

January 15th, 2010

Honourable Bill Blaikie  
Minister of Conservation and Climate Change  
Room 330 Manitoba Legislative Building  
450 Broadway  
Winnipeg, Manitoba  
R3C 0V8

Ms. Tracy Braun  
Director, Environmental Assessment and Licensing Branch  
Manitoba Conservation  
123 Main St. Suite 160  
Winnipeg, Manitoba  
R3C 1A5

Dear Minister Blaikie, Ms. Braun:

**Re: Manitoba Environment Proposal: PR 304 to Berens River All Season Road  
Environmental Impact Assessment - File No: 5388**

Manitoba Wildlands is providing comments about the East Side All Weather Road proposal Environmental Impact Assessment for PR 304 to Berens River, as prepared by SNC Lavalin and AECOM for the East Side Road Authority. We assume this document and attachments will be both: filed in the public registry *and* posted on Manitoba Conservation website. We also expect to receive the proponent's responses to our review comments, as filed in the public registry.

The East Side Road, which includes the upgrade of the Rice River Road and construction of new road from Bloodvien First Nation to Berens River First Nation has been under discussion for many years. Manitoba Wildlands is concerned this project is the first of its kind with many precedents being set. Obviously this is the first highway project in Manitoba where the provincial government department responsible for highways is not even contracting the environmental assessment. In fact we now have the provincial government, the new East Side Road Authority and a contracted company involved in filings under the Environment Act. This has caused disconnected public documents sources, variations in the name of documents, and a confusing landscape of information for a citizen attempting to participate in this review. We would point out that the ESRA web site contains misleading information that contradicts public policy.

**Whenever government is licensing itself public review is essential, and disclosure and access to information needs to be thorough and transparent.** As there are public funds being used and government agencies involved as proponents this is an instance where government is contracting services, entering into various agreements, handing off services and some decision making to a government agency, conducting reviews, and licensing and funding the proposal under the Environment Act. (and various other Acts.)

We wish to make sure that areas of concern and potential impact are being addressed. Information on a project using public funds (both provincial and federal) needs to be available in a complete public registry file with project environmental guidelines being fulfilled to protect the environment.

**Areas of concern after reviewing the East Side Road EIA are as follows:**

**Public Registry**

The information on the East Side All Weather Road in the public registry is not complete, and relevant information cannot be found in its entirety in one location. What is available is scattered across multiple websites and archives and is not cohesive.

The files in the public registry file # 5388 only include the environmental assessment and appendices, project description, scoping document and comments and proposal notification for the project.

According to the information referenced in the East Side All Weather Road EIA, the public registry file #5833 is missing the following documents (or access to) directly related to this project: (Access would be easy if there were, as per recommendations in COSDI report, files for these processes. Also we would recommend that a clear indication of whether any public comments were received be available in the existing file.)

- 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).
- 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 recommends that 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 provide it to all affected parties, post on Manitoba Conservation and ESTA web sites, and place in public registry files.**

**Our research failed to identify the usual listing for proposals of this significance. Normally it would be contained in the project description or/and in the scoping document. The lack of these requirements is like saying there are no public policy or standards relevant for this project. Steps to solve this deficiency are urgent, and must be in place before any further expansion of the east side road/highway.**

**We would note that Manitoba Wildlands updated our collection and listing of Lands and Waters Policies of the Manitoba government 1999 – 2009 recently. It is available to the Authority and its consultants on DVD by request. We also attached for use by those acting on need to update, etc.**

### **Public Registry Procedures**

It would be helpful to have the policies and procedures 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 for a new Highway in Manitoba are clear. Such policies and procedure guides inside government are common, usually identify steps that fulfill regulation. The current description in Environment Act, Section 17, leaves much room for interpretation and fails to include background or other pertinent information – necessary to be able to review the filings. This is especially important when the numerous documents identified in the filings/ EIA are not available. The department’s policy and procedure guidelines for the public registry will assist all parties.

**Manitoba Wildlands recommends that the policy and procedures used in Manitoba Conservation to guide the operation of the public registry, especially under the Environment Act, and any other policy and procedures for on line posting of public registry materials be**

**immediately posted on the departments web site and provided to each public registry site in the province.**

(Environment Act: Section 17):

**“Public registry**

17 Subject to section 47, the director shall maintain or cause to be maintained a public registry, containing for each proposal received

- (a) A summary, prepared by the proponent in form and detail approved by the department;
- (b) The disposition and status of each proposal;
- (c) A copy of the environmental license, where applicable;
- (d) A copy of the assessment report;
- (e) Justification for not accepting the advice and recommendations of the commission, where applicable; and
- (f) Justification for refusing to issue an environmental license, where applicable; and
- (g) Such other information as the minister or director may from time to time direct.”

**Funding, and Cost 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 of amount of federal funding or when it will be available. 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?

Upon searching federal government databases, there is no listing of this project under the:

- Canada-Manitoba Building Canada Fund- communities component,
- Canada-Manitoba Municipal Rural Infrastructure Fund
- Canada- Manitoba Infrastructure Program

There is also no indication of federal funds to the East Side Road from the Manitoba East Side Road Authority, as the proponent. We would observe that the Authority, given it also provides significant services to Manitoban as the Winnipeg Floodway Authority, is knowledgeable about the importance of clarity on source and amount of funds for project costs.

We are left to assume costs are coming out of the \$ 535 million for roads and highways in the Manitoba infrastructure budget. Information about funding should be a requirement for any such proposal under the Environment Act. The East Side Road is only one of 5 “northern highway investments”, and one of 15 other road and bridge infrastructure commitments (2009 Budget). At a cost of up to 2 million a km, with a total of 132 km of upgrades and construction, this would decrease the amount in the budget for other infrastructure projects by more than half.

“Maintenance costs are based on an annual maintenance cost of \$5,000/km for an all- season road and were applied to all route alternatives. This estimated cost is for the road maintenance only and does not include the cost of bridge maintenance.” (ESRA EIA Section 4 Pg 86)

This is a very expensive project and involves a long term investment with *operational costs* of at least \$377 000 a year just for the road 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 the contribution from INACanada to the operation and maintenance costs for the highway, or whether funds already available to maintain the winter road will be redirected to maintenance for the upgraded highway. This information should be available, as we assume that agreements are in place.

There is also an identified cost of \$5 million dollars as stated in Section 4 of the EIA, to procure crown lands. This is not explained. Is the Manitoba government selling itself the lands for this segment of the highway?

“The property cost of \$5 million is a nominal amount allowed for each alternative to cover the cost of assembling Crown Land needed for the project” (ESRA EIA Section 4 Pg 86)

In 2007 the Manitoba Government promised \$15 million to upgrade the Rice River Road. What has that money been used for to date, and what is it going towards?

“Manitoba has committed \$15 million to begin construction of the first leg of an all-weather road on the east side of Lake Winnipeg, Infrastructure and Transportation Minister Ron Lemieux announced today.” <http://news.gov.mb.ca/news/index.html?archive=2007-4-01&item=1420>

The EIA and filings rely to a surprising degree on a ten 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 – Cost analysis conducted by Paskanake Management regarding variances and assumptions for the east side Highway.

**Manitoba Wildlands recommends that full costing figures/projections and assumptions be provided in an updated EIA for the East Side Road/Highway, and that all references or calculations based on 10 year old data and calculations be updated.**

### **Responsibility and Ownership**

Who is responsible for the highway project? It appears it will have federal government funding, and the provincial government authority is the Manitoba East Side Road Authority. Does a Manitoba government department assume maintenance or supervision of maintenance responsibility for completed sections of the Highway? Is this cost included in projections ?

Although the Manitoba Floodway and the East side Road Authorities both fall under one Act, *Manitoba Floodway and East Side Road Authority Act*, they are being maintained as two separated authorities with two separate itineraries and agendas.

The filings are not clear about the reporting authority for the East Side Reporting Authority to the Manitoba government. Nor is there any information about how tenders are being handled.

### **Ownership:**

It is unclear from our research who owns the Rice River Road that is being upgraded as part of this project. It is stated that the Rice River Road was a timber road that has been upgraded.

“A haul road was built to support these cutting operations and this has been upgraded over the years to the current Rice River Road. This road does not connect to the Bloodvein River, terminating about 1 km south of the river itself” (ESRA EIA Section 7 Pg 234)

There are past documents and licences that indicate the Tembec/Pine Falls Paper Co, *Lake Winnipeg Forest Access Road East* (Order in Council 301/1996) built and owned the road. (There are several previous Orders in Council regarding the road over a number of years, including with previous owners of the forestry company.) There is no evidence/no public information that the road has been re-licensed as a provincial road, or how ownership was transferred. This should be a matter of public record. It is further important to make information public whether any of the funds that were provided to Tembec in negotiations about the decision to stop logging in parks were also in compensation for the Rice River Road.

**Manitoba Wildlands recommends that the government of Manitoba review all past OIC documents regarding the Rice River Road and determine any further steps regarding transfer of ownership of the road, making the outcome of this review part of the public registry file for this project. Also Manitoba Wildlands recommends the government confirm that none of the funds paid to Tembec regarding no logging in parks were actually compensation for the Rice River Road.**

**Federal Government responsibility (Section 2) (Triggers):**

Federal legislation applicable includes: (Exec Summary Pg 16)

- 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

Due diligence and presumably best planning and assessment practices on behalf of public interests and communities affected by this proposal under the Environment Act would be the goal of all regulatory agencies. This should mean the joint federal and provincial Technical Advisory Committee would be in place prior to filing this proposal. Exchange of information between CEAA and potential responsible agencies should have progressed by now, with public information from the exchange available.

Winnipeg open houses regarding the project from the start of the Rice River Road all the way to Berens River should have been held. (Open houses did not cover either the full project that has been proposed, or provide sufficient information about the future projects referenced in the filings. No information about the projects used as justification for the highway was made public.) We note that none of the information on display at the open houses held is available on the ESRA website.

Transport Canada has not yet identified all of the navigable waters along the length of the AWR (Sec 3.10).

“Whereas confirmation has not yet been obtained from Transport Canada, it is anticipated that four or more watercourses along the alignment from Bloodvein to Berens River will be deemed navigable,” (ESRA EIA Section 3 Pg 63)

How can the impact of the road be assessed unless this is done? As of yet there are no permits in place and no applications in process for the East Side Road, Berens River or Bloodvien River and according to the Navigable Waters Branch no paper work has been submitted. There are also no Navigable Waters Permits for the existing Rice River Road. Which government agency now holds Navigable water permits issued in the past for the first phase of the East Side Road/ highway? Were these permits in fact transferred from Tembec? Who will be responsible for making sure this deficiency in the filings will be fixed? We suggest that the contents in the project description and scoping document is misleading as no steps appear to have been taken.

The Manitoba Environment Act prohibits construction of a development unless a proposal is filed and a licence obtained. Where is the proposal under the Environment Act for the upgrade of the Rice River Road and work that has already started? Why is the road being upgrade and built in stages when the current government of Manitoba is on the record as being against staged licensing? Why is information about the whole project not in the public domain? How can environmental assessment or public review be conducted in stages with inadequate information?

**Manitoba Wildlands recommends that Manitoba Conservation, the East Side Road Authority, and both CEAA and federal authorities immediately commence the EA harmonization process – making sure that the schedule and intentions for this process be in public registries before any licence or permits are issued. It is assumed that the harmonization process would be for the project described in the proposal filed under Manitoba’s environment act. We also recommend that the federal Responsible Authority and CEAA staff be available to stakeholders and affected communities for any questions or information requests regarding federal concerns, technical or regulatory responses, and so they are aware of stakeholders’ concerns.**

### **Endangered Species – Federal and Provincial**

According to the EIA woodland caribou habitat protection measures and mitigation rely almost solely on route selection. This is inadequate, as it has been shown that the area is still used by woodland caribou.

“It is important to note that, when inferring impacts, “avoidance” of an affected area need not be complete; nor are anecdotes of animals crossing a corridor a demonstration of the lack of effect. Detrimental effects are demonstrated when use of an area is lower than expected (often determined from a before-after experiment).” (Woodland Caribou and the Waskwatim Hydro Electric Project, James Schafer, 2004)

The Executive Summary of the EIA states that it anticipates residual effects on caribou will be low, which is rarely the case as these animals are extremely sensitive to habitat change. The EIA does not provide information on the negative impact that roads have had on Woodland caribou herds in other incidences.

“factors leading to caribou decline include habitat loss when forest land is converted to other uses such as agriculture; habitat degradation as a result of harvesting or other disturbances, and landscape and habitat fragmentation due to harvesting, roads, pipelines, transmission corridors or other developments” (Sustainable Forest Management in Canada:  
<http://www.sfmcanada.org/english/topics-caribou.asp>)

Manitoba Wildlands finds the woodland caribou contents in the filings deficient especially because of the lack of information as to the current science/conservation biology, and studies regarding woodland caribou, in relation to highway projects, corridors and boreal project areas. This filing should include analysis as to wintering, calving areas, and female mortality, size of herds and range areas over time. See below for further deficiencies.

The EIS disregards road building changes to the composition of habitat around the road that will leave habitat more preferable to moose while increasing hunting opportunities for wolves. Predator prey risks from new roads opening up have been studied and documented thoroughly. (James, A. and Stuart-Smith K, Distribution of caribou and wolves in relation to linear corridors, 2000) This technical information is absent from the ESI. Roads also bring in other risk to woodland caribou – because human hunting is easier. The EIA includes insufficient analysis – based on Canadian know how – concerning the impact zone beyond the roadbed.

Section 8 of this EIA, *Environmental Effects and Mitigation Measures*, indicates that habitat fragmentation and hunting pressures are addressed through mitigation by closing sections of winter road not used by the AWR and decommissioning, but this does not accommodate the habitat shift in terms of vegetation change. *It also ignores the impact on woodland caribou of the road being built.* The suggested approach to mitigation would need to be based on a comparison before and after the winter road was built, and before and after the east side highway was built. There is no data included for that comparison. The text below takes advantage of lack of knowledge of winter road corridor widths, the kind of regeneration that may occur, and the impacts of the road being built.

“The alignment has been designed to follow the existing rights of way. The current alignment follows approximately 60% of the existing winter road. Measures identified to close access and allow for vegetative regeneration along the winter road will also further minimize fragmentation, as well as the effects of predator movements and hunting access on key stone species. The cumulative effect of these existing developments with the Project is identified as minor with the application of the aforementioned mitigation measures.” (ESRA EIA Section 8 Pg 369)

Because this project is only the first step in the much larger Transportation Initiative for the East Side of Lake Winnipeg, it should be noted that continuing with construction of more northern portions of the highway, (I.e.: to Poplar river), will have further high impact on woodland caribou habitat as habitat between Berens River and Pigeon River has a higher Habitat Suitability Index.

“the greatest concentration of tagged caribou occurs in a large area arc between the Berens and Pigeon Rivers, and the area south of the Pigeon River into Atikaki Provincial Park.” (ESRA EIA Section 7 pg 255)

**Manitoba Wildlands recommends that all the contents of this EIA regarding woodland caribou be updated, based on current science and monitoring of woodland caribou with respect to new corridors. As one of the first EIA documents under the Environment Act since woodland caribou were listed under Manitoba’s Endangered Species Act, the contents are deficient and must be improved. The variety of contents as to future projects as justification for this project, and the stages of the east side road, to be licensed in future proposals points to cumulative risk to endangered species.**

So the filings & EIA, and proponents are taking advantage of appearing to assess impact on a species that is listed by both Canada and Manitoba laws by avoiding any assessment of the impact from the whole project.

When mentioning rare and endangered plants the EIA does not consider them to be of any concern with the following justification:

“definition of “rare” that is used for the CDC lists is based on standardized terminology used throughout the CDC network in Canada. The listings for rare species are broken down into the ecoregions of Manitoba. The listing for the Lac Seul Upland Ecoregion that contains the study area shows 48 plant species and eight vertebrate animal species. These are listed in a provincial designation (subnational rank) of S1 (very rare) to S5 (secure). A global designation is also given that shows the status of the species throughout its natural range, designated as G1 (very rare) to G5 (secure). A species can be rare in a province but common elsewhere in its range. In the case of the CDC list for the Lac Seul Upland Ecoregion, most of the plants shown have a G5 global ranking. The reason for their rare designation in Manitoba may relate to the fact that many plants along the east side of Lake Winnipeg are reaching either their northern, southern or western range limits. Plants that are just within their range and uncommon in the Lac Seul Upland may be common further east in Ontario, and this seems to be the case with most of the plants shown on the CDC list. There is also a practical aspect to a rare designation, that of access. The area east of Lake Winnipeg is a remote region and summer access during the growing season is only possible either by water along the major rivers, which would involve portaging, or by air into lakes by float plane or by helicopter. As a result biological surveys are not conducted as often as in areas with road access. Further study in the east Lake Winnipeg zone may reveal more individuals of species now considered rare. Such surveys may also reveal new species not known to occur there previously.” (ESRA EIA Section 7 Pg 237)

It is unacceptable practice to consider that a species is not important to preserve in Manitoba just because it is present in other parts of Canada and the world. This approach shows a basic lack of conservation biology understanding. Habitat for these rare plants needs to be secured, and the plants are a part of this ecosystem. Also, if rare plant species that exist in the study area are considered rare because of their distribution patterns,

“A further cause of a rare designation can be the normal growth form of a plant. Plants may be uncommon because it is natural for them to grow in a widely dispersed form with few individuals in any one geographic location” (ESRA EIA Section 7 Pg 237)

The biologist who provided the rationale in this section of the EIA should be named. Clearly the area needs to be studied more extensively to see if these plants are indeed as rare as they seem – and to identify other species to study. It is not good practice to just say that it does not matter. If every area at the edge of a plant species range was assessed as having not significant impact, the plant species would quickly become extirpated. There appears to be a complete lack of knowledge of edge effect in the EIA.

It should be noted that the CDC in Manitoba has very little data for the east side of Manitoba. Making assumptions that the data held is complete or sufficient surprises our reviewers. One simple test: Does the CDC hold all the species data collected by Manitoba Hydro over the last 20 years in this region? Why would the proponents pretend that the CDC data is all that exists, and sufficient for their assessment?

**Manitoba Wildlands finds the species at risk contents of the filings deficient. We recommend that the Manitoba government, and ESRA immediately secure the species data collected by Manitoba Hydro in this region (the whole planning area) during the period 1988 – 1993, and since and take the following steps:**

- Redo sections of this assessment regarding species, and habitat needed for species
- Undertake the assessment for impacts on habitat for both flora and fauna based on the extensive data held by Manitoba Hydro
- Provide this data to any First Nations affected by the highway project, who are involved in their own lands planning exercises
- Make sure these data are then part of the CDC information system
- File a species monitoring plan for the period of construction and operation of this highway project over time, indicating how monitoring will be managed, how data will be shared, and what kinds of mitigation approaches may be applied depending on the species at risk.

### **Justification For the Project**

Although the East Side All-weather road EIS states that the highway can strictly be justified by a decrease in transportation costs, much of the justification for building the road is based on identified new resource development taking place such as forestry, the Pine Falls Paper Mill (now Tembec Mill) which is now indefinitely closed, Bipole 3 being developed (now being planned for the west side of the province), and the fisheries industry.

“**A north-south All-Weather Road from Manigotogan to Bloodvein to Berens River to St. Theresa Point/Wasagamack to Garden Hill to Gods Lake Narrows to Oxford House** is justified on the basis of \$65.9 M net benefits and a **benefit-cost ratio of 1.27**, assuming that currently identified new resource development takes place. Without potential forestry, resource development projects such as PFPC expansion, Bipole III, and enlarged fisheries, there is a reduced justification for the All-Weather Road (net benefits of \$12.8 M+ (benefit-cost ratio of 1.05).” (Justification and Scoping Study Executive Summary Pg 2, Dillon Consulting Ltd, 2000)

It appears that ESRA is simply repeating conclusions from a study ten years old, and using the executive summary only. This may indicate the ESRA did not fulfill its requirements regarding justification for this project. Was any review of the ten-year-old figures done? Does this mean that all cost factors for this filing are ten years old? Also it appears that ESRA did not bother to read the whole study from 2000. The Executive Summary is about one tenth the information as the full study. See note on page one of this comments letter, and attachment.

Tembec pushed for this road development to ease transportation costs, and to be able to get fibre out during the winter. With the Tembec mill closed this is a controversial issue. Currently a 20-year forest management plan and Environment Act proposal is being reviewed in advance of public hearings and potential environmental licence. That proposal under The Environment Act only covered FML 01. It contains no expansion or future projects for fibre access beyond FML 01. Aside from the mill being closed perhaps permanently and being for sale, the East Side Road Authority needs to state clearly in its revised EIA why they created this invalid justification.

**Manitoba Wildlands recommends that the Economic and Justification sections of the EIA be updated with current data, and filed again in relation to the current situation – clearly stating the justification basis and economic basis – See comment above re 10 year old study, and attached independent review of that study. Also the government of Manitoba has consistently over the last several years identified Justifications for this highway that are not included in the EIA. This points to a strong case for reviewing public policy with regards to the highway project and refilling the EIA so that public policy justifications identified by the Manitoba government are included.**

The East Side All-Weather Road Justification and Scoping Study (Dillon Consulting Ltd 2000) states that the only stakeholders completely in favour of the East side all-weather Road were transport and supply resource industries, not including air transport (pulpwood movement along the east side accounts for 15000/tons per year of potential use...East Side All Weather Road Justification and Scoping Study, Dillon Consulting, 2000).

### *Stakeholder Responses*

	<i>Totally Opposed</i>	<i>Conditional Support</i>	<i>Totally in Favour</i>
<b>Resorts/Lodges (11 responses)</b>	<b>30%</b>	<b>35%</b> (35 km dist.)	<b>35%</b>
<b>Transport &amp; Supply Companies (9 responses)</b>	<b>33%</b> (Air)	<b>10%</b> (W.R. Truckers)	<b>57%</b> (Trucker & Store Op.)
<b>Resource Industries Trapping/Fishing/Forestry ( 5 responses)</b>	—	—	<b>100%</b>
<b>Environmental &amp; Other Interest Groups ( 8 responses)</b>	<b>25%</b>	<b>75%</b> (if done properly)	—

(East Side All-Weather Road Justification and Scoping Study, Dillon Consulting 2000, Pg 42)

**When the 2001 Justification and Scoping study for the East Side All-weather Road was released, Bipole III was also expected to go down the east side.** The Manitoba government has directed Manitoba Hydro to consider other options on the west side of Manitoba, and the utility is currently reviewing three options. Reduced mineral exploration costs once the highway is in place are assumed in the EIA to attract more mining to the east Side of Lake Winnipeg. This appears to be based on insufficient information regarding mineral potential in the corridor for this current project. Information is missing with respect to the kinds of mineral operations that consistently avoid having easy road access (diamond and gold mines). Both these types of mineral operations are currently subject to exploration on the east side. We note that as in other aspects of the EIA use of the 10 year old executive summary of the Dillon report is not in context for the specifics of this project, and the project area for this proposal under the Environment Act

Although cost to transport food and materials will decrease for the communities, costs for access to health services will not change as the travel times for the all weather road is only expected to be 30-40% faster than the existing winter road. Anyone with serious health issues will still need to be flown into a larger center. No projections as to increases in fuel costs are included in the filings.

The justifications for this highway project include assumptions that it will bring employment to the communities through increased tourism. However, the main tourist activity on the east side is fly in fishing camps that may actually find the road detrimental to their business as access to the pristine areas will increase. Including tourism economic benefits needs to be in the context of today's tourism market. (See chart above.) Studies show that the greatest international tourism market is for wilderness, and remote areas. Also the types of tourism activity in the region will also be a consequence of community lands plans.

“The Study concludes that there will be net benefits for the tourism industry under an AWR despite a contrasting assessment provided by Manitoba Tourism.” (Review of Justification and Scoping study Pg 12, Paskanake Project Management 2001)

It should be noted that First Nations communities across Canada, and in Manitoba who have road access continue to suffer from high employment rates. This EIA and the filings needed to provide a stronger and more accurate picture of the economic benefits from the project.

Section 4.5 of the East Side All Weather Road EIA, says the route was chosen in part to provide access to lands for waterfront development of lakefront properties and tourism facilities.

“This review resulted in the following refinements or adjustments to improve the preferred route... Provide a greater set-back from the Lake Winnipeg shoreline in the southern segment of the route to improve on the potential development of lakefront cottage properties or tourism facilities. (ESRA EIA Section 4 Pg 91)

Cottage development and tourism facilities are not considered in the cumulative impacts of the project. We appear to have a project being justified by other future projects (tourism) without full treatment or accurate content about the future projects. Nor is there any public policy or commitment from the Manitoba government supporting cottage development along the new highway on the east side of Lake Winnipeg.

**Manitoba Wildlands finds the EIA deficient regarding justification of the project – for several reasons. We recommend that the ten year old, rehashed technical information be updated. More importantly it is essential for the Manitoba government to confirm the other intended projects mentioned or to clearly indicate there are no plans as yet for these projects. Should these other projects, assumed to be enabled by the highway project, in fact be intended by the Manitoba government, then an explanation of, notification to communities, and steps for public review need to be in place before a licence is issued for this section of the highway.**

The East Side All-weather Road EIA references *most* First Nations agree with the new highway by using the following quote:

It can generally be concluded that there is support for upgrading the existing Rice River Road and its extension to the community of Bloodvein, as well as support from most communities for a regional

all-weather road network beyond Bloodvein.” (Status Report “Promises to Keep”, East Side Planning Initiative, November 2004)

Is this EIA for one phase of the intended highway as per the proposal under the Environment Act? If it is for the whole intended highway then the rest of the filing and EIA for the whole project is missing. We assume that the project proposal and scoping document – which both specify this project’s parameters – mean there will be no extensions or additions to this project without public notification, review, and EIA.

**Manitoba Wildlands recommends that there be an immediate clarification that this proposal under the Act pertains to the Rice River Road, and highway extension to Bloodvein and Berens River First Nations only. This clarification should be from the ESR Authority, and the minister of conservation, and placed in the public registry, as confirming the project description, and project proposal.**

### **East Side Transportation Initiative**

It is clearly stated in the East Side All Weather Road EIA, in multiple sections of the document and supporting documents, that the upgrade of the Rice River Road to Bloodvein and the extension to Berens River FN is only the first part of a much larger project being explored through the East Side Transportation Network Study. No timeline or economic information is provided for the larger project, and the Environment Act proposal and EIS only apply to the current proposal and project.

“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.... In April 2007, the Province announced the first segment of the ASR will be developed by upgrading the existing Rice River Road with an extension to Bloodvein, and construction of an ASR from Bloodvein to Berens River” (ESRA EIA Exec Summary Pg ES1-2)

“East Side Road Transportation Study is currently in process, assessing opportunities to pursue transportation improvements between the communities on the east side of Lake Winnipeg and connections with the rest of the province.” (ESRA EIA Section 8 Pg 368)

However, only the Rice River Road upgrade and road extension from Bloodvein to Berens River portion of the much larger project are being assessed.

“PR 304 to Berens River All-Season Road: Environmental Impact Assessment” (ESRA Environmental Impact Assessment Title Page)

Is the proponent aiming for a licence and approval for a project beyond what is actually described in the filings? Combined with our stated concern above about the *assumed future projects that are not road building* – Manitoba Wildlands considers the EIA deficient and confusing.

Why are the objectives of the larger transportation initiative referenced in content concerning the study area for the ESRA Environmental Impact Assessment with mention of the extension to Poplar River, the logical next section of an all-weather road on the east side of Lake Winnipeg (See Figure 1-2: Project Study Area)? The larger transportation initiative study is directly related



to cumulative effects and impacts that may result from the PR 304 to Berens River portion of the highway, despite the odd assertion below.-

“Some potential road projects well outside the study area have been proposed, but will not result in cumulative effects with this project.” (ESRA EIA Section 8 pg 368)

Are we to take this quote above as an indication that no Environment Act proposal, plans or EIA will be filed when other roads are connected to this stage of the highway? Does the ESR Authority assume it can build roads without a public review and licensing process?

### **Protected Areas, Parks and Crown Land Designations**

#### ***Atikaki Park Boundaries:***

The movement of Atikaki Park boundaries are only briefly mentioned and the effects of this are missing from this study.

“A 12 ha adjustment to the provincial park boundary will be required at the northwest section of the park on the Bloodvein River in order to accommodate construction of the Bloodvein River crossing.” (ESRA EIA Section 3 pg 64)

It was incumbent on the proponent to include here a gap analysis of the results of this wilderness park/ protected area boundary change.

The Atikaki park management plan makes no concessions for road building through the park. It is also stated in the East side all weather road EIA that moving the park boundaries will not cause any cumulative affects

“The intent of the proposed compensatory changes will not cause any cumulative effects” (ESRA EIA section 8 pg 371)

How will movement of the Atikaki Provincial Park boundary not cause any cumulative effects when it opens the area to a road for the first time, opens the park up to use and impacts the enduring features of the area?

“Atikaki provides a wild and undeveloped taste of Manitoba's great outdoors, visitors should be familiar with wilderness travel....There is no direct road access into the park.

Changing the boundaries of the park for this purpose is also in blatant disregard of pan Canadian governments' recommendations from *Principles and Guidelines for Ecological Restoration in Canada's Protected Natural Areas* document:

“The Canadian Parks Council provides a Canada-wide forum for intergovernmental information sharing and action on parks and protected areas. The development of Principles and Guidelines for Ecological Restoration in Canada's Protected Natural Areas is an initiative under its 2006 Strategic Direction to advance the protection efforts of member agencies. These Principles and Guidelines for Ecological Restoration in Canada's Protected Natural Areas represent the first-ever Canada-wide guidance for ecological restoration practices. They result from collaboration among experts and managers from Canada's federal, provincial and territorial parks and protected areas agencies, Canadian and international universities, the US National Park Service, the Society for Ecological Restoration International (SER), and SER's Indigenous Peoples Restoration Network Working Group” (Parks Canada <http://www.pc.gc.ca/eng/docs/pc/guide/resteco/index.aspx>)

Manitoba is an active member of the Canadian Parks Council – yet this EIA appears to be ignorant about public policy regarding protected areas and parks in Manitoba.

The enduring features affected by this change in boundary are not taken into consideration and are not considered a Valued Ecosystem Component for the discussions within the EIA. Why is this information missing?

### **Bloodvien Heritage River:**

This Canadian Heritage River needs to have 1km on either side (uplands) protected. Construction of the road also opens up the area to use from the general public. These impacts and or benefits should have been included. The proponent needs to take a closer look, as not the entire river is inside Atikaki Park. It is also unclear which management plan for the river is used, the quote below avoids the EIS responsibility to discuss potential future impacts in relation to the project.

“The Management Plan established the Bloodvein River corridor to include all lands stretching one kilometer from either bank of the river... Having been included within the boundaries of Atikaki Provincial Wilderness Park, and subject to protection under the *Provincial Parks Act (1996)*, the Bloodvein River has been subject to little, if any conflicting land use which have negatively influenced the designated river corridor.” (ESRA EIA Section 7 Pg 379)

### **Other areas of concern:**

Transport Canada has not yet identified **navigable waters** along the length of the preferred shoreline road alignment (or other options) and archaeological investigation in the study area is not extensive enough to start building along waterways

“Transport Canada has not yet identified all of these watercourses as navigable,” (ESRA EIA Section 8 Pg 358)

“There has been little archaeological investigation in the study area and very few sites with identified archaeological resources have been recorded.” (ESRA EIA Section 8 Pg 363)

Again, the fact that there has been **little archaeological investigation** in the study area means that more archaeological work using predictive modelling and all existing government data should be applied to the road corridor. The Manitoba Archaeological Sites Database is likely 30 years or more old. Methods and historic basis for archaeological work, especially regarding Aboriginal lands and sites, has changed significantly in that period.

The Archaeological data studied for the purpose of the ESRA EIA evaluated the Manitoba Archaeological Sites Database, but no indication of. Date of the data is provided.

“The investigation of recorded archaeological sites listed in the Manitoba Archaeological Sites Database, maintained by Historic Resources, yielded four sites in the entire area” (ESRA EIA Section 8 Pg 358)

Without up to date modelling and research into Archaeological sites and acknowledging the area has not been adequately studied, it is not justified to comment that impacts on archaeological resources are low.

“None of these sites, given the location of the preferred alignment and the location of the sites, is expected to be affected by construction, operations or maintenance activities, so the potential effect is very low, and no mitigation is required” (ESRA EIA Section 8 Pg 364),

**Manitoba Wildlands finds the Archaeology assumptions as to number of sites and impacts from the project on sites deficient. We recommend that the proponents be required to apply up to date modelling as to likely number of archaeological sites, especially Aboriginal sites, file an updated section for the EIA and indicate immediately whether or not The Heritage Act applies and then indicate what approach the East Side Road Authority and Manitoba Conservation will take to their future responsibilities regarding Archaeology impacts.**

Another concern regarding **protected areas and parks** is that the study area considered for the East Side All-Weather Road EIA includes Poplar/Nanowin Rivers Park Reserve (ESRA EIA Section 1 Fig 1-2), which is within the World Heritage Site (WHS) project area. Bloodvein River First Nation traditional lands are also again now part of the WHS nomination process. (We note again that this proposal under the Environment Act, and this project does NOT include the highway through the park reserve.)

Has consideration been made that the study area for this project includes lands and waters for the WHS nomination and UN listing? If so it is not apparent in the filings. Why is this not considered in the cumulative impacts or mitigation measures? It is public information that Bloodvein River First Nation is a member of the First Nation consortium for the World Heritage Site nomination. Yet the EIA filing ignores this future United Nations listing, and the designation of the Bloodvein River as a Heritage River – which is also of high importance for the WHS.

### **Climate Change**

As stated in the ESRA EIS (Section 4 Table 4-5 Pg 95), construction of this East Side Road Project (shoreline route) will disturb 2,338,750 ha of boreal forest including/and (UNCLEAR IN EIS) 1,723,750 ha of wetlands area. This translates into approximately 544,447,355 tonnes of stored carbon removed (Kasischke et al 1995). In addition, the removal of these boreal forest and wetlands will reduce the ability of this boreal region to sequester carbon. How will the ESRA and the Manitoba government mitigate these effects? Given the recent Manitoba government public policy announcement regarding protection of Manitoba boreal region peatlands and carbon in peatlands there is a significant gap in the EIA contents and public policy.

**The EIA needed to start with the carbon inventory for the project areas, identify emissions from construction – all activities and sources – and then identify emissions from road operation and maintenance. Mitigation measures are the next specific step and set of information needed. Manitoba Wildlands recommends that the climate change section of the EIS be updated immediately, including so it is in context with Manitoba government policies, and the intent of the new legislation.**

The figures provided in Table 4 – 5, page 95 simply do not make sense. *Totals indicate that the entire sub region will be impacted by the road corridor.* **Manitoba Wildlands recommends that all figures in the EIA be reviewed, with public corrections of any section where figures/calculations have to be adjusted to be refiled in the public registry.**

The EIS does not adequately indicate the **effects on wildlife and plants** of this kind of loss of carbon and the emissions. Mitigation regarding the loss of over four million hectares of boreal habitat is missing from the EIS.

**Based on the numbers provided in the EIA we have calculated the carbon loss:**

If you consider that 4.9kg/m<sup>2</sup> per hectare carbon is stored in the living biomass of the boreal forest (Apps et al 1993 in Kasischke et al 1995), you are essentially removing 114,370,000 tonnes of stored carbon from the boreal forest for this project.

$$\begin{aligned}
 2338750 \text{ ha} &= 23387500000 \text{ m}^2 \times 4.9 \text{ kg Carbon/ m}^2 \\
 &= 114598750000 \text{ kg Carbon/1002} \\
 &= 114370009.9 \text{ tonnes}
 \end{aligned}$$

It should also be noted that this project's disturbance to wetlands (anticipated at 1,723,750 ha (ESRA EIA Section 4 Table 4-5 pg 95) with the greater capacity to store 25kg Carbon/m<sup>2</sup> per hectare removes 430,077,345 tonnes of stored carbon from the project area.

$$\begin{aligned}
 1723750 \text{ ha} &= 17237500000 \text{ m}^2 \times 25 \text{ kg Carbon/ m}^2 \\
 &= 430937500000 \text{ kg Carbon/1002} \\
 &= 430077345.3 \text{ tonnes}
 \end{aligned}$$

This does not factor in taking away 2,338,750 ha of forest and 1,723,750 ha of disturbed wetlands ability for sequestration carbon permanently.

The effects of this road project on climate change increases when you factor in the estimations for emissions for the road use: (emissions for road construction not in calculations.)

“The preliminary estimate of total emissions greenhouse gas emissions for a 24 hour period compiled for the projected 10 year Average Annual Daily Traffic (AADT) volumes...is estimated to be:

- CO Emissions 5.8 tonnes
- NOX Emissions 1.2 tonnes
- VOC Emissions 1.5 tonnes” (ESRA EIA Section 8 Pg 336)

The East Side All weather Road EIA only gives these estimates for a 24 hour period, but in reality, if you use these estimated emissions and calculated the emissions for a year you get:

- CO emissions 2,117 tonnes
  - NOX emissions 438 tonnes
  - VOC Emissions 547.5 tonnes
- Total= 3102.5 tonnes of emissions/year**

These calculations only take into account road use and do not account for the emissions produced during construction.

According to Canadian Environment Assessment Agency document, *Incorporating Climate Change Considerations Environmental Assessments: General Guidance for Practitioners* (Pg 8):

“The recommended procedures for addressing GHG considerations are as follows:

1. Preliminary Scoping for GHG Considerations
2. Identify GHG Considerations: jurisdictional considerations, industry profile and project specifics
3. Assess GHG Considerations: direct and indirect GHG emissions, and effect on carbon sinks
4. GHG Management Plans: jurisdictional considerations and project specifics

5. Monitoring, Follow-up and Adaptive Management: jurisdictional considerations and project specifics

Following these CEAA recommendations would be the responsible choice. Indirect GHG emissions and effects on carbon sinks are not addressed in the east side all-highway EIA. Section 3 (Pg 32) of the east side all-weather road EIA lists the Consultation on Sustainable Development Implementation Report (COSDI 1999) and Manitoba's Climate Change Task Force report (2001) as sources for EIS contents re climate change. ***All Manitoba government current climate change public policy, programs, and law since those reports are left out.***

Manitoba Wildlands finds the EIA and filings deficient regarding climate change science and impacts in the project region (including current impacts on communities), weather and climate shifts, impacts on the highway from climate change, and impacts from construction and operation of the highway.

**Manitoba Wildlands recommends that the EIS be updated to reflect current climate change policy and programs in Manitoba, to clearly identify emissions from construction, operation, and changes over time in the road corridor. Then specific mitigation for each of these time periods with independent monitoring for delivery should be part of updated EIA materials filed.**

Another climate change issue is whether the East Side All-Weather Road Authority and this highway project are going to be covered in the Manitoba Government Cap and Trade policy recently announced. It is particularly serious when a public works project that is paid for by government, built by government, and licensed by government shows out of date compliance in public policies and programs. It is even more serious when the deficiency is in climate change with a project area in the most carbon rich region in our province..

Cap and Trade Gov press release:  
<http://news.gov.mb.ca/news/index.html?archive=2009-12-01&item=7325>

## **Regulatory and Policy Compliance**

Our review of the East side All-Weather Road EIA locates no policy guidelines for preparation of the Environmental Impact Statement for the East Side road The Scoping Document does not list any programs or public policy requirements also. Those references regarding public policy inside the EIA are badly out of date. ( Eg: Manitoba climate change policies.)

Not only does the East Side Road EIA not contain its own set of EIA and construction guidelines, we found that The Principles and Guidelines of Sustainable Development referenced in the EIA state that

“2(1) the economy, environment, human health and social well-being should be managed for the equal benefit of present and future generations.”

This is not accomplished in the EIA as impacts and benefits of the road as a whole are absent, and mitigation measures are only to be implemented for short term problems. The quote below appears

to refer to guidelines that were not included or made available in the filings. Does the proponent mean that Manitoba's sustainable development principles and guidelines are not relevant to their assessment?

"In accordance with federal and provincial regulatory guidelines, only those effects resulting from a project activity on the physical or biological environment must be considered in the assessment of socio-economic and cultural effects." (ESRA EIA Section 8 Pg 323)

This statement above ignores the practice under Manitoba Environment Act to include social economic impacts from the project itself in its project plan and filings. Given the strong pattern of providing business plans, operational guidelines, and socio economic impacts for a variety of proposals under the Environment Act, the Authority and Manitoba Conservation should be directed immediately to file an indication of whether they intent to, for instance, ignore Manitoba's Sustainable Development principles and guidelines in the future. We would observe that the quote above is mis-used. This entire project is 'on the physical or biological environment' which means that all effects are part of assessment of socio-economic and cultural effects.

### **Community Access & Services:**

There are many questions not addressed regarding accessibility for the communities due to development of the road. Although the communities will be accessible by road, their overall access to services has the potential to decline as a result.

Questions we feel have not been answered in the East Side Road EIA are:

- Will other forms of transportation continue to be available to community members on the East side of Lake Winnipeg after the road has been developed?
- I.e.: ferry services, barges and the ice road at the narrows
- Will the road result in declining value of airstrips and closures or reduced air service?  
"The Study does not consider the overall impact on the airline industry with specific reference to community-owned airlines and likely local employment losses, etc." (Review of Justification Study and Scoping Document, Brian Heart, 2001 Pg 12)
- How will the assumed declining value of airstrips and flight services be mitigated?

Another matter that has not been addressed is that the road may encourage off reserve settlements. Again, as a public works that is proposed by, paid for by, developed by, paid for by, and licensed by the Manitoba government this deficiency is problematic.

See comments above re the assumed future projects in Justification section of the EIA. These are economic projects used to justify this project. Including these projects in justification while leaving out other specific economic issues in the EIA shows an inconsistency that fails the public interest.

**Manitoba Wildlands recommends that the EIA be accompanied by a business plan, economic analysis and full identification of the policy, program, and regulatory compliance for a Manitoba government public highway project. The current state of the contents of the EIS**

**would cause one to wonder whether the proponents realize that this is a public works where public policy should be reviewed and applied..**

#### **Access Roads:**

Access from the main road being constructed into the community or reserve is not discussed. It was found that there is a separate project for Berens River being evaluated under the Canadian Environmental Assessment Agency.

- Berens River Road Project, CEAR # 04-01-8481

Other communities have commented that they found themselves responsible for access roads. If the road upgrades in Berens River are a direct result of the all-weather road from Bloodvien to Berens River then those upgrades should be addressed within the scope of this project. They should also be a guaranteed aspect of any agreement with a community along the corridor for the Highway.

The preferred shoreline route does not show where the access road to Pauingassi and Little Grand will start. Our understanding from our research is that this access point was a key point in consultations with these communities. Again if the EIS contains references to future projects then it should be followed through clearly.

#### **Road Construction Standards**

Because the East Side Road represents the first time an EIA has been contracted out to private companies through an agency rather than a department of the Manitoba government road building standards need to fulfill provincial and federal guidelines. We were unable to locate such guidelines in our research. **These should be made public and placed in the public registry file immediately, and posted on the Manitoba government website.**

Areas of concern we feel should be dealt with or made more clear in the East Side Road EIA are:

- Decommissioning and mitigation of road building impacts is not being taken into consideration except for burrow sources/quarries and temporary camps and staging areas (ESRA EIA Section 3 Pg. 52)
- Clearance for the road right of way will incorporate 60m width with additional clearing as required. Will this “as required” have a maximum allowable width?
- Information as to the existing long term gravel reserves on the east side in the project area, or accessible to the project area, should have been included, and made public at the time of filing.
- Standards for notification to affected communities regarding any quarry permit requests, with first right of permitting for the community.

#### **Quarry Permits**

**Our research confirms communities affected by this road project were not made aware of provincial government gravel reserves in the region. The process of notification for permit requests along the route of the intended highway also is not public. Maps to show the gravel**

**reserves should have been included in the EIA filings. Manitoba Wildlands recommends that policy and procedure guides regarding road building in Manitoba be filed in the public registry immediately and that Manitoba Conservation make sure they are among the required policy standards to be fulfilled by any proposal for future highway projects in Manitoba a.**

A potential problem not included in the EIA mitigation measures: the East Side Road EIA Executive Summary states that the road will limit the establishment of new right of ways. This is an odd assertion given the justification section includes future projects that would require rights of ways.

### **Impacts and Mitigation**

Although a lot of work may have gone into researching and developing the East Side Road EIA mitigation measures and cumulative impacts content are insufficient as the writers work to make potential problems seem insignificant and do not address the big picture. It clearly states in the assessment that the *Cumulative Effects Assessment Practitioners Guide* expects inclusion of:

Effects relative to the existing transportation network and the future linkages created by the Project (ESRA EIA Section 8 Pg 367)

A mitigation measure not yet addressed is **mitigation for future forestry operations** resulting from the development of the highway, as it is handed off to a third party, or future third parties (Tembec, etc).

“The potential for cumulative effects of the Project in relation to future forestry operations are mitigated through forestry plan licensing specifying the environmental protection measures. Government also controls timber-harvesting quotas and long term plans. The Tembec management plan is up for renewal which offers government the opportunity to specify any additional mitigation measures that may be required to protect water quality and keystone species. As a result of the strength of the mitigative measures and ability of the Crown to establish additional measures, the potential for adverse cumulative effects of the Project in relation to future forestry operation is deemed to be minor.” (ESRA EIA Section 8 Pg 371)

Except the cumulative impacts or benefits of the east side highway, in terms of forestry operations, *are not included in the guidelines for the Tembec forest management plan and EIS*. As the Tembec Mill is for sale and non-operational at this time and should not be getting their management plan renewed at all.

**Manitoba Wildlands recommends that any element used as Justification for this project be thoroughly explored in the updated EIA and filings – and that any other Environment Act proceeding referenced in Justification or EIA must have the public works as an element required in the Plans and EIS. In this case the Tembec guidelines should have included the road – and the ESRA guidelines should have specified Tembec or other future forestry operations.**

### **Development**

This project could open the east side of Lake Winnipeg to development such as cottages, forestry, logging, hydro lines, mining and tourism. This increase in development is used as unsubstantiated justification of this project as stated in the original Justification and Scoping Study. However,

development of lands that will impact the traditional values of the First Nations is a key concern identified by the communities involved and yet these impacts are not addressed in the cumulative impacts and mitigation section.

Because this project is part of a much large transportation initiative (Large Area Transportation Network Study) it should also be noted that these issues, and all impacts will be magnified as the length of the road continues to grow, and with overtime cumulative impacts during operation of the highway.

### **First Nation Concerns**

The Executive Summary of the East Side Road EIA states TEK studies of aboriginal respondents did not have significant concerns with this project. This is directly contradictory to the information in Section 6: Traditional Ecological Knowledge, which lays out the concerns of FN communities. These included concerns with development and changes to hunting and trapping and the health of animals

“consensus that development of the proposed all-season road will likely result in some changes, including a reduction in the number of animals in the area, thereby reducing the number of animals available to trap and hunt. Respondents cited a number of road characteristics that could potentially cause this effect, including: Disturbances to animal habitat causing the animals to migrate elsewhere (e.g., construction noise, traffic noise, clearing, etc.); Accidents between animals and vehicles on the road resulting in animal fatalities; Contamination of soils and water, causing animals to become sick and/or to migrate elsewhere; and Improved access to the community’s traditional lands by outsiders, increasing hunting and trapping pressure, and reducing the number of animals available to Aboriginal community members. Respondents expressed 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

### **These were even more concerned with socioeconomic concerns such as:**

“Respondents with concerns about the all-season road identified such issues as:

- 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)

We would note that similar concerns were part of the record in the 2001 Dillon report – though it is not clear whether the Authority actually read the full report.

Respondents were very concerned with traditional values. These traditional values will have to compete with growing infrastructure and needs of the communities as well as increased access to the communities and their traditional areas and the ability of community members to more easily leave traditional lands.

“A drop in traditional activities could have a negative effect on the language” (ESRA EIA Section 6)

**The East Side Road EIA section 5 (Table 5-5) states areas of concern from communities** such as: decrease in traditional lifestyle, increased drug use, and increase in criminal activity resulting from the road are written off as being part of larger trends that can not be related to the project. It would be interesting to know if the Authority experts have ever dealt with the social consequences of roads into isolated communities. In particular certain of these communities wish to be able to control traffic from the road into their communities. Did the Authority take this into account?

These are examples of community concerns that a) should be at least addressed and b) problems that have the potential to be influenced by increased traffic to the communities. They should be addressed rather than saying that these things won't happen and therefore do not have to be addressed.

Other issues identified that were not addressed include:

- Community tourism development plans before the Road is developed, a recommendation from the Justification and Scoping study
- Communities along the East side are supposed to have land use plans before any further development occurs. These plans are not in place yet.

**There are significant deficiencies in the EIA which are identified throughout our comments.** Recommendations are intended to improve the basis for licensing and the delivery of the project. We are concerned about lack of public policy standards, and most concerned about the set of numbers that basically indicates that the entirety of the sub region from the start of the Rice River Road to Berens River north side of its traditional territory will be impacted by the project. These numbers need a review, and then if corrections are need, all sets of numbers in this EIS need to be reviewed, and re issued.

Upon recent review we found that the East Side Road Authority is not on the Manitoba government organizational chart for highways, and similar projects, while the Floodway Authority is. Similarly tenders for highways projects in Manitoba, including those affecting Manitoba First Nations are listed on line by the Manitoba government, while tenders for the ESR Authority are not publicly listed.

**We qualify these public comments. Manitoba Wildlands does not oppose the need for road access for east side First Nation communities in the face of climate change.** Nothing in this document is to be taken as opposition to road access for these communities. However, our staff were repeatedly surprised at the deficiencies in the EIA. In the public interest, and in the interest of east side communities these must be corrected.

Attachments to this set of public review comments are provided to assist the proponent in correcting deficiencies.

See next page.



Regards,

Gaile Whelan Enns  
Director, Manitoba Wildlands

**Attachments List:**

- James Schaefer *Woodland Caribou and the Wuskwatim Hydroelectric Project April 2004*
- Manitoba Wildlands August 2009 Manitoba Government *Lands and Waters Policies (1999-2009)*
- Manitoba Wildlands East Side Road Project: September 2009 brief: *Provincial information, resources, regulatory steps and permits*
- Manitoba Wildlands December 19<sup>th</sup>, 2007 Letter to Braun and Blunt Regarding Norway House to Poplar River Winter Road
- Paskanake Project Management February 2001: *Review and Analysis Eastside of Lake Winnipeg All Weather Justification and Scoping Study.*