



# MANITOBA ECO-NETWORK

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## **MbEN Comments on the Lake Manitoba and Lake St. Martin Outlet Channels Project**

May 25, 2020

The Manitoba Eco-Network (MbEN) appreciates this opportunity to comment on the potential environmental effects of the Lake Manitoba and Lake St. Martin Outlet Channels Project and any proposed measures to prevent or mitigate those effects, as set out in the Project's Environmental Impact Statement (EIS). Since 1988, MbEN has promoted positive environmental action by supporting people and groups in our community. MbEN is currently transitioning our programming to focus more on policy advocacy, engagement in consultation processes and developing capacity building tools that benefit the environmental non-profit sector and our member groups. It is important to ensure organizations like ours have the ability to engage in the environmental decision-making processes that impact citizens and provide a voice for our public environmental interests. We welcome more opportunities in the future to engage with the Agency in the assessment of projects in Manitoba to ensure strong and effective environmental protection measures are required. Our comments will be general and broad in nature, as we do not have access to intervenor funding and technical expertise.

There have been many concerns with the proposed Project vocalized by Manitobans, the Metis Nation and First Nations in terms of the scope of the project, assessment of potential impacts, proposed mitigation measures, and monitoring and follow-up plans, as acknowledged in the EIS. MbEN does not feel that the EIS contains enough information for many of these public concerns to be adequately considered and addressed. We compliment the Agency in their task of identifying many of the deficiencies in the first round of information requests and requiring the submission of a broad range of additional information from Manitoba Infrastructure. It is important that the concerns of the public and Indigenous communities are meaningfully considered and incorporated into the conditions of approval. MbEN hopes Manitoba Infrastructure's responses to the Agency's first round of IRs and any future information requests will address existing information gaps in the EIS and ensure the following issues are meaningfully considered before any final decisions are made.

### ***Historical Impacts of Flood Control Measures***

Manitoba has a long history with flooding and the development of flood control measures. MbEN recognizes the need for and importance of new developments such as the proposed permanent flood control management system for Lake Manitoba and Lake St. Martin. There is a need to better acknowledge, when considering new flood control projects, the historical impact of previous flood control measures on all communities and the environment. The Manitoba Clean Environment Commission Lake Winnipeg Regulation hearing in 2015, identified flood control measures as having serious socio-economic consequences for affected First Nations. Flood protection infrastructure has prevented property damage and reduced the potential impact of flooding largely for the economic benefit of cities such as Brandon, Portage la Prairie and Winnipeg. It is important that the EIS acknowledges the historical impacts of flood

prevention infrastructure and includes assessment of the Portage Diversion, the Fairford Dam and the Lake St. Martin Emergency Outlet. Taking into consideration the geographic scope and timeline of the projects developed in the Lake Manitoba - Assiniboine River Basins, there is a need for better consideration in the EIS for more historical data relating to, for example water quality, fish populations, fish habitat, aquatic and terrestrial biodiversity and peoples livelihoods. This information is required to ensure a better understanding of baseline conditions and the potential impact of future project activities and to ensure that mitigative measures, including economic compensatory programs, address historical impacts.

### ***Climate Impacts and Mitigation Measures***

There were weaknesses and gaps in the information provided about potential effects of climate change on the project. Limited information was available on the source of climate change information used in the development of the EIS. More discussion of the potential changes to water dynamics and how climate change impacts could impact the operation and management of the proposed infrastructure under future climate scenarios is required. This information is necessary in order to ensure that the full range of potential climate change impacts on the project, and the project's potential impacts on the environment are considered by decision-makers and factored into the design and operation of the project.

### ***Cumulative Effects***

Past and present projects or physical activities that interact cumulatively with the proposed project include the Portage Diversion, the Fairford Dam and the Lake St. Martin Emergency Outlet Structure (EOS). While it is reported that the overall purpose of the Project is to result in a positive effect by reducing the outcomes of a major natural flood, it is important that the cumulative effects of other water management projects in the Lake Manitoba's basin are considered in conjunction with the potential effects of the project.

Manitoba Infrastructure must clarify the spatial and temporal boundaries of the project, which appears to vary in the EIS when discussing certain VECs like soils, groundwater/geology, and surface water, to better facilitate the understanding and assessment of the scope and potential impacts of the project. Manitoba Infrastructures should also provide more clarity on what will be done with the EOS and any potential cumulative effects that may occur as a result.

### ***Proposed Mitigation Measures***

As identified by the Agency, the EIS did not contain sufficient information about proposed mitigation measures in a number of areas including the atmospheric environment, surface water, groundwater and fish and fish habitat. For example, the data relied on for the assessment of potential impacts on fish and fish habitat was inadequate and did not include sufficient consideration of historical trends. As identified by the Agency, there is a need for more information about the source of the baseline data and fish habitat relied upon to identify potential impacts and develop proposed mitigation measures.

### ***Proposed Monitoring and Follow-up Plans***

Monitoring and follow-up measures play an important role in validating the models and predictions on which the EIS is based and ensuring mitigation measures are working effectively.



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Without information about how Manitoba Infrastructure plans to ensure effective monitoring and follow-up measures will be implemented, it is not possible for the decision-maker to make an informed decision about the potential effects of the project and required conditions of approval that should be imposed. As identified by the Agency, there was a lack of information in the EIS about proposed monitoring and follow-up measures for a number of VECs including atmospheric environment, surface water and groundwater, fish and fish habitat, and wildlife.

We suggest that any monitoring and follow-up plans developed for the project include traditional ecological and indigenous knowledge, and be implemented in nation to nation, co-management agreements with affected First Nations and the Metis Nation.

## ***Indigenous Involvement, Consultation and Management***

“Free, Prior and Informed Consent (FPIC) is a specific right that pertains to indigenous peoples and is recognised in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). It allows them to give or withhold consent to a project that may affect them or their territories. Once they have given their consent, they can withdraw it at any stage. Furthermore, FPIC enables them to negotiate the conditions under which the project will be designed, implemented, monitored and evaluated. This is also embedded within the universal right to self-determination.” (<http://www.fao.org/indigenous-peoples/our-pillars/fpic/en/>)

Canada is a signatory to UNDRIP, but neither Canada or Manitoba have ratified the agreement. In light of the public statement made by the Assembly of Manitoba Chiefs (AMC) Grand Chief Arlen Dumas in March 2020 it seems that there has not been meaningful Indigenous engagement in the development of the Project and the assessment process so far. As the Grand Chief stated: “It is no longer acceptable for any government to conduct assessments and grant approval for construction of infrastructure without First Nations consultation and participation. First Nations need to be full participants as it relates to the discussion on the potential environmental effects of the project and any proposed measures to prevent or mitigate those effects.” In order to make an informed decision about the Project, it is clear more information about ongoing consultation activities is required. There is also a need for any proposed monitoring and follow-up activities to involve impacted Indigenous communities and be implemented as nation to nation, co-management agreements.

## ***Conclusion***

The Agency has done a great job in identifying many information gaps in the EIS and requiring more information from Manitoba Infrastructure before the approval process can proceed. The requested information, once provided, will improve the public record for this project and will ensure a more robust consideration of potential impacts and conditions for approval is undertaken.

In particular, MbEN emphasizes the importance of Manitoba Infrastructure's compliance with cumulative effects requirements: "CEAA 2012 requires that each EA of a designated project take into account any cumulative environmental effects that are likely to result from the designated project in combination with the environmental effects of other physical activities that have been or will be carried out" (Operational Policy Statement, 2015). The Project is proposed as a permanent flood control management system for Lake Manitoba and Lake St. Martin and is part of a larger series of physical activities that have been carried out in the past. It is important that the temporal and spatial boundaries established in the scoping of this EIS reflect this historical context.

MbEN appreciates the Agency's consideration of these comments and welcomes future opportunities to engage with the Agency in the assessment of projects in Manitoba to ensure the highest level of environmental protection measures are required.

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