

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: East Side Road Authority
PROPOSAL NAME: Proposed All Season Road from PR 304 to Berens River
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Transportation
CLIENT FILE NO.: 5388.00

THE ENVIRONMENT ACT PROPOSAL (EAP)

EAP - OVERVIEW

The Environment Act Proposal was dated and received on January 30, 2009. The advertisement of the Proposal read as follows:

“The East Side Road Authority Inc. has filed an Environment Act Proposal Notification Document and Draft Scoping Document for an all-season road from Provincial Road 304 to the community of Berens River. The Project involves upgrading the existing road known as the Rice River Road and constructing a road extension linking the Bloodvein and Berens River First Nations to Provincial Road 304 including bridge and culvert crossings across waterways. The proposed road would provide reliable year round access to Hollow Water, Bloodvein and Berens River First Nations and the communities of Seymourville, Aghaming, Loon Straits, Princess Harbour and Berens River. The proposed alignment for the road extension in the vicinity of the Bloodvein River crossing overlaps the western edge of the Atikaki Provincial Park and will require an adjustment to the present Park boundary.”

The Proposal was advertised in The Winnipeg Free Press on March 21, 2009, in The Lac du Bonnet Leader on March 27, 2009 and Grassroots News on March 24, 2009. Copies of the Proposal Notification Document and Draft Scoping Document were filed in the following Public Registries: 123 Main Street (Winnipeg Manitoba), the Millennium Public Library, Manitoba Eco-Network, The Brokenhead Regional Public Library in Beausejour, band offices at Berens River, Bloodvein, Hollow Water, Little Grand Rapids, Pauingassi, Little Black River, the Metis Community Offices at Berens River, Little Grand Rapids, Aghaming, Seymourville and Manigotogan. It was also distributed to the “Transportation” Technical Advisory Committee (TAC) for comment. All comments were requested by April 21, 2009.

EAP - PUBLIC RESPONSE

No public response was received on the Environment Act Proposal Notification Document and Draft Scoping Document.

EAP - COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Culture, Heritage and Tourism, Historic Resources Branch

- The Historic Resources Branch requests that the specific locations of these sites not be included in the EIS in order to protect them.

Disposition: This information was provided to the proponent.

Manitoba Water Stewardship

- The Water Rights Act indicates that no person shall control water or construct, establish or maintain any “water control works” unless he or she holds a valid licence to do so. If a proposal advocates any of the aforementioned activities, an application for a Water Rights Licence to Construct Water Control Works is required. Application forms are available from any office of Manitoba Water Stewardship.
- The proponent needs to be informed that if the proposal in question advocates any construction activities, erosion and sediment control measures should be implemented until all of the sites have been stabilized.
- The Environmental Assessment Draft Scoping Document does not indicate a need to conduct “site specific” fish collections. Given the relative proximity of many of the crossings to Lake Winnipeg, unless the proponent is assuming that all the rivers and creeks provide some of seasonal or year round habitat and/or for the most part they are intending to install clear span bridges, fish passage would need to be provided for, if more site specific fish information is not being collected to determine otherwise.
- A good understanding of river/creek hydrology (particularly spring/high precipitation event flows) will be necessary to ensure that water course crossings will not be washed out.
- The EIS should address the potential for increasing the risk of introducing non-native species to these rivers/creeks as they will now be more accessible.

Disposition: This information was provided to the proponent.

Aboriginal Relations Branch

- The constitutional duty to consult is for the Government of Manitoba to fulfill. Therefore the following questions must be answered:
 - Is the ESRA a Crown Entity?
 - Can the ESRA consult on behalf of the Government of Manitoba?

- Will the ESRA consult? If not, it will have to be determined who is responsible for the Government of Manitoba's obligation to meaningfully consult.

Disposition: This information was provided to the proponent. Consultation is being coordinated by Aboriginal and Northern Affairs, Aboriginal Consultation Unit.

Canadian Environmental Assessment Agency

This document was circulated to the federal departments with an interest in this project as determined through our federal coordination exercise.

- Department of Fisheries and Oceans (DFO)
 - Section 7.2, subset 3, states “Fish collections will not be conducted, but anecdotal fish presence data may be collected through visual observations.” As you are aware, DFO recently held a meeting with the ESRA and we have specifically indicated to the proponent that the level of detail initially provided may dictate if additional information will be required to complete our review. DFO is of the opinion that all sites that may impact fish and fish habitat should have an acceptable assessment conducted. The more detailed and complete the submission is in relation to DFO interests as per our mandate under The Fisheries Act, the more efficient and timely our assessment has the potential to be. This also applies to the detail of information that will be provided on each stream crossing with proposed structures, engineered drawings and fish habitat assessments.
- Indian and Northern Affairs Canada (INAC)
 - It is unclear whether the road will be built on Reserve Lands and if so, what type of road it will be. This is important as there may be an additional trigger under CEAA, which is a section 35 uptaking of land under the Indian Act.
 - Regarding section 7.4 of the scoping document, the proponent should, in collecting and reporting on ATK (aboriginal traditional knowledge), traditional practices and usages of the land, keep the First Nation and Metis community data separate so that usages and effects on both groups of peoples can be determined.
 - If the intention is to have other subsequent proposals to build roads linking the communities or for the purposes of resource extraction, then these need to be identified and contemplated under cumulative effects. Likewise, cumulative effects of Bipole III and Bipole IV should be considered.
 - Forestry Canada conducted a study in the early 1990s about the non-timber valuation of recreational canoeing in the study area, and based on canoeists' reasons for choosing wilderness rivers over developed area rivers, there may

be effects on recreational values by these river crossings. Consideration should be given to this.

- Concerning Aboriginal peoples, the scope of who they will consult with should not be confined to who lives within the project area, but who uses the area and may be affected by the project. The proponent should contact the Manitoba Metis Federation and its Locals, Regions and Home Office.
- Parks Canada
 - The scoping document should require the proponent to identify potential impacts of the proposed project on the heritage values associated with the Bloodvein River Canadian Heritage River.

Disposition: This information was provided to the proponent.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

EIA - OVERVIEW

The Environmental Impact Assessment was dated October 21, 2009 and received on October 21, 2009. The advertisement of the Environmental Impact Assessment read as follows:

“The East Side Road Authority Inc. previously filed an Environment Act Proposal Notification Document and Scoping Document for an all season road from Provincial Road 304 to the community of Berens River.

An Environmental Impact Assessment (EIA) for the proposed Provincial Road 304 to Berens River All Season Road has now been filed by the East Side Road Authority and is available for public review.

The EIA involves upgrading the existing road known as the Rice River Road and constructing a road extension linking the Bloodvein and Berens River First Nations to Provincial Road 304 including bridge and culvert crossings across waterways. The proposed road would provide reliable year round access to Hollow Water, Bloodvein and Berens River First Nations and the communities of Seymourville, Aghaming, Loon Straits, Princess Harbour and Berens River. In addition to the all season road, the EIA also addresses the proposal for a revised boundary of Atakiki Park in the vicinity of the Bloodvein River crossing.”

The Proposal was advertised in The Winnipeg Free Press on November 7, 2009, in The Lac du Bonnet Leader on November 6, 2009 and Grassroots News on November 3, 2009. Copies of the EIA were filed in the following Public Registries: 123 Main Street (Winnipeg Manitoba), the Millennium Public Library, Manitoba Eco-Network, The Brokenhead Regional Public Library in Beausejour, band offices at Berens River,

Bloodvein, Hollow Water, Little Grand Rapids, Pauingassi, Little Black River, the Metis Community Offices at Berens River, Little Grand Rapids, Aghaming, Seymourville and Manitotogan. It was also distributed to the "Transportation" Technical Advisory Committee (TAC) for comment. All comments were requested by January 7, 2010.

EIA - PUBLIC RESPONSE

Two letters of concerns were received:

Wallace Lake Cottage Owners Association Inc.

- The so called boundary adjustment to make up the removal of 12 hectares of the park does not occur anywhere near the site involved. How is the boundary adjustment anything more than decommissioning part of the Atikaki Provincial Wilderness Park?
- There would have to be a regulation change to the Provincial Parks Act prior, to allow this to happen, along with public consultations or it would be in fact a breach of the Act and therefore illegal for the province to do so.
- Consider this an official protest to any adjustments to the Atikaki Wilderness Provincial Park to accommodate a roadway that could be simply skirted around the park to avoid any conflict.

Disposition: This information was provided to the proponent. This information was also sent to Manitoba Conservation, Parks and Natural Areas Branch for consideration pursuant to the process under The Provincial Parks Act.

Manitoba Wildlands

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

The East Side Road, which includes the upgrade of the Rice River Road and construction of new road from Bloodvein 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.

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 want to make sure that areas of concern and potential impact are being addressed. Information on a project using public funds needs to be available in a completed public registry with project environmental guidelines being fulfilled to protect the environment.

Areas of concern after reviewing the East Side Road EIA with past and present documents 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 portions of 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 Nation. “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.

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 that public registry file contents for a proposal under the Environment Act for a new Highway in Manitoba are clear. 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 are not available. We are sure that the departments 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 the 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 Throne and Budget speeches locates several monetary commitments from Manitoba for this highway project. None of these commitments are 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 an almost 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 be provided in an updated EIA and Plan 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 responsibility for completed sections of the Highway?

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 especially important to make this information public if any of the funds that were provided to Tembec in negotiations about the decision to stop logging in parks where Tembec acquires fiber 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 legal review part of the public registry file for this project.

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 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 available.

Winnipeg open houses that cover 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.)

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 Bloodvein 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. 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

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 that 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 project, 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 the fact that road building changes the composition of habitat around the road and 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. Insufficient analysis – based on Canadian know how – concerning the impact zone beyond the roadbed is included in the EIA.

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 the 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.

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. The habitat for these rare plants needs to be preserved, 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 determined the plants preservation there was not significant, the plant would quickly become extirpated.

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 take the following steps:

- Redo the 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 road over time, indicating how the monitoring will be managed, how data will be shared, and what kinds of mitigation approaches may be applied depending on species 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 that 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 EIS why they created this justification. This means the justification above is invalid.

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 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).

When the 2001 Justification and Scoping study was done for the East Side All-weather Road, Bipole III was also expected to be going 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 to also attract more mining to the east Side of Lake Winnipeg. This appears to be based on insufficient information regarding mineral potential for 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 EIS use of this 10 year old executive summary of a report is also 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, 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 and anyone with serious health issues will still need to be flown into a larger center. No projections as to 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 Lake Winnipeg side.

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 that will be enabled by the highway project be intended then an explanation of the public policy contents, notification to communities, and steps for public review 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 EIS 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. This clarification should be from the ESR Authority, and the minister of conservation, and placed in the public registry.

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 finds the EIA deficient and confusing.

Why are the objectives of the larger transportation Initiative were considered in the development of the study area for the ESRA Environmental Impact Assessment with 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

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 EIS 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 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 to archaeological sites, 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 now 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 this boreal forest and wetland area 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 public policy announcement regarding protection of peatlands and carbon in peatlands in Manitoba boreal regions there is a significant gap in the EIS contents and public policy.

The EIS 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 EIS be reviewed, with public corrections of any section where figures 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 EIS we have calculated below the carbon loss:

If you consider that 4.9kg/m² 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/m² 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 1,723,750ha 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 2,117tonnes
- 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 the Canadian Environment Assessment Agency document, *Incorporating Climate Change Considerations in 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..

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 EIS are badly out of date. (Eg: Manitoba climate change policies.)

Not only does the East Side Road EIA not have its own set of EIS 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 the 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.

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

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.

Our research confirms that communities affected by this road project were not made aware of these gravel reserves. 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 EIS 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.

Disposition: Several of these comments address policy matters that will be reviewed by the Department. . Several other comments require additional information from the proponent (see 'Request for Additional Information' section of this summary). Other comments can be addressed through licence conditions.

EAP - COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Department of Culture, Heritage, Tourism and Sport, Historic Resources Branch

- Section 6.5 of the Executive Summary outlines areas of potential impact to heritage resources, and that a targeted field investigation will be conducted prior to construction. Section 6.7 of the Executive Summary states that other than the field survey and monitoring, no other mitigation is required. This statement is incorrect if significant heritage resources are located during the pre-construction surveys. If at any time significant heritage resources are recorded in association with these lands during development, the Historic Resources Branch may require that an acceptable heritage resource management strategy be implemented by the developer to mitigate the affects of development on the heritage resources.
- It is recommended that an archaeological consultant be employed to conduct the Heritage Resource Impact Assessment of this project. If desirable, the Branch will work with East Side Road Authority and its consultant to draw up terms of reference for this project.

Disposition: These comments were forwarded to the proponent. Comments can be addressed through licence conditions.

Department of Local Government, Provincial Planning Services

- The Manigotagan Basic Planning Statement By-law No. 19/87 currently guides land use in the area and is currently being reviewed and updated. Bisset has a Basic Planning Statement and Seymourville is currently in the process of adopting a development plan for its community. Please ensure that the affected local community councils are consulted and their planning documents considered in the context of this proposal.
- As you are aware, Tembec Enterprises Inc. has drafted a forest stewardship plan to harvest softwood from parts of the study area that encompasses the East Side road (client file no. 4572.00). The establishment of this road will have an impact on the accessibility of the subject lands for forestry.
- Please ensure that due consideration be given when planning the new Provincial Road in order to compliment existing development and to minimize impacts attributed to the operation of the new road. Thank you for the opportunity to comment.

Disposition: These comments were forwarded to the proponent.

Manitoba Conservation, Eastern Region Forestry

- Borrow pits and quarry roads and sites need to be rehabilitated and planted to native tree species once complete. Same for temporary facility locations.
- The road alignment at Berens River should be adjusted to avoid paralleling the River from STA. 147+ 000 to STA. 157+ 000.
- Page 234 – historically there has been significant harvesting and renewal activity in the along the Berens, Bradbury and Pigeon Rivers
- The map 7-49 shows the IWSA Boundary but there is no text to describe what it is and how it differs from a FML.
- Section 9.8.8 should include a reference to suitable tree species for planting as part of remedial work.
- The intersection to Bloodvein FN at STA. 85 should be moved north to avoid the wetlands area.

Disposition: Comments were forwarded to the proponent with a request for further information (see ‘Request for Additional Information’ section of this summary). Some comments can also be accommodated as licence conditions.

Manitoba Conservation, Eastern Region Wildlife

- The EIA concludes that the proposed development will have “no significant environmental effects based on “...”predicted residual effects”...”environmental mitigation measures set out in section 9” and “the implementation of monitoring and follow-up programs identified in section 10”. We believe that this conclusion is overly-optimistic. Experience in Manitoba and elsewhere has clearly demonstrated that; a) when new ASRs are established through previously remote areas, populations of large mammals decline, and, b) population declines are often felt well beyond the area of the road corridor. The major body of evidence has been collected for ungulate species, primarily moose, but increasingly, evidence is emerging for the direct and indirect impacts of ASRs on woodland caribou populations. Immediate local effects on populations occur as new hunting pressure along the road corridor becomes established. As ancillary networks of trails are established and expanded, hunting opportunities also expand. These same trails provide easy travel routes for predators, improving hunting efficiency and creating new access routes to areas that otherwise would be relatively predator-free. Eventually, the cumulative effects are manifested as losses at a broader population level.
- While the mitigation measures are well-intended, they will require refinement and there is no guarantee that some of the key mitigative measures can actually be implemented or enforced. For example:
 - It will require commitment and effort on ESRA’s part to ensure that construction workers comply with the “no hunting” rule proposed in the EIA. We further recommend that; a) the prohibition be expanded to include possession of firearms; b) enforcement be facilitated via conditions of employment or by some other means within the scope of ESRA’s authority, and, c) a protocol be established for documenting and reporting incidents and follow-up actions.
 - The establishment of a no-hunting zone along the ASR alignment is a key mitigative measure, directed primarily at moose conservation, but with benefits for caribou and other wildlife species. Since a hunting closure will infringe on treaty rights, MC must engage in consultations with all the local First Nations and there is no guarantee that the outcome of the consultations will result in the hunting closure being implemented. If the proposed hunting closure IS implemented, there will still be people who do not respect the closure - some of these will challenge the closure, which in turn may

influence leadership positions on the continuance of hunting prohibitions, as well as MC's enforcement abilities.

- The monitoring programs will be essential in identifying and assessing effects as construction proceeds, and for responding appropriately with adaptive mitigative measures. The four-year monitoring period identified in the EIA will provide baseline data for assessing initial impacts of the ASR. New ASR developments are associated with local, immediate effects which eventually are manifested at the population level if mitigation measures are not effective. Accordingly, monitoring should continue into the operational period for a minimum period of three years (2015 – 2016), with an assessment process to determine what further monitoring may be required in 2017 and beyond. To ensure commitments, monitoring programs should be made a condition of the Environment Act Licence.
- We maintain that the effects of the new ASR on the moose population can not be viewed in isolation of the Rice River Road upgrading. While the area south of Bloodvein has already been impacted, improvements to this section, along with the presence of the new grade, are expected to be associated with cumulative effects on the moose population. At minimum, the monitoring program should incorporate regular moose surveys south of Bloodvein, as well as monitoring of wolves in this area (via surveys and GPS collaring).
- Two effects were overlooked in the EIA:
 - The effects of the ASR on northward expansion of white-tailed deer range. The presence of deer poses threats to moose and caribou via the transmission of pathogenic parasites. Deer are not native to the boreal shield and within this ecozone deer occurrence is normally associated with human disturbances – ROWs create edge habitat favorable to deer and facilitate movements through otherwise inhospitable landscapes. Other disturbances facilitated by the presence of the ASR (e.g. forest harvesting operations or other activities that create forest openings or conversion to deciduous stand types) will also create conditions favorable to deer. As deer range expands threats to moose and caribou increase. As local deer densities increase local predator densities can increase, and higher predator densities may be associated with increased predation on moose and caribou. Deer range expansion will be difficult to mitigate, as it is the ROW itself that provides a favorable pathway for deer movement. We recommend that the monitoring program include a component that monitors deer encroachment along the ROW and adjacent areas.
 - A new ASR will provide opportunities for development that would otherwise not be feasible. It is anticipated that proposals will eventually be received for new cottage / tourism developments, as well as for logging, mining and wild rice operations. While each of these would be associated with wildlife effects, the two areas of greatest concern are:

- The study area's peat mining potential - . Large "islands" of caribou habitat in the study area are located within wetland complexes with deep deposits of peat. Peat mining results in new road development, alteration to drainage patterns and permanent loss of habitat.
- Commercial forestry operations - The dominant tree species on many of the wetland "islands" is black spruce. These "islands" provide refuge habitats for caribou, as the surrounding wetlands create year-round impediments to predator movement. Forestry developments are associated with road access requirements that would alter the refuge value of these areas and increase predation on caribou.
- We recommend that protective policies, plans or land use designations be used to protect the integrity of wetland caribou habitats.
- The comments noted above (as well as many of the section by section comments below) also apply to the Executive Summary. Additional comments include:
 - Pine Marten is spelled incorrectly throughout as *pine martin*;
 - On page 34 (Commercial Trapping):
 - the terms "nesting and calving" are (incorrectly) applied to furbearers;
 - there is no recognition of increased furbearer harvests as a potential effect/impact of the ASR;
 - An acknowledgement should be made (here as well as in other sections) that beaver damage mitigation should include using the appropriate RTL trappers to remove problem beaver (this would be desired prior to any dam removal)
- Comments on Section 2 – Legal and Intuitional Framework
 - It is not clearly explained how all of the federal and provincial acts listed in this section apply to the project. In some cases the relevance of an act to the project is explained (e.g. Manitoba's Environment Act, and the Parks Act), while in other cases (e.g. Manitoba's Endangered Species Act, the Wildlife Act, and the Federal Species At Risk Act), there is no explanation. For example, both MESA and SARA are summarized in this section, but there is no mention of species listed under these Acts, such as woodland caribou, or the relevance of the presence of these species to the project. The summary of the Wildlife Act gives a detailed description of activities which are prohibited in WMAs, yet there are no WMAs within the project area. On the other hand, another regulation under the Wildlife Act allows the posting of "no hunting" within 300 m of roads, which is relevant to this project (i.e. for the safety of construction workers as well as for wildlife conservation purposes).
- Comments on Section 3 - Project Information

- 3.4.5 – Mentions that “local access routes” will be developed to the borrow/quarry sites, but does not show the planned access routes that will be created. Given the large number of potential sites identified on the drawings in close proximity to each other, we request that access road creation be kept to a minimum, and that plans be submitted for any new access routes which are not in the immediate vicinity of the road alignment (e.g. for the Pigeon River quarry, and for the other sites “within approximately 1000 m of the alignment”). The access routes must be decommissioned upon rehabilitation of the borrow pit/quarry. It would be preferred that the quarries/access routes that are located farthest from the ROW be rehabilitated first.
- 3.6 - Table 3-3 – Local access routes to borrow pits and quarries should be included for decommissioning (not just the pits and quarries).
- 3.7.1 and 3.7.2 – These sections summarize the 4 main stages of construction and give a preliminary schedule for staging operations. We found these sections to be confusing, as it is difficult to match the descriptions in 3.7.1 to statements in the table in 3.7.2. Also, the table (3-4). indicates that stage 1 (including clearing and grubbing of portions of the Bloodvein to Berens section, and construction of related quarry access roads) will commence in the fall of 2009. Since this is new construction, how can it be approved prior to issuance of the EA Licence?
- 3.8.1 – Are there plans to limit access to quarry sites during construction?
- Comments on Section 4 – Route Selection Process
 - 4.3.1 – Table 4-2 – Part 2.0 Natural Environment Criteria: Were there any other HSI models used or assessed?
 - 4.3.5 – Overview – The statements on caribou focus on winter and calving habitat. It should be acknowledged that there are concerns related to “the incursion of the all-season road into any critical caribou habitats, which may include wintering areas, calving grounds and nursery areas, as well as rutting areas and travel routes between these areas”. A road can pose threats to caribou through various interrelated, cumulative and complex effects.
 - 4.6 – Table 4-5 – Pg 95: The table indicates that “The inner shoreline route does not go through any critical caribou habitat”. This statement is inaccurate – we assume it is based on the HSI Model outputs, which show less area of high quality habitat for the inner shoreline vs the shoreline route. It would therefore be more accurate to indicate that “the inner shoreline route traverses “x” 5 less area of high quality habitat than the shoreline route”. It should be recognized that while the HSI Model can be a valuable planning tool, the validation of an HSI model is best achieved via GPS location information (i.e. is the model backed up by data on where caribou actually occur?). The high number of GPS locations for the inner shoreline route suggests that there is high quality habitat in this area (and some or all of it may be critical), and that the HSI model may need refinement.

- The table states that the statement that the “shoreline route has the lowest impact on woodland caribou populations based on known movements and habitat suitability”. While this is an accurate statement, it should be recognized that since there has been very little GPS collaring work done on these caribou populations (few animals, short time span), our baseline knowledge is very limited.
- Comments on Section 5 - Environmental Assessment Engagement Program
 - 5.4 – Key person interviews – There were more than 32 “key person groups” listed in the appendix, but it is not clear how many “key persons” were interviewed and what groups these persons represented.
 - Engagement activities with the general public –The public engagement component appears to be rather weak (only one Open House and a meeting with the project manager for the World Heritage Site Initiative). The text refers to a list of invitees to the Open House, but does not indicate which organizations/agencies were represented by the 45 people who actually attended the open house.
- Comments on Section 6 – Traditional and Ecological Knowledge
 - 6.3. Methodology - This section (and others) include numerous references to “Small Game Hunting”, but there is no definition as to what “small game” are. No species are designated as “Small Game” in Manitoba. Unlike other provinces such as BC, the species referenced in the report (lynx, wolves, bears) are recognized and managed in Manitoba as Furbearers (lynx) or Big Game species (wolves, bears). Wolves and bears are also trapped species. Use of the incorrect terminology can lead to erroneous public assumptions and implications for management. In this case, the TEK results for “small game” are meaningless, as we have no idea what the term “small game” may have meant to the individual respondents.
 - 6.4.1 – This statement should more accurately read that “...*Hollow Water area residents indicated that ...trapping activity occurs...*”. The term “community trapping” may be confused with activity on the various individual Community Line(s) in the area.
 - Map 6.2 – The map showing the TEK trapping results could benefit from including the individual RTL boundaries. The TEK areas identified in the various community-related maps can mislead the reader to assume traditional harvests of lynx and wolves were from locales elsewhere than RTLs (unless the questionnaires were specifically stated as such), when they were actually on the RTLs.
- Comments on Section 7 – Existing Environmental Setting
 - 7.1.3 – Geology – Where data on wildlife populations is limited (such as for this area), geological information on surficial geology and soils can be useful in predicting the occurrence of certain species (and species associations)

when linked with other information (e.g. major vegetation associations and fire history). This section is lacking in that: a) there is no map of the surficial geology, and, b) the soils map is difficult to read/interpret, given the scale and the choice of colors for the various soil types.

- 7.3.12 – Furbearers and Trapping - The text in the second paragraph should reflect that marten re-occupied the east side of the province after 1980, and populations increased until reaching carrying capacity in about 2000.
- Black bears are placed in this section, but are more appropriately placed in their own section, as they are listed as big game animals in Manitoba.
- Wolverines are overlooked in this section. Wolverines are associated with habitat associations consistent with caribou occurrence. Wolverine are predators of small mammals but also feed on carrion where possible – they fare well where ungulate populations are strong (source of carrion) and where coarse woody debris is readily available (for small mammal habitat). The major threat to wolverine is trapping mortality, therefore, the ASR may effect wolverine populations via increased trapping opportunities in suitable wolverine habitats.
- 7.3.13 – Moose – While we understand that AECOM had little data to work with re: habitat suitability maps and occurrence of moose in the project area, this document would have been improved by including maps illustrating areas of concern along/in the vicinity of the preferred route, as predicted from water, soils, surficial geology and FRI layers, as well as fire history, forest harvest and results of the 2009 field sampling program. Such maps could have been presented in terms of habitat associations favorable to moose along the ASR route, where impacts of human presence would be anticipated.
- Map 7-34 offers no explanation as to why “habitat suitability data” is only included for the southern corridor.
- 7.3.14 – Caribou – Figure 7-35 – This figure presents an out-dated version of Manitoba’s caribou ranges. The up-to-date map may be found in MC’s Boreal Woodland Caribou Conservation and Recovery Strategy.
- Jack pine uplands are referenced as being the primary source of lichens in the study area. It should be noted that the reference (2005 Landscape Management Strategy for the Owl Lake Herd) is specific for habitats used by the Owl lake caribou herd. Some of the major habitat areas for caribou in the study area are very different from those for the Owl lake herd, and include islands of black spruce/pine uplands within extensive wetlands. Many of these upland patches have not burned within recorded history.
- This section could have been improved by providing a summary of the caribou groups occurring in the project area (Atiko, Bloodvein, Round and Berens groups), framed by a brief discussion on the state-of knowledge of

these groups. For example, the state-of-knowledge for the northern (Round and Berens) groups can be described at best as very poorly understood, as few animals have been collared in this area and information on population numbers and distribution is lacking. There is much better data for the southern (Atiko and Bloodvein) groups - the available data indicates major differences in the types of habitats used by these groups, as well as their seasonal movements (e.g. the Bloodvein group occurs within extensive wetland complexes near Lake Winnipeg and is much more sedentary than the Atiko group).

- The statement “no important seasonal activity such as calving occurs in the study area, based on current data”, is inaccurate. There are numerous caribou GPS relocations within the study area for the calving and post-calving periods (May through July). If anything, the occurrence of May-July locations within this limited dataset is suggestive that the study area likely does include important calving and nursery areas.
- 7.4.7 – Land Status and Use - Atikaki Park – The text should note that the park (including the Bloodvein River) has significant trapping-related infrastructure and activity.
- Map 7-43 – The “wildlife refuges” indicated in the map are inaccurate. Due to the extent of the inaccuracies, the project team should obtain current information from WESP branch.
- 7.4.8 Commercial resource use, Map 7-44 – The wild rice map is inaccurate. Due to the extent of the inaccuracies, the project team should obtain current information from the regional lands manager.
- Trapping – The text inaccurately summarizes the history and management of the Registered Trapline System, and has confused terminologies. For example, Manitoba’s RTL system is not, as the text states “*now known as the Registered Fur Block System*” – (the Manitoba RTL system *includes* Registered Fur Blocks). An overview of the history and terminology of the program can be found in our Annual Trapping Guide. Note that the fur data should correctly be indicated as being in Appendix 3.2, Annex D.
- There are references to Peckett 1999, but Peckett 1999 is not in the literature cited.
- Table Table 7-23 – The table indicating 2007-08 economic value of trapping does not include a total value for the study area (as was shown for the 1995-96 table).
- Mining – This section does not provide any indication of mining potential in the study area, or maps indicating areas “closed” to mining activity (such as Atikaki Park). With respect to wildlife, there are concerns about peat mining potential which may be facilitated by new road access. Since peatlands

provide refugia to caribou, this information would have been useful in identifying areas of concern which may require special protective designations to conserve woodland caribou.

- Comments on Section 8 – Environmental Effects Assessment
 - 8.4.1 – Scope of the assessment, Table 8-5 – There are a number of activities in this table that have the potential to directly impact wildlife (including moose and caribou), but were not “checked off” as having potential effects. For example, the effects of the following activities were not adequately acknowledged/ represented:
 - Any human activities, including the mobilization of equipment and supplies, blasting/quarrying and general road construction and maintenance activities can impact caribou behavior and movements via sensory disturbance effects.
 - Vehicular collisions on the ASR are a potential effect on caribou, moose and other wildlife species.
 - Winter road access has potential effects via habitat fragmentation and increased hunting pressure on moose and caribou.
 - Quarry access roads are not mentioned in the table, but have potential effects re: cumulative habitat fragmentation, sensory disturbance and increased hunting pressure.
 - The existence and use of the ASR is a primary factor effecting wildlife populations in the area. Human usage of the road will be associated with increased hunting pressure on moose and caribou – the moose population, in particular is expected to be effected as it is a highly desirable game species for both rights-based and licenced hunters. The existence of the road has potential effects related to the facilitation of predator (wolf) hunting efficiency on moose and caribou.
 - Fires have potential effect on wildlife habitat use, travel patterns and distribution.
 - 8.7 – Environmental effects on the terrestrial environment. The introductory page (p. 344) is miss-placed in the document (it appears following p. 350 instead of after p. 343).
 - 8.7.1 – Caribou
 - Environmental effects - This section states that negative effects on woodland caribou will be “primarily within areas in close proximity to the ASR and associated facilities”. We concur that the selection of the shoreline alignment (vs the alternative, more central routes) constitutes a key mitigation measure for addressing caribou concerns. Nonetheless, caribou presence is documented within the area of the shoreline route and we do not concur that adverse effects will be localized to the proximity of the road. The ASR traverses occupied caribou habitat, and provides a conduit for activities that pose both direct and indirect threats to caribou populations in the area. Note –

The shoreline alignment is located west of the bulk of the caribou GPS relocations (not east, as is stated in the text).

- Construction and operational disturbance - As noted previously, the GPS dataset includes numerous May – July (calving/post-calving period) locations in close proximity to the ASR. Sensory effects should be considered low –moderate, rather than “not significant”.
- Hunting pressure - This effect is listed as “not significant” in the text. This is an inaccurate assumption – where population numbers are small (such as in this area), the loss of even a few additional reproductive individuals each year through increased hunting pressure can have significant population effects. Since the consequences of hunting can be significant, threats from hunting should be considered as “high risk”, even though only a few animals may be harvested. The effects of the ASR will extend well beyond the actual road corridor, as the new road will provide access to rivers systems that are currently non-road accessible, and will cross wetland areas which will be broadly accessible via 4x4 and ATV during freeze-up periods. Secondary trail networks established for hunting purposes will compound these effects. Construction workers should be prohibited from carrying firearms (in addition to being prohibited from hunting). Penalties for noncompliance should be specified, enforced and documented. Since ESRA has no legal authority to regulate hunting, penalties should be specified in employment contracts (e.g. termination of employment, appropriate financial dis-incentives, etc.).
- Road decommissioning – should include strategic ripping of road bases, spreading of debris, culvert removal and establishment of physical barricades (earthen or rock berms).
- The four year monitoring program indicated should be considered the absolute minimum requirement. Monitoring should continue to the end of construction and then for a further 4 – 6 year period.
- Vehicular collisions - This effect, while potentially low, should not be considered “not significant” (as is indicated in the text).
- Predation - The significance of “road effects on predation” is severely underestimated in this document. Predation is the single most significant proximal factor limiting caribou populations across their range in Canada. Recent research and literature provides abundant documentation that wolves can and do use packed road surfaces (despite disturbance effects), particularly roads receiving low – moderate traffic flows. The existence of packed road surfaces (the ASR and ancillary routes) is expected to facilitate predator hunting efficiency and provide new access routes for wolves into caribou range, not only in the immediate vicinity of the road, but in a much wider surrounding area. New predator access routes through wetland areas are of particular concern, as these areas currently provide refuge for caribou by providing impediments to predator movements (deep snow levels, high water tables). Any ancillary routes established off the ASR (e.g. snowmobile and quad trails) would compound concerns related to predator incursion into wetlands and other areas occupied

by caribou. It should be emphasized that, unlike moose, woodland caribou have a low reproductive capacity (only one calf/female/year), and are slow to recover from population losses. Woodland caribou ecology is centred on maintaining very low rates of predation. On a natural landscape, caribou are preyed upon incidentally by wolves (the primary ungulate prey species for wolves in this area is the moose), as they occur in habitats where wolf densities (and moose densities) are low. Any development that leads to an increase in wolf predation on caribou therefore poses a significant threat to a woodland caribou population

- The statement “calving habitat has not been identified within or adjacent to this zone” is inaccurate. The available dataset has numerous GPS relocations in this zone for the calving and post-calving period (May – July). If anything, the occurrence of May-July locations within this limited dataset is suggestive that the study area does include important calving and nursery areas. It should also be recognized that assumptions can not be made that “caribou do not occur in an area” where data is lacking due to lack of biological monitoring activities.
 - A monitoring program does not mitigate effects in itself – monitoring provides the means to identify and assess effects. A commitment must be made to respond to monitoring data with timely and appropriate mitigation actions.
- 8.7.2 – Moose
- Environmental effects - This section states that negative effects on moose will be limited to “primarily within areas in close proximity to the ASR and associated facilities”. We do not concur that adverse effects will be localized to the proximity of the road. While immediate, local effects are anticipated, past experience has demonstrated that effects are cumulative and eventually are manifested as declines at the population level. We also assert that that effects will occur in the area south of Bloodvein, and will not (as stated in the EIA) “remain unchanged for the Rice River Road portion of the project.”
 - Hunting pressure - This effect is listed as “not significant” in the EIA. This is an inaccurate assumption. Without mitigation, impacts are expected to be very high across a wide area. Even with effective mitigation, effects will likely be moderately high in the vicinity of the ASR, and low-moderate at a wider population level. The effects of the ASR will extend well beyond the actual road corridor, as the new road will provide access to rivers systems that are currently non-road accessible, and will cross wetland areas which will be broadly accessible via 4x4 and ATV during freeze-up periods. Secondary trail networks established for hunting purposes will compound these effects. Construction workers should be prohibited from carrying firearms (in addition to being prohibited from hunting). Penalties for noncompliance should be specified, enforced and documented. Since ESRA has no legal authority to regulate hunting, penalties should be

specified in employment contracts (e.g. termination of employment, appropriate financial dis-incentives, etc.).

- Road decommissioning – should include strategic ripping of road bases, spreading of debris, culvert removal and establishment of physical barricades (earthen or rock berms).
- The four year monitoring program indicated should be considered the absolute minimum requirement. Monitoring should continue to the end of construction and then for a further 4 – 6 year period.
- Predation - The EIA underestimates the significance of road effects on predation, as these effects are closely linked to the effects of hunting. Wolf densities are correlated with densities of their primary prey species – in this case, the moose. When other factors (such as hunting by humans) initiate declines in moose populations, the impacts of predation become increasingly significant. This is because wolf kill rates continue to remain high until moose numbers become very low. The existence of packed road surfaces (the ASR and ancillary routes) compounds predation effects by improving wolf hunting efficiency. A monitoring program does not mitigate effects in itself – monitoring provides the means to identify and assess effects. A commitment must be made to respond to monitoring data with timely and appropriate mitigation actions. As predation effects on moose populations may not be manifested immediately, wolf monitoring programs should extend for 6 years post-construction.

○ 8.7.3 - Other Wildlife

- There is a paucity of inventory information on most wildlife species occurring in the project area; e.g. furbearers, small mammals, birds, reptiles, amphibians. In the absence of baseline information and monitoring programs, effects of the ASR on these species will remain unknown. The EIA refers to “monitoring measures”, but no monitoring measures for these species are identified in section 10. We recommend that:
 - a series of annual surveys be conducted to collect inventory information on small mammals, birds, reptiles and amphibians. These surveys will provide information to assess the potential effects of the ASR. Methods for these types of surveys are well established, easy to conduct and are associated with low costs. Most can be carried out by people in local communities, after training by MC staff.
 - trapping studies be conducted to assess the effects of the ASR on key furbearer species; e.g. martin, lynx or other species of importance to local trappers. Study design would be developed by MC in conjunction with interested trappers, and carried out by selected trappers whose traplines overlap the ASR.

○ 8.7.5 –Rare and Endangered Species

- The Manitoba Endangered Species Act also affords general protection measures for woodland caribou.
- We do not concur that the overall significant rating for effects on caribou is “not significant. (see comments for caribou in sec. 8.7.1). The proposed ASR potentially may have very significant effects on woodland caribou populations
 - Table 8-9 – The table requires a legend - it is not clear what all the symbols mean; e.g. in the “monitoring/follow-up” column.
 - Caribou: The text states that all major caribou areas are a considerable distance from the alignment. This is erroneous – the core use area for the Bloodvein caribou group is in the immediate vicinity of the road. The GPS data for the northern area is not current (2000-2004), very limited and can not be used to make assumptions about important areas of use, even so, it includes numerous location points in the vicinity of the ASR.
 - Caribou and Moose - The text under “proposed mitigation” for predation effects has no scientific basis. Noise whistles have had limited success in other jurisdictions. Wildlife fences are not recommended as a mitigation measure – the cost-benefit ratio for this particular case would negate any benefit accruing due to decreased collisions. Furthermore, a fence could create a predator trap that would increase impacts on moose and woodland caribou.
- Comments on Section 9
 - 9.8.6 – Decommissioning Plan - Decommissioning should include strategic ripping of road surfaces, spreading of debris, culvert removal and establishment of permanent barriers (earthen and rock berms).
- Comments on Section 10 – Monitoring and Follow-up Plans
 - 10.1 – Monitoring Programs - The monitoring reports should not include electronic copies of raw data. MC and the Eastern Manitoba Woodland Caribou Advisory Committee do not make raw data (location data) available to the public.
 - 10.2 – Monitoring Plan - MC should be involved in developing, planning, implementing and assessing the monitoring plan.
 - If the purpose of the plan is to “compare pre-project baseline conditions to projected or predicted conditions”, then monitoring must continue for at least 4 – 6 years into the operational stage (note - the purpose should be to compare pre-project conditions with actual conditions observed, both during construction and into the operational stage).

- The window for commencing wildlife survey and collaring work in the 2009/10 fiscal has now passed. Accordingly, the collection of pre-project baseline information can not begin until the initial stage of construction, in 2010/11.
- Table 10-8 – Wildlife Monitoring - It should be recognized that a monitoring program that concludes with the construction stage will not allow an assessment of the impacts of the project on wildlife populations. The most significant wildlife effects are expected to be manifested during the operational stage, therefore wildlife monitoring must continue for at least 4 – 6 years post-construction. The monitoring recommendations submitted by regional staff (and endorsed by WESP branch) were intended as a starting point to estimate costs and begin logistical planning as expediently as possible.
- There are some major discrepancies between the monitoring plan in table 10-8, the detailed plans presented in the Appendix, and the monitoring recommendations submitted by regional MC staff:
 - Moose/wolves - Monitoring Area(s): Table 10-8 indicates that the monitoring area is “PR 304 to Bloodvein (i.e. GHA 17A)”. Conversely, one statement in the appendix indicates that “only the area from Bloodvein to Berens will be monitored.(i.e. GHA 17)”. Other statements in the appendix reference collaring of 20 moose (10 in each of GHA 17 and GHA 17A) and 8 wolves (4 in each of GHA 17 and GHA 17A), suggesting both areas will be monitored. The table in the appendix shows a schedule for wolf surveys, moose surveys and wolf collaring in both of the areas (GHAs 17 and 17A).
 - Monitoring Methods: The monitoring methods proposed in the appendix mention moose and wolf surveys, moose and wolf collaring, and wolf diet analyses. Conversely, moose collaring and wolf diet analyses are not included in the table within the appendix, nor are they included in table 10-8.
 - Regional wildlife recommendations: .The recommendations submitted by our staff are still valid – moose and wolf surveys should be conducted over the entire area, from PR 304 to Berens. Wolf collaring and diet analyses should occur for packs within this same area. Ideally, moose collaring should occur in the vicinity of the alignment, from PR 304 to Berens River.
 - Caribou - Both table 10-8 and the appendix refer to “two 24- month periods” for caribou collaring. This does not reflect the revised regional recommendations, submitted to ESRA, which specified one 36- month period (based on the recent availability of a new generation of satellite collar technology).
 - While table 10-8 otherwise covers all the regional monitoring recommendations, it is presented in a rather confusing format. For clarification, the following activities are proposed:

- Initial survey to determine caribou distribution, and to assist in locating caribou for collaring
 - Caribou GPS collaring for 36 months data on movements, seasonal use areas and survival rates
 - Annual surveys to enumerate caribou group sizes
 - Annual recruitment surveys for data on age/sex ratios and calf recruitment
 - The appendix does not include a table for scheduling activities.
 - As noted in previous sections, we recommend that the monitoring activities include the collection of data on other species (e.g. herptiles, small mammals, birds, furbearers).
- Comments on Section 11.0 – Conclusions - The ASR development potentially may have very significant effects on wildlife populations. Past experience has demonstrated that it is unrealistic to expect that effects on wildlife can be mitigated to “non-significance.” Developments such as this project require compromises, and the recognition that some of the mitigation measures will not successfully meet expected outcomes. We can accept this fact, and move forward cooperatively, mitigating to the best extent possible, with a commitment to monitoring and adaptive management.

Disposition: Comments were forwarded to the proponent with a request for further information (see ‘Request for Additional Information’ section of this summary). Several comments can also be accommodated as licence conditions.

Manitoba Conservation, Forestry Branch

- Prior to cutting the road allowance and construction of the highway, a value's maps should be developed. The value's map includes at minimum fish spawning grounds, caribou calving areas, moose aquatic feeding sites, outpost camps, water listed as warm, cool or cold fish values, wetland requiring protection, canoe route portage trails and trapping trails. As new values are found during the construction phase these values are added to the value's map.
- Prior to the road right-of-way cutting phase commencing, the stumpage payable to Manitoba should be determined using the, ‘Forest Damage Appraisal and Valuation Policy. As updates and new information are available the value of stumpage can be updated.
- There are more forestry guidelines that should be states on page 29 of Volume 1 in Section 2.5.3.
 - Brush Disposal Guidebook
 - Forest Management Guidelines for Terrestrial Buffers
 - There are more forestry guidelines that should be utilized in the 'Manitoba Floodway and East Side Road General Environmental Protection Guidelines.

Add to Appendix 7.1 Environmental Protection Guidelines - Draft to #5.1 (Clearing)

- Forest Management Guidelines for Riparian Management Areas
 - Brush Disposal Guidebook
 - Forest Management Guidelines for Terrestrial Buffers
- Few typo's were noted: page 7& 8 Appendix 7.1 Environmental Protection Guidelines - Draft to #5.1 (Clearing) and # 6 (Grubbing)
 - 5.1 — timer should be timber
 - 5.1 utilised should be utilized
 - 6.2 - clipping should be chipping
 - 6.2 — chipps should be chips
 - Volume 3-Appendix 3.2 Trembling Leaf Aspin should be Trembling Aspen — this mistake was noticed in more than one spot.
 - Exposed soils within 50 meters of open water should be capped to avoid soil being blown into the water by the wind prior to soil drying out. A variety of different capping materials and techniques can be utilized depending upon availability and ease to use.
 - Appendix 7.1 Environmental Protection Guidelines - Draft - #9 (Wildlife) needs to be replaced. Utilize the Forest Management Guidelines for Terrestrial Buffers to determine the appropriate buffer for stick nests. Contact the Regional Wildlife Manager when a new stick nest is located and develop a mitigation alternative if the prescribed buffer is not appropriate. Place the new stick nest location on the Value's Map.

Disposition: Comments were provided to proponent. Some comments can also be accommodated as licence conditions.

Manitoba Conservation, Parks and Natural Areas Branch

- Section 8 – pg 352-53 – Natural cycles of fire should not be relied upon to curb the spread of invasive species. Due to our history of fire suppression, natural fire cycles do not occur in many locations in Manitoba, especially in the vicinity of infrastructure.
- Section 8 – pg 352-53 - Within 1 mile of the boundary of Atikaki Provincial Park the use of local soil, local seed sources and vegetation species native to the area are required to reduce the probability of invasive species moving into and establishing within this protected wilderness park.
- Section 10 on page 400 - After construction and reclamation are complete the spread of invasive species adjacent to and into Atikaki Provincial Park should be monitored. Parks suggests: parameter to be monitored = invasives/non-natives,

method = monitor re-vegetated areas and cleared ROWs, frequency = periodic post reclamation.

- Appendix 7, page 5 - Spraying adjacent Atikaki Provincial Park should be done at a time and in a way to ensure that blow over of the chemicals into the park does not occur. As no aerial spraying is permitted within parks we request that only ground spraying occur adjacent to the park.
- The EIA identified that the Bloodvein River is classified as a Heritage River, but does not indicated how the heritage of the values will be impacted or maintained. The Oxford House winter road EIA as a good example of how heritage river values should be assessed.
- Section 3 Page 63 –At the proposed location of the bridge across Atikaki Provincial Park there are a set of rapids. Currently canoeists can navigate the rapids on the south side of the channel, adjacent to where the box-culvert is proposed to be constructed. There is also a portage around the rapid on the north shore of the river. With these routes in mind, access to and use of the portage on the north side of the river at the location of the bridge needs to be permitted during construction and operation. The flow of the river at the rapids should not be altered in such a way that they are impassable for canoes. If construction is to occur during the summer canoeists should be provided with advance notice via a posting on the Parks and Natural Areas website and other websites, as well as notices posted at the local air carriers. If construction is other than during June – September it is less of a problem. If canoes are not permitted to go under construction zones during construction periods, then notices should be posted up-river as well.
- Construction of an all season road and bridge across the Bloodvein River will likely result in this location being a haul-out and pick up location for canoeists. It may also result in people wanting to put in motor boats at this location. No new access corridors to the River are to be constructed especially on the upstream side of the bridge. We do not want motor boats accessing the river as it will result in unauthorized boat caching at all impassable rapids and use of the river at times of the year when motor boats are not permitted. A balance needs to be created that allows for pedestrian and canoeist access, but prevents access of vehicles and motor boats.
- Parks and Natural Areas Branch supports the land exchange. Parks Branch has been working with the East Side Road Authority and Forestry Branch on the removal of the 12.1ha from the park to accommodate the road, and the addition of the same amount of land that does not impact forestry resources in the area. Under The Provincial Parks Act public consultation is required when changes to park boundaries occur. However, Section 9(2) of The Provincial Parks Act acknowledges the consultation process required to obtain a licence under The Environment Act as an equivalent and acceptable consultation process.

- Construction staging areas, quarries, and pits should not occur in close proximity to the Bloodvein River, in order to reduce or limit auditory disturbances to park users and canoeists.

Disposition: Comments were forwarded to the proponent with a request for further information (see ‘Request for Additional Information’ section of this summary). Some comments can also be accommodated as licence conditions.

Manitoba Conservation, Sustainable Resources Branch

- This Atikaki Provincial Park is part of Manitoba’s protected area network, Protected areas are land, freshwater or marine areas, where logging, mining, hydroelectric development, oil and gas development, and other activities that significantly and adversely affect habitat are prohibited by law. The “adjustment of the park boundaries...” will need to ensure the Land Use Category (LUC) adopted in this adjustment meet the Protected Areas criteria so there is no net loss to the protected area network. Any addition to the Park will require full interdepartmental review.

Disposition: This information was provided to the proponent. This information was also sent to Manitoba Conservation, Parks and Natural Areas Branch for consideration pursuant to the process under The Provincial Parks Act.

Manitoba Conservation, Wildlife and Ecosystem Protection Branch

- The relatively undisturbed nature, of the east side of Lake Winnipeg, and absence of access has helped maintain ecological integrity throughout the region. With access comes development (commercial logging, mining, tourism, cottage development, recreation...) and with development, will come the end of landscape integrity as we know it today. History supports this contention based on what followed when Hwys. 6, 393, 327 and 10 were extended to connect the south with northern communities. The opening of an all-weather road network will alter the traditional patterns of hunting (and potentially other uses), with a greater probability for local hunters to access new hunting areas from the road rather than rivers and streams as they do now. The road will also provide access to hunters (e.g. Rights Based Harvesters) from other communities who, prior to the road, may not have hunted the area. With the advances in vehicular technology, secondary trails will be established as jump off points for hunters and ATV and snowmobile enthusiasts. With trail development will come a network of travel corridors for predators. Contrary to the EIA’s assertions, “the magnitude of this effect” will not be “minor”, “low”, “limited”, “not significant”, or “unchanged.”
- Since the early-to-mid 1990s, large-scale harvest operations have been ongoing in the lower portion of the East Side of Lake Winnipeg, Duck Mountain and

Porcupine Mountain. Since then, moose populations have declined from a high of 2,350 to 1,639; 3,207 to 1,895 and 1,118 to 731 respectively.

- The EIA falls short of identifying who will be responsible for and what authority they will have to make the mitigative measures work?
- It is recommended that all mitigations measures be summarized in Section 11. As well, any follow-up measures, including funding sources, if the original measures were not successful. Follow-up evaluation is essential to ascertain if any mitigative measures worked which in turn will give direction for such projects in the future.
- It is also recommended that no road should be constructed in a looped fashion (in other words roads connected at each end). This measure will discourage hunting parties from travelling circular routes to cover more area.
- The EIA did miss one salient effect – a pathway for invasive species into the Central Boreal Upland Forest, in particular white-tailed deer. Before southeastern Manitoba became developed, caribou and moose thrived. As deer populations increased, caribou have disappeared and there are few moose. Deer benefit from development because preferred habitat it created. As development thrusts northward, deer and the unfriendly parasites they carry will accompany them. As the deer population increases, moose and caribou will decline due to the pathogenic effects of the aforementioned parasites on moose and caribou (it must be noted that boreal woodland caribou are classified as threatened in Manitoba). Consideration must be given to slow down the advance of deer into the northern boreal forest. One option would be to reinforce the natural barrier that the Wanipigow, Bloodvein, Pigeon, Berens, Etomani, Leaf and Poplar rivers provide by establishing 5km no-cutting/development zones on either side of all major east-west waterways.
- The following additional comments are offered and are specific to the section cited:
 - Section 2.4.3 Bloodvien River - Designated Canadian Heritage River – Pg. 26: Once access is provided into this region, the Central Boreal Upland Forest will no longer remain significant, undisturbed or complete. Once integrity has been lost, it will be virtually impossible to regain. Is this sacrifice worth it?
 - Section 9.0 Rehabilitation Phase – Pg. 376: Currently, gated access points throughout Tembec’s cutting areas are not being locked. What guarantees are there that gates along the ASR alignment will remain locked? Who’s responsible and what’s the consequence if the gates are not locked?
 - Section 4.3.5 Overview of Natural Environment Issues – Pg. 88: and Section 7.3.14 Caribou Habitat and HSI Model – Pgs. 250-255: That being the case, what will be done to protect caribou if they are forced to move out of their current range and into range that crosses the ASR alignment? If the necessary

safeguards are not put in place now, moose may also be listed someday as threatened.

- Section 8.1.1 Hunting Pressures – Pg. 345: During winter months, access to 60% of the landscape will be made possible because the frozen “swampy terrain” will provide pathways for snowmobiles and ATVs.
- What’s the consequence(s) if a crew member hunts “in proximity to the Project site during construction” or goes around “physical barriers” (with a snowmobile or ATV) following completion?” All traffic obstructions must be ATV and snowmobile proof.
- Section 6.4.2 Large and Small Game Hunting – Pg. 151: History supports the latter opinion. Look at what happened following the extension of Hwy. 6, 393, 327, 10. Moose and caribou populations became and remain depleted placing additional pressure on populations elsewhere. It has been demonstrated that a few individuals can over-harvest a population when multi-animals are harvested.
- Section 7.3.2 Terrestrial Environment – Pg. 227: Since it’s been over 15-years since the HIS was last worked on, it is recommended that the panel of provincial experts that formed the “Manitoba Forestry/Wildlife Management Project” be reconvened to assess the model’s parameters. If deficiencies exist, resources should be provided to gather the necessary information so that the HSI can be developed into a useful model for wildlife managers.
- Section 7.3.13 Moose Habitat and the HSI Model – Pgs 246-248: During 4-years studying moose feeding on aquatic plants, moose were never observed submerging to escape flies. Those that did submerge were diving for aquatic plants, in one lake to a depth of 5.5m (18 ft). Moose are attracted to lakes with mineral soil substrates and avoid lakes with organic substrates.
- Mineral lick use by moose is most prevalent in the spring (mid-May to mid-June) and is linked to spring phenology (a counter measure to high K levels with leaf flush). Use declines as aquatics emerge since they are a richer source of Na and provide other benefits. Mineral licks are rarely visited by moose during the fall or winter.
- Section 8.7.2 Hunting Pressures – Pg. 348: General resident moose licences are not issued on a game hunting area (GHA) basis except in the case of draw areas and foreign-residents. GHAs 17A, 17 and 3A are not draw areas. There is no licence requirement for rights-based hunters (aboriginal or Metis). To better model Annual Allowable Harvests, WEPB requires kill data from rights-based hunters. Consideration should be given to encourage rights-based hunters to report kills, including sex and location and consideration given to have communities impose harvest quotes to ensure populations to remain viable and sustainable. Honorariums may be one option.

- Why is moose tracking only proposed for a four-year period? The effects of access will be cumulative beyond the four-year period. At a minimum, moose tracking should be ongoing during the entire construction phase and for a period of five years post construction.
- In Section 8.8.1, Pg. 355, the EIA predicts “low traffic volumes” while in Section 8.1.1, Pg. 349, the EIA projects “traffic movements will discourage wolf use.” To discourage wolves, volume will need to be greater than low. So, which is it, low or ...? The EIA also projects “the increase in predation to be low.” What if it is not? What does the EIA propose to do to reduce wolf numbers? If deer penetrate into the region, wolf populations will increase putting additional pressure on moose and caribou. The effect will be greatest well after the construction phase because any access will act as a travel corridor.
- Section 8.8.2 Environmental Effects to the Local Economy – Pg. 357: With tourism comes development. This will further compromise landscape integrity.
- What impact will this road have on the Asatiwisipe Aki Management Plan which proposes to charge a user fee to non-residents? Will other communities do the same?
- Section 8.8.2 Environmental Effects to the Local Economy – Pg. 360: At some point, “Access *will* result in an increase in licensed commercial forestry activity...,” not to mention logging will facilitate the introduction of invasive species such as deer.
- Table 4 - 6 – Pg. 96: WEPB supports the Shoreline Route since residents already have access to shoreline areas. Both inland route options would provide new access.
- Table 10- 8: Wildlife Monitoring Measures: The monitoring schedule for moose needs to be ongoing beyond 2017 and the monitoring schedule for wolves should be the same as moose.

Disposition: Several comments were forwarded to the proponent with a request for further information (see ‘Request for Additional Information’ section of this summary). Some comments can also be accommodated as licence conditions.

Manitoba Infrastructure and Transportation

- A permit for realignment for the access will be required from Manitoba Infrastructure and Transportation.

Disposition: Comment was forwarded to the proponent.

Manitoba Water Stewardship

- The proponent should implement effective long-term sediment and erosion control to prevent soil laden sediment, runoff, and/or silt from entering any watercourse, during construction and until vegetation is established. The proponent routinely inspects all erosion and sediment control measures and immediately completes maintenance or repair.
- In regards to the proposed crossing at the Bloodvein River, would it not be possible to either move this crossing to construction a clear span bridge or put a clear span bridge over the backwater area instead of a box culvert. The proponents have identified this area as providing rearing and over wintering habitat. It would be very important not to restrict flows or alter the hydraulic regime at this site.
- The use of chemical melting agents (for example road salts) for traction at water crossing should be avoided for preference of using clean crushed rock with a diameter of not less than ½” 1.3 cm.
- In section 9, the proponent indicates mitigating harmful alteration, disruption, or destruction of fish habitat at the 21 “important fish habitat” crossings by using clear span bridges at 10 crossings. In Table 4-1 clear span bridges are noted for only four rivers (Wanipigow, English Brook, Rice and Bloodvein). In four other rivers (Steep Rock Creek, Petopeko Creek, Unnamed Creek and Sanders Creek) it appears that the decision has not been made. Both from a long term maintenance perspective and potential effects, the Department would prefer clear span bridges being utilized where they have been provided as an option.
- The proponent should be reminded that pursuant to the *Nutrient Management Regulation* (MR 62/ 2008) under the *Water Protection Act*, the mechanical application of substances containing nitrogen or phosphorus is prohibited in Nutrient Management Zone N4 (Canada Land Inventory Agricultural Capability Class 6, Class 7, or unimproved organic soils) and in the Nutrient Buffer Zone.
- If fertilization is used when re-establishing vegetation on exposed and excavated areas due to road construction, only the basic recommended amount of nitrogen and phosphorus needed to establish a healthy growth should be used to reduce leaching of excess nutrients to surface waters. No more fertilizer than required for a single season should be applied in a given year. The use of slow release formulations are also alternatives that should be considered. All exposed areas should be revegetated with native species during road construction.
- Wastewater (sewage and grey water) from work camps and other infrastructure should be collected in holding tanks and disposed of at a licensed wastewater treatment facility.

- A policy should be considered of only using soaps, shampoos, detergents and other cleaning products that are phosphate-free or that have 0.5 % or less phosphorus content are used in camps or housing facilities.
- The Department recommends an *Environment Act* Licence to include the following requirements:
 - Prior to beginning construction of the proposed development, the proponent is required to submit an application for a Water Rights Licence to Construct Water Control Works, including the submission of an engineered drainage plan, prepared by a Professional Engineer, registered to practice in the Province of Manitoba. A contact person is Mr. Geoff Reimer C.E.T., Senior Water Resource Officer, Water Control Works and Drainage Licensing, Manitoba Water Stewardship, Box 4558, Stonewall, Manitoba R0C 2Z0, telephone: (204) 467-4450, email: geoff.reimer@gov.mb.ca.
 - Construction dewatering and the taking of water for road grade compaction, dust management, and/or rock drilling purposes may require an authorization under *The Water Rights Act*. The proponent's contractor would have to contact Manitoba Water Stewardship's Water Use Licensing Section at least 2 weeks in advance of the anticipated usage date. A contact person is Mr. Rob Matthews, Manager, Water Use Licensing Section, Manitoba Water Stewardship, telephone: 945-6118.
 - The proponent is required to obtain a Live Fish Handling Permit to collect and transport fish. The proponent is also required to determine the presence of mussels (other than at clear span crossings), prior to the start of construction, and re-locate mussels by hand. The proponent shall conduct site specific fish utilization of the Bloodvein River, in conjunction with the backwater site. A contact person is Ms. Laureen Janusz, telephone number: (204) 945-7789.
 - The proponent is required to consult with the Department of Fisheries and Oceans Canada to determine whether an authorization under the *Species at Risk Act* is required due to the presence of Mapleleaf Mussel (*Quadrula quadrula*) in the Bloodvein River.
 - The proponent shall implement vegetated buffer strips—located between the work site and the watercourse—in accordance with the Forest Management Guidelines for Riparian Management Areas to utilize the appropriate widths. The proponent shall construct all roads, located adjacent to a water body, at least 100 metres away from the high water mark (Forestry Road Management Guideline, January 2005).
 - The proponent shall implement the following best management practice, when working in water, to minimize the potential for introducing foreign biota:

- Ensure all equipment that is placed in the water (e.g. intake pump and screens) is visually inspected (any plants, algae and animals removed), disinfected with a bleach solution, and then rinsed prior to use. Cleaning shall not occur adjacent to surface water.
- The proponent shall develop and implement a water quality monitoring program at all stream crossings and other locations identified during the construction, operation, and/or maintenance phases of the proposed development. This water quality monitoring program starts prior to construction and occurs for approximately three years or until Manitoba Water Stewardship determines there are no significant impacts.
- The proponent shall participate in any plan, study, monitoring, and/or research approved by the Director, Water Science and Management Branch, Manitoba Water Stewardship, for the area or any associated waterway or watershed.
- The proponent shall ensure that any rock utilized for the proposed road is not acid generating. The proponent shall conduct acid base accounting on blasted rock used for road material. The proponent shall ensure that if ammonium based explosives are used, residual ammonia from blasting operations does not migrate into surface water. If there is, a risk of leachate entering surface water the proponent should be required to contain and test all leachate from blasted rock.
- Fuel and oil storage areas shall be located a minimum of 100 metres from any water body.
- The proponent shall develop and implement an Emergency Response Plan and a Hazardous Materials Management Plan before construction begins:
 - In the event of a spill into the watercourses located near either Seymourville or Berens River, the water treatment plant operators of the respective communities shall be included on the notification list.

Disposition: Some of these comments were forwarded to the proponent with a request for further (see 'Request for Additional Information' section of this summary). Other comments can also be accommodated as licence conditions.

Canadian Environmental Assessment Agency

This document was circulated to the federal departments with an interest in this project as determined through our federal coordination exercise.

Environment Canada

- Woodland caribou is a provincially mandated species and Environment Canada recommends that the proponent work in consultation with the provincial Woodland Caribou experts.
- Environment Canada did not find mitigation section dealing with wetlands. Environment Canada recommends the proponent outline mitigation measures for impacts to wetlands. A primary concern is the need to maintain water flow and hydrology between both sides of the road. Therefore, Environment Canada requests clarity on whether hydrology and water flow will be maintained at wetlands, bogs and fens intersected by the all-season road.

Disposition: This information was forwarded to the proponent. The comment regarding hydrology was forwarded to the proponent with a request for further information (see 'Request for Additional Information' section of this summary).

Department of Fisheries and Oceans

- While the proponents have made a good start in quantifying the harmful alteration, disruption or destruction of fish habitat (HADD) and outlining mitigation measures to reduce these impacts, complete information relating to a plan for no net loss of fish habitat (habitat compensation plan) has not yet been provided. In their environmental assessment submission, the proponent has committed to meeting DFO's no net loss objective.
- DFO notes that detailed information on proposed blasting has not been provided to date. DFO is confident that standard mitigation and monitoring measures that are well understood and readily applied can be effectively employed for these components of the Project. Please note, however, that DFO will require complete information in this regard in order to assess our regulatory requirements under the *Fisheries Act*.
- For those crossings with multiple design options, the preferred option will need to be finalized. DFO encourages the most environmentally benign design. Where applicable a rationale for not choosing the most environmentally benign option should be provided and alternatives explored. Once finalized, design specifics as they relate to fish habitat impacts will need to be provided.
- Details on fish habitat impacts (e.g. proposed crossings) for any secondary roads, such as those proposed to communities along the primary road ROW, will need to be provided.
- Details, if any, on other potential impacts to fish habitat due to the road ROW close to or crossing any fish habitat (lakes, ponds, fens, etc) will need to be provided.
- While the proponent has committed to providing mitigation measures preventing or minimizing the release of sediment, a sediment management plan which will

include both site specific details on monitoring and mitigation measures will need to be developed in consultation with DFO and Manitoba Conservation prior to construction.

- While the proponent has committed to meeting fish passage, calculations that indicate that fish passage is achieved (per the Manitoba Stream Crossing Guidelines) will need to be provided for each crossing where fish passage has been committed to in the EIS.
- The EIS provided lacks the detail required to assess the potential effectiveness of short (construction-related) and long term monitoring. A well-designed monitoring program is critical to the verification of impact predictions and assessment of the efficacy of mitigation measures.
- The proponent is asked to confirm that Silver Chub are not impacted as part of this project.
- Details of a Letter of Credit are required for the proposed fish habitat compensation plan.
- It is recommended that species that are proposed on Schedule One of SARA, but not yet listed, should be examined as well. An example would be Lake Sturgeon and Maple Leaf Mussel.

Disposition: Some of these comments were forwarded to the proponent with a request for further information (see 'Request for Additional Information' section of this summary). Several of these comments can also be accommodated as licence conditions. It should be noted that DFO and the proponent are working cooperatively to address any outstanding issues.

Parks Canada

- The EIS should include a reference to the management plan in Section 2.5.4. (Other Related Documents), *Atikaki Provincial Park and Bloodvein Canadian Heritage River Management Plan*, Manitoba Conservation, April 2008
- The proponent should be asked to identify the potential impacts of the proposed project on the heritage values associated with the Bloodvein Canadian Heritage River.

Disposition: These comments were forwarded to the proponent. The comment regarding the impacts on heritage values was forwarded to the proponent with a request for more information (see 'Request for Additional Information' section of this summary).

Indian and Northern Affairs Canada

- INAC continues to have an interest and role to play in the review of this project, including impacts the road may have on lands used for traditional purposes by the Metis and First Nations whose Aboriginal and Treaty Rights are protected in the *Constitution Act, 1982*. This appears to include the need for INAC to provide advice and guidance on Aboriginal consultations and accommodations so that they are conducted properly.
- In our letter of May 26, 2009, we commented on the need to capture both First Nation and Metis community data separately so that the usages and subsequent potential effects of the project on each Aboriginal group could be determined. We also noted the need to include Aboriginal groups not located within the project area who still use the area for traditional purposes. This appears to have not been completed adequately.
- If subsequent roads linking PR 304 to resource or to the Reserves, or other infrastructure projects such as Bipole IV were contemplated in the reasonable future, then a cumulative assessment will be needed. Specifically, subsequent gravel quarries and roads needed to link the First Nations to PR 304, constructed on Reserve lands would likely trigger INAC decision-making actions such as permits.

Disposition: This information was provided to the proponent and Manitoba Aboriginal and Northern Affairs, Aboriginal Consultation Unit.

ADDITIONAL INFORMATION REQUEST:

EAL Branch contacted the proponent with questions from TAC members and the public concerning the project on January 29, 2010. A submittal in response to comments dated April 23, 2010 was received on April 26, 2010 and included the following information:

- Review Agency/Stakeholder Response Document
- Document Revision Package
- SNC-Lavalin Inc. and AECOM, February 2010. *PR 304 to Berens River All-Season Road Environmental Impact Assessment, Supplemental Fisheries Information Package for Department of Fisheries*
- SNC-Lavalin Inc. and AECOM, December 2009. *Provincial Road 304 to Berens River All-Season Road Environmental Assessment Appendix 3.1 – Fish Habitat Assessment – Addendum (Quarry Access Roads)*.
- Quaternary Consultants, 2009. *Detailed Heritage Resources Overview and Evaluation PR 304 To Berens River All-Season Road*
- SNC-Lavalin Inc. and AECOM, 2009. *PR 304 to Berens River All-Season Road Fall 2009 Field Report (Terrestrial Biology)*
- Proposed revised road alignment, Minutes of Meeting with Bloodvein First Nation Chief and Council
 - Band Council Resolution
- SNC-Lavalin Inc. and AECOM, December 2009. *Provincial Road 304 to Berens River All-Season Road Environmental Assessment – Fish Habitat Assessment- (Long Body Creek)*
- Revised Glossary based in part on comments from the MMF (Dec. 9, 2009 meeting) and other stakeholders as well as in response to comments received from through Manitoba Conservation.

Included in the submittal was a response to the following TAC and public questions:

1. Please provide comment on how the heritage values of the Bloodvein River will be impacted or maintained.

An assessment of the Bloodvein River crossing in relation to the heritage values which served as the basis for nominating and designating the Bloodvein River as a Canadian Heritage River System (CRHS) has been prepared and is included with this submission *PR304 to Berens River All Season Road - Bloodvein Crossing: Heritage River Impact Assessment. SNC Lavalin. March 2010.*

The report identifies various mitigation measures to be applied to address potential effects to heritage river values from the proposed project. Key measures include:

- The bridge crossing was located in consultation with input from the Bloodvein First Nations Community.
- Crossing to be designed to blend in (architecturally) with the surrounding natural features.

- Communication of heritage values - The site can be marked with appropriate signage to identify and commemorate the significance of the Bloodvein River to the traveling public.
- Discussion with Manitoba Conservation, other government departments, and the nearby Community of Bloodvein will confirm the nature and extent of public access that should be provided to the river from the ASR at the crossing point.
- Design to maintain navigability and the ability to portage at crossing location

2. Please discuss possible alternatives to road salt at water crossings.

The alternative to chemical melting agents such as salt on grades or bridge structures is sand.

3. Please provide commentary on the east side road as a pathway for white-tailed deer as an invasive species into the northern boreal forest.

The ASR corridor is not expected to improve or encourage further northward movement of the white-tailed deer. Deer already have a north-south corridor with the power distribution line and the existing winter road corridor. Both of these corridors offer the preferred second growth and edge habitat for deer. White-tailed deer tracks were observed on this power distribution line north of the Bloodvein River in summer 2009 by the terrestrial survey crew. Deer traverse wet areas including the major rivers during the winter months (frozen conditions) in their search for a reliable food source. However, deer do not prefer the wet landscape that is typical of the areas north of the Bloodvein River so extensive use of this habitat on a year round basis is unlikely. The wet landscape of the fens and muskeg are providing a natural barrier to the northward movement of deer. Only a substantial change to the habitat north of the Bloodvein River through a major fire or extensive logging would make this preferred habitat for deer.

4. Please elaborate on your decision to monitor moose for 4 years and not longer.

The proposed monitoring program was identified based on the proposed construction phasing. The first round of monitoring (moose, wolf and caribou survey) occurred in the spring of 2010. The proposed approach provides an opportunity to monitor construction as well as operation sections of the road which will be completed in advance of the entire project. Detailed scheduling of the monitoring program will be confirmed with the final construction schedule and in response to monitoring results.

5. Please elaborate on possible adaptive measures in the event monitoring demonstrates an increase in predation in the project area.

The area from the Bloodvein to Berens River is already disturbed habitat. The power distribution line and the winter road have been in existence for 50 years. Additional

impacts related to predation from the proposed ASR are not anticipated. The winter road currently provides a winter access corridor for wolves and therefore winter access will not be changed. Given the suitability of habitat at the present time, deer are not anticipated to move into the region beyond what is already occurring and therefore dramatic increases in wolf population are not foreseen. There will be no change in wolf access during the winter months as the winter road and frozen landscape already allows for easier travel. While there will be increased access for wolves during the summer and fall months when the ASR will offer a dry pathway for wolf movement, much of the surrounding landscape remains very wet which will limit access. Caribou and moose occupy bog islands and wet areas as refugia from wolves. The traffic on the ASR will also provide some deterrence to wolf travel on the corridor. If monitoring programs reveal an increase in wolf predation, wildlife management measures such as population control through trapping quotas can be implemented through Manitoba Conservation.

6. Environment Canada requests clarity on whether hydrology and water flow will be maintained at wetlands, bogs, fens intersected by the all season road.

In wetland, bog, and fen areas all significant water courses passing through these areas will be designed based on a 1:100 design year storm. In addition, culverts will be installed to assist in the exchange of upstream fluvial drainage and upgradient groundwater seepage. The road base through the wetland areas will be constructed using a combination of rock fill, and granular base materials (comprised of silts, sands, and gravels). In some wetland areas drainage under the road will be maintained using a sand or gravel blanket or other means to maintain the flow regime.

7. Please provide a brief description of tree species that will be planted as part of the remedial work.

Native species such as black spruce, white spruce, jack pine, red pine and water birch will be used in the tree planting program. Native shrubs ubiquitous to the area will be used as appropriate.

8. Please provide additional information on how hunting restrictions will be controlled by ESRA.

Specification packages and other appropriate legal contract documents will outline restrictions on hunting for contractors, subcontractors and their staff.

9. Please update table 3-4 (Preliminary Construction Table) to reflect revised schedule.

Comment Noted. Errata reflects corrected dates and revised table number (Table 3-5)

10. Are there any plans to limit access quarry sites during construction and operation?

During construction, active quarries will remain open, but access restricted (i.e. gates). Quarries no longer required for construction or maintenance purposes will have access roads blocked or removed as described in response # 51. Some quarry locations will be retained for on-going road maintenance requirements after construction is completed. Access will be restricted for those quarries required for future road maintenance operations.

11. Please identify which key person groups were interviewed (Section 5.4).

Page 106 of Volume 1 of the EIA indicates the individuals and the organizations that represent the 32 key person groups that were interviewed.

12. Please provide a definition for “small game” as it relates to the EIS.

Small game refers to small furbearing mammals that are hunted or trapped for food or sport; and waterfowl and upland birds (e.g. ruffed grouse, spruce grouse, and sharp-tailed grouse) that are hunted for food or sport. Small game does not include wolves or coyotes as they were considered large predators. This definition was used based on an understanding of hunting and trapping behaviour of community members within the study area as a result of the TEK Study and the Community and Public Engagement Plan (CPEP). The definition is included in the glossary additions. (See Errata)

13. Please elaborate on your decision to monitor woodland caribou until 2017 and not longer.

The proposed monitoring program was identified based on the proposed construction phasing. The proposed approach provides an opportunity to monitor construction as well as operation sections of the road which will be completed in advance of the entire project. Detailed scheduling of the monitoring program will be confirmed with the final construction schedule and in response to monitoring results. Summary Table 10-8 has been revised for clarity and is included as part of this response submission (See Errata).

14. Please provide clarification on the following:

- a. **Monitoring Area(s):** Table 10-8 indicates that the monitoring area is “PR 304 to Bloodvein (i.e. GHA 17A)”. Conversely, one statement in the appendix indicates that “only the area from Bloodvein to Berens will be monitored.(i.e. GHA 17)”. Other statements in the appendix reference collaring of 20 moose (10 in each of GHA 17 and GHA 17A) and 8 wolves (4 in each of GHA 17 and GHA 17A), suggesting both areas will be monitored. The table in the appendix shows a schedule for wolf surveys,

moose surveys and wolf collaring in both of the areas (GHAs 17 and 17A).

Summary Table 10-8 has been revised for clarity and is included as part of this response package. See Errata.

- b. Monitoring Methods: The monitoring methods proposed in the appendix mention moose and wolf surveys, moose and wolf collaring, and wolf diet analyses. Conversely, moose collaring and wolf diet analyses are not included in the table within the appendix, nor are they included in table 10-8.**

Summary Table 10-8 has been revised for clarity and is included as part of this response package. See Errata.

15. Who will assume responsibility of the highway project once complete?

The All Season Road will be owned and maintained by the Province of Manitoba.

DISCUSSION AND ANALYSIS:

This information is sufficient to allow several public and TAC concerns to be addressed through licence conditions. There are no overriding technical issues associated with this project that would preclude the issuance of an Environment Act Licence with appropriate conditions. Conditions to mitigate the effects of the project have been suggested by TAC members. East Side Road Authority will continue to work with CEAA and other federal departments as part of the Comprehensive Study pursuant to *The Canadian Environmental Assessment Act*. Details of mitigation measures will be forthcoming in the Environmental Management Plan (EMP).

PUBLIC HEARING:

No requests were received for a public hearing on the project. Technical issues surrounding the project are sufficiently understood. A public hearing is not recommended for the project.

RECOMMENDATION:

Following consideration of public and TAC comments on the project, additional information from Manitoba Conservation and the proponent and discussions with Parks and Natural Areas Branch, and the outcome of Section 35 consultations conducted by Manitoba Aboriginal and Northern Affairs, Aboriginal Consultation Unit, it is recommended that an Environment Act Licence be issued for the project. A draft licence is attached for TAC review and comment. Administration of the licence will initially be coordinated by

Environmental Assessment and Licensing Branch until the EMPs referenced in the licence are approved. The licence should then be assigned to the Eastern Region, with technical assistance to be provided by Environmental Assessment and Licensing Branch upon request.

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