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Agency File No.: 80094

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Sent via email – [Leanne.Shewchuk@gov.mb.ca](mailto:Leanne.Shewchuk@gov.mb.ca)

Dear Ms. Shewchuk:

**SUBJECT:    Environmental Impact Statement for the proposed Project 4 — All-Season Road Connecting Berens River to Poplar River First Nation**

On February 26, 2016, the Canadian Environmental Assessment Agency (the Agency) received an Environmental Impact Statement (EIS) and EIS Summary for Project 4 — All-Season Road Connecting Berens River to Poplar River First Nation (the Project) from the Manitoba East Side Road Authority (ESRA) (the proponent). The Agency has reviewed the EIS considering the requirements of the *Guidelines for the Preparation of an Environmental Impact Statement* for the Project dated March 10, 2015 and has determined that some information in the EIS is insufficient or unclear.

The following clarifications and deficiencies should be corrected prior to resubmission of the EIS:

**Project Activities**

- The EIS should provide clarification regarding the proponent(s) for the Project. Following construction, operation of the road is assumed by Manitoba Infrastructure and Transportation (not ESRA). Please confirm that mitigation commitments presented in the EIS for the operation phase of the Project are commitments which are transferable to Manitoba Infrastructure and Transportation, and clarify the responsible party who will undertake these mitigations.
- The EIS should include a consolidated summary of all changes that have been made to the Project since originally proposed, including the benefits of these changes to the environment, Aboriginal peoples, and the public (EIS Guidelines, Part 1, Section 3.1).
- The EIS should include a description of quantity estimates of waste generated. Explain whether transport and disposal of domestic solid waste on reserve land will require approval and/or permitting by the First Nations. (EIS Guidelines, Part 1, Section 3.1).



### Construction Activities

- The EIS states that construction of the all-season road between Berens River First Nation and Poplar River First Nation is scheduled to begin in 2016 (EIS p. ii, and 3-31). Section 6 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) prohibits proponents from undertaking any act or thing in connection with the carrying out of a designated project, in whole or in part, if that act or thing may cause an environmental effect unless the Agency has determined that no environmental assessment is required or the proponent is complying with the conditions included in the decision statement issued to the proponent with respect to that project. The construction timeline should be updated to describe activities by time of year, frequency, and duration, in compliance with the CEAA 2012 requirements and prohibitions.
- The EIS should include a description and analysis of how project construction timing correlates to the timing of traditional practices and any potential impacts resulting from overlapping periods (EIS Guidelines, Part 2, Section 6.3.4).
- Current information on existing and proposed quarries, camps, and access roads is unclear (EIS Guidelines, Part 1, Section 3.1; Part 2, Section 1.2). The EIS should clarify and:
  - include clear text and maps to explain all existing and proposed quarries, camps and access roads;
  - clearly identify proposed/alternative camp locations, access routes, quarries and borrow sources on maps (e.g. Appendix 3-1: Project Drawings) using easily distinguishable colours and clear legend text;
  - define distance to waterbodies and drainage pathways for camps and borrow sources;
  - define intersections with wetlands/waterbodies for access roads;
  - clarify which alternatives are being referred to in various sections of the EIS and rectify inconsistencies between the Summary and EIS;
  - where borrow areas, rock quarries, gravel pits, camp areas and access roads have not been selected, clearly identify the location of potential, existing and preferred sites;
  - provide information on the construction of camps (4x40 people);
  - describe the overall quantity of borrow material requirements; and
  - provide information on groundwater well(s) that may be drilled for the camps.
- Current information on general location, methods, and timing of construction activities is unclear (EIS Guidelines, Part 1, Section 3.1; Part 2, Section 1.2). The EIS should clarify and include additional information on the following:
  - water diversion requirements (location, methods, timing); and
  - facilities for the storage of explosives.

### Operation Activities

- The EIS should provide detail on the location, frequency, and timing of operational activities (EIS Guidelines, Part 1, Section 3.2), including:
  - equipment requirements for all operation activities (e.g., only mowing and snowplowing are currently described);

- detail related to winter snow clearing such as: frequency, depth, windrow breaks, application of winter traction material;
- detail related to dust control measures; and
- detail related to the use of explosives in and location of the four quarries expected to be maintained during operation.

### **Alternative Means of Carrying out the Project**

More information is required to present and analyze alternative means of carrying out the Project in accordance with the EIS Guidelines (Part 2, Section 2.2) and the Agency's Operational Policy Statement – *Addressing "Purpose of" and "Alternative Means" under the Canadian Environmental Assessment Act, 2012*.

- The EIS should include sufficient information and analysis to enable readers to fully understand technically and economically feasible options (i.e. alternatives) at the level of project components (EIS Guidelines, Part 2, Section 2.2), not only the project route, and associated environmental effects.
- Providing maps for select alternatives would assist in clarifying potential alternatives under consideration.
- The alternatives analysis should:
  - discuss potential alternative locations of project components;
  - apply a consistent approach for the analysis of alternative means for each key project component where feasible. Details should be well described including cost ranges and/or technical limitations in these cases; and
  - assess the environmental effects of the alternative means.

### **Selection of Valued Components**

The EIS should select valued components (VCs) that are biophysical or human features that may be impacted by a project. The value of the component selected should relate both to its role in the ecosystem and to the value people place on it (EIS Guidelines, Part 1, Section 3.3.2).

- Review the methodology presented in the EIS Guidelines (Part 1, Section 3.3.2) related to the selection of VCs and determine whether the VCs selected can be used to adequately assess the project-related effects to areas of federal jurisdiction under section 5 of CEEA 2012.
- Provide a rationale for exclusion of any component raised by the public or Aboriginal groups that have not been included as a VC. Specify the context in which the component was initially identified, recommended, considered and rejected (EIS Guidelines, Part 1, Section 3.3.2).
- For each VC:
  - provide a rationale for selection - whether it was identified as being of scientific, social, cultural, economic, historical, archaeological or aesthetic importance. Examples of justification include primary data collection, computer modelling, literature references, public consultation, expert input or professional judgement;
  - explain how it represents the feature of the human or physical environment it is meant to represent;

- explain whether it is linked to section 5 of CEEA 2012, including the VCs identified in the EIS Guidelines (Part 2, Section 6.2) that may be affected by changes in the environment;
- identify whether it is a species at risk and describe associated critical habitat as per the requirement outlined in Section 79 of the *Species at Risk Act* (SARA);
- describe the VC in sufficient detail to allow the reviewer to understand its importance and to assess the potential for environmental effects arising from the project activities; and
- clearly explain its component parts (i.e. key indicators) if the VC is a composite of species or subjects.

*For example:*

- The Human Health VC does not include an analysis of country foods.
- The Harvested Fish Species VC does not include all harvested fish listed within the EIS, and provides no rationale for the omission of some species.
- The selected bird VCs do not adequately represent birds listed under the *Migratory Birds Convention Act, 1994* (MBCA). All bird species selected for assessment as VCs are included either on provincial or federal species at risk legislation. However, the nature of species at risk (low occurrence, low populations, potentially limited distribution, difficult to observe during surveys) means that these species are not representative proxies for more commonly occurring species that are listed under the MBCA. Species that are not at risk are also more likely to be resources for public and Aboriginal local users.
- Other bird species identified as being culturally important or used as food items were raptors (which may include owls), ducks, geese, and grouse or partridge. No species was selected for assessment in the VCs of waterbirds or forest birds that might approximate these species.

### **Methodology and Predictions of Significance**

Please review the Agency's *Operational Policy Statement - Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012* (EIS Guidelines, Part 1, Section 4.1).

- The EIS should, for each VC, including cumulative effects VCs (EIS Guidelines, Part 1, Section 4.2):
  - describe the methodology used to assess Project-related effects and how this VC was used to assess overall impacts of the Project;
  - describe how scientific, engineering, traditional and local knowledge were used to reach conclusions;
  - identify and justify assumptions;
  - clearly present the conclusions regarding the significance of residual environmental effects of the Project on the VCs identified following Agency Operational Policy Statement - *Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012*.
  - describe all specific residual effects that will result to each VC;

- provide all data, models and studies such that the analyses are transparent and reproducible. Examples of data reports that are currently missing from the EIS include:
  - *Manitoba Metis Federation Traditional Knowledge and Land Use Study (TKLUS) for the study area identified by ESRA to include P4, P7 and P7a (to be completed May 31, 2016);*
  - *RWDI Consulting Engineers & Scientists. (2015). Final Report: Blasting Noise and Vibration Guidance. Report prepared for Manitoba East Side Road Authority. March, 2015;*
  - *Centre for Indigenous Environmental Resources (CIER). (2015). MFESRA Phase 4 All Season Road, Traditional Knowledge Study – Berens River Workshop Summary First Nation. Report prepared for Manitoba East Side Road Authority;*
  - *Centre for Indigenous Environment Resources (CIER) and Poplar River First Nation. (2015). MFESRA Phase 4 All Season Road Traditional Knowledge Study – Poplar River First Nation Traditional Knowledge Summary. Report prepared for Manitoba East Side Road Authority;*
  - *Manitoba Metis Federation (MMF). (2011). Manitoba Metis Traditional Use and Knowledge of the Berens River Road Project Area and Assessment of Impacts. Final report prepared for Manitoba Floodway and East Side Road Authority;*
  - *Manitoba. Department of Conservation. 2008. Forest Management Guidelines for Riparian Management Areas;*
  - *Manitoba. Department of Conservation and Water Stewardship. 2010. Forest Practices Guidebook, Forest Management Guidelines for Terrestrial Buffers.*
- The EIS should identify the VC-specific criteria used to assign significance ratings to any predicted residual adverse effects. Ensure the criteria identified for each VC are both specific to the VC and at an appropriate scale. Criteria for any significance determination on a section 5-related species at risk should include reference to critical habitat, and landscape or population thresholds for each species, where available (EIS Guidelines, Part 1, Section 4.2).
- The EIS should identify and clearly explain how major gaps in knowledge and understanding (e.g., knowledge gaps related to CEAA 2012 section 5 VCs like Manitoba Metis Federation traditional knowledge, Mapleleaf mussel distribution, and Atikaki-Berens caribou herd movement) affect the conclusions regarding significance of residual effects (EIS Guidelines, Part 1, Section 4.2).
- The EIS should include an independent analysis and conclusion of significance of effects on current use of lands and resources for traditional purposes by Aboriginal peoples. Recognizing there will be linkages to effects on migratory birds, caribou and vegetation, the analysis cannot be replaced by a brief summary of determination of significance for these related VCs.
- The EIS should provide clear and sufficient information on the prediction of significance to enable the Agency, technical and regulatory agencies, Aboriginal groups and the public to review the proponent's analysis of the significance of effects (EIS Guidelines, Part 1, Section 4.2). For example:

- The EIS should present criteria and an analysis for the assessment of the Project's effects to Tourism and Hunting/Fishing/Trapping/Gathering VCs;
- Local Assessment Area/Regional Assessment Area should be defined for each VC. Areal extents of residual effects should be described, for example, for habitat loss/alteration; and
- The EIS should provide solid commitments as to which mitigation measures will be implemented and the decision making criteria for selecting a particular mitigation measure. Mitigations measures presented in the EIS use non-specific language and describe mitigations measures to be employed "as needed", "where possible", and which only "may" be used. Mitigation detail is needed to support assumptions that identified potential effects will be fully mitigated and that no residual effects will result.

### Baseline Conditions

The EIS should present baseline information in sufficient detail to enable the identification of project effects to VCs and an analysis of those effects (EIS Guidelines, Part 2, Section 6.1). Should other VCs be identified during the conduct of the EA, baseline information for these components will also be described in the EIS (EIS Guidelines, Part 2, Section 6.1). For example, detailed baseline information (or a rationale for its omission) is required for:

- ambient noise and air quality surveys (EIS Guidelines, Part 2, Section 6.1.1). The EIS Guidelines also refers the proponent to Health Canada's *Useful Information for Environmental Assessments* document which contains information regarding baseline information needed to support human health effect assessments associated with noise exposure and air quality changes from projects;
- geochemical characterization of overburden and potential construction material in order to predict metal leaching and acid rock drainage (including road cuts and/or blast materials that could be used for construction during characterization) (EIS Guidelines, Part 2, Section 6.1.2);
- geological hazards, in the Project Footprint and Local Assessment Area, including permafrost locations and potential risks of subsidence. For example, Section 11.4.1 of the EIS states that the project is not in a permafrost zone, however Section 2.1.3 of the *Project 4: Wildlife Technical Report, December 2015*, states that the Local Project Study Area is located within the localized permafrost zone (EIS Guidelines, Part 2, Section 6.1.3);
- groundwater and surface water data, including influence/connectivity between groundwater discharge and surface water flows, seasonal water quality field and lab analytical results, samples from waterbodies representative of those found in the Project Footprint (e.g., include non-fish bearing waters which may be frequented by migratory birds or species at risk), samples for metals, reference to the Canadian Water Quality Guidelines (CCME), and sampling for sediment quality (chemical) analysis for sites likely to receive road effluent (EIS Guidelines, Part 2, Section 6.1.4);
- description and location of aquatic species at risk, Mapleleaf mussel, in small tributaries and creeks crossed by the all-season road, which were not sampled or surveyed for mussels (EIS Guidelines, Part 2, Section 6.1.5);

- migratory birds and their habitat (EIS Guidelines, Part 2, Section 6.1.6);
- traditional land use in the Project Footprint, Local Assessment Area and Regional Assessment Area, including maps of traditional land use, and information related to the cultural values associated with the area affected by the project and the traditional uses identified in the Pimachiowin Aki – Proposed UNESCO World Heritage Site (EIS Guidelines, Part 2, Section 6.1.8); and
- Aboriginal groups' use of country foods, commercial fishing and trapping in the Project Footprint, Local Assessment Area and Regional Assessment Area (EIS Guidelines, Part 2, Section 6.1.8).

### **Cumulative Effects**

Please review the *Operational Policy Statement - Addressing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012* and the guide entitled *Technical Guidance for Assessing Cumulative Environmental Effects Under the Canadian Environmental Assessment Act, 2012*.

- The identified VCs considered in the cumulative effects assessment should include those outlined in the EIS Guidelines (e.g., fish and fish habitat, migratory birds, species at risk, and Aboriginal peoples). Clear justification should be given for omission of these VCs. Evaluation of cumulative effects, on fish and fish habitat, for example, should consider residual effects before offsetting measures are proposed.
- For each VC provide an analysis of total cumulative effects which includes:
  - how the VC was identified and the rationale for its selection, spatial and temporal boundaries, sources of cumulative effects, mitigation measures, significance, and follow-up program. For example, justify why the Atikaki-Berens caribou herd study area ends at the Manitoba-Ontario border and does not cover the full spatial range of the herd, as defined in the Recovery plan for the species. Any uncertainty related to herd ranges should be clearly presented;
  - how the VC has been affected by past projects and activities;
  - how the VC would be further affected by the residual effects of the Project; and
  - how other certain and reasonably foreseeable projects and activities may also affect the VC.
- Where a VC is a species-at-risk, the cumulative effects assessment should be conducted on any adverse residual effects of the Project in combination with any threats to the species-at-risk, as identified in its recovery or action plan, as well as the potential recovery of the species-at-risk with the Project. For instance, landscape changes as a result of natural disturbances such as forest fires are considered a threat to woodland caribou habitat and should be included in the cumulative effects assessment.
- Provide, as appropriate, additional detail or an explanation for non-inclusion of the following activities:
  - Tembec Forestry Management area and associated plans [2009-2028] as well as other logging development;
  - mineral claims, leases, or other mining or mining exploration work;
  - roads (summer or winter) associated with exploration and drill sites;

- quarry development;
- existing or planned hydro development or water diversion structures;
- existing or planned transmission lines;
- tourism and recreation activities including lodges, out-camps, tent camps, and commercial boat, motor, and fuel caches within Atikaki Wilderness Park.
- planned activities associated with other identified populated areas identified (Opekamank, Matawa Place, Asinkaanumevatt, Kacheposit, Assineweetasataypawin, Kamaskawak, Pauingassi); and
- Pimachiowin Aki – Proposed UNESCO World Heritage Site.

### **Aboriginal Views and Assessment**

Please review the *Technical Guidance for Assessing the Current Use of Lands and Resources for Traditional Purposes under the Canadian Environmental Assessment Act, 2012*.

- For all Aboriginal requirements, the EIS should include the Manitoba Metis Federation as a potentially affected Aboriginal group (EIS Guidelines, Part 2, Section 5.1). Ensure that all Manitoba Metis Federation Traditional Land Use information relevant to Project 4 is integrated throughout the EIS, as appropriate.
- The EIS should include a description of all Aboriginal views on effects of changes to the environment on Aboriginal peoples (health and socio-economic issues; physical and cultural heritage, including any structure, site or thing that is of historical, archaeological, paleontological or architectural significance; and current use of lands and resources for traditional purposes)(EIS Guidelines, Part 2, Section 5).
  - The Agency believes that the information would be more effectively presented if Table 4-6 of the EIS was replaced with a detailed summary (in table format) of all key Aboriginal views expressed on the effects of changes to the environment on Aboriginal peoples broken down by: Aboriginal group/community (all Aboriginal groups mentioned in the EIS Guidelines should be reflected here); topic; comment/concern; proponent response (detailed response including Project modifications or proposed measures to mitigate or accommodate concern, if appropriate); and specific section and page number references to where pertinent information can be found in the EIS.
- In addition, comments expressed in summary table format should be integrated into appropriate sections throughout the EIS such as sections describing VCs, potential environmental effects and impacts to rights, and mitigation measures. The EIS should be appropriately updated.
- The EIS should describe each Aboriginal group's potential or established rights, a description of Aboriginal views on potential adverse impacts of the Project on potential or established Aboriginal or Treaty rights, and an explanation as to how the current exercise of Aboriginal or Treaty rights by each Aboriginal group would change should the Project go ahead, for all Aboriginal groups specified in the EIS Guidelines (EIS Guidelines, Part 2, Section 5). The EIS should be updated and differentiated by Project component and physical activity, if the post-project exercise of rights varies by component and physical activities.



- The EIS should include a consolidated summary of specific suggestions raised by Aboriginal groups for mitigating the effects of changes to the environment on Aboriginal peoples or accommodating potential adverse impacts of the Project on potential or established Aboriginal or Treaty rights.
- The EIS should include a discussion of what traditional knowledge specifically informed the choice of VCs, the analysis of potential impacts to rights and the proposed mitigation and accommodation measures intended to address these impacts.
- The EIS should include a list of all species important to the current use of lands and resources by Aboriginal peoples (EIS Guidelines, Part 2, Section 6.1.8).
  - Describe changes to key habitat for each of these species, or group of species, regardless of their status as VCs in the physical environment, aquatic environment, or terrestrial environment sections, and explain how changes in key habitat are linked to any predicted changes in the current use of the resource by Aboriginal peoples.
- The EIS should include a discussion of the reliance on country food, indicating specifically which country food Aboriginal groups currently rely on, and how the proposed Project will impact country food, making sure to integrate views expressed by Aboriginal groups (EIS Guidelines, Part 2, Section 6.1.8).
- The EIS should include an in-depth analysis of potential Project effects on commercial fishing and trapping within the socio-economic and cultural environment effects section of the EIS (EIS Guidelines, Part 2, Section 6.1.8.).
- The EIS should provide a description and analysis of how changes to the environment will affect the regional value of traditional use of the Project area and the anticipated effects to traditional practice of the Aboriginal group, including alienation of lands from Aboriginal traditional use (EIS Guidelines, Part 2, Section 6.3.4.).
- The EIS should provide a description and analysis of indirect effects such as avoidance of the area by Aboriginal peoples due to increased disturbance (e.g. noise, presence of workers) (EIS Guidelines, Part 2, Section 6.3.4.).
- The EIS should provide a description and analysis of human health, considering, but not limited to, potential changes in air quality, quality and availability of country food, drinking water quality, and noise exposure. When risks to human health due to changes in one or more of these components are predicted, a complete Human Health Risk Assessment (HHRA) examining all exposure pathways for pollutants of concern may be necessary to adequately characterize potential risks to human health (EIS Guidelines, Part 2, Section 6.3.4.).

### **Aboriginal Engagement**

The EIS should include a description of engagement activities undertaken with Aboriginal groups, prior to the submission of the EIS. This description should include all efforts, successful or not, taken to solicit the information required from these Aboriginal groups to support the preparation of the EIS (EIS Guidelines, Part 2, Section 5.1). The EIS should:

- include Manitoba Metis Federation, Bloodvein First Nation, Hollow Water First Nation, Little Grand Rapids First Nation, Pauingassi First Nation;

- explain how engagement allowed these groups to understand the Project and evaluate its effects on their communities, activities, potential or established Aboriginal or Treaty rights and other interests; and
- outline specific future engagement activities with each of the above Aboriginal groups.

### **Species at Risk**

The EIS currently does not fulfill the requirements of Section 79 of the *Species at Risk Act*. The EIS should. The EIS should:

- provide information on all species at risk, including flora and fauna. Note that any species listed under Schedule 1 of the *Species at Risk Act* that may potentially occur in the area should be included in the EIS, regardless of whether observations were made during baseline studies
- provide a list of all federal species designated by the COSEWIC that are not currently listed on Schedule 1 of the *Species at Risk Act*, as appropriate (EIS Guidelines, Part 2, Section 6.1.7);
- provide any published studies that describe the regional importance, abundance and distribution of species at risk (EIS Guidelines, Part 2, Section 6.1.7);
- explain how the list of species at risk that potentially occur in the Project area was established;
- provide baseline information on all terrestrial species at risk potentially occurring in the Project area including the regional importance, abundance, distribution, residences, seasonal movements, movement corridors, interprovincial ranges (e.g., Atikaki-Berens boreal woodland caribou), habitat requirements, key habitat areas, designated or identified critical habitat and recovery habitat (where applicable) and general life history (EIS Guidelines, Part 2, Section 6.1.7);
- consider and assess all species at risk and their critical habitat as VCs in the EIS (EIS Guidelines, Part 2, Section 6.2.3). Full consideration of Section 79 of the *Species at Risk Act* requires that all adverse effects be identified and that measures be taken to avoid or lessen those effects and monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and action plans;
- document changes to critical habitat for federally listed species at risk, including interprovincial range for Atikaki-Berens boreal woodland caribou (EIS Guidelines, Part 2), Section 6.2.3) such that the analyses are transparent and reproducible; and
- identify whether permits under the *Species at Risk Act* are anticipated for Project activities.

### **Effects in Another Province**

- The EIS describes the potential for effects of the Project in Manitoba, but does not include consideration of potential for effects on species in Ontario (e.g. mobile, transboundary species) (EIS Guidelines, Part 1, Section 3.3.2). Consideration of potential effects, if any, on species in Ontario should be added to the EIS.

## Greenhouse Gas Emissions

- The summary analysis presented in Appendix 13-5, *Greenhouse Gas Emissions (GHG) Assessment for East Side Road Authority All-Season Road Projects* relies on external documents (GHG quantification and assessment reports for Project 1) to describe the GHG quantification methods employed for Project 4. Please describe the methodology used in the EIS (*Consideration of greenhouse gas emissions in environmental assessment for the proposed Project 4 – All-season Road Connecting Berens River and Poplar River First Nation*, CEAA letter to ESRA, February 11, 2016).
- Please address the inconsistencies and apparent errors present between the EIS and the GHG assessment in Appendix 13 -5:
  - GHG emissions are not presented by individual pollutant;
  - Appendix 13-5, Table 4.4. does not include Project activities associated with operations and maintenance of the all-season road which are listed in the EIS as Project activities (grading, plowing, mowing, bridge maintenance, culvert cleanouts/ steaming, etc.);
  - construction period is described in the GHG assessment as 7 years in duration vs 8 years described in the EIS;
  - predicted operation phase effects are limited to only 10 years, despite the predicted +50 years (permanent) operation duration;
  - the wetland area considered in the GHG assessment appears to be held equal between base and Project scenarios despite the wetland area loss apparent in the Project Footprint;
  - apparent data errors are present in Table 4.5 of the appended GHG emission report (Chapter 13).
- The GHG summary report appended to Chapter 13 (Appendix 13-5) acknowledges data limitations in the report and uncertainty and states “[t]he assessment should therefore be reviewed as more project specific information becomes available for P4, P7 and P7a.” Please revise the information presented for Project 4 in consideration of specific information gained from Project 1 construction.

## Effects on Federal Lands Related to Permits

- Please clarify and confirm if project components will be located on federal lands or cause any changes to federal lands. The EIS should include a description of changes that may be caused to the environment on federal lands, if any (EIS Guidelines, Part 1, Section 3.3.2). If project components (e.g., quarries, camps, access roads) are identified on federal reserve lands (as is suggested may be the case in the EIS, on page 3-28, and the EIS Summary, page 10), permits would be required under Section 58(4) of the *Indian Act*.
- The EIS should include a description of the potential environmental effects associated with the Project components enabled by federal authorizations and permits (EIS Guidelines, Part 1, Section 3.3.2). If federal reserve lands are to be included in the Project Footprint, other valued components will need to be considered with respect to environmental receptors on those federal lands (EIS Guidelines, Part 2, Section 6.3.6).

### **Mitigation, Follow-up, and Monitoring**

Environmental assessment is a predictive science with an element of uncertainty about potential effects and the ability of mitigation measures to address these effects. Follow-up programs are mandatory after all environmental assessments of designated projects. These programs are intended to verify the accuracy of the predictions regarding potential environmental effects and to determine if mitigation measures are working as intended. In doing so, these programs may identify areas where mitigation measures need to be adapted to address unforeseen circumstances while building a knowledge base to improve future predictions. The EIS should (EIS Guidelines, Part 2, Sections 6.4, 8.1 and 8.2):

- identify who is responsible for the implementation of the mitigation measures and the system of accountability;
- clearly and concisely describe the potential risks and effects to the environment where mitigation measures are proposed to be implemented for which there is little experience or for which there is uncertainty regarding their effectiveness, for example, relocation measures proposed for the Mapleleaf mussel and reclamation measures proposed for the existing winter road. Also describe how mitigation measures will be monitored and, where appropriate, describe what adaptive management measures would be implemented should those measures not be effective;
- review all measures identified to mitigate potential adverse impacts on potential or established Aboriginal or Treaty rights and ensure they are written as specific commitments that clearly describe how ESRA intends to implement them. An effective way would be to include all mitigation measures identified for the Project in a table format that can be updated as the environmental assessment process proceeds;
- include an evaluation of the reclamation of temporarily affected areas (i.e., temporary construction areas, temporary access roads) to pre-disturbance conditions that could support traditional practices;
- present a preliminary follow-up program, paying particular attention to any areas where scientific uncertainty exists in the prediction of effects (including, but not limited to, areas such as air quality, land and resource use, wildlife and aquatic environment); and
- present an outline of the preliminary environmental monitoring program, including guidelines for preparing monitoring reports (number, content, frequency, format) to be sent to authorities.

### **Effects of Accidents and Malfunctions**

The failure of certain works caused by human error or exceptional natural events could cause major effects. The EIS requires a worst-case scenario analysis of the risks of accidents and malfunctions, determination of their effects on the environment, and presentation of preliminary emergency measures (EIS Guidelines, Part 2, Section 6.6.1). For instance, worse-case scenarios related to extreme forest fires and extreme flooding should be presented.

- The accidents and malfunctions section should focus on potential effects to Aboriginal peoples, fish and fish habitat, migratory birds, federal lands, and species at risk with a risk analysis presented where there is a potential impact predicted.

### **Effect of the Environment on the Project**

The EIS requires consideration of how local conditions and natural hazards may adversely affect the Project and in turn result in impacts to the environment during construction, including Project activities such as access roads, quarries, borrow areas, and camps (EIS Guidelines, Part 2, Section 6.6.2).

- For example:
  - the EIS should discuss how changes to climate that result in drier conditions may potentially have effects on construction, operations and reclamation activities. This discussion should include consideration of how known and anticipated changes to surrounding forest conditions (e.g. spruce budworm) may increase the risk of forest fire.
  - The EIS should discuss potential changes in climatic conditions resulting in increased rainfall and flooding, and potential resulting effects to construction and operation of watercourse crossings and culverts.

### **Concordance Table**

- Provide a comprehensive table of concordance which rigorously and accurately cross-references the information presented in the complete EIS with information requirements identified in the EIS Guidelines.

### **General Inconsistencies and Required Clarification**

- The *Canadian Environmental Assessment Act, 2012* should be cited as CEAA, 2012, not "CEAA".
- Ensure that all maps and figures contained within the EIS are printed at an appropriate resolution that allows salient features to be viewed under normal light conditions without optical aides.
- *Summary of ESRA's All-Season Road Planning Process and Rounds of Public Engagement* (Figure 4-4) should provide details on the planned public and Aboriginal engagement activities associated with each round of engagement.
- Provide rationale for the timing and direction of habitat gains described as resulting from winter road reclamation (Joro Consultants' *Project 4: Wildlife Technical Report* and throughout the EIS).
- Clarify and provide a rationale for discrepancies in the residual effects for terrestrial VCs between summary tables contained in Chapter 9 and Chapter 15. For example, discrepancies between the two tables appear to exist for moose, caribou, terrestrial furbearer, aquatic furbearer, forest birds, waterbirds, and environmentally sensitive wildlife sites.
- Pages in Appendices 13-3 and 13-4 are not in the correct order.
- The table titled *Appendix 1: Water Quality Parameters Measured in Surface Waters of the Berens and Poplar Rivers, Manitoba* in the Chapter 8 Appendixes is difficult to read due to poor resolution.

- The terms "Project Footprint", "Local Assessment Area", "Regional Assessment Area" are used and described throughout the project summary but neither figures nor text are presented in the summary document to describe their extent or location.
- Section 11.4.1 of the EIS states that the project is not in a permafrost zone, however Section 2.1.3 of the Project 4: Wildlife Technical Report December 2015 states that the Local Project Study Area is located within the localized permafrost zone. Please clarify.

Please resubmit an EIS and associated Summary containing the required information. After receiving the revised submission, the Agency will take a maximum of 15 days to review a proponent's response to and form an opinion on whether the information requested has been provided. Should a new, or significantly revised Environmental Impact Statement or a major redesign of the Project be submitted, the Agency may take up to 30 days to review and form an opinion on whether the guidelines have been met. Following this period, the Agency will advise you as to whether additional information is required for the EIS to conform to the EIS Guidelines or if the documents contain sufficient information to commence a technical review and public comment period.

Additional editorial corrections will be provided in coming days.

I will be contacting you shortly to discuss Agency comments. In the interim, should you require any information, I can be contacted at 780-459-2237 or [janet.scott@ceaa-acee.gc.ca](mailto:janet.scott@ceaa-acee.gc.ca).

Sincerely,

<Original signed by>

Janet Scott  
Project Manager, Prairie and Northern Region