because it does not account for the full duration of potential impacts due to accidents and malfunctions. 3) Provide additional discussion and analysis of whether project impacts are justified considering this additional information. <p>IAAC must also require the Proponent, prior to approval of the Project, to provide:</p> <ol style="list-style-type: none"> 1) More detailed evaluation of any impacts due to accidents and malfunctions that, for each potential impact, accounts all potentially impacted PFN and SBOFN rights and interests and that accounts for the full duration of impacts extending to a point in time when effects are no longer measurable.



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		<p>PFN and SBOFN. PFN and SBOFN require more specific mitigation measures for such an event that are developed in direct consultation with impacted Indigenous groups. Such measures should aim to ensure that PFN and SBOFN's lands, waters, and cultures are not disproportionately impacted as they have been in the past several decades.</p> <p>Furthermore, although the Proponent uses a nominally "worst-case scenario" framework to its assessment of accidents and malfunctions, they provide no specific timescales of potential impacts due to accidents, malfunctions, or extreme flood events. Instead, they characterize impacts as "temporary" without conducting a rigorous assessment of impact duration, let alone magnitude, extent, and other important factors. The temporal scope of impacts must be adequately long and must extend to a point in time when effects are no longer measurable.</p>	<p>2) A detailed description of how the duration of each impact was determined.</p>
86	8.1.1 p. 190-92 8.1.3 p. 194-97	<p>Neither this section of the EA Report nor the Proponent's EIS adequately assess potential impacts to PFN and SBOFN's rights and interests due to accidents and malfunctions. The EA Report states that "The Agency is of the view that the Proponent appropriately identified and assessed potential accidents and malfunctions scenarios associated with the Project, including potential effects to the environment and Indigenous peoples" (194) and that</p>	<p>IAAC to make the following changes to this section:</p> <p>1) Describe in detail how the Proponent failed to evaluate all VCs of concern to PFN and SBOFN; to describe specific impact pathways; and to characterize impacts methodically. Where necessary, additional consultation and data collection with Indigenous communities may be required to adequately address potential risks due to accidents and malfunctions.</p>



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		<p>"the Project is not likely to cause significant adverse environmental effects due to accidents and malfunctions, after taking into account the implementation of the proposed key mitigation measures, monitoring, and follow-up programs" (196). However, the neither the EA Report nor the EIS describe in adequate detail how impacts resulting from accidents and malfunctions to VCs identified by PFN and SBOFN were evaluated by the Proponent. Several of PFN and SBOFN's VCs are missing from the Agency and Proponent's assessment (e.g., Stewardship; Cultural Continuity; Farming). The Proponent's EIS mentions potential impacts to traditional land use and country foods, but the analysis of impacts to VC's is vague. For example, impacts to wildlife harvesting due to a dyke breach were not evaluated even though impacts to wildlife were observed (see section 14.2.3 of the EIS). Overall, there is no precise analysis of impacts pathways (ibid.). Throughout this section, as with the Proponent's EIS, there is no effects characterization process, and there is minimal explanation for the determination of likelihood of spills or breaches. Overall, the assessment of potential impacts to land use is inadequate, especially in regard to breach or failure (191), but also in regard to spills (191-192). Flood scenario modelling is also insufficient and there is a lack of clarity on how failure of the WCS was incorporated into flood modelling. Additionally, the Report provides no detailed assessment of dyke failure mechanisms that allows for effective emergency action</p>	<p>2) Include a discussion and analysis that shows clearly how the Proponent is adhering to the precautionary principle despite the risks the Project presents. This is the case for all impacts, including those due to accidents and malfunctions, including dyke breach, WCS failure, and the 1-300-year flood scenario. In order for the Project to move forward, IAAC must prove that the Project minimizes, to pre-contact levels, the risk that First Nations lands will be catastrophically flooded or that Indigenous rights will be severely impacted by any of the Project's associated components and activities.</p> <p>3) Provide additional discussion and analysis of whether project impacts are justified considering this additional information.</p> <p>IAAC must require the Proponent to provide the information described above, as well as:</p> <ol style="list-style-type: none"> 1) A detailed assessment of dyke failure mechanisms that allows for effective emergency action plans and the establishment of adequate safety measurements. 2) Greater clarity on how failure of the WCS was incorporated into flood modelling. 3) Information on what preventative measures the Proponent will take for hazardous spills.



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		<p>plans or to establish adequate safety measurements is required.</p> <p>The Report also states that spills would occur mostly on land and are therefore not significant (191-192). The Report includes no evaluation of proximity of potential spill sites to aquifer, evaluation of impacts to groundwater, or proximity of spill sites to valued areas and sensitive sites. In proposing mitigation measures for spills, the Proponent provides no detail about preventative measures or response plans and relies instead on vague descriptions of training and procedures for hazardous material handling, clean-up, and remediation, treating these as adequate mitigation measures. Additionally, concerns regarding perceived contamination are not addressed. This is essential to include, as perceived contamination can lead to avoidance of an area and, ultimately, impacts to PFN and SBOFN's rights. Overall, the Agency and Proponent have not proposed adequate mitigations for specific impacts to Indigenous Nations based on impact pathways identified by the Nations, especially in regard to impacts from flooding to harvesting; the timing and location of water released during flooding events; and impacts due to water from the Assiniboine Basin being released into Lake St Martin. Flooding has been a major concern of PFN and SBOFN's since the beginning of this Project, and both the Proponent and the Agency have ignored Indigenous concerns regarding Project design and their preference for other approaches to flood mitigation. As such, PFN and</p>	



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		SBOFN now require more specific assurance that their lands and cultures will not be significantly and disproportionately impacted by a severe flood caused by a dike breach or WCS failure.	
87	8.1.1 p. 191	<p>The EA report states that "If a breach were to occur, the effects to valued components would be similar to a flood event in the absence of the Project; the Proponent considered this the worst-case scenario of an outlet channel breach or WCS failure" (191). This shows a lack of regard for cumulative impacts, including potential future impacts, current conditions, and the longstanding history of flood-related effects that PFN and SBOFN have experienced. In the past several decades, First Nations in the area have born a disproportionate burden of impacts from flooding compared to other communities in the region. This is largely due to Manitoba's flood infrastructure design, construction, and management over the past several decades. If a breach of the containment dike or a Water Control Structure failure were to occur, PFN and SBOFN fear they would again experience impacts disproportionately compared to other communities in the area. This EA Report and the Proponent's assessment of impacts from accidents and malfunctions do not adequately evaluate the full range of impacts to PFN and SBOFN's rights and interests. As a result, the Proponent and agency have not proposed adequate mitigation measures for potential impacts to PFN and SBOFN's rights and interests due</p>	<p>IAAC to make the following changes to this section:</p> <ol style="list-style-type: none"> 1) Analyze potential accident and malfunction-related impacts to PFN and SBOFN's rights and interests in the context of cumulative impacts experienced by PFN and SBOFN. 2) Provide a discussion and analysis of impacts in the context of cumulative impacts with the goal of ensuring that PFN and SBOFN's rights and interests are not disproportionately impacted as they have been in the past, and that potential impacts do not result in the surpassing of thresholds set by PFN and SBOFN for the practice of their rights from the immediate and long term. 3) Explain whether impacts would be justified given the context of cumulative impacts, and why.



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		to a breach or failure. The Agency's position displays a lack of rigorous assessment of potential effects due to catastrophic flooding considering cumulative impacts to PFN and SBOFN's rights and interests.	
88	8.1, p. 190-197	<p>PFN and SBOFN have not been adequately engaged in the development of mitigation, monitoring, emergency response, and adaptive management plans related to accidents and malfunctions. In some cases, the Report relies on plans that already exist but that do not involve Indigenous inputs. Several of the plans and protocols mentioned below have either not been shared with PFN and SBOFN or have been shared within an impractical timeline. There are only vague commitments to involve PFN and SBOFN in their development and no requirement that they approve or consent to it.</p> <p>The Report states that to “minimize the likelihood of accidents and malfunctions, and in the event of an accident or malfunction, the Proponent would adhere to their Project Environmental Requirements, Environmental Management Plans, Access Management Plan and Emergency Response Procedure”. However, PFN and SBOFN’s exclusion from the development of these plans has resulted in a lack of consideration of the Project’s effects on our rights and interests. As we have mentioned previously, all EMPs must be based on a sound understanding of project-VC interactions and must account for all potential impacts to PFN and SBOFN rights and</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Detailed discussion and analysis of how the Proponent failed to engage, or has not committed to engaging, First Nations in the development of all EMPs and emergency response plans. 2) As a condition for Project approval, PFN and SBOFN must be part of the development of the plans and their approval must be required prior to Project construction. The Proponent must be required to provide drafts of all documentation and plans regarding accident and malfunction prevention and response in advance and to engage PFN and SBOFN and incorporate PFN and SBOFN's concerns in all management and response plans. This is the case for the plans mentioned here and any other documentation related to accidents and malfunctions.



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		<p>interests. This information has not been provided though the EA.</p> <p>The EA Report states that "In the event of a containment dike breach, the Agency understands that the procedures under Manitoba Infrastructure's Manitoba Flood Coordination Plan would be implemented during a flood event, including procedures for public notification of flooding and evacuation requirements." (194). However, Manitoba's Flood Coordination Plan does not adequately address Indigenous concerns related to flood response. Reliance on this Plan is especially concerning given the history of disproportionate impacts to Nations due to flooding and the wider context of cumulative impacts experienced by PFN and SBOFN as outlined in the Rights Impact Assessment Reports recently submitted by PFN and SBOFN. Reliance on this plan is inadequate; specific engagement and Indigenous-centred flood management protocol is required to ensure that Indigenous Nations are not severely and disproportionately impacted by a dike breach or Water Control Structure (WCS) failure.</p> <p>The Report also states that "The Agency understands that the Proponent will develop a Project-specific Operations and Maintenance Manual for the WCSs to ensure maintenance needs for the Project are addressed during the operation and maintenance phase; the operation and maintenance will adhere to the Canadian Dam Association's Dam Safety</p>	



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		<p>Guidelines" (194). The Report also states that "The Agency is of the view that the Proponent has developed appropriate emergency response measures in the event of a fire and acknowledges that the Proponent has committed to mitigation measures to reduce the likelihood of Project-related fires" (195). Likewise in relation to the protection of environmentally sensitive sites from impacts due to accidents and malfunctions, the Agency and Proponent have not included adequate commitments, requirements, or guidelines to ensure the Proponent adequately involves Nations in the development of the Environmental Protection Plan and its associated "map books" (195). However, inadequate measures have been proposed for PFN and SBOFN's engagement in the development of these plans and procedures. PFN and SBOFN must be directly engaged in the development of these plans and procedures in order to ensure adequate protection of their rights and interests in the event of accidents and malfunction. PFN and SBOFN must have opportunity to comment on and approve these plans and procedures in advance of Project construction and to comment on and approve any subsequent changes.</p> <p>The Report also states that "For heritage resources affected or discovered as a result of a breach or site disturbance, the Agency understands that the Proponent would inform the HRB under the Department of Sport, Culture, Heritage and Tourism and follow their required mitigation measures" (195).</p>	



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		<p>The Proponent and Agency propose no requirement for PFN and SBOFN's direct involvement in impacted Indigenous heritage resources. Indigenous rights and involvement in this regard must be prioritized.</p>	
<p>89</p>	<p>8.2, 198-99</p>	<p>PFN and SBOFN remain concerned about the numerical model applied to Lake St. Martin, which has not been verified or validated. This being the case, the credibility of predictions based on that model cannot be accurately assessed. Model Verification and Validation (V&V) is a crucial step in building an accurate numerical model for the purpose of making predictions.</p> <p>Quantifying the confidence and predictive accuracy of model calculations provides the decision-maker with the information necessary for making high-consequence decisions. The absence of V&V and the Proponent's model undermines its credibility and makes us question the Proponent's overall ability to accurately assess Project impacts. MTI's model additionally, and crucially, excludes ice conditions, making their assessment of the impacts of ice and ice formation unreliable.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A requirement that the Proponent to provide an evaluation of the model's predictive ability by using graphs and Nash-Sutcliffe Efficiency (a widely used and reliable statistic for assessing the goodness of fit for hydrologic models) to measure the goodness of fit of the model's predictions to measurements. This should then be included in the EA Report. 2) A requirement that the Proponent provide information on, and analysis of, the likely effect of ice conditions on the model's results including ice jams in the Lake St. Martin Narrows, channel inlets, and river inlets. This should then be included in the EA Report. 3) Provide additional discussion and analysis of whether project impacts are justified considering this additional information.
<p>90</p>	<p>8.2, 199-200</p>	<p>The Proponent still has not addressed concerned regarding the sufficiency or accuracy of climate change models, including predictive modeling of future flood events. MTI's existing modeling does not sufficiently account or plan for the possibility of floods which</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Detailed information regarding the history of past flooding; the causes of past flooding as evaluated by PFN and SBOFN; and the wide-ranging and



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		<p>exceed 2011 levels and so risk insufficiency in their mitigation measures.</p> <p>The Proponent continues to assert, in the Agency's words, that "As the Project is a flood mitigation Project, effects of increased flooding due to climate change were expected to be less than those expected without the Project." Given the Proponent's incomplete models, we do not believe this is a credible promise. Furthermore, PFN and SBOFN believe that the Proponent has consistently used the assertion that the Project is itself a mitigation measure due to its ostensible role in reducing the risk of flooding to avoid proposing sufficiently robust or adequate mitigation measures related to potential Project-related flooding.</p> <p>The Proponent's incomplete modelling and failure to consider the cumulative impacts of past flood events risk underestimating the severity of future flooding events. The Proponent has also failed to meaningfully acknowledge the psychological impacts of past flood events, including the flood of 2011, on Indigenous communities in the Interlake region. For impacted communities, this was an intensely traumatic events whose effects are still being felt. The decision on the part of the province to sacrifice Indigenous communities in order to divert flood waters from non-Indigenous cities was just one in a long history of actions by the government which demonstrate how little Indigenous communities and their associated ways of life and constitutionally protected Aboriginal and Treaty</p>	<p>disproportionate impacts past flooding has had on PFN and SBOFN members. The Report should acknowledge that this is the context in which the proposed Project is being brought forth. This is necessary in order to accurately evaluate the severity of potential impacts to Indigenous communities in the Interlake region, including PFN and SBOFN.</p> <p>2) Additional discussion and analysis of whether project impacts are justified considering this additional information.</p>



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		Rights - are respected and valued by Canadian decision-makers.	
91	8.3 p. 205	In the statement "The Agency focused its analysis on effects to fish and fish habitat; the current use of lands and resources for traditional purposes; physical and cultural heritage; structures, sites, and things of historical, archaeological, paleontological, or architectural significance; and the health and socio-economic conditions of Indigenous peoples." There is no mention of wildlife.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A justification for why IAAC did not include wildlife in the analysis and, if relevant, detailed discussion of how wildlife would be impacted.
92	8.3 p. 205	We disagree with the statement: "the Agency is of the view that with the implementation of the key mitigation measures identified in Chapter 7.2 (Migratory Birds) and Chapter 7.3 (Species at Risk) of this EA Report, the Project's contributions to cumulative effects to migratory birds and species at risk will be adequately mitigated." PFN and SBOFN do not believe that the proposed mitigations will be adequate to protect these VCs.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A detailed explanation and justification to support the claim that impacts to migratory birds and species at risk will be adequately mitigated that accounts for our previously submitted comments on the matter.
93	8.3.1, p. 211-212	The cumulative effects of the Project's nutrient loading to Lake Winnipeg is not assessed in the EIS or in subsequent IR responses from MTI. Also, because the Portage Diversion was excluded from the Agency, the water quality of the flood waters emanating from the Assiniboine River were not contemplated in the EIS or by the Agency.	<p>IAAC is requested to require the Proponent:</p> <ol style="list-style-type: none"> 1) Complete an assessment of the cumulative effects of nutrients before a final decision on the Project is made. This assessment must include the contributions resulting from the operation of the Portage Diversion.



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		<p>The assimilative capacity for nutrients, particularly phosphorus, in Lake Winnipeg is exhausted as evidenced by increases in the extent and make-up of algae blooms. There are many sources of nutrients to the Lake and the project is adding to these sources by short-circuiting the route that flood waters would naturally take to Lake Winnipeg. The assimilative capacity of the natural route through the Assiniboine River, Red River, Netley-Libau Marsh and southern basin of Lake Winnipeg will be lost as flood waters will flow directly from the Portage Diversion into Lake St. Martin and the north basin of Lake Winnipeg.</p> <p>We are of the view that the release of nutrients from the Project, in combination with past, present, and reasonably foreseeable projects and activities, is likely to cause significant adverse cumulative environmental effects to surface water, fish and fish habitat, and the health and socio-economic conditions of Indigenous Peoples.</p>	
94	8.3.2, p. 216	<p>The concerns listed have been said by more than just the stated Nations. For example: "...concerns about the levels of uncertainty related to the potential contribution of nutrients and contaminants overflowing from the Assiniboine River into Lake Manitoba" has been said by SBOFN many times.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Review our stated concerns and include our Nations in relevant comments.
95	8.3.3 p. 219	<p>We require more information regarding the statement "The Agency is of the view that the Proponent did not</p>	<p>IAAC to add the following to this section:</p>



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		adequately determine temporal boundaries for the cumulative effects assessment or adequately examine physical activities that have been and will be carried out."	<ol style="list-style-type: none"> 1) Detailed discussion and analysis of the implications of neglecting to adequately determine temporal boundaries for the cumulative effects assessment or adequately examine physical activities that have been and will be carried out. 2) Additional discussion and analysis of whether project impacts are justified considering this additional information.
96	8.3.3 p. 219	<p>We fundamentally disagree with the statement "The Agency is of the view that the key mitigation measures identified in Chapter 7.1 (Fish and Fish Habitat) of this draft EA Report, and additional measures to mitigate and offset effects to fish and fish habitat that will be developed as part of the Fisheries Act authorization process for the Project will adequately minimize the Project's contributions to cumulative effects to fish and fish habitat, and therefore, cumulative interactions of project effects with effects of future projects and activities would not threaten the viability of fish and fish habitat in the RAA.". The past effects within our territories have decimated our ability to fish. We have not been compensated for these impacts that have occurred as a result of the flood management infrastructure in the Interlake region. Our rights are now so sensitive that any adverse impact will be significant in nature. The mitigation measures are inadequate and have been developed without our input or knowledge. As such, the impacts to our rights to fish will be</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Detailed discussion and analysis that accounts for the information we provided regarding past and ongoing impacts to our ability to fish, the lack of mitigation and compensation measures, and the current sensitivity of our fishing rights. 2) Draft a condition which requires the Proponent to re-develop mitigation plans in a collaborative fashion with the First Nations. This must include clear targets and accountability mechanisms to ensure they uphold these requirements.



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		<p>pervasive. Furthermore, we have been excluded from engagement on the FAA. Without the meaningful inclusion of our knowledge, the mitigation measures will be unable to adequately reduce the risk of impacts to fish and fish habitat.</p>	
97	8.3.3 p. 220	<p>Regarding the statement "Effects from the integrated water management system include, but are not limited to, long-term disruptions to subsistence hunting and harvesting (and corresponding effects to the health of Indigenous diet, ability to maintain a reasonable livelihood, and culture, including sense of place and intergenerational knowledge transfer), alterations to the landscape and use thereof, adverse effects to Indigenous fisheries, and changes in water levels that have changed the presence and abundance of culturally important species." More detail is required.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) More detailed discussion and analysis of the interrelated impacts resulting from the integrated water management system. Our way of life is complex, and changes to one VC will result in impacts to others, which may culminate in substantial impacts to our rights and way of life. Additional discussion and analysis of whether these impacts are justified considering this additional information.
98	8.3.3 p. 221	<p>The Agency's view that "...with the implementation of the Proponent's proposed mitigation measures, monitoring, and follow-up programs and the key mitigation measures identified in Chapter 6.1 (Surface Water), Chapter 6.2 (Groundwater), Chapter 7.4 (Indigenous Peoples – Current Use of Lands for Traditional Purposes, Physical and Cultural Heritage, and Sites of Significance), and Chapter 7.5 (Indigenous Peoples – Health and Socio-economic Conditions) of this EA Report, the Project's contributions to cumulative effects to Indigenous peoples' health and socio-economic conditions would be adequately mitigated</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A reconsideration of this conclusion in light of our the information we have provided. The discussion, analysis, and conclusions should reflect a holistic understanding of cumulative impacts to Indigenous people's health and socioeconomic conditions 2) A condition which requires the Proponent to re-develop mitigation plans in a collaborative fashion with the First Nations. This must include clear



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		<p>and cumulative effects within the RAA would not prohibit the harvest of country foods in the LAAs and RAA." is flawed.</p> <p>PFN and SBOFN disagree with this statement. The mitigation measures are inadequate and have been developed without our input or knowledge. As such, the impacts to our rights to fish will be pervasive. Furthermore, we have been excluded from engagement on the FAA. Without the meaningful inclusion of our knowledge, the mitigation measures will be unable to adequately reduce the risk of impacts to our health and socio-economic conditions.</p> <p>This conclusion also does not reflect a holistic understanding of Indigenous health and socio-economics. An Indigenous perspective allows for a more robust understanding of potential Project effects. For example, IAA 2019 defines health from an Indigenous perspective as: "health effects, such as: (1) mental health effects from a loss of access to nature; or (2) effects caused by loss of access to healthy foods (e.g., fish, berries). a loss of hunting and fishing activities, or changes to river navigation and access, which may have: (1) social effects for communities that gather around harvesting; and (2) economic effects if fish are sold or traded" (Analyzing Health, Social and Economic Effects under the Impact Assessment Act, 4.2)</p>	<p>targets and accountability mechanisms to ensure they uphold these requirements.</p> <p>3) A condition that requires the Proponent to share the FAA application with the First Nations so that we might provide feedback and guidance.</p>



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		Why we recognize that this Project is being assessed under CEAA2012, it is the responsibility of IAAC to implement best practices.	
99	9.1.1, p. 226	In the first paragraph of this section, there is a summary of Indigenous concerns of cumulative effects. This summary only scratches the surface of the context within which rights occur, more detail is required for each nation. The context within which these impacts to rights will occur are a central tenet of this assessment. The cumulative effects in the area as well as the historical context are the reason why the rights are as limited as they currently are, and why thresholds of change are so restricted. Furthermore, the contextual conditions are different for each Nation. A table should be developed.	IAAC to add the following to this section: 1) A table in each of the subsections of 9.2 (hunting and trapping, fishing, continued way of life, cultural continuity, stewardship), that summarizes: a. the Nation; b. Community location; c. Current pressures and context of rights; d. Pressures from water infrastructure and how MTI has considered these issues e. The gaps in MTI's perspective and consideration of context
100	9.1.1, p. 226	PFN and SBOFN disagree with the Agency's conclusion that a regional-level assessment is beyond the scope of this Project, and would like to reiterate that such a regional-level assessment is completely warranted as the effects of the Project, which will cause fundamental alterations to regional hydrology, will be incredibly expansive. As such, a regional approach is	IAAC to add the following to this section: 1) Rationale as to why a regional-level assessment is not appropriate, given the regional scale of predicted impacts from this Project.



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		the only way to reflect the complex Project pathway interactions	
101	9.1.1, p. 227	The impacts to SBOFN and PFN due to flooding has not been fully captured in this section. There was another major flood in 2014, not just 2011, and many community members are still displaced. It is unclear how this information has been considered in this assessment.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Detailed analysis and discussion of the catastrophic flooding in 2014, including the fact that some First Nation community members have not been able to return, even into 2024. 2) Analysis of how this existing impact is considered in the Proponent's assessment of cumulative effects and, where lacking, the requirement that the Proponent or the Agency include detailed analysis of the impacts of this flood event in the cumulative effects assessment. 3) Additional discussion and analysis of whether these impacts are justified considering this additional information.
102	9.1.1, p. 227	The concerns raised by SBOFN about the potential increased operation of the Portage Diversion are not fully explained in this section. SBOFN is concerned about the contaminated waters of the Assiniboine River adding to the cumulative effects from decades of existing water infrastructure, which has already impacted water quality and way of life. Especially as the opening of the Portage Diversion causes more water to flow through SBOFN lands and into Manitoba from the agriculturally-polluted Assiniboine River.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Discussion and analysis of SBOFN's additional concerns about the potential increased operation of the Portage Diversion, including predicted impacts of increased water contamination on fish and fish habitat.



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		<p>These cumulative effects have yet to be dealt with, and as such, must be considered alongside and as part of the present impacts. Due to the intertwined nature of the Portage Diversion and the Fairford Water Control Structure with the Outlet channels, the impacts of water management in the region must be considered as a whole. The increased water flow through the Portage Diversion from the Assiniboine River will cause Lake St. Martin, and subsequently Lake Winnipeg, to be inundated with suspended sediment and eutrophic conditions, which will negatively impact the fish and fish habitat in those lakes.</p>	
<p>103</p>	<p>9.2.</p>	<p>IAAC is upholding MTI's claim that because the Project is intended to reduce flooding, there will be positive impacts to VCs like bird and wildlife habitat, hunting and trapping areas. PFN and SBOFN find this unacceptable, as MTI has not provided evidence to support these statements. IAAC taking the stance of repeating the claims of the Proponent without fact checking and conducting analysis is misleading and is not in the spirit of an Environmental Assessment. On page 234, the statement "Seasonal fluctuations in lake levels are still expected to occur, thus the effects to lake shorelines and associated wetlands and other habitat would be expected to remain relatively unchanged" needs to be supported with evidence.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Reconsider and reassess the conclusion that there will be positive impacts to VCs like birds, wildlife, habitat, and hunting and trapping areas in light of the information provided by SBOFN and PFN. 2) Provide further grounding and contextualization about how these conclusions are reached in light of the studies provided by the First Nations that illustrate contrary conclusions.
<p>104</p>	<p>9.2, p. 228</p>	<p>The impacts to PFN and SBOFN's rights cannot be fully understood in this Report because MTI did not</p>	<p>IAAC to add the following to this section:</p>



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		<p>accurately and fully consult with PFN on how to account for the impact outlines in PFN's Right Impact Assessment. For SBOFN, there is no understanding of potential impacts to rights because MTI refused to fund an RIA for them.</p> <p>Many of the impacts stated in this section also impact SBOFN, but the Report only describes what was found in the RIA's, and so misses SBOFN.</p>	<p>1) A clear statement that there is missing information on the current context of rights practice and potential impacts to rights because the Proponent would not fund an RIA for SBOFN and did not accurately utilize the RIA provided by PFN. Therefore, there are gaps in the information on impacts and context for rights. This must be explicitly stated in the Report.</p>
105	9.2.1, p.228	<p>It must be better recognized that the "core cultural practices for Indigenous groups" are integral to the First Nation identity, and that they are also core tenets of subsistence and wellbeing. This section needs to acknowledge the connection between harvesting, cultural continuity, wellbeing, and an overall way of life</p>	<p>IAAC to add the following to this section:</p> <p>1) Additional, more detailed discussion and analysis of the importance of cultural practices for the First Nations and of the connections between harvesting, cultural continuity, wellbeing, and an overall way of life.</p> <p>2) Reassessment of the impacts to cultural practices and other related VCs given this additional context, including discussion and analysis of whether these impacts are justified considering this additional information.</p>
106	9.2.1, p. 229	<p>This section ("Context in which impacts on hunting and trapping rights would occur") is too high-level and basic and does not contain all of the extensive information provided by PFN in their RIA and by SOBFN and PFN in the course of this EA process. The primary issue we have had throughout this EA is that the First Nations have not been listened to. This section perpetuates this. While there are some preliminary references to</p>	<p>IAAC to add the following to this section:</p> <p>1) Additional, more detailed analysis and discussion of the context in which hunting and trapping rights would occur. This information should be based on the RIAs and extensive comments provided by SBOFN and PFN. This should include information on existing and ongoing impacts resulting from the</p>



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		<p>key concerns associated with Aboriginal Rights, these sections barely scrape the surface. The First Nations have provided incredibly detailed information and studies that are vital to understanding the complex baseline conditions, cumulative effects, and potential Project impacts.</p>	<p>Government of Manitoba's flood management activities and should discuss and analyze the need for PFN and SBOFN to protect what limited resources remain.</p> <p>2) Additional discussion and analysis of whether these impacts are justified considering this additional information.</p>
<p>107</p>	<p>9.2.1, p. 229</p>	<p>Under the section "loss of preferred hunting and trapping areas and change in access", we find there is very little written about how significant the loss of area will be as a result of the Project components itself. This Project consists of massive channels, and expansive cleared right of ways on either side of the channels. This will have a massive impact on the local environment and the availability of areas.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Additional, more detailed analysis and discussion of how much area is going to be impacted and lost due to the construction of the Project components. 2) Additional discussion and analysis of whether these impacts are justified considering this additional information.
<p>108</p>	<p>9.2.1, p. 232</p>	<p>This section requires more details on which mitigations, and how monitoring, will offset impacts to wildlife habitat. PFN and SBOFN have not seen sufficient mitigation plans from the Proponent to suggest that it has adequately considered this. MTI concludes that mitigation and follow-up measures are required but does not provide any options or mitigations that will actually serve to reduce potential impacts to an acceptable level. As such, the impacts remain significant and adverse. Additionally, monitoring does not offset impacts, it only describes what impacts have already occurred.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A statement regarding the inadequacy of the mitigations for impacts to wildlife and further context and analysis on the role of adaptive management and monitoring.



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109	9.2.1, p. 232-233	Under the "Assessment of Impact on Hunting and Trapping Rights", additional context is needed. This context is necessary to accurately represent SBOFN and PFN hunting and trapping rights, and are foundational to the assessment of potential Project impacts.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Discussion and analysis of the extent to which the baseline for these rights has been previously impacted. 2) A statement that further impacts to this baseline are severe and unacceptable for PFN and SBOFN due to the fact that thresholds for change are already exceeded as a result of the historic and ongoing flooding and increased development. 3) Discussion and analysis of the inadequacy of the requirement under the Water Rights Act to only compensate 0.1 hectares of the 768.5 hectares of wetlands removed for the construction of the Project. 4) Discussion and analysis of the impacts to wildlife in the area resulting from insufficient mitigation, considering the existing heavily impacted baseline from past water infrastructure activity. 5) The requirement that MTI not rely on this as an acceptable goal. 6) Evidence to support the accuracy of the statement "...the Proponent predicted that flood protection provided by the Project would have positive effects to hunting and trapping areas." Evidence is required about how all of the territory where PFN and SBOFN members hunt and trap will be positively impacted by the Project. Our studies



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			<p>have show that the Project will not reduce flooding and that therefore there will be no benefit to hunting and trapping.</p> <p>7) Evidence of how revegetation can reverse impacts to wildlife habitats. MTI has not proposed this as an offset.</p>
110	9.2.1, p. 233	<p>IAAC states that: "The Agency recognizes that the severity of Project impacts on hunting and trapping rights would vary by Indigenous group...The Agency notes the importance of the implementation of the mitigation, follow-up, and monitoring measures identified in this report. Of particular note, key mitigation measures...are important to support Indigenous groups' continued ability to practice hunting and trapping rights, such as purposeful inclusion of and sufficient support provided to Indigenous groups to participate in wildlife, vegetation, and revegetation monitoring; and the development of community-specific access management plans to support Indigenous groups' ability to navigate through the area." Without including explicit conditions to require the Proponent to follow through on these plans, this acknowledgement is meaningless. As raised in other comments, the Proponent has not demonstrated that it can be trusted to follow through on meaningful consultation and plans during the EA process, let alone if the Project is approved. The First Nations therefore have no faith that the Proponent will uphold, meaningfully implement, or engage with First Nations with respect to the mitigation</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Conditions to ensure the Proponent's mitigation measures can be implemented, are enforceable, and include accountability mechanisms. 2) Conditions must also require the Proponent to engage with SBOFN and PFN in the establishment and co-development of access management plans.



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		measures. Clear conditions must be defined to ensure the co-development, implementation, and accountability of mitigation measures.	
111	9.2.1, p. 234	The statement "Indigenous groups rely on fish and fishing for food security, and cultural and economic livelihoods" needs more context. There needs to be a holistic understanding of this, relating it back to way of life. Fish and fishing are integral to identity, stewardship and governance, and subsistence.	IAAC to add the following to this section: 1) Discussion and analysis of the importance of fishing to First Nations' way of life and the interconnections between fishing, subsistence, identity, stewardship and governance.
112	9.2.1, p. 234	IAAC has omitted many PFN and SBOFN comments. For example, SBOFN has expressed concern about water level fluctuations and declining water quality, especially the current low waters levels that do not allow the setting of nets by SBOFN fishers. The SBOFN community still has many members that rely on fishing, and this has severely impacted their ability to do so. PFN and SBOFN have also submitted concern regarding Lake Manitoba that have been left out of the draft Report. The table in Appendix C of the EA Report does not clearly identify all of SBOFN's concerns raised throughout the EA process or propose adequate measures to resolve our concerns.	IAAC to add the following to this section: 1) Updated information on all concerns submitted by PFN and SBOFN. This should be done through the use of a more detailed table that identifies all concerns raised throughout this assessment process and how they have been addressed or not addressed.
113	9.2.1, p. 234	In addition to Dauphin River First Nation, Little Saskatchewan First Nation has also stated a reduced confidence in water quality for drinking, swimming, and fishing. The quality of fish has rapidly declined, as well as the availability of fish. Not only are there now less	IAAC to add the following to this section: 1) Additional discussion and analysis, of comments and information provided by First Nations regarding concerns over water quality. We



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		<p>fish to catch, but community members aren't comfortable consuming them due to sores and lesions. Little Saskatchewan First Nation and Lake Manitoba First Nation have also talked extensively about how their beaches are now inaccessible and they are unable to swim. There is missing information here that needs to be compiled in a methodological and detailed fashion.</p>	<p>recommend this occur in the detailed table mentioned in comment 103.</p> <p>2) Additional discussion and analysis of whether these impacts are justified considering this additional information.</p>
<p>114</p>	<p>9.2.1, p. 234</p>	<p>The statement "The Proponent anticipated that there would be no loss of access to winter fishing areas, with the possible exception of the LMOC outlet in Birch Bay and the LSMOC inlet in Lake St. Martin north basin" requires supporting evidence. PFN and SBOFN have raised this concern many times, and MTI has not yet provided concrete proof that this will be the case. IAAC needs to do its due diligence follow these types of statements up with an analysis and stated First Nations concerns.</p>	<p>IAAC to add the following to this section:</p> <p>1) Evidence supporting the claim that there would be no loss of access to winter fishing areas beyond that which will occur around the LMOC outlet in Birch Bay and the LSMOC inlet in Lake St. Martin north basin. If there is no evidence for this claim, this should be clearly stated.</p>
<p>115</p>	<p>9.2.1, p. 234</p>	<p>Throughout this section there is a lot of discussion about fluctuating levels of water. Another key element, not discussed here, but raised by First Nation communities, is changes to currents and flows. Inflow of water into Lake St. Martin will occur in an area that is integral for fish spawning. These flows will result in temperature changes, water velocity changes, increased sedimentation, and increased contamination. These will all have a direct negative effect on whitefish and pickerel spawning. Similarly, while the channels</p>	<p>IAAC to add the following to this section:</p> <p>1) Additional analysis and discussion and context, including IAAC's discussion and analysis, of comments and information provided by First Nations regarding concerns over water flow, ice formation, fish spawning, and the narrows. We recommend this occur in the detailed table mentioned in comment 103.</p>



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		<p>will be operating at a reduced flow rate during the winter, the increased prevalence of currents will impact ice formation and timing. As indicated by PFN and other communities in the RIAs, the timing of first and last freeze are vital for fish harvesting. With changes to currents, these periods of freeze up will change and will not align with the key harvesting periods, thereby significantly restricting the ability of First Nations to harvest fish. There is also no discussion here about flows through the Narrows. As has been brought up repeatedly, and even recognized by the Proponent, the Narrows will serve as a bottleneck for water flow. This means that flows will be significantly altered here, even when “low flows” are maintained through the channels. There is a significant amount of information missing here that needs to be included.</p>	<p>2) Additional discussion and analysis of whether these impacts are justified considering this additional information.</p>
<p>116</p>	<p>9.2.1, p. 235</p>	<p>The fact that the Manitoba Metis Federation is the only source credited with concerns for the increased spread of zebra mussels through the Interlake region is troubling, as PFN, SBOFN and many other Nations have also stated this concern. This suggests that IAAC has not reviewed all of the information we have provided. The spread of zebra mussels has been a priority concern to us because MTI has claimed that the spread will be "inevitable" and not a Project impact, thus MTI has not made any mitigation or offsetting plans.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Discussion and analysis of PFN and SBOFN's previously submitted comments and concerns about impacts due to the increased spread of zebra mussels through the Interlake region, which the Project may exacerbate. 2) Acknowledgement of MTI's refusal to discuss mitigation or offsetting for the impacts of zebra mussels.



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117	9.2.1, p. 235	The statement "The Proponent predicted that, after the implementation of mitigation, no noticeable long-term residual effects to fish abundance are expected and therefore there should be no effects to traditionally harvested fish species" requires supporting evidence. PFN and SBOFN have raised this concern many times, and MTI has not yet provided concrete proof that this will be the case. IAAC needs to do its due diligence follow these types of statements up with an analysis and stated First Nations concerns.	IAAC to add the following to this section: 1) Evidence supporting the claim that, after the implementation of mitigation, no noticeable long-term residual effects to fish abundance are expected and therefore there should be no effects to traditionally harvested fish species, or if there is none, state this. IAAC must fully document the concerns of the First Nations. We recommend this occur in the detailed table mentioned in comment 103.
118	9.2.1, p. 235	Under the section "Assessment of Impact on Fishing Rights", the characterization of the current heavily impacted baseline for fishing is not adequately described. This context is an integral element of the impact assessment, as well as understanding the concerns and perspectives of the First Nations.	IAAC to add the following to this section: 1) Discussion and analysis, in the first paragraph in this section, of the impacted baseline and current state of PFN and SBOFN's fishing rights due to cumulative impacts. This should include discussion of the implications the Project will have if approved, which will add further pressures on an already heavily impacted baseline. Analysis should question whether the impacts are justifiable given this context. 2) Additional discussion and analysis of whether project impacts are justified considering this additional information.
119	9.2.2 p. 236, 237,240	SBOFN and PFN are missing from some of the lists of Nations in this section.	IAAC to add the following to this section: 1) PFN and SBOFN to the list of Nations in the last paragraph of page 236;



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			2) SBOFN to the list Nations under the heading Cultural Continuity; 3) SBOFN and PFN to the first paragraph under "Changes to tangible and intangible cultural heritage".
120	9.2.2 p. 237	Based on the information provided under the section "context in which impacts on cultural continuity would occur", IAAC has based this section on the RIAs. Other Nations, such as SBOFN, were interested in doing RIA, but were rejected funding from MTI. Therefore, this section shows that the information IAAC and MTI were reviewing for this EA is limited due to MTI's flawed consultation approach. Additionally, the information presented here shows that IAAC does not have access to past submission from other nations who also raised these issues.	IAAC to add the following to this section: 1) An explanation that information in this section is limited due to the fact that MTI would not fund RIAs for all the impacted First Nations; 2) Discussion and analysis of all past submissions from SBOFN and PFN (including the consultation reports, HRIA reviews, access road review, and IR comments) and inclusion of this information provided in this section and in the detailed table mentioned in comment 103. 3) Additional discussion and analysis of whether project impacts are justified considering this additional information.
121	9.2.2 p. 239	IAAC states that "...the Project would affect Indigenous groups' quality of experience, resulting in changes to cultural traditions, sense of place, mental well-being, and ability to transfer knowledge." PFN and SBOFN agree with this, but there is some missing context and information regarding the full impacts from the Project. It is vital that the EA Report encapsulate the full extent	IAAC to add the following to this section: 1) A statement that Project impacts will be long-term, where these rights will not be able to be practiced, and existing or planned community initiatives that add to wellbeing will, in turn, be impacted.



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		of potential Project impacts to our rights, including a contextual understanding of the sensitivity of the rights.	2) Additional discussion and analysis of whether project impacts are justified considering this additional information.
122	9.2.2 p. 239	<p>There is not enough information on the proposed mitigations, and how they will lessen impacts to culture via loss of plants, wildlife, and access. IAAC has summarized and reiterated the Proponents statements and conclusions. While this is understandably part of the EA Report, IAAC should engage with these conclusions more critically in their “concluding” sections. Many of the Proponents conclusions are incorrect, as illustrated in our studies and reviews. Regurgitating these incorrect statements, without contextualization or validation may perpetuate an incorrect assessment of the Project impacts.</p> <p>For example, on page 239, the proposed mitigation for loss of access to harvest culturally important plants is "...Indigenous groups would be provided with opportunities to harvest resources in the PDA prior to construction." This mitigation in no way protects harvesting activities in the future, it is just a one-time opportunity to harvest in an area that has been traditionally harvested for centuries.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Further discussion, analysis, and evidence regarding MTI's proposed mitigations, 2) Conditions to hold MTI accountable and ensure proper mitigations are developed. 3) Further information and detail, including accountability mechanisms, on how mitigation measures will be implemented to reduce Project effects.
123	9.2.2 p. 240	<p>The section "Changes to tangible and intangible cultural heritage" requires further revision. While some aspects of intangible cultural heritage are discussed (i.e., knowledge transmission), elements such as language, sense of place, community cohesion, etc.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Discussion and analysis of the impacts and concerns identified in the comment.



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		<p>are not. There also needs to be an emphasis on the holistic nature of the environment and local ecology with an Indigenous way of life. The relationship between fish, moose, plants, and the First Nations all cumulate in an understood identity, a sense of place and connection, community, health, and overall wellbeing and wellness. This should be reflected throughout the report, especially in concluding statements.</p> <p>These are also key topics that will be impacted as a result of the Project. Furthermore, there is little discussion of tangible culture such as how ongoing flooding and ground inundation is impacting community building activities. For example, Lake Manitoba First Nation is unable to access their beach because it becomes so littered with debris from fluctuating water levels. There are other sites for community gathering such as arenas, cemeteries, and parks that are vital to community gatherings that have been inaccessible or impacted by flooding. These concerns should also be addressed in this section.</p> <p>Additionally, in the February 2024 TAG meeting, communities talked about how the Project will set back all their hard work to get youth back on the land, and that there needs to be a mitigation and condition which includes offsets and cultural programming.</p>	<p>2) Additional discussion and analysis of whether project impacts are justified considering this additional information.</p>
124	9.2.2 p. 241	The Proponent's proposed mitigation of "...knowledge of the heritage site would be preserved through archaeological excavation and the cultural heritage	<p>IAAC to add the following to this section:</p> <p>1) Greater detail about what this mitigation measure entails</p>



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		<p>belongings would be relocated to provincial facilities in Winnipeg" is vague and does not address our concerns. Cultural artifacts belong to the Nations and need to be returned to our communities for safekeeping. It is unclear how excavation would preserve the knowledge of the site. This concern, and our rejection of the Proponent's proposed mitigation, must be noted.</p>	<ol style="list-style-type: none"> 2) Discussion and analysis of how this mitigation measure would address First Nation needs and concerns. 3) A condition requiring that archaeological belongings be returned to the First Nation communities.
125	9.2.2 p. 241	<p>As it stands, there is a lacking information in relation to heritage sites. This Project stands to have significant adverse effects on our heritage sites and as such a full discussion of these important locations and associated impacts is required.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Detailed discussion and analysis of all heritage and cultural sites and how they will be impacted. 2) Additional discussion and analysis of whether project impacts are justified considering this additional information.
126	9.2.2 p. 241	<p>PFN and SBOFN would like a change in language when referencing that Indigenous groups "claim" stewardship or governance rights. Our rights are inherent and should be defined as such.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Change "claim" to "hold" to better reflect our rights.
127	9.2.2 p. 241	<p>PFN and SBOFN would like IAAC to rephrase the second paragraph under Stewardship. Please explain that it isn't just an abundance of resources that we are looking for, rather that we have a duty to maintain the health and wellbeing of the environment and waters where our ancestors lived, and where our future generations will live. This is built into our cultural protocols and way of life, and therefore when the</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Rephrase the paragraph to capture the fact that we have a duty to maintain the health and wellbeing of the environment and waters where our ancestors lived, and where our future generations will live. This is built into our cultural protocols and way of life, and therefore when the environment and waters are threatened, it is our



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		environment and waters are threatened, it is our duty and right to care for the lands and waters, and our ability to live off them for generations to come.	duty and right to care for the lands and waters, and our ability to live off them for generations to come.
128	9.2.2 p. 242	An acknowledgement is needed, under "Context in which impacts on stewardship would occur", about the deep-seated responsibility First Nations communities hold with relation to the environment. We have a reciprocal relationship with our lands and waters, and are responsible for caring for these resources and treating them with reverence and respect. This relationship is embodied in our practices, including harvesting and ceremony. Stewardship is about more than just "controlling" lands and waters. It also relates to the ability to make decisions about land use.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Include a new paragraph outlining our suggestion regarding the responsibility First Nations communities hold with relation to the environment; our reciprocal relationship with our lands and waters; and our responsibility in caring for these resources and treating them with reverence and respect. Include information about how this relationship is embodied in our practices, including harvesting and ceremony, and about how stewardship involves more than just "controlling" lands and waters. It also relates to the ability to make decisions about land use.
129	9.2.2 p. 242	Under the section "Pathways of impact from the Project on stewardship", it is indicated that only Peguis First Nation has identified the lack of FPIC in this Project EA. While this is true SBOFN and PFN have also readily identified the failure of the Proponent to seek out our free, prior, and informed consent. This is incredibly important to state clearly for the record. Additionally, only Kinonjeoshtegon First Nation and Little Saskatchewan First Nation were identified as having stated interest in co-management and stewardship processes, when again, all Nations have expressed this. While we understand the tedious nature of	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A list of all the First Nations (including PFN and SBOFN) that have called for FPIC and a desire for inclusion in co-management and stewardship as part of the Project. These calls for action can be found in the past submissions made by the Nations.



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		repeating the long list of Nations that have drawn attention to these issues, it is incredibly important to note the frequency and extent to which these issues have been raised.	
130	9.2.2 p. 243	The statement "Such changes would accelerate the loss of intergenerational teaching of language or traditional practices through changes to the way in which Indigenous groups can practice their rights" requires additional context. The information and studies we have provided illustrate the complex pathways and interconnections between knowledge transmission and rights. This relevant and contextual information should be included in this section to illustrate how Project impacts will adversely impact our rights.	IAAC to add the following to this section: <ol style="list-style-type: none"> 1) Additional, detailed discussion about how impacts from the Project will result in further alienation from our lands and waters, as well as a loss of identity of First Nations. 2) Additional discussion and analysis of whether project impacts are justified considering this additional information
131	9.22,9.3 p. 244,245	The Agency must require the Proponent, and the province of Manitoba, to follow procedures and processes set out for mitigations and engagement. As has been illustrated, one of the foundational issues with this Project is the lack of trust between the First Nations and MTI. The First Nations do not trust that MTI will do anything that is not clearly mandated, and are adamant that MTI, without outside enforcement, will not implement best practices. As such, these requirements for enforcement and accountability mechanisms need to be included in a condition.	IAAC to add the following to this section: <ol style="list-style-type: none"> 1) Stronger language to ensure that MTI and Manitoba are held accountable to follow through on all conditions and requirements. 2) Specific conditions, such as reporting and consent mechanisms, to hold the Proponent accountable on all conditions and requirements.
132	9.4 p. 246	IAAC's finding that "The Agency is of the view that given current conditions, the Project would serve to	IAAC to add the following to this section:



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		<p>reduce flooding within Lake Manitoba and Lake St. Martin once constructed" is not consistent with our statements and studies that we have provided. As we have illustrated in our studies and communications, this Project will continue to allow for flooding up to 806 feet above sea level. This, in tandem with wind and wave action, will result in the continues flooding of reserve lands. The Project, therefore, will NOT reduce flooding on these reserve lands.</p>	<ol style="list-style-type: none"> 1) Provide further support and rational for the statement that the Project would reduce flooding within Lake Manitoba and Lake St. Martin once constructed. 2) Detailed discussion and analysis of previously submitted First Nations' concerns and comments regarding the flooding up to 806 feet above sea level. 3) Additional discussion and analysis of whether project impacts are justified considering this additional information.
133	9.4.1, p. 248-249	<p>Table 14 details IAACs assessment of severity of potential impacts to rights for Indigenous groups located near the Project. We disagree on some of the conclusions.</p> <ol style="list-style-type: none"> 1) Hunting, Trapping <ol style="list-style-type: none"> a. Likelihood - The channels themselves will serve as significant and extreme barriers to the exercise of hunting and trapping rights. This is a guaranteed impact. As such, this should be identified as high. b. Frequency, Duration and Reversibility - The channels themselves will serve as a primary barrier to hunting practices. These barriers are permanent. As such the impact should be identified as high. 	<p>IAAC to make the following changes to this section:</p> <ol style="list-style-type: none"> 1) Review the suggested changes in the comment and update the table and descriptive text accordingly. 2) Include detailed discussion and analysis of the Agency's conclusions regarding likelihood and frequency of impacts given this new information. <p>Additionally, MTI refused to fund an RIA for SBOFN regardless of repeated requests. Due to this, there has yet to be an assessment of impacts to SBOFN Rights. IAAC should therefore include the following requirement for MTI:</p> <ol style="list-style-type: none"> 1) The Proponent to fund an RIA for SBOFN so SBOFN can document the baseline conditions



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		<p>c. Overall conclusions on impacts on rights... - This should be high. As previously noted, the channels themselves serve as a permanent barrier to hunting. First Nations will not be able to traverse the channels when hunting except at specific locations. This will have a permanent and significant impact to their hunting practices.</p> <p>2) Fishing</p> <p>a. Likelihood - IAAC concluded in the descriptive text that the likelihood is high. This should be reflected in the concluding bolded sentence. It should clearly state that the impacts will be high.</p> <p>b. Geographic Extent – This should be high as Lake Manitoba and Lake St. Martin are important fishing areas for many First Nations. Our community members also use the lands and waters around Lake St. Martin to fish. As such, the geographic extent of the impacts will be high.</p> <p>c. Overall Conclusions – Based on the comments above, the overall impact should be identified as high due to the likelihood, duration, and irreversibility of impacts to fish.</p> <p>3) Cultural Continuity</p>	<p>and cumulative effects currently impacting our rights and interests. This study must be completed prior to any construction activities and the results of the study must be incorporated into the finalization of construction, operation, closure, mitigation, and monitoring plans.</p>



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		<ul style="list-style-type: none"> a. Likelihood - IAAC concluded in the table that there is a high likelihood of disruption, yet you conclude that likelihood will be moderate to high. This should be fixed to illustrate that the likelihood will be high, as identified in the descriptive text. b. Frequency, Duration, and Reversibility – This should be identified as high. Cultural continuity is exercised on a constant basis and any disruption serves as a continual impact. c. Overall Conclusions – This should be moderate to high. Based on the high likelihood and the high frequency, duration, and reversibility of impacts. <p>4) Stewardship</p> <ul style="list-style-type: none"> a. Likelihood – This should be potentially high. If the project does not reduce flooding and continues to inundate reserve lands with water, the duration and frequency of impacts will be high. b. Geographic Extent: Impacts to stewardship include changes to water levels of Lake Manitoba and ancillary water bodies and streams that are outside traditional hydrological cycles. The Project will thus 	



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		<p>impact stewardship extending across the region, making the conclusion high.</p> <p>c. Frequency, Duration and Reversibility – Moderate, as the descriptive text is dependent on monitoring, consultation, and engagement between the First Nations and MTI. There is no evidence to suggest these processes will occur.</p> <p>d. Overall Conclusions- This should be high due to the high likelihood and geographic extent, and moderate frequency, duration, and reversibility.</p>	
134	9.4.1, p. 250	<p>Table 15 details IAACs assessment of severity on the exercise of rights of Indigenous groups upstream of the Project. We disagree on some of the conclusions.</p> <p>1) Fishing</p> <p>a. Geographic extent - This should be high as Lake Manitoba is not the only lake of concern to upstream First Nations. Community members, such as those of Lake Manitoba First Nation also use the lands and waters around Lake St. Martin to fish. As such, impacts to Lake St. Martin also represent impacts to the upstream First Nations.</p> <p>b. Overall Conclusions - Based on the comments above, this should be high</p>	<p>IAAC to make the following changes to this section:</p> <ol style="list-style-type: none"> 1) Review the suggested changes and update the table accordingly. 2) Include detailed discussion and analysis of the Agency's conclusions regarding likelihood and frequency of impacts given this new information.



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		<p>because of the high likelihood, duration, and irreversibility of impacts to fish.</p> <p>2) Cultural Continuity</p> <p>a. Likelihood - This should be high. Impacts to cultural continuity includes impacts to community cohesion (which includes the ability of communities to come together in the territory, such as at the Lake Manitoba First Nation beach) and sense of identity, connection to place, and ability to know and understand the hydrological and ecological cycles in the area. This Project has a high likelihood of disrupting these knowledge systems and these practices.</p> <p>b. Frequency, Duration and Reversibility - This should be high. Because connection to land, and land-based knowledge will all change permanently, forever, and will be irreversible, the impacts must be understood as being potentially high.</p> <p>c. Overall Conclusions - This should be high. Based on the comments above which illustrate that the likelihood will be high, and the frequency duration and reversibility will be high, the conclusion should be changed to high.</p> <p>3) Stewardship</p>	



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		<ul style="list-style-type: none"> a. Likelihood - This should high. Impacts to water levels and water flows that are unexpected (because of the Project) represent barriers to stewardship, which includes direct control over lands and resources. Furthermore, changes as a result of the Project will impact First Nations abilities to plan land use initiatives. b. Geographic Extent - Impacts to stewardship include any changes to the water levels of Lake Manitoba and ancillary water bodies and streams that are outside the rhythm of traditional hydrological cycles. The Project will therefore have impacts to stewardship that extend upstream. As such, this conclusion should high. c. Frequency, Duration and Reversibility - moderate. The descriptive text is dependent on monitoring, consultation and engagement between the First Nations and MTI. There is no evidence to suggest that these practices and processes will occur. d. Overall Conclusions - This should be high. As illustrated previously, stewardship involves control over, and knowledge of, changes to the lands and territories of the First Nations. As a result of a moderate likelihood and 	



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		frequency/duration/reversibility, this conclusion should reflect that potential impacts to stewardship will be moderate.	
135	9.4.1, p. 256	The conclusions on this page need to be revisited once the table has been redone, taking into consideration a holistic understanding of land use as well as the interconnections between cultural continuity and identity, stewardship and control and knowledge about lands and cycles, and the ways in which hunting and fishing are exercised.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Updated conclusions based on the updated tables taking into consideration a holistic understanding of land use as well as the interconnections between cultural continuity and identity, stewardship and control and knowledge about lands and cycles, and the ways in which hunting and fishing are exercised. 2) Detailed discussion and analysis of the Agency's conclusions regarding likelihood and frequency of impacts given this new information.
136	10, p. 258	In the Agency's conclusions, the report states that "the Project is likely to cause direct and cumulative significant adverse environmental effects, as defined in section 5 of CEAA 2012, on the current use of lands and resources for traditional purposes...". This sentence should be shortened to state that the Project will likely cause direct and cumulative significant adverse environmental effects, as defined in section 5 of CEAA 2012. The qualification of the particular impacts arising under CEAA 2012 can be provided subsequently. It is important to state, however, that as per the regulatory guidelines, the Project will cause significant adverse environmental effects - full stop.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A statement that, as per section 5 of CEAA 2012, the Project is likely to cause direct and cumulative significant adverse environmental effects. Qualifications can be provided subsequently, but the adverse environmental effects as per the regulatory guidance needs to be clearly and succinctly stated upfront.



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137	10, p. 258	<p>The Agency notes the importance of the Proponent's ongoing and meaningful consultation with First Nations. The Agency must also note, however, the repeated and ongoing failure of MTI to meaningfully consult with First Nations throughout this process. Despite repeated efforts on behalf of the First Nations to engage with the Proponent, MTI has repeatedly failed to meaningfully consult and engage and has not incorporated our Indigenous Knowledge in any substantial capacity. Therefore, while ongoing consultation is important, the limitations of MTI's consultation and the perspectives of the First Nations who have suffered at the hands of this lack of consultation must also be clearly stated.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A statement noting the repeated and ongoing failure of MTI to meaningfully consult and engage with the First Nations throughout this EA process.
138	10, p. 258	<p>The Agency concludes that the Project is not likely to cause significant, adverse effects to other components of the environment under federal jurisdiction, considering the implementation of mitigation measures. The First Nations, as documented in our repeated submissions and studies, adamantly disagree with this statement, especially as it pertains to wildlife and fish. Following the implementation of our suggested revisions throughout the report, we request that the Agency reconsider this statement considering the vast array of information provided by our communities.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Detailed discussion and analysis of all concerns and comments, including those in this comment table, from PFN and SBOFN regarding impacts to other components of the environment under federal jurisdiction. 2) Revisions to the conclusion that the Project will not be likely to cause significant, adverse effects to other components of the environment under federal jurisdiction that draw on the wealth of information provided by the First Nations. 3) Additional discussion and analysis of whether project impacts are justified considering this additional information



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139	10, p. 258	<p>The Agency concludes the EA Report by stating that it is the Agency's expectation that the Project will be carried out in a precautionary manner, with all the Proponent's commitments (including monitoring, mitigation, and follow-up plans) implemented as proposed. Furthermore, the Agency expects that the Proponent will continue to engage, inform, and communicate with Indigenous groups throughout the life of the Project. While we understand the sentiment of this conclusion, the First Nations have no faith that the Proponent will adhere to the commitments outlined in the regulatory documents, nor will they engage with our communities in a meaningful fashion. Our direct experiences with this EA process have illustrated the repeated failures of MTI to operate under the principle of precaution, as well as their lack of desire to implement mitigation measures, follow-up plans, or monitoring initiatives. In addition, as expressed in our numerous submissions, the First Nations have found the Proponent's means of consultation to be woefully inadequate. MTI has in no way meaningfully engaged with our communities, nor have they incorporated our knowledge and concerns into the Project design and development. As such, the First Nations find this conclusion inadequate. The Proponent cannot be trusted to adhere to commitments set out in the EA documents, nor can it be assumed that they will engage and consult with our Nations. If the Agency wishes to ensure the Proponent's adherence to a precautionary approach and the implementation of</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Develop a very clear and detailed EA Condition that requires the Proponent to uphold the precautionary principle, fully implement monitoring, follow-up and mitigation measures, and consult in a meaningful and ongoing fashion with First Nations. This condition must include very clear reporting requirements, as well as outline repercussions should MTI fail to meet their commitments.



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		commitments, including consultation, a clear accountability mechanism with defined repercussions for breach of commitments must be outlined in the EA Conditions.	
140	Appendix B, p. 279	Appendix B indicates that the "observed or potential location" for little brown myotis and northern myotis is the Regional Assessment Area (RAA). However, the Proponent has acknowledged that while "maternity roosts have not been identified in the LAA, they could occur where mature or large diameter trees exist and that availability of mature forested habitats within the PDA is limited" (p. 124). Since there is the potential for suitable maternity roosting trees within the LAA and PDA, Appendix B should be updated accordingly.	<p>IAAC to change the following:</p> <ol style="list-style-type: none"> 1) The Report must be updated to reflect that little brown myotis and northern myotis have potential to occur within the PDA and LAA. 2) Include additional discussion and analysis of whether project impacts are justified considering this additional information
141	Appendix B, p. 271	The draft EA states that there is no federal recovery strategy for gypsy cuckoo bumble bee. However, the Recovery Strategy for the Gypsy Cuckoo Bumble Bee (<i>Bombus bohemicus</i>) in Canada [Proposed] was released in 2022.	<p>IAAC to change the following:</p> <ol style="list-style-type: none"> 1) The Report must be updated to include the Recovery Strategy for gypsy cuckoo bumble bee in Appendix B. Mitigations for gypsy cuckoo bumble bee must be informed by the Recovery Strategy.
142	Appendix B, p. 271	The draft EA does not indicate which population(s) of Lake Sturgeon has potential to occur in the LAA or RAA, nor the population(s) SARA or COSEWIC designations. Without this information, legal compliance and appropriate mitigation and compensation cannot be determined.	<p>IAAC to change the following:</p> <ol style="list-style-type: none"> 1) Appendix B of the draft EA must be updated to identify the population(s) of lake sturgeon that may be impacted by the proposed Project.



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			2) Include additional discussion and analysis of whether project impacts are justified considering this additional information
143	Appendix B, p. 272	The draft EA states that there is no federal recovery strategy for rough agalinis. However, the Recovery Strategy for the Rough Agalinis (<i>Agalinis aspera</i>) in Canada was released in 2015.	IAAC to change the following: 1) The Report to be updated to include the Recovery Strategy for rough agalinis in Appendix B. Mitigations for rough agalinis must be informed by the Recovery Strategy.
144	Appendix C, p. 274, #A2	PFN and SBOFN are not satisfied with the Proponent's response to our concerns of the sufficiency and accuracy of flood modelling. We have stated in our IRs to IAAC during Rounds 1, 2, and 3, the 2-dimensional MIKE 21 modelling is not sufficient to accurately predict sediment plumes and erosion. MTI's two-dimensional modelling of the plume coming from the LSMOC shows a tiny plume that hugs the shoreline (Figure A in IAAC-R2-08-6 inset which is approximately to scale and Figure 7B in the report "Lake St. Martin Outlet Channel Modelling to Manage Excess Sediment Concentrations during Commissioning"). The modelled plumes do not show the wide dispersion of sediment one would expect after viewing the satellite imagery of the spring 2022 plume. There is a huge discrepancy between the dispersion of these two sediment plumes in Sturgeon Bay, which MTI must explain.	IAAC to add the following to this section: 1) A requirement for the Proponent to re-model the distribution for the plume exiting the Narrows into the North Basin of Lake St. Martin, prior to construction. 2) Additional discussion and analysis of whether project impacts are justified considering this additional information.



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145	Appendix C, p. 275, #A3	<p>PFN and SBOFN are not satisfied with the provided solution to our concern for accident and malfunction communication. As has been stated numerous times, the EAC is not an appropriate system of engagement, especially in the case of emergency communication. PFN and SBOFN leadership need to be involved in developing communication plans, as well as co-developing accident and malfunction response plans. SBOFN has not been invited to join the EAC, and PFN has left the EAC due to many concerns, so an alternative needs to be developed. The community of PFN is right next to the Project area and will be impacted heavily and rapidly in the event of an accident or malfunction.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A revised recommendation to the Minister requiring the Proponent to co-develop a clear communication plan for accidents and malfunctions to ensure the safety and mental wellbeing of the members is being protected.
146	Appendix C, p. 275-276, #A4	<p>PFN and SBOFN are not satisfied with the provided solution to our request to review the operating protocols of the Project. We understand that the protocols need to adhere to requirements under the Canadian Dam Association Dam Safety Guidelines, and it is not our intention to undermine these requirements. As the corporations of the Project will directly impact our lands, and we have important knowledge concerning our use of the lands and waters, we need to be involved in developing these procedures.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A requirement for the Proponent to engage with PFN and SBOFN in the review and potential alteration of the proposed operating rules of the Project. This will not supersede the requirements outlined by legal guidelines, but PFN and SBOFN need to have meaningful involvement in developing protocols which will impact our lands, waters, and our uses of them.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
147	Appendix C, p. 280-281 #C2 Appendix C, p. 282-283 #C4,	IAAC states that "The Agency is of the view that continued Proponent-led consultation with Indigenous groups will be critical for validating the cumulative effects assessment, assessing the effectiveness of the mitigations proposed, and identifying issues and solutions to concerns as they arise throughout the life of the Project." While SBOFN and PFN agree with this conclusion, we wish to reiterate that throughout the entirety of the EA process so far, the Proponent has repeatedly demonstrated that it cannot be trusted to lead meaningful consultation with Indigenous groups during the EA process. The expectation that these consultation processes will occur after the Project is approved is therefore unrealistic and unsatisfactory to PFN and SBOFN.	IAAC to add the following to this section: 1) A requirement for the development of a rigorous consultation plan that will ensure the meaningful incorporation of Indigenous Knowledge and concerns into Project decisions. This consultation plan must be developed in collaboration with Indigenous groups and must include clear accountability mechanisms to ensure that the Proponent upholds its commitments. 2) Develop a condition requiring MTI to fund and develop an Indigenous-led heritage monitoring and engagement group, with appropriate influence over Project protocols.
148	Appendix C, p. 281-282 #C3	PFN and SBOFN agree with IAAC's finding that the Proponent did not use appropriate temporal boundaries and physical activities in its cumulative effects assessment. IAAC also acknowledged that the Proponent's integration and consideration of Indigenous Knowledge in the assessment was unclear. Considering that this assessment is clearly inadequate, it cannot be used in the EA process to come to any meaningful or trusted conclusions.	IAAC to add the following to this section: 1) A condition requiring the Proponent to re-assess cumulative effects before Project construction can begin. This condition must require the new assessment to be co-developed with Indigenous groups to ensure accuracy and appropriate temporal and spatial scopes. 2) Detailed analysis and discussion of cumulative effects to PFN and SBOFN rights and interests using appropriate temporal boundaries and all relevant physical activities and accounting for Indigenous Traditional Knowledge and perspectives on cumulative effects.



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149	Appendix D, p. 353	<p>Appendix D of the draft EA states that "if tree clearing is required during the maternity roosting period, a qualified biologist will review the trees to determine the likelihood of occupancy before removal". However, pre-clearing roost surveys are not an acceptable mitigation measure to avoid harm to at-risk bats during the maternity roosting period. This is because bats are relatively inconspicuous and maternity roosts can be difficult to identify.</p>	<p>IAAC to change the following in this section:</p> <ol style="list-style-type: none"> 1) Remove this statement from the species-specific mitigation measures and reiterate that tree clearing is not acceptable within the bat maternity roosting window.
150	Appendix D, p. 357	<p>Under the species-specific mitigations for barn swallow the Proponent notes that during operation and maintenance "If maintenance staff identify issue with barn swallow nesting on ancillary buildings, mitigation will be applied e.g., nest removal outside of nesting window, keep doors and windows closed and repairing cracks and holes" (p. 357). There is no mention of compensation measures for the removal of barn swallow nests, should this be deemed necessary.</p> <p>This is concerning to PFN and SBOFN as it means that there will be a loss of suitable nesting structures available to those barn swallows in subsequent years.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) 4.9 - If barn swallow nests are required to be removed from ancillary buildings outside of the migratory bird nesting period, the Proponent shall construct an alternative nesting structure for barn swallows to compensate for the loss of suitable nesting habitat.



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151	Appendix D, p. 357-362	<p>As previously stated in IR-R3-05 comment C ix, the mitigation measure in Appendix D for bobolink, eastern whip-poor-will, sharp-tailed grouse, and short-eared owl “Delayed channel haying/mowing until after July 15” (p. 357) during the operation and maintenance phases is not sufficiently protective of individual ground nesting birds, or their nest, eggs, and chicks. No rationale is provided as to why mowing and haying is allowed from July 16 to August 31, while woody vegetation clearing is not permitted from April 1 to August 31. This is not protective of migratory birds or species at risk like bobolink. For example, bobolink can be found nesting in grasslands including hay fields, so cutting between July 16 and August 31 has the potential to cause mortality of individuals or destruction of nests. As well, the Manitoba Conservation Data Centre (2021) notes that restricted activity period for short-eared owls extends until September 15.</p> <p>Additionally and as previously stated in IR-R3-05 comment C ix, the mitigation measure in Appendix D for horned grebe, least bittern, trumpeter swan, yellow rail, and gulls/terns states that during the operation and maintenance phases there will be "Hand clearing within 30m (98 ft) of a waterbody" (p. 359-362). This mitigation measure is not sufficiently protective for these species as it means that vegetation clearing activities can occur during the breeding bird window and has the potential to adversely impact individual nesting birds, or their nest, eggs, and chicks if they</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) 4.10 - During the operation and maintenance of the Designated Project, clearing of any vegetation, including haying/mowing or hand clearing, will not occur between April 1 and September 15. 2) Discussion of how this condition will help to ensure that Project mitigation measures are fully protective of migratory birds and species at risk.



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		<p>have a nest within 30m of a waterbody.</p> <p>Reference: Manitoba Conservation Data Centre. 2021. "Recommended Development Setback Distances and Restricted Activity Periods for Birds by Wildlife Feature Type." 1- 4. https://www.gov.mb.ca/nrnd/fish-wildlife/cdc/pubs/mbcdc-bird-setbacks-nov2021.pdf</p>	
152	Appendix D, p. 358	<p>As previously stated in IR-R3-05 comment C iii, the mitigations outlined by the Proponent for birds that may use roadways or gravel trails for nesting or foraging, including "Reduced speed limits" (p. 358) are not sufficient to mitigate potential mortalities. The Proponent has provided no specific details of the speed limits that will be followed on roadways and gravel trails, nor have they provided evidence that these speeds would be slow enough to allow common nighthawks, killdeer (<i>Charadrius vociferus</i>) or other migratory birds to avoid colliding with the vehicle.</p> <p>As well, given that some road use associated with the Project may be less frequent than others, there should be mitigations in place to survey these areas for nests before use during the breeding bird season to mitigate potential adverse effects.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) 4.11 – A requirement that the Proponent develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a Roads Management Plan that includes speed limits that are protective of migratory birds, including species at risk, and weekly surveys of roads by a qualified environmental professional during the breeding period for potential nests of migratory bird species, including species at risk.



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153	Appendix D, p. 358	<p>Under the species-specific mitigations for pileated woodpecker (<i>Dyrocopus pileatus</i>) the Proponent does not include a restricted activity period or recommended setback by disturbance level. The lack of these restricted activity periods and setbacks means that adverse effects to pileated woodpeckers and their nesting habitat could occur.</p> <p>This is concerning to PFN and SBOFN as it appears that these mitigations, while protective of the nest site itself, are not protective of the area surrounding potential active nest sites. At a minimum PFN and SBOFN would expect that pileated woodpeckers would be afforded the same setbacks distances as red-headed woodpeckers and that the restricted activity period would be April 15 to July 15 (Government of Canada 2015).</p> <p>Government of Canada. 2015. "Species Accounts: Pileated Woodpecker." https://wildlife-species.canada.ca/bird-status/oiseau-bird-eng.aspx?sY=2019&sL=e&sM=a&sB=PIWO</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) 4.12 - The Proponent shall follow a restricted activity period between April 15 to July 15 and setback distances of 50 m, 100 m, and 200 m for low, medium, and high disturbance level activities for pileated woodpecker nests (<i>Dyrocopus pileatus</i>).



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
154	Appendix D, p. 360	<p>Under the species-specific mitigations for red-headed woodpecker, the Proponent notes that during construction there will be "No clearing between April 1-August 31" (p. 360) and that during operation and maintenance that there will be "No woody vegetation management between April 1-August 31" (p. 360). No clearing is not specific enough to be protective of red-headed woodpecker, and April 1 - August 31 is not sufficient to ensure that nestlings that leave the nest late are suitably protected (Rousseu and Drolet 2017).</p> <p>Reference: Rousseu, François and Bruno Drolet. 2017. "The nesting phenology of birds in Canada." Canadian Wildlife Service Technical Report Series, No. 533: 1-314. Environment and Climate Change Canada, Québec Region. https://publications.gc.ca/collections/collection_2018/ec/cc/CW66-569-2017-eng.pdf</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) 4.2 – A requirement that the Proponent conduct the vegetation clearing (woody or non-woody) required for the construction, operation, and maintenance of the Designated Project outside of the migratory bird nesting periods for the Designated Project area as identified in Environment and Climate Change Canada's General nesting periods for migratory birds, unless not technically feasible. If it is not technically feasible, the Proponent shall develop and implement additional measures, including non-intrusive monitoring, to mitigate adverse effects on migratory birds, their eggs, and nests. The Proponent shall submit these mitigation measures to the Agency prior to their implementation. 2) 4.2.1 – Revisions to the Report and associated conditions specifying that nesting periods for red-headed woodpecker are at a minimum April 1 to September 30.
155	Appendix D, p.361	<p>Appendix D of the draft EA states that species-specific mitigation for yellow rail will include "offsetting for loss or alteration of directly impacted Class III and IV wetlands". This is concerning as Class II wetlands are extremely important for many herptile and avian species at risk, including yellow rail.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A requirement that, as previously requested in IAAC-R3-04 comment C, the Proponent undertake offsetting for Class II wetlands that will be directly affected by the Project. 2) A requirement that the Proponent determine an appropriate wetland compensation ratio with input



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			from PFN and SBOFN. These changes must be reflected in Appendix D.
156	Appendix D, p. 364	<p>The draft EA states that a species-specific mitigation for short-eared owl is to avoid clearing between April 1-August 31. However, the Restricted Activity Period for short eared owl is April 15-September 15 (Manitoba Conservation Data Centre, 2021). Therefore, Appendix D must be amended to avoid vegetation clearing, haying, and mowing from April 1-September 15.</p> <p>Reference: Manitoba Conservation Data Centre. 2021. "Recommended Development Setback Distances and Restricted Activity Periods for Birds by Wildlife Feature Type." 1- 4. https://www.gov.mb.ca/nrnd/fish-wildlife/cdc/pubs/mbcdc-bird-setbacks-nov2021.pdf</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A revision to the species-specific mitigation column of Appendix D to state "no vegetation clearing (including haying and mowing) between April 1 and September 15" for short-eared owl and other grassland species at risk (i.e., bobolink, American badger).
157	Appendix D, p.366	<p>The draft EA states that species-specific mitigation for northern leopard frog will include "offsetting for loss or alteration of directly impacted Class III and IV wetlands". This is concerning as Class II wetlands are extremely important for many herptile and avian species, including northern leopard frog.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A requirement that, as previously requested in IAAC-R3-04 comment C, the Proponent undertake offsetting for Class II wetlands that will be directly affected by the Project. 2) A requirement that the Proponent determine an appropriate wetland compensation ratio with input from PFN and SBOFN. These changes must be reflected in Appendix D.

