

ANNEX 2: Advice to the proponent

Department or Indigenous Group	Reference to EIS	Context and Rationale	Advice to the Proponent
Federal Expert Departments			
Infrastructure Canada	8.2.1.2 Consideration of Indigenous Information and Traditional Knowledge	There seem to be only a few groups that have provided information that was used in consideration of project planning and mitigation.	These sections of the EIS, where Indigenous Information and Traditional Knowledge have been incorporated should be expanded, to include information from as many of the Indigenous groups as possible. Considering there were many Indigenous groups to be engaged for the project there does not seem to be very much information included from them.
Infrastructure Canada	EIS Chapter 10	The assessment of residual environmental effects on Traditional Resource and Lands Use is based on TK assessments completed by the MMF, Interlake Reserves Tribal Council, Fisher River Cree Nation and Dauphin River First Nation. (pg 329 volume 4). However, these references are not included in the text on page 329.	Please confirm the reference titles for these assessments if that is possible.
Health Canada	Volume 2, Section 6.4.2.2 Groundwater Quality (page 158)	Reference to Health Canada Canadian Drinking Water Quality Guidelines – version may be incorrect. version from 2017 is cited, but latest version of guidance is from 2016	Refer to the below line for most up to date guidelines. https://www.canada.ca/en/health-canada/services/publications/healthy-living/guidance-evaluating-human-health-impacts-water-quality.html
Health Canada	Volume 4, Section 9.5.4.2 page 206	Reference to HC guidance on air quality – version may be incorrect. Version from 2016 is cited, but latest version of guidance is 2017	Refer to the below link for most up to date guidelines. https://www.canada.ca/en/health-canada/services/publications/healthy-living/guidance-evaluating-human-health-impacts-water-quality.html

			living/guidance-evaluating-human-health-impacts-air-quality.html
Health Canada			Please note the upcoming CAAQS for 1-hr NO ₂ (113 µg/m ³ in 2020 and 79 µg/m ³ in 2025). See link for additional information: https://www.ccme.ca/en/current_priorities/air/caaqs.html
Health Canada			Please note the new CAAQS for Ozone http://airquality-qualitedelair.ccme.ca/en/
Fisheries and Oceans Canada	6.5.3 Mitigation Measures; 6.5.3.1 Permanent Alteration or Destruction of Fish Habitat	<i>Fisheries Act</i> requirements The following comment was noted in the EIS. <i>“The Project will mitigate any permanent alteration or destruction of fish habitat caused by building the channels through creating new fish habitat in the LMOC and LSMOC. When completed, the LMOC and LSMOC will provide at least 172 ha of new fish habitat; 72 ha in the LMOC and 100 ha in the LSMOC.”</i>	It important to note that Offsetting needs to meet DFO’s Offsetting Policy. Creating a trapezoidal wetted channel will not meet the regulatory and policy requires to be accepted as a habitat offset plan. The proponent should be aware that regulatory requirements under the <i>Fisheries Act</i> are independent of the CEEA process and reflect different criteria.
Fisheries and Oceans Canada	Volume 3, Section 7.2.1.1, page 7.3	Modernized <i>Fisheries Act</i> came into force on August 28, 2019	Provisions of the new <i>Fisheries Act</i> came into force including new protections for fish and fish habitat in the form of standards, codes of practice, and guidelines for projects near water. Protections, like the prohibitions against the harmful alteration, disruption, and destruction of fish habitat and death of fish by means other than fishing have been restored. In future communications, please refer to the current version of the <i>Fisheries Act</i> and associated regulations.
Fisheries and Oceans Canada	Volume 3, Section 7.2.1.7, page 7.17	Non-standard definition	The EIS includes terminology such as ‘permanent alteration’ that is associated with

			the <i>Fisheries Act</i> and DFO Policy Statement prior to the recent update. It is important to note that any project related regulatory requirements under the <i>Fisheries Act</i> will be based on the recent version of the Act and policies.
Fisheries and Oceans Canada	Volume 3, Section 7.2.4.2, bottom of page 7.51	Clarity	The EIS says jetties may temporarily disturb habitat. It is unclear if these jetties are permanent structures or will be removed with the coffer dam. If the jetties remain, they would likely be considered destruction of fish habitat.
Natural Resources Canada	Volume 1 – Sections 3.4.2.11 and 3.4.3.10	NRCan administers <i>The Explosives Act</i> and, in most situations, issues licenses for the storage and/or manufacture of explosives	Should the project require the storage and/or manufacture of explosives, please provide details about the nature, quantity of explosives to be stored and/or manufactured, as well as the specific locations of explosives magazines and/or manufacturing plants.
Transport Canada	Section 4.2 Regulatory Requirements, 4.2.3 Other Regulatory Requirements – references the former federal <i>Navigation Protection Act</i> (NPA). The NPA is referenced in various sections throughout the EIS report.	The <i>Canadian Navigable Waters Act</i> (CNWA), came into force on August 28, 2019 and replaces the former <i>Navigation Protection Act</i> (NPA). The CNWA restores and better protects the right to travel on all navigable waters in Canada, advances reconciliation and establishes new opportunities for Indigenous peoples to partner with Canada. The CNWA also creates more accessible and transparent processes and improves the efficiency and effectiveness of the navigation protection system. The key changes, relevant to the Project, pertain to the protection of all navigable waters, including those that are not listed	Transport Canada advises the Proponent to please refer to Transport Canada’s website at https://www.tc.gc.ca/eng/programs-623.html#item_5 By answering some questions in regards to the project, the Project Review Tool will allow you to determine if you require an application to the Navigation Protection Program under the <i>Canadian Navigable Waters Act</i> (CNWA).

		<p>in the Schedule of the Act. The CNWA designates six categories of works as “major works” that are likely to substantially interfere with navigation: water control structures (such as dams, for example), bridges, temporary works related to bridges, ferry cables, causeways, and aquaculture facilities. Under the CNWA, owners of works (except minor works) that may interfere with navigation on navigable waters must apply for a CNWA approval, while those navigable waters not listed in the Schedule of the Act must either: a) apply to TC for approval; or b) go through a public resolution process involving notice to the public, depositing information in the public registry for a minimum time period, and working to resolve any navigation related concerns raised with the comment period.</p>	
Indigenous Groups			
	<p>General</p>	<p>Several Indigenous communities, including Poplar River First Nation, Manitoba Metis Federation, Peguis First Nation, Pinaymootang First Nation, Sagkeeng First Nation, Sandy Bay Ojibway First Nation, Lake Manitoba First Nation, Lake Saskatchewan First Nation, Dauphine River First Nation, Norway House Cree Nation and Kinonjeoshtegon First Nation, indicated that the engagement activities</p>	

		<p>conducted to date for the Project have been insufficient to fully understand the concerns of each community with regard to the Project, the current use of the area of the Project (e.g. PDA, LAA, and RAA) for traditional purposes, and areas of significance for communities, and for communities to have meaningful input into the Project design and the content of the EIS, including baseline information, selection of spatial and temporal boundaries, the selection of VCs, and predictions with respect to potential Project effects. Indigenous groups are concerned that this may limit MI’s understanding of the baseline environment and potential Project effects to Indigenous peoples.</p>	
Poplar River First Nation	General		<p>Lake Winnipeg is a reservoir and is a water system with infrastructure and channels built for hydro generation. The lake as a reservoir affects Aboriginal or Treaty rights, the ability to exercise Aboriginal or Treaty rights, and both economic and subsistence fisheries. Effects related to the 2011 flood in relation to the regulation of Lake Winnipeg are still being felt in the north basin of the Lake.</p>
Poplar River First Nation	Chapter 3, Section 3.5.2.1		<p>The EIS states that “ROW clearing will consist of the removal and disposal of trees, shrubs, fallen timber and surface litter from the ROW and temporary access roads, prior to grading”. Poplar River First Nation requests that timber be offered to First Nations communities prior to disposal or burning of this resource.</p>

Poplar River First Nation	Chapter 3, Appendix 3F		Poplar River First Nation noted the need for Transport Canada and Fisheries and Oceans Canada authorizations and MI work plans to take into account potential effects to Indigenous peoples' rights to navigation, travel, fishing, and recreation on ice.
Poplar River First Nation	Chapter 3, Appendix 3F		Poplar River First Nation emphasized the importance of selecting culvert type and design specifically for fish species that may be present or are likely to be present in the waterbody or tributaries to the waterbody.
Poplar River First Nation	Chapter 9, Section 9.6.4.1		Poplar River First Nation noted that their community is interested in having an Indigenous elder onsite during any vegetation clearing or excavation activities during Project construction to monitor for heritage resources and sites and objects of importance to their community. Concerns were expressed that a non-Indigenous person may not have the knowledge to identify sites or resources of cultural/historical importance to Indigenous peoples.
Poplar River First Nation	Chapter 10		Poplar River First Nation expressed concerns regarding the disclosure of traditional knowledge provided to during information gathering for the Project. Suggestions were made to arrange for meetings to discuss how Indigenous groups may be able to share information with MI without the risk of this information being shared publically.