

Summary of the Meeting

On August 30-31, 2022, members of the Technical Advisory Group (TAG) for the Lake Manitoba and Lake St. Martin Outlet Channels Project (the “Project”) met in Winnipeg, MB, to discuss the federal environmental assessment (EA) for the Project. The meeting objectives included:

- Provide an update on the federal environmental assessment process to date and next steps.
- Discuss comments received on the Round 1 Information Request (IR) responses.
- Enhance understanding based on the technical review of the Round 1 IR responses, potential effects, and mitigation.
 - o Discuss the Round 2 IRs issued by the Impact Assessment Agency of Canada (the Agency) to the Proponent, including how to best advise the Proponent in satisfying the information requirements for the environmental assessment (EA).
 - o Provide an overview of the Agency’s understanding of Manitoba Transportation and Infrastructure’s (the Proponent) assessment of potential effects to date.
 - o Receive advice and feedback for the Agency on the review including key mitigations, monitoring, and follow-up.
 - o Improve the Agency’s understanding of potential impacts to the rights of Indigenous peoples from the Project.

The Agency confirmed its commitment to consult with First Nations, the Manitoba Métis Federation, impacted communities, and others as needed, to support an evidence-based process. The need for a clear understanding of the path forward was acknowledged, particularly for communities expected to be most impacted by the Project.

Throughout the two-day meeting, the Agency presented information on the federal environmental assessment process, next steps, and Round 2 IRs related to surface water and ground water, and fish and fish habitat. Discussion took place after each presentation. Detailed notes of the TAG’s feedback has been compiled separately in a “Meeting Notes” document.

On the second day of the meeting, the TAG held caucus in-camera, without representatives from the Agency or government in attendance. Due to time constraints, presentations from the Agency on terrestrial environment, cumulative effects, and from the Proponent on their regulatory approach and consultation and engagement update, were deferred to a future meeting.

Key themes from the in-camera session on the second day included:

- Most participant groups were against the Project as it stands. A minority said that if the Proponent could eliminate the negative effects, and it could bring the benefits claimed, it could be acceptable.
- The recent granting by the Agency of an extension requested by the Proponent to complete the technical phase of the EA under the *Canadian Environmental Assessment Act, 2012 (CEAA 2012)* was not supported by several of the participant groups. Groups viewed the newer *Impact Assessment Act (IAA)* to be more robust in terms of consideration of rights and socioeconomic effects.
- The view was expressed that the decision to grant the extension should be reconsidered, or that the Agency require that the elements missing from CEAA 2012 that would have been assessed under the IAA be incorporated in this process.

- The members supported the principle that past issues and compensation need to be resolved before this Project proceeds.
- The information on the Project is incomplete and much more information needs to be provided to allow for making informed decisions.
- There are a lot of works that have been done for the purpose of this Project that should not have been allowed to proceed – TAG members considered them part of the overall Project, which does not yet have a license.
- A socio-economic assessment must be done.
- Groundwater issues are a major concern as are surface water supply and quality issues. There is a need to understand the sustainability of the resources and their vulnerability to the effects of the Project.
- Request to set aside more time at future TAG meetings to allow for discussion amongst the affected parties without any Agency or government representatives present.
- There was concern that the Project is catering to non-Indigenous interests.
- Indigenous rights need to be asserted and protected.

Other key themes that emerged and views expressed from discussions over the two days included:

- Concern that the Proponent's engagement has not been sufficient.
- Concern that the Project is being pushed through the process and insufficient time has been given to participants.
- There are two sustainability studies needed on this Project, groundwater sustainability and drought sustainability. These studies should include projections over a long time frame given the long life expectancy of the Project.
- Modelling of groundwater should be three dimensional.
- The Proponent's groundwater modelling requires verification to understand the accuracy of the estimated parameters and subsequent effects assessment.
- Of the two groundwater depressurization systems being considered for the Project, there are concerns with the option that will be uncontrolled.
- A better understanding of potential changes to water quality due to the Project is needed. The effects of nutrients will be far reaching and long-term. Adequate monitoring is needed.
- The Agency should be more specific in requiring the studies of the Proponent. Asking for an assessment is not the same as requiring a study. The Proponent needs to be held accountable to do a better job.
- Participation by Indigenous communities is needed in current water management and environmental processes.
- The flooding is framed as a natural event and that the Project will reduce the amount of flooding; however, the flooding is a result of the Fairford Structure and Provincial water management. The Project would not be needed if the Province would stop diverting water.
- The Project will only reduce the frequency of flooding to communities, not eliminate it.
- Request for another round of information requests due to the large amount of materials to review.
- There is need for a well inventory.
- There is a need to look at water management (e.g., a risk assessment) as a whole in the province; not just these lakes – it is all interconnected. Water is a shared resource and critically important to Indigenous communities.
- Concern that Indigenous views have not been adequately incorporated into the assessment and conclusions.

- Government has a responsibility to protect Indigenous interests and ensure Indigenous peoples can exercise treaty rights.
- Concern that the Project is for the benefit of hydro-power generation. Concern that Manitoba Hydro uses the resource and generates profits while communities are affected and not properly compensated.
- There needs to be federal involvement in the Environmental Advisory Committee. More details are needed about the Committee.
- Concern that the Project will decimate the last traditional economy (fishery).
- Mother Nature created the waterways the way they should be; stop this interfering with nature.
- The last 11 years of displacement and trying to rebuild has taken its toll.
- The Province is liable for the damages that it has caused since the 60's. Communities have not been properly compensated.
- There are historical issues with water management in the province that have impacted the communities and their way of life. This is a process the communities have been dealing with for decades. The fishers and the fishery have already been severely impacted. This Project poses an infringement on the right to fish.
- The historical context needs to be considered in the assessment of this Project.
- Those who live off the land have seen many changes such as impacts to sturgeon, hunting, fishing, pollution of the water, and introduction of zebra mussels. The land and water are the lifeline but there is fear that they will not be preserved.
- Concerns that the Project design is flawed.
- Must understand the value of the fishery and what the possible damage is to that value from the Project.
- Need to understand the details of the passive water treatment mitigations in relation to feedlot runoff and what will happen if the mitigation fails.
- The Proponent should fund and support rights impact assessments for the most affected communities.
- Participants intend to continue to push for clarity on the baseline information, the effects assessment, cumulative effects, and mitigation measures.
- Concern that components related to the Project are being approved at the provincial level, and that the Proponent also acts the Crown.
- The monitoring timelines proposed are not sufficient. The timelines should align with the life span of the Project. The plans should address in more detail how adverse effects will be mitigated.
- Monitoring and adaptive management should not be relied on to deal with information gaps and the uncertainties about the Project effects.

The meeting concluded with appreciation extended to the TAG for its valued contributions. Comments and feedback captured throughout the meeting would help inform the process going forward. A follow up TAG meeting would be scheduled to address items that were not able to be considered.