



# Interlake Reserves Tribal Council, Inc.

June 19, 2018

Environmental Approvals Branch  
Manitoba Sustainable Development  
1007 Century Street  
Winnipeg, MB R3H 0W4  
Via email: [bruce.webb@gov.mb.ca](mailto:bruce.webb@gov.mb.ca)

**Attention: Bruce Webb, Environmental Engineer**

Dear Sir:

**Re: Manitoba Infrastructure – Lake Manitoba and Lake St. Martin Outlet Channels ("Project")  
File No. 5966.00**

These comments are provided with respect to the Notice of Environment Act Proposal ("EAP") for the above-noted Project.

The Interlake Reserves Tribal Council ("IRTC") is a partnership of the original Manitoba Interlake Ojibwe/Saulteaux Tribe communities working together to advance the collective well-being of their First Nation members. These comments are provided on behalf of the following members of the IRTC: Little Saskatchewan First Nation, Lake Manitoba First Nation, Dauphin River First Nation, and Kinonjeoshtegon First Nation (collectively, the "Nations").

The Nations request that the Minister of Sustainable Development refer the Project to a hearing pursuant to section 12(6) of *The Environment Act*, CCSM, c E125.

The Canadian Environmental Assessment Agency ("CEAA") has already decided that a federal environmental assessment is required and released its Guidelines for the Preparation of an Environmental Impact Statement ("Guidelines"). We submit that an environmental assessment by Joint Review Panel is necessary to properly assess the Project's effects on the environment, including impacts on Treaty and Aboriginal rights, and recommend conditions to any project approval to mitigate the impacts.

## **Background**

Manitoba Infrastructure intends to construct the Project on lands within the Nations' traditional territories and in the vicinity of their reserve lands.

If approved, the Project will have significant impacts on the Treaty and Aboriginal rights, and other interests, of the Nations.

The Project will take up lands subject to Treaty. Historically and currently, the Nations use these lands to exercise their Treaty rights to hunt, fish, trap, gather, and other Aboriginal rights. The lands and waters directly and indirectly impacted by the Project, if approved, are necessary to support the continued exercise of the Nations' Treaty and Aboriginal rights for future generations.

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In addition, the Project also has the potential to adversely impact waters the Nations rely on to supply drinking water to their reserves. As well, many members of the Nations – up to 80% in some of the Nations - rely on commercial fishing for their livelihood. The Project has the potential to significantly impact ongoing commercial fishing in the waters that will be directly and indirectly impacted by the Project.

### **Comments on EAP**

Manitoba Infrastructure is already required to comply with the final CEEA Guidelines. Manitoba Infrastructure will only be completing one environmental assessment for the Project. Accordingly, for purposes of the provincial process, we request that Manitoba comply with the CEEA Guidelines. As a result, the provincial EAP Scoping Document should be as least as robust as the federal Guidelines.

IRTC previously provided comments on the Project Description and the CEEA draft Guidelines for the Preparation of an Environmental Impact Statement. Enclosed are copies of our correspondence, dated February 12, 2018 and April 15, 2018. IRTC requests that Manitoba Sustainable Development consider these submissions as comprising IRTC's objection to the EAP.

Of particular importance, the EAP Scoping Document must include a comprehensive assessment of the Project's impacts on Treaty and Aboriginal rights, traditional land use, reserve lands, and other Indigenous interests. The EAP Scoping Document, as presented, appears to limit its impact assessment on Indigenous peoples to socio-economic considerations. This is unacceptable.

The EAP Scoping Document states that the Environmental Impact Statement will present information with respect to Indigenous peoples gathered through its "IPEP [Indigenous and Public Engagement Program], TK [Traditional Knowledge], prior studies and existing information." Any existing information and prior studies were either completed for purposes unrelated to the Project or were intended to provide a high-level introduction to the Nations' traditional land use in the Project area. We submit that Project-specific traditional land use and impact assessment studies are required.

Under both the provincial and federal environmental assessments, Manitoba Infrastructure is required to incorporate Indigenous knowledge and technical information. We submit that as per the relevant federal policies, ethical considerations, and best practices in Traditional Land Use collection and impact assessment, this information must be gathered from **community-led** traditional land use studies.

### **Conclusion**

In summary, please accept this correspondence and the enclosed correspondence as the Nations' objection to the EAP. If approved, the Project will directly and indirectly impact the Nations' Treaty rights, Aboriginal rights and reserve lands. The EAP Scoping Document should be at least as robust as the CEEA Guidelines with respect to the studies and information required with respect to Indigenous peoples. In light of the need for federal and provincial environmental assessments, we submit that a Joint Review Panel should be held.

Thank you for your consideration of this objection.

Sincerely,



Karl Zadnik,

Chief Executive Officer,

Interlake Reserves Tribal Council

(encl.)

cc. IRTC Board of Directors



# Interlake Reserves Tribal Council, Inc.

April 15, 2018

Anna Kessler, Project Manager  
Canadian Environmental Assessment Agency  
Prairie and Northern Region  
Canada Place  
Suite 1145, 9700 Jasper Avenue  
Edmonton, Alberta T5J4C3

**Re: Lake Manitoba and Lake St. Martin Outlet Channels Project, Registry No. 80148  
Comments on Draft Environmental Impact Statement (EIS) Guidelines**

Dear Ms. Kessler:

The Interlake Reserves Tribal Council Inc. (IRTC) is a partnership of six Manitoba Interlake communities: Lake Manitoba First Nation, Kinonjeoshtegon First Nation, Peguis First Nation, Dauphin River First Nation, Little Saskatchewan First Nation, and Pinaymootang First Nation. The IRTC is the largest tribal council in Manitoba, with over 17,000 members from its six member communities. While each member Nation is a signatory to Treaty According to the IRTC Constitution, the purpose of the IRTC is to generally unify, maintain and expand the interests, lives and identity of the member Nations.

The First Nation members of IRTC communities hold Aboriginal and Treaty rights in the area of Manitoba Infrastructure's proposed Lake Manitoba and Lake St. Martin Outlet Channels Project (the Project). These rights are exercised by the individual citizens of the member First Nations. These Aboriginal and Treaty rights are protected by section 35 of the *Constitution Act, 1982*.

**The Project has the potential to cause permanent and significant adverse impacts on the IRTC communities and their members, including significant and permanent impacts on their Constitutionally protected Treaty and Aboriginal rights.** IRTC members exercise their rights, and actively participate in rights-based activities such as hunting, trapping, fishing and plant gathering in the Project area. Waters in the area are necessary to supply quality drinking water to our IRTC members' reserves.

Our members have a unique relationship with the land and consider themselves to be the 'keepers of the land'. It is important to IRTC and its members that all potential environmental effects are thoroughly assessed. IRTC should be consulted and involved in the development of the assessment, the necessary studies, and in the development of measures to mitigate, avoid or off-set the Project's adverse effects on members rights and interest. To that end, we provide the enclosed table with IRTC's technical comments on the Draft EIS Guidelines.

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**A meaningful assessment of the impacts on our member First Nations rights must include a Cultural Impact Assessment in addition to an environmental assessment.** Predicted impacts on the environment, while relevant, are not in themselves a reliable proxy for an assessment of impacts on our members' current and future exercise of harvesting rights. **The IRTC proposes to work with CEAA and the Project proponent to develop Terms of Reference for a Cultural Impact Assessment**

### *Context*

The Project includes the building of two outlet channels to move water from Lake Manitoba to Lake St. Martin and from Lake St. Martin to Lake Winnipeg. In addition, supporting facilities such as an access road and transmission line will also be required. Most of the IRTC communities are situated on the shores of these lakes and all of the IRTC communities rely on the lakes and the surrounding ecosystems to exercise their Aboriginal and treaty rights.

IRTC conducted preliminary meetings with its member Nations on the Project in late 2017. During these meetings, we documented extensive use of the Project area, including the Project footprint, Lake Manitoba, Lake St Martin and Lake Winnipeg. IRTC members also shared their perspectives of how their communities have already experienced social, economic, environmental and cultural impacts due to past flooding and flooding response measures. The 2011 flood resulted in the displacement and relocation of some out of their home First Nation communities. Some community members still have not been able to return to their home communities and IRTC members highlighted how this displacement has caused shifts in social and support structures within communities and additional stress for individuals, especially for Elders.

Citizens of IRTC's First Nation members also expressed how they observed major environmental changes as a result of the 2011 flood, and subsequent adverse changes in the ability of community members to successfully participate in exercising their rights, including fishing, hunting, trapping and plant gathering. For example, citizens reported that areas affected by flooding no longer allow for hunting or trapping success in part due to loss of wildlife habitat. Fishing, which is an integral economic and cultural activity for many citizens in our First Nations, has also been negatively affected by environmental changes resulting from the 2011 flood and flood response measures. IRTC members also reported that the vegetation surrounding Lake St. Martin changed after the flood and this resulted in the inability for community members to find the plants, berries and medicines they used to gather.

Each of the above factors (i.e., changing social structures, environmental changes, loss of harvesting success) have resulted in shifts in the current use of lands and resources by members of our six First Nations to exercise their harvesting rights . IRTC members are concerned that the Project will result in further changes to their exercise of Aboriginal and Treaty rights. For example, the Project has the potential to effect the following changes of particular concern to IRTC members:

- Fragmentation of lands and resources available to IRTC members to exercise their Treaty and Aboriginal rights;
- New disturbance will cause wildlife to avoid an area making it more difficult and less desirable for members to exercise their Treaty and Aboriginal rights;
- New disturbance will destroy important gathering areas for berries and medicinal plants, including Seneca root;
- The Project will impact important sacred and cultural sites, including an old settlement area with grave sites and what is known in our communities as the "War Path Trail";
- The Project will affect fish habitat, which may impact the quantity and quality of fish available for our members to harvest;

- The Project may result in changes to water quality, which could affect our members' access to a healthy traditional diet; and,
- Changes to water quality and quantity may affect our communities' drinking water.

**The Project's effects will be permanent.** Manitoba has no plans to decommission the Project. Impacts to the lands and resources that our members use to exercise their rights erodes our ability to pass our traditional knowledge of the area onto younger generations. This negatively impacts cultural transmission within our communities and our culture in general.

### *Integration of Indigenous Traditional Knowledge*

The integration of Indigenous Traditional Knowledge throughout the environmental assessment is integral to the Project's success, as is meaningful assessment and accommodation of our section 35 rights .

The IRTC member Nations have observed the effects of the Emergency Outlet Channel (EOC) that was built by the Province of Manitoba without involvement or consultation of Indigenous communities. IRTC members reported that the construction of the EOC resulted adverse impacts on their land use and rights. For example, certain lands no longer support hunting, trapping, or gathering of medicinal plants and berries. In addition, our members have reported changes to whitefish movement patterns, resulting in the death of whitefish and adversely impacting fishing success in Lake Winnipeg.

**IRTC members will experience the Project's impacts firsthand.** They must be involved in all stages of the environmental assessment: from the development and scoping stage to the gathering of information, to the respectful reporting of information, to the development of meaningful mitigation, off-set or avoidance measures.

The IRTC also emphasizes that, just as is the case with all EA studies, the proponent must be responsible to fund the studies necessary to meaningfully assess the Project's impacts to IRTC members' Aboriginal and Treaty rights.

We would be pleased to discuss further our comments with respect to the Draft Guidelines, the development of terms of reference for a Cultural Impact Assessment, and the need for an assessment by review panel. We look forward to CEAA's written response to this letter.

Sincerely,



Karl Zadnik, CEO  
Interlake Reserves Tribal Council  
(Encl.)

Cc. Meaghan Conroy, [mconroy@mltaikins.com](mailto:mconroy@mltaikins.com)

Board of Directors

**Table 1: Interlake Reserves Tribal Council Comments on Draft EIS Guidelines for the Lake Manitoba and Lake St. Martin Outlet Channels Project**

<b>Comment ID</b>	<b>EIS Guidelines Reference</b>	<b>EIS Text</b>	<b>Comment</b>
1	Part 2, Section 1.4, page 14	See Section 1.4	The Project's environmental assessment must be conducted by a review panel due to the high potential for adverse and permanent impacts to IRTC members' Aboriginal and Treaty rights.
2	Part 1, Section 2.3, page 3	The proponent will make reasonable efforts to integrate Aboriginal traditional knowledge into the assessment of environmental effects.	<p>The proponent should be required to integrate Aboriginal traditional knowledge into the assessment of environmental effects.</p> <p>The proponent <i>will</i> integrate Aboriginal traditional knowledge into the assessment of environmental effects.</p>
3	Part 1, Section 2.4, page 3	...the proponent will demonstrate that all aspects of the project have been examined and planned in a careful and precautionary manner in order to avoid significant adverse impacts.	<p>The proponent should be required to apply the precautionary approach to avoid any impacts to Aboriginal and Treaty rights.</p> <p>...the proponent will demonstrate that all aspects of the project have been examined and planned in a careful and precautionary manner in order to avoid significant adverse impacts <i>and any impacts to Aboriginal and Treaty rights</i>.</p>
4	Part 1, Section 3.2.2, pages 5 - 6	See Section 3.2.2	The environmental effects assessment must consider changes to Aboriginal and Treaty rights <u>as separate and distinct VCs</u> . These are values that cannot be assessed by simply transposing a biophysical assessment; for example, insignificant impacts to fish will not necessarily translate to insignificant impacts on the Aboriginal or Treaty right to fish.

Comment ID	EIS Guidelines Reference	EIS Text	Comment
5	Part 1, Section 3.2.2, page 6	- the current use of lands and resources for traditional purposes	<p>The proponent should be required to study the historical and future use of lands and resources for traditional purposes</p> <p>- the current, <i>historical and future</i> use of lands and resources for traditional purposes</p>
6	Part 1, Section 3.2.3, page 6	The proponent is encouraged to consult with the Agency, federal and provincial government departments and agencies, local government and Indigenous groups, and take into account public comments when defining the spatial and temporal boundaries.	The proponent should be <u>required</u> to consult with Indigenous groups and to incorporate their comments when defining the spatial and temporal boundaries.
7	Part 1, Section 4.3, page 10	Primary sources of information include traditional land use studies, socio-economic studies, heritage surveys or other relevant studies conducted specifically for the project and its EIS. Often these studies and other types of relevant information are obtained directly from Indigenous groups.	<p>Primary information must be obtained directly from Indigenous communities to the extent possible. The proponent must use best efforts to ensure that the information is respectfully reported and provide communities an opportunity to comment information provided in the EIS that describes their community or impacts on their traditional uses and Treaty and Aboriginal rights</p> <p>The proponent shall be responsible for funding the environmental assessment, including traditional land use studies, socio-economic studies, heritage surveys, or other relevant Project-specific studies, including a Cultural Impact Assessment, with Terms of Reference to be developed jointly with those Indigenous communities willing to participate.</p>

Comment ID	EIS Guidelines Reference	EIS Text	Comment
8	Part 1, Section 4.2.2, page 8	Agreement should be obtained from Indigenous groups regarding the use, management and protection of their existing traditional knowledge information during and after the EA.	<p>The proponent <u>must</u> obtain the applicable Indigenous group's consent to the use, management and protection of their existing traditional knowledge information.</p> <p>Traditional knowledge sharing Agreement <i>must</i> be obtained from Indigenous groups in advance of public disclosure of TK in the EA. The agreements will cover, <i>inter alia</i>, the use, management and protection of their traditional knowledge information during and after the EA.</p>
9	Part 2, Section 3.2.1, pages 16 – 17	See Section 3.2.1	The EIS should include an assessment of the effects (direct and indirect) from increased vehicle traffic relating to construction activities, including increased dust and noise, and the resulting impacts on the exercise of Aboriginal and Treaty rights.
10	Part 2, Section 5.1, page 21	The proponent will facilitate these meetings by making key EA summary documents (baseline studies, EIS, key findings, plain language summaries) accessible in advance.	<p>The proponent should be required to make key EA summary documents accessible in a format suitable to the specific Indigenous group. For example, not all IRTC members have access to high-speed internet.</p> <p>The proponent will facilitate these meetings by making key EA summary documents (baseline studies, EIS, key findings, plain language summaries) accessible in advance <i>in a format suitable to the specific Indigenous group</i>.</p>



Comment ID	EIS Guidelines Reference	EIS Text	Comment
11	Part 2, Section 6.1, pages 22 - 29	See Section 6.1	<p>The IRTC requests that all valued components (VCs) provide a description of pre- and post-2011 baseline conditions in the Project setting and baseline conditions section, and that cumulative effects consider any impacts resulting from recent (i.e., 2011 – present) flood events.</p> <p>IRTC members have observed substantial environmental, social and economic changes as a result of the 2011 flood. These changes have already resulted in adverse effects on the current use of lands and resources for traditional purposes, therefore, providing a description of these changes is important for establishing the ecological and social context of the Project.</p>
12	Part 2, Section 6.1.4, pages 23-24	See Section 6.1.4	<p>The Groundwater and Surface Water effects assessment should include an assessment of potential impacts to the availability and quality of clean drinking water accessible from reserve lands.</p>
13	Part 2, Section 6.1.5, page 25	See Section 6.1.5	<p>The EIS should include an assessment of the potential for fish to be carried into the diversion channels, where they could be stranded when the water is released.</p>
14	Part 2, Section 6.1.9, pages 26 – 28	<p>Project setting and baseline conditions – Indigenous peoples</p> <p>Baseline information for current use of lands and resources for traditional purposes will focus on the traditional activity (e.g., hunting, fishing, trapping, plant gathering) and include a characterization of all attributes</p>	<p>The proponent should be required to assess attributes of traditional activities that may be affected by social or cultural change, in addition to environmental changes. IRTC members have documented how that the current use of lands and resources for traditional purposes are not only affected directly by environmental changes, but that changes that affect social or cultural conditions may also contribute to changes on land use (e.g., the displacement of community members out of their home community may prevent them from practicing land use activities due to distance from accessible land use areas).</p>

Comment ID	EIS Guidelines Reference	EIS Text	Comment
		of the activity that can be affected by environmental change.	Baseline information for current use of lands and resources for traditional purposes will focus on the traditional activity (e.g., hunting, fishing, trapping, plant gathering) and include a characterization of all attributes of the activity that can be affected by environmental, <i>social or cultural</i> changes.
15	Part 2, Section 6.1.9, pages 26 – 28	See Section 6.1.9	The assessment of impacts to the use of lands and resources for traditional purposes should include historical and future use, in addition to current use.
16	Part 2, Section 6.1.9, pages 26 – 28	See Section 6.1.9	The assessment of culture should not be limited to physical artifacts. The proponent should be required to complete a comprehensive cultural impact assessment.
17	Part 2, Section 6.2.2, page 30	Predicted changes to the physical environment – Changes to ground water, surface water, and fluvial morphology	<p>IRTC members require confidence in and predictable ice formation to be able to practice rights based activities on Lake St. Martin. IRTC members already experience unpredictable ice formation which makes travel on the ice dangerous. The proponent should be required to assess the following matters:</p> <ul style="list-style-type: none"> <li>- <i>changes to flow rates and currents in Lake St. Martin</i></li> <li>- <i>changes to ice formation and break-up</i></li> </ul>

Comment ID	EIS Guidelines Reference	EIS Text	Comment
18	Part 2, Section 6.2.3, page 30	- changes to key habitat for species important to current use of lands and resources for traditional purposes	<p>The proponent should be required to study movement corridors for species important to the current use of lands and resources for traditional purposes. IRTC members have documented a moose movement corridor that intersects with the Project footprint. IRTC members require suitable populations of preferred species to be able to hunt and trap successfully.</p> <p>- changes to key habitat, <i>movement corridors</i>, and <i>population numbers</i> for species important to current use of lands and resources for traditional purposes</p>
19	Part 2, Section 6.2.3, page 30	- changes to shorelines and riparian areas	<p>The proponent should be required to study erosion and vegetation changes to shorelines and riparian areas. IRTC members have observed existing issues related to shore erosion and changing vegetation on the shores of Lake St. Martin and Lake Winnipeg and are concerned about the potential for additional negative impacts resulting from the Project.</p> <p>- changes to shorelines and riparian areas (<i>e.g., erosion and vegetation changes</i>)</p>
20	Part 2, Section 6.3.1, page 31	Predicted effect on valued components – fish and fish habitat	<p>The proponent should be required to study the potential for the spread of invasive aquatic species. IRTC members are concerned about the spread of invasive aquatic species such as zebra mussels into new areas.</p> <p>- any potential for the spread of <i>invasive aquatic species</i></p>

Comment ID	EIS Guidelines Reference	EIS Text	Comment
21	Part 2, Section 6.3.4, page 22	<p>Predicted effect on valued components – Indigenous peoples</p> <p>The underlying changes to the environment will also be described, including, but not limited to:</p>	<p>The proponent should be required to assess changes to socio-economic or cultural conditions in addition to environmental changes. IRTC members have documented how that the current use of lands and resources for traditional purposes are not only affected directly by environmental changes, but that changes that affect socio-economic or cultural conditions may also contribute to changes on land use (e.g., current barriers to land use can result in a lack of transmission of traditional knowledge that can result in a decrease in the number of future generations who practice traditional activities).</p> <p><i>- any changes to socio-economic or cultural conditions that may affect participation of Indigenous peoples in the current use of lands and resources for traditional purposes.</i></p>
22	Part 2, Section 6.3.4, page 22	<p>Predicted effect on valued components – Indigenous peoples</p> <p>- an assessment of the potential to return affected areas to pre-project conditions to support traditional practices</p>	<p>The proponent should be required to conduct an assessment of the potential to return affected areas to pre-2011 flood conditions. IRTC members have observed substantial environmental, social and economic changes as a result of the 2011 flood. These changes have already resulted in adverse effects on the current use of lands and resources for traditional purposes, and that should pre-flood conditions be established, traditional practices can be reasonably expected to resume.</p> <p>- an assessment of the potential to return affected areas to <i>pre-2011 flood conditions</i> to support traditional practices</p>

Comment ID	EIS Guidelines Reference	EIS Text	Comment
23	Part 2, Section 6.3.4, page 33	<p>Predicted effect on valued components – Indigenous peoples</p> <p>- socio-economic conditions, including but not limited to:</p>	<p>The proponent should be required to include an assessment of impacts to commercial farming activities in its socio-economic assessment. Many IRTC members reported that they experienced economic impacts due to the loss of hay fields from flooding.</p> <p>- <i>commercial farming activities</i></p>
24	Part 2, Section 6.6.1, page 36	See Section 6.6.1	The proponent should assess the effects of potential accidents or malfunctions on reserve lands and the exercise of Aboriginal and Treaty rights.
25	Part 2, Section 6.6.3, page 39	The proponent is encouraged to consult with key stakeholders and Indigenous groups prior to finalizing the choice of VCs and the appropriate boundaries to assess cumulative effects.	<b>The proponent should be required to consult with Indigenous groups prior to finalizing the choice of VCs and the appropriate boundaries to assess cumulative effects.</b>



# Interlake Reserves Tribal Council, Inc.

February 12, 2018

Lake Manitoba and Lake St. Martin Outlet Channels Project

Canadian Environmental Assessment Agency

Canada Place

9700 Jasper Avenue, Suite 1145

Edmonton, AB T5J 43C

Via email: [CEAA.PNR-RPN.ACEE@ceaa-acee.gc.ca](mailto:CEAA.PNR-RPN.ACEE@ceaa-acee.gc.ca)

Dear Sir or Madam:

**Re: Lake Manitoba and Lake St. Martin Outlet Channels Project**

**Registry No. 80148**

These comments are provided with respect to the Canadian Environmental Assessment Agency's ("CEAA") decision about whether the Lake Manitoba and Lake St. Martin Outlet Channels Project ("Project") should be subject to an Environmental Assessment.

The Interlake Reserves Tribal Council ("IRTC") is a partnership of Manitoba Interlake communities working together to advance the collective well-being of their First Nation members. These comments are filed on behalf of the following members of the IRTC: Peguis First Nation, Little Saskatchewan First Nation, Lake Manitoba First Nation, Dauphin River First Nation, and Kinonjeoshtegon First Nation (collectively, the "Nations").

The Nations respectfully request that CEAA undertake a rigorous environmental assessment of the proposed Project. The potential impacts on matters of federal jurisdiction are plainly identified throughout the Project Description. These include impacts to:

- Indigenous peoples, including
  - health and socio-economic conditions
  - physical and cultural heritage
  - the current use of lands and resources for exercise of Treaty rights, including Traditional practices, and
  - reserve lands;
- fish and fish habitat;
- species protected under the *Species at Risk Act*; and
- migratory birds.

Accordingly, CEAA should conduct an independent assessment of the Project's environmental effects. We

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note that the Project proponent assumes that it will be required to submit an environmental assessment pursuant to *The Environmental Act* (Manitoba). We submit that an environmental assessment by Joint Review Panel would be the most efficient and effective method of reviewing the Project's environmental effects.

### ***Background***

The Nations are signatories to Treaty 2. Our members hold constitutionally protected Aboriginal and Treaty rights.

If approved, the Project will be located:

- within Treaty 2 territory;
- within the Nations' traditional territories; and
- on lands and waters that our members use to exercise their constitutionally protected rights.

Through preliminary meetings with our membership regarding the Project, our members have expressed their distrust of the Manitoba government. During the 2011 flood, Manitoba diverted water to the Interlake region to protect the City of Winnipeg. The flooding affected the ways our members use the lands. For example, certain lands no longer support hunting, trapping or gathering of medicinal plants and berries. Our members have also noticed changes in the migration of certain fish species in waters in the Project area. We are concerned that Manitoba will not give adequate attention to the Project's effects on Indigenous peoples without a federal environmental assessment.

### ***Environmental Effects***

The Project Description identifies a number of potential effects on matters of federal jurisdiction, including with respect to Indigenous peoples, that are reasonably likely to occur. Specifically, the Project Description details the Project's direct and indirect effects to migratory birds (through habitat loss, alteration or fragmentation, sensory disturbance and increased mortality) and notes the many species protected under the *Species at Risk Act* in the Project area. However, with respect to Indigenous peoples, the Project Description states that the environmental effects may benefit Indigenous peoples. We disagree. The Project will result in changes to the environment that will negatively affect our members' ability to exercise their Treaty and Aboriginal rights. Only our communities can determine whether the Project will benefit our people.

The Project will further fragment the lands and resources available to our members to exercise their Treaty and Aboriginal rights. The Project will convert existing forestry and winter roads into all-season access roads and require the construction of new all-season access roads. Our members use the Project area to hunt for moose and deer. We also trap for beaver and muskrat in the Project area. This new access road will destroy or disturb our members' hunting and trapping areas. In our experience, new disturbance drives wildlife away making it harder to exercise our Treaty and Aboriginal rights. The new disturbance will also destroy important gathering areas for berries and medicinal plants, including Seneca root. Our members are also concerned that the new disturbance will impact an old settlement area with grave sites in the Project area.

All phases of the Project (construction, operation and maintenance) may directly and indirectly affect fish and fish habitat. These impacts may result from erosion and sedimentation, surface water quality, alteration of shoreline morphology, and changes to drainage and surface water flows. Our members use the waters in the Project area to practice their constitutionally protected right to fish. Our members fish in the Project area for species including sturgeon, trout, whitefish, pickerel and pike. Our members are concerned that the destruction of fish habitat will reduce the number of fish available for harvesting. In addition, changes in water quality could affect the quality of fish that our members consume. These changes would impact our

communities' access to a healthy traditional diet and reduce the ability of our members to use lands and resources to exercise traditional practices.

The Project's effects will be permanent; Manitoba has no plans to decommission the Project. Impacts to the lands and resources that our members use to exercise traditional practices erodes our ability to pass our traditional knowledge of this area onto younger generations. This negatively impacts cultural transmission within our communities.

Our members are also concerned that the Project may affect the quality of their drinking water, through increased sediment and through chemical run-off from flooding.

For these reasons, we respectfully request CEAA conduct a rigorous environmental assessment.

Finally, we would request that CEAA provide reasonable and adequate funding, commensurate with the potential impacts of the project on our interests and the magnitude of the Project, so that these Nations can provide well informed submissions to regulators and meaningfully participate in consultation and accommodation discussions.

We would be pleased to discuss our concerns and the need for a federal environmental assessment further.

Yours truly,



Karl Zadnik, CEO  
Interlake Reserves Tribal Council

cc. IRTC Board of Directors,  
Meaghan Conroy & Jessica Buhler, MLT Aikins- [mconroy@mltaikins.com](mailto:mconroy@mltaikins.com)