



## Infrastructure

Major Projects

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Sean Carriere  
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Impact Agency of Canada  
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Edmonton, Alberta T5J 4C3

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**Re: Manitoba Transportation and Infrastructure's request for an 18 months time limit extension for the Lake Manitoba and Lake St. Martin Outlet Channels Project**

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Dear Sean Carriere,

Manitoba Transportation and Infrastructure (MTI) is requesting that the Impact Assessment Agency (the Agency) provide an 18 month extension to the August 28<sup>th</sup>, 2022 time limit to facilitate the provision of required information and studies for the ongoing environmental assessment under the Canadian Environmental Assessment Act, 2012 (CEAA 2012) for the Lake Manitoba and Lake St. Martin Outlet Channels Project (the Project) in accordance with subsection 181(2.1) of the Impact Assessment Act (the IAA). This letter outlines the rationale for MTI's request for an additional 18 months to complete the environmental assessment process.

The Agency's letter regarding the three-year time limit (dated March 10, 2022) asked MTI to outline the reasons for requesting an extension of the time limit and provide details on if and how the COVID-19 pandemic impacted advancement of the assessment. The Agency also asked MTI to provide a list of planned engagement activities and include a work plan detailing progress made to date and how the additional time would be used.

The information the Agency requested is provided in the text below and in the attached work plan (Table 1). The work plan consists of a table that identifies the key steps of the environmental assessment process including the milestones requested in the Agency's letter. The work plan includes information related to the Environmental Impact Statement (EIS) development, regulatory communication, and engagement and consultation processes that have been completed between 2018 and June 2022 and the key steps remaining to be completed. Dates in the work plan are consistent with the timelines for an Agency review that were previously shared with MTI. The work plan provides the information the Agency has requested to understand what progress has been made to date and how additional time would be used to inform the Agency's determination on whether to grant an extension, including:

- The Agency's conformity review of the EIS that was completed in March 2018
- The public comment period on the EIS Summary that was completed in April 2018
- The ongoing technical review of the EIS by the Agency and Federal Authorities (FA)

- Associated consultation and engagement by the Agency with Indigenous groups (First Nations, Northern Affairs Communities, Indigenous organizations), which is ongoing

As discussed with the Agency on several occasions throughout 2022, additional time to complete the environmental assessment process is required due to the size, complexity and nature of this Project and as a result of disruptions and delays caused by the COVID-19 pandemic. The Project's EIS was first submitted to the Agency in August of 2019. Since the issuance of the EIS in 2019, advancements in Project design, requests for additional information and clarification by the Agency, FA and other reviewers have led to the need for additional assessment, engagement and consultation efforts.

The number of meetings and overall extent of engagement and consultation efforts, including a wider breadth of topics that have been discussed in depth over the past three years, has been far greater than what was originally planned. The Agency, Indigenous groups and key stakeholders, such as the Rural Municipality (RM) of Grahamdale, have all requested expanding the extent and scope of engagement and consultation of environmental assessment in the past several years. This also included new requirements to engage with additional communities, to execute additional workshops and meetings, to request feedback on draft Information Request responses, and to integrate Indigenous groups, stakeholder and FA comments within Information Request responses submitted to the Agency. MTI has worked collaboratively with the Agency and is taking additional steps to meet evolving requirements.

Table 2 provides examples of meetings involving MTI, IAAC and FA on the Project since 2017; it underscores the number of meetings with federal regulators and illustrates that some of the topics (e.g., Species at Risk, groundwater) required many topic-specific workshop sessions. Table 2 does not include all meetings or communications with federal regulators and does not illustrate the large number or nature of meetings with Indigenous groups, the RM of Grahamdale or other stakeholders that have also taken place over the same time period. These meetings and workshops, as well as questions raised through the Information Request response process, led to previously unanticipated tasks such as additional modelling and field work; all of which took considerably more time than originally planned.

From the onset of the COVID-19 pandemic in March 2020, in-person meetings were discontinued and non-essential travel was restricted due to COVID-19, which made consultation and engagement difficult and resulted in delays. As a result, two to three meetings with each of the communities that MTI has consultation agreements with were cancelled, and a similar scenario occurred with the other Indigenous communities that MTI is engaging with. Both the Interlake Reserves Tribal Council (IRTC) and Lake St. Martin First Nation (LSMFN) requested in-person meetings, which MTI was unable to accommodate. IRTC's work plan included five community meetings and LSMFN work plan included three community meetings, none of which could be scheduled until in-person meetings were allowed under Public Health Orders and when the Indigenous groups indicated that they were willing and available to meet in-person.

The Dialogue by Distance program was implemented that allowed for some continued information sharing with Indigenous groups, while respecting Manitoba Public Health orders and the Public Health Agency of Canada's guidelines for preventing and avoiding the spread of infection. Virtual open houses and virtual meetings that were offered as alternatives to in-person meetings had mixed success as some Indigenous groups' preferred in-person meetings. Additionally, internet access problems in remote communities and adjusting to virtual meetings contributed to additional time needed for the consultation and engagement process. Printed and electronic information was also shared with Indigenous groups and stakeholders to support engagement and consultation processes. Indigenous communities have noted they experienced

delays as a result of COVID-19 in the information submitted to MTI, such as some Traditional Knowledge Study reports and feedback on MTI's draft Information Request responses.

MTI has worked closely and collaboratively with the Agency to advance the Environmental Assessment review process for the Project. This has included recurring weekly meetings, topic-specific workshops, exchanging draft information request responses to Technical and Public Information Requests and developing 23 draft Environmental Management and Monitoring Plans (EMPs) with input from Indigenous groups and the RM of Grahamdale. Active engagement between MTI and the Agency has allowed both parties to share evolving Project design and mitigation details, and to identify or clarify what information is necessary for regulatory review. Delivery of the Project has also been affected by the multitude of changes within leadership groups involved with the Project (e.g. federal and provincial departmental changes and changes to chief and councils). Each change has required additional time for them to gain a working understanding of the Project. Additional time is required to continue engaging and consulting with the 39 Indigenous groups and the RM of Grahamdale and to complete the environmental assessment process. The evolution of the Project as a result of feedback received through these processes will improve long-term viability, leading to a reduction in potential impacts, enhancement in the effectiveness of mitigation, follow-up and monitoring associated with the Project.

On May 31, 2022, MTI submitted an 11,286 page Information Request Response package to the Agency. The package consists of: MTI's responses to the Agency's Technical Review Information Requests Round 1 Package 1; MTI's responses to the Agency's Public Information Requests Round 1 Package 2A; technical supporting information; a summary of MTI's Indigenous Consultation and Engagement Program, and; MTI's Indigenous and Consultation and Stakeholder Engagement Report. MTI understands that the Agency has distributed the package to FAs, Indigenous groups and the RM of Grahamdale. This submission builds on prior feedback and input received from the Agency, FAs, Indigenous groups and other stakeholders since the Information Requests were initially issued in 2020. MTI has offered consultation and engagement meetings with Indigenous groups and the RM of Grahamdale to discuss MTI's responses. These meetings began in June 2022.

As requested by the Agency, MTI and the Project team developed 23 draft EMPs and questionnaires, posted them to the Project website, and shared them with 39 Indigenous groups and the RM of Grahamdale for review and feedback in December 2020. As part of the EMP review process, MTI offered specific meetings to 39 Indigenous groups engaged on the Project to discuss the draft EMPs. As a result of the feedback received from Indigenous groups, meetings were held to discuss proposed mitigation, monitoring, and offsetting measures. The feedback and information received from this process are being used to update the second version of the EMPs. In response to feedback received from FAs, such as Environment and Climate Change Canada, the RM of Grahamdale, and Indigenous groups, MTI developed a Wetland Monitoring Plan that will be posted to the Project website.

To complete the most recent Information Request submission package, MTI submitted its second version of the 23 draft EMPs for the Project and the first draft of the Wetland Monitoring Plan to the Agency on June 30, 2022. MTI understands the Agency will distribute the EMP package to FAs, Indigenous groups, and the RM of Grahamdale. MTI anticipates the Agency and FAs will require additional follow up meetings with MTI to confirm their understanding of the material once they have had time to review. Meetings between MTI and Indigenous groups and the RM of Grahamdale to discuss MTI's updated EMPs will begin in July 2022.

MTI's responses to the Agency's Information Requests and updated EMPs provide the information requested by the Agency and reflects the significant feedback received since the EIS was originally filed in 2019. MTI is working on developing responses to the individual questions provided by Indigenous groups (Summary of Concerns) with the intent of providing written response packages back in August 2022 to meet engagement and consultation requirements. Subject to community consent, MTI intends to share its written responses back to the Indigenous groups and with the Agency. MTI will also extend invites to the Agency to attend meetings with Indigenous groups and the RM of Grahamdale if community consent is provided.

While MTI does not anticipate the Agency issuing another round of questions that require additional data collection, modelling or consultation beyond what is currently planned, MTI is requesting the 18 month extension based on the Agency's recommendation to allow for a scenario where the Agency issues an additional round of clarifying questions. The extension includes 15 months of additional time for MTI to revise existing material and/or provide new information as directed by the Agency to address points of clarification on its responses to the Information Requests and the EMPs, and a subsequent three months for the Agency to complete its technical review.

Sincerely,

<Original signed by>

Amna Mackin, P. Eng.  
Director, Major Projects, Manitoba Transportation and Infrastructure

**Table 1. Manitoba Transportation and Infrastructure's Work Plan to Complete the CEAA 2012 Environmental Assessment Process**

<b>Task</b>	<b>Date(s)</b>	<b>Status</b>
<b>Project Description</b>		
Project Description and Summary Document submitted by MTI to the Agency	January 9, 2018	Complete
Public Comment Period on Summary of Project Description	January 23, 2018 - February 12, 2018	Complete
<b>Notice of Environmental Assessment</b>		
Notice of Environmental Assessment issued by the Agency	March 9, 2018	Complete
<b>EIS Guidelines</b>		
Draft Guidelines issued by the Agency	March 12, 2018	Complete
Public Comment Period on Draft EIS Guidelines	March 14, 2018 - April 15, 2018	Complete
Final EIS Guidelines issued by the Agency	May 15, 2018	Complete
Amendment to EIS Guidelines issued by the Agency for MTI to undertake engagement activities with six new Indigenous groups	August 29, 2018	Complete
Letter issued by the Agency to MTI indicating a greater level of engagement is required with five Indigenous groups that was described in EIS	December 21, 2018	Complete
<b>Notice of Federal Funding Available</b>		
Notice of federal funding available issued by the Agency	August 29, 2018	Complete
<b>EIS</b>		
EIS submitted by MTI	August 30, 2019	Complete
Non-conformance letter issued by the Agency	October 22, 2019	Complete
EIS updated and resubmitted to meet conformity requirements	March 5, 2020	Complete
<b>Technical Information Requests:</b>		
Request first received by MTI ("Round 1")	April 23, 2020	Complete
Round 1 responses filed by MTI to the Agency in batches	May 2020 - June, 2020	Complete
Multiple workshops between the Agency, FA and MTI, including TAG meeting were held to discuss MTI's responses and additional questions the Agency and FA had and their expectations for MTI's next submission	April 2020 -December 2020	Complete

Task	Date(s)	Status
Round 2 response filed by MTI to the Agency in batches	December, 2020	Complete
Draft Environmental Management Plans and Questionnaires shared with Indigenous groups and the RM of Grahamdale in batches throughout for review and comment via direct mail outs, Project website, virtual open houses, and virtual meetings (due to COVID restrictions)	November 2020 - December 2020	Complete
Multiple workshops and meetings between the Agency, FA and MTI were held to discuss: MTI's engagement and consultation activities; feedback received from Indigenous groups and the RM of Grahamdale; updates on project planning, progression of development of next round of Information Request responses; and additional questions and expectations the Agency and FA had for MTI to consider when updating the next round of responses	January 2021 - October 2021	Complete
Sample of Round 3 draft responses filed by MTI to the Agency, and shared with Indigenous groups and RM of Grahamdale for review and comment;	August, 2021	Complete
Round 3 draft responses filed by MTI to the Agency, and shared with Indigenous groups and RM of Grahamdale for review and comment;	October 1, 2021	Complete
Multiple workshops between the Agency, FA and MTI to discuss progression of additional modelling requested and progression of Information Request responses.	November 2021 - May 2022	Complete
MTI received hundreds of comments in response to MTI request for review and comment. Comments received were considered when updating the draft Round 3 responses to the Agency's Technical Information Requests	January 2022 - March 2022	Complete
Final Round 3 response filed by MTI to the Agency	May 31, 2022	Complete
MTI developing responses to community and RM comments received on draft technical Information Requests	August, 2022	In progress
<b>Public Information Requests:</b>		
Request first received by MTI on ("Round 1")	July 10, 2020	Complete
Sample of round 1 draft response filed by MTI to the Agency and shared with Indigenous groups and RM of Grahamdale	August, 2021	Complete
Round 1 draft response filed by MTI to the Agency and shared with groups and RM of Grahamdale	October 25, 2021	Complete

MTI received hundreds of comments in response to MTI request for review and comment. Comments received were considered when updating the draft responses to the Agency's Public Information Requests	January 2022 - March 2022	Complete
<b>Task</b>	<b>Date(s)</b>	<b>Status</b>
Round 1 final response filed	May 31, 2022	Complete
MTI developing responses to community and RM comments received on draft public Information Requests	August, 2022	In progress
<b>EMP Plans</b>		
First drafts of 23 EMPs and Aquatic Offset Plan Initial Concepts for Fisheries Act Authorization filed by MTI to Agency	November 2020 - December 2020	Complete
First drafts of 23 EMPs, Aquatic Offset Plan Initial Concepts for Fisheries Act Authorization and questionnaires shared with 39 Indigenous groups the RM of Grahamdale and posted on Project website	November 2020 - December 2020	Complete
MTI received hundreds of comments in response to MTI request for review and comment. The comments received are being considered in updates to EMP Plans	January 2021 - July 2021	Complete
23 updated EMP Plans and first draft of Wetland Monitoring Plan to be submitted to Agency - target filing by MTI to the Agency June 30, 2022	June 30, 2022	Complete
MTI developing responses to community and RM comments received on EMPs	August, 2022	In progress
Follow-up meetings with the Agency and FA on EMP Plans	July 2022 – September 2022	Yet to occur
<b>Consultation and Engagement - Meetings with Individual Groups*</b>		
As of May 2022, the consultation and engagement process has included 252 meetings with all 39 Indigenous groups as well as 1,110 letters and 5,011 emails or telephone calls.	2018- May 2022	Complete
Follow-up meetings on MTI's Information Request responses with Indigenous groups; the purpose of these meetings is to share information and hear any additional responses from Indigenous groups on how MTI characterized the Indigenous input into the proponent's EIS submission process.	June 2022	In progress
Follow-up meetings on MTI's Environmental Management/Monitoring Plans with Indigenous groups; the purpose of these meetings is to share information and hear any additional responses from Indigenous groups on how MTI characterized the Indigenous input into the proponent's EIS submission process	To be initiated in July 2022	Yet to occur

Final MTI engagement meetings for the EIS submission process with Indigenous groups; the purpose of these meetings is to conclude any activities related to the consultation and engagement program (Engagement component only) for the finalizing of the EIS process.	To be initiated in August 2022	Yet to occur
<b>Task</b>	<b>Date(s)</b>	<b>Status</b>
Final Correspondence to Indigenous groups regarding the proponent's EIS submission process; MTI to provide all formal responses in writing to each specific Indigenous community that provided input into the proponent's EIS submission process	To be initiated end of August / early September 2022	Yet to occur
<b>Consultation and Engagement - Presentations, Workshops and Committee Meetings</b>		
Heritage Resource Impact Assessment Workshop	August 12, 2021	Completed
Construction Sequencing and Contracts	January 19, 2022	Completed
Environmental Advisory Committee Meeting - Introductory Meeting	October 12, 2021	Completed
Environmental Advisory Committee Meeting - Terms of Reference	May 10, 2022	Completed
Environmental Advisory Committee Meeting the purpose of this meeting is to adopt the Terms-or Reference (TOR) for all Indigenous groups and the RM of Grahamdale to implement; current TOR (draft #3) is under review by Indigenous groups and the RM of Grahamdale	Planned to occur August 15, 2022	Yet to occur
Pre-construction meeting with Indigenous groups	Planned to occur September 2022	Yet to occur
Heritage Resource meetings with Indigenous groups - MTI to develop and share draft heritage resources agreement and determine the level of Indigenous involvement with archaeological and culturally sensitive sites potentially within the Project's development area	To be initiated in October 2022	Yet to occur
<b>Agency Steps to Complete their Technical Review</b>		
Currently the Agency's clock is stopped at day 154 of 365; but begins counting when the MTI submits the Information response package and EMP Plans	To be re-initiated July 1, 2022	Yet to occur
The Agency, FA and Technical Advisory Group (TAG) begin review of MTI's Information Request Round 1 Package 1 – Information Request responses and Information Request Round 1 Part 2A review.	June 1, 2022	In progress
The Agency, FA and TAG begin review of MTI Environmental Management Program and associated Plans.	July 1, 2022	Yet to occur
Information request response review comment period ends	July 30, 2022	Yet to occur



Continued technical review that will include: Technical Advisory Group meeting, review of submissions from Federal Advisors and Indigenous groups and continued consultation with Indigenous groups on submissions	July 30, 2022 - August 12, 2022	Yet to occur
Task	Date(s)	Status
Agency ends technical review or the Agency issues further Information Requests or issues another round of Information Requests	August 12, 2022	Yet to occur
<b><u>Additional Tasks if the Agency Issues One Additional Round of Information Requests</u></b>		
Tasks	Anticipated Time Needed**	Status
<b>MTI Initiated</b>		
MTI team reviews additional round of Information Requests provided by the Agency	1 week	Yet to occur
MTI team develops draft responses	1-5 months	Yet to occur
MTI team shares draft responses with Indigenous groups and RM of Grahamdale in advance of final submission to the Agency for their review and input.	1 week	Yet to occur
Communities review and provide MTI with feedback on draft responses	1-4 months	Yet to occur
MTI receives and reviews feedback from Indigenous groups and RM and updates Information Request responses accordingly	1-4 months	Yet to occur
MTI submits final Information Request responses to the Agency	1 week	Yet to occur
MTI develops specific responses to community feedback ***	2 months	Yet to occur
MTI continues provincial consultation steps *** This MTI task is not required by Agency for technical review and can continue concurrently or after Agency's continued technical review	1-3 months	Yet to occur
<b>Agency Initiated</b>		
Agency issues further Information Requests stopping the Agency's clock at day 198 of 365. Clock is started when MTI submits final responses to Round 2 Package	August 12, 2022	Yet to occur
The Agency, FA and TAG reviews MTI's final responses to IR Round 2 Package	3 months	Yet to occur
Continued technical review that will include: TAG meeting, review of submissions from Federal Advisors and Indigenous groups and continued consultation with Indigenous groups on submissions.		
Agency ends technical review or the Agency issues further Information Requests.		

\* Timelines will be based on Indigenous groups' abilities to meeting given ongoing pandemic responses, ongoing flooding, and other community commitments.

\*\* The request for 18 months includes 15 months for the amount of MTI time it anticipates will be needed to complete MTI related tasks based on its current understanding as described herein, and three months the Agency has stated they require to review responses and to complete their technical review.

\*\*\* This MTI task is not required by Agency for technical review and can continue concurrently or after Agency's continued technical review.

**Table 2. Summary of Key Meetings with the Impact Assessment Agency Regarding the Environmental Review Process for the Lake Manitoba and Lake St. Martin Outlet Channels Project Since 2017**

<b>Meeting Topic</b>	<b>Date(s) and Number of Meetings</b>	<b>Attendees<sup>1</sup></b>	<b>Purpose</b>
<b>General Meetings</b>			
Project Description	August 29, 2017	IAAC, MTI	Discussed Project, environment and consultation updates, administration and finance, next steps
EIS Guidelines	October 29, 2018	IAAC, MTI, INFC, ECCC, TC	Discussed questions arising from the Final Guidelines for the Project and clarify IAAC's expectations of the guidelines.
EIS Conformity	November 5, 2019 & January 15, 2020	IAAC, MTI, Stantec, ISC, DFO, TC, INFC, ECCC, HC, NRCAN	Overview of Federal Process (IAAC) process, clarification of processes, follow-up and monitoring, Indigenous engagement, EIS guidelines next steps
Project Component (Sediment Modeling)	November 24, 2021, April 11 2022	IAAC, MTI, Tetra Tech, Stantec, NSC, DFO, ECCC, Tetra Tech, Hatch, Stantec	Ongoing meetings used to discuss IAAC-38 (sediment and flow modeling)
Project Component (Wildlife)	March 4, 2021 & March 18, 2021	IAAC, MTI, ECCC	Discussed questions ECCC had relating to the Wildlife component of the Project
Project Component (Atmospheric Environment)	December 10, 2021	IAAC, MTI, Stantec, ECCC, HC	Discussed the assessment of the atmospheric environment, including modelling, management and mitigation
<b>Workshops</b>			
Wetlands	April 29, 2021	IAAC, MTI, Stantec, WSP, TC, ISC, ECCC, DFO, HC	EA wetland summary, VC effects, Indigenous and public information and concerns, mitigations, Permanent Outlet Channel Wetland Management Plan, next steps
Water and Aquatic Environment	August 10, 2021	IAAC, MTI, Federal Review Team	Surface water (hydrology, water quality), groundwater, fish and fish habitat
Heritage Resources	August 12, 2021	IAAC, MTI	Heritage screening process, heritage field investigations, the proposed mitigations, next steps and answer questions related to The Heritage Resources Act.

Meeting Topic	Date(s) and Number of Meetings	Attendees <sup>1</sup>	Purpose
Indigenous Consultation and Engagement and CEAA 5.(1)(c)	August 17, 2021	IAAC, MTI, Federal Review Team	Indigenous consultation and engagement and CEAA 5.(1)(c), COVID-19, results, stakeholder engagement, next steps
Project Onboarding presentation for new IAAC personnel	September 14, 2021, March 29, 2022	IAAC, MTI	LM & LSMOC overview for IAAC
<b>Weekly Meetings</b>			
Fisheries Application Review	February 24, 2021- March 22, 2021 (6 times)	IAAC, MTI, Tetra Tech, NSC, DFO	Meetings for high-level discussion of the questions and comments for the Fisheries Act Application
Weekly IAAC/MTI project Update	March 25, 2021- Present (Ongoing)	IAAC, MTI, Stantec,	Discussed updates on IR's, EMP's, consultation, schedules, processes and planning
<b>Information Request Workshops</b>			
Technical IR Review	April 15, 2020 & April 16, 2020	IAAC, MTI, Stantec, INFC, ECCC, DFO, HC, ISC, NRCAN, TC, CWS, KGS, MECP	Provided an opportunity to identify and discuss findings of the Lake Manitoba and Lake St. Martin Outlet Channels Project Environmental Impact Statement technical review.
Information Requests - Additional Clarification	May 7, 2020	IAAC, MTI	Clarification of IAAC and Federal Reviewers' understanding of the Project's IR responses
Information Requests - Additional Clarification	September 22, 2020	IAAC, MTI, HC, DFO, INFC, ECCC, CWS, NRCAN, ISC, Stantec	Clarification of how information requirements can be met, and what level of detail is still required for IR responses
Information Requests - Additional Clarification	January 27, 2021 & February 2, 2021	IAAC, MTI, HC, ECCC, CWS, ISC, NRCAN, Hatch, KGS, Tetra Tech, NSC, Stantec	Clarification of information presented in IR responses submitted in December 2020
Public Information Request Review	October 21, 2020 & October 26, 2020	IAAC, MTI, Stantec, INFC, ECCC, DFO, HC, ISC, NRCAN, TC, CWS	Discussed Public IR to provide clarification of questions
Public Information Request Clarification	December 17, 2020	IAAC, MTI, HC, DFO, INFC, ECCC, CWS, NRCAN, MECP, IRNR, TC, ISC, Stantec	Discussed how to respond to IRs and responses already made

<sup>1</sup>Attendees: Canadian Wildlife Services (CWS); Environment and Climate Change Canada (ECCC); Fisheries and Oceans Canada (DFO); Health Canada (HC); Impact Assessment Agency of Canada (IAAC); Infrastructure Canada (INFC); Manitoba Indigenous Reconciliation and Northern Relations (IRNR); Indigenous Services Canada (ISC); Manitoba Environment, Climate and Parks

(MECP); Manitoba Transportation and Infrastructure (MTI); North/South Consultants Inc. (NSC); Natural Resources Canada (NRCAN); Transport Canada (TC); WSP Canada Inc. (WSP)