Dagdick, Elise (CWS)

Attachments: Regional Wildlife Comments on Minnesota MB line EIA.DOCX

From: Sobkowich, Dale (CWS)
Sent: December-24-15 8:55 AM
To: +WPG1212 - Conservation_Circulars (CWS)
Cc: Dagdick, Elise (CWS)
Subject: RE: Review and comments request - MB Hydro - Environmental Impact Statement - Manitoba-Minnesota Transmission Project File: 5750.00 Due Date November 26, 2015

Please be advised that the Eastern Region is in support of the proposed Manitoba Hydro Manitoba-Minnesota Transmission Project; as presented in the EIS, and would like to forward the following comments with respect to specific sections of the EIS.

Forestry Comments:

- It is noted that the preferred alternative to establishing a new transmission line would have been to utilize one of the existing lines that currently traverse Crown Lands in the eastern region. The rationale provided to the Eastern Region by Manitoba Hydro representatives regarding the issues concerning utilization of existing corridors was accepted by the region and the preferred route as presented is supported as the best option from a Crown land management perspective.

- Manitoba Hydro is to be advised that the loss of productive forest lands as a result of cumulative infrastructure projects such as this one have a long term negative impact to the Allowable Annual Cut which results in loss of revenue to the province as well as to local economies. When the transmission line r-o-w is proposed for clearing through FMU 24, it is the preference of Forestry branch to have quota holders located in the eastern region have the opportunity to harvest the timber and report it towards their quota volume to mitigate negative impacts to volume loss.

Wildlife Comments: see attached document

Lands Branch:

- Once/if the License for the Manitoba-Minnesota Transmission Project has been issued, Manitoba Hydro will be required to obtain the appropriate Crown land disposition(s) (interim Reservation, Easements, Permits etc) for the impacted Crown land to ensure that the appropriate tenure has been established as per *The Crown Lands Act* .

Dale Sobkowich
a/Regional Lands Manager

Regional Wildlife Comments
EIA
Manitoba-Minnesota Transmission Project

General Comments on the EIA
The eastern region acknowledges that MB Hydro's final preferred route is the best of all the alternate routes explored for minimizing potential effects on wildlife and wildlife habitat. Routing is the first step for mitigating potential effects, and we recognize that the final route represents a compromise for maintaining as much distance as possible from values in the western portion of the Regional study area (e.g..core elk range, tall grass prairie), and values in the eastern portion of the study area.

Scope of regional wildlife comments
The attached comments are focused on big game species and access management. We defer to wildlife branch for providing comments on herptiles, furbearers and avian species.

Bio Physical Technical Data Reports
1.3 Wildlife and Wildlife Habitat

1.0 Introduction

Table 1-1

Elk, Deer and Moose Mortality: The table states that there is ***concern that increased access along the new ROW could lead to increased elk mortality if the herd moves its core area to areas east near Piney.***
Comment-
We appreciate that MB Hydro selected a route which avoids traversing the known core area of the Vita elk herd. Notwithstanding these efforts, it should be recognized that the full scope of elk movements is currently unknown. The core area in the vicinity of Vita only represents winter observations, and elk are known to be highly mobile. Only one systemic survey has been conducted over the entire potential range, and that survey (in 2011) found elk near Piney, in the vicinity of the final preferred route. Furthermore, it is not unusual to receive reports of individual elk or small groups of elk well beyond the core area, and the last survey (in 2014) found groups of elk beyond the identified core area. In the absence of systematic surveys (for winter range) and GPS collar data (for all seasons), conclusive statements about elk core use areas cannot be made. And, mortality risks may potentially be elevated for any elk using areas in the vicinity of the new transmission line.

1.2.3 Spatial Boundaries

This section states that the LAA (PDA plus 1 km buffer) was ***established to consider the area in the Project could have effects on wildlife and wildlife habitat***; and, that the RAA (PDA + LAA + 15 km) ***is large enough to encompass the home ranges or dispersal distance of the most wide-ranging species in this assessment***. The examples given include black bear – 5-25 km^2; deer – 89 km ^{2}, elk – 12-52 km^2, snakes – 18 km dispersal distance.

Comments
The examples given are not necessarily representative of the literature. In the case of the Vita elk herd, the core use area in Manitoba is approximately 2 x 3 townships (20 x 30 km), or 600 km^2 , and this does not include the portion of the core area within Minnesota.
It may not be reasonable to assume that all VC's will be impacted within a standard LAA. Each VC should have a LAA defined independently in consideration of the expected maximum geographic extent for the potential of the project to cause an adverse effect on the VC. Similarly, it may not be reasonable to assume that effects to all VC's will be observed in a one-size fits all RAA buffer

2.0 Wildlife and Wildlife Habitat

Table 2-1

Elk – the table states that the Vita herd is ***generally restricted to a limited area overlapping the eastern portion of the RAA***
Comment:
The elk herd is not restricted to a limited area (see our comments for table 1-1).

Black Bear – the table states that ***black bear is a furbearing predator***..
Comment:
The black bear is classified as a big game species, not a furbearer.

2.2 Wildlife Habitat

2.2.1.1 Methods: The reference stated for using 200 Hectares as a core area is Environment Canada 2013a (*How much Habitat is enough*).
Comment:
It should be recognized that this publication is intended to *provide science based guidance to conserve and restore habitat for migratory birds, species at risk and other wildlife species within the settled landscapes of the Lower Great Lakes and Mixed Wood Plains*. While the principles are relevant for avian species and herptiles in SE Manitoba, they are not transferable to widely-ranging mammalian species such as elk or lynx.

Table 2-3 – The table includes sub-categories of Forest Habitat, but all the wetland sub-categories mentioned in a previous table (table 2-2 – muskeg, string bogs, marsh, willow/alder) are lumped together.
Comment:
The various wetland sub-categories have different values to wildlife species. For example, the willow/alder sub-category represents high value winter habitat for deer and elk, whereas muskeg and string bogs are of low value to both of these species.

2.3 Mammals

2.3.1.2.2 Elk – This section states that MCWS and Minnesota DNR conducted simultaneous aerial surveys in 2014 to obtain a total herd count for the first time.
Comment:
This statement is inaccurate, as the two jurisdictions conducted the first-ever simultaneous surveys in 2011 (not in 2014), and the purpose was to obtain a minimum count (not a total count). The 2014 surveys were not conducted simultaneously, and the Manitoba survey was limited to a portion of the core area. A total of 106 elk (minimum count) were observed in a portion of the Manitoba core area in 2014.

2.3.1.2.3 – This section states that:

> Park (Banfield 1974; MCWS 2014f). Generally a forest species, moose primarily inhabit younger successional forests and shrubby habitats where food is readily available and retreat to dense closed-canopy forests during the cold winter months (Banfield 1974). With the exception of areas surrounding Piney, MB, the capability of lands to support ungulates in the RAA is moderate to severly limited (CLI 2002a). Lands surrounding Piney have great importance to overwintering ungulates (CLI 2002a).

And also that:

> Suitable habitat is not thought to be limiting in eastern portions of the RAA (Leavesley 2015, pers. comm.; CLI 2002a). Instead, a combination of factors such as habitat fragmentation, predation

Comment:
The capacity of lands to support ungulates in the RAA is not limited. It may be moderate in certain locations, but not severely limited. If the capacity of lands to support ungulates in the RAA is indeed moderate to severely limited, you would anticipate habitat playing a larger role in the abundance of ungulates, especially in cases where capacity is severely limited. However, at the bottom of the page it mentions suitable habitat is not thought to be limiting.

2.3.1.2.5 – This section states that:

Other mammals present in the RAA include cougar, bobcat, lynx, gray wolf, coyote, red fox, porcupine, American marten, fisher, muskrat, woodchuck, northern pocket gopher, Richardson's ground squirrel, thirteen-lined ground squirrel, Franklin's ground squirrel, least chipmunk, deer mouse, southern-red-backed vole, eastern cottontail, and snowshoe hare (Banfield 1974 and Smith *et al.* 1998). While wolves and coyote are important species for regulating the population of white-tailed deer (Banfield 1974) both species are often regarded as nuisance species by landowners, especially those that raise livestock (Carbyn 1987). Both coyote and gray wolf can be hunted legally in all GHAs within the RAA. Marten are more tolerant of fragmented landscapes (Cheveau *et al.* 2013), whereas fishers tend to use more contiguous forest blocks (Zielinski *et al.* 2013).

Other mammals present in the RAA include cougar, bobcat, lynx, gray wolf, coyote, red fox, porcupine, American marten, fisher, muskrat, woodchuck, northern pocket gopher, Richardson's ground squirrel, thirteen-lined ground squirrel, Franklin's ground squirrel, least chipmunk, deer mouse, southern-red-backed vole, eastern cottontail, and snowshoe hare (Banfield 1974 and Smith *et al.* 1998). While wolves and coyote are important species for regulating the population of white-tailed deer (Banfield 1974) both species are often regarded as nuisance species by landowners, especially those that raise livestock (Carbyn 1987). Both coyote and gray wolf can be hunted legally in all GHAs within the RAA. Marten are more tolerant of fragmented landscapes (Cheveau *et al.* 2013), whereas fishers tend to use more contiguous forest blocks (Zielinski *et al.* 2013).

Comment:
Gray wolves are only mentioned in the context of furbearers and other mammals. They are an important big game and furbearer species. New linear features, such as transmission lines can facilitate travel for a predator such as the gray wolves, which could in turn impact ungulate species such as white-tailed deer and elk. Due to its importance as a big game and furbearer species and the impacts it can have on other important big game species such as white-tailed deer and elk, gray wolves should be addressed in their own category as is the case for white-tailed deer, elk and black bears.

2.3.2.2.5 – This section states that:

Threats to the species include hunting, although resident bear hunting is considered minimal next to other game species hunted in the area (e.g., white-tailed deer; Holme 2014, pers. comm., Rebizant 2015, pers. comm.). Shooting of nuisance bears by farmers, due to crop predation, has

Comment:
This may be the case when compared to white-tailed deer, but black bear resident hunting is still an important and substantial part of the hunting occurring in the area.

2.3.2 .2.7 Important Habitat Features

Comment:
We suggest that willow/alder swamps be noted as an important habitat feature. Deer and elk are both commonly observed in these habitats during winter aerial surveys.

2.3.2.3 –Summary of Results – This section states that ***apparent opposition to the Project was limited,*** and that ***almost all persons interviewed indicated that resource users can and would utilize the ROW for their pursuits, most often to improve access to certain areas.***

Comment:

This statement reinforces that wildlife will be at elevated risk due to access by resource users on the new ROW.

2.3.3.1 Camera Trap Survey

Question

The deployment period for the cameras is not clear. It is stated that the cameras were deployed April 25-May 2, 2014 and that crews attended to the sites July 2-5 to replace batteries, and then again October 6-7 to remove the cameras. It is also stated that there were 121 camera-days (mean) per camera.

Can MB Hydro clarify if the purpose was to collect data throughout July, August and September?

Comment

In view of elk behavior (clumpy distribution), as well as timing (summer only) and duration (121 days) of camera deployment, this study should not be used to make any conclusions about "key habitats used by elk", particularly insofar as the majority of elk sightings in SE Manitoba occur during the winter months.

2.3.3.2 Elk Breeding Survey

Comments:

The elk rut begins in late August, peaks in mid September and can continue until mid-October. Some jurisdictions incorporate citizen science input on bugling as complementary information in their reports on elk, but we are not aware of any jurisdictions who use elk bugling as an indicator of elk presence/absence and/or distribution. The small number of surveys conducted in 2014 should not be used to make any conclusive statements about the presence or distribution of elk in the Project study area(s).

2.3.3.3 Winter Track Surveys

Question:

What is meant by ***in 2015....the areas covered were searched more extensively***. ? The transect lines were similar in both 204 and 205 (1 km apart). Was the more extensive search related to the use of a helicopter (with 3 observers) in 2015 vs the use of a fixed wing (with one observer) in 2014; or; to some other variable?

Tables 2-4 to 2-6

Question:

Was consideration given to performing analyses on wetland sub-categories? We ask this because we would expect few deer observations in muskeg and string bogs, vs. many observations in willow/alder swamps.

Comment:
It seems counter-intuitive that a positive relationship was not found for wolves in those habitat types associated with a positive relationship for white-tailed deer.
Question:
Why were deer observations not recorded in 2014?
Comment:
We are interested in Hydro's thoughts on why there are substantial differences in tracks and/or speicies observations between 2014 and 2015

2.3.4 Synthesis of Mammal results
2.3.4.2 White-tailed Deer
Comment:
The primary reason for declines in white-tailed deer numbers is recent years of harsh winter conditions. There is no data to suggest that increased pressure from rights-based hunting or predation from wolves and coyotes may be contributing in any measurable way to white-tailed deer declines.

3.0 Important Areas for Wildlife
Comment:
MCWS staff commonly observe elk and white-tailed deer in willow/alder swamps during aerial surveys of this area. The extensive willow/alder swamps associated with the Rat River are considered to provide important wintering areas for both of these species.

4.0 Summary
Comment:
This section references Map 9.8 as depicting the range of the Vita elk herd; however; Map 9.8 depicts the 2014 aerial survey blocks, with no elk range shown. Furthermore, we could not locate a map in the document illustrating elk range.

Volume 2
Chapter 9 Assessment of Effects on Wildlife and Wildlife Habitat

Overall Comment:
Much of the background information and description of field study methods in this chapter is similar to that reported in Bio Physical Technical Data Reports - 1.3 Wildlife and Wildlife Habitat. All of our comments for the Physical Technical Data Report respecting background information and field study methods are also applicable to Chapter 9, and are not repeated here.

9.2 Scope of Assessment
9.2.1 Spatial Boundaries
Comment:
See comments for 1.2.3. For previously stated reasons, the RAA will not provide an adequate framework for assessing potential effects on the Vita elk herd.

9.2.3 Learnings from Past Assessments
This section states that ***the use of proxies was incorporated into the design of the Project baseline environmental studies, which included aerial track surveys, camera trap studies.....under existing transmission lines...located within the RAA.***
Comment
By "proxies" we assume this to mean appropriately designed "control areas" which will be used to assess what effects may or may not be attributable to the new ROW. If so, "one pass" by a fixed wing aircraft along the centre of an existing transmission line in 2014 (as described in 9.3.1.4.1) will not meet this standard. An adequate design would incorporate the use of control blocks similar in area to the 20 x 20 monitoring blocks. This would be in MB Hydro's best interests, as controls provide a basis for comparison that can be used to separate ROW effects from those arising from other sources (e.g. weather or climactic trends).

9.3.1.5 Addressing Uncertainty
This section states that ***the paucity of... data*** on the elk herd ***was addressed through elk breeding surveys, winter track surveys, large mammal surveys*** (camera trap?) ***and KPIs.***
Comment:
See our previous comments. For reasons stated in previous sections, these methods, while well intentioned, are not adequate for making any conclusions on the presence/absence or distribution of elk in the area

9.3.2.1.1 Change in Habitat Availability
Comment:
Use of a 100m and 200m buffer may not be appropriate depending on the species. Use of a 500m (or greater) buffer may be more appropriate for higher mobile species (e.g. deer, elk, etc.)

9.3.2.3 Residual Environmental Effects Description Criteria
Comments:
Table 9-4

- Magnitude – With the recent Cumulative Effects Assessment completed for the Northern Area in MB, why have different values been used in this assessment? For example, in the new report prepared by Hydro, "Low" was defined as <5% of wildlife habitat impacted.)
- After some literature review, it would be useful to include two additional variables for consideration; Probability and Level of Confidence. These appear to be industry standards used in other projects of a similar nature across Canada.
    - Probability: the likelihood that an adverse effect will occur (low, high, unknown)
    - Level of Confidence: An evaluation of the scientific certainty one has in the review of the project specific data, relevant literature and professional opinion.

9.4.6 Summary
Comment:
See our previous comments respecting the applicability of a 200 h core to large mammalian species (i.e. 200 h is inadequate) .

9.5.2.1.1 Construction
Comment:
Indirect changes in Wildlife Habitat

- Habitat Fragmentation – there is no question that habitat intactness WILL be reduced, not "may be".
- Also, habitat fragmentation WILL lead to a reduction in intact core habitat, not "may lead".
- Sensory Disturbance – how will den abandonment by black bears be mitigated?

9.5.2.3.1 Characterization of Residual Environmental Effect for Change in Habitat Availability
Comment:
See previous comments. There is no certainty that the core area for elk was avoided during the route selection process. The available data is inadequate for drawing such a conclusion.

9.5.3.1 Pathways for Change in Mortality Risk
Comments

- What about access from a hunting perspective? Was this considered as a mortality risk factor?
- "***...the ROW may increase mortality of game or prey species...***" – this sentence seems buried in the paragraph/section in what appears as an attempt to reduce the perceived importance of this statement. It is an important fact and needs to be stated with the other factors in the opening paragraph of the section.

Volume 4
Chapter 22
Environmental Protection, Follow-up and Monitoring

22.3.1 First Nation and Metis Engagement Process
Question
Will there be opportunities for wildlife staff to participate on some of the planned field trips with First Nation and Metis representatives?

22.3.3 Monitoring Plan
This section states several objectives, including :

- ***confirm the nature and magnitude of predicted environmental effects;***
- ***assess effectiveness of mitigative measures;***

- ***identify unexpected environmental effects;***
- ***identify mitigation to address unexpected environmental effects;***
- ***provide baseline information to evaluate long term changes or trends;***

Comments:
Appropriately-designed "before and After" monitoring methods will be needed to meet these objectives. Some of baseline information collected to date will not be adequate for assessing effects, assessing effectiveness of mitigation measures, or for evaluating long term changes or trends.

22.6 Review and Updating

22.6.1 CEnvPP
This section states that the CEnvPP will be reviewed annually.
Question:
In what month will the annual report be available for review?

Appendix 22A
Construction Environmental Protection Plan

5.2 General Mitigation Tables

General Comment:
There are repeated references in the tables to ***in accordance with the Rehabilitation and Vegetation management Plan.*** We could not find this plan – should it have stated the "Rehabilitation and Weed Management plan"?

Aircraft Use (EI-1):
Comment:
A statement should be included that requires the proponent to advise Wildlife Branch of their flight plans. Wildlife staff may be conducting flights in the same area on concurrent days; therefore; communication on plans will help to ensure the safety of our respective staff.

Wildlife Protection (EC-9):
Comments:
9.02 – MMCWS should be advised as to where the bird diverters/aerial markers will be installed
9.09 - MCWS should be notified if traps or **bait sites** are encountered
9.15 – MCWS should be notified if artificial nesting structures are to be installed. Post – installation monitoring should occur to assess whether these structures are subsequently used.

9.16 – MCWS should be consulted prior to erecting any wildlife warning signs
9.18 – Will the proponent consider the provisions of Manitoba's draft No Net Loss Guidelines?

Appendix 22B
Access Management Plan

2.0 Purpose and Objectives
2.1 Construction Access Management Plan Coverage
Comments:
This section states that *"Public access restrictions are primarily limited to the active construction site, for reasons of safety, and will generally not interfere with traditional traffic patterns".*
If traditional traffic patterns are not to be interfered with, we request clarification as to what steps will be taken to discourage establishment of new traditional traffic patterns on access routes intended for temporary purposes only.
Question:
Will Hydro be willing to erect physical impediments to public access either seasonally or year-round on those routes which provide new or improved access to "sensitive" areas where preservation of values is of concern?

2.2 Identification of Potential Construction Access Opportunities
Comment:
Given the short time afforded to review the EIA, our staff were not able to ground truth all the proposed access routes which may potentially utilize Crown lands. Our review of the maps indicated that some of the routes identified as "existing" may be overgrown to the extent that they are no longer passable/in-use as travel corridors. We will therefore require additional time to ground-truth their current status and determine whether or not there may be issues associated with re-opening or substantially improving these routes.
Comment:
There are some sections of the ROW that identify numerous proposed access routes, and others sections with few proposed access routes. We are requesting that Hydro provide a key map that identifies and summarizes all the proposed existing opportunities for access in the Project area.

4.2 Transmission Line Construction Access Opportunities
Comments
See comments for section 2.2. MCWS's response to this component of the EIA does not imply that all of the proposed access routes on Crown lands willl necessarily be approved.

4.3 Access Mitigation Measures

4.3.1 Environmentally Sensitive Sites

Comment:
MCWS may add some additional sensitive sites as new information becomes available prior to, or during the constructionphase.

4.4 Bypass Routes and Trails
Comment
This section indicates that approval will be sought from MCWS for any new access/by-pass trails greater than 1000 m in length, but that Hydro will proceed without MCWS review/approval if the route/ trail is shorter than 1000 m.
Comments:
All proposals for new access or by-pass routes on Crown lands should be submitted to the IRMT for review and approval, regardless of the length of the proposed route. Once the review is complete, a Work Permits(s) will be issued by the supervising Conservation Officer, subject to conditions similar to those indicated for the LWESI project.

4.5 Traffic Safety and Access Management Mechanisms Review
And
4.51 Access Allowance
And
4.5.4 Oufitters
These sections indicate that, with the exception of licenced outfitters, all public access to the active construction site will be restricted, and; that outfitters will be required to sign in and unload/lock/case their firearms.
Comment:
With regard to those portions of the active construction site located on Crown lands (i.e. lands not under Hydro or private ownership), including Crown lands under easement:

- We are not aware of any Regulations which will provide Manitoba Hydro with the authority to restrict public access, or to require members of the public to unload, lock and case their firearms.

Safety-related restrictions should apply to all peoples. If Manitoba Hydro successfully identifies appropriate safety – related regulations which will allow them to restrict public access, then the restrictions should be applied to all members of the public. If Hydro is prepared to allow some people to traverse the active construction site, then all those requesting to do so should be given similar consideration. As we indicated in previous correspondence, it will be difficult to justify why outfitters with non-Canadian clients would be given access preference over indigenous peoples and other Manitobans.

Section 4.7 Monitoring and Follow-up
This section indicates that the purpose of access-related monitoring is "*to determine whether the measures set out in this AMP are effective*", and, "*to adapt and improve measures in this AMP in response to actual experience*".
Comments:
To improve the ability for ***determining whether the measures set out in this AMP are effective, and to adapt and improve measures in this AMP in response to actual***

experience, we recommend that additions (see bold type) be made to the following paragraphs in this section:

Sources of monitoring information may include the following:

- *Construction supervisor, senior environmental assessment officer, environmental inspector and contractor personnel, documentation and reports;*
- *Manitoba Conservation and Water Stewardship* ***Conservation Officers*** *and* ***wildlife biologists*** *and Manitoba Workplace Safety and Health inspectors and RCMP (as applicable);*
- *Input from resource harvesters, outfitters, Aboriginals, stakeholders, municipal leaders, landowners and the general public.*

The following factors are intended for monitoring during construction:

- *Issues and concerns raised by resource harvesters/outfitters;*
- ***Issues and concerns raised by MCWS staff;***
- *Non-construction related traffic on the construction site (type, volume, purpose, date, location, safety issues);*
- *Incidents or problems with access on the construction site (all traffic); and*
- *Incidents or problems with non-construction traffic on the construction site (circumstances, timing, and location).*
- ***Incidents of ungulate mortalities on or immediately adjacent to the ROW and associated access routes; ****

  * This addition is requested as it may be difficult for Hydro to ascertain whether cause of death is due to predation, hunting, or another factor.

Access management monitoring will be undertaken and compliment other biophysical and socio-economic monitoring conducted during the construction phase of the Project. Further details on access monitoring can be found in the Environmental Effects Monitoring Plan. Access related issues ***and incidents*** *will be summarized by Environmental Inspectors and the Construction Supervisor in their respective monthly reports.* ***Copies of these reports will be made available on an ongoing basis to the supervising Conservation Officer (CO). Incidents involving ungulate mortalities will be reported to the CO as they occur.*** *Monitoring information will be acted upon, as necessary, by the Construction Supervisor,* ***in consultation with the CO, as applicable.***

4.8 Access Rehabilitation Plan

Comments:

The proposed prescriptions for decommissioning and rehabilitation should include schedules indicating when the work is to be completed.

5.0 Operations and Maintenance Access Management Plan Development

Comments:

This section should be expanded to include, at minimum, Hydro's general approach to managing access during the operations phase.

Appendix 22C Environmental Monitoring Plan

This section is under-developed and will need substantial revisions to enable Hydro to assess the potential effects of the project.