

June 1, 2011

Mr. Kris Frederickson, MSc., P.Eng.

Senior Program Officer,
Prairie Region | Canadian Environmental Assessment Agency |
Suite 101, 167 Lombard Ave Winnipeg MB R3B 0T6

Dear Mr. Frederickson

Re: CEAA Comprehensive Study (CSR) – East Side Road Network – To Berens River,
Manitoba

Introduction

Manitoba Wildlands has participated in various public undertakings that include the intended East Side Road Network. These include attendance at workshops concerning the need for lands planning through the region; participation as civil society stakeholders in the team meetings to finalize the recommendations for Promises to Keep, released by Manitoba Conservation in late 2004; responding to requests for information or assistance in accessing information regarding the intended road network over the last decade; and commissioning analysis of the 2000 Dillon Report/ feasibility study regarding the potential road network.

Our organization has also responded to each stage in the provincial licensing process and the federal Canadian Environmental Assessment Agency (CEAA) assessment of the project. We acknowledge the grant from CEAA, which supports our activity with regard to the CEAA comprehensive study.

It should be noted we have consistently identified the deficiencies in the proponent's (East Side Road Authority (ESRA) and the government of Manitoba) filings. These concerns are underlined by the variances in the licensing process to date. This is the first highway or road system in Manitoba to be trusted to a government agency, rather than the transportation department of government. We have been unable to determine which cabinet minister is accountable for Estimates – including the cost of this project, tenders, sources of revenue, number of staff involved, administration of funds etc. Recent Estimates hearings at the Manitoba Legislature simply confirmed this concern as neither minister responded. It is therefore unknown what the costs are, how the funds are being spent, what the administrative and technical costs are. And of course there are significant assumptions about federal funds being involved in the costs of the road project – and future road network projects. The lack of accountability and transparency - which seems to be endemic to this project - increases risk to economic, environmental, and community assumptions regarding impacts, and costs.

Our attention to this project is also based on the importance of public works projects being planned, assessed, reviewed, and licensed to the highest possible standards. When government is spending public money to build a project which government then reviews and licenses it is essential that the very highest quality of planning, access to information, technical know-how, environmental impacts assessment, public reviews, and licensing processes be adhered to.

Access to Information / Public Registry

The CEAA CSR relies heavily on the provincial EA filed under Manitoba's *Environment Act* and License No. 2929, issued August 16, 2011. "Mitigation proposed by the Proponent and required by the *Environment Act* License No. 2929 would be sufficient to reduce the identified cumulative environment effects to a level of insignificance," claims the CEAA CSR (p. 32). What this fails to recognize is that there were numerous deficiencies with EIA filed by the province. We are also concerned review of this project in an isolated fashion, when there are a range of other adjacent, intended future projects that will connect to or impact this first project, could cause rubber stamping by provincial regulators of these future projects.

Manitoba Wildlands' January 2010 comments to Manitoba Conservation's Environmental Assessment & Licensing Branch indicated that complete information could not be found in the public registry file, and what little was available lacked cohesiveness, scattered across multiple websites and archives. We noted that the following documents, referenced in the ESRA EIA, were unavailable, and not in the public registry file, and not linked to the ESRA webpage (Manitoba Wildlands, January 10, 2010, p 3):

- Promises to Keep- East Side Planning Initiative/Broad areas planning initiative
"As identified in the *Promises to Keep (2004)* document, the establishment of an all- weather road to link the remote communities on the east side of Lake Winnipeg." (ESRA EIA Executive Summary Pg ES-1)
- 2005 UMA/MB Transportation Functional Design Report: Rice River Road Upgrading and Extension Report
"The functional alignment originally proposed in the *2005 UMA Functional Design Report: Rice River Road Upgrading and Extension* from Loon Straits to the Bloodvein FN was refined."(ESRA EIA Section 3 Pg 37)
- Public Comments from All- Weather Road-East Side of Lake Winnipeg Justification and Scoping Study, August 2000
- Copies of MOUs with Berens River, Bloodvein River and Wasagamack First
"Consistent with the NDS, the Berens River First Nation has recently signed a

Memorandum of Understanding (MOU) with ESRA that will provide the community with job training and economic development opportunities..... Similar MOUs are expected to be signed with the FN communities of Bloodvein, and Hollow Water” (ESRA EIA Section 3 Pg 35)

- Copy of Manitoba Floodway and East Side Road Authority Act 2009
- Information for the portion of this project already underway (upgrade of Rice River Road)
 - “A new First Nation-owned company called Pigeon River Contractors Inc. has been formed to undertake some of the road’s preparatory work.” (ESRA EIA Section 3 Pg 35)
- Copy of 2007 Accord between the Manitoba government and the First Nations in the region, most of whom will be affected by this or future road projects.
- East Side Transportation Initiative Network Study, preliminary work (as this project is only the first step of this much larger vision and the study is referenced.)
 - “The Province of Manitoba (Province) committed to undertake a Large Area Transportation Network Study to confirm basic corridor concepts for all season road development to service communities on the east side of Lake Winnipeg” (ESRA EIA Executive Summary Pg 1)
- Funding information regarding how the cost of the highway will be covered.
- Information to explain how ownership of the Rice River logging road was transferred to the province, and how the road became a provincial trunk highway (PTH).
- Manitoba permits, authorizations and approvals required for this project to proceed, are not in the public registry. The same situation exists for the previous stage of this highway project.
 - “Permits, authorizations and approvals required for the project to proceed will be maintained in a permit registry.” (ESRA EIA Section 2 Pg 30)

Manitoba Wildlands also reviewed the *Dillon Berens River All-Season Road Environmental Impact Assessment - Greenhouse Gas Emissions Assessment DRAFT Report* required under clause 18 of Manitoba *Environment Act* License No. 2929. See comments in Climate section of this letter. To our knowledge this report has been updated, but neither the original draft, nor the subsequent updated version is available in the provincial Public Registry file or online. This gap sets a worrisome precedent with respect to the range of reports, monitoring and documentation for this project which will be expected to be public both during the period construction and afterwards. Further there may be further problems of this sort regarding future, intended and connected projects.

In addition the Environmental Management Plan required by Manitoba *Environment Act* License No. 2929 is also not available in the public registry file or online.

Transparency and access to information is vital to decision making. Without a comprehensive and complete public registry, an adequate environmental review of the project is not possible.

In our January 2010 comments to Manitoba Conservation's Environmental Assessment & Licensing Branch on the All-Season Road on the East Side of Lake Winnipeg to Berens River Manitoba Wildlands **recommended:**

Manitoba Conservation and the East Side Road Authority assemble a full listing of public documents, policies, records of meetings, etc relevant to this project with details for public access, and make this information publicly available.

As of June 1, 2011 none of the above-mentioned documents, were available in the Manitoba public registry file #3588 at 123 Main St., Winnipeg, MB. The most recent entries in the file dated back to August 2010 when the provincial license was issued.

It would be helpful to have the directives, or policies, procedures and guidelines for the Environment Act public registry per *Environment Act*: Section 17 available so public registry file contents for a proposal under the Environment Act like this new Highway/Road Network in Manitoba are clear. There is no list of file contents for public registry file #5388.

In November 2010, after meeting with staff at Manitoba Conservation's Environmental Assessment & Licensing Branch to discuss some of the problems we had been experiencing, Manitoba Wildlands provided a set of recommendations for improving the Public Registry system in Manitoba. (For convenience we attach our report in this submission.)

Ground Truthing Provincial Information

There are numerous deficiencies in the proponent's EIS and assessment and therefore Manitoba Wildlands recommends that CEAA place less reliance on the environmental management plan (which is not even publicly available), and license terms and conditions of Manitoba *Environment Act* License No. 2929.

Relying on the deficient ESRA EIS and the subsequent environmental licensing process, risks also making the CEAA CSR deficient. CEAA needs to require the proponent ESRA to submit updated and accurate information. Of course the Manitoba licensing branch and Minister can at any time, via the licence in place, require the proponent to report, update its data, and make information public.

Alternatives To The Project

The purpose of the Federal *Canadian Environment Assessment Act* is stated in s. 4. Notably:

4(1)(a) to ensure that projects are considered in a careful and precautionary manner before federal authorities take action in connection with them, in order to ensure that such projects do not cause significant adverse environmental effects;

Section 16 lays out which factors need to be considered, including alternatives:

16(2) In addition to the factors set out in sub-section (1), every comprehensive study of a project and every mediation or assessment by a review panel shall include a consideration of the following factors:

- (a) the purpose of the project;
- (b) alternative means of carrying out the project that are technically and economically feasible and the environmental effects of any such alternative means;
- (c) the need for, and the requirements of, any follow-up program in respect of the project; and
- (d) the capacity of renewable resources that are likely to be significantly affected by the project to meet the needs of the present and those of the future.

The stated purpose of the All-Weather Road on the East Side of Lake Winnipeg (p. 51) “...is to provide an improved safe and more reliable transportation between communities located on the east side of Lake Winnipeg.”

The CSR spends considerable more time examining “Alternative Means to Carrying Out the Project” (i.e. alternate route options), than it does examining “Alternatives to the Project” (i.e. alternate transportation options). The CSR claims that:

“Other transportation concepts such as hovercrafts, air ships, and rail have periodically been advanced as a solutions to enhance the current transportation system. These transportation concepts are not considered viable options given the unpredictability of the weather, construction constraints, and the freight and passengers movement demands within this region.”

Yet no further justification, or detailed cost-benefit analysis, is provided, despite the deficiencies in the EIS filed by the proponent (based on 12 year old data.)

Rail may having higher upfront costs, but there are also reduced maintenance costs, and less ability for hunters, fishers, etc. to impact remote areas as the stop points are more controlled in rail system than they are in a road system. Security, safety, and access are all more controlled in a railway system. Given the cost of one million dollars per kilometer for the road project, comparative costing is needed to support assumptions about alternatives. Our staff have often heard community members and leadership

indicate their preference for a railway system. Unpredictable weather affects any construction or operation of any transportation system in this region.

A July 17, 2010 paper by Barry Prentice and Jim Thomson *Economics of Airships for Northern Re-supply* (which was funded in part by the Manitoba Government Departments of Industry, Economic Development and Mines, and Transportation and Government Services) determined that airships were an economically attractive option for northern communities in Manitoba.

The development of a northern road network may turn out to be too expensive given the low population density, large geography, challenging weather and terrain. There are other transportation alternatives, which have not been fully considered.

Manitoba Wildland suggests a more thorough and detailed of alternative means (airship, rail, barge, hovercraft, etc.) of carrying out the purpose of the proposed all-season road of improving transportation on the east side of Lake Winnipeg. Manitoba Wildlands also recommends that CEAA request full costing of this project, and future intended road network projects to review costing. We wonder where the roughly one billion dollars will come from?

Climate Change / GHG Report from Proponent

Manitoba Wildlands has attached our review of the ESRA's green house gas report as required by the Manitoba Conservation licensing authorities. We understand that a second updated version of this report was required by Manitoba, of the proponent. This second version has not been made available. Our primary observations and recommendations based on review of the first version of the proponent's report follow:

The ESRA / Dillon GHG Report's consideration of the impacts of indirect effects, such as changes in traffic habits, changes in the development patterns of the affected communities, and the impacts on carbon sinks ... is ... inadequate.

...

If this [proposed road is an 'adaption response to climate change']... then the ESRA/Dillon report is significantly more deficient, as there are also standards and methods to quantify and qualify a project in relation to climate change adaptation.

...

To assess the ESRA GHG Report, transparency about which standards, if any, were relied upon and the author(s) familiarity or certification with the standards used, is required.

...

It seems there is a consistent pattern on the part of ESRA/Dillon Consulting to "cherry-pick" data to produce a result desired by the proponent, rather than a factual result, based on accepted methodologies.

...

In conclusion Manitoba Wildlands recommends:

1. That any firm or individual providing technical reporting, advice etc regarding green house gases and climate change for a licensing process in Manitoba be certified. Also that any methods, sources, or criteria used to assess GHG be clearly identified in all reports, work products etc.
2. That any agency or developer whose project involves crown lands and waters use accredited climate change verifiers for any reporting, EIS, or actions taken.
3. That project areas for public works be identified in order to identify possible environmental effects while avoiding being large so as to be able to claim that impacts are insignificant simply based on chrematistics for size of area.
4. That the Manitoba government follow through on the recommendations of our auditor general regarding tracking and reporting carbon and emissions especially for both emitting and reductions. This involves actual emissions data rather than estimates and projections based on these. Clear guidelines and directives for environment licences (GHGs reporting, baseline inventories, etc), especially for public works need to be made public
5. That Manitoba Conservation specify in EIS guidelines and scoping documents what is required of any proponent regarding climate change content and reporting.
6. Sources for research, data, assumptions, and advice regarding climate change, emissions, carbon sequestration, etc be identified in any licensing filing, report, or requirement under an Environment Act licence.
7. That all reports regarding climate change, environmental management that involves climate change, carbon sequestration, monitoring, reporting etc in relation to an Environment Act licence be made public, and placed in the public registry. We would encourage proponents to also post this information publicly.
8. All public sector proponents abide by and support the public policy and regulatory framework with regards to climate change, including going beyond minimum compliance so that best outcomes are sought.

9. Each community affected by the ESRA be informed of the climate change impacts, monitoring and reporting that will be put in place regarding the ESRA.

The inadequacy and inaccessibility of the Dillon GHG study, as well as the biased selection of data, is indicative of the overall approach of the proponent ESRA. It is bad enough, as Manitoba's Auditor General noted, that Manitoba's current GHG emissions are estimates only, without further verification. Worse yet is that if estimates are to be relied on they should be conservative estimates! Yet here the proponent ESRA has clearly selected the data to their benefit, and the estimates therefore cannot be relied upon. We would presume that a variance of as much as 25% may apply to this report – as it does to the data in the 2000 Dillon report.

Lacking in the proponent and federal assessments is identification of the carbon inventory, carbon budget for the project, calculations for impacts based on these two thresholds, and any steps for mitigation. This is odd for a project, which the proponent identifies as a climate adaptation project.

Manitoba Willdlands recommends that deficient greenhouse gas study be redone, and both the original and updated drafts of the greenhouse gas study be made publicly available.

Consultation

The CSR (p. 13) claims:

“Consultations with the people and communities potentially affected by the Project have been on-going since the all-season road concept was first introduced in 1999. Annex 4 contains a summary of public and Aboriginal consultation exercises on the Project,”

However a review of Annex 4 reveals that it only covers “consultation exercises” between March 2009 and March 2011. If the “consultation process” did in fact begin in 1999 then an overview of the actions taken between 1999-2009 should also be included in Annex 4.

It is unclear what consultation standards were conducted – Government of Canada, and CEAA have an obligation to make sure that consultations with Aboriginal Peoples regarding this project meet the Government of Canada consultation standards for Aboriginal Peoples. Annex 4 of the CSR Indicates Manitoba Aboriginal Consultation Steering Committee and the Government of Canada Participated in the Provincially led Consultation Process. Did CEAA determine that consultations with Aboriginal People met the Government of Canada standards as laid out in the *Aboriginal Consultation and*

Accommodation: Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult? This would be essential given the Manitoba Government does not yet have consultation standards.

The Executive Summary of the ESRA EIA states aboriginal respondents did not have significant concerns with this project, but this is directly contradicted by “Section 6: Traditional Ecological Knowledge” of the EIA, which lays out the concerns of First Nations and Northern Affairs Communities that the development of an all season road will result in ecological and social changes of:

- a reduction in the number of animals in the area, due to: disturbances to animal habitat, accidents between animals and vehicles on the road, contamination of soils and water, causing animals to become sick and/or to migrate elsewhere, and improved access to traditional lands by outsiders, increasing hunting and trapping pressure, thereby reducing the number of animals available to aboriginal and local community members;
- concerns for the protection of water quality, fearing there could be contamination during the construction phase, such as oil and fuel spills during construction;
- dust from the heavy machinery during construction; and litter and uncontrolled dumping during operation;
- increased traffic (noise, dust, etc.);
- outsiders gaining access to cultural/spiritual areas;
- increased drug and alcohol abuse;
- loss of language;
- increased gang activity;
- increased flooding, from disrupting beavers and dams;
- increased forest fires;
- loss of traditional medicine knowledge.

(ESRA EIA Section 6 pg. 164)

Has the Government of Canada performed aboriginal consultation in order to address the above-mentioned concerns? Is there a report that shows the Federal government fulfillment of its obligations to consult with local aboriginal communities?

Manitoba Wildlands recommends that consultations be held in accordance with federal guidelines, and that a more detailed description of how the Crown has satisfied its duty to consult be provided.

Crown Lands

The ESRA EIS, Section 4 (p. 86), also indicates cost of \$5 million: "...to cover the cost of assembling Crown Land needed for the project.

What exactly are the lands being purchased for? Who by? Paid for how? Between which government departments or government agencies is this money changing hands? Have local First Nations received the first right of refusal, as per s. 35 of the Constitution, to purchase this land from the Government? Have First Nations currently working on treaty land entitlement land selection been informed? What procedures have been put in place by Manitoba regarding any land selection that may occur in the intended corridor for this road project or future intended projects?

Although the CSR acknowledges most of the land is Crown land, there is no map of what is Crown Land and what is private land within the study. Such a map should be included in the CSR.

The First Nation community of Little Black River is also missing from the maps in the CSR.

These shortcomings continue an overall trend by ESRA, the proponent, to submit deficient information.

Manitoba Wildlands recommends that the First Nations community of Little Black be included in the maps provided in the CSR.

Manitoba Wildlands recommends that a map which delineates Crown from private land inside the study area and shows traditional lands, and planning zones for the affected First Nations be included in the CSR.

Adjacent & Future Intended Projects

It is a matter of public information and public policy, including for the proponent (ESRA is an agency of the Manitoba government) that this project will be connected to an intended new road system for this region of Canada/Manitoba. The Manitoba government has confirmed intended future projects that will be connected to this road project as recently as the 2010 and 2011 Manitoba budget addresses. Other public documents Manitoba government confirm intended future projects that will be connected to this road project. This is only the first project for a road network on the East Side of Lake Winnipeg; additional road proposals may well be filed in the near future.

Given the Manitoba government has identified future expansion of sand, gravel, and aggregate permits for future linked and connected all-season road projects east and north of the current project, it may be assumed that development of the East Side Road Projects will result in: development of cottages subdivisions, housing, more roads, and possible new communities. Increasing road access to the east side of Lake Winnipeg will also increase use of wilderness for hunting, fishing, recreation and tourism; and all season road access may also facilitate mineral exploration, forestry operations, and other commercial or industrial activities.

The All-Weather Road – East Side of Lake Winnipeg Justification and Scoping Study prepared by Dillon Consulting Ltd. in 2000 explicitly stated that justification for the road was based in part on expanded economic activity, namely resource development. So to now exclude, or at least downplay the effects of these future development projects is contradictory. The Governments of Manitoba, Canada, and/or the ESRA proponent did no new assessment, but based its rationale on the need and purpose of an expanded North South road network on the above-mentioned eleven year old study, which acknowledged as much as a 25 % variance in all of its data, economic benefits analysis, costs, timelines. This kind of variance applied to a local economy, or the impacts on a species already endangered, or from climate change effects, could simply mean significant environmental adverse effects. There was, also, no actual environmental effects content in the ESRA EIS for this project. Much of the contents are borrowed from the 2000 Dillon report. It is mostly a policy and economic rationale document. The ESRA EIA also only used the executive summary of the 2000 Dillon Study. Content in the full 2000 report contradicts content in this executive summary.

So if a report based on 12 year old data is used as the basis for this project, with no updating or EIS guidelines for its filing, and then transferred into the CEAA comprehensive study – what risks are increasing, and by what variance – 25%, 35 %?

Manitoba Wildlands recommends that a public process to establish EIS Guidelines for the licensing process under Manitoba’s Environment Act be conducted immediately to prepare for any future, intended, connected projects, or proposals under the Environment Act. If CEAA is to rely on a deficient EIS, without standards, then the CSR CEAA will also be deficient.

As road access to the East Side of Lake Winnipeg region increases from this and future intended projects, there may be increased impacts and decreased capacity for traditional renewable natural resources in the region. The combined size of the projects area will require clear standards for assessments, especially for whole ecosystems, cumulative and combined impacts, and combined environmental effects.

All-season road access may attract resource exploration, forestry operations, cottage developments, and hunting expeditions by outside residents. There are already numerous

planned and current developments in the study area including: the Bissett Mine expansion, 600 new Cottages at Black River as well as other new cottage divisions that may occur to fulfill the government's objectives, plus a provincial/federal funded Aboriginal Interpretative Centre at Hollow Water First Nation. Undoubtedly these developments are being pursued in part due to the promise of expanded all-season road access.

World Heritage Site – Intended Provincial and Federal and Aboriginal Project

The Manitoba government is heavily involved in work for community driven lands plans, and both the federal and provincial governments are sponsors and patrons of the First Nation initiated steps for a huge boreal forest world heritage site listing in the region which becomes accessible with this road project. The future, intended, and connected projects also are in the region affected by this project. Yet the governments have ignored this undertaking, this tri-lateral project in their effects assessments. There are both federal resources, and therefore funding involved in the world heritage project also. This omission reflects on both governments, creating a poor precedent that must be corrected for any future proposal regarding this region that may be filed under Manitoba's Environment Act – and again include federal responsibilities.

Cumulative Effects

Manitoba Wildlands recommends that the cumulative impacts of current, future, and intended projects in the study area be given greater consideration.

The cumulative and combined environmental effects of this current, and these planned developments, in combination with future likely developments need to be considered. We would highlight that subject to ss. 16(2) (a) & (d) of the *Canadian Environmental Assessment Act* both 'the purpose of the project' and the 'capacity of affected renewable resources to meet the needs of the present and future'.

The combined impacts from these developments could include reduced access or predictability of access and harvest of natural resources for the Aboriginal persons resident in the region. The subsistence economy in a region where 'country food' is part of every household's daily life needs to be assessed. The CEAA CSR (p. 18) states that: "Proponent [ESRA] indicates that, based on the responses received to its traditional and ecological knowledge survey, the local Aboriginal community members place a very high value on the traditional activities of hunting (all game), trapping and fishing." What does Manitoba require the proponent to do to monitor and guarantee the continued and primary access to and right to hunt, trap, fish for Aboriginal persons in the region?

How will Manitoba Conservation make sure that the communities know the results of monitoring, and can contribute to that information?

Manitoba Wildlands asks that maintaining country foods, and the subsistence economy with access to these food sources be a basis for decisions regarding: contents of the final scoping document and the comprehensive study.

The need for a federal, CEAA sponsored plan for the region is apparent when identifying the deficiencies in the ESRA proposal, and Manitoba Conservation's approach to licensing this project. Cumulative impacts on renewable resources and on the subsistence economy from this project and future intended project areas need to be a cornerstone of effects assessment.

It should be underscored that Manitoba Wildlands does not oppose the need for road access for east side communities in advance of climate change impacts. Nothing in this document is to be taken as opposition to road access for these communities. However, future intended and adjacent development activities need to be taken into consideration.

Regional Plan

It should be noted that the government of Manitoba has been aiming to plan the future use, conservation, management and protection of resources/ lands/ waters on Manitoba's east side since about 35 years ago. The government of the mid 1970s prepared a planning strategy for the east side. During the 1980s new parks were established, new cottage subdivisions were put in place and discussion of a road system, and potential world heritage site emerged. Since 1999 Manitoba's current government has made it clear that public policy for the east side includes both community driven lands plans for each First Nation, and a broader planning strategy for the huge boreal region. Public policy in Manitoba also includes commitments to protect boreal lands and waters, secure carbon to mitigate climate change, and minimize impacts on these boreal regions.

In our July 2010 comments on the Draft Scoping Document for the All-Season Lake Winnipeg East Side Road to Berens River Manitoba Wildlands **recommended :**

...that CEAA include in the scope for its comprehensive study a regional plan that includes potential environmental effects from this project and future intended projects. Should the proponents be unable to provide the elements of such a plan (including identification of future intended projects), Manitoba Wildlands recommends that CEAA support the assessment process by providing such a regional plan. (p. 3)

This position was further supported by the comments submitted by the Manitoba Metis Federation to CEAA on the proposed Project, and by the fact that the *Cumulative Effects Assessment Practitioners Guide*, prepared for CEAA in 1999 states:

In some cases, however, cumulative effects approaches are used as an integral part of what is commonly referred to as a regional planning or land use study. These are usually initiated because of rising concerns about the effects of many proposed developments in a certain geographic region. (p. 57)

The *Guide* goes on to note that while regional plans are not required by legislation but: such studies may ultimately provide the best and most complete assessment of cumulative effects. (*Ibid*)

It is unfortunate a regional plan was not included, with the CEAA CSR concluding that “the Agency (ESRA) considered ‘reasonably foreseeable’ activities such as forestry and hydro-electric transmission line maintenance activities within the context of the cumulative effects assessment.” (CSR p. 32) Adding in “Table A4-1: Summary of Comments Received on the Scope of the Comprehensive Study”, CEAA CSR (p. 62), ‘the proponent is encouraged to identify other projects/activities that are certain or reasonably foreseeable, which could be included in an existing regional plan.’ However of what regional plan is CEAA speaking of? Only a road network plan?

There is no regional plan, and the exclusion of a regional plan undermines the value of the CEAA CSR, as the largest impacts from this road are likely to stem not necessarily from the construction, operation, and maintenance of the all-season road, but rather from the cultural changes in transportation patterns, and economic development that are likely to result from an all-season road. To simply say that the proponent should think what they might include in a fictitious regional plan is inadequate.

If the plan for this East Side Road project and various future intended/connected projects is to truly be comprehensive, **Manitoba Wildlands suggests CEAA require the ESRA participate to support a full lands plan for the region which is ecosystem, watershed, and science based. Such a regional plan could include: community plan/ activities plan for the East side, based on information provided by the communities, First Nations, and potential developers. This planning information should include potential plans for the east side of Lake Winnipeg regions, and outline positive and negative aspects of new developments in the region.**

It is now currently feasible to project the impacts of certain activities over time for the combined project areas for current and future projects. Given the public policy importance of this region, and stated intent to protect this boreal forest region studies that quantify ecological services from the region, and environmental effects from decreases in these ecological effects are long overdue. To date little or no attention has been given to the ecosystem functions, interdependence of species, and risks over the longer term from current and future intended projects in this huge boreal region.

***Federal Triggers & MiningWatch Canada v. Canada (Fisheries and Oceans) –
2010 Supreme Court of Canada Decision***

On January 21, 2010, the Supreme Court of Canada released its judgment on *MiningWatch Canada v. Canada* (Fisheries and Oceans), 2010 SCC 2. The decision dealt with the level of discretion that federal ministries have in determining the scope of a given project for the purposes of undertaking an environmental assessment. Writing for the unanimous Court, Justice Rothstein held that the federal authorities erred in minimally scoping the Red Kris Mine project in a manner that required only a fast-tracked “screening” rather than a full-scale “comprehensive review.”

Although MiningWatch Canada was the plaintiff at trial, and appellant at the Supreme Court, numerous other Environmental Non-Governmental Organizations also intervened on the case including: Environmental Law Association, West Coast Environmental Law Association, Sierra Club of Canada, Quebec Environmental Law Centre, Friends of the Earth Canada and Interamerican Association for Environmental Defense

As indicated in the CEAA *Notice of Commencement of an Environmental Assessment - Lake Winnipeg East Side Road Project* (Issued December 16, 2009 & Updated July 19, 2010):

This environmental assessment [of the Lake Winnipeg East Side Road Project] was started as a screening on December 11, 2009. On March 4, 2010, as a result of the January 21, 2010 Supreme Court of Canada ruling in *MiningWatch Canada v. Canada (Minister of Fisheries and Oceans et al.)*, it was determined that the environmental assessment in relation to this project will be continued as a comprehensive study.

...

Under section 5 of the Canadian Environmental Assessment Act, an environmental assessment is required because, for the purpose of enabling the project to be carried out in whole or in part, Fisheries and Oceans Canada may take action in relation to subsection 35(2) of the Fisheries Act; Indian and Northern Affairs Canada may take action in relation to subsection 18(2) of the Indian Act and Transport Canada may take action in relation to section 5 of the Navigable Waters Protection Act.

Although CEAA is providing a comprehensive review of the East Side Road Project, Manitoba Wildlands submits that the proponent, and the Manitoba government submitting the whole project in stages, can be an attempt to minimize the scope of the study. The current and future intended and adjacent environment proposals and projects

need to be considered by CEAA, to correct the deficient quality of information being provided by the Manitoba Government and its proponent agency the ESRA.

We assume that the following federal laws are relevant for this project, and current/future/intended projects in the region, thereby affecting the scope, scale and definition of the project area:

- *Fisheries Act*;
- *Navigable Waters Protection Act*;
- *Migratory Birds Convention Act*;
- *Canada Wildlife Act*;
- *Species at Risk Act (SARA)*; and
- *The Dangerous Goods Handling and Transportation Act*.

Funding Issues

There is no indication in any of the documents surrounding this project where the money is coming from for this project. It is apparent the Manitoba government is putting forward some funds, but federal money for this project does not appear to be present and there is no indication how this project will be fully paid for.. A search of Manitoba Throne and Budget speeches locates several monetary commitments from Manitoba for this highway project. None of these commitments come close to covering costs. There is therefore a significant outstanding question – What is the economic viability of this project? Who will be paying and what will the cost be?

This is a very expensive project and involves a long term investment with *operational costs* of at least \$377 000 a year just for this first segment of a new road network and \$22 000/ year for bridges - those estimates being only for the portion of road from Bloodvein to Berens River (ESRA EIA Section.4, Pg 97). The road maintenance costs (to Berens River) can be roughly estimated at \$660 000 per year, current dollars. No information exists as to contribution from INACanada for operation and maintenance costs for the highway, or whether funds already available to maintain the winter roads will be redirected to maintenance for the upgraded all weather road. This information should be available, as we assume that agreements are in place.

The ESRA EIA and filings rely to a surprising degree on a now 12 year old study – and in fact only reference the executive summary of that report. Our offices could have provided the full report if the Authority had trouble accessing it. The deficiencies in that former report were assessed in one of the attachments to this comments letter. Please see attachment – Paskanake Project Management February 2001: *Review and Analysis Eastside of Lake Winnipeg All Weather Justification and Scoping Study*.

Manitoba Wildlands recommends that full costing figures/projections and assumptions be provided by the proponent, and included in the CSR and that an updated EIA be drafted for the East Side Road/Highway, with the references or calculations based on 12 year old data all be updated. These steps are essential should any further connected road projects be filed by the proponent.

Project Area & Project Scope v. Scale of Impact

Manitoba Wildlands submitted a letter to the CEEA July 7th, 2010, in which we provided comments on the CEEA DRAFT Scoping Document for the Lake Winnipeg East Side All-Season Road to Berens River, suggesting:

“... the scope for this project be considered to be as broad as possible, in order to apply the precautionary principle regarding possibly adverse environmental effects of this project. Making sure the project has a broad and inclusive scope will decrease the risks of significant adverse environmental impacts and effects.” (pg. 2)

The Study Area, as shown in Figure 1, at pg. 2, of the May 2011 CSR extends along the eastern shoreline of Lake Winnipeg and extends from the southern limit of Hollow Water traditional lands north to Poplar River and east to Pauingassi and Little Grand Rapids First Nation on to the Ontario border. Encompassing the traditional lands of several First Nations.

There is no stated justification for the chosen geographic scope of the project. One has to wonder why the geographic area extends so far East of the proposed All-Season Road (ASR) to the Ontario border, while on the Western side of the ASR the geographic Scope only extends the few kilometres to the Lake's edge. It appears the geographic scope was selected on the basis of convenience using the provincial border and the edge of the lake as boundaries. What was the rationale for this choice?

As indicated in *Cumulative Effects Assessment Practitioners Guide*, prepared for CEEA in 1999:

Significance may appear to decrease as the study area size increases: An assessment approach used in many CEAs (Cumulative Effects Assessments) involves comparing increases in area covered by successive actions in a region. In such assessments, the study area against which the comparison is made is usually fixed, resulting in comparison against the same reference point. Therefore, the larger the study area, the smaller the apparent contribution of each action to change. In this way, the incremental contribution of even a large action may appear to be insignificant (e.g., <1%) if the study area is sufficiently large. To avoid misleading conclusions, the practitioner should also demonstrate how much

change is attributable to the action under review when compared to other actions in the study area (as opposed to the study area itself). (p. 44)
The same is true for the study, project area size used for a proponent's proposal for licensing.

In our July 7th, 2010 our comments to CEAA on the DRAFT Scoping Document we recommended:

...a project area standard to this road project consistent with its policy of one km each side of the road for assessment of environmental effects, thereby reducing risks from narrow scoping or narrow definition of a project area. Manitoba Wildlands recommends that the project area for this project be the width of the intended road, bridge, drainage, ditch areas with one kilometer on each side of the road included in the project area, and thereby the scope for assessment of environmental effects.

The CEAA CSR dealt with this recommendation "Table A4-1: Summary of Comments Received on the Scope of the Comprehensive Study"(p. 62):

"The spatial boundaries to be used in the assessment will consider timing of project activities, natural variations in each VEC, recovery time, *and cumulative effects.* (emphasis added)"

The current project includes the construction of highway from Manigotagon to Bloodvein First Nation. Ultimately this road will be connected to other intended projects and will result in other connected projects. Specific economic and social changes will result in communities along this project, while other communities, and the environment will be impacted by the array of future intended projects.

Broad scoping is more than a broad geographical area as it also considers the cultural, environmental and economic impacts of road construction. The large study area seems to be a patent attempt to decrease the significance of the cumulative impacts, as well as the impacts on individual VECs.

This is why Manitoba Wildlands also recommended in our July 7, 2010 draft scoping comments:

...that CEAA include in its scoping document and comprehensive study assessment (or assessment undertaken by other responsible agencies) that a thorough study and assessment of how the environmental effects of undertaking this project will affect human health, culture, and traditional activities of community members along the route of the project, and within or adjacent to the project area.

This was likewise dealt with in “Table A4-1: Summary of Comments Received on the Scope of the Comprehensive Study” of the CEAA CSR (p. 62), with an indication that this was dealt with in section Table 1 of section 6.3 of *Comprehensive Study Scoping Document for the Proposed Lake Winnipeg East Side Road* (p. 10). However, although the *Scoping Document* includes reference to “physical and cultural heritage” the consideration of the impacts on physical and cultural heritage in the CSR is sparse, and inadequate. There are numerous Canadian examples that serve as examples of the impact that building roads in remote regions, has on the culture of First Nation communities. There is significantly little data or reports to confirm that providing all weather road access to isolated First Nations actually improves indicators of social and economic well being such as: literacy, per capital or household income, decreased health issues, decreased crime etc.

Public Policy / Regulatory Framework

Decision making and licensing under Manitoba’s environment act has lost transparency and robustness in the past few years. Notable is the absence of the specific public policy and overlapping regulatory requirements and elements relevant for each proposal filed by a proponent.

There is no record, therefore, of what the Manitoba government required of this proponent in filing this proposal.

Manitoba is long over due to have environmental effects assessment regulation, and standards. Decreasing the transparency, and EIS guidelines and standards elements in licensing major public works only adds risk, cost, and uncertainty to decision making.

Also for convenience we attach Manitoba Wildlands listing of “Lands and Waters Policies of the Manitoba government 1999 – 2010”. It is available to the Authority and its consultants on DVD by request.

Public Works – Government Agency Licensed by Government

When government (or an agency thereof) is the proponent and the licensee every step for thoroughness is expected by the public. The public expects their government – provincial – to undertake thorough and accurate environmental and effects assessment. Then the public expects the federal government to audit the provincial EA, and explore all areas of federal responsibility.

Manitoba Wildlands recommends that CEAA review other road network projects where federal EA and triggers under CEAA resulted in a comprehensive study, high

public and community interest, and legal action. The point of this review would be to determine whether the Effects Assessment for this road project is complete, and appropriate.

Also when the proponent goes ahead and defines the project area so that quantitative only scale and scope are assessed, then the proponent must also respond to potential impacts from the project in the broader project area. **This means that CEAA has the opportunity to require the provincial government agency that is proponent for this project to assess impacts on Lake Winnipeg, across the Lake, and all the way east to the Ontario border. Such effects assessment is lacking in the information provided to CEAA by the proponent. This step will be essential with regards to future, intended projects in the region.**

Species Monitoring

Manitoba Wildlands recommended (in our July 7, 2010 CEAA Scoping comments), and continues to recommend that CEAA obtain baseline data for species and habitat, which Manitoba Hydro has collected from on the ground fieldwork throughout the regions, for use in the comprehensive study. Or CEAA can indicate to Manitoba, and to the proponent that future project proposals and effects assessments filed by the proponent must use this data (benchmark quality and relevant through out the region where future intended road projects will emerge) and apply it to future EA work and products.

Monitoring programs need to be designed to scientifically and statistically rigorous standards (e.g., power analysis). Monitoring needs to be pre- and post-construction to test assessment conclusions and to allow for adaptive management as possible (e.g., alteration to mitigation strategies and/or compensation). Pre-construction monitoring is fundamental to being able to understand if a development has had an effect. E.g., in the absence of an acceptable population estimate for a caribou herd (i.e., one with reasonable precision), one cannot effectively measure change. It is imperative to understand other key population parameters, and monitoring is needed over a longer-term for some species.

General monitoring of plants and animals (i.e., biodiversity) should be cognizant of, and focus on, species whose distribution may terminate within the Project area, or whose distribution may abut the Project area. These species may have the capacity to expand within the area, or to be locally extirpated in relation to the development. Monitoring should be capable of detecting the loss of species in relation to a development.

The proposed East Side Road is the first project of many intended projects for the East Side of Lake Winnipeg. It is therefore essential to have clear and current data regarding

all terrestrials, avian, and aquatic data and environmental effects assessment before this or other intended projects take place. This may require new species and habitat surveys for the area- the Manitoba Conservation Data Centre holds little data from these regions and primary repository (Manitoba Hydro) does not make it's data collected from this area available. See recommendation above.

Moreover, the CSR mainly deals with Woodland Caribou and fish species (both of which will be dealt with below). Other species documented need to be documented further. There were several specific species that we hoped the CSR would assess. White pelicans and Night Hawks are examples of specific bird species.

The CSR "Table A4-1: Summary of Comments Received on the Scope of the Comprehensive Study" (p. 62) claims that Night Hawks would be considered in the CSR, but this is only scant mention of Night Hawks in the entire CSR. If the Common Nighthawk, which is listed as a threatened species under the *Species at Risk Act*, is expected to nest in the right-of-way for the proposed all-season road, then disturbances due to traffic (collisions, litter, noise, etc.) are certainly foreseeable. There is also some controversy regarding the red headed wood pecker with regards to this region. It is also a federally listed bird.

The CSR "Table A4-1: Summary of Comments Received on the Scope of the Comprehensive Study" claims that:

It is uncertain how white pelicans would be affected directly by the road given that they use strictly water and don't use uplands.

However with the proposed route running parallel to the eastern shore of Lake Winnipeg, is a spill causing contamination in the Lake not foreseeable? This would clearly have significant impacts on white pelicans, and numerous other species that reside both along the Lake Winnipeg eastern shoreline, as well as in Lake Winnipeg itself.

We also advised in our July 7, 2010 Scoping comments that given the north south nature of this and other future intended projects that species range areas and specific species in the region will vary going north. For that reason it will matter to identify species who are at the edge of their range near the south extent of this or other intended projects. Similarly it will be important to identify species with capacity to move north in their habitat, or not. Species whose habitat begins within the north south project boundary would need special attention in assessment also. Boreal ecosystem features, elements and functions will vary within the spatial boundary for this project, and future intended projects. The comprehensive study needs to reflect conservation biology standards and concerns based on these species and habitat concerns.

The North/South Consultant Inc. (2010), *Fish Habitat Data Collection Field Inventory, Impact Analysis, and Potential Habitat Compensation* report provided information on

species that were found in the various rivers and creeks. While these data are useful, there is a **need to consider that, given the methods and level of sampling effort expended, species may have been missed**. In the context of sampling and statistics, this can be treated as a Type II error (i.e., concluding that a species is not found in an area when it really does occur there). There may be differences between the samples from two areas, but despite these observed differences between samples from the two areas there was still a chance that the true densities for the two areas are not different. Consequently, there is a need to consider the possibility that the North/South study may have missed species that one might expect to occur in a given area. I.e., **to take a ‘precautionary’ principle approach**. It is likewise important to recognize that abundance measures reported in the North/South study may under-represent true abundance for a variety of reasons (e.g., timing of survey for a specific species), and a **precautionary approach should be taken in this regard**.

Manitoba Wildlands recommends that any construction and post-construction monitoring details be made publicly available as early as possible to be able to assess the adequacy of proposed monitoring. This should include: number of samples, sampling methods, sampling intensity, and power analysis. Early submission of monitoring plans in appropriate detail is important because monitoring is the basis for assessment of the effectiveness of mitigation and compensation, and is integral to adaptive management. The communities are entitled to this information regarding the species in their traditional lands.

Furthermore Manitoba Wildlands recommends that the level of uncertainty respecting current understanding of the distributions of plants and animals should be recognized and addressed.

Both recommendations above are highly applicable to any future or connected project in the region.

Fish, Fish Habitat, & Compensation Mechanism

The CEAA CSR, Section 6.2.2 indicates that (p. 16):

A number of aquatic species at risk have the potential to be present at the Project water crossings. These include Lake Sturgeon and Mapleleaf Mussel.

Section 7.3, of the CEAA CSR states (p. 21):

In order to achieve “no net loss” of aquatic habitat as outlined in DFO’s Policy for Management of Fish Habitat, compensation projects are proposed to offset the losses to habitat that would result from the Project. The compensation projects focus on enhancement of in-stream habitat and riparian vegetation on both the east and west sides of Lake Winnipeg.

It is particularly important that the Study provide evidence that any mitigation and habitat replacement will work for these species.

Given recent compensation agreements in other CEAA regions across Canada, we request that CEAA for our region, and Manitoba licensing branch discuss the monetary compensation mechanisms emerging especially with respect to listed and endangered species. We note that replacement of habitat effected may be so far away (and not protected) as to be irrelevant.

Also there is insufficient attention to the potential significant effects on Lake Sturgeon given the combined effects of current, future and intended projects in the regions.

As the CEAA (1999), *Cumulative Effects Assessment Practitioners Guide*, prepared by AXYS Environmental Consulting Ltd. warns (p. 38):

The concept of “no-net loss” has been suggested by some regulatory agencies as an appropriate mitigation measure in response to regional cumulative effects concerns. No-net loss requires that any land or waterbody disturbed from its pre-action condition be “replaced” with an area of equivalent capability to ensure that capability of habitat to support wildlife or fish is maintained in the region (this includes the option of increasing the productivity of existing habitat). This concept presents two challenges as an effective approach to offsetting cumulative loss of terrestrial habitat:

- To create “more land”, existing land must be converted (e.g., through habitat modification). However, it is typically converted to conditions that benefit one or a few select species (e.g., rare or game species). By implication, this may be a detriment to other species and may not represent a habitat of equivalent capability to support the full range of species originally supported by the lost habitat.
- There may be no remaining land within a reasonable distance of the action to be modified (i.e., within a distance that beneficial effects would be attributable to the action). This is particularly true for regions with extensive private land holdings or existing disturbances, land that would be inaccessible to wildlife, and when vegetation climax conditions are required.

Manitoba Wildlands Recommends that the questions of:

- **Whether habitat for species at risk will be lost?**
- **What quantified value and capability of lost habitat is directly lost?**
- **And what habitat is lost through indirect means?**

Should all be accounted for, as this will provide an understanding of the extent to which the proponent could compensate for lost habitat.

Furthermore Manitoba Wildlands Recommends habitat compensation be effective (i.e., demonstrated to be effective via monitoring), should compensation not be effective, remedial actions and compensation should be required. Habitat compensation must strive to replace lost habitat with similar habitat having similar structure and ecological function. See comments above regarding recent financial compensation mechanisms for species loss.

Woodland Caribou

Woodland Caribou are listed as a threatened species - both federally and provincially- in Manitoba and therefore pose a challenge in assessment of this proposed project, and intended future, connected projects.

It is inadequate to say that ‘Environment Canada – Canadian Wildlife Services (CWS) has reviewed the Woodlands Caribou section of the ESRA EIS and provided input into the CSR and has not identified any issues’ (CSR, “Table A4-1: Summary of Comments Received on the Scope of the Comprehensive Study”, p. 62). Much of the analysis and reporting on caribou on the East Side of Lake Winnipeg is of poor quality, and subject to skepticism.

Manitoba Wildlands Recommends that the CSR consider having all available data and subject cited caribou reports and commission critical analysis by a competent independent scientist - ideally someone qualified such as James Schaefer or Mark Boyce.

The Study should critically examine whether population estimates for the high risk Atikaki-Berens ‘range’ are adequate. Or if, for example, the 2005 figure of 300-500 (Table 1 of Manitoba’s Conservation and Recovery Strategy for Boreal Woodland Caribou (2005)) is nothing more than a SWAG (Scientific Wild Ass Guess). Scientifically-defensible (and repeatable) estimates of abundance are required. With the array of other intended and future projects in the region it is critical to establish science-based methods for woodland caribou habitat and range etc effects assessment of a cumulative and combined nature.

Currently, the proponent appears to be utilizing old information to determine the status of woodland caribou populations along the east side of Lake Winnipeg. Independent historic information appears to have been ignored, namely that:

- this region was home to elk, moose, and caribou historically, and all in living memory

- cumulative impacts on caribou ranges, especially calving and wintering areas, from existing development in the region will be exacerbated by this project, and future intended projects.
- a broad scope for this project (in relation to existing impacts from development) and potential environmental effects for this species and others is essential to the health of the habitat and species
- woodland caribou are a sensitive species, listed by both levels of governments, so assessment of effects on their habitat will also work to assess and protect other species and their joint habitat.
- again when government is licensing itself Manitoba Wildlands looks for broad scope, independent data and assessment.

Therefore the assumption of the CSR (p. 17) that: “Results indicate that the Woodland Caribou herd in the Project study area is located primarily to the east of the proposed footprint of the road;” requires further scrutiny. Caribou population and movement can fluctuate quickly over the course of a single winter.

Currently, there is also a need to acknowledge that future intended projects for the east side of lake Winnipeg will also strongly effect woodland caribou populations. It is broadly understood the woodland caribou avoid human disturbance, including housing developments, industry and roads – the developments intended for this area.

Numerous studies have been done on this topic, with particular interest in Woodland Caribou. Nellemann et al. (2001) demonstrated that woodland caribou show diminished use of habitat within 2.5 km of power lines. Linear corridors may also fragment caribou range. In Alberta, gravel roads with moderate vehicular traffic acted as a semi-permeable barrier to caribou movements. Finally, Caribou may be at higher risk of predation in the vicinity of linear corridor. Wolves appear to capitalize on corridors as travel routes, increasing access to caribou range and ability to hunt caribou. (James & Stuart-Smith 2000). It has also been verified that humans use transmission corridors to ease access while hunting. Finally, concern based on conservation biology shows that edges of habitat, such as those existing along corridors, can increase predation and decrease diversity in a ecosystem (Yahner, 1988, Erinc Bayne 2004). (See attachment: James Schaefer (2004), *Woodland Caribou and the Wuskatim Hydroelectric Project*)

If other intended developments proceed the effects on woodland caribou *MUST* be considered. **This is another reason Manitoba Wildlands suggests a regional plan for the East Side of Lake Winnipeg is needed. Such a plan needs to ultimately reflect the cumulative and future effects of current and intended projects. Such a plan will work to protect Woodland Caribou, all other species and environmental/socio-economic factors affected by this and future projects.**

Conclusion

Manitoba Wildlands concerns about this road project continue. Few of the effects assessment concerns, and public policy concerns we have communicated, especially to the Manitoba licensing branch in Manitoba Conservation, have been acted on. In particular the lack of EIS Guidelines, refusal to expect the proponent to improve on the contents of its proposal filed under the Environment Act, and the gap between public policy in Manitoba and the approach ESRA took with this project means that future intended, and connect projects increase the environmental effects risks from this project.

A project that is a public works, with government as proponent, doing its own effects assessment, and then licensing its own project - all using public funds - must be assessed, monitored, and reported on at a higher standard than this project.

Future intended projects for the road network, or other projects in the region, and any of the other current or intended projects connected to this project increase project areas. are Future intended projects also increase both federal and provincial responsibilities. Combined, connected projects mean multiplied environmental effects.

The almost stagnant pace of lands planning over the last decade through the communities in the region means that Canada should consider its own responsibilities with regards to having land use planning in place prior to any further development projects in this huge boreal region.

Ideally these selected recommendations apply to the current project and CEAA Comprehensive Study, they also must be applied to any future, intended, adjacent, and/or connected projects in the region.

- 1) Manitoba Wildlands recommends that the cumulative impacts of current, future, and intended projects in the region be given greater consideration.**
- 2) Manitoba Wildlands asks that maintaining country foods, and the subsistence economy with access to these food sources be a basis for decisions regarding the final scoping document and/or comprehensive study documents for the current, future, intended, adjacent, and/or connected projects in the region.**
- 3) Manitoba Wildlands suggests CEAA require the ESRA participate to support a full lands plan for the region which is ecosystem, watershed, and science based. Such a regional plan could include: community plan/ activities plan for the East side, based on information provided by the communities, First Nations, and potential developers. This planning information should**

- include potential plans for the east side of Lake Winnipeg regions, and outline positive and negative aspects of new developments in the region.
- 4) **Manitoba Wildlands recommends that full costing figures/projections and assumptions be provided by the proponent, and included in the CSR and that an updated EIA be drafted for the East Side Road/Highway, with the references or calculations based on 12 year old data all be updated.**
 - 5) **Manitoba Wildland suggests a more thorough and detailed analysis of alternative means (airship, rail, barge, hovercraft, etc.) of carrying out the purpose of the proposed all-season road of improving transportation on the east side of Lake Winnipeg**
 - 6) **Manitoba Willdands recommends that deficient greenhouse gas study be redone, and both the original and updated drafts of the greenhouse gas study be made publicly available.**
 - 7) **Manitoba Wildlands recommends that consultations with effected Aboriginal Peoples be held in accordance with federal guidelines, and that a more detailed description of how the Crowns have satisfied the duty to consult be provided.**
 - 8) **Manitoba Wildlands recommends that the First Nations community of Little Black be included in the maps provided in the CSR, and that maps delineate Crown from private land in the region.**
 - 9) **Manitoba Wildlands recommends that CEAA support a public process to establish EIS Guidelines for the process under Manitoba's Environment Act be conducted immediately to prepare for any future, intended, connected projects, or proposals under the Environment Act. For if CEAA is to rely on a deficient EIS, without standards, then the CSR CEAA will also be deficient.**
 - 10) **Manitoba Wildlands recommends that CEAA include in its scoping document and comprehensive study assessment (or assessment undertaken by other responsible agencies) that a thorough study and assessment of how the environmental effects of undertaking this project will affect human health, culture, and traditional activities of community members along the route of the project, and within or adjacent to the project area.**
 - 11) **Manitoba Wildlands recommends that CEAA review other road network projects where federal EA and triggers under CEAA resulted in a comprehensive study, high pubic and community interest, and legal action.**

- The point of this review would be to determine whether the EA for this road project is complete, and appropriate.**
- 12) Manitoba Wildlands recommended (in our July 7, 2010 Scoping comments), and continues to recommend that CEAA require baseline data for species and habitat, which Manitoba Hydro holds from fieldwork throughout the regions, for use in any future study.**
- 13) Manitoba Wildlands recommends that any construction and post-construction monitoring, details be made publicly available as early as possible to be able to assess the adequacy of proposed monitoring..**
- 14) Manitoba Wildlands recommends that the current level of uncertainty respecting the distributions of plants and animals in the region should be recognized and addressed.**
- 15) Manitoba Wildlands Recommends that the questions: Whether habitat for species at risk will be lost? What quantified value and capability of lost habitat is directly lost? And what habitat is lost through indirect means? Should all be addressed, as this will provide an understanding of the extent to which the proponent could compensate for lost habitat.**
- 16) Manitoba Wildlands Recommends habitat compensation be effective (i.e., demonstrated to be effective via monitoring), should compensation not be effective, remedial actions and compensation should be required. Habitat compensation must strive to replace lost habitat with similar habitat having similar structure and ecological function.**
- 17) Manitoba Wildlands Recommends that the CSR consider having all available data and subject cited caribou reports and commission critical analysis by a competent independent scientist - ideally someone qualified such as James Schaefer or Mark Boyce.**

Sincerely,



Gaile Whelan Enns,
Director, Manitoba Wildlands

REFERENCES & ATTACHMENTS:
BY TYPE AND IN CHRONOLOGICAL ORDER

Manitoba Wildlands Products Attached

Manitoba Wildlands March 12, 2011 Letter to CEEA *Re: East Side Road Authority (ESRA) GHG Assessment – Report from Dillon Consulting*
<http://manitobawildlands.org/pdfs/CEAA-ESRA-GHGReview-28Mar11-FNL.pdf>

Manitoba Wildlands November 2010, *Manitoba Wildlands Public Registry Assessment*
<http://manitobawildlands.org/pdfs/MWLPublicRegistryAssessRecsNov2010.pdf>

Manitoba Wildlands September 2010, *Manitoba Lands, Waters & Environment Policies 1999-2010*
<http://manitobawildlands.org/pdfs/LandsAndWaters-2010-FNL.pdf>

Manitoba Wildlands July 7, 2010 Letter to CEEA and Minister Prentice *Public Consultation – Comprehensive Study Scoping Documents, Lake Winnipeg East Side Road CEAR Reference Number 09-03-52056*
<http://manitobawildlands.org/pdfs/CEAA-ScopingDocReviewJuly2010.pdf>

Manitoba Wildlands March 31, 2010 *Comments Bipole III Scoping Document, Environment Act file # 5433*
<http://manitobawildlands.org/pdfs/MWL-BiPoleIII-ScopingComments-31Mar2010.pdf>
“Bipole III Comment Letter: References and Materials”
http://manitobawildlands.org/pdfs/MWL-BipoleIII_Resources_March2010.pdf

Manitoba Wildlands January 15th, 2010 Letter to Tracey Braun and Bill Blaikie *Manitoba Environment Proposal: PR 304 to Berens River All Season Road Environmental Impact Assessment - File No: 5388*
<http://manitobawildlands.org/pdfs/MWLcommentsESRAFNLJan10.pdf>

Manitoba Wildlands East Side Road Project: September 2009 brief: *Provincial information, resources, regulatory steps and permits*
http://manitobawildlands.org/pdfs/MWL_EastSideRdResources.pdf

Manitoba Wildlands December 19th, 2007 Letter to Braun and Blunt *Norway House to Poplar River Winter Road*
http://manitobawildlands.org/pdfs/PRFN_WinterRoad19dec07.pdf

Paskanake Project Management February 2001: *Review and Analysis Eastside of Lake Winnipeg All Weather Justification and Scoping Study.*
http://manitobawildlands.org/pdfs/BHart_AWR_Review2001.pdf

Other Attachments

Prentice, Barry and Jim Thomson (July 17, 2010) *Economics of Airships for Northern Re-supply*
http://www.airshipstotheartic.com/docs/pr/isopolar_eanrs.pdf

February 2008 Canada's *Aboriginal Consultation and Accommodation: Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult*
http://manitobawildlands.org/pdfs/INAC_DutyToConsult08.pdf

James Schaefer (April 2004), *Woodland Caribou and the Wuskwatim Hydroelectric Project*
http://www.energymanitoba.org/wusk_archives/presentations/j_schaefer_presentation.pdf

Referenced Canadian Environmental Assessment Agency (CEAA) & East Side Road Authority (ESRA) Commissioned Documents

CEAA (May 2011), *Comprehensive Study Report: Lake Winnipeg East Side Road (Provincial Road 304 to Berens River All-Season Road Project)*
<http://www.ceaa.gc.ca/050/documents/50022/50022E.pdf>

Dillon Consulting Ltd. (November 2010) *Berens River All-Season Road Environmental Impact Assessment - Greenhouse Gas Emissions Assessment DRAFT Report*

The North/South Consultant Inc. (October 2010), *Fish Habitat Data Collection Field Inventory, Impact Analysis, and Potential Habitat Compensation*

Manitoba Government (August 16, 2010), *Environment Act License No. 2929*
<http://www.gov.mb.ca/conservation/eal/archive/2010/licences/2929.pdf>

CEAA (August 16, 2010), *Comprehensive Study Scoping Document: Pursuant to Subsection 21(1) of the Canadian Environmental Assessment Act for the proposed Lake Winnipeg East Side Road - East Side Road Authority*
<http://www.ceaa.gc.ca/050/documents/44814/44814E.pdf>

CEAA(Issued December 16, 2009 & Updated July 19, 2010), *Notice of Commencement of an Environmental Assessment - Lake Winnipeg East Side Road Project*

<http://www.ceaa.gc.ca/050/details-eng.cfm?evaluation=56772&ForceNOC=Y>

Prepared by AXYS Environmental Consulting Ltd. for CEEA (1999), *Cumulative Effects
Assessment Practitioners Guide*

[http://www.ceaa.gc.ca/43952694-0363-4B1E-B2B3-
47365FAF1ED7/Cumulative_Effects_Assessment_Practitioners_Guide.pdf](http://www.ceaa.gc.ca/43952694-0363-4B1E-B2B3-47365FAF1ED7/Cumulative_Effects_Assessment_Practitioners_Guide.pdf)