



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** the IRTC’s 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.

Review of draft Conditions document

We have implemented a standardized means of review and revision. Suggested text deletions are identified using a strikethrough (strikethrough), and suggested textual additions are bolded (bolded).

Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
1	2	General	The temporal scope used in the EA focusses only on the construction period, not the long-term operation of the channels that will never be abandoned and restored to their original condition (IAAC states that the Project will operate “in perpetuity” on page 10). The IRTC rejects this approach to both temporal and spatial scope.	As a result of the Project operating “in perpetuity”, all monitoring, reporting, follow-up, adaptive management, and compliance enforcement initiatives and conditions must be extended for the life of the Project (in perpetuity). This includes the explicit provision of funding of Indigenous programs, including monitoring and guardianship initiatives, for the entire life of the Project (in perpetuity). Please adjust language in all relevant conditions to reflect this requirement.
2	2.1, p. 4	General	The intention of this condition is well received; however, as currently written it is not enforceable, measurable, or trackable. Concrete direction for MTI is required that includes language for commitments to work with the IRTC and IAAC to measure how it is meeting the conditions.	We request that IAAC make the following revisions to this condition: 1) This condition must include a requirement for an actionable and trackable plan, co-developed with the IRTC, that is enforceable and includes reporting mechanisms and



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>Throughout the EA process, the Proponent has not integrated nor considered the knowledge and input that we provided and has taken an approach that disregards the precautionary principle. Additionally, "sustainable development" is not defined here, and First Nations, Manitoba Transportation and Infrastructure (MTI, "the Proponent") and the federal government all have different perspectives on what this means. To the IRTC it is not sustainable to sacrifice the use of a territory and the ability for members to fish, hunt, and harvest in the Interlake area to avoid flooding in Winnipeg.</p>	<p>outlines how the "Proponent shall ensure that its actions in meeting the conditions set out in this document during all phases of the Designated Project are considered in a careful and precautionary manner, promote sustainable development, are informed by the best information and knowledge available at the time the Proponent takes action, including policies, guidelines and directives and community and Indigenous knowledge, are based on methods and models that are recognized by standard-setting bodies, are undertaken by qualified individuals, and have applied the best available technically and economically feasible technology."</p>
3	<p>2.3. (2.3.1, 2.3.2., 2.3.3, 2.3.4), p. 5</p>	<p>General, Consultation</p>	<p>The IRTC requires a clearer definition of what consultation and engagement is expected to look like, and how it will be enforced by the Agency. MTI has repeatedly illustrated that it does not have any intent to meaningfully consult nor engage with First Nations. As such, is important for the Agency to define consultation expectations and details of communication throughout the Project.</p>	<p>We request that IAAC make the following revisions to this condition:</p> <ol style="list-style-type: none"> 1) To 2.3.1: "provide a written and verbal notice via telephone of the opportunity for all potentially impacted parties, including a public notice that will allow parties to self-identify, the parties being consulted to present their views and information on the subject matter of the consultation at least 45 30 days prior to the implementation of condition 2.3.2., including a follow up 10 days before this period is up. A communication plan will be co-developed



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				<p>with each party to ensure notice is being shared through the appropriate channels.</p> <p>2) To 2.3.2: "provide all information available and relevant to the scope and the subject matter of the consultation and a reasonable period of time agreed upon with the parties being consulted, not to be less than 30 days, and up to 90 days as appropriate, to prepare their views and information. This information will be provided in a form that is accessible and relevant to the party;"</p> <p>3) To 2.3.3: "undertake an impartial consideration incorporation of all views and information presented by the parties being consulted on the subject matter of the consultation; and"</p> <p>4) To 2.3.4: "advise as soon as feasible in writing the parties being consulted on how the views and information received have, or have not, been integrated into the subject matter of the consultation by the Proponent, including a rationale for why the views have, or have not, been integrated."</p> <p>5) Remove the optional nature of inclusion of Indigenous knowledge. It is not for MTI to decide whether or not to include views, even if they are providing rational.</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
4	2.4, 2.7, pgs. 5, 6	General – Consultation and Follow-up Programs	It is imperative that MTI be held accountable for all the conditions and follow-up measures and mitigations through Nation-specific communication plans, co-developed with community members. IAAC must refrain from accepting MTI's ongoing approach for simply sending out notifications to communities and following one-way information flows and "check-box" approaches to communication and engagement. There needs to be a two-way dialogue whereby the Indigenous groups and MTI decide collaboratively on these topics and MTI is accountable for its conditions.	<p>In addition to changing language so that there is not a one-way flow of communication and top-down approach to consultation, we request that IAAC make the following addition(s) to the condition:</p> <ol style="list-style-type: none"> 1) Require the inclusion of First Nation-specific communication plans. These plans must include: <ol style="list-style-type: none"> a. A plan for on-going community engagement, including timeline and preferred means of engagement. b. A mutually-agreed upon schedule for regular communications in the medium preferred by the Nation e.g., community meetings, meetings with leadership, newsletters, etc.). c. A clear protocol for communication between community leadership and the Proponent, including the exchange and documentation of up-to-date contact information for all relevant offices and persons. d. A protocol and accountability mechanism for ensuring the Proponent's appropriate and timely application of the concerns,



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				<p>knowledge, perspectives, issues, etc.</p> <p>e. A risk communications plan for keeping communities and community members informed of any existing and emergent risk associated with project construction and operation.</p>
5	2.5, pgs. 5-6	General - Follow-up Programs	<p>We appreciate that IAAC is looking to hold MTI accountable for their 'plans for plans' by requiring MTI to pre-develop plans instead of only using adaptive management. However, there needs to be more concrete plans in place that ensure MTI is collaborating with the IRTC transparently, openly, and as partners. The language needs to be strengthened throughout this section to ensure the IRTC is actively involved in the planning and the monitoring.</p>	<p>We request that IAAC make the following revision(s) to the proposed condition:</p> <ol style="list-style-type: none"> 1) Avoid follow-up programs that will be a top-down process, directed solely by MTI, with only marginal community involvement. Follow-up programs must be developed collaboratively with communities. IAAC, MTI, and the IRTC to collaborate on identifying the follow-up programs that require in-depth First Nation involvement. 2) Define who the "parties" are. MTI has shown that they would prefer to only work with select communities, but all First Nations who want to be involved need to be given the opportunity.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
6	2.8, p. 6	General - Follow-up Programs	Any follow-up programs need to be in collaboration with First Nation monitoring groups, whether these are from communities, or whether a group is established for the Project. They also need to be involved in reporting results and assessing the effectiveness of the programs.	<p>We request that IAAC make the following revision(s) to the condition:</p> <p>1) Indigenous monitors must be included in all aspects of the follow-up programs, including in co-developing policies and plans, carrying out monitoring activities, and meaningful involvement in reporting.</p> <p>1) We request that IAAC make the following addition(s) to the condition:</p> <p>1) The Proponent to fund and support an Indigenous Guardian Monitoring Program for the life of the Project (discussed in further detail in Item 53).</p>
7	2.9, p.7	General - Follow-up Programs	This condition requires stronger language to ensure the involvement of the IRTC.	<p>We request that IAAC make the following revision(s) to the condition:</p> <p>1) “ Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss co-develop the follow-up program with every group that is interested or has self identified as potentially impacted each group, and shall determine, in consultation with each group, the opportunities for their participation- the planning and co-stewardship of in the implementation of the follow-up program, including the final version decision for the program. This will including co-developing plans for training, the conduct of monitoring,</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				<p>the analysis and reporting of follow-up results and whether modified or additional mitigation measure(s) are required, as set out in condition 2.8. “</p>
8	2.10, p. 7	General - Annual Reporting	<p>The IRTC generally supports the idea of condition 2.10 on annual reporting; however, we have some revisions that we believe are required to ensure the intention of this condition is achieved.</p>	<p>We request that IAAC make the following revision(s) to the condition:</p> <ol style="list-style-type: none"> 1) To 2.10: “The Proponent shall prepare an annual report for each reporting year that sets out, and conduct an annual meeting with all involved parties, including First Nations, to facilitate transparent reporting” (This will be in addition to, or a part of the communication plan mentioned in Item 1). 2) To 2.10.3: “for conditions set out in this document for which consultation is a requirement, how the Proponent considered or did not consider any views and information that the Proponent received during or as a result of the consultation. The Proponent will identify any occasions when First Nations did not agree with actions or conclusions, and how the conflict was rectified;” 3) To 2.10.5: “the summary of available results and issues that have arisen in the course of the follow-up program requirements identified in conditions 2.8.5;”



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				<p>4) To 2.10.6: “maps displaying the most up-to-date water levels and quality, and locations of Designated Project components and activities, including work camps, quarries and laydown areas;”</p> <p>5) To 2.10.8: “any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, including how Indigenous Knowledge was incorporated, as determined pursuant to condition 2.8.”</p>
9	2.14, p. 8	General - Information Sharing	<p>The IRTC authorities need to be included when the MTI is sending plans to the Agency.</p> <p>Additionally, regarding information sharing more broadly, we would like to see an emphasis on the standard of multi-directional communication processes in which Indigenous groups are not treated as passive recipients of information from the Proponent but as partners in a shared endeavour of mutual understanding.</p>	<p>We request that IAAC make the following revision(s) to the condition:</p> <p>1) “When the development of any plan is a requirement of a condition set out in this document, the Proponent shall submit the plan to the Agency and consult with First Nations authorities (Chief and council or other authority set out by each community) to obtain agreement on the plan prior to construction, unless otherwise required through the condition.”</p>
10	2.16, p. 8	General - Change to the Designated Project	<p>The IRTC has concerns with the possibility of the Proponent altering the Project after approval, due to the high level of adverse impacts likely from the current iteration of the Project. If there is to be changes to elements of the Project, First Nations and</p>	<p>We request that the IAAC make the following revision(s) to the condition:</p> <p>1) Require that the Proponent agree to co-developing (with impacted First Nations) a plan for consultation and engagement</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>the Crown need to be involved and approve, and potentially there needs to be another EA process.</p>	<p>requirements should there be substantial changes to the Project that could impact the IRTC’s rights and interests. The thresholds and definitions for what constitutes “substantial” can be determined in the plan through discussion between MTI, the IRTC, and IAAC.</p>
11	3	Fish and Fish Habitat	<p>IAAC provides proposed monitoring and mitigation programs in the draft EA Report, however these programs require further details.</p>	<p>In reference to the mitigation measures and monitoring for surface water proposed by the Agency, IAAC must also require that:</p> <ol style="list-style-type: none"> 1. The Proponent co-develop and provide evidence of agreement with First Nations as to the oversight committee’s make-up and terms of reference; 2. The Proponent must provide funding that is driven. By the monitoring and mitigation plan requirements as decided by the committee, not the other way around; 3. The Proponent must develop 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. These model simulations will be used to inform monitoring and mitigation plans and provide insight into the future effects of the channels and climate change on the lakes.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
12	3.15, p. 12	Fish and Fish Habitat	<p>Condition 3.15 dictates restrictions in regard to a 30 m riparian buffer zone along freshwater frequented by fish. The IRTC has four issues with this condition:</p> <ol style="list-style-type: none"> 1) This condition should apply to all freshwater ecosystems, not only those 'frequented by fish'. Due to the lack of baseline studies, it is impossible for the Proponent to separate freshwater systems frequented by fish from those that are not. Additionally, freshwater riparian zones provide critical functions to the whole ecosystem regardless of the presence of fish. 2) This condition does not address the restoration process that must occur if this buffer zone is disturbed. The Proponent must develop a restoration plan in consultation with Indigenous groups that includes both design and monitoring components. 3) 30 m buffers should be the minimum buffer size; for riparian areas adjacent to key locations with specific ecological conditions (e.g., sensitive habitat) or cultural importance to the IRTC, a larger buffer may be warranted to minimize impacts 4) It is unclear who will be responsible for compliance and enforcement 	<p>We request that IAAC make the following revision(s) to the condition:</p> <ol style="list-style-type: none"> 1) The requirement of a minimum 30 m riparian buffer on all freshwater ecosystems, with a commitment to work with the IRTC to identify locations where larger buffers may be warranted to protect ecologically and culturally sensitive water bodies. 2) The inclusion of a detailed restoration component that includes engagement with the IRTC and incorporation of Indigenous Knowledge on the design and monitoring plan. 3) The inclusion of details of a compliance and enforcement monitoring and reporting component. 4) A requirement for monitoring and adaptive management to ensure that riparian buffers provide adequate protection for fish and fish habitat.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>monitoring adhering to this condition, nor how reporting on compliance and enforcement monitoring will occur</p>	
13	3.17, p. 12	Fish and Fish Habitat	<p>Condition 3.17 describes the development of a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures. It states that this follow-up program will be implemented during all phases of the project. The IRTC has two main concerns with this condition:</p> <ol style="list-style-type: none"> 1) It is unclear at what stage this program will be implemented. Additional baseline monitoring must occur to accurately identify potential Project impacts before construction. This has been echoed by many Indigenous groups and the Agency in the draft EA Report. This condition should clearly state that the monitoring program will be implemented to monitor baseline conditions for a minimum of 3 years prior to the construction phase. 2) The condition limits monitoring of fish composition, populations, and habitat to a few specific areas. This monitoring must be carried out in all potentially impacted freshwater systems within the RAA as there is currently great 	<p>We request that IAAC make the following revision(s) to the condition:</p> <ol style="list-style-type: none"> 1) Inclusion of the implementation of the monitoring program three years prior to construction and then continually throughout the lifespan of the project 2) A requirement for the assessment and monitoring of all freshwater systems potentially impacted by the proposed Project within the RAA. <p>We request that IAAC make the following addition(s) to the condition:</p> <ol style="list-style-type: none"> 1) The Proponent to fund and support an Indigenous Guardian Monitoring Program for the life of the Project (discussed in further detail in Item 53).



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>uncertainty about the ecological conditions due to a lack of baseline data collection.</p>	
<p>14</p>	<p>3.19, p. 14</p>	<p>Fish and Fish Habitat</p>	<p>Condition 3.19 addresses water quality monitoring as a part of the proposed follow-up program. The condition states that at a minimum, the Proponent must monitor water quality parameters for two years post-commissioning. This is an unacceptably short amount of time to monitor such a dynamic system. Extensive water quality monitoring should occur throughout the lifespan of the proposed Project, across seasons and yearly, to capture seasonal and annual variations in flooding and flow rates can dramatically alter water chemistry parameters. Clear standards for how water quality should be monitored, including details on methods, indicators, and thresholds, and adaptive management strategies, and are needed. Indigenous Knowledge must also inform this water quality monitoring program.</p>	<p>We request that IAAC make the following revision(s) to the condition:</p> <ol style="list-style-type: none"> 1) The development of a water quality monitoring program that will be applied throughout all phases of the proposed Project. Details in this plan should include: <ol style="list-style-type: none"> a. methods to encompass seasonal and annual variability b. specific indicators and thresholds to be used c. adaptive management strategies if water quality monitoring thresholds are exceeded d. How the IRTC will be involved in the program design and implementation, including a commitment to include Indigenous Knowledge and engage community members in the monitoring work e. Communications and reporting expectations



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
15	4.1, p. 15	Migratory Birds	<p>IAAC notes in condition 4.1 that "The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids injuring, killing or harassing migratory birds or destroying, taking or disturbing their eggs, or damaging, destroying, removing or disturbing their nests, while applying Environment and Climate Change Canada's Guidelines to avoid harm to migratory birds." (p. 15).</p> <p>As previously noted in IR-R3-05 comment D, the Proponent has not provided suitable mitigations to protect migratory birds and avoid adverse impacts, as during non-operation and operation phases water levels are expected to stay within the armour side slopes, that one in every three years water in the LSMOC will increase "...submerging armoured and grassy portions of the lower side slopes where bird nesting potential is expected to be low." (p. 149), and that a one in 300-year flooding event would cause "...floodwaters in LSMOC rise high enough to cover the 15 m (49 ft)-wide grass-covered benches." (p. 149). This flooding has the potential, albeit low, to impact nesting migratory birds and, in the one in 300-year scenario,</p>	<p>We request that IAAC make the following revision to the draft proposed condition:</p> <ol style="list-style-type: none"> 1) "The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids injuring, killing, or harassing migratory birds or destroying, taking, or disturbing their eggs, or damaging, destroying, removing or disturbing their nests, while applying Environment and Climate Change Canada's <i>Guidelines to avoid harm to migratory birds</i>. This will include best efforts to initiate operations before the breeding bird season (April 1) starts or as close as possible."



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			nesting species at risk (e.g. bobolink). MTI offers no mitigations for these impacts.	
16	4.2, p. 15	Migratory Birds	<p>IAAC notes in condition 4.2 that "The Proponent shall conduct the vegetation clearing required for 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. In the event that 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." (p. 15).</p> <p>The IRTC is concerned that this condition is not prescriptive enough to ensure the full protection of migratory birds from the adverse effects of vegetation clearing during the migratory bird nesting periods. Specifically, "additional measures, non-intrusive monitoring" is not specific enough to avoid adverse effects. As noted Environment and Climate Change Canada's Guidelines to avoid harm to</p>	<p>We request that IAAC make the following addition(s) to the existing condition:</p> <p>1) "The Proponent shall conduct the vegetation clearing required for the Designated Project outside of the migratory bird nesting periods for the Designated Project area as identified in Environment and Climate Change Canada's <i>General nesting periods for migratory birds</i>, unless not technically feasible. In the event that 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. Per Environment and Climate Change Canada's Guidelines to avoid harm to migratory birds, nest sweeps will only be considered a viable monitoring method in simple habitats. Any vegetation clearing in habitats other than simple habitats will not be permitted."</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>migratory birds, nest sweeps are not recommended as nest sweeps themselves can cause potential impacts to nesting birds (e.g. increased risk of predation or nest abandonment), and that sweeps should only be conducted in simple habitats (e.g., urban parks, vacant lot, previously cleared area, buildings, snags; ECCC 2023).</p> <p>Environment and Climate Change Canada (ECCC). 2023. "Guidelines to avoid harm to migratory birds." https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html#toc3</p>	
17	4.5, 4.5.1, 4.5.2, pgs. 15-16	Migratory Birds	<p>IAAC notes in condition 4.5 that "The Proponent shall implement measures to mitigate the adverse effects of the Designated Project on bank swallow (<i>Riparia riparia</i>) during construction and operation. In doing so, the Proponent shall:</p> <p>4.5.1 maintain, during migratory bird nesting periods, the slopes of all sediment piles, including stockpiles and spoil piles, within active quarries associated with the Designated Project in a manner that</p>	<p>We request that IAAC make the following addition(s) to the existing condition:</p> <ol style="list-style-type: none"> 1) To 4.5.1: "maintain, during migratory bird nesting periods, the slopes of all sediment piles, including stockpiles and spoil piles, within active quarries associated with the Designated Project in a manner that deters nesting within these piles, with a slope of less than 60 degrees; and 2) To 4.5.2: " survey all existing inactive quarry sites for the presence of bank swallow (<i>Riparia riparia</i>) and common nighthawk



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>deters nesting within these piles; and</p> <p>4.5.2 survey all existing inactive quarry sites for the presence of bank swallow (<i>Riparia riparia</i>) nests immediately prior to reactivating these sites during the nesting periods described in condition 4.2." (p. 15-16).</p> <p>The IRTC remains concerned that these conditions are not prescriptive enough to ensure that bank swallows are being adequately protected. Protective slopes and minimum buffer sizes should be prescribed to ensure that bank swallows are being adequately protected. As well, we are concerned about potential impacts to common nighthawk (<i>Chordeiles minor</i>), which should be offered the same protective conditions as bank swallow.</p>	<p>(<i>Chordeiles minor</i>) nests immediately prior to reactivating these sites during the nesting periods described in condition 4.2, and if nest are located apply a setbacks per guidance from Environment and Climate Change Canada, or Manitoba Conservation Data Centre's Recommended Development Setback Distances and Restricted Activity Periods for Birds by Wildlife Feature Type (whichever is larger)."</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
18	4.8, p. 16	Migratory Birds	<p>IAAC notes in condition 4.8 that "The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of all measures used to comply with conditions 4.1 to 4.7. The Proponent shall implement the follow-up program during all phases of the Designated Project." (p. 16).</p> <p>We are concerned by the lack of specific details related to how the follow-up program will verify the accuracy of the environmental assessment, and believe that without minimum expectations outlined in conditions, the follow-up program will not be meet the intended purpose.</p>	<p>We request that IAAC make the following addition(s) to the existing condition:</p> <p>1) To 4.8: "The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of all measures used to comply with conditions 4.1 to 4.7. The Proponent shall implement the follow-up program during all phases of the Designated Project. Should the measures be deemed insufficient, the Proponent will be required to work with Indigenous groups and relevant authorities to develop improved mitigation measures, under an adaptive management framework. The follow-up program must include at least the following:</p> <p>a) Supplemental baseline bird surveys where baseline data is not sufficient to assess effects of the Project; and</p> <p>b) Monitoring bird populations, including migratory birds and species at risk, their distributions, and their use of natural, restored, and compensation habitats and habitats created by the Project construction (e.g. grass covered benches)."</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
19	5.1, p. 16	Species at Risk	<p>Pre-construction (or pre-clearing) surveys to identify active nests for short-eared owl (or any avian SAR) is not an acceptable mitigation measure to avoid harm to birds during the breeding period. According to ECCC's avoidance guidelines, pre-construction nest surveys may only be appropriate when all these conditions are met:</p> <ul style="list-style-type: none"> a) conducted by skilled and experienced observers b) using appropriate methodology c) only a few nesting spots or a small community of migratory birds is expected d) the activities will take place in simple habitats, such as an urban park consisting mostly of lawns with a few isolated trees, a vacant lot with few possible nest sites, a previously cleared area which might attract ground nesters, a structure such as a bridge, a beacon, a tower or a building, snags that can often contain primary and secondary cavity nesters, or colonial-breeding species that can often be located from a distance (such as a colony of terns or gulls). <p>The draft conditions for species at risk must include a condition to avoid vegetation clearing within the migratory bird nesting period and during the</p>	<p>We request that IAAC make the following revision(s) to the condition:</p> <ol style="list-style-type: none"> 1) To 5.1: “The Proponent must avoid vegetation clearing within the migratory bird nesting period and the restricted activity period for short-eared owl (<i>Asio flammeus</i>) (as outlined in Manitoba Conservation Data Center’s Recommended Development Setback Distances and Restricted Activity Periods for Birds by Wildlife Feature Type). The Proponent shall, in consultation with Indigenous groups, conduct pre-construction surveys to identify active nests for short-eared owl (<i>Asio flammeus</i>), and active roosts for little brown myotis (<i>Myotis lucifugus</i>) and northern myotis (<i>Myotis septentrionalis</i>) within the Designated Project area. Surveys for roosts shall include searches of any existing anthropogenic infrastructure that will be removed as part of the Designated Project. The Proponent must avoid all tree removals within the bat maternity roosting period. The maternity roosting window should be based on the best available science, Indigenous Knowledge, and federal/provincial guidelines, but is generally considered to be April 1-September 30 (e.g., in Ontario). In doing so, the Proponent shall: “



Interlake Reserves Tribal Council

Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>restricted activity period for short-eared owl, as outlined in Manitoba Conservation Data Center's Recommended Development Setback Distances and Restricted Activity Periods for Birds by Wildlife Feature Type (2021). If vegetation is removed during the migratory bird nesting period, this could have detrimental impacts to species at risk birds and their nests in contravention with SARA and the MBCA.</p> <p>Pre-construction (or pre-clearing) maternity roost surveys are not an acceptable mitigation measure to avoid harm to at-risk bats during the maternity roosting period. This is because active maternity roosts are very difficult to identify. The draft conditions for species at risk do not include a condition to avoid tree clearing within the maternity roosting period for bats. If tree clearing is not conducted outside of the bat maternity roosting window, this could impact species at risk bats and their habitat (i.e., mortality to individuals, destruction of maternity roosts).</p>	



Interlake Reserves Tribal Council

Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>Environment and Climate Change Canada (ECCC). 2023. "Guidelines to avoid harm to migratory birds." https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html.</p>	



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
20	5.2, p. 16	Species at Risk	<p>Draft condition 5.2 states that "if active nests or roosts are identified pursuant to condition 5.1, the Proponent shall establish 500 metre buffer zones around little brown myotis (<i>Myotis lucifugus</i>) and northern myotis (<i>Myotis septentrionalis</i>) active roosts until the roosts are no longer active (5.2.1) ; and establish buffer zones for short-eared owl active nests, and in doing so apply the Manitoba Conservation Data Center's Recommended Development Setback Distances until the nests are no longer active" (5.2.2).</p> <p>This condition must be changed to clarify that a) pre-construction surveys are not appropriate mitigation measures to avoid impacts to species at risk birds and bats during the breeding/maternity roosting periods, and b) active nests and maternity roosts that are identified within or adjacent to the Project Development Area at any time during project works (e.g., during targeted surveys or incidentally) must be protected.</p>	<p>We request that IAAC make the following revision(s) to the condition:</p> <ol style="list-style-type: none"> 1) To 5.2: " If active nests or roosts are identified pursuant to condition 5.1 if active nests or roosts are identified within or adjacent to the Project Area at any time during project works, the Proponent shall: 2) To 5.2.1: " establish 500 metre buffer zones around little brown myotis (<i>Myotis lucifugus</i>) and northern myotis (<i>Myotis septentrionalis</i>) any active maternity roosts within or adjacent to the Project area until the roosts are no longer active; and 3) To 5.2.2 "establish buffer zones for any active bird nests identified within or adjacent to the Project area short-eared owl active nests, and in doing so apply the Manitoba Conservation Data Center's <i>Recommended Development Setback Distances</i> until the nests are no longer active." <p>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>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
21	5, p. 16 Genera I	Species at Risk	The draft conditions do not require that the Proponent involve First Nations in the development and implementation of Environmental Monitoring Program Plans. Thorough involvement by the IRTC is the only way to ensure that our concerns and knowledge are not subordinated to the Proponent's priorities and interests.	<p>We request that IAAC make the following addition(s) to the existing condition:</p> <ol style="list-style-type: none"> 1) The Proponent shall involve the IRTC in a leadership capacity and with equal decision-making authority in the development and implementation of the Environmental Monitoring Program Plans (including review, approval, and implementation). <p>We request that IAAC make the following addition(s) to the condition:</p> <ol style="list-style-type: none"> 1) The Proponent to fund and support an Indigenous Guardian Monitoring Program for the life of the Project (discussed in further detail in Item 53). This Indigenous Guardian Monitoring Program must be built into the EMPPs.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
22	5, p. 16 Genera I	Species at Risk	As per Appendix B of the draft EA Report, these are multiple vascular plant species at risk that have the potential to occur in the PDA (e.g., rough agalinis, Gattinger's agalinis, small white lady's slipper and western prairie fringed orchid). We are concerned that there are no draft conditions that pertain to vascular plant species at risk. Without clear prescriptions to protect plant species at risk, there is reasonable concern that impacts to plants will not be appropriately mitigated and avoided.	<p>We request that IAAC make the following addition(s) to the existing condition:</p> <ol style="list-style-type: none"> 1) The Proponent must develop a Vegetation and Invasive Plant Management Plan (to be approved by the IRTC) to protect ecosystems, plant habitats, plant communities, and vegetation with components applicable to the construction and operation phases. This plan must: <ol style="list-style-type: none"> a. Be developed by a Qualified Environmental Professional (QEP). b. include surveys of existing invasive species populations prior to construction. c. include invasive plant control measures to manage established invasive species populations and to prevent invasive species establishment. 2) The Proponent must use a QEP to complete an inventory of rare and at-risk plants in areas not already surveyed. 3) The Proponent must create and maintain a spatial database of known rare and at-risk plant occurrences in the vicinity of Project components that must be searched to avoid effects to rare plants during construction activities. The database must be updated as new information becomes available.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				<p>4) The Proponent must implement construction methods to reduce the impact to at-risk plants, by maximizing use of existing access corridors, and constructing roads away from wetlands and known rare plant occurrences.</p> <p>5) The Proponent must take specific steps to protect known occurrences of plant species at risk. Install signage and flagging where necessary, as determined by the QEP, to indicate the boundaries of the exclusion area.</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
23	5, p. 16 General	Species at Risk	The draft condition proposed by IAAC does not require the Proponent to maintain current knowledge of Project effects on the status of listed species by tracking updates for species identified by the Province, the Committee on the Status of Endangered Wildlife in Canada, and the Species at Risk Act. The status of listed species may change over time, and the Proponent must stay up to date to ensure compliance with legislation and ensure mitigation is effective and follows the most recent guidelines.	We request that IAAC make the following addition(s) to the condition: 1) The Proponent must maintain current knowledge of Project effects on the status of listed species by tracking updates for species identified by the Province, the Committee on the Status of Endangered Wildlife in Canada, and the Species at Risk Act. Should the status of a listed species change for the worse during the course of the construction of the Project due to Project activities, the Proponent must work with the IRTC and relevant authorities to determine if any changes to the associated management plans or monitoring programs are required to mitigate effects of the Project on affected listed species.
24	5, p. 16 General	Species at Risk	The draft conditions do not include requirements for all on-site personnel to complete training to be able to accurately identify and report species at risk in the project area. This is a critical requirement to ensure on-site staff understand and work in compliance with relevant species at risk legislation.	We request that IAAC make the following addition(s) to the existing condition: 1) The Proponent must require all on-site personnel to complete training by a qualified biologist to identify species at risk and its habitat, learn reporting procedures for species at risk observations, and know their legal responsibilities under the Species at Risk Act, Migratory Birds Convention Act, and other relevant legislation.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				<p>2) The Proponent must work with contractors, relevant authorities, and Indigenous groups to develop and deliver this training.</p>
25	5, p. 16 Genera I	Species at Risk	<p>The draft conditions for species at risk do not include a condition to compensate for Class II wetlands that provide habitat for species at risk, including snapping turtle, yellow rail, and northern leopard frog. 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.</p>	<p>We request that IAAC make the following addition(s) to the existing condition:</p> <p>1) The Proponent must compensate for Class II wetlands that may provide habitat for species at risk. Further, the Proponent must develop, prior to construction and in consultation with Indigenous groups, Environment and Climate Change Canada and other relevant authorities, a wetland compensation plan to offset the residual effects of the Project on wetlands, including Class II wetlands, resulting from project-related changes in surface and groundwater levels that could not be avoided or minimized. The wetland compensation plan must:</p> <ul style="list-style-type: none"> a. Include information on location, size and type of wetlands affected by the Project b. Include a defined mitigation hierarchy that prioritizes mitigation actions to be undertaken, including but not limited to:



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				<ul style="list-style-type: none">i. Avoid direct effects where feasible;ii. Minimize direct effects where avoidance is not feasibleiii. Maintain or improve hydrology where avoidance is not feasibleiv. Replace like for like where wetlands will be lost, in terms of functions and compensation in terms of area;v. Improve the function of existing wetland habitats; andvi. Create new wetland habitatc. Include details to ensure all activities that involve potentially harmful or toxic substances, such as oil, fuel, antifreeze, and concrete, must follow approved work practices and consider the provincial guidelines.d. Include details for monitoring construction and operation activities that could cause changes in wetland functions.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
26	5, p. 16 Genera I	Species at Risk	The draft conditions for species at risk do not include any conditions to minimize light and noise disturbance for species at risk, including bats. This is important to ensure indirect impacts of the project (e.g., light, noise) are appropriately mitigated.	<p>We request that IAAC make the following addition(s) to the existing condition:</p> <ol style="list-style-type: none"> 1) The Proponent shall control lighting required for the construction and operation of the Project, including the direction, timing, intensity, and glare of light fixtures, in a manner to mitigate adverse effects on bats and other species at risk, while meeting operational health and safety requirements. In doing so, the Proponent shall use directional lighting, including downlighting that targets only the areas where lighting is required. 2) The Proponent shall, during all phases of the Project, use and maintain noise-dampening technologies on all vehicles and heavy equipment used in the Project area to mitigate adverse environmental effects of the Project on bats and other species at risk. In doing so, the Proponent shall keep the technologies in good working order through regular inspections.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
27	5.3.1, p. 17	Species at Risk	Draft condition 5.3.1 states that the Proponent shall "install and maintain exclusion fences to prevent northern leopard frog (<i>Lithobates pipiens</i>) and snapping turtle (<i>Chelydra serpentina</i>) from accessing work areas that are likely to result in mortality of frogs and turtles. For work occurring within overwintering habitat, exclusion fencing shall be installed prior to the onset of hibernation". However, remains concerned that this condition is not prescriptive enough to ensure the installation and maintenance of exclusion fencing will adequately protect snapping turtles and northern leopard frog.	<p>We request the IAAC make the following revision(s) to the condition:</p> <p>1) To 5.3.1: “ install and maintain exclusion fences to prevent northern leopard frog (<i>Lithobates pipiens</i>) and snapping turtle (<i>Chelydra serpentina</i>) from accessing work areas that are likely to result in mortality of frogs and turtles. For work occurring within overwintering habitat, exclusion fencing shall be installed prior to the onset of hibernation. The Proponent will be required to develop and implement the exclusion system, including the timing of the exclusion measures and the plans for monitoring and adaptive management of the selected exclusion system, with Indigenous groups and relevant authorities; “</p>
28	5.3.3 p. 17	Species at Risk	Draft condition 5.3.3 states that "if the Proponent observes snapping turtles (<i>Chelydra serpentina</i>) or their eggs within Designated Project work areas, implement, in consultation with Indigenous groups and relevant authorities, modified or additional mitigation measures to protect the observed individuals and nests." The IRTC remains concerned that this condition is not prescriptive enough to ensure that snapping turtles, their nests, and eggs are being adequately protected.	<p>We request that IAAC make the following revision(s) to the condition:</p> <p>1) To 5.3.3: “if the Proponent observes snapping turtles (<i>Chelydra serpentina</i>) or their eggs within Designated Project work areas, implement, in consultation with Indigenous groups and relevant authorities, modified or additional mitigation measures to protect the observed individuals and nests. This will include protection of nests with a nest protector (e.g. nest cage) using setbacks determined by a qualified</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				<p>biologist and Indigenous Knowledge, ensuring that wildlife monitors or another qualified person are available to assist if snapping turtle is encountered during project works or on roadways, and enforcement of speed limits during the nesting season for snapping turtles.”</p>
29	5.4, p. 17	Species at Risk	<p>Draft condition 5.4 states that "the Proponent shall develop, in consultation with Indigenous groups and relevant authorities, and implement a follow-up program to monitor the effectiveness of buffer zones established pursuant to condition 5.2 for little brown myotis (<i>Myotis lucifugus</i>), northern myotis (<i>Myotis septentrionalis</i>) and short-eared owl (<i>Asio flammeus</i>). The Proponent shall implement the follow-up program during construction."</p> <p>The IRTC remains concerned that this condition is not prescriptive enough to ensure that species at risk are being adequately protected. This condition is very limited in scope and does not account for the monitoring required to assess residual effects of the Project on all species at risk.</p>	<p>We request that IAAC make the following addition(s) to the existing condition:</p> <p>1) To 5.4: “The Proponent shall develop, in consultation with Indigenous groups and relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of all mitigation measures to avoid harm to species at risk and its habitat. As part of the development of the follow-up program, the Proponent shall identify performance indicators that shall be used by the Proponent to evaluate the effectiveness of mitigation measures. The Proponent shall implement the follow-up program during all phases of the Project and monitor for residual effects for all species at risk attributed to the proposed Project. The Proponent shall involve Indigenous community members and Indigenous Guardian Programs throughout each aspect of the”</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				<p>development and implementation of this follow-up program. monitor the effectiveness of buffer zones established pursuant to condition 5.2 for little brown myotis (<i>Myotis lucifugus</i>), northern myotis (<i>Myotis septentrionalis</i>) and short-eared owl (<i>Asio flammeus</i>). The Proponent shall implement the follow-up program during construction.</p>
30	6.1, pgs. 17-18	Health and Socio-economic Conditions of Indigenous Peoples	The requirement that the Proponent shall develop and implement a protocol for receiving and addressing feedback is not detailed enough. The Proponent must co-develop with the First Nations a complaint resolution mechanisms and communication strategy.	<p>We request that IAAC make the following revision(s) to the condition:</p> <ol style="list-style-type: none"> 1) Require that terms for consultation with Indigenous groups be clearly defined including multiple avenues for reporting complaints. It is important to ensure there are avenues that are not led by the Proponent. Indigenous peoples need to feel safe and trusting in the process. This should be treated through the communication plans discussed in Item 2.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
31	6.3, p. 18	Health and Socio-economic Conditions of Indigenous Peoples	The requirement that the Proponent shall develop a follow-up program to verify the accuracy of the EA as it pertains to adverse environmental effects from the Project on the health of Indigenous Peoples is vague. The Proponent should be required to co-develop preventative measures and processes (with the IRTC) that address impacts due to overall wellbeing resulting from poor air quality / contaminants.	<p>We request that IAAC make the following revision(s) to the condition:</p> <ol style="list-style-type: none"> 1) The Proponent shall develop a follow-up program to verify the accuracy of the EA as it pertains to adverse environmental and socio-economic effects from the Project on the health and wellbeing of Indigenous Peoples. The Proponent should be required to work with the IRTC to develop objectives, indicators, thresholds of acceptable change, and responses that address impacts due to overall health and wellbeing resulting from poor air quality/contaminants, and in the context of cumulative effects experienced over previous decades in the context of past hydro-development projects.
32	6.4, p. 18	Health and Socio-economic Conditions of Indigenous Peoples	<p>We wish to reiterate that the following comment is provided notwithstanding the IRTC's position that the Project should not be approved as currently proposed.</p> <p>The requirement that the Proponent shall develop a follow-up program to verify the accuracy of the EA as it pertains to adverse environmental effects from the Project on the health of Indigenous Peoples is vague and inadequate. The Proponent should be required to develop preventative measures and processes that address impacts due to overall health and</p>	<p>We request that IAAC make the following revision(s) to the condition:</p> <ol style="list-style-type: none"> 1) The Proponent shall co-develop (with First Nations) a follow-up program to verify the accuracy of the EA as it pertains to adverse environmental effects from the Project on the health and cultural wellbeing of Indigenous Peoples. The Proponent must be required to work with each impacted Indigenous community to develop objectives, indicators, thresholds, and responses that address impacts due to overall wellbeing resulting from contaminants to country food sources



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>wellbeing resulting from contaminants to country food sources as well and general mental health. This is a big gap in the draft EA Report: namely that IAAC incorrectly has determined that the Project is not likely to cause significant adverse effects on Indigenous peoples' health and socio-economic conditions. We have discussed why this is an incorrect determination in the cover letter and comment table. Namely this project, if it goes ahead, will have significant adverse impacts on the mental health and wellbeing of members and will impact the ability for members to access country foods. As such, it is necessary to develop appropriate mitigations that will be enforceable through conditions.</p>	<p>and other barriers to cultural practices associated with the Project and in the context of cumulative effects experienced over previous decades in the context of past hydro-development projects.</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
33	6.5, p. 19	Health and Socio-economic Conditions of Indigenous Peoples	The requirement that the Proponent shall develop a follow-up program to verify the accuracy of the EA as it pertains to adverse environmental effects from the Project on the health of Indigenous Peoples is vague and inadequate. The Proponent should be required to develop preventative measures and processes that address impacts due to overall well-being resulting from poor water quality / quantity.	<p>We request that IAAC make the following revision(s) to the condition:</p> <ol style="list-style-type: none"> 1) The Proponent shall co-develop with the IRTC a follow-up program to verify the accuracy of the EA as it pertains to adverse environmental and socio-economic effects from the Project on the health of Indigenous Peoples. The Proponent must be required to work with each impacted First Nation to develop objectives, indicators, thresholds, and responses that address impacts due to overall health and wellbeing resulting from poor water quality/contaminants, and in the context of cumulative effects experienced over previous decades in the context of past hydro-development projects.
34	6, General	Health and Socio-economic Conditions of Indigenous Peoples	As detailed in the EA Report Comment table (e.g., comments on section 7.4.1.1), we strongly disagree with the Proponent's conclusions of non-significance regarding potential project impacts on Indigenous peoples' health and socio-economic conditions, as well as fish and fish habitat. Based on our experience and knowledge of the region and its inhabitants (both human and otherwise), we expect the Project to have significant impacts on our traditional territories, including to our ability to carry out traditional harvesting, hunting, and trapping activities and other practices	<p>We request that IAAC make the following addition(s) to the proposed draft conditions:</p> <ol style="list-style-type: none"> 2) The Proponent will provide financial and in-kind support for the establishment and operation of a an IRTC Country Foods Programs. This program will be planned, led, supervised, and monitored by the IRTC community and leadership. Support may be provided either by way of direct funding or in-kind support.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>on the lands and waters. Damage to and/or loss of these practices will have significant socio-economic implications for our communities.</p> <p>A key way that the Proponent and IAAC can help proactively mitigate potential impacts in this area is through the support of cultural programs to protect our culture and connection to the land. One example is through a Country Foods Program. 'Country foods' are those harvested from the land and water, including wild game, fish, and plant foods. Access to and consumption of country foods are central to the physical, mental, and cultural health of Indigenous communities, supporting both good nutrition and connections to the land. What's more, safe access to country foods is inseparable from Indigenous land rights and sovereignty. Support for a Country Foods Program will help mitigate and off-set some of the expected impacts to the socio-economic condition of affected Indigenous groups in the Interlake region.</p>	
35	6, General I	Health and Socio-economic Conditions of	The planning and assessment of this project is taking place in the context of experiences of historic, recent, and ongoing trauma on the part of Indigenous groups in the Interlake region. These	<p>We request that IAAC make the following additional conditions:</p> <ol style="list-style-type: none"> 1) The Proponent must work with the IRTC to identify mental health needs and services



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
		Indigenous Peoples	<p>processes have reopened old wounds and aggravated persistent ones. The Project, even the consideration of it, is already causing stress, fear, anger, anxiety, solastalgia, post-traumatic stress disorder, feelings of loss of agency, and depression. If approved, the Project will, through impacts to the land, waters, and wildlife of the Interlake region, have serious adverse effects on the cultural, spiritual, physical, and mental well-being of our members. It is incumbent on the Proponent and the Crown to proactively provide support for the health of impacted communities and this extends to the latter's need for mental health and healing resources.</p>	<p>and provide funding for mental health and Nation-specific healing services.</p> <p>2) The Proponent must work with the IRTC to develop a cultural resiliency program that is Nation-specific and identifies different cultural programs required for the IRTC to help protect and heal the lands and waters and protect the connection of members to the lands, waters, and culture. This could include youth land camps, food programs, language programs, elder-youth programs, and more. These types of commitments have been supported in other EA processes (See for example the MCFN case referenced below).</p> <p>Reference Nishma-Miller, Jeff. 2022. "The Mikisew Cree First Nation Culture & Rights Assessment." The Centre for Environmental Assessment Research (CEAR): 2-5. https://ok- Cear.sites.olt.ubc.ca/files/2023/01/The-Mikisew-Cree-First-Nation-Culture-and-Rights-Assessment-UBC-CEAR-2022.pdf</p> <p>Gibson-MacDonald, Ginger and Firelight Research Inc. 2019. "Cultural Investments: Responding to Industrial Impacts". 4-48. https://drive.google.com/file/d/1X_cOd7zo5ga0N_CjtkukaAACHpZSgg0v4/view</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
36	6.1	Surface Waters	<p>The IRTC is extremely concerned regarding the dewatering and loss of wetlands in the PDA, which have no proposed mitigations.</p> <p>The Birch Creek basin is predicted to be reduced by 27.4%, and the Buffalo Creek basin will be reduced by 51.5%. There have not been any proposed mitigations to offset this loss of flow. The Proponent has not considered additional impacts to these basins from the current drought and long-term climate change, both of which could compound with the Project impacts and lead to direct negative and irreversible effects on the aquatic health of the drainage basins. Since the same wetlands were also severely impacted by the construction and operation of the EOC during the 2011 and 2014 floods, and no rehabilitation of the area has ever taken place or even been proposed, these new impacts are cumulative to the already heavily affected wetlands.</p> <p>Many of the wetlands in the area affected by a loss of surface flow are also recipients of groundwater discharge which will also be impacted by the construction of the LSMOC which will result in groundwater drawdown. The net result</p>	<p>We request that IAAC issue the following additional conditions:</p> <ol style="list-style-type: none"> 1) The Proponent must be required to develop a concrete mitigation and monitoring plan, in tandem with offsets to reduce the impacts arising to drainage areas throughout the PDA and LAA as a result of the Project construction. These mitigations, monitoring plans, and offsets must be co-developed by MTI and the First Nations and must include tangible action items, follow up plans, and accountability measures. 2) The Agency must require the Proponent to provide a study which details how current drought conditions and long-term climate change will impact the drainage areas located throughout the PDA and LAA. This study must include at least 10 years of past data, and project at least 50 years into the future.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>will be the drying out of significant wetland areas between the LSMOC and the Dauphin River including Big Buffalo Lake and the Buffalo Creek wetlands complex.</p> <p>Environmental and Climate Change Canada (ECCC) agreed that drainage interception would cause drying out in the creeks and wetlands downstream of the channel and possible pooling upstream of the channels. ECCC was also of the view that the conclusion regarding drying out was well supported, but the exact effect to these wetlands and the extent of those effects was not possible to predict.</p> <p>The effects caused by dewatering will be negative to the entire ecosystems (aquatic, and terrestrial) in the wetlands located between the LSMOC and the Dauphin River and bounded by Lake St. Martin and Lake Winnipeg. Any vague proposals to “replace” lost wetlands are not acceptable, as this method has largely been unsuccessful in other parts of northern Canada, so it is unlikely to be successful in the Interlake Region.</p>	
37	6.1 p. 45-46	Surface Waters	The IRTC is concerned that the EA does not consider impacts to water quality	We request that IAAC issue the following additional conditions:



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>outside of the effects of the construction and operation of the outlet channels.</p> <p>Because of this, the assessment is that there will not be substantive changes to water quality within the PDA, LAA, or RAA, apart from sediment transport and erosion.</p> <p>As such, the Proponent has only proposed mitigations and monitoring to address only a portion of predicted project-related impacts. This includes monitoring of depressurization groundwater and runoff from cattle where these are being intercepted and rerouted to outside drains.</p> <p>This is not the only predicted source for water quality degradation however, as the channels will be used to divert highly nutrient-enriched and contaminated flood waters from Lake Manitoba directly into Lake St. Martin via the LMOC, and into Lake Winnipeg via the LSMOC.</p> <p>Even though the Project itself will not generate this poor water quality, the channels will be the conduit that will introduce these waters into Lake St. Martin and will degrade the water quality over time. We argue that the impact is negative, potentially large in magnitude, likely</p>	<p>1) The Agency must require the Proponent to co-develop, with the First Nations, a mitigation and monitoring plan to address the influx of nutrient enriched waters passing into Lake Winnipeg via the LMOC and LSMOC. This plan must contain clear action items, thresholds, and accountability measures and must include participation of Indigenous monitors.</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			irreversible and cumulative in terms of its downstream effects (i.e., downstream of the RAA boundary) the longer the project operates.	
39	7.1, pgs. 19-20	Current Use of Lands and resources for Traditional Purposes	Community specific communication and engagement plans are a needed mitigation measure. The measures as written are a good start but require some changes.	<p>We request that IAAC make the following alteration(s) to the draft proposed condition:</p> <p>1) To 7.1: “The Proponent shall co-develop, with each First Nation prior to construction and in consultation with Indigenous groups and relevant authorities, a communication and engagement plan for each Indigenous group to share information on the adverse environmental effects of Designated Project activities as they relate to the current use of lands and resources for traditional purposes. The Proponent shall implement and maintain the communication plans during all phases of the Designated Project and shall review the plans every two years and update them as needed. “</p> <p>We request that IAAC make the following additional sub conditions:</p> <p>1) 7.1.2.5 provide notice to potentially affected Indigenous groups of impending operational procedures, such as opening the channels, as soon as a decision has been made</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				2) 7.1.4 co-develop a complaint resolution process with each First Nation, including the use of third-party resolution and binding language to ensure resolution 3) 7.1.5 Communications and engagement plans must be approved by each respective Indigenous group prior to Project construction. The Proponent must demonstrate that these approvals have been received from all impacted Indigenous groups prior to construction.
39	7.2, pgs. 20-21	Current Use of Lands and resources for Traditional Purposes	IAAC is maintaining the role of the EAC as the primary mechanism for Indigenous engagement if the Project is approved, but the IRTC has repeatedly stated that the EAC as described is an unacceptable avenue for Project engagement activities. While the stated mitigations are an improvement on the structure of the EAC, there is severe distrust that the EAC itself needs to be dropped and a new structure needs to be developed. The issues with the EAC, which have been repeatedly shared with the Proponent and IAAC (see letter).	We request that IAAC make the following revision(s) to the condition: 1) IAAC must clearly state in the EA Report that the existing EAC is an inadequate mechanism to accomplish consultation and monitoring initiatives. 2) The Proponent must work with all Indigenous groups who identify as impacted communities to develop an agreeable multilateral structure for engagement, approvals, and communications, with proper mechanisms for reporting and accountability, and where change can be affected by Indigenous groups and other concerned



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				<p>parties. This new system needs to be Indigenous-led and center Indigenous leadership. The Proponent will not direct this new system and will not be in charge of determining its membership.</p> <p>3) The Proponent must commit to collaboratively developing a dispute resolution mechanism that is mutually agreeable and is rooted in Indigenous teachings on finding resolutions.</p> <p>4) The Proponent must commit to developing an engagement plan that is trauma informed:</p> <ul style="list-style-type: none">a. Empowering community members to be involved and build resilience.b. Identify ways to build trust between the Proponent and Indigenous groupsc. Ensure that IRTC members have the resources needed to make informed decisions.d. Ensure sufficient and culturally appropriate resources for the IRTC to be involved in technical decisions and meetings.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
40	7.3, p.21	Current Use of Lands and resources for Traditional Purposes	We are aware that the Proponent has proposed, as an accommodation measure, inviting Indigenous groups to co-develop and participate in ground-breaking ceremonies for the channels, asserting that this would be a way of addressing community concerns regarding Reconciliation. The IRTC has not expressed an interest in or the need for such activities. On the contrary, we find this proposal insulting in the context of the Proponent's history of disregarding our concerns, perspectives, knowledge, and Aboriginal and Treaty rights throughout the assessment process thus far. It is appalling to suggest that such an exercise could constitute an act of reconciliation. As we have repeatedly illustrated, the proposed Project will result in a decimation of our way of life and a blatant breach of our Aboriginal and Treaty Rights. As such, the Project, as proposed is completely unacceptable and the proposition of a “ceremony” prior to the severe impacts on our rights and interests is unacceptable.	<p>We request that IAAC make the following addition(s) to the Report:</p> <ol style="list-style-type: none"> 1) Clarify their envisioned purpose for the proposed ceremonial requirement. As it has been proposed by the Proponent as part of their mitigation and accommodations measures, the IRTC does not find it an acceptable or meaningful provision. The IRTC rejects the idea of pre-memorializing a disaster of the Crown’s own making, that will be borne by First Nations peoples.
41	7.4, p.21	Current Use of Lands and resources for	The requirement for Project personnel to undergo cultural awareness training is an important and necessary step to protect	<p>We request that IAAC make the following addition(s) to its proposed conditions:</p> <ol style="list-style-type: none"> 1) To 7.4: “The Proponent shall provide funding and appropriate resources for



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
		Traditional Purposes	the IRTC. However, this training needs to be developed and run by the IRTC.	<p>Indigenous groups to develop and provide cultural awareness training to all Project personnel, including to Proponent staff. develop, prior to construction and in consultation with Indigenous groups, cultural awareness training for all employees and contractors associated with the Designated Project. The Proponent shall implement the training prior to the start of construction and during all phases of the Designated Project. “</p>
42	7.5, p. 21	Current Use of Lands and resources for Traditional Purposes	<p>The Agency proposes that the Proponent "provide opportunities for Indigenous groups to receive training to support their participation in follow-up and monitoring programs."</p> <p>It is insufficient for the IRTC to be merely involved in Proponent-designed and -led monitoring programs which will not prioritize and address outstanding Indigenous concerns or ensure Indigenous decision-making.</p>	<p>We request that IAAC make the following addition(s) to the condition:</p> <p>1) To 7.5: “ The Proponent shall provide support for the creation and implementation of Indigenous-led follow-up and monitoring programs, as well as opportunities for Indigenous groups to receive training to support their participation in follow-up and monitoring programs.”</p>
43	7.9, p.22	Current Use of Lands and resources for	The Agency writes that "The Proponent shall design and build crossing structures over the outlet channels to facilitate safe	<p>We request that IAAC make the following addition(s) to the condition:</p> <p>1) To 7.9 “ The Proponent shall design and build a sufficient number of appropriate</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
		Traditional Purposes	<p>access through the Designated Project area..."</p> <p>This is a crucial requirement but must be more specific. The Proponent has thus far refused to propose potential crossing locations for the LSMOC and indicated that financial consideration will be the determining factor in whether such crossings will be built.</p>	<p>crossings over the LSMOC, where sufficiency and appropriateness must be determined in consultation with relevant Indigenous groups crossing structures over the outlet channels to facilitate safe access through the Designated Project area by Indigenous groups, so they are able to cross. In doing so, the Proponent shall: "</p>
44	7.10, p. 22	Current Use of Lands and resources for Traditional Purposes	<p>The Agency has included a requirement that the Proponent prohibit, "during all phases of the Designated Project, employees and contractors associated with the Designated Project from fishing, hunting, trapping, gathering and using recreational vehicles for any purposes not associated with the Designated Project," etc. However, prohibition without enforcement or consequence is meaningless</p>	<p>We request that IAAC make the following addition(s) to the condition:</p> <ol style="list-style-type: none"> 1) To 7.10: " The Proponent shall prohibit, during all phases of the Designated Project, employees and contractors associated with the Designated Project from fishing, hunting, trapping, gathering and using recreational vehicles for any purposes not associated with the Designated Project, within the Designated Project area, or using the Designated Project area to access lands outside the Designated Project area for fishing, hunting, trapping, gathering and using recreational vehicles, unless an employee or contractor is provided access by the Proponent as a member of an Indigenous group for traditional purposes or for



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				<p>exercising Aboriginal rights, to the extent that such access is safe. This prohibition must be enforceable, with actions to be taken if they are violated. “</p>
45	7.12, p. 22	Current Use of Lands and resources for Traditional Purposes	<p>IAAC notes in condition 7.12, that "The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a wetland compensation plan to offset the residual effects of the Designated Project on wetlands, including class 2 wetlands, resulting from project-related changes in surface and groundwater levels that could not be avoided or minimized." (p. 22) and that the Proponent will "establish performance standards for compensated wetlands" (p. 22) and "ensure that the wetland compensation area is larger than the area of the wetland area being compensated." (p. 22)</p> <p>The IRTC remains concerned that this</p>	<p>We request that IAAC make the following addition(s) to the condition:</p> <ol style="list-style-type: none"> 1) For 7.12.1: “establish performance standards for compensated wetlands, including criteria by which these standards will be measured, which will include confirmation of the presence / absence of species at risk to assess whether wetland compensations are providing sufficient amount and quality of wetlands to allow for effects on species are risk to be mitigated; and” 2) For 7.12.2: “ ensure that the wetland compensation area is larger than the area of the wetland area being compensated, at a minimum of 3:1 compensation.”



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>condition is not specific enough to be fully protective of listed species at risk like yellow rail (<i>Coturnicops noveboracensis</i>). Specifically, without firm performance standards and an established wetland compensation ratio, we remain concerned that residual effects to wetlands and the species that rely upon them for habitat will not be sufficiently compensated for or mitigated.</p>	
46	7.15, p. 23	Current Use of Lands and resources for Traditional Purposes	<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>The Proponent has not provided enough information about the den sweeps that will be completed prior to construction</p>	<p>We request that IAAC make the following addition(s) to the condition:</p> <ol style="list-style-type: none"> 1) The Proponent shall determine and implement, in consultation with the IRTC, appropriate no work buffer zones around active denning sites, suitable methodology for surveying for (and monitoring) active denning sites, and other mitigation measures that must be taken to avoid impacts to culturally important large mammals and furbearers.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>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>	
47	7, General I	Current Use of Lands and resources for Traditional Purposes	<p>As detailed above, we do not agree with the Proponent's conclusion regarding potential project impacts to current use. Based on our own experiences and deep knowledge of the Interlake region, we anticipate that the Project will have irrevocable significant adverse impacts on Indigenous groups' ability to maintain their current use patterns and practices. As the Proponent does not anticipate such impacts, it has failed to propose appropriate mitigation, accommodation, or off-setting measures.</p> <p>A key way the Proponent can proactively address anticipated impacts to current use practices is through the financial support of cultural resiliency programs. Changes to the IRTC member's ability to access and use the lands and waters of the Interlake region will have implications for cultural continuity and intergenerational knowledge transfer. Cultural resiliency programs will</p>	<p>We request that IAAC make the following addition(s) to the condition:</p> <p>1) The Proponent will fund an IRTC-specific cultural resiliency program as a form of mitigation and off-setting of anticipated impacts to our ability to maintain our current use patterns and practices due to Project construction and operation. These programs will be Indigenous-designed and -led (see also Item 38 for more information).</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>be crucial to counter-balancing these effects.</p>	
<p>48</p>	<p>8.1, 8.2, 8.3, 8.4, 8.5, 8.7, pgs. 25-27</p>	<p>Physical and Cultural Heritage and Structures, Sites or Things of Historical, Archaeological, Paleontological or Architectural Significance</p>	<p>The IRTC appreciates that IAAC has included many of our previously stated requirements regarding heritage monitoring and mitigation. However, we need stronger language and more Indigenous involvement in these plans. We do not trust the Proponent to properly consult with us in preparing plans, assessments, and training, and so this will need to be done between a qualified third-party and the IRTC.</p>	<p>We request that IAAC make the following addition(s) to the condition:</p> <ol style="list-style-type: none"> 1) In 8.1, 8.2.5, 8.3, the qualified individual who will develop plans, assessments and training must be co-chosen by MTI and Indigenous groups. This individual cannot be an employee, or otherwise unduly influenced by, MTI. 2) The Heritage and archeological plans, and heritage training must be co-developed with, and approved by, the IRTC before Project work can commence. 3) The heritage and archeological plans must incorporate plans to work with the Indigenous Guardian / Monitoring Program (discussed further in Item 53). 4) The same individual developing the heritage and archeological plans must also develop the chance find protocol in 8.2, and the cultural heritage management plan in 8.7, both of which will need be develop with, and approved by, the IRTC before work commences. 5) There will be reporting and dispute resolution processes between the qualified individual



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				producing these plans and training in collaboration with the IRTC, to ensure that we are being adequately consulted.
49	8.6, p. 27	Physical and Cultural Heritage and Structures, Sites or Things of Historical, Archaeological, Paleontological or Architectural Significance	The consultation for work camps, quarries and laydown areas needs to be comprehensive, and include co-development, mapping, and final approval of locations by the IRTC and other Indigenous groups before work commences. This will be needed, as MTI has not properly documented all of the heritage sites and considered all of the impact pathways that we have shared with it.	We request that IAAC make the following revision(s) to the condition: To 8.6: “The Proponent shall select, in consultation with Indigenous groups and relevant authorities, the final locations for work camps, quarries and laydown areas. To achieve this, the Proponent will co-facilitate mapping sessions with Indigenous groups to find appropriate locations for work infrastructure. ”
50	8.9, 8.10, pgs. 28-29	Physical and Cultural Heritage and Structures, Sites or Things of Historical, Archaeological, Paleontological or Architectural Significance	The Project follow-up programs must be co-developed between MTI and the IRTC, with the IRTC having final approval.	We request that IAAC make the following revision(s) to the condition: 1) The Proponent must co-develop, fund, and resource the follow-up plans, including dispute resolution processes. Clear evidence of joint approval between the Proponent and Indigenous groups must be provided to the Agency before work commences.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
51	8, pgs. 25-29 Genera I	Physical and Cultural Heritage and Structures, Sites or Things of Historical, Archaeological, Paleontological or Architectural Significance	<p>The Proponent's proposed plans regarding the protection of cultural heritage is insufficient. The proposed Heritage Resource Protection Plan (HRPP) has not been revised in response to our concerns (which have been shared with the Proponent over the course of multiple rounds of Information Requests), which include: the destruction of an ancient ancestral village, impacts to cultural use and continuity, a lack of protection for Indigenous rights and interests related to heritage resource protection, and a lack of Indigenous input into the plan and Indigenous participation in its implementation.</p> <p>There has also been a failure on the part of the Proponent to address the necessity of Indigenous-led heritage and archaeological monitoring activities which include concrete accountability mechanisms to ensure adherence to heritage protocols (e.g., chance find protocols). The Proponent has not made a concrete commitment to funding training for Indigenous monitors.</p>	<p>We request that IAAC make the following addition(s) to the condition:</p> <ol style="list-style-type: none"> 1) The Proponent must commit to revising the existing HRPP through collaboration with Indigenous groups with the goal of prioritizing cultural heritage, continuity, and rights 2) The Proponent must commit to involving the IRTC in all matters of cultural heritage including the creation and implementation of an Indigenous-led archaeological monitoring program 3) The Proponent must provide financial support for the training of Indigenous heritage and archaeological monitors, including the costs of transportation, accommodation, supplies, and compensation for time as appropriate 4) The Proponent must avoid impacts to ancestral village sites and accommodate the IRTC for any unavoidable impacts (though the Nations stand by our strong rejection of the Crown accepting destroying one of Manitoba's oldest heritage sites).



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
52	9.1, p. 29	Indigenous Monitors	First Nations monitors need to be doing more than participating in follow-up monitoring and culturally significant work, there needs to be an Indigenous Monitoring program that is developed before Project construction can begin, and as a condition for Project approval.	<p>We request that IAAC make the following addition(s) to the condition:</p> <ol style="list-style-type: none"> 1) The Proponent must fund (including training) and provide resources for Indigenous communities to develop and run an Indigenous Guardian / Monitoring Program. Guardians are knowledgeable members of local Indigenous groups whose deep knowledge of their traditional territories help them safeguard those territories through monitoring activities in the Interlake region. This program will be involved in all aspects of follow-up monitoring, archeological monitoring, culturally significant work, and environmental monitoring. The program also must have appropriate power to stop work if there is a concern or chance find, and there needs to be a dispute resolution mechanism between the program and the Proponent. 2) The Proponent must collaborate with Indigenous groups to draft relevant Environmental Management Program Plans (EMPPs) to ensure that their interests, concerns, and knowledge form a meaningful part of EMPP creation and implementation. This needs to include review and consent on the final versions of EMPPs (and funding for this work). 3) The Proponent must involve First Nations in a leadership capacity with the development



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				and of the EMPPs (including review, approval, and implementation)
54	12.3, p. 31	Accidents and Malfunctions	<p>The requirement for the Proponent to consult with the IRTC in the development of an accidents and malfunctions response plan is vague and contains no mechanisms to ensure the IRTC's rights and interests are protected. the IRTC's approval of the response plans, clean up and remediation plans, and adaptive management plans should be a condition for project approval. The Proponent should be required to develop accident and malfunction response mechanisms and processes that address impacts due to accidents and malfunctions on valued components identified in by Nations. This should include adequate consideration of cumulative effects to VCs to ensure accidents and malfunctions do not surpass thresholds defined by the IRTC. Responses, including clean-up and remediation activities, must employ a sufficient temporal scope of impacts using worst-case scenarios that extend to a</p>	<p>We request that IAAC make the following revision(s) to the condition:</p> <ol style="list-style-type: none"> 1) Terms for consultation with Indigenous groups should be clearly defined, with requirements to seek the IRTC's approval of any response plans; to consider impacts to all VCs defined by the IRTC; and to consider impacts in the context of cumulative effects experienced by the IRTC. <p>We request that IAAC make the following addition(s) to the condition:</p> <ol style="list-style-type: none"> 1) The Proponent must be required to employ sufficiently long-time scales for impacts using worst-case scenarios that extend to a point when effects are no longer measurable.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			point when effects are no longer measurable.	
55	12.5.2, p. 31	Accidents and Malfunctions	Notification requirements contain no description of actions to be taken by the Proponent to mitigate effects to the environment and to Indigenous rights and interests as outlined in the response plan.	<p>We request that IAAC make the following addition(s) to the condition:</p> <ol style="list-style-type: none"> 1) The Proponent must include a description of actions to be taken by the Proponent to mitigate effects to the environment and to Indigenous rights and interests as outlined in the response plan
56	12.5.4.2, p.32	Accidents and Malfunctions	This condition contains no requirement for 90-day post-accident reports to include additional adaptive mitigation, reclamation, and monitoring measures that consider impacts to the IRTC's rights and interests. The time scale for any specific mitigation, reclamation, and monitoring work plan for an accident or malfunction must use worst-case scenarios, extending to point when effects are no longer measurable.	<p>We request that IAAC make the following addition(s) to the condition:</p> <ol style="list-style-type: none"> 1) To 12.5.4.2: “ a description of the modified or additional measure(s) implemented by the Proponent to mitigate and monitor residual adverse environmental effects, including additional adaptive mitigation, reclamation, and monitoring measures that consider impacts to Indigenous groups' rights, and to carry out any required progressive reclamation; and “The condition must require the Proponent to use a sufficiently long-time scale for any specific mitigation, reclamation, and monitoring work plan that extends to a point when effects are no longer measurable.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
57	12, p. 30-32 Genera I	Accidents and Malfunctions	The First Nation communities unfortunately already have extensive experience with serious and devastating local emergencies; the effects of the 2011 flood are still very much felt by the region's Indigenous communities with some having been forced to abandon their homes and communities completely due to flooding damage. It is crucial that the Proponent acknowledge the lasting trauma that has resulted from these experiences and that it takes an appropriately vigilant and compassionate approach in its emergency planning and response.	We request that IAAC make the following addition(s) to the condition: 1) The Proponent will work with the IRTC to design appropriate and effective, Nation-specific emergency response plans covering all potential emergency scenarios. These plans will: <ul style="list-style-type: none"> a. Be designed collaboratively with the IRTC to ensure that our priorities are centered in emergency planning and decision-making b. Cover a range of scenarios from the more likely to the worst-case c. Take into account that Indigenous groups in the Interlake region have experienced, and continue to experience, varying degrees of trauma due to past experiences with flood-based emergencies; d. Approaches to engagement for the creation of the IRTC emergency response plans will be trauma-informed and consider the potential emotional and psychological needs of our community e. Include clear communications protocols to support the rapid and effective distribution of critical



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				<p>information in the event of an emergency</p> <p>2) The Proponent will fund appropriate emergency preparedness training for the IRTC</p> <ul style="list-style-type: none"> a. This training will be trauma-informed, taking into our varying experiences with previous, large-scale emergencies and their lasting impacts b. Training opportunities will be offered at regular intervals to ensure necessary knowledge and skills remain up to date c. The Proponent will fund appropriate emergency response materials and resources, considering the specific effects a given possible emergency will have on our community
58	13, p. 33	Schedules	When scheduling Project activities, the Proponent needs to consult with the IRTC to avoid conflict of harvesting, hunting, or trapping schedules.	<p>We request that IAAC make the following addition(s) to the condition:</p> <p>1) To 13.2: “The Proponent shall co-develop and seek feedback from First Nations on project scheduling in order to avoid key harvesting times, and then submit to Indigenous groups and the Agency a schedule outlining all activities required to carry out all phases of the Designated Project no later than 60 days prior to the start</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
				<p>of construction. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities.” The Proponent must co-develop and seek feedback from First Nations on project scheduling in order to avoid key harvesting times.</p>
59	N/A	Federal Lands	<p>The Agency refers to Comprehensive Settlement Agreements which are anticipated to be negotiated between the Province of Manitoba, Indigenous Services Canada and Little Saskatchewan First Nation, Lake St. Martin First Nation, and Dauphin River First Nation. The Agency states that the Comprehensive Settlement Agreements would provide for an easement and a Flood Risk Zone Agreement which identifies the easement level in which the Province may flood reserve lands. The Agency acknowledges “that the Flood Risk Zone Agreements are only for existing water control structures and works and do not include the Project.”¹ The Comprehensive Settlement Agreements are speculative and have yet to be executed for Little Saskatchewan First Nation, Lake St. Martin First Nation,</p>	<p>IAAC must include a condition whereby the requirements for a taking under section 35 of the <i>Indian Act</i> and the INAC Land Management Manual must be satisfied prior to the commencement of Project construction. Specifically, the requirements of section 35 and the Land Management Manual would be satisfied by way of an easement to permit flooding on reserve lands with a revisionary interest for Little Saskatchewan, Lake St. Martin, and dauphin River First Nations.</p>

¹ Draft EA Report, page 188.



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			<p>and Dauphin River First Nation. Further, the Agency's position is that the Flood Risk Zone Agreements are unrelated to the Project.</p>	
60	N/A	Cumulative Effects	<p>The cumulative effects of the project's nutrient loading to Lake Winnipeg are 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> <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>Prior to the approval of the Project, IAAC must require the Proponent to conduct a complete assessment of the cumulative effects of nutrients entering the watershed as a result of the Project, including the associated impacts on surface water, fish and fish habitat, and the health and socio-economic conditions of Indigenous Peoples.</p>



Item	Sect., Pg.	Topic	Comment/ Issue	Requested Change or Addition
			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.	

Review of draft EA Report

#	Section, page(s)	Comment/ Issue	Requested Change or Addition
1	General	IAAC is maintaining the role of the EAC as the primary mechanism for Indigenous engagement if the Project is approved, but the IRTC has repeatedly stated that the EAC as described is an unacceptable avenue for Project engagement activities. While the stated mitigations are an improvement on the structure of the EAC, there is so much bad history and distrust that the EAC itself needs to be dropped and a new structure needs to be developed. The issues with the EAC, which have been repeatedly shared with the Proponent across numerous reviews	IAAC to add the following to the EA Report: 1) An outline of the First Nations' concerns with the EAC in the Report, and why this has been deemed an unacceptable way forward for engagement and reconciliation.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>and letters, are myriad, and include but are not limited to the following:</p> <ul style="list-style-type: none"> • The EAC is embedded with top-down processes, controlled by the Proponent and which allows for no meaningful decision-making on the part of Indigenous committee members • The terms of the EAC do not allow member Nations to contract their own outside consultants to assist in the review of materials submitted to the EAC, instead, Nations are expected to rely on consultants provided by MTI • Nations were given no role in determining the structure, governance, or decision-making processes of the EAC • The Proponent has continued to insist that the EAC will be a key mechanism for planning and implementing adaptive mitigation measures. This has meant that the Proponent has consistently failed to propose acceptable and adequate proactive mitigation measures to address Nations' legitimate concerns regarding Project impacts, and; • Throughout the EA process, the Proponent has not demonstrated a willingness to hear the concerns of Indigenous communities, to apply or integrate Indigenous Knowledge to Project design or assessment, or to engage meaningfully and adequately with First Nations. 	



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
2	General	Many of the proposed Conditions do not lay out how they would be accomplished or what happens if any given Condition is not met. There are no consequences for non-compliance. It is unclear who will be held responsible if the analysis is flawed, the mitigation measures fail, there are unexpected results, or the Proponent refuses to do what they have been directed to do.	<p>IAAC to add the following to the EA Report:</p> <p>Please incorporate more precise language and detail in order to clearly articulate accountability measures, key requirements, and enforceable activities, and identify responsible parties.</p>
3	1.2.2, p. 3	In Table 1 Value Components Identified, the list provided of Nations who will be impacted by the Project with reserves on federal lands is incomplete. Many Nations are missing, including the IRTC. 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.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 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.
4	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.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
5	1.2.2, p. 4	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 to adequately understand potential impacts to health and mitigate these impacts.	IAAC to add the following to this section: 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 the Socio-Economic Wellbeing (SEWB) Studies of the IRTC Nations for further information on this.
6	Temporal/Spatial Boundaries Section 1.2, Section 2.1	The EA Report, and the EA itself, looks only at a Regional Assessment Area (RAA), not the entire watershed that will be permanently affected. Furthermore, the temporal scope focussed only on the construction period, not the long-term operation of the channels that will never be abandoned and restored to their original condition (IAAC states that the Project will operate "in perpetuity" on page 10). The IRTC rejects this approach to both temporal and spatial scope.	IAAC to add the following to this section: 1) Please include a clear statement in the EA Report documenting that the IRTC, and other First Nations adamantly reject the narrow spatial and temporal scopes used in the EA. We have provided extensive information documenting how the impacts of this project will be extensive throughout both spatial and temporal area. 2) Please reconsider the findings in this section in light of a more robust and holistic scope.
7	Channel Construction – Section 2	In 2024, the Proponent stated that it does not know where all of the aggregate required for the Project will come from, or what routes will be used to transport over 5 million tonnes of material by heavy trucks. Lining the channels with aggregate was not in the original EIS and was not considered by Health	IAAC to add the following to this section: 1) Prior to issuing an EA certificate, the Agency must require the Proponent to conduct a detailed assessment of impacts relating to aggregate extraction and transportation. This assessment must include consideration of effects on local



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>Canada or other federal agencies when they did their original assessments.</p> <p>Most of the impacts of aggregate sourcing and hauling were assessed before the increased volumes required for armouring the channels were determined. There is very little detail available for truck transits that will be required for the volume of aggregate of varying sizes and compositions, or the effects on local road traffic, noise, dust, vehicle emissions, and emergency response (p. 26)</p>	<p>road traffic, noise, dust, vehicle emissions, and emergency response.</p>
8	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.
9	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</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Please add a clear statement in the EA Report documenting that we reject the narrow temporal and spatial boundaries used in this EA. Please



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>indicate that these concerns have been repeatedly brought up throughout the EA process and have not been addressed by the Proponent.</p> <p>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.</p>
<p>10</p>	<p>2.3, p. 18</p>	<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 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>	<p>IAAC to add the following to this section:</p> <p>1) The impacts of this haulage on roads, traffic, and accidents must be evaluated as part of the Proponent's assessment and of the Agency's Report.</p>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
11	General, Follow-up and Monitoring [2.5: follow up programs]	No information as to the costs, over the life of the Project, for all of the mitigation, adaptive management, reporting, follow-up, consultation, training, monitoring, offsetting, well drilling, and data collection anticipated and required to achieve compliance, has been provided. These figures are vital to understanding the complete costs of the project and should be used to inform a project decision.	IAAC to add the following to this section: 1) Prior to issuing an EA Certificate, IAAC must require the Proponent to provide cost estimates for all of the mitigation, adaptive management, reporting, follow-up, consultation, training, monitoring, offsetting, well drilling, and data collection anticipated and required to achieve compliance, over the life of the Project (in perpetuity).
12	3.2, p.21	<p>CEAA 2012 requires that environmental assessments of designated projects take into account alternative means to carry out the 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 us they had agreed to this exclusion. We reject the exclusion of an assessment of alternatives to the Project.</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 refused requests to have the study</p>	IAAC to add the following to this section: 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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.</p>	
<p>13</p>	<p>3.1, p. 20 3.2.3, p. 25</p>	<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>Reference Canadian Environmental Assessment Agency. 2018. "Guidelines For The Preparation Of An</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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>	
14	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>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.</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 Indigenous groups.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/addressing-purpose-alternative-means-under-canadian-environmental-assessment-act-2012.html	
15	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>Reference Canadian Environmental Assessment Agency. 2018. "Guidelines For The Preparation Of An Environmental Impact Statement: Pursuant To The Canadian Environmental Assessment Act, 2012".</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 miscalculation 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.).



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>	
16	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>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-</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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		purpose-alternative-means-under-canadian-environmental-assessment-act-2012.html	
17	4.2, p. 33	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 bullet point 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 the IRTC has submitted.	<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. the IRTC can meet with IAAC to review the outstanding concerns if necessary.
18	4.2, p. 34	The list of key concerns raised by Indigenous groups is missing some points that have been raised by the IRTC. 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).



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
			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.
19	6.1 p. 44	<p>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> <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</p>	<p>IAAC to add the following to this section:</p> <p>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 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>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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 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>	
20	6.1 p. 44	<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</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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		direction, locally high in magnitude, long term, regular in frequency and irreversible.	
21	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 IRTC 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 impacted the assessment of other valued components; c. Whether these direct and indirect impacts are justified and accepted, taking into consideration the mitigations proposed by the Proponent.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
22	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 the IRTC 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. <ol style="list-style-type: none"> 1) Add requirement for the Proponent to co-develop mitigations for these Project effects with impacted Indigenous communities.
23	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</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. Determine an appropriate wetland compensation ratio with input from the IRTC, if they choose to do so.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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.</p> <p>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>	
24	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"> 1) Be developed by a QEP, with input from Indigenous groups (if they so choose). 2) Include surveys of existing invasive species populations prior to construction 3) Include regular (e.g., annual) monitoring during all phases of the Project (i.e., construction, operations, and decommissioning). 4) Include invasive plant control measures to manage established invasive species populations and to prevent further invasive species establishment.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
			3) Support and work with an Indigenous Monitoring Guardian Program on this issue.
25	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>The IRTC is 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 the IRTC (if the IRTC chooses 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.
26	6.3.2 p. 82	<p>The IRTC agrees with Environment and Climate Change Canada's concerns regarding the described autonomous recording unit malfunctions and resulting loss of baseline data collection. The IRTC agrees 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</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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>the Proponent's Wetland Monitoring Plan and to ensure that adaptive management is triggered.</p> <p>The IRTC reiterates 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>	
27	6.3.2 p. 83	<p>There remains considerable concern from the IRTC 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). c. A reassessment of the residual impacts to snapping turtles because of site fidelity and loss of potential



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
			<p>overwintering habitat (IAAC-R3-05 comment C vi).</p> <p>1) 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).</p>
28	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 the IRTC) where further mitigative action and consultation would be required.</p>	<p>IAAC is requested to require:</p> <p>1) The Proponent to consult with the IRTC to determine parameters for mitigation monitoring, where adequacy of consultation will be defined by affected Indigenous groups.</p> <p>2) Through the consultation process identified above, collaborate with the IRTC 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.</p>
29	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, 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</p>	<p>IAAC is requested to require:</p> <p>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 assessments of the impacts of its selection must then be assessed.</p>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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 an 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>30</p>	<p>6.3.3, p. 85-87</p>	<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 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</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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>	
31	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>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</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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		diverse ecosystems that contain and support culturally important wildlife and plant species. Monitoring and mitigation methods will prove useless.	
32	7.1.2, pgs. 99 - 103	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.	IAAC to add the following to this section: 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.
33	7.1.2, p. 100	The report does not fully express the IRTC'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 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	IAAC to add the following to this section: 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 construction and operational phases to assess and document issues relating to erosion, sediment transport, and deposition and their impacts on fish and fish habitat.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		construction and operational phases of the Projects lifespan.	
34	7.1.2, p. 102	<p>The report does not capture many of the IRTC'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). 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 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</p>	<p>To address this oversight in the draft EA report, the IRTC requests 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: 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_1229</p>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>Indigenous Knowledge into Fish and Fish Habitat Offsetting. 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.” The IRTC is 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/mpo-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-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</p>	<p>454360370_60d06fb366d66d9a96f0f58ea082db1abc58c0fc1e3805cd799cd37fc0143bdb.pdf</p>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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/mpo-dfo/Fs97-6-3132-eng.pdf</p>	
35	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. The IRTC agrees that more biological data must be collected prior to construction; however, given the Proponent's limited efforts to date to collect fish and 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. The IRTC must be provided with the opportunity to review the additional baseline data collection effort to determine its adequacy, before its</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. 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		findings are incorporated into future versions of the EA.	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. 8) All sampling must be done in collaboration with the Indigenous Guardian Program and with Indigenous monitors.
36	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. The IRTC disagrees with this statement. The proposed 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, the IRTC'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>	<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: <ol 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 what mitigations and offsets will be required.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
37	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. The IRTC strongly disagrees 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 The IRTC's ability to exercise 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</p>	<p>IAAC to add the following to this section:</p> <ol 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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." Wiley Interdisciplinary Reviews, Water 6, no. 6: 1-21. https://doi.org/10.1002/wat2.1381</p>	
38	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 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</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. 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 4) Change the language to accurately reflect the uncertainty that remains in regard to the



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>	<p>potential impacts on focal fish populations from redistribution.</p>
<p>39</p>	<p>7.1.3, p. 107</p>	<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> <ol 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: <ol 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 distribution to make this determination and the reason for this determination. 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
40	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 <p>The overall lack of details on mitigation measures.</p>	<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.
41	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 the IRTC in the plan and incorporate comments/feedback before submission. To date, MTI has not sought engagement from the IRTC on an updated fish habitat offsetting plan.</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 will share a final draft, highlighting the incorporated feedback before submission to DFO.
42	7.1.3, pgs. 108 - 112	<ol style="list-style-type: none"> 5) 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 	<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:



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>	<ul 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 <p>2) 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>
43	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). Throughout the IRTC's engagement on this Project they have raised concerns about the gaps in the</p>	<p>IAAC to add the following to this section:</p> <ul 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 the IRTC's comments are fully addressed to ensure that all potential residual adverse effects to birds and their eggs, nests, and habitat are fully mitigated.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>	
44	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 fragmentation (e.g., due to the proposed height of riprap). The IRTC has 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 	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Document the concerns raised previously. 2) Include additional conditions for the Proponent on spoil pile design to mitigation impacts to wildlife movement, including the following conditions: <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



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>frog habitat, ungulate movement corridors) (IAAC-R3-06 comments Bi and Biv).</p> <ul style="list-style-type: none"> 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>With so many unknowns, it cannot be assumed that the proposed mitigation measures will avoid impacts to culturally important species and species at risk. The IRTC is 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. The IRTC is 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>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.</p> <p>c. The Proponent is required to co-develop additional mitigations for these Project effects with impacted Indigenous communities.</p>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
45	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 effects on snapping turtle and northern leopard frog cannot be accurately mitigated or compensated for.</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: <ol 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



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
			<p>to offset Project impacts (as stated previously in IAAC-R3-05 comment C xi).</p> <p>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.</p> <p>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).</p> <p>1) 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.</p>
46	7.3.3, p. 128	As acknowledged in the draft EA, there remains considerable uncertainty regarding at-risk bats and the amount of bat habitat that may be affected by the	<p>IAAC to add the following to this section:</p> <p>1) A requirement for the Proponent to commit to strict avoidance of tree clearing during the</p>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>	<p>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.</p> <p>2) A requirement for the Proponent to commit to developing detailed plans to monitor residual impacts to at-risk bats.</p>
47	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> <p>1) A requirement for 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).</p>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
48	7.3.3 p.130	<p>The IRTC remains 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.</p> <p>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 the IRTC 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.
49	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 there is a potentially</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 the IRTC and other Indigenous groups who have indicated that the LSMOC would interrupt existing travel ways and disrupt current use patterns in the area. The IRTC First Nations are amongst those who have shared information



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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 IRTC community members, 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>with the Proponent regarding specific trails and travel ways that the LSMOC would disrupt and/or destroy.</p>
50	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 the IRTC, and their experts. For example:</p>	<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 the IRTC's own conclusions and that the evidence on which the Proponent's conclusions are based has



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<ul style="list-style-type: none"> • "The Proponent concluded that the overall residual effects of the Project on access for current use from the construction, installation, and maintenance of permanent outlet channels are anticipated to be moderate in magnitude..." (134) • "...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 the IRTC. 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>been 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>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
51	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.
52	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 members. The Proponent offers no support for the increased burden that</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 the IRTC and other Indigenous groups to alter, contrary to their preferences and traditions, their use practices.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		changes to current use practices will potentially impose on the IRTC.	
53	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 in relatively small compared to the remaining habitat available in the RAA." (138) <p>This indicates a failure on the part of the Proponent to understand and/or acknowledge the implications of a reduced ability of IRTC members to maintain their current uses of the lands and waters of the</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) An explanation that the Proponent continues to dismiss the likelihood of the significant impacts to the lands, waters, and non-human inhabitants of the LAA by asserting 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>	
54	7.4.1.1, 138	<p>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 failing to propose mitigation measures to minimize and/or slow the introduction of AIS to Lake Manitoba, St. Martin, and Winnipeg.</p>	<p>IAAC to add the following to this section:</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. 1) 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
55	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 the IRTC'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. 4) Add a condition whereby the Proponent must, through discussions with the First Nations, co-develop a funding offset for requiring the First Nations to travel further to practice and exercise their rights. This offset must include considerations such as travel, distance, stress and mental load, and time, among other factors.
56	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>The IRTC has been consistent in their objections to the continued use of the EAC as a mechanism for</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



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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 • 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 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. The IRTC feels 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 the IRTC, and other Indigenous groups over their ancestral lands and waters.</p>	<p>acceptable or meaningful vehicle for ongoing engagement between the Proponent and Indigenous groups.</p>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
57	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. The IRTC has provided the Proponent with their knowledge and perspectives in the form of Rights Impact Assessments, Socio-Economic Well-Being studies, Information Requests Response Reviews, multiple reviews of Project documentation, including, but not limited to, the Proponent's Environmental Impact Statement, as well as a consultation report, review of the Heritage Resources Impact Assessment, and the Access Road Review. Throughout the assessment process, the IRTC has 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 the IRTC 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.
58	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</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 the IRTC, 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>	
59	7.4.1.1, 143, 145	<p>The IRTC concurs 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 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>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 seriousness of other environmental impacts, and keep in mind the severe and lasting character of the Project's potential impacts on current use practices.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
60	7.4.1.1, 146-147	<p>The IRTC agrees 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 IRTC. 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 the IRTC, and other impacted Indigenous groups and it is crucial that the Agency acknowledge this.
61	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. 	<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. 1) Ensure follow through with MTI on all matters that require further engagement consultation.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<ul style="list-style-type: none"> "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 them, and disrespecting the deep knowledge members have on the area.</p>	
62	7.4.2.1 p. 151,152	<p>There are many examples in this section where MTI reports conclusions that stand in opposition to the IRTC's conclusions. The following examples have been disputed by the IRTC 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." 	<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).



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>"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 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>	
63	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)."</p> <p>The IRTC takes serious issue with this statement that the Project would not critically reduce of eliminate availability. MTI is stating this with no evidence, and in fact is contrary to the numerous comments, concerns and evidence provided by 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>IRTC in the EA process; we have been very clear about what the impacts will be. In addition, the Proponent relies on the HRPP as the main source for mitigation for cultural heritage resources, but this plan has been highly criticized by the IRTC, and was not developed with us. The HRPP also doesn't allow for the IRTC to be directly involved in monitoring and archaeological work. The HRPP, therefore, is not a document that can be trusted by the IRTC to protect cultural and heritage resources and should not be considered a mitigation plan for reducing impacts to cultural resources.</p>	
64	7.4.2.2 p. 153	<ul style="list-style-type: none"> • 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>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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
65	Physical and Cultural Heritage Section 7.4.2	No cost estimates are provided for the facilities to house and care of cultural artefacts and other “chance find” discoveries during construction are provided. These figures are vital to understanding the complete costs of the project and should be used to inform a project decision.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) A requirement the Proponent to provide cost estimates for the facilities to house and care of cultural artefacts and other “chance find” discoveries during construction, over the life of the Project (in perpetuity).
66	7.4.3 p. 160-161	Community specific communication and engagement plans are a needed mitigation measure. The measures as written are a good start but require some changes.	<p>IAAC to add the following 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 the IRTC when developing decision protocols, such as when to open the channels. 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. 2) 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
67	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> <ol style="list-style-type: none"> 1) Referencing the EAC as a vehicle for reconciling issues, implementing mitigations, establishing/running communications with the IRTC, and undertaking monitoring with the IRTC. See the requirements above for the system to replace the EAC.
68	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> <ol 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 raised by First Nations but have not yet been accounted for by the Proponent. 4) 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.
69	7.4.3 p. 162	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>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 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. 2) Requirement that Project personnel complete the training prior to any onsite work.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
70	7.4.3 p. 163, 166	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.	IAAC to add the following to this section: 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.
71	7.4.3 p. 166	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. See the requirements above for the system to replace the EAC.	IAAC to add the following to this section: 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 First Nations but have not yet been accounted for by the Proponent. 2) Remove noncommittal language such as "If required...". 3) Require the Proponent to co-develop and co-implement additional mitigation measures based on unaddressed First Nation concerns.
72	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.	IAAC to add the following to this section: 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
73	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.	IAAC to add the following to this section: 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.
74	7.4.3 p. 168	Regarding a potential Environmental Monitoring Committee, the IRTC 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.	IAAC to add the following to this section: 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.
75	7.5.1 p. 173	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 the IRTC. 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.	IAAC to change the following: 1) Alter language to reflect the input from the IRTC 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.
76	7.5.1 p. 173	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	IAAC to add the following to this section: 1) Detailed discussion and analysis of the Proponent's lack of engagement and co-development of the complaint resolution



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>processes and monitoring programs associated with the EMPs.</p> <p>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.</p>
77	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 our studies and reports, there will likely be significant impacts to the health of community members including both physical and mental impacts. Drawing on a 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</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Implement the IAA 2019 approach and revisit the definition and framing of Section 7.5.1 on health to ensure a broader perspective 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) Add a condition that requires the Proponent to invest in mental health and wellness resources for the communities, such as cultural programming. 1) Add a condition that requires the Proponent to monitor for environmental impacts on water, air, and country food quality.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>of non-local Project workers, among other factors. In addition, the sensitivity of health and socio-economics as a result of past flooding events must be acknowledged.</p> <p>While CEAA 2012 considers only health impacts relating to bio-physical impact pathways, IAAC should implement best practices and instead draw on the IAA 2019 definition with considers health from an Indigenous perspective. For example, IAA 2019 considers impacts such as:</p> <p>"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>Reference: Government of Canada. 2020. "Analyzing Health, Social and Economic Effects under the Impact Assessment Act." Section 4.2.</p>	
78	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</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 IRTC's members' way of life,



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>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.</p>
79	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 the IRTC. 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: 1) A clear condition requiring the Proponent to share the economic benefits of the Project. This must include consultation with Indigenous 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.</p>
80	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</p>	<p>IAAC to make the following changes to this section: 1) Revisit this conclusion, drawing on the IAA 2019 approach to health and taking into account a holistic view to socio-economic and wellbeing component. Include discussion and analysis of</p>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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 the IRTC has noted this will exacerbate associated previous and ongoing trauma.</p> <p>While CEAA 2012 considers only health impacts relating to bio-physical impact pathways, IAAC should implement best practices and instead draw on the IAA 2019 definition with considers health from an Indigenous perspective. For example, IAA 2019 considers impacts such 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>Reference:</p>	<p>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.</p>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		Government of Canada. 2020. "Analyzing Health, Social and Economic Effects under the Impact Assessment Act." Section 4.2.	
81	7.5.3 p. 181	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 the IRTC has noted this will exacerbate associated previous and ongoing trauma.	IAAC to add the following to this section: 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.
82	7.6 p. 184	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 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.	IAAC to add the following to this section: 1) Detailed discussion and analysis of how the conclusions for each of the VCs in previous chapters pertain to reserve and Federal lands. 2) A list of required mitigations to offset impacts to federal lands.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<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>	
83	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>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.</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Further evidence (including data) and rational 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
84	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.	IAAC to add the following to this section: 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.
85	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."	IAAC to add the following to this section: 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.
86	7.6.3 p. 188	The IRTC has 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.	IAAC to add the following to this section: 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 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.
87	7.6 p. 188	The Agency refers to Comprehensive Settlement Agreements which are anticipated to be negotiated between the Province of Manitoba, Indigenous	IAAC to add the following to this section:



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>Services Canada and Little Saskatchewan First Nation, Lake St. Martin First Nation, and Dauphin River First Nation. The Agency states that the Comprehensive Settlement Agreements would provide for an easement and a Flood Risk Zone Agreement which identifies the easement level in which the province may flood reserve lands. The Agency acknowledges “that the Flood Risk Zone Agreements are only for existing water control structures and works and do not include the Project.”² The Comprehensive Settlement Agreements are speculative and have yet to be executed for Little Saskatchewan First Nation, Lake St. Martin First Nation, and Dauphin River First Nation. Further, the Agency’s position is that the Flood Risk Zone Agreements are unrelated to the Project.</p> <p>Furthermore, the Agency fails to acknowledge that the flooding related to the Project is itself an impact on reserve lands, and that based on the Proponent’s modelling, the reserve lands around Lake St. Martin are expected to flood once every 13 years.³</p>	<ol style="list-style-type: none"> 1) Remove reference to the Comprehensive Settlement Agreements as they have yet to be negotiated, are speculative, and are only for existing water control structures and works and do not include the Project. 2) Acknowledge that there are currently no easements allowing the province to flood the reserve lands around Lake St. Martin. 3) Note, in the EA Report, that the flooding related to the Project itself is an impact on reserve lands, even if the goal of the Project is to reduce flooding overall. IAAC must further note that based on the Proponent’s own modelling, reserve lands around Lake St. Martin are predicted to flood once every 13 years.
88	7.6.3 p. 189	The IRTC disagrees 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	<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

² Draft EA Report, page 188.

³ Lake Manitoba and Lake St. Martin Outlet Channels Project Response to IAAC Public Information Requests, Round 1, Question IAAC-102 (31 May 2022), p 568, online: <<https://iaac-aeic.gc.ca/050/documents/p80148/144034E.pdf>>.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>unacceptable and that they will not adequately reduce adverse effects.</p> <ol style="list-style-type: none"> 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.
<p>89</p>	<p>8.1.1 p. 190-92 8.1.3, p. 194</p>	<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). The IRTC disagrees 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</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 IRTC 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



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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 the IRTC. The IRTC requires 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 the IRTC'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>impacted IRTC rights and interests and that accounts for the full duration of impacts extending 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>
90	8.1.1 p. 190-92 8.1.3 p. 194-97	Neither this section of the EA Report nor the Proponent's EIS adequately assess potential impacts to IRTC's rights and interests due to	<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 the IRTC; to</p>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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 "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 the IRTC were evaluated by the Proponent. Several of the IRTC'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</p>	<p>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> <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> <p>1) A detailed assessment of dyke failure mechanisms that allows for effective emergency action plans and the establishment of adequate safety measurements.</p> <p>2) Greater clarity on how failure of the WCS was incorporated into flood modelling.</p>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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 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 IRTC'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 the IRTC since the beginning of this Project, and both the Proponent and the Agency have ignored</p>	<p>3) Information on what preventative measures the Proponent will take for hazardous spills.</p>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>Indigenous concerns regarding Project design and their preference for other approaches to flood mitigation. As such, the IRTC now requires 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.</p>	
91	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 the IRTC has 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, the IRTC fears 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 the IRTC's rights and interests. As a result, the Proponent and agency have not proposed adequate mitigation measures for potential impacts to the IRTC's rights and interests due to a</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 the IRTC's rights and interests in the context of cumulative impacts experienced by the IRTC. 2) Provide a discussion and analysis of impacts in the context of cumulative impacts with the goal of ensuring that the IRTC'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 the IRTC 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		breach or failure. The Agency's position displays a lack of rigorous assessment of potential effects due to catastrophic flooding considering cumulative impacts to the IRTC's rights and interests.	
92	8.1, p. 190-197	The IRTC has 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 the IRTC or have been shared within an impractical timeline. There are only vague commitments to involve the IRTC in their development and no requirement that they approve or consent to it.	<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, the IRTC 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



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<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, the IRTC’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 IRTC rights and 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 the IRTC as outlined in the Rights Impact Assessment Reports recently submitted by the IRTC. Reliance on this plan is inadequate; specific engagement and Indigenous-centred flood management protocol is required to ensure that Indigenous Nations are not</p>	<p>engage the IRTC and incorporate the IRTC'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.</p>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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 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 the IRTC's engagement in the development of these plans and procedures. The IRTC 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. The IRTC must have opportunity to comment on and approve these plans and procedures in advance of Project construction and to</p>	



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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). The Proponent and Agency propose no requirement for the IRTC's direct involvement in impacted Indigenous heritage resources. Indigenous rights and involvement in this regard must be prioritized.</p>	
93	8.2, 198-99	<p>The IRTC remains 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
94	8.2, 199-200	<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 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, the IRTC believes 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</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 the IRTC; and the wide-ranging and disproportionate impacts past flooding has had on IRTC 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 the IRTC. 2) Additional discussion and analysis of whether project impacts are justified considering this additional information.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		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 Rights - are respected and valued by Canadian decision-makers.	
95	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.	IAAC to add the following to this section: 1) A justification for why IAAC did not include wildlife in the analysis and, if relevant, detailed discussion of how wildlife would be impacted.
96	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." The IRTC does not believe that the proposed mitigations will be adequate to protect these VCs.	IAAC to add the following to this section: 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.
97	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	IAAC is requested to require the Proponent: 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>emanating from the Assiniboine River were not contemplated in the EIS or by the Agency.</p> <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>	
98	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 IRTC community members 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
99	8.3.3 p. 219	We require more information regarding the statement "The Agency is of the view that the Proponent did not adequately determine temporal boundaries for the cumulative effects assessment or adequately examine physical activities that have been and will be carried out."	IAAC to add the following to this section: <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.
100	8.3.3 p. 219	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 <i>Fisheries Act</i> 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" (pp. 219-220). 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	IAAC to add the following to this section: <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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		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 fish and fish habitat.	
101	8.3.3 p. 220	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.	IAAC to add the following to this section: 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.
102	8.3.3 p. 221	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 and cumulative effects within the RAA would not prohibit	IAAC to add the following to this section: 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 targets and accountability mechanisms to ensure they uphold these requirements.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>the harvest of country foods in the LAAs and RAA." is flawed.</p> <p>The IRTC disagrees 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>Why we recognize that this Project is being</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>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		assessed under CEAA2012, it is the responsibility of IAAC to implement best practices.	
103	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: <ol style="list-style-type: none"> 1) A table in each of the subsections of 9.2 (hunting and trapping, fishing, continued way of life, cultural continuity, stewardship), that summarizes: <ol style="list-style-type: none"> 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 2) The gaps in MTI's perspective and consideration of context
104	9.1.1, p. 226	The IRTC disagrees 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 the only way to reflect the complex Project pathway interactions	IAAC to add the following to this section: <ol style="list-style-type: none"> 1) Rationale as to why a regional-level assessment is not appropriate, given the regional scale of predicted impacts from this Project.
105	9.1.1, p. 227	The impacts to the IRTC's member Nations 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	IAAC to add the following to this section: <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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		displaced. It is unclear how this information has been considered in this assessment.	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. <ul style="list-style-type: none"> a. Additional discussion and analysis of whether these impacts are justified considering this additional information.
106	9.1.1, p. 227	<p>The concerns raised by the IRTC about the potential increased operation of the Portage Diversion are not fully explained in this section. The IRTC 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 IRTC First Nation lands and into Manitoba from the agriculturally-polluted Assiniboine River. 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</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Discussion and analysis of the IRTC’s additional concerns about the potential increased operation of the Portage Diversion, including predicted impacts of increased water contamination on fish and fish habitat.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>conditions, which will negatively impact the fish and fish habitat in those lakes.</p>	
<p>107</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. The IRTC finds 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 the IRTC. 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>108</p>	<p>9.2.1, p.228</p>	<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> <ol style="list-style-type: none"> 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. 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
109	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 the IRTC First Nations in their RIAs and 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 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>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 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 the IRTC. This should include information on existing and ongoing impacts resulting from the Government of Manitoba's flood management activities and should discuss and analyze the need for the IRTC to protect what limited resources remain. 2) Additional discussion and analysis of whether these impacts are justified considering this additional information.
110	9.2.1, p. 229	<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.
111	9.2.1, p. 232	<p>This section requires more details on which mitigations, and how monitoring, will offset impacts to wildlife habitat. The IRTC has 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</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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>	
112	9.2.1, p. 232-233	<p>Under the "Assessment of Impact on Hunting and Trapping Rights", additional context is needed. This context is necessary to accurately represent IRTC hunting and trapping rights, and are foundational to the assessment of potential Project impacts.</p>	<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 the IRTC 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 IRTC members hunt and trap will



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
			<p>be positively impacted by the Project. Our studies 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>
113	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 measures.</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 the IRTC in the establishment and co-development of access management plans.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		Clear conditions must be defined to ensure the co-development, implementation, and accountability of mitigation measures.	
114	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.
115	9.2.1, p. 234	IAAC has omitted many IRTC comments. For example, the IRTC 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 IRTC fishers. The IRTC First Nations still have many members that rely on fishing, and this has severely impacted their ability to do so. The IRTC has 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 the IRTC'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 the IRTC. 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.
116	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 fish to catch, but community members aren't comfortable consuming them due to	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 recommend this occur in the detailed table mentioned in comment 103.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		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.	2) Additional discussion and analysis of whether these impacts are justified considering this additional information.
117	9.2.1, p. 234	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. The IRTC has 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 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.
118	9.2.1, p. 234	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 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 the IRTC First Nations in the RIAs, the timing of first and last freeze are vital for	IAAC to add the following to this section: 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. 2) Additional discussion and analysis of whether these impacts are justified considering this additional information.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>119</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 the IRTC 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 the IRTC’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.
<p>120</p>	<p>9.2.1, p. 235</p>	<p>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. The IRTC has raised this concern many times, and MTI has not yet provided concrete proof that this will be the case. IAAC needs</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 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



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		to do its due diligence follow these types of statements up with an analysis and stated First Nations concerns.	recommend this occur in the detailed table mentioned in comment 103.
121	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.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Discussion and analysis, in the first paragraph in this section, of the impacted baseline and current state of the IRTC'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.
122	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." The IRTC agrees 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 of potential Project impacts to our rights, including a contextual understanding of the sensitivity of the rights.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 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. 1) Additional discussion and analysis of whether project impacts are justified considering this additional information.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
123	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.
124	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. 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,</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. 2) Additional discussion and analysis of whether project impacts are justified considering this additional information.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>	
125	9.2.2 p. 241	<p>The Proponent's proposed mitigation of "...knowledge of the heritage site would be preserved through archaeological excavation and the cultural heritage 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,</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 1) Greater detail about what this mitigation measure entails 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		and our rejection of the Proponent's proposed mitigation, must be noted.	
126	9.2.2 p. 241	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.	IAAC to add the following to this section: 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.
127	9.2.2 p. 241	The IRTC 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.	IAAC to add the following to this section: 1) Change "claim" to "hold" to better reflect our rights.
128	9.2.2 p. 241	The IRTC 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 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.	IAAC to add the following to this section: 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 duty and right to care for the lands and waters, and our ability to live off them for generations to come.
129	9.2.2 p. 242	An acknowledgement is needed, under "Context in which impacts on stewardship would occur", about	IAAC to add the following to this section:



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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>	<p>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.</p>
<p>130</p>	<p>9.2.2 p. 242</p>	<p>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 the IRTC has 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 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.</p>	<p>IAAC to add the following to this section:</p> <p>1) A list of all the First Nations (including the IRTC) 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.</p>
<p>131</p>	<p>9.2.2 p. 243</p>	<p>The statement "Such changes would accelerate the loss of intergenerational teaching of language or traditional practices through changes to the way in</p>	<p>IAAC to add the following to this section:</p> <p>1) Additional, detailed discussion about how impacts from the Project will result in further</p>



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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.</p>	<p>alienation from our lands and waters, as well as a loss of identity of First Nations.</p> <ol style="list-style-type: none"> 1) Additional discussion and analysis of whether project impacts are justified considering this additional information
<p>132</p>	<p>9.22,9.3 p. 244,245</p>	<p>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.</p>	<p>IAAC to add the following to this section:</p> <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.
<p>133</p>	<p>9.4 p. 246</p>	<p>IAAC's finding that "The Agency is of the view that given current conditions, the Project would serve to 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,</p>	<p>IAAC to add the following to this section:</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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		therefore, will NOT reduce flooding on these reserve lands.	3) Additional discussion and analysis of whether project impacts are justified considering this additional information.
134	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> <p>1) Hunting, Trapping</p> <ul 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. 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>2) Fishing</p> <ul style="list-style-type: none"> a. Likelihood - IAAC concluded in the descriptive text that the likelihood is high. This should be reflected in the concluding 	<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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>bolded sentence. It should clearly state that the impacts will be high.</p> <ul style="list-style-type: none"> 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. 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>3) Cultural Continuity</p> <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>	



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<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 impact stewardship extending across the region, making the conclusion high. 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>Overall Conclusions- This should be high due to the high likelihood and geographic extent, and moderate frequency, duration, and reversibility.</p>	
135	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> <ul style="list-style-type: none"> 1) Fishing <ul style="list-style-type: none"> 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 	<p>IAAC to make the following changes to this section:</p> <ul 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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> <ul style="list-style-type: none"> b. Overall Conclusions - Based on the comments above, this should be high because of the high likelihood, duration, and irreversibility of impacts to fish. <p>2) Cultural Continuity</p> <ul style="list-style-type: none"> 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. 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. 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 	



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>reversibility will be high, the conclusion should be changed to high.</p> <p>3) Stewardship</p> <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 	



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>of a moderate likelihood and frequency/duration/reversibility, this conclusion should reflect that potential impacts to stewardship will be moderate.</p>	
<p>136</p>	<p>9.4.1, p. 256</p>	<p>d. 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>	<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.
<p>137</p>	<p>10, p. 258</p>	<p>e. 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</p>	<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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		significant adverse environmental effects - full stop.	
138	10, p. 258	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.	IAAC to add the following to this section: 1) A statement noting the repeated and ongoing failure of MTI to meaningfully consult and engage with the First Nations throughout this EA process.
139	10, p. 258	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.	IAAC to add the following to this section: 1) Detailed discussion and analysis of all concerns and comments, including those in this comment table, from the IRTC 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



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
140	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 commitments, including</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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		consultation, a clear accountability mechanism with defined repercussions for breach of commitments must be outlined in the EA Conditions.	
141	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.	IAAC to change the following: 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
142	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.	IAAC to change the following: 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.
143	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.	IAAC to change the following: 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. 2) Include additional discussion and analysis of whether project impacts are justified considering this additional information



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
144	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.	<p>IAAC to change the following:</p> <ol style="list-style-type: none"> 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.
145	Appendix C, p. 274, #A2	The IRTC is 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.	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 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.
146	Appendix C, p. 275, #A3	The IRTC is 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. IRTC leadership need to be involved in developing communication plans, as well as co-	<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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>developing accident and malfunction response plans. The IRTC has left the EAC due to many concerns, so an alternative needs to be developed. The IRTC communities are\ right next to the Project area and will be impacted heavily and rapidly in the event of an accident or malfunction.</p>	
<p>147</p>	<p>Appendix C, p. 275-276, #A4</p>	<p>The IRTC is 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 the IRTC 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 the IRTC needs to have meaningful involvement in developing protocols which will impact our lands, waters, and our uses of them.
<p>148</p>	<p>Appendix C, p. 280-281 #C2 Appendix C, p. 282-283 #C4,</p>	<p>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 the IRTC agrees 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</p>	<p>IAAC to add the following to this section:</p> <ol style="list-style-type: none"> 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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		approved is therefore unrealistic and unsatisfactory to the IRTC.	
149	Appendix C, p. 281-282 #C3	The IRTC agrees 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 IRTC rights and interests using appropriate temporal boundaries and all relevant physical activities and accounting for Indigenous Traditional Knowledge and perspectives on cumulative effects.
150	Appendix D, p. 353	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.	IAAC to change the following in this section: 1) Remove this statement from the species-specific mitigation measures and reiterate that tree clearing is not acceptable within the bat maternity roosting window.
151	Appendix D, p. 357	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,	IAAC to add the following to this section: 1) 4.9 - If barn swallow nests are required to be removed from ancillary buildings outside of the migratory bird nesting period, the Proponent



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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 the IRTC as it means that there will be a loss of suitable nesting structures available to those barn swallows in subsequent years.</p>	<p>shall construct an alternative nesting structure for barn swallows to compensate for the loss of suitable nesting habitat.</p>
152	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</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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<p>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 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>	
153	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>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.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
		<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>	
154	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 the IRTC 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 the IRTC 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
155	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/eccc/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.
156	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 from the IRTC. These changes must be reflected in Appendix D.



#	Section, page(s)	Comment/ Issue	Requested Change or Addition
157	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).
158	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 the IRTC. These changes must be reflected in Appendix D.