

WEPB's review of the PR 304 to Berens River All-Season Road Environmental Impact Assessment as it pertains to large mammals.

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.

Overall, the EIA has done a good job framing what may happen when an entryway into previously shielded land is opened. The EIA is to be commended for proposing the following mitigation measures:

- Restricting access during construction to the ASR corridor and related facilities (including construction access roads) to reduce the potential accessibility for hunters.
- Restricting construction crews from hunting in the vicinity of the Project.
- Establishing control points (similar to weigh stations) along the road for the enforcement of fish and game laws (e.g. ensuring harvest limits for non-aboriginal road users, are respected);
- Installing physical barriers, such as barricades at potential land access points such as logging roads, to reduce unauthorized access to traditional lands.
- Decommissioning and rehabilitating construction access roads and access points following completion of each construction segment.
- Extending the Chief Barker Reserve up the new ASR alignment.
- Appointing Community Wildlife Officers to patrol the ASR alignment.

But it falls short of identifying who will be responsible for and **what authority** they will have to make it work? It is recommended that all mitigation 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: "...one of the most significant, undisturbed and almost complete representations of the Central Boreal Upland Forest in Canada..."

Comment: 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: "Side roads necessary for on-going maintenance of the ASR will be gated and securely locked to restrict access."

Comment: 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:** "...fire frequency is likely greater in wilderness areas frequented by humans..." and "Both summer and winter ranges are highly affected by fire. The high fire frequency..."

Comment: 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?

"Woodland Caribou are an endangered species listed under SARA under Schedule 1 as threatened. They are also listed under the Manitoba Endangered Species Act as threatened in Manitoba."

Comment: 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: "Accessibility to areas off the cleared road corridor, during non-winter months, will be limited by the swampy terrain in the surrounding landscape. This type of terrain makes up approximately 60% of the landscape surrounding the Project area between Bloodvein to Berens River. "

Comment: 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.

"During construction, crews will not be permitted to hunt in proximity to the Project site. Following completion of construction, access roads to quarry and work camp sites, and segments of the winter road not incorporated into the ASR, will be decommissioned and rehabilitated as soon as they are no longer required. Where necessary, physical barriers preventing vehicular access to these roads will be installed."

Comment: 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 ... "a majority (87 or 45 %) of respondents indicated they are not of the opinion that development and operation of the proposed all-season road will affect moose hunting activities...while 43 (22%) respondents indicated they believe the road could affect moose hunting activity..."

Comment: History supports the latter opinion. Look at what happened following the extension of Hwys. 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 ... "Information for moose is less well developed than that for caribou. An HSI has been developed that can be applied to the FRI. However, further work is required to make this model available on a scale that is useful for analysis on specific projects such as a road alignment." "...however further work is required to fine tune the HSI and increase the value of the model for wildlife managers."

Comment: 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: "Moose often bath, sitting in an open water body to cool off and submerging to escape flies." "Many beaver flooded stand edges occur in the study area, providing preferred aquatic habitats."

Comment: 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 licks occur where mineral laden water is exposed on the surface and evaporates leaving salt deposits. These are important in spring and fall when aquatic plants are not available."

Comment: 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: "Licenses for the hunting of moose are issued by game hunting areas with additional harvesting by aboriginal hunters as a treaty and aboriginal right. Licensed hunting is not anticipated to affect overall population numbers as harvest numbers are adjusted annually in response to population numbers."

Comment: 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.

“Moose tracking is proposed for a four year period to assess the effectiveness of mitigation measures and to monitor for changes in movement patterns and population (Appendix 3.2 Annex F).”

Comment: 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.

Section 8.1.1 Predation – Pg. 349: “Roads can provide an access corridor for wolves which results in an increase in predation levels. Significant increases in predation that effect the caribou population are not anticipated during construction as wolf populations will be discouraged from accessing the ASR alignment as a result of the noise, dust and general activity levels.” “The increase in predation is anticipated to be low...”

Comment: 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: “During the operations and maintenance phase, it is expected that the ASR will create new opportunities for tourism providing access to areas that were previously inaccessible.”

Comment: With tourism comes development. This will further compromise landscape integrity.

“Mitigation measures to ensure opportunities are shared by both tourists and local communities include providing access to both water and land that is first approved by local communities to ensure the protection of aboriginal rights on traditional lands.”

Comment: 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?

“Monitoring by Community Wildlife Officers will also occur at the larger watercourse crossings to ensure that non-aboriginal hunters and fishers are in compliance with provincial licensing requirements.”

Comment: This statement should be removed as Community Wildlife Officers do not have authority to regulate licensed hunters.

Section 8.8.2 Environmental Effects to the Local Economy – Pg. 360: “During construction, timber will be cleared within the ROW, and during operations, the road will provide improved access to areas that were previously difficult to access. This *could* result in an increase in licensed commercial forestry activity as well as illegal harvesting in licensed areas.”

Comment: 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: “The Shoreline Route provides less impact on traditional land by maintaining existing access, and creates less impact on trapping and hunting (minimizes disturbance).” “There could be a concern with new access of non-Aboriginals to the land for hunting and fishing.”

Comment: 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

Comment: The monitoring schedule for moose needs to be ongoing beyond 2017.

Comment: The monitoring schedule for wolves should be the same as moose.



Infrastructure and Transportation

Highway Planning and Design Branch

Environment Section

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January 13, 2010

Tracey Braun, M.Sc.

Director

Environmental Assessment & Licensing Branch

Manitoba Conservation

123 Main St., Suite 160, Winnipeg, MB R3C 1A5

RE: East Side Road – PR 304 to Berens River All-Season Road
Environmental Impact Assessment

Dear Director Braun:

We have reviewed the above mentioned project requested in your letter on October 27, 2009 and we have no major concern regarding the proposed development.

We understand that the proposed development will undertake access realignment from Provincial Road (PR) 304 to Rice River Road. In this regard, a permit for the realignment of the access will be required from Manitoba Infrastructure and Transportation (MIT). For additional information or clarifications on this requirement, the applicant can contact Mr. Kevin Nimchuk, A/Access Management Technologist at telephone number (204) 945-0324 or at e-mail address: Kevin.Nimchuk@gov.mb.ca.

Thank you very much for providing us the opportunity to review the proposal.

Yours truly,

Kimber Osiowy, P.Eng.
Manager of Environmental Services

From: Jones, Chuck (STEM)

Sent: Thursday, January 07, 2010 11:33 AM

To: Blunt, Bryan (CON)

Cc: Miskimmin, Barb (STEM)

Subject: East Side Road Authority Inc.-All Season Road From Provincial Road 304 To Berens River
Mines Branch has reviewed the above and has no concerns.

From: Prosser, Cheryl (CON)
Sent: Tuesday, January 19, 2010 4:42 PM
To: Ouimet, Darrell (CON)
Cc: Blunt, Bryan (CON); Prosser, Cheryl (CON)
Subject: FW: Regional comments on the East Side Road Development EIA.

Attachments: Final EIA Comments regional wildlife.doc
Please find attached comments regarding the EIA from the Eastern Region Wildlife and comments below from Eastern Region Forestry.

Below are comments from Tim Swanson, Regional Forester:

- 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.

Thanks,

Cheryl Prosser
Regional Lands Manager
Eastern Region
Manitoba Conservation
PH: (204)345-1452

From: Leavesley, Kelly (CON)
Sent: Tuesday, January 19, 2010 1:59 PM
To: Prosser, Cheryl (CON)
Cc: Brannen, Dennis (CON); Barker, Trevor (CON); Berezanski, Dean (CON)
Subject: Regional wildlife comments on the East Side Road Development EIA.

Cheryl, here's our comments. You can note that the comments on sections addressing trapping and furbearers were provided by WESP branch staff.

Kelly Leavesley
Regional Wildlife Manager
Manitoba Conservation
Box 4000 Lac du Bonnet, MB
Office - 345-1427
FAX 345-1440
kelly.leavesley@gov.mb.ca

DATE: January 5, 2010

TO: Brian Blunt
Environmental Stewardship
Manitoba Conservation
123 Main Street, Suite 160
Winnipeg MB R3C 1A5

FROM: David Jopling
Policy Planner
Provincial Planning Services
Department of Local Government
604 - 800 Portage Avenue
Winnipeg MB R3G 0N4

PHONE: 945-8353

**SUBJECT: PR 304 to Berens River All Season Road – Environmental Impact
Assessment: Client File No. 5388.00**

The Department of Local Government staff has reviewed the above-noted proposal. The project is located on the east side of Lake Winnipeg and includes land within Northern Affairs communities of Manigotagan, Bisset and Seymourville, which participate in land use planning. Land use planning documents have policies and maps that help guide land use planning decisions within their communities (in accordance with *The Planning Act*).

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.

In addition, 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.

David Jopling

cc. Bill Sawka CPS Beausejour

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DATE: January 7, 2010

TO: Bryan Blunt
Environmental Officer
Manitoba Conservation
Suite 160-123 Main Street
Winnipeg MB

FROM: Gordon Hill
Impact Assessment
Archaeologist
Historic Resources
Branch
Main Floor 213 Notre
Dame Avenue
Winnipeg MB
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PHONE NO: (204) 945-7730

SUBJECT: ENVIRONMENT ACT PROPOSAL YOUR FILE: 5388.00

EAST SIDE ROAD AUTHORITY INC.
ALL SEASON ROAD
FROM PR 304 TO BERENS RIVER

I have reviewed the above-noted application for an Environment Act License. The Historic Resources Branch has concerns with regard to this project's potential to impact heritage resources.

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.

If you have any questions or comments, please contact Brian Smith, Manager, Archaeological Assessment Services at 945-1830.

C. Gordon Hill



Environmental Protection
Prairie & Northern Region
123 Main Street, Suite 150
Winnipeg, MB R3C 4W2

January 19, 2010

File: 4194-10-5/3015

Mr. Kris Frederickson, P.Eng.
Senior Program Officer, Prairie Region
Canadian Environmental Assessment Agency
Suite 101, 167 Lombard Ave
Winnipeg MB R3B 0T6

Dear Mr. Frederickson,

**RE: East Side Road - PR 304 to Berens River-Environmental Impact
Assessment volume 5 of 5.**

Environment Canada (EC) received a copy of the East Side Road - PR 304 to Berens River-Environmental Impact Assessment volume 5 of 5 from the Canadian Environmental Assessment Agency for review. EC would like to participate in the provincial review of the EIS consistent with the intent of Clause 62 of the new Canada-Manitoba Agreement on Environmental Assessment Co-operation.

Environment Canada has reviewed the above Environmental Impact Assessment for proposed.

EC's interest relates primarily to our mandate under the Migratory Birds Convention Act and the Species at Risk Act and Federal policy on wetlands.

EC provides the following comments.

The proponent appears to have addressed concerns with respect to caribou. They have undertaken radio tracking surveys and the alignment avoids all but one portion of the herd. They have discussed ongoing radio tracking with larger sample sizes. The proponent mentions fencing as an option for the small portion of the herd located near the highway. It was noted that Manitoba conservation monitors caribou.

Woodland caribou is a provincially mandated species and EC recommends that the proponent work in consultation with the provincial Woodland Caribou experts.



With respect to migratory birds, the proponent has committed to winter clearing which will address federal concerns.

The proponent states that (Vol. 1 pg 355) "Noise effects will be minimized to the extent possible by ensuring construction vehicles are well maintained, and construction activities are restricted during the sensitive months of May and June when moose and caribou are calving and birds are nesting. To minimize the potential for nest abandonment, clearing activities will take place in winter to avoid the nesting season. Clearing and blasting activities should also be minimized or avoided during May and June."

With respect to Wetlands, EC did not find a mitigation section dealing with wetlands. EC 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, EC requests clarity on whether hydrology and water flow will be maintained at wetlands, bogs and fens intersected by the all season road.

If you have any questions or need clarifications, please contact our wildlife expert Paul Gregoire at (780) 951-8695, paul.gregoire@ec.gc.ca or myself.

Thank You,

Reg Ejeckam
A/Head, Environmental Assessment South
Environmental Protection Operations
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Cc: Paul Gregoire, ECB





Canadian Environmental
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Agence canadienne
d'évaluation environnementale

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January 8, 2010

CEAA File No.: MP2008-078

MC File No.: 5388.00

Mr. Bryan Blunt
Manitoba Conservation
Environmental Approvals Branch
160 - 123 Main Street
Winnipeg, Manitoba R3C 1A5

Dear Mr. Blunt:

SUBJECT: All-Season Road from PR 304 to the Community of Berens River

I am responding to the October 27, 2009 letter from Ms. Tracey Braun, Director, Environmental Assessment and Licensing Branch, to Dan McNaughton, Director, Prairie Region, Canadian Environmental Assessment Agency, regarding the project identified above.

The Responsible Federal Authorities for the project have reviewed the Environmental Impact Assessment provided by the East Side Road Authority (ESRA). Fisheries and Oceans Canada (DFO) and the Parks Canada Agency have provided comments in the attached letters. Transport Canada (TC) did not require any additional information at this time. Outstanding but outstanding regulatory requirements still exist for DFO and TC.

If there are any questions, comments or concerns, please don't hesitate to contact me by telephone at (204) 983-4194 or by e-mail at: Kris.Frederickson@ceaa.gc.ca

Sincerely,

Kris Frederickson
Senior Program Officer

Enclos.

c.c.: Ms. Leanne Shewchuk, East Side Road Authority
Ms. Melghan Andrews, Transport Canada
Ms. Wendy Botkin, Parks Canada
Mr. Rod Drummond, Fisheries and Oceans
Mr. Reg Ejeckam, Environment Canada
Mr. Daniel Benoit, Indian and Northern Affairs



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Our file / Votre référence

09-HCAA-CA1-00953

January 5, 2010

Kris Frederickson
Senior Program Officer
Canadian Environmental Assessment Agency
Prairie Region
Suite 263, Union Station
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Dear Mr. Fredrickson:

Re: East Side Road Authority - PR 304 To Berens River All-Season Road Environmental Impact Assessment (East Side Road Project)

Fisheries and Oceans Canada (DFO) has received a letter of intent and project outline on February 16th and July 9th, 2009 for the East Side Road Project. DFO has responded on April 29th and June 6th, 2009 in writing and on August 6th, 2009 by e-mail, outlining information needed for any future *Fisheries Act* review. On October 29th, 2009, DFO was referred by Tracy Braun (Director, Manitoba Conservation, Environment Branch) a project proposal and environmental assessment of the East Side Road Project entitled, **PR 304 To Berens River All-Season Road Environmental Impact Assessment**.

On December 11th, 2009, DFO advised the Canadian Environmental Assessment Agency (CEAA) of its interest in the above captioned project and indicated that there was sufficient information at that time to make a determination pursuant to the *Canadian Environmental Assessment Act*, posting the Notice of Commencement on December 16th, 2009. DFO is pleased to provide the following comments pursuant to the Canada-Manitoba Agreement on Environmental Assessment Cooperation. DFO's general comments are supplied in a number of subject areas highlighted below.

No Net Loss of Fish Habitat

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.

Achievement of no net loss through relocation, redesign, mitigation and compensation for residual habitat loss can meet the objectives of DFO's habitat policy and is viewed as means of addressing significant adverse environmental effects to fish habitat under *CEAA*. Therefore, the above noted information will need to be provided as part of the environmental assessment under *CEAA*. As stated earlier, this requirement has been outlined in previous correspondence from DFO (April 29th and June 6th, 2009 letters).

Road Crossings

- 1) 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. With the information provided to date, DFO advises:
 - No fish habitat crossings (18 sites) – no further information required at this time.
 - Marginal habitat crossings (45 sites) – Clarify which crossings are upgrades to existing structures (previously impacted) versus those sites that will be impacted for the first time. Please identify the existing crossing type if applicable. Details on final structure type, including length, diameter, and number of culverts (or bridge design, if applicable for crossing #14) as well as planned mitigation measures. Calculations that indicate that fish passage (per the Manitoba Stream Crossing Guidelines) need to be provided where the proponent has identified the existence of possible migration corridors.
 - Important Habitat crossings (21 sites) - Clarify which crossings are upgrades to existing structures (previously impacted) versus those sites that will be impacted for the first time. Final proposed construction design drawings for each proposed crossing are required. Where such crossings are proposed to result in the Harmful Alteration, Disruption or Destruction (HADD), the foot print of residual impact must be provided. While some of this information is provided in the submitted EIS (October 29, 2009), these have not been specific to the impacts at each crossing (e.g. infill/ riparian clearing). Moreover, a preferred option has not been identified for many of the crossings. Tabulation of proposed HADDs is useful, but details on specific fish habitat impacts are required for each site. A plan view of each construction site, showing existing habitat, the

proposed construction, mitigation and resulting residual impacts (HADDs) is required.

- 2) Clear span is defined as built entirely above the ordinary high water mark (*Manitoba Clean Span Bridges Operational Statement*). Should infilling at abutments or piers be proposed below the ordinary high water mark at any bridge crossing, such details will be required for review.
- 3) Details on specific construction stages and impacts at each crossing are required. For example, the construction and design of coffer dams, isolation measures, plans for the maintenance of downstream flows, the timing of construction, length of time structures will be in place, etc.

Other Potential Impacts

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. An example of such would be the construction of the road ROW on or near the bank of a lake.

Potential Sediment Release During Installation and Removal of Cofferdams, Rock Plugs, Groins and Other Temporary Structures

The EIS provided to DFO lacks the detail required to satisfy DFO that potential sediment releases from the installation of cofferdams, rock plugs, groins and any other temporary structures required during construction of the East Side Road will be fully mitigated and that monitoring to ensure mitigation is effective will be feasible. 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.

Fish Passage

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. Passage will need to be provided for both high and low flow periods and consideration will be needed for the species (swimming form) present in each system.

Short and Long Term Monitoring Program

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. Without a good estimate of inter-annual variability and without data from control sites, the current baseline data cannot likely be used to unequivocally determine whether changes in habitat and species distribution in the study are a result of the construction or operation of the East Side Road or other causal factors such as climate change. Information provided in their responses and during recent meetings with DFO indicate the proponents are working to remedy these shortfalls. DFO will continue to discuss with the proponents the development of a robust and responsive monitoring program, which will include development of appropriate control sites and further baseline data collection at these sites and others as necessary.

Species at Risk

Presence/absence of Species at Risk impacted by road construction (within the Scope of Project) and any specific SAR habitat impacts proposed. The proponent is asked to confirm that Silver Chub are not impacted as part of this project. 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.

Blasting

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*.

Letter of Credit

Details of a Letter of Credit are required for the proposed fish habitat compensation plan.

Thank you for the opportunity to provide input into the review of the EIS for the East Side Road Project. DFO notes that our review of the East Side Road EIS is ongoing and further clarifications and requests of the proponent to provide additional information may be forthcoming.

Should the evaluation of future plans identify the potential for harmful effects on fish or fish habitat associated with this project then DFO would need to re-assess the project proposal at such time.

DFO looks forward to receiving the necessary additional information from the proponents to address outstanding issues related to the CEAA review and the potential effects on fish habitat.

Should you have any questions or concerns with regard to the above, please contact Rod Drummond at (204) 984-5427, fax (204) 984-2402 or, E-mail (Roderick.Drummond@dfo-mpo.gc.ca).

Sincerely,

ORIGINAL SIGNED

Darryl Chudobiak
Habitat Team Leader
Prairies Area, Manitoba District
Fisheries and Oceans Canada

cc: R. Drummond (DFO, Winnipeg)
S. Clifford (DFO, Dauphin)
B. Ross (DFO, Winnipeg)
L. Shewchuk (ESRA, Winnipeg)
B. Blunt (Manitoba Conservation, Winnipeg)



Parks Canada Parcs
Canada Canada

145 McDermot Ave
Winnipeg, MB
R3B 0R9

December 22, 2009

Kris Frederickson
Canadian Environmental Assessment Agency
Suite 101, 167 Lombard Ave
Winnipeg, MB R3B 0T6

Dear Mr. Frederickson :

SUBJECT : Lake Winnipeg East Side Road - PR 304 at Manigotagan to Berens River (MP 2008-078)

Thank you for your email of October 30, 2009, notifying Parks Canada of the availability of the Environmental Impact Statement (EIS) for the above-noted project. We have reviewed the EIS with respect to our areas of expertise and information.

In our earlier comments (May 25, 2009) on the draft scoping document, we noted that 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. In our review of the current document, it is not apparent that this has been done. The report does not specifically address potential effects to the heritage values of the Bloodvein River.

Please also note that although the Bloodvein River has a national designation as a Canadian Heritage River, the management responsibilities for the Bloodvein lie with Manitoba Conservation. In keeping with that, we support the comments from Manitoba Conservation with respect to the evaluation of these values.

As a final note related to the management of the river, 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.

Canada



Parks
Canada

Parcs
Canada

Thank you for the opportunity to review this documentation.

Sincerely,

Wendy Botkin
A/Environmental Scientist

Canada



200 - 365 Hargrave Street
WINNIPEG, Manitoba
R3B 3A3

Your file / Votre référence

Our file / Notre référence
WIN-E 5000-10
CIDM# 752556

January 17, 2010
Kris Frederickson
Senior Program Officer
Canadian Environmental Assessment Agency
Prairie Region
101-167 Lombard Avenue
Winnipeg, Manitoba R3B 0T6

Dear Mr. Frederickson

**Re: East Side Road Authority- PR 304 to Berens River All Season Road
Environmental Impact Assessment**

Indian and Northern Affairs Canada (INAC) has reviewed the Environmental Impact Assessment for the above noted project, particularly with respect to those sections within our expertise and jurisdiction. We note that the Department of Fisheries and Oceans and Transport Canada have indicated that they will be a Responsible Authority under the *CEA Act*, and INAC will work with them by providing expert advice as needed.

Further to our letter to you dated May 26, 2009, it appears that INAC may not be a Responsible Authority under the *CEA Act* as the 'project' road will not be built on Reserve or Federal Lands under our jurisdiction, however INAC continues to have an interest and role to play in the review of this project, including potential 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. According to page 6 of the **Aboriginal Consultation and Accommodation: Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult, February 2008:**

It is the responsibility of each federal department/agency that is engaged in the contemplated Crown conduct to ensure that adequate consultation and accommodation measures where appropriate, are undertaken for each decision or action it takes, **or is part of**, which may give rise to a duty to consult (Bold added).

As Responsible Authorities may rely in part on the EIS to discharge its duty to consult and accommodate, INAC suggested in its May 26, 2009 letter that additional information needed to be gathered. INAC notes that most of its comments have not been incorporated or dealt with in the EIS. 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 and INAC again suggests that you contact the appropriate First Nations, and the Manitoba Metis Federation to ensure this information is contained in the assessment.

Additionally, INAC noted that if subsequent roads linking PR 304 to resources or to the Reserves, or other infrastructure projects such as Bipole IV were contemplated in the reasonable future, then a cumulative assessment was needed. Specifically, subsequent gravel quarries and roads needed to link the First Nations to PR 304, will be constructed on Reserve lands and would likely trigger INAC decision-making actions such as permits. This appears to have not been completed adequately and should be considered.

If you have any questions, please contact me at Tel: (204) 983-4886, Fax: (204) 983-3629.
E-mail: Daniel.Benoit@inac.gc.ca

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dan Benoit', with a long horizontal flourish extending to the right.

Dan Benoit
Senior Environmental Specialist
Land- Environmental Planning and Management Unit
Indian and Northern Affairs Canada- Manitoba Region

From: Elliott, Jessica (CON)

Sent: Wednesday, December 23, 2009 8:51 AM

To: Blunt, Bryan (CON)

Cc: Roberge, Elvira (CON); Harms, Jenny (CON)

Subject: East Side Road Authority Inc. - All Season Road from PR 304 to the Community of Barens River

Parks and Natural Areas Branch has reviewed the environmental impact assessment filed pursuant to the Environment Act by the East Side Road Authority Inc. for the all season road from PR 304 to the community of Barren's River (file 5388.00). The Branch has the following comments to offer.

Comments on construction, reclamation and monitoring

Section 8 – pg 352-53 – Mentions the movement of invasive species north of the Bloodvein as being an issue. It goes on to state that the invasive species identified near PR 304 will not adapt to the wet environments found north of the Bloodvein River and thus pose little risk of invading fen and bog communities. In forested areas non-natives and weedy species often do not perform well with the natural fire cycle of the boreal forest. The potential effects of invasive species on the vegetative communities in the Project area is ranked as low.

Comment: 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 - Methods to prevent establishment of invasive species during road construction and reclamation (growing medium for reclamation activities will be reclaimed from local sources and native species will be specified for replanting and where possible sourced from local seed stocks).

Comment: 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 - Vegetation monitoring is mentioned in but it doesn't specifically mention monitoring invasive species.

Comment: 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 - Where necessary, herbicides will be applied to control weed growth in newly planted areas.

Comment: 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.

Comments on Bloodvein Heritage River

Comment: The EIA identified that the Bloodvein River is classified as a Heritage River, but does not indicate 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 – States: it is expected that the Bloodvein and the Bloodvein backwater will be navigable and thus subject to the provisions of the Navigable Waters Protection Act (NWPA) at the proposed crossing location.

Comment: 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.

Comment: 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.

Comments on Atikaki Provincial Park Land Exchange

Comment: 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.

Other General Comments

Comment: 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.

Jessica Elliott
 Ecological Reserves and Protected Areas Specialist
 Parks and Natural Areas Branch
 Manitoba Conservation
 Box 53, 200 Saulteaux Cres., Winnipeg, MB, R3J 3W3

phone: 204-945-4148

fax: 204-945-0012

email: jessica.elliott@gov.mb.ca



Before printing, think about the environment
Avant d'imprimer, pensez à l'environnement



DATE: January 6, 2010

Memorandum

TO: Bryan Blunt
Environment Officer
Environmental Assessment and
Licensing Branch
Manitoba Conservation
123 Main Street, Suite 160
Winnipeg, Manitoba R3C 1A5

FROM: William Weaver, M.Sc.
Environmental Review Officer
Manitoba Water Stewardship
200 Saulteaux Crescent, Box 14
Winnipeg, Manitoba R3J 3W3

TELEPHONE: 945-6395

FACSIMILE: 945-7419

CC: Kevin Jacobs
Laureen Janusz
Gilbert Bushati

**SUBJECT: ENVIRONMENT ACT PROPOSAL FILE: 5388.00
EAST SIDE ROAD AUTHORITY INC.
ALL SEASON ROAD FROM PROVINCIAL ROAD 304 TO THE
COMMUNITY OF BERENS RIVER**

Manitoba Water Stewardship has reviewed the referenced file, forwarded for comment on October 27, 2009. The Department has the following comments:

- 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.

Date: January 6, 2010
Subject: *Environment Act* Proposal File 5388.00
East Side Road Authority Inc.
All Season Road From Provincial Road 304 to the
Community of Berens River

- 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.

Date: January 6, 2010
Subject: *Environment Act* Proposal File 5388.00
East Side Road Authority Inc.
All Season Road From Provincial Road 304 to the
Community of Berens River

- 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.

Date: January 6, 2010
Subject: *Environment Act* Proposal File 5388.00
East Side Road Authority Inc.
All Season Road From Provincial Road 304 to the
Community of Berens River

- 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.

Date: January 6, 2010
Subject: *Environment Act* Proposal File 5388.00
East Side Road Authority Inc.
All Season Road From Provincial Road 304 to the
Community of Berens River

- 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.

William Weaver, M.Sc.

DATE: January 08, 2010

TO: Bryan Blunt
Environment Officer
Environmental Licensing and Assessment
Manitoba Conservation
160-123 Main Street.
Winnipeg, MB R3C 1A5

FROM: Ron Missyabit
Director
Aboriginal Relations Branch
Manitoba Conservation
Box 26 – 200 Saulteaux Crescent
Winnipeg, MB R3J 3W3

PHONE NO.: 945-7088

SUBJECT: **ASSESSMENT OF THE EIA FOR EAST SIDE ROAD AUTHORITY INC. ALL SEASON ROAD (ASR)
FROM PROV. RD 304 TO THE COMMUNITY OF BERENS RIVER.**

A review of the environmental impact assessment for the all season road proposed by the East Side Road Authority Inc. has been done by the Aboriginal Relations Branch at Manitoba Conservation. A number of comments and recommendations have been made and a summary of those is briefly described here.

The Government of Manitoba has a duty to consult in a meaningful way with First Nations, Métis communities and other aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or aboriginal right of the First Nation, Métis community or other aboriginal community. We assume that we do not know all of the aboriginal rights that are beyond the assertions already made and therefore information gathering and consultation results in these issues being brought forward by the people who practice them and use the land. Issues are accommodated and building relationships in a process like this includes assessments on the following; Traditional Ecological Knowledge (TEK), capacity building and education, adequate information sharing and access, environmental impacts, heritage, cultural and significant sites, socio-economic impacts and public involvement in the process from the start. We know that consultation is being done but we recommend that they address these topics in a meaningful way and take it to the next level of capacity and communication.

We recommend that capacity go beyond job creation and into skills training so as to provide skilled workers in the communities for future projects and developments including infrastructure and maintenance works, administrative and management. A long term skilled work force created locally will benefit everyone involved and create the relationship desired between all parties.

With respect to the planning, designing and construction and subsequent maintenance of the proposed road, the Aboriginal Relations Branch recommends that a communication process be established to provide two things; a) an opportunity to area residents to voice their concerns regarding impacts of the road on their daily lives, and b) information packages such as the EIA documents and a resource person in every community that is easily accessible in order to be transparent and provide independent research opportunities for community members throughout

the process. A communications process may identify problem areas, address conflict situations and resolve potential disputes.

The Branch recommends that traditional ecological knowledge be sought and applied where possible. The Branch recognizes that incorporating traditional ecological knowledge is essential to land and natural resource use planning.

The Branch recommends that all environmental licensing requirements be met and to develop partnerships with Aboriginal governments in the Environmental Assessment and have Aboriginal participation in any monitoring or technical committees. In regards to the listed heritage resources by the province, we recommend that Aboriginal people be consulted regarding all Archaeological sites and any other significant sites within the project area. It also recommends that if the project encounters any heritage, cultural and significant sites to stop the project until the Aboriginal communities are contacted and someone is sent from the community to the site to assist with cataloguing, documenting and relocating of the resources.

For a more detailed list of questions, concerns and recommendations, and if you have any questions or concerns, please contact either myself or Thomas Beaudry at 945-2980.

Miigwetch,

Ron Missyabit

Regional Wildlife Comments
Upgrade and Construction of the Eastside Road to Berens River
January 2010

GENERAL COMMENTS:

1. Overview:

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.

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.

EXECUTIVE SUMMARY

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)

SPECIFIC COMMENTS, by SECTION:

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) .

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.

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.

Section 6 – Traditional and Ecological Knowledge – TEK

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.

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 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

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

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.

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

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MANITOBA CONSERVATION

JAN 07 2010



Conservation - Forestry Branch
200 SaUlteaux Crescent
Winnipeg MB R3.1 3W3
Ph: (204) 945-7983
Fax: (204) 948-2671

January 4, 2010

Mr. Bryan Blunt
Environmental Officer
Manitoba Conservation
Land Use Approvals
123 Main Street, Suite 160,
Winnipeg MB R3C 1A5

Dear Mr. Blunt:

Re: East Side Road Authority Inc. — All Season Road from Provincial
Road 304 to the Community of Berens River

Thank you for the information concerning the planned road development activities from Provincial Road 304 to the Community of Berens River.

This large road project will have many challenges including maintaining biological values and features. Our comments on the Environmental Impact Assessment are attached.

Yours truly,

A handwritten signature in black ink that reads "Job Dojack". The signature is written in a cursive style.

Job Dojack'
Director of Forestry

Comments

1. 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.
2. 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.
3. There are more forestry guidelines that should be states on page 29 of Volume 1 in Section 2.5.3.
 - a) Brush Disposal Guidebook
 - b) Forest Management Guidelines for Terrestrial Buffers
4. 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)
 - a) Forest Management Guidelines for Riparian Management Areas
 - b) Brush Disposal Guidebook
 - c) Forest Management Guidelines for Terrestrial Buffers
5. Few typo's were noted: page 7& 8 Appendix 7.1 Environmental Protection Guidelines - Draft to #5.1 (Clearing) and # 6 (Grubbing)
 - a) 5.1 — timer should be timber
 - b) 5.1 utilised should be utilized
 - c) 6.2 - clipping should be chipping
 - d) 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.

6. 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.
7. 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.

From: Gilbertson, Mike (CON)

Sent: Wednesday, January 06, 2010 8:46 PM

To: Blunt, Bryan (CON)

Subject: East Side Road Authority Inc. - All Season Road from Provincial Road 304 to the Community of Berens River

Environmental Services has reviewed the Environment Impact Assessment associated with the East Side Road Authority Inc. - All Season Road from Provincial Road 304 to the Community of Berens River and has identified no concerns.

Mike Gilbertson

Director, Environmental Services

Manitoba Conservation

Box 46, 200 Saulteaux Crescent

Winnipeg, MB R3J 3W3

mike.gilbertson@gov.mb.ca

Phone: 204-945-7094

Fax: 204-948-2197

From: Stephens, Jonathan (CON)

Sent: Monday, January 04, 2010 2:56 PM

To: Blunt, Bryan (CON)

Cc: Barto, William (CON); Braun, Tracey (CON)

Subject: East Side Road Authority Inc. - All Season Road from PR 304 to the Community of Berens River

The Sustainable Resource and Policy Management (SRPM) Branch has reviewed the East Side Road Authority Inc. - All Season Road from PR 304 to the Community of Berens River and has the following comment:

Atikaki Provincial Park: (see Volume 1, p.369, section 8.10.4)

"Construction of the approaches and bridge at the preferred location is not an approved land use within a wilderness park and will require an adjustment to the Atikaki Park boundary to remove approximately 12.1 ha from the Park. The area proposed for removal includes boreal forest and riparian zone along the Bloodvein River. The ESRA is working with Manitoba Conservation regarding the park boundary adjustment and is proposing adding a comparable area to the Park along the Bloodvein River to off-set or compensate for the 12 ha proposed for removal. The area proposed to be added is also boreal forest in the vicinity of the Bloodvein River within 10 km of the area proposed for removal. The intent of the proposed compensatory changes will not cause any cumulative effects."

Comment: 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.

Note: any addition to the Park will require full interdepartmental review.

From: WLCOA [wlcoa@shaw.ca]
Sent: Tuesday, December 29, 2009 8:11 AM
To: Blunt, Bryan (CON); Shewchuk, Leanne (CON)
Cc: Grant Ferens; Dave Crabb
Subject: Atikaki Wilderness Provincial Park Partial Decommissioning

We all agree that the roadway is a much need supply line to the northern communities , BUT , the tampering with Any Provincial Park in Manitoba is against the Governments own rules.....For them to change this for one event will open the doors for other possible provincial park (so called) adjustments.....

We have been through this before , so why are we fighting this problem again...??

http://www.gov.mb.ca/conservation/parks/public_consult/clearwater/middle_page.pdf

Atikaki Wilderness Provincial Park Partial Decommissioning :

East Side Road Authority Inc:

<http://www.gov.mb.ca/conservation/eal/registries/atikaki/mapboundary.pdf>

<http://www.manitoba.ca/conservation/eal/registries/index.html>

How is this (Boundary adjustment) anything more then Decommissioning part of the Atikaki Provincial Wilderness Park?

The so called boundary adjustment to make up the removal of 12 hectares of the park does not occur anywhere near the site involved:

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.

Rick Storie



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

January 15th, 2010

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

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

Dear Minister Blaikie, Ms. Braun:

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

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

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

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

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

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

Public Registry

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

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

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

- Promises to Keep- East Side Planning Initiative/Broad areas planning initiative
"As identified in the *Promises to Keep (2004)* document, the establishment of an all-weather road to link the remote communities on the east side of Lake Winnipeg." (ESRA EIA Executive Summary Pg ES-1)
- 2005 UMA/MB Transportation Functional Design Report: Rice River Road Upgrading and Extension Report
"The functional alignment originally proposed in the *2005 UMA Functional Design Report: Rice River Road Upgrading and Extension* from Loon Straits to the Bloodvein FN was refined." (ESRA EIA Section 3 Pg 37)
- Public Comments from All- Weather Road-East Side of Lake Winnipeg Justification and Scoping Study, August 2000
- Copies of MOUs with Berens River, Bloodvein River and Wasagamack First
"Consistent with the NDS, the Berens River First Nation has recently signed a Memorandum of Understanding (MOU) with ESRA that will provide the community with job training and economic development opportunities..... Similar MOUs are expected to be signed with the FN communities of Bloodvein, and Hollow Water" (ESRA EIA Section 3 Pg 35)
- Copy of Manitoba Floodway and East Side Road Authority Act 2009
- Information for the portion of this project already underway (upgrade of Rice River Road)
"A new First Nation-owned company called Pigeon River Contractors Inc. has been formed to undertake some of the road's preparatory work." (ESRA EIA Section 3 Pg 35)
- Copy of 2007 Accord between the Manitoba government and the First Nations in the region, most of whom will be affected by this or future road projects.

- East Side Transportation Initiative Network Study, preliminary work (as this project is only the first step of this much larger vision and the study is referenced.)
“The Province of Manitoba (Province) committed to undertake a Large Area Transportation Network Study to confirm basic corridor concepts for all season road development to service communities on the east side of Lake Winnipeg” (ESRA EIA Executive Summary Pg 1)
- Funding information regarding how the cost of the highway will be covered.
- Information to explain how ownership of the Rice River logging road was transferred to the province, and how the road became a provincial trunk highway (PTH).
- Permits, authorizations and approvals required for this project to proceed, are not in the public registry. The same situation exists for the previous stage of this highway project.
“Permits, authorizations and approvals required for the project to proceed will be maintained in a permit registry.” (ESRA EIA Section 2 Pg 30)

Manitoba Wildlands recommends that Manitoba Conservation and the East Side Road Authority assemble a full listing of public documents, policies, records of meetings, etc relevant to this project with details for public access, and provide it to all affected parties, post on Manitoba Conservation and ESTA web sites, and place in public registry files.

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

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

Public Registry Procedures

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

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

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

(Environment Act: Section 17):

“Public registry

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

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

Funding, and Cost Issues

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

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

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

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

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

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

This is a very expensive project and involves a long term investment with *operational costs* of at least \$377 000 a year just for the road and \$22 000/ year for bridges, those estimates being only for the portion of road from Bloodvein to Berens River (ESRA EIA Section.4, Pg 97) . The road maintenance costs (to Berens River) can be roughly estimated at \$660 000 per year, current

dollars. No information exists as to the contribution from INACanada to the operation and maintenance costs for the highway, or whether funds already available to maintain the winter road will be redirected to maintenance for the upgraded highway. This information should be available, as we assume that agreements are in place.

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

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

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

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

The EIA and filings rely to a surprising degree on a ten year old study – and in fact only reference the executive summary of that report. Our offices could have provided the full report if the Authority had trouble accessing it. The deficiencies in that former report were assessed in one of the attachments to this comments letter. Please see attachment – Cost analysis conducted by Paskanake Management regarding variances and assumptions for the east side Highway.

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

Responsibility and Ownership

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

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

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

Ownership:

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

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

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

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

Federal Government responsibility (Section 2) (Triggers):

Federal legislation applicable includes: (Exec Summary Pg 16)

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

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

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

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

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

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

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

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

Endangered Species – Federal and Provincial

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Justification For the Project

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

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

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

Tembec pushed for this road development to ease transportation costs, and to be able to get fibre out during the winter. With the Tembec mill closed this is a controversial issue.

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

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

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

Stakeholder Responses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

East Side Transportation Initiative

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

“The Province of Manitoba (Province) committed to undertake a Large Area Transportation Network Study to confirm basic corridor concepts for all season road development to service communities on the east side of Lake Winnipeg. ... In April 2007, the Province announced the first segment of the ASR will be developed by upgrading the existing Rice River Road with an extension to Bloodvein, and construction of an ASR from Bloodvein to Berens River” (ESRA EIA Exec Summary Pg ES1-2)

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

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

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

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

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

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

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

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

Protected Areas, Parks and Crown Land Designations

Atikaki Park Boundaries:

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

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

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

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

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

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

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

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

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

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

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

Bloodvien Heritage River:

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

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

Other areas of concern:

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

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

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

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

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

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

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

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

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

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

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

Climate Change

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

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

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

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

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

If you consider that 4.9kg/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 2,117 tonnes
 - NOX emissions 438 tonnes
 - VOC Emissions 547.5 tonnes
- Total= 3102.5 tonnes of emissions/year**

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

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

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

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

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

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

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

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

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

Cap and Trade Gov press release:

<http://news.gov.mb.ca/news/index.html?archive=2009-12-01&item=7325>

Regulatory and Policy Compliance

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

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

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

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

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

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

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

Community Access & Services:

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

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

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

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

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

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

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

Access Roads:

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

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

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

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

Road Construction Standards

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

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

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

Quarry Permits

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

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

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

Impacts and Mitigation

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

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

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

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

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

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

Development

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

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

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

First Nation Concerns

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

“consensus that development of the proposed all-season road will likely result in some changes, including a reduction in the number of animals in the area, thereby reducing the number of animals available to trap and hunt. Respondents cited a number of road characteristics that could potentially cause this effect, including: Disturbances to animal habitat causing the animals to migrate elsewhere (e.g., construction noise, traffic noise, clearing, etc.); Accidents between animals and vehicles on the road resulting in animal fatalities; Contamination of soils and water, causing animals to become sick and/or to migrate elsewhere; and Improved access to the community’s traditional lands by outsiders, increasing hunting and trapping pressure, and reducing the number of animals available to Aboriginal community members. Respondents expressed concerns for the protection of water quality, fearing there could be contamination during the construction phase, such as oil and fuel spills during construction; dust from the heavy machinery during construction; and litter and uncontrolled dumping during operation

These were even more concerned with socioeconomic concerns such as:

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

- increased traffic (noise, dust, etc.);
- outsiders gaining access to cultural/spiritual areas;
- increased drug and alcohol abuse;
- loss of language;
- increased gang activity;
- increased flooding, from disrupting beavers and dams;
- increased forest fires;
- loss of traditional medicine knowledge.” (ESRA EIA Section 6 pg 164)

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

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

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

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

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

Other issues identified that were not addressed include:

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

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

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

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

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

See next page.



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Regards,

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Director, Manitoba Wildlands

Attachments List:

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