

LAKE MANITOBA AND LAKE ST. MARTIN OUTLET CHANNELS PROJECT
RESPONSE TO IAAC TECHNICAL INFORMATION REQUESTS

Question IAAC-46

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Abbreviations and Acronyms

CEMP	Construction Environmental Management Program
ECCC	Environment and Climate Change Canada
EIS	environmental impact statement
EMP	Environmental Management Program
EPP	Environmental Protection Plan
IAAC	Impact Assessment Agency of Canada
LAA	local assessment area
LMOC	Lake Manitoba outlet channel
MI	Manitoba Infrastructure
NO ₂	nitrogen dioxide
PER	Project Environmental Requirement
PM _{2.5}	particulate matter (fine)
RAA	regional assessment area
SAR	species at risk
WMP	Wildlife Monitoring Plan

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EIS Guideline Reference: 7.1 Project setting and baseline information; 7.1.9 Species at Risk

EIS Reference: 8.3.9 Prediction Confidence

Context and Rationale

The EIS Guidelines require the proponent to include current baseline information in sufficient detail to support the assessment of effects of the Project on SAR.

Subsection 79(2) of SARA establishes a requirement to identify and avoid or lessen all adverse effects of a Project on listed wildlife species and critical habitat, regardless of the significance of those effects. Mitigations measures are to be consistent with applicable recovery strategies and action plans.

The EIS states that the significance confidence is moderate, “based on the quantity and quality of data available” and the “effectiveness of the mitigation measures in the Environmental Management Plan.” The EIS also states that the quality and quantity of baseline information for the residual effects assessment for SAR is limited and that the Environmental Management Plan has not been developed.

Baseline surveys completed by the proponent did not include targeted survey methods intended to detect all potential or known SAR that may be affected by the project, including Northern Leopard Frog, Snapping Turtle, Yellow Rail, Least Bittern, and Piping Plover. The proponent has not justified the omission these SAR from the surveys. The surveys used by the proponent include several limitations related to effort, timing, and targeting.

Understanding baseline conditions, including SAR occupancy in the Project area and potentially affected habitat in the LAA, mitigation measures, the limitations of the surveys completed to date is necessary for the assessment of potential effects to SAR.

Information Requests

- a) Discuss how the limitations of the SAR baseline data collected to date are likely to affect the conclusions of the assessment of effects. Explain the omission of potential SAR from the surveys.
- b) Discuss how ongoing baseline information collection for SAR will occur to improve the confidence in the residual effects assessment and support the development of the Wildlife Mitigation Plan and compensation offsetting plans. For surveys, include the types, quantities, and methodologies. Describe the specific survey methods that will be used, to provide greater certainty the extent of occupancy of the following SAR in the RAA: Northern Leopard Frog, Snapping Turtle, Yellow Rail, Least Bittern, and Piping Plover.

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- c) Provide details of the Environmental Management Plan, Wildlife Mitigation Plan, and compensation offsetting plans that outline measures to mitigate the residual effects of the Project on wildlife, including SAR.

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- a) Limitations of the baseline data are acknowledged in Volume 3, Section 8.3.9 of the Environmental Impact Statement (EIS). The conclusions are unlikely to change with additional baseline data as the Species at Risk (SAR) assessment took a conservative approach by assuming SAR could be present where suitable habitat exists. For example, Volume 3, Section 8.3.6.2 assumes that loss or alteration of wetland habitat along the Lake Manitoba Outlet Channel (LMOC) could affect the least bittern, yellow rail, and northern leopard frog. While completion of these surveys can add to a better understanding of the landscape (see response to (b) below), use of the conservative assumption as discussed above is preferred in order to err on the side of caution. Piping plover surveys were conducted in 2016 and there were no piping plover observations or signs of their activity identified within the local or regional study areas (EEI 2017a and b). These findings are consistent with earlier survey work completed as part of Manitoba's piping plover recovery program which, despite extensive surveys was unable to find evidence of piping plovers beyond the southeast side of Lake Winnipeg (Sylvestre 2006). Based on these findings, piping plover are not anticipated to be affected by the Project (Volume 3, Section 8.3.6.2). Snapping turtle rely on permanent lakes and wetlands which will be identified in the Environmental Protection Plan (EPP) and like other SAR (e.g., least bittern, yellow rail, and northern leopard frog), are subject to standard mitigation measures (e.g., wetland buffers) in the Construction Environmental Management Plan (CEMP; e.g., Project Environmental Requirements [PERs]; see Section 3.7).
- b) Environmental effects assessment determinations in the EIS are developed using a conservative habitat-based approach and are not expected to change following additional baseline data collection. However, additional baseline surveys for SAR will be completed in summer of 2020 to: 1) supplement existing baseline information to support comparisons between construction and post-construction monitoring; and 2) refine both general and site-specific mitigations, including details in the offset plans (for red-headed woodpecker and eastern whip-poor-will) being developed for the Project (see response to (c) below). Additionally, the Wildlife Monitoring Plan will include regular reporting on construction and post-construction monitoring results to federal and provincial regulators to demonstrate the effectiveness of mitigation and/or verify conclusions of the EIS.
- c) As stated in Volume 3, Sections 8.2.8 and 8.3.10, Manitoba Infrastructure (MI) is committed to developing the SAR offset plans for red-headed woodpecker and eastern whip-poor-will, as well as a Wildlife Monitoring Plan (WMP) and an Environmental Management Program (EMP) that that is supported by a CEMP (see Volume 1, Section 3.7). MI will develop the offset plans, along with the EMP and WMP, in consultation with the Impact Assessment Agency of Canada (IAAC) and Environment and Climate Change Canada (ECCC). These plans will be discussed with Indigenous groups and other relevant stakeholder groups. Although the details of these plans are not available at this time, the offset plans will be consistent with the principles outlined in the *Species at Risk Act*

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Permitting Policy (Government of Canada 2016) and the characterization of critical habitat outlined in the recovery strategies for each of these species (ECCC 2018 and 2019). The 2020 SAR surveys will identify critical habitat and inform the amount of area and features to be included in the offset plan. The effectiveness of offset measures (e.g., snag retention or creation for red-headed woodpecker), will be monitored as part of the offset plan and within an adaptive management framework. The duration and frequency of monitoring offsets, as well as reporting requirements, will be identified in consultation with provincial and federal regulators and communicated with Indigenous groups through the engagement process.

References

- EEL (EcoLogic Environmental Inc.). 2017a. Lake Manitoba outlet channels: wildlife technical report. Prepared for M. Forster Enterprises. Winnipeg, MB.
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- ECCC (Environment and Climate Change Canada). 2018. Recovery Strategy for the Eastern Whip-poor-will (*Antrostomus vociferus*) in Canada. Species at Risk Act Recovery Strategy Series. Environment and Climate Change Canada, Ottawa. vi + 107 pp.
- ECCC. 2019. Recovery Strategy for the Red-headed Woodpecker (*Melanerpes erythrocephalus*) in Canada [Proposed]. Species at Risk Act Recovery Strategy Series. Environment and Climate Change Canada, Ottawa. viii + 118 pp
- Government of Canada. *Species at Risk Act* Permitting Policy [Proposed]. Species at Risk Act: Policies and Guidelines Series. Government of Canada, Ottawa. 12 pp + Annex.
- Sylvestre, N. 2006. 2006 Manitoba piping plover recovery program. Report prepared for Manitoba Conservation's Wildlife and Ecosystem Protection Branch, Parks and Natural Areas Branch, Environment Canada's Habitat Stewardship Program and the Prairie Piping Plover Recovery Action Group. Available at:
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