

July 7th, 2010

Lake Winnipeg East Side Road
Canadian Environmental Assessment Agency
Suite 101, 167 Lombard Ave.
Winnipeg, Manitoba
R3B 0T6

Dear Minister Prentice:

**Public Consultation - Comprehensive Study Scoping Document, Lake Winnipeg East Side Road
CEAR Reference Number 09-03-52056.**

General Scope of Document

Section 6.1 of the Comprehensive Study Scoping Document for the proposed Lake Winnipeg East Side Road Project states:

The proposed scope of project for the purposes of the federal environmental assessment include the physical works and activities associated with the construction, operation, modification, decommissioning, abandonment (as appropriate) and reclamation of the project as proposed by the East Side Road Authority, and compensation works to offset the loss of productive capacity of fish habitat resulting from the proposed project.

Section 6.8 of the Scoping Document indicates the environmental assessment will identify mitigation measures that will mitigate identified adverse environmental effects arising from the proposed project. Manitoba Wildlands suggests that the language in Section 6.1 should also reference the use of mitigation over the lifetime of the East Side Road, including construction, maintenance, decommissioning and reclamation.

Section 6.9. Environmental Effects Analysis and Significance of Environmental Effects states:

The federal environmental assessment will include an evaluation of the nature and extent of the residual adverse environmental effects after applying mitigation measures where possible. A determination of whether the adverse environmental effects are likely to be significant will be included along with the methods employed to reach this determination.

Recently, Manitoba Wildlands indicated there are many issues surrounding transparency of project information, and environmental effects and impacts data in relation to large-scale public works projects in Manitoba. Please refer to our January 2010 letter regarding Manitoba Environment Proposal: PR 304 to Berens River All Season Road Environmental Impact Assessment for more details on these comments: (<http://manitobawildlands.org/pdfs/MWLcommentsESRAFNLJan10.pdf>).

This being stated, Manitoba Wildlands requests that in addition to providing methodology of how adverse environmental effects of the project have been determined, that the full environmental effects assessment methodology be provided in the comprehensive study. Including full methodology will increase the public's ability to be involved in the project assessment. These steps allow for greater transparency of the publicly funded project. This will also make the project more understandable: basis for identification of environmental effects from the project; identification of significant effects, with identification of *all* environmental effects. Given that environmental standards, methodology and transparency are most important when a government is the proponent *and* licensing agency Manitoba Wildlands requests that the Canadian Environmental Assessment Agency (CEAA) require information on all environmental effects identified be included in all assessment of this project.

Federal responsibility has been identified, requiring a comprehensive study under CEAA. Manitoba Wildlands found the government East Side Road Authority (ESRA) agency Environmental Impact Statement (EIS) and its review by Manitoba Conservation insufficient in several areas, thereby adding risk of significant environmental effects from the project.

Manitoba Wildlands recommends that CEAA take steps to completely fulfill its scoping document contents – added to as a result of this review – in relation to the insufficiency of the ESRA EIS.

Backgrounder on Scoping under CEAA by M. Dolle and A. Kwasniak states that the broader a project is scoped and assessed for impacts and effects, the more likely significant adverse environmental effects will be found. Manitoba Wildlands therefore expects that the scope for this project be considered to be as broad as possible, in order to apply the precautionary principle regarding possibly adverse and 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.

Backgrounder on Scoping under CEAA also suggests that while sections of a scoping document works to highlight potential significant adverse effects, the scoping document can also be used to promote sustainable development, thereby achieving/maintaining a healthy environment and economy. Similarly, the scoping document can work to ensure that projects are considered in a careful and precautionary manner. Manitoba Wildlands agrees with these ideas, and fully encourages CEAA to promote these ideals into its final public scoping document for this project.

Proponents

Currently, there are many fundamental questions here regarding who the proponent is for the East Side Road project. For example, is this a provincial government project, or a project being put forward by a separate body? This is currently very confusing from the perspective of involved/affected communities. Manitoba Wildlands therefore would like the scoping document to require the question of who the proponent is to be addressed.

Project Area

The CEAA scoping document does not include a specific description of the project area. This approach would be an outright contradiction of CEAA policy – and the basis that has been used in other

assessments where federal responsibility triggered a comprehensive study.

Manitoba Wildlands recommends that CEAA apply 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.

Future Intended Projects

Section 1.0 of CEAA's Comprehensive Study Scoping Document for the ESRA project states:

The East Side Road Authority is proposing to construct, operate, and maintain an all-season road from Provincial Road 304 at Manigotagan to Berens River. As shown on Figure 1, the proposed project is located on the east side of Lake Winnipeg in Manitoba, 35 extending from Manigotagan, north, approximately 155 km to Berens River.

It is a matter of public information and public policy of the proponent (ESRA is an agency of the Manitoba government) that this project will become part of a whole intended road system / set of projects for this region of Canada/Manitoba. As recently as the 2010 Manitoba budget address, and public documents the Manitoba government has confirmed its intended future projects that will be connected to this road project.

Regulation changes north of Berens River under the Manitoba Parks Act (January 2007) were enacted for future projects, connected to this project. Contracted engineering service providers for the ESRA, paid by government of Manitoba funds/public funds, are ongoing in relation to the future intended projects that will be connected to the road proposed in this project.

These engineering and technical services are ongoing in communities and ecosystems east and north of this current project and pertain to future intended projects linked to this project. Interviews during 2009 and 2010 in the Manitoba media with audiences who are paying for this project and intended future connected projects have consistently included commentary about the future intended projects.

It is generally understood that the development of the East Side Road Projects will ultimately result in the development of cottages subdivisions, housing and possible new communities. Increasing road access to the east side of Lake Winnipeg will also result increased use of wildness for hunting, fishing, recreation and tourism, among other activities.

Manitoba Wildlands recommends 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.



Project Definition – Multiple Intended Projects

Section 6.2 Comprehensive Study Scoping Document states:

As defined under CEAA, “project” means:

- a) in relation to a physical work, any proposed construction, operation, modification, decommissioning, abandonment or other undertaking in relation to that physical work, or
- b) any proposed physical activity not relating to a physical work that is prescribed or is within a class of physical activities that is prescribed pursuant to 25 regulations made under 59(b) [of CEAA]

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 will be impacted by the array of future intended projects.

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

Today our ability to apply sophisticated analysis to the consequences of a project means that we have an obligation to provide communities who will benefit with information about impacts also. The ESRA filings simply did not provide any assessment of risks, or social, cultural, or economic impacts.

We note that unless CEAA fulfills its own standards for definition of this project area, effects/results of environmental effects upon the members of communities along/adjacent to this project could be omitted or ignored. This omission could result in increased risk to the human health, culture and traditional activities of the members of these communities.

It is especially urgent for CEAA to make sure its comprehensive study identifies these effects because Manitoba did no new assessment, and based its own filing and EIS on a ten year old study, which itself admitted to 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 could simply mean dramatic adverse impacts. There was also no actual clear environmental effects content in the Manitoba ESRA EIS. It is mostly a policy and economic rationale document, though the authors indicated they did not bother to access the full Dillon Report from ten years ago, and only used the executive summary. Manitoba Wildlands hopes that CEAA scoping addresses these deficiencies, as the province’s commitment to sustainable development is not reflected in its filings. It is generally assumed by the proponent that the East Side Road project will ultimately result in the development of cottage subdivisions, housing, expanded forestry, hydro bi pole corridor(s) and possible new communities. The proponents also assume in their environmental impacts filing that increasing access



to the east side of Lake Winnipeg will also result in the increase use of wildness for hunting, fishing, recreation and tourism, among other activities.

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 in and support a full plan for the region. Such a regional plan could include: general 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, and outline positive and negative aspects of introducing these developments to the region.

Manitoba Wildlands suggests that consideration is required as to the potential for further federal responsibilities under CEAA for this project and the various future intended projects identified in public policy, and in public statements by the proponent(s).

Cumulative Effects

Page 8 of *Backgrounder on Scoping under CEAA* by M. Dolle and A. Kwasniak states:

“Cumulative effects” refer to a consideration of the interaction between the effects of the proposed project and others that have been carried out or may be carried out in the future. If the main purpose of an assessment under the Act is to identify likely significant adverse environmental effects of the project, this might suggest that a limited scope of cumulative effects is appropriate. . . If the purpose extends to promoting sustainable development through the assessment process, however, a much broader scope for the cumulative effects analysis might be warranted.

Manitoba Wildlands recommends that the CEAA comprehensive study be based on a broad scope of the East Side Road Project, thereby promoting sustainable development and adhering to the precautionary principle.

Ecosystem Function

Section 6.4. CEAA Comprehensive Study Scoping Document for this project states:

The spatial boundary will be determined specific to each factor in order to effectively assess the potential environmental effects of the project. Spatial boundaries are based on the *zone of the proposed project's influence* beyond which the effects of the project are expected to be non-detectable. Multiple study area boundaries are to be employed with the rationales provided for all boundaries selected, to reflect the range of geographic areas within which specific effects may be experienced.

While proponent appears to assume that the project area is restricted to the area of construction, it is well established that environmental effects extend beyond physical changes seen on a construction site. Manitoba Wildlands agrees that the zone of proposed project influence includes all effects. This approach to spatial boundary for the proposed project also fulfills the need for a broad scope, and is likely to help avoid risk from adverse environmental effects and impacts.



Section 6.12 of CEEA Comprehensive Study Scoping Document for this project states:

The environmental assessment will include consideration of 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.

As road access to the East Side of Lake Winnipeg region increases from this and future intended projects, there will be increased impacts and decreased capacity for renewable natural resources in the region. These impacts 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 assessed.

Increased access to and use of renewable resources can be considered a by product of this highway project, and of the various other future intended projects. Manitoba Wildlands asks that this be a basis for decisions regarding: contents of the final scoping document and the comprehensive study; the potential for a federal, CEEA sponsored plan for the region. Cumulative impacts on renewable resources and on the subsistence economy from this project and future intended project needs to be a cornerstone of the comprehensive study.

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 projects. Currently, the proponent appears to be utilizing old information to determine the status of woodland caribou populations along the east side of Lake Winnipeg. This is concerning, given that caribou populations and movement can fluctuate quickly over the course of a single winter.

Manitoba Wildlands therefore recommends that the proponent provide OR CEEA collect updated information and data regarding caribou populations along the east side of lake Winnipeg. Also, given that woodland caribou population dynamics will fluctuate with time, the proponent OR CEEA should access independent historic information, that should be updated annually during this project, and any intended future projects. The proponents appear to have ignored certain facts:

- this region was home to elk, moose, and caribou historically, and 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 habitat.
- again when government is licensing itself Manitoba Wildlands looks for broad scope, independent data and assessment.

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. If these intended developments proceed once the road is built, the effects on woodland caribou *MUST* be considered. This is another reason Manitoba Wildlands suggests CEAA support a regional plan for the East Side of Lake Winnipeg. Such a plan needs to ultimately reflect the cumulative effects of current and future 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.

Species

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 place. This may require a 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.

Manitoba Wildlands recommends that CEAA obtain baseline data for species and habitat which Manitoba Hydro has collected from on the ground field work throughout the regions for use in the comprehensive study.

There are several specific species that we hope the scoping document will assess. White pelicans and Night Hawks are examples of specific bird species to include in the comprehensive study. We are also advised that given the north south nature of this and other future intended projects that species range areas an 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. And 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. Cumulative effects of construction up to two hundred kilometers of road –includes impact and contributions to climate change. The proponents appear to have avoided fulfilling Manitoba government public policy regarding protection of carbon, and the need for minimum climate impacts. Again when a government sponsored and licensed public works project receives review and assessment that review must be of the highest standards.

Climate Change

Manitoba Wildlands recommends that CEAA include in its expectations of the proponents clear statements as to each of the following elements in a climate mitigation plan for this project and future intended projects:

- carbon inventory for broad spatial boundary;



- carbon budget for each project;
- baseline data as to current carbon storage and emissions;
- emissions reporting for all stages of this project, with relationship to baseline data so that relationship to no net loss goals are clear ;
- emissions mitigation plan for construction, operation, decommission, reclamation;
- relationship to the proponents (Manitoba government) public policies and commitments ;regarding climate change, peatlands protection, etc;
- public lands, waters, carbon require full accounting on carbon and emissions;
- consider this project an opportunity for system approach re carbon and emissions in intact boreal regions of Canada.

Mitigation

Section 6.8. of the Comprehensive Study Scoping Document, *Mitigation Measures*, states:

Mitigation means, in respect of a project, the elimination, reduction or control of adverse environmental effects. The environmental assessment will identify mitigation measures that are technically and economically feasible and that would mitigate identified adverse environmental effects arising from the proposed project.

Due to the scale, impact and location of this project and future intended projects, planning for mitigation of this project is extremely important. Does the proponent intend to counter act impacts of road construction? It is also important to highlight that this project is planned for the east side of Lake Winnipeg, within the boreal forest, adjacent to proposed world heritage site and Canadian Heritage River, and an existing wilderness park. Sustaining ecosystem functions, integrity, and renewable natural resources as must be of the highest priority during the course of this project, and future intended projects.

Manitoba Wildlands therefore recommends that CEAA require that the ESRA project plan include all aspects of the project to be addressed through mitigation. Potential effects would include air quality, noise level, construction, operation and commissioning/decommissioning, and maintain of the road. From there, the plan can then outline which mitigation measures are technically and economically feasible.

Please refer to the following links for documents referenced in this letter:

Backgrounder on Scoping under CEAA by Meinhard Doelle, and Arlene Kwasniak:

<http://www.cen-rce.org/eng/caucuses/assessment/docs/Scoping%20Backgrounder%20Final%2020-%20May%202007.pdf>

Executive Summary for the 2000 East Side of Lake Winnipeg Road Scoping and Justification Study by H.N Westdal & Associates and Dillon Consulting:

<http://www.gov.mb.ca/mit/tspd/completed.html#east>



MANITOBA
WILDLANDS

1000 -191 Lombard Ave Winnipeg MB Canada R3B 0X1
info@ManitobaWildlands.org Ph 204-944-9593
www. ManitobaWildlands.org Fax 204-947-3076

Review of the 2000 East Side of Lake Winnipeg Road Scoping and Justification Study By Manitoba Wildlands:

http://manitobawildlands.org/pdfs/BHart_AWR_Review2001.pdf

January 2010 letter regarding Manitoba Environment Proposal: PR 304 to Berens River All Season Road Environmental Impact Assessment (ESRA) By Manitoba Wildlands

<http://manitobawildlands.org/pdfs/MWLcommentsESRAFNLJan10.pdf>

Yours truly,

Gaile Whelan Enns,
Director, Manitoba Wildlands