

Director
Environmental Assessment and Permissions Branch
Ministry of the Environment, Conservation and Parks
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Attention: Sasha McLeod, Special Project Officer
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October 5, 2018

Re: REVIEW OF WATAYNIKANEYAP'S NEW TRANSMISSION LINE TO PICKLE LAKE AMENDED ENVIRONMENTAL ASSESSMENT – EAIMS No. 13025

Dear Director:

We are responding to your recent generic letter to “Submitters” inviting comments on the Environmental Assessment and Permissions Branch (hereafter EA Branch) review of Wataynikaneyap Power’s amended environmental assessment (EA) for the new transmission line to Pickle Lake (Phase 1). We have previously submitted comments on the Terms of Reference (2013) and the draft of the EA report for Phase 1 (2017). We obtained a copy of the proponent’s response to our comments in August 2018.

Our feedback on this project has focused consistently on concerns about project-level EA processes as they relate to consideration of preferred and alternative routes, scoping, criteria for assessing potential impacts, and assessment of cumulative effects. These are key issues when considering the implications of new linear features on wide-ranging species at risk such as caribou and wolverine, culturally important species such as moose and freshwater fish, and ecosystem services in northern Ontario.

We were surprised and deeply concerned to discover that in its review, the EA Branch explicitly used the name of our organization as a means of endorsing the proponent’s approach to addressing impacts on caribou. The review took one sentence in our last submission out of context, and held it up against the comments of another organization’s, as if to suggest ours neutralized the other’s remarks because we are both non-governmental organizations. It is for this reason that we are compelled to make very clear in this submission our fundamental concerns about this project and the EA process under Ontario’s environmental assessment program.

We focus here on the major issues with this project, with a focus on the EA Branch’s review. Our remarks herein focus on: 1) EA process; 2) cumulative effects; 3) caribou; and 4) climate change.

1. EA Process

Insufficiency of the MECP review

We share the interests of the proponent regarding the overall purpose of this undertaking, which is to provide a reliable source of energy to remote First Nation communities in the far north, and to alleviate the many negative health and economic repercussions stemming from the long-term reliance on diesel. However, most of the focus in this environmental assessment process has been on establishing the economic and social case for connecting remote First Nations communities with new transmission lines

from the provincial grid. We therefore expected the EA Branch, in its role as regulator, to carry out a rigorous and critical review of the potential environmental impacts associated with the routing for the project. Our assessment of the EA Branch's review of the information is that it is overly superficial. It spends far more time describing the contents of the revised EA than evaluating it, and provides no critique of the project design. It is our assessment, therefore, that the MECP review adds little if any value to the EA process of this significant project.

Lack of transparency in the MECP review

The review lists the comments about the draft EA materials that were submitted by various individuals and organizations, but makes none of them available. This constrains any ability to review the EA Branch's review of the amended EA, which selectively mentions support or concerns, but entertains no discussion or analysis of its own. We know from our own experience in this process (mentioned above) that remarks can be selectively presented by the EA Branch, and so it is of concern to us that we are unable to access the comments of other parties that have raised concerns in this process. We also are aware that other Ministries, particularly the Ministry of Natural Resources and Forestry (MNRF), have staff with expertise and on-the-ground knowledge of the area and potential biophysical impacts of the project. While we assume these staff are contributing through the Government Review Team (GRT), it is impossible to determine how their concerns were addressed during the EA Branch review. For example, the review briefly describes the concerns raised by MNRF biologists (how many?) about important issues related to the routing of the project, caribou, and summarily dispatches them all.

2. Cumulative Effects

Inadequate consideration of cumulative effects for caribou and wolverine in project-level impact assessments

For wide-ranging species that are vulnerable to human disturbance and habitat fragmentation, cumulative effects are of highest concern in land use decision making. This EA process has paid minimal attention to this aspect. We recognize this inadequacy is due, in part, to a lack of provincial requirement for cumulative effects in Ontario's EA Act and a lack of provincial guidance on cumulative effects assessment (CEA). At the same time, we are sure that the EA Branch is aware that dealing with these issues around EA process is absolutely essential for addressing sustainable development in the far north given the high level of ecological integrity in the region.

Fundamental to CEA is the assessment of potential impacts of the preferred and alternative routes. In the case of this project, the "preferred undertaking" traverses significant unroaded terrain within intact forest areas, whereas both alternatives use the existing corridor to Pickle Lake (Hwy 599). Figure 2 provided in the review is focused on the preferred route and does not show the routing options relative to existing infrastructure such as roads or land cover. As such, a major issue in both the proponent's alternatives assessment and the EA overall is not discussed, namely which route is most likely to contribute to regional cumulative effects given existing infrastructure, land uses (e.g., forestry), and available habitat together with reasonably foreseeable future projects.

We have created a map that more clearly illustrates the potential differences between the routing options, i.e., shows the existing road relative one of to the alternative, but rejected, routes (see below).



Map. Overview of the Phase 1 routes with three transmission line routing options relative to existing infrastructure, intact forest landscapes¹, and caribou ranges. Credit WCS Canada / Meg Southee.

¹ Potapov, P., Hansen, M.C., Laestadius, L., Turubanova, S., Yaroshenko, A., Thies, C., Smith, W., Zhuravleva, I., Komarova, A., Minnemeyer, S. and Esipova, E. (2017). The last frontiers of wilderness: Tracking loss of intact forest landscapes from 2000 to 2013. *Science Advances* 3: e1600821.

We note the assurances provided by the proponent that existing roads and any new trails will be “rehabilitated”, and that the EA Branch review accepts these assurances without any stated reservations. However, rehabilitation does not have the same meaning as restoration, and the provincial track record on road restoration is extremely poor. There is increasing recognition that roads are an important source of region-opening cumulative effects. In addition, roads are developed based on broader social and economic interests, yet we rely on best management practices and site-level mitigation to address environmental impacts, many of which could be avoided in advance of construction through routing decisions. Ample experience demonstrates that both the effects of roads on the environment and the environment’s effects on roads are costly to society. Site-level mitigation, such as those inherent in the caribou best management practices, is unlikely to address the regional-scale impacts of these features.

Finally, the inadequacy of the CEA is particularly well illustrated by the decision by the proponent not to include Phase 2 in its analysis. Even the relative weak CEA process under the *Canadian Environmental Assessment Act (2012)* requires the proponent to identify past, current, and “reasonably foreseeable” projects with effects that overlap both temporally and spatially with the predicted net effects of the project. As such, it is impossible to understand why the EA Branch does not require the inclusion of Phase 2 in the proponent’s CEA, particularly where it relates to wide-ranging species at risk such as wolverine and caribou, but also other biodiversity.

Cumulative effects are inadequately considered in the proponent’s analysis of routing options

Our initial concerns about the Terms of Reference included specific feedback on the criteria that were necessary for adequate understanding of relative impacts of the route options. We remarked at the time that criteria and indicators proposed by the proponent had an over-emphasis on technical and economic (cost) feasibility. We expected more explicit consideration of the environmental (not economic or social) trade-offs of the various route options that needed to be discussed and weighted. Population range-scale impacts for caribou needed to be considered explicitly (see below).

As we have already mentioned, however, neither the proponent (in Section 13 of the amended EA) nor the EA Branch review have evaluated the relative contribution to cumulative effects by each of the routing options. We understand that the proponent’s analysis attempts to be quantitative (and therefore objective) by scoring 51 “criteria” and subjectively weighting the environmental criteria higher than cost and technical criteria, but none of the environmental criteria are proxies for the potential cumulative effects of the project on biodiversity and other important values. For example, there is no discussion in the review about the potential growth-inducing impacts of a new linear feature, i.e., what development might be stimulated or facilitated by the transmission line and associated access roads.

The proponent’s analysis, portrayed through tables and a scoring system, yields final numbers (expressed as percentages) for each of the three options that only have meaning insofar as the winning option is larger than the others. The proponent offers no discussion after presenting all this information about the bottom line. Why and what constellation of the 51 factors make for the preferred option, and how does this translate into a robust case for the “preferred option” over the alternatives?

In its review of section 13 of the amended EA, the EA Branch takes the analysis of alternatives, based on these criteria, at face value as well as the numeric conclusions about the preferred undertaking. In fact, the review focuses almost exclusively on explanations of the methodology and renders no opinion on the reasonableness of the proponent’s conclusions, how meaningful are the criteria, whether any are missing, etc.

As such, the justification for the preferred route is inadequate. This is particularly problematic for caribou in the Churchill range where cumulative disturbance at the range scale is already high and populations are not self-sustaining (see below).

3. Caribou

Inadequate consideration of cumulative disturbance on Churchill and Brightsand caribou ranges with respect to the assessment of preferred and alternative routes

The EA Branch's review indicates that the preferred route intersects two caribou ranges, but provides no information on the proportion of the ranges affected by the preferred route, or the relative condition of the ranges. For example, road density on the Churchill and Brightsand ranges is 0.43 km/km² and 0.40 km/km², respectively. The majority of the preferred route will pass through the Churchill range (see map), in which the population is already below self-sustaining levels, based on assessments by the MNRF and Environment and Climate Change Canada (ECCC).

When last surveyed in 2011 by the MNRF, the Churchill population was declining, and has not been monitored since that time. Based on data from the MNRF, cumulative disturbance (natural and anthropogenic) on the Churchill range increased from 38% to 46% between 2012 and 2017.

This means that in spite of a caribou range management policy that seeks to manage cumulative disturbance at the scale of population ranges in Ontario, and a habitat regulation for this threatened species, conditions for boreal caribou continue to decline in this region, even before the commencement of construction of the proposed transmission line.

Two important factors call for a more rigorous assessment of the analysis of alternatives (discussed above) than have been provided by the proponent from a caribou perspective alone: 1) the Churchill range already exceeds the management threshold stipulated in the National Recovery Strategy's² definition of critical habitat (which Ontario is obliged to protect under the federal *Species at Risk Act*); and, 2) there is no recent information on caribou population status. The considerable body of knowledge related to caribou biology points to the strong likelihood that the remaining intact habitat within the Churchill range is vital for population persistence on this range, particularly during calving and winter, given the level of cumulative disturbance that has already been approved by Ontario at the range scale. Moreover, there are other activities already approved e.g., forest management) or being considered (e.g., an all-weather road to access the future Springpole mining project³), not to mention activities that we aren't aware of. Taken together, the project together with these existing impacts, within the Churchill range are likely to contribute even further to increase cumulative disturbance levels.

Table 13.1-3 in the amended EA barely scratches the surface of the issues for caribou, preferring to take a reductionist approach to habitat considerations for this threatened species (see below), which the EA Branch has accepted in its review without any critical assessment or reasoning.

Missing criteria related to caribou for consideration of alternative routes

As mentioned above, we see no evidence that the EA Branch has considered or addressed the risks to caribou based on the proponent's analysis and preferred route. The EA Branch review does not consider why a transmission line that follows an existing transportation corridor is not a better option for caribou in the region. One of us (JCR) was involved in designing the best management practices guidelines for caribou as an expert advisor to the Ontario government, while also providing advice on the habitat regulation and range management policy at the same time. It should be most clear from the collective

² <https://www.registrelep-sararegistry.gc.ca/default.asp?lang=En&n=33FF100B-1>

³ https://firstmininggould.com/_resources/reports/Springpole-Gold-Project_Project-Description-Summary_February%202018.pdf

set of provincial policies and guidelines, that range condition is the ultimate driver of caribou population health, and that piecemeal mitigation efforts will fail to address cumulative range disturbance (and therefore caribou population persistence) based on this approach and analysis, especially for a population that is already declining.

The proponent has nevertheless chosen to evaluate relative impacts on caribou through quantification of available habitat patches. Although we agree that caribou will rely on these patches given the level of cumulative disturbance already on the range, simply routing the line to avoid them while at the same time contributing to range-level cumulative disturbance will provide no benefit to this population. This is one important example of how the analysis of alternatives in section 13 ultimately fails to address the real impacts of the preferred option over the alternative and rejected routes that use existing routes.

4. Climate Change

Address provincial guidance on climate change in environmental assessment in Ontario

We appreciate that the proponent responded to our comments on climate change. However, in the absence of scenario planning or consideration of climate change in CEA, we recommend that the EA Branch follow up on the proponent's commitment to adaptive management based on annual monitoring; this is the minimum expectation for addressing climate change impacts.

We recommend the EA Branch require the proponent apply the Ministry's guidance, *Consideration of Climate Change in Environmental Assessment in Ontario*⁴. We also recommend that information in *Current Climate Conditions in Appendix 5.4A* be updated to consider both McDermid et al. (2015)⁵ and Colombo et al. (2015)⁶, which both provided updated synthesis and guidance on climate change projections in Ontario.

Conclusion

In summary, we were dismayed to see the EA Branch distill the comments we have provided throughout this EA process into one simple supportive statement about how the proponent has dealt with caribou. We hope that our position about the routing of the proposed transmission line vis-a-vis impacts on caribou and cumulative effects are clear with this submission.

Our review of the EA Branch review of Wataynikaneyap's amended EA emphasizes our collective concern that so little attention is being paid to cumulative effects in this assessment, and the impacts on biodiversity, particularly sensitive species at risk like caribou. The EA Branch has wholly accepted the proponent's approach, even while the MNRF biologists and others have expressed significant concerns, which are not available to the public. We remain concerned that the EA Branch does not critique the current preferred or alternative route from this perspective, and has accepted the proponent's conclusions, even though they are not justified beyond numeric results displayed in section 13. We view this situation to be an excellent illustration of the lack of appropriate planning and decision-making tools in provincial legislation to consider cumulative effects at multiple scales and at appropriate ecological

⁴ <https://www.ontario.ca/page/considering-climate-change-environmental-assessment-process>

⁵ McDermid, J., S. Fera, and A. Hogg. 2015. Climate change projections for Ontario: An updated synthesis for policymakers and planners. Climate Change Research Report CCRR-44, Ontario Ministry of Natural Resources and Forestry, Science and Research Branch, Peterborough, ON. Available online at: http://www.climateontario.ca/MNR_Publications/CCRR-44.pdf

⁶ Colombo, S. J., P. A. Gray, P. J. Partington, and D. Pearson. 2015. Beyond 450 parts per million: Climate change hazards in a 4°C warmer world and how Ontario can help avoid them. Ontario Centre for Climate Impacts and Adaptation Resources, Sudbury, ON. Available online at: <https://bit.ly/2C0jZJK>

scales for species like caribou, which are vulnerable to the ongoing increasing levels of disturbance in the north of this province.

Thank you for the opportunity to review the EA Branch's review of this project. We are, as we have been since 2013, more than happy to discuss these issues further with the EA Branch and/or the proponents. Our contact information is below.



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