

February 6, 2006

Honourable Stan Struthers
Minister of Conservation
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Ms. Tracey Braun
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Dear Ms. Braun and Minister Struthers;

**Re: Public Registry File #5161.00 – Manitoba Transportation and Government Services
Proposed Relocation of Norway House – Island Lake Winter Road**

Manitoba Wildlands has reviewed the Transportation and Government Services Project Description and Environmental Assessment Report for the Proposed Relocation of the Norway House – Island Lake Winter Road. Although we do not object to the relocation of the road, we wish to provide comments on the proposed project in the spirit of promoting the highest environmental standards and ensuring due diligence, given that the government is both proponent and assessor of this project. Please place our comments in the public registry file for this project. Mitigation for two corridors through this region must be a priority.

We fully acknowledge that winter roads are essential supply links for northern communities in the winter and that safety and stability for these crucial links should be a priority for the Manitoba Government. However, we would also point out that the government has been aware of problems of this nature since at least 1998 – accidents as a result of weak ice, and the near-complete failure of winter roads to open in some years has been extensively discussed in Manitoba media and in the Legislature. In addition, changes to winter road systems, and lack of certainty for winter roads is an issue that First Nations have brought to the attention of all Manitobans.

The fast-tracking of this proposed project shows that Manitoba needs a comprehensive plan to address the risks to winter roads in northern Manitoba; this should include identification of projects that are likely to be needed so that this sort of ‘emergency’ project can be avoided. We assume that this route has been problematic in other previous years.

The Norway House – Island Lake Winter Road has not always been a licensed and MPI-insured route. In the past, when the federal Department of Indian Affairs and Northern Development (INAC) has not funded the winter road, it has been a project of Norway House First Nation. As a result, we feel the public registry file and the license for this project should include confirmation that the road will be licensed, safe, insured, and a joint Manitoba/ INAC project. It is customary for the economic benefits from a winter road project to be shared by those communities on the route (benefits from the building, maintenance and use of the winter road). The file, and the license should clarify and provide direction on this matter. Given the history of this particular winter road – confirmation of economic benefits to the Island Lake communities from construction and maintenance activity should be in place.

It is the usual practice for the review comments of other Manitoba government departments to be filed, and available for the public review period for this kind of project. These are not available – and we suggest this deficiency be corrected, and all government review comments be placed in the public registry.

As noted above, for this proposed project, government is both the proponent and licensing authority. This requires that the government pay particular attention to public concerns and comments and ensure due diligence in all respects.

We would note that as this is not the first winter road alignment proposal done on an emergency basis in Manitoba, the department is now presumably in a position to indicate what the experience is with a previous/ realigned winter road corridor – whether it continued to be used, whether habitat has returned etc. We recommend that the license for this project stipulate that such information be made available, to be used in future winter road projects, and that the license for this project also stipulate the monitoring and tracking of the original corridor for this road. Such information is going to be needed given the potential for further winter road problems in northern Manitoba.

The Report acknowledges the need for review under the Canadian Environmental Assessment Act (CEAA) as a result of the project being undertaken partially on lands under federal jurisdiction at Norway House First Nation and Wasagamack First Nation, and indicates that the Report has also been submitted to Indian and Northern Affairs Canada (INAC) saying it is “intended to provide sufficient information to complete the CEAA review.” We support a full review of this proposed project under CEAA, with public involvement and review in the process. This is particularly important in light of our comments above regarding the provincial government as proponent and licensing authority.

The review of winter roads in Manitoba that pose new risks, as mentioned above, should be undertaken now, well in advance of next winter. That review should be a joint provincial/federal review – which could easily be connected to the post project CEAA review of this specific project. Clearly, given the amount of federal funds involved in winter road construction in Manitoba, both the CEAA review and a joint review of the whole winter road system, in order to anticipate and plan winter road adjustments, should be undertaken on an urgent basis. The communities dependant on winter roads deserve a higher level of planning, and due diligence regarding the pattern of new risks to and from winter roads.

Our acknowledgement of the need for this re-alignment is based on the required, and not fulfilled need for the winter road system review and CEAA process of this and any other similar project. Also it should be pointed out that no winter road project in Manitoba should be assumed to have acquired a road bed for a future permanent/all weather road. In fact, any license, plan or EIS for a winter road is not adequate for a permanent, all weather road. Therefore our support for this project is not to be taken as agreement or support for any future road work on this corridor, or adjustment to the corridor.

As a final general comment, we note that a license for this winter road realignment has no bearing upon, and must not be used in the future as a basis for, any decisions regarding an all weather road. We also have some specific comments and concerns regarding certain sections of the Transportation and Government Services Project Description and Environmental Assessment Report ('the Report') that we itemize below.

Specific Comments Regarding the Project Description and Environmental Assessment Report

Re: Section 3.5 Fish and Wildlife and Section 5.3 Wildlife (including Woodland Caribou) Impacts & Mitigation

Section 3.5 discusses the two caribou herds – the Gunisao-Huswin Lakes herd and Island Lakes herd – in the project area whose ranges are traversed by the proposed realigned winter road. The report indicates that “[a] conservation risk assessment for caribou conducted by Manitoba Conservation in 2000 concluded that these herds were at low risk.” We presume that one department of the Manitoba government can share information with another department. The public review of the updated Woodland Caribou Conservation Strategy for Manitoba will begin soon. On that basis we presume that updated information regarding these two woodland caribou herds would have been available for inclusion in this project report.

However, the 2000 conservation risk assessment for these herds was based on this road corridor not being present on the landscape. The report does not indicate whether a conservation risk assessment has been done for these herds in relation to the proposed road corridor. Such an assessment should be made a condition of licensing and should involve independent caribou experts. Risk to caribou increases with each corridor on the landscape; monitoring of these herds will be necessary. The lack of concern for these two woodland caribou herds evident in the department’s report is another reason why the lack of review comments from other departments is a concern.

Essentially, in Section 5.3 the proponents assert that the winter road is proposed to be realigned in close proximity to the existing winter road, the existing winter road will “renaturalize relatively quickly”, and therefore no additional impacts on wildlife and caribou are anticipated. The Report also cites a limited operational period and the abundance of alternate habitat in the surrounding range of the caribou as factors that will result in minimal impacts and disturbance. Perhaps the Transportation department staff should have investigated winter food needs for woodland caribou, and what kind of habitat fulfills those needs, and then how much of that habitat would be impacted! Moving winter roads off lakes and water ways will also increase the impacts on habitat. Surely that is obvious. Winter road corridors are cleared each year. Impacts are continuing and concurrent.

The proponents do not provide any specifics regarding the meaning of “renaturalize relatively quickly”. Research has shown that caribou avoid corridors to varying extents, depending on the width and the degree of re-vegetation. For some time, caribou will be impacted by two corridors in fairly close proximity on the landscape. Specific information regarding the timeframe for the renaturalization and a plan to address access issues for the existing road corridor needs to be part of the project assessment and monitoring plan.

Section 3.6 Land Use and Section 5.4 Impacts on Areas of Special Interest (under Manitoba’s Protected Areas Initiative)

Section 3.6 describes the two Areas of Special Interest (ASIs) that will be impacted by the proposed road realignment - the Molson Lake ASI near Norway House and the Knight Lake ASI near Island Lake. Section 5.4 discusses impacts of the proposed project on these two ASIs.

We would like to make a few comments regarding the possible impacts and proponent’s conclusion that the impacts of the proposed winter road on these particular ASIs are will be insignificant because “the proposed winter road generally follows large morainal till deposits, it tends to follow the boundaries of the ASIs, which were also designed to follow enduring landscape features” and infringement and encroachment on each are “minimal” or “slightly more” than minimal. No actual figures for the areas impacted are provided. This is unacceptable. Further, these impacts to the ASIs change and decrease the potential representation from the ASIs and as a result, more lands will need to be added to these ASIs to restore their capacity for representation of enduring features.

Please also note that these two ASIs have been ranked as approved for protection by the Manitoba Mining Sector Protected Areas Consultation, which means that extensive mapping, documentation exists and is readily available regarding these ASIs. This information should have been included in the Transportation and Government Services Report.

In addition, future decisions to protect these two ASIs/ Mining Sector Rank Ones does not mean that representation of the enduring features in the natural region will be adequate; protection of other representative areas is required. In particular, this report appears to lack understanding of the natural region context for enduring features as the basis for Areas of Special Interest design by Manitoba

Conservation. To date, Manitoba Conservation has not taken steps to act on community planning, and potential protected areas decisions in the portion of this project area that is part of East Side Planning Initiative.

Section 5.4 of the Report also notes that ASI boundaries are not set in stone and may change as consultations occur to “ensure society’s environmental, cultural, and socio-economic values are considered, and resource allocation conflicts are minimized, before the candidate areas are granted protection”. Source for the text in quote marks in this section should be provided.

As a matter of fact, this proposal to realign a winter road route creates another linear disturbance/corridor on the boreal landscape in a natural region that has to date NO protected areas. The ASIs in this region are not yet protected. And these ASIs are not sufficient to complete the network of protected areas for this natural region, as per Manitoba government policy and methodology for protected areas, enduring features, and representation of both enduring features and the whole natural region. This means that the information regarding protected areas in this report is deficient. The ability to clearly state government of Manitoba policy regarding protected areas needs to improve. (Full information is available on Manitoba Conservation website and on ManitobaWildlands.org.)

Re: Section 5.1 Forest/Vegetation Impacts and Mitigation

“Overall residual impacts to forest and vegetative cover are considered to be minor due to the relatively small winter road right-of-way to be cleared compared to the otherwise remote surrounding forested area.” This ignores the accepted conservation biology principle that impacts from linear disturbances go beyond the corridor width! The report should have defined – based on Manitoba government policy that is lacking – the zone of impact or influence from this corridor, and from the combination of corridors on the boreal landscape.

We recommend that the Manitoba government department responsible for our highways and road systems work towards a policy or standard for zones of impact on all road projects. That then should be applied in all reports, EIS studies, etc. In this instance 205 km x (full impact zone width) would provide clearer information on zone of impact. That zone varies depending on species affected, recovery time for vegetation, eco region (climate), etc.

Re: Section 6.0 Socio-Economic Impacts

In Section 6.0, the Report states that “[t]here is some potential to impact trapping/hunting activities as a result of physical displacement of wildlife and trappers/hunters in the immediate vicinity of the proposed winter road during operation. Impacts to any cabins are not anticipated. The project is also not anticipated to significantly affect livelihoods.” There is no indication how these conclusions were arrived at. More importantly, the report does not re-assure as to whether all land users, trapline holders were notified of the intended change in road corridor. To suggest that impacts are only to occur during construction, and operation (winter) is an odd statement, that should also be substantiated. Perhaps the

department staff believe that all vegetation returns each year to its previous ecosystem complexity, it removed each winter, etc.

Once again, we wish to emphasize that Manitoba Wildlands does not oppose this project. Our comments are intended to be constructive and ensure thoroughness of assessment and environmental rigour. Winter roads are essential to the health and well-being of northern communities, although the government of Manitoba needs a comprehensive plan to deal with these issues and to avoid having to fast-track projects because of urgency. To summarize, Manitoba Wildlands expects a complete review of this project under CEAA that involves public access at all stages. We also wish to reiterate our concerns regarding woodland caribou impacts, and the need for monitoring and access restrictions to the existing road corridor. We also have concerns regarding the lack of data presented in terms of impacts on ASIs and the absence of suggested actions to address these impacts.

There was no need for a fast track two week review period for this project. We note that the paper copy of this application under the Environment Act arrived in our offices one day before the close date. No assurances of full notification in the communities affected has been included in the report. Overall Manitoba needs to return to better standards of notification under the Environment Act. Then we need to truly improve on those, as per the COSDI report.

We appreciate the opportunity to comment on the proposed project.

Yours truly,

Gaile Whelan Enns
Director, Manitoba Wildlands

cc.
Hon. Oscar Lathlin
Hon. Eric Robinson
Dan McNaughton, Canadian Environmental Assessment Agency