

# **Flying Nickel - Minago Mine Notice of Alteration Technical Review**

## **Manitoba Métis Federation**

January 25, 2024



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# 1.0 Introduction

The Manitoba Métis Federation (MMF) retained Shared Value Solutions (SVS) to support the Red River Métis in reviewing the 2022 *Environment Act* Notice of Alteration (NOA) for the proposed Flying Nickel Minago Mine. The objectives of our review are outlined below:

- Identify any environmental and technical issues with the NOA and provide recommendations on where and how the Red River Métis Rights, claims, and interests may need to be better accommodated through revisions and additions to the NOA, approval conditions, and Project plans.
- Identify issues and challenges with the Project that will require ongoing engagement and consultation with MMF on behalf of the Red River Métis.

This Project is of interest to the MMF as it is within the MMF Thompson Region. In this region, The Red River Métis maintain substantial historic and ongoing Métis Land Use, Occupancy, and Traditional Ecological Knowledge. This includes hunting, fishing, trapping, gathering, cultural and occupancy sites in the local and regional area of the Project. Based on the recognized Métis Rights held by the Red River Métis in this area, the MMF, acting on behalf of the Red River Métis, must be appropriately consulted, and where impacts to rights cannot be avoided or adequately mitigated, they must be accommodated.

## 1.1 Project Description

The Minago Nickel Project (Minago mine) is an open-pit mining project located near Norway House, Manitoba, north of Lake Winnipeg. This mine is located in Manitoba's Thompson Nickel belt, close to Highway 6 and about halfway between Grand Rapids and Wabowden, Manitoba. Specifically, the Project would target the extraction of low-grade nickel-sulphide, frac sand, limestone/dolomite, and peat for processing and sale.

The nickel-sulphide ore is found under approximately 80 m of overburden material, which is comprised of peat, clay, limestone/dolomite, and sandstone. Once it is mined, the nickel-sulphide ore will be processed on-site to create nickel concentrate. The concentrate would then be taken by truck north to Ponton, where it would be loaded onto rail cars destined for further refinement at the Thompson Vale mine. Peat, limestone/dolomite, and sandstone will be stockpiled on-site during the mine excavation and shipped to off-site markets. The sandstone will undergo on-site processing, turning it into frac sand, which can then be used to make glass and glass-like components, as well as be used to support hydraulic fracturing (fracking) for shale gas.

It is anticipated that, once fully operational, the mine will have a nickel ore processing capacity of 3.6 Mt/year, as well as a 1.5 Mt/year processing capacity for 20/40, 40/70, and other finer sands. The



life of the mine is expected to be 10 years, with an additional 6 years for closure activities and follow-up monitoring.

The main parts of the proposed altered mine include:

- Open pit mine
- Ore concentrating plant
- Frac sand plant
- Tailings and Waste Rock Management Facility (TWRMF) for the co-deposition of nickel tailings, frac sand process tailings, and ultramafic waste rock
- Stockpiles for non-acid-generating waste rock (limestone [dolomite] and country rock) and for overburden (clay and peat) removed from the pit area
- Supporting infrastructure, including:
  - Explosives storage facility
  - Water treatment facilities
  - De-watering systems with associated pipelines and pumping stations
  - Roads and laydown areas; staff accommodations for 300 people and facilities
  - Open pit mining equipment, including trucks, shovels, loaders, and drills
  - Truck repair and maintenance facilities
  - Associated electrical and mechanical systems

All main components (open pit mine, ore processing plant, frac sand processing plant) and supporting infrastructure, with the exception of the proposed TWRMF are permitted under *Environment Act* Licence (EAL) No. 2981.

## 1.2 Project History

In 2011, Manitoba issued *Environment Act* Licence No. 2981, which approved the development of the mine by Victory Nickel Inc., the owner of the Project at the time. Following the approval, the issuance of the licence was appealed by Norway House Cree Nation, citing a number of unresolved environmental



concerns, most notably those related to the discharge of tailings effluent to Oakley Creek, a tributary of Limestone Bay and an important fish spawning habitat.

In response to the appeal, Victory Nickel Inc. issued an NOA in 2014, which would move the Tailing and Waste Rock Management Facility, as well as see all mine effluent discharged to the Minago River. The alteration was determined to be a major alteration by the Environmental Approvals Branch. During the review of the 2014 NOA, Victory Nickel Inc. went bankrupt, and subsequently abandoned the development project as well as the NOA.

In 2021, Silver Elephant Mining acquired the Minago Project from Victory Nickel Inc. Following this acquisition, Silver Elephant Mining created a standalone company, Flying Nickel Mining Ltd. (Flying Nickel), to which ownership of the Project was transferred, and which now wholly owns the Minago mining Project. In 2022, with the intention of advancing the scope of the 2014 Notice of Alteration, Flying Nickel resubmitted a Notice of Alteration (NOA) with the intention of gaining approval for the development to the altered Minago mine Project.

The MMF was not adequately consulted during the 2010/2011 licensing process, despite Citizens having concerns.

### **1.2.1 2022 Minago Mine Notice of Alteration**

The 2022 NOA issued by Flying Nickel is effectively a continuation of the 2014 NOA issued by Victory Nickel, which is a response to concerns raised by Norway House Cree Nation over the initial 2010 *Environment Act* Licencing. As a result, the 2014 NOA information is relevant to the 2022 process but provides supplementary information.

Specifically, the 2022 NOA proposes the following changes to the Minago Mine:

- Relocation of the TWRMF approximately 4 km northwest of the originally planned location
- Increased area of the TWRMF polishing pond from 75 ha to 120 ha, and relocation of this pond north of the TWRMF
- Collection of surface runoff from all site facilities and direction of the collected surface runoff, along with water pumped from the open pit and the de-watering wells, to the larger TWRMF polishing pond
- Pumped discharge from the TWRMF polishing pond north to the Minago River
- No discharge of any mine-influenced water south to Oakley Creek
- Change to method of overburden (clay and peat) removal and storage, from hydraulic dredging and placement in a bermed containment cell to mechanical (truck and shovel) removal and



separate stockpiling of the clay and peat on surface pads. With this change, the containment cell is no longer required, being replaced by two stockpile pads.

- Increased mineable nickel resource from the 25.4 Mt indicated in the 2010 EAP to 31 Mt, with a corresponding increase in mine life to 10 years from the 7 full years and two partial years identified in the 2010 EAP.
- Increased length of the construction phase from the 2 years indicated in the 2010 EAP to 3 years.

## 2.0 Review Methodology

This document provides review of concerns along with recommendations related to potential impacts to the rights and interests of the Red River Métis. There are three main components:

- A technical review of the Minago mine Project
- Community feedback from a community consultation workshop
- Assessment of potential Project interactions with Métis Knowledge and Land Use Occupancy sites

The Red River Métis expect Manitoba to take into account the concerns and recommendations outlined in this report while contemplating the proposed Minago mine alteration.

## 2.1 Technical Review

This technical review considers the entire area of the Project and any potential effects, including cumulative effects. The MMF and SVS analyzed the connections between proposed activities and potential risks and impacts to the Red River Métis. In our review, this report:

- Assesses the adequacy of baseline information and data, VCs, effects assessment, mitigation, management, and monitoring plans.
- Assesses the adequacy of information provided in the 2014 and 2022 Notice of Alteration.
- Evaluates the use and consideration of local knowledge, Métis Knowledge and land use in the development of the alteration and supplementary Project planning.

Using the results of the review, we have provided specific recommendations to address issues/comments, which we believe are representative of the Red River Métis Rights, claims and interests (3.0). Our recommendations include best practice mitigations, additional baseline data collection, development/improvement of management and monitoring plans for respective subject



areas, more robust mitigation measures, greater detail on Project infrastructure/activities and further integration of Métis Knowledge and Land Use Occupancy body of knowledge. These issues/comments and recommendations reflect potential impacts from the Project on the Red River Métis' Rights, claims, and interests and are meant to inform the priority issues for resolution/accommodation.

## **2.2 Red River Métis Citizen Engagement**

On September 30, 2023, the MMF, with support from SVS, held a community meeting in Thompson, Manitoba. The meeting created space to discuss the proposed Project and gain feedback from Red River Métis Citizens who may be impacted by the Project. Based on this, a narrative outlining key concerns, recommendations, and insights about this Project was developed as a “What We Heard” report. Section 5.0 of this report summarizes the “What We Heard” report and outlines expectations for how Manitoba should approach this Project.

## **2.3 Description of Documented Métis Knowledge and Land Use**

Since 2010, the MMF has collected and documented land use and occupancy information from Red River Métis Citizens across Manitoba. The MMF have used this information to build a database of locations throughout the National Homeland of the Red River Métis where Red River Métis Citizens practice traditional harvesting activities as identified in and protected under section 35 of the Constitution Act, 1982.

This database has over 22,481 land use and occupancy features and represents data collected from over 400 interviews with 372 individual citizens. The data is not statistically significant compared to the 120,000 Citizens across Manitoba but is indicative of patterns of use and occupancy across the area of the National Homeland of the Red River Métis that is in Manitoba. The data tells a story of where and how Red River Métis Citizens used and still use the lands and waters across the whole of Manitoba, and provides a baseline to guide discussions of impact, either cumulative or direct, from resource development projects.

Most of the information was collected using a methodological approach based on Terry Tobias' *Living Proof*, a well-respected and widely recognized book that outlines methodological approaches for map biography and land use and occupancy interviews (Tobias, 2009). A map biography is an interview process in which a person provides an account of their life on the land and water, including places they have travelled, stayed, and gathered resources.

The MMF's studies are generally project-specific, interviewing Citizens who frequently use or have knowledge of the lands and waters in a specific geographic area. This data is then used in combination with the existing MMF Data Catalogue to write reports and inform recommendations.





For this report, in addition to drawing on the information in the data catalogue, the MMF conducted additional Project-specific interviews with Red River Métis Citizens to create a snapshot of use within and around the mine site.

Where relevant, we have incorporated information from past MKLUOS to guide the discussion on concerns and potential impacts, should the province of Manitoba proceed with granting the alteration.

MKLUO contained within this report must be treated only as a preliminary assessment of land use and occupancy in proximity to the proposed Project.

## **2.4 Methodology and Approach to Flying Nickel Minago Specific Land Use and Occupancy Interviews: September 2023**

This section provides an overview of the methods and tools used to complete the map biography and Oral History interviews specific to the Project. It also provides an overview of the geographic and temporal scopes as well as the steps researchers took to ensure participant confidentiality and informed consent.

### **2.4.1 Geographic and Temporal Scope**

Researchers chose two geographic study areas for analysis. The geographical areas were chosen to include aquatic and terrestrial areas that may be impacted by the Minago mine Project (Figure 1).

The aquatic study area includes the lakes and rivers northeast of the Minago project area from Gladish Lake to Cross Lake, including Alloway Lake, Loughed Lake, Hill Lake, and the Minago River. It also includes the lakes and rivers directly southwest of the Minago project area, from Oakley Creek to Baril Lake, William Lake, Russell Lake, and Little Limestone Lake.

The terrestrial Study Area encompasses all land within 25 km of these water bodies, as well as all land within 25 km of the transportation routes from the Minago Project area to both Grand Rapids and Wabowden.

Researchers chose two temporal scopes (time ranges) for the map biography interviews. The first is current use, which includes anything that happened within the participant's lifetime. The second is historic use of sites that the participants know about through teaching or knowledge transfer from past generations, including Oral History or Traditional Knowledge about Red River Métis harvesting and gathering practices and sites of cultural or other significance. For current use, researchers asked participants whether a certain activity happened within the last 10 years, prior to the last 10 years, or if it was an ongoing activity both within and prior to the last 10 years.



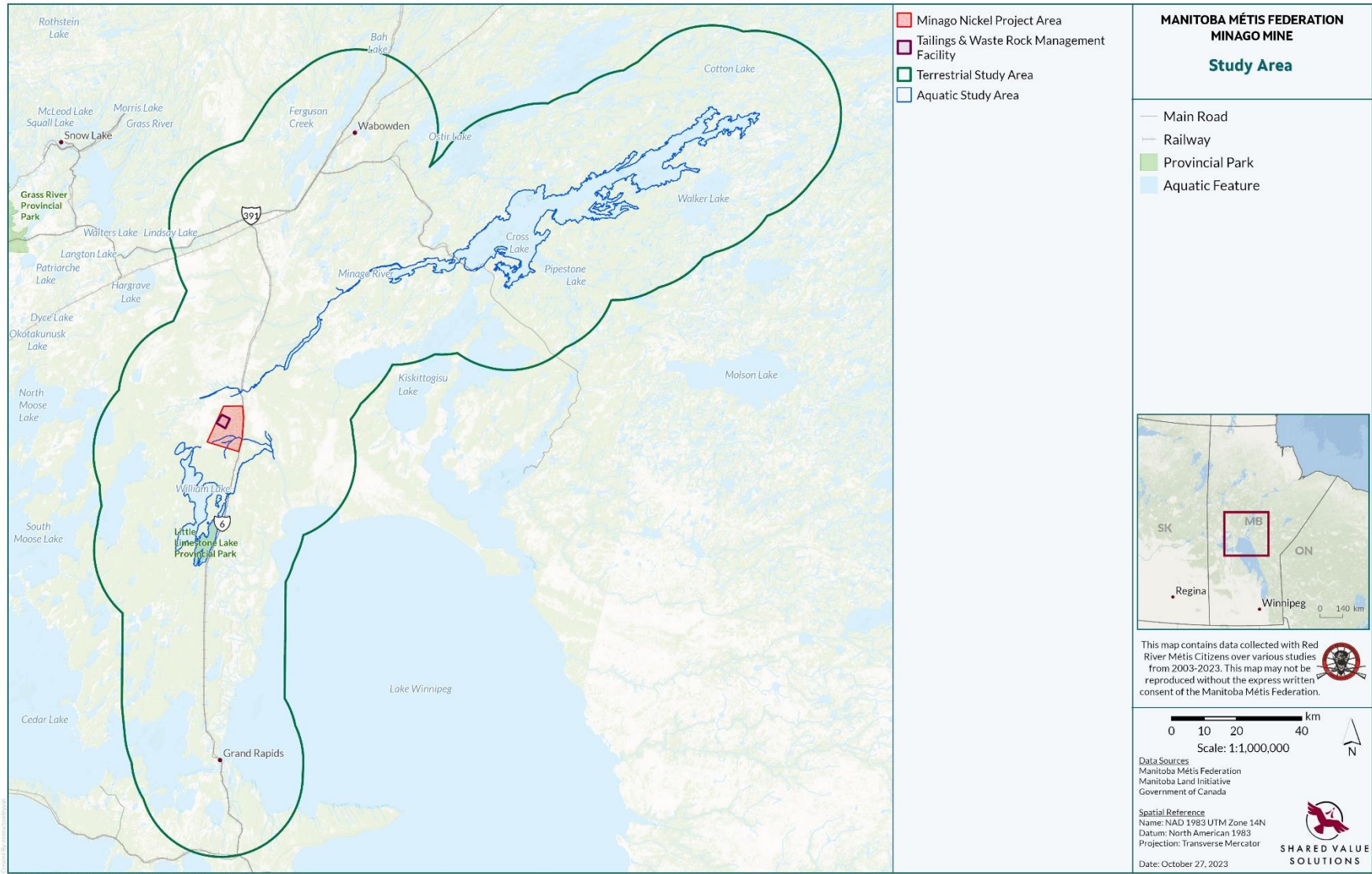


Figure 1 Land Use and Occupancy Study Area



## 2.4.2 Participants

MMF staff identified participants for this study by reaching out to Red River Métis harvesters and land users who use or hold knowledge of the lands and waters in the area where the National Homeland of the Red River Métis overlaps with the Project site.

Between September 30 and October 1, 2023, the MMF and SVS researchers worked together to conduct a total of four map biography and Oral History interviews. The data from these interviews was combined with the MMF Data Catalogue, this report has considered all data within the MMF Data Catalogue.

### 2.4.2.1 Confidentiality and Informed Consent

SVS and MMF researchers took all reasonable measures to ensure that participants gave informed consent to participate in the study, and to safeguard their personal and confidential information. These measures included:

- Using PIN numbers to represent participants instead of their names
- Storing all participant data in a safe and secure location, including storing back-ups of participant data in separate locations
- Communicating confidentiality measures and our data storage procedures to participants both verbally and in writing in advance of beginning the interview, and ensuring participants had time to review all relevant forms and ask questions in advance of providing consent
- Allowing participants to choose the extent to which they felt comfortable being recorded: for example, they could choose to be recorded on audio and video, audio only, or not at all, while still participating in the study
- Communicating clearly that participants could choose to stop the interview at any time, or skip any questions, without having to provide a reason
- Removing all personal identifiers such as names, family names, or specific personal descriptors from the data shared in this report

## 2.4.3 Research Tools

The joint SVS and MMF research team used several tools to conduct the land use and occupancy interviews. These included:

- **Project description:** A memo to inform participants about the land use and occupancy interview process, tell them what to expect, and provide information about the Project.



- **Permission form:** Detailing the interview process along with data management, storage, and confidentiality measures, including how and where information collected would be used by SVS and the MMF.
- **Interview guide:** A document outlining the questions to ask in each interview, ensuring consistency.
- **Microsoft Teams:** A videoconferencing platform used to conduct interviews remotely. Teams allows for screen sharing and sharing control with participants, allowing them to point out specific locations on a map.
- **Custom ArcGIS Online Web Application:** Designed specifically for the purpose of this Project and used by researchers for mapping land use and occupancy data with participants.
- **ArcGIS Survey123:** An application used to collect attribute data connected to each geographic feature (e.g., land use activity, species, time period, etc.).
- **ArcGIS Pro:** Software used for processing spatial and survey data and creating thematic maps for this report.
- **Microsoft Excel:** Used for organizing qualitative data and conducting thematic analysis.

## 2.4.4 Procedure

Researchers interviewed participants using a combination of in-person and virtual formats. Where needed, interviewers and participants were able to meet remotely using Microsoft Teams.

### 2.4.4.1 Participant Consent

Before each interview, SVS and MMF researchers briefed the participant on the proposed Project, the study's objectives, and the MMF's data management processes. Interviewers reviewed the permission form verbally with participants and gave them time to review the materials again on their own. After answering any questions from the participants, researchers invited them to provide their verbal consent to being recorded on audio and/or video, and to allowing their information to be collected and used for the study and stored by the MMF.

Once participants confirmed their informed consent to participate, researchers began recording audio and video if appropriate. If the participant did not want to be recorded, researchers skipped this step.



### **2.4.4.2 Map Biography**

Researchers completed the interviews in two steps, the first being what is referred to as a map biography. During the map biography, individuals provided accounts of their life on the lands and waters throughout the Red River Métis Homeland, including places where they have travelled, stayed out overnight, gathered resources, or otherwise used and occupied the land.

Researchers asked the interviewee to identify areas and sites of significance on the map using an interview guide, and then gathered and entered associated attribute data. This includes what the participant did at the location, and when they were there. Together, this information is referred to as the “data diamond” (Tobias, 2009).

The purpose of the data diamond is to ensure the map biography is as accurate as possible and aid in participant recall (Tobias, 2009). In some cases, one researcher did the mapping while the other entered data into the survey or asked the questions, which included those in the interview guide as well as some non-scripted prompts about the significance of features mapped. While not captured on the map, these details were recorded through audio and video and later transcribed.

### **2.4.4.3 Oral History**

The Oral History section, the second step in the interview process, provided a space for researchers to ask questions related to participant’s stories, relationships to the Métis Homeland, perspectives on the cumulative effects of development, and changes to their environment or land use. This section followed a semi-structured format and allowed participants to expand on thoughts related to the places they had mapped.

### **2.4.4.4 Quality Assurance/Quality Control and Data Management**

Following the interviews, SVS researchers completed a quality assurance and quality control (QA/QC) check on the spatial and survey data collected, relaying any important feedback to MMF researchers to further serve their capacity building objectives. Researchers then compiled and protected all relevant data and information, including the recordings and paper forms, to ensure data security.

## **2.4.5 Study Limitations**

In designing the methodology and tools for this study, researchers took all reasonable measures to ensure that the procedure was in alignment with industry and qualitative research best practices. As with any study undertaken with a limited scope, this study has several limitations that must be considered in interpreting the data. These include:



- **Sample size:** By statistical and qualitative research standards, the number of participants interviewed reflects a very small sample size of Red River Métis Citizens and cannot be interpreted as reflecting the full extent of their use and occupancy throughout the Métis Homeland. Rather, given this limited sample, this data provides a snapshot that may indicate patterns of Red River Métis land use and occupancy.
- **Mapping and data collection consistency:** During both in-person and virtual interviews, researchers displayed maps for participants on a computer screen and asked them to point out locations. Most participants were able to recall specific locations and direct the interviewer on the map, but some participants had difficulty reading and navigating the maps spatially. In these cases, interviewers assisted the participant in finding landmarks or other reference points. Additionally, features were mapped at different scales (i.e., more zoomed in or zoomed out) depending on the size and location of the feature, which created some inconsistency in the accuracy of locations mapped.
- **Internet and connectivity issues:** The interviews were conducted using an ArcGIS online custom web application built specific to the study area and interviews conducted for this study. In some instances, internet connectivity created challenges in collecting as much data as possible (e.g., interviewers had to pause to troubleshoot, or loading times slowed the pace of the interview) or collecting spatial data at all. In one instance, poor internet connectivity required the study team to reschedule the interview. In another instance, the study team faced technical difficulties that cut the interview 30 minutes short.
- **Interviewer and participant biases:** Both researchers and participants come into an interview with inherent biases that can affect any social research study, regardless of the context or circumstance. Biases can stem from things like the social setting of the interview, power imbalances between the researcher and participant, and comfort levels of those involved. SVS and the MMF took all reasonable steps to limit these biases and mitigate their impact on the study, including the use of plain language, limiting leading questions and statements, allowing observers to support participants and make them more comfortable, and taking breaks as needed.
- **Data verification:** At the time of this report, much of the data presented here has not been verified by the participants. The research team has taken all measures possible to ensure data accuracy when recording it (e.g., confirming locations with participants, repeating information back to ensure it is correct). However, it should be noted that the data has not been reviewed or corrected by those who participated after it was processed. The data verification process is ongoing.



## 3.0 Background—The Red River Métis and the MMF

### 3.1 The Red River Métis

The Red River Métis is an Indigenous collectivity and Aboriginal People within the meaning of section 35 of *the Constitution Act, 1982*. Based on our emergence as a distinct Indigenous People in the Northwest prior to effective control by Canada and the creation of the province of Manitoba, the Red River Métis holds rights, interests, and claims throughout and beyond the province of Manitoba.

Since 1982, Métis Rights have been recognized and affirmed by section 35 and protected by section 25 of the *Constitution Act, 1982*. These rights were further confirmed and explained by the Supreme Court of Canada ("SCC") in *R. v. Powley*, 2003 SCC 43. Manitoba Courts also have recognized Red River Métis Rights in *R. v. Goodon*, 2008 MBPC 59. These decisions have affirmed that the Métis hold existing Aboriginal Rights throughout their traditional territories. Our citizens and harvesters, rely on and use the lands, waters, and resources of our Traditional Territory throughout the province of Manitoba and elsewhere within the historic Northwest, including in and around the area of the Project, to exercise their constitutionally protected rights and to maintain their distinct Red River Métis customs, traditions, and culture.

### 3.2 Red River Métis Rights, Claims, and Interests

Based on its emergence as a distinct Indigenous People in the Northwest prior to effective control by Canada and the creation of the province of Manitoba, the Red River Métis holds Rights, claims, and interests throughout and beyond the province of Manitoba consistent with the United Nations Declaration on the Rights of Indigenous Peoples, including the right to self-determination.

The MMF is mandated to promote, protect, and advance the collectively held Aboriginal Rights of the Red River Métis. Through this mandate, the MMF engages with governments, industry, and others about potential impacts of projects and activities on our community. In 2007, the MMF Annual General Assembly adopted Resolution No. 8, which provides the framework for engagement, consultation, and accommodation with the Red River Métis. Designed by Métis, for Métis, Resolution No. 8 sets out the process that is to be followed by governments, industry, and other proponents when developing plans or projects that have the potential to impact the section 35 rights, claims, and interests of the Red River



Métis. It was unanimously passed by MMF Citizens and mandates a "single window" approach to consultation and engagement with the Red River Métis through the MMF Home Office.<sup>1</sup>

In engaging the MMF, on behalf of the Red River Métis, the Resolution No. 8 Framework calls for the implementation of five phases:

- Phase I: Notice and Response
- Phase II: Research and Capacity
- Phase III: Engagement and Consultation
- Phase IV: Partnership and Accommodation
- Phase V: Implementation

This Project has the potential to impact Red River Métis Rights, claims, and interests and as such, engagement and consultation with the MMF, through the process set out above, must be followed. The Project is located within the Traditional Territory of the Red River Métis, and in the heart of our Homeland. At one time, this was the "postage stamp province" of Manitoba. This is the birthplace of the Red River Métis and where we currently have an outstanding claim flowing from the federal Crown's failure to diligently implement the land grant provision of 1.4 million acres of land promised to the Red River Métis as a condition for bringing Manitoba into Confederation and set out in section 31 of the *Manitoba Act, 1870* in accordance with the honour of the Crown.<sup>2</sup>

Red River Métis section 35 rights are distinct from First Nations Rights and must be respected. The Manitoba Métis Federation is the national government of the Red River Métis.

Prior to the creation of Manitoba, the Red River Métis had always exercised its inherent right of self-determination to develop its own self-government structures and institutions centred around the Red River Settlement and throughout the Northwest. As described by Louis Riel in his 1885 memoirs, Métis

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<sup>1</sup> More information about Resolution No. 8 is available online at: <http://www.mmfb.ca/docs/2013-Resolution%208%20Booklet-VFinal.pdf>

<sup>2</sup> *Manitoba Metis Federation Inc. v. Canada (Attorney General)*, 2013 SCC 14, [2013] 1 SCR 623 ("MMF Case"). The Supreme Court of Canada recognized that this outstanding promise represents "a constitutional grievance going back almost a century and a half. So long as the issue remains outstanding, the goal of reconciliation and constitutional harmony, recognized in s. 35 of the *Constitution Act, 1982* and underlying s. 31 of the *Manitoba Act*, remains unachieved. The ongoing rift in the national fabric that s. 31 was adopted to cure remains unremedied. The unfinished business of reconciliation of the Metis people with Canadian sovereignty is a matter of national and constitutional import" (para. 140).





self-government was well-established and functioning when Canada came to the Red River Métis in the late 1800s:

*When the Government of Canada presented itself at our doors it found us at peace. It found that the Métis people of the North-West could not only live well without it... but that it had a government of its own, free, peaceful, well-functioning, contributing to the work of civilization in a way that the Company from England could never have done without thousands of soldiers. It was a government with an organized constitution whose junction was more legitimate and worthy of respect, because it was exercised over a country that belonged to it.*

Métis self-government has evolved and changed over time to better meet the needs of the Red River Métis. Today, the MMF is the recognized, democratically elected, self-government representative of the Red River Métis, and on July 6, 2021, it signed—along with the Government of Canada—the Manitoba Métis Self-Government Recognition and Implementation Agreement.

Since 1967, the MMF has been authorized by the Red River Métis through a democratic governance structure at the Local, Regional, and national levels. As part of this governance structure, the MMF maintains a Registry of Red River Métis Citizens.<sup>3</sup> By applying for Red River Métis Citizenship, individuals are confirming the MMF is their chosen and elected representative for the purposes clearly set out in its Constitution,<sup>4</sup> including as related to the collective rights, claims, and interests of the Red River Métis.<sup>5</sup>

The MMF Constitution confirms that the MMF has been created to promote the political, social, cultural, and economic rights and interests of the Red River Métis. The MMF is authorized to represent the Red River Métis' collective rights, interests, and claims. This authorization is grounded in the MMF's democratic processes that ensure the MMF is responsible and accountable to the Red River Métis.

The MMF governance structure includes a centralized MMF President, Cabinet, Regions, and Locals. There are seven (7) Regions and approximately 135 Locals throughout Manitoba (Figure 2). There are more than three thousand citizens who live outside of Manitoba. All MMF Citizens are members of a Local. Locals and Regions work together to authorize and support the MMF Cabinet, and the MMF's

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<sup>3</sup> MMF Constitution, Article III outlines the citizenship definition and application process. This definition ("Metis" is defined to mean " a person who self-identifies as Métis, is of historic Métis Nation Ancestry, is distinct from other Aboriginal Peoples and is accepted by the Métis Nation ") aligns with the definition of what constitutes a section 35 rights-bearing Metis community as outlined by the Supreme Court of Canada in *Powley* at para. 30.

<sup>4</sup> *Newfoundland and Labrador v. Labrador Metis Nation*, 2007 NLCA 75 at para 47: "Anyone becoming a member of the [Labrador Metis Nation] should be deemed to know they were authorizing the LMN to deal on their behalf to pursue the objects of the LMN, including those set out in the preamble to its articles of association. This is sufficient authorization to entitle the LMN to bring the suit to enforce the duty to consult in the present case."

<sup>5</sup> *Behn v. Moulton Contracting Ltd.*, 2013 SCC 26 at para 30: "[A]n Aboriginal group can authorize an individual or an organization to represent it for the purpose of asserting its s.35 rights."



various departments and offices. Through elections held every four years, citizens choose and elect the MMF Cabinet consisting of the MMF President, who is the leader and spokesperson for the MMF, a Vice-President of each Region, and two Regional Executive Officers from each Region. The MMF Cabinet also includes the spokeswoman from the Infinity Women Secretariat.



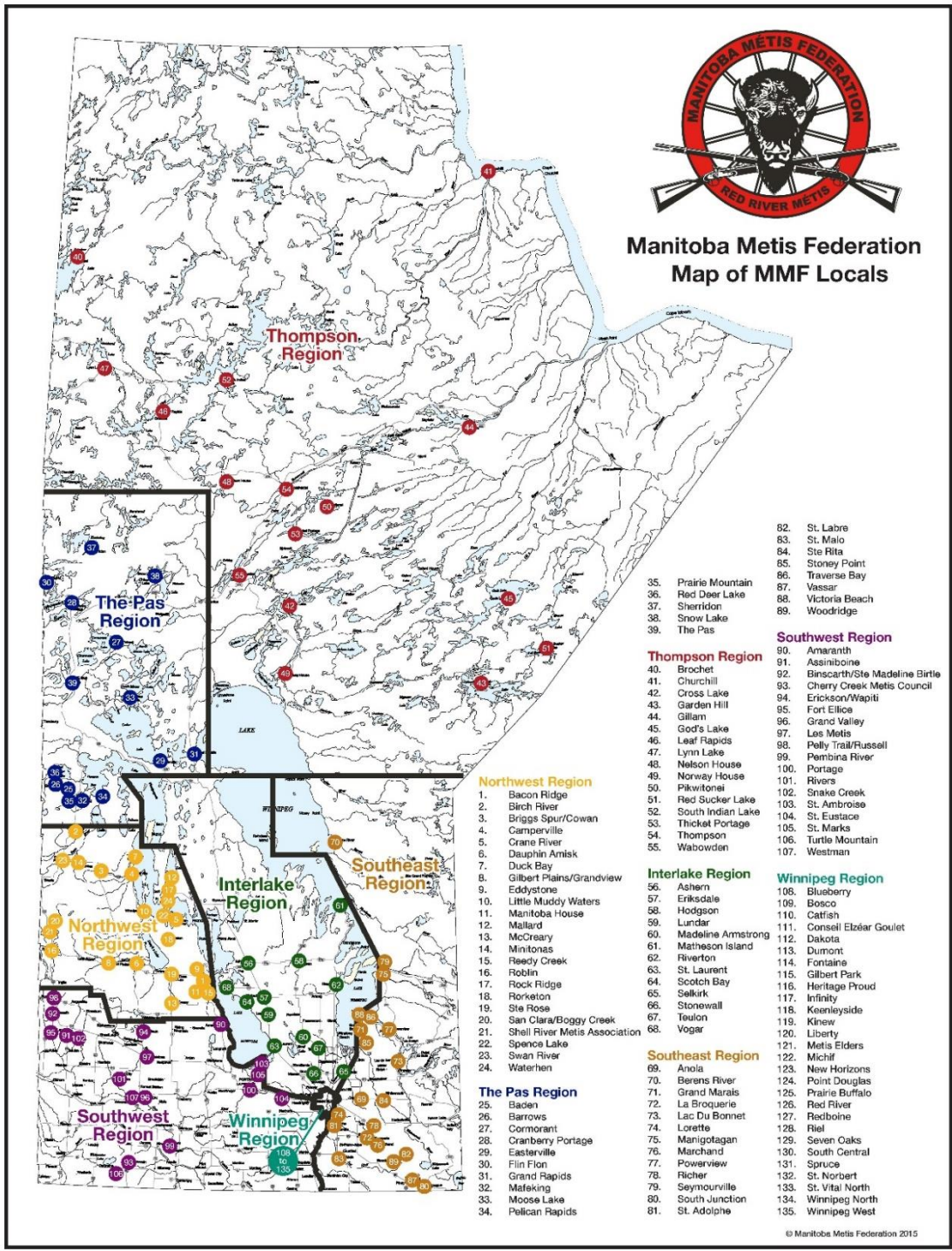


Figure 2 MMF Regions and Locals



The MMF, as the duly authorized representative of the Red River Métis, has been recognized by both the federal and provincial governments in agreements, policies, and legislation. For example, in 2002, *The Child and Family Services Authorities Act* recognized the MMF for the devolution of child and family services to MMF institutions. This Act establishes a series of Child and Family Services Authorities to administer and provide the delivery of services to various distinct Indigenous communities in Manitoba. It creates a Métis Authority, the directors of which is appointed by the MMF.

In 2008, the courts in Manitoba further recognized that "[t]he Métis community today in Manitoba is a well organized and vibrant community. Evidence was presented that the governing body of Métis people in Manitoba, the Manitoba Métis Federation, has a membership of approximately 40,000, most of which reside in southwestern Manitoba."<sup>6</sup> In 2010, the Manitoba Government adopted a Manitoba Métis Policy, and stated that:

*The Manitoba Metis Federation is a political representative of Métis people in Manitoba and represents in Manitoba the Métis who collectively refer to themselves as the Métis Nation.... Recognition of the Manitoba Métis Federation as the primary representative of the Métis people is an important part of formalizing relationships.<sup>7</sup>*

In 2012, the *MMF-Manitoba Harvesting Agreement (2012)* negotiated between the MMF, and the Manitoba Government recognized some of the collective Section 35 harvesting rights of the Red River Métis and relied on the Citizenship processes of the MMF as proof of belonging to a rights-holding Aboriginal community:

*For the purposes of these Points of Agreement, Manitoba will recognize as Métis Rights-Holders, individuals who are residents in Manitoba and who hold a valid MMF Harvesters Card, issued according to the MMF's Laws of the Hunt.[... and will] consult with the MMF prior to implementing any changes to the current regulatory regime that may infringe Métis Harvesting Rights.<sup>8</sup>*

In 2013, the SCC recognized the “collective claim for declaratory relief for the purposes of reconciliation between the descendants of the Métis people of the Red River Valley and Canada.” It went on to grant

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<sup>6</sup> *R. v. Goodon*, 2008 MBPC 59 para 52. Note that the number of MMF Citizens (40,000) identified by the Court was as of 2007.

<sup>7</sup> Manitoba Métis Policy, September 2010 at 4, 12, online (PDF): <https://www.gov.mb.ca/inr/mbmetispolicy.html>

<sup>8</sup> MMF-Manitoba Harvesting Points of Agreement (September 29, 2012), ss. 3, 6-7.



the MMF standing as the "body representing the collective Métis interest" in the *MMF Case*.<sup>9</sup> Additionally, in 2016, the *MMF-Canada Framework Agreement* stated:

*The Supreme Court of Canada recognized that the claim of the Manitoba Métis Community was "not a series of claims for individual relief" but a "collective claim for declaratory relief for the purposes of reconciliation between the descendants of the Métis people of the Red River Valley and Canada" and went on to grant the MMF standing by concluding "[t]his collective claim merits allowing the body representing the collective Métis interest to come before the court.*

*[and that] Canada is committed to working, on a nation-to-nation, government-to-government basis, with the Métis Nation, through bilateral negotiations with the MMF.*<sup>10</sup>

On July 6, 2021, the MMF and Canada signed the Manitoba Métis Self-Government Recognition and Implementation Agreement which immediately recognized the MMF as the national government of the Red River Métis.

## 4.0 Review Findings

### 4.1 Water Resources

Overall, Flying Nickel has significantly improved water quality protection practices and the accuracy of the water quality modelling in the NOA. However, there are uncertainties and some methodologies that require additional clarification and improvement. For example, Victory Nickel had planned on releasing mine effluent into a natural wetland to treat the water (in order to sequester heavy metals, meaning to trap the effluent's chemicals in the environment) before it entered the Minago River. Flying Nickel is no longer planning use this approach but rather, plans to implement a three-phase water treatment system. This approach is encouraging. However, testing the effectiveness of the treatment system will not be possible until it is built.

As per Section 4 of the *Metal and Diamond Mining Regulations*, mine owners cannot discharge effluent containing deleterious materials into the environment. As a result, we view as essential the need for Flying Nickel to have a contingency plan that will ensure that the water quality guidelines are met before discharge into the Minago River, and we expect the terms and conditions for this licence to reflect that need.

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<sup>9</sup> *MMF Case*, *supra* note 6 at para 44.

<sup>10</sup> *MMF-Canada Framework Agreement on Advancing Reconciliation*, November 15, 2016, Preamble.



Flying Nickel plans to implement a gravity flow, open channel discharge, rather than the previously proposed pumped/piped discharge. It is unclear what the water quality will be while the discharge travels in constructed swales (intentional depressions in the ground that direct the flow of water). It is also unclear what materials will be used to build the swales and if the intended materials will be reactive with the discharge waters. For example, it is unclear if heavy metals may be absorbed onto soil particles prior to reaching the compliance point. It is also unclear if any sampling of the swale materials will be conducted throughout the mine's lifetime.

In Appendix A of the 2022 NOA, *2021 Minago Nickel Mine Geotechnical Assessment*, Flying Nickel presents Table 1, Comparison Between Previous and Proposed TWRMF and Polishing Pond, which includes Hydrotechnical Design Targets. It is unclear how the different rainfall events were estimated and if climate change was taken into consideration in these design targets. It is critical that the hydrotechnical structures at Minago mine are properly designed for climate change, in particular any structures that will remain on-site after closure and will exist in perpetuity.

It is surprising and concerning that there is no mention of how climate change considerations were incorporated into the water quality model. Climate change is increasing the frequency and magnitude of extreme events such as high and low flow events. It is imperative that climate change projections and recent flow data are considered in the water quality monitoring, as all of the current modelling estimates rely on the input flow conditions in the Minago River. The results will not be representative unless representative flow conditions are used.

## 4.2 Aquatic Impacts

The NOA proposed in 2014 altered the mine's effluent discharge location from Oakley Creek, a tributary of Lake Winnipeg. Oakley Creek contains important spawning habitat for a number of culturally and commercially harvested fish species. The Proponent ultimately decided it was too risky to allow the mine to discharge to it. The Proponent has now proposed an alternative discharge location for their treated effluent: north, to the Minago River. The Proponent reports that there are no expected negative impacts to the aquatic environment downstream of the mine, including channel scouring, bank erosion, decrease in water quality, or aquatic habitat alteration as a result of Project activities.

While the alterations proposed in the 2014 NOA were positive, the Proponent has failed to include a number of considerations in their assessment of environmental impacts and impacts to the rights and interests of Red River Métis Citizens. For instance, the current plans to discharge mine effluent via a naturalized channel (the swales mentioned above) into the Minago River does mitigate some risk of channel scouring and bank erosion. However, the Proponent's assessment predicting "negligible impacts" is not a conservative enough approach or commitment to surface water and aquatic and fish habitat protection. It is crucial that Flying Nickel lay out how they plan to monitor the downstream environment long-term to assess whether their predictions were correct or not. If monitoring reveals



there are impacts to the aquatic environment, a plan must already be in place to mitigate and/or reverse the negative impacts.

Red River Métis Citizens harvest fish from the Minago River, including pickerel/walleye, jackfish/northern pike, goldeye, and carp. Therefore, ongoing environmental monitoring during all stages of mine operation must be a top priority for the Proponent in order for the MMF to be supportive of this development.

### 4.3 Terrestrial Impacts

The major changes to the terrestrial environment in the 2022 NOA include an increase to the total disturbed area by approximately 417 ha (or 23%) due to the addition of polishing ponds, resizing of waste rock and overburden stockpiles, and the addition of discharge swales and an associated maintenance trail. Despite these footprint changes, Flying Nickel asserts (in Sections 4.6.1 and 4.6.2 of the 2022 NOA) that the impacts to the terrestrial environment (including vegetation and wildlife communities) will not differ significantly from what was assessed in 2014.

Based on our independent review of the 2022 NOA, we have identified the following additional concerns of relevance to the terrestrial environment:

- Flying Nickel was required to complete additional field studies in 2022 to determine the presence/absence of rare fern species and bat hibernacula within the updated Project footprint. The results of these studies were not included in the 2022 NOA report or appendices, and it is our understanding that they were also not provided to the MMF for review. The MMF's review of the 2022 NOA should not be considered complete until these study reports have been provided and reviewed.
- Flying Nickel is attempting to minimize the increased Project footprint (disturbed area) from 417 ha or a 23% increase, to 70-100 ha or approximately 4% on the basis that they would have previously identified the need to expand the stockpile footprints during the detailed design phase in 2014 had they proceeded. This is flawed logic as the maximum footprint increase, in this case 417 ha or 23%, should be used as the basis for evaluating terrestrial impacts.
- The 2014 NOA report only referenced Manitoba Conservation Data Centre (CDC) data of rare species occurrence within the Project footprint from 2007. The Proponent did not make any efforts to gather updated data, and as such there is concern that the Project's assessment of impacts to vegetation species is incomplete/out of date. There is no indication in the 2022 NOA report that this has been rectified.



- The Project design changes, namely changes to the TWRMF and addition of polishing ponds, may be selected as staging and stopover habitat by migratory waterfowl. However, there is no acknowledgement of this and no indication of planned efforts to mitigate the issue.
- Despite the addition of polishing ponds and changes to the location of the TWRMF, both of which likely overprint wetland habitat, there is no indication that the Proponent intends to develop a wetland compensation/no net loss plan, as is likely required under the *Water Rights Act*. The 2022 NOA does not contain sufficient information to conclude that a wetland compensation plan is not required, and so this should be provided to the MMF.
- There is no discussion of how changes to the footprint of the peat stockpile has the potential to affect its viability for use in Project reclamation.

The 2022 and 2014 NOAs understate the potential adverse effects of the Project on woodland caribou. Neither NOA outlines sufficient mitigation/compensation measures. Considering the high conservation concern status of the overlapping caribou management unit and ranges, increasing habitat disturbance since 2014, and new commitments made by Manitoba and Canada to protect and recover caribou, Flying Nickel should apply the precautionary principle to this Project. We recommend that this include developing a caribou habitat compensation plan to offset further habitat loss and implement enhanced mitigation measures to minimize indirect disturbances.

## 5.0 Community Engagement

On September 30, 2023, the MMF hosted a community engagement workshop in Thompson, Manitoba to present an overview of the proposed mine alteration, as well as provide an opportunity for citizens to voice thoughts, concerns, and insights regarding the proposed alteration and how it may have effects on land activities in the area.

Ahead of asking for input from Red River Métis Citizens, MMF staff summarized the Project, including a description of the permitted mine work as well as the features that are to be changed as a result of the proposed alteration. Following this presentation, MMF's mines and minerals coordinator opened the floor to comments and questions from citizens present. At the end of the open-floor comment period, citizens broke into smaller breakout groups and were provided an opportunity to look at maps of the area around the mine site and discuss the Project. Each breakout session group included a facilitator, who prompted discussion of different aspects of the Project, and a notetaker, who captured the discussion. Though citizens were encouraged to speak openly about aspects of the Project that interested them, facilitators focused the discussion with five core questions which citizens were asked to provide input on:

- Are you concerned about this project?





- How do you use the land and waters in and around the project area?
- Will this project affect how you use the land/water?
- Will this project change how you would feel about harvesting near this area?
- What recommendations do you have to avoid, mitigate, or accommodate these concerns, if any?

In the days following the community engagement workshop, researchers conducted four land use and occupancy interviews with Red River Métis Citizens. Similar questions asked in the community engagement workshop were asked in the one-on-one interviews.

Information from the community engagement workshop and transcripts from the land use and occupancy interviews were condensed into several key themes as outlined in the following sections:

## **5.1 Engagement from Flying Nickel**

Overall, participants described a need for further and more robust engagement with Red River Métis Citizens throughout the lifetime of the Project – engagement which has been hindered by Flying Nickel’s lack of communication with the MMF, the elected government of the Red River Métis.

In addition to the general expectation that there will be engagement, many expressed frustrations that Red River Métis Citizens were excluded from attending previous sessions held regarding the Minago mine. Additionally, from a governance perspective, there was significant concern that neither Victory Nickel nor Flying Nickel appropriately engaged with the MMF through Resolution 8, the MMF’s recognized consultation and engagement framework. Citizens noted the importance of proponents both engaging the MMF on a national level as well as in hearing the concerns of citizens at a local or regional level before making important decisions about projects, including in the post-closure period.

Further, there is an expectation that proponents such as Flying Nickel outline how Red River Métis businesses and Citizens can benefit from the Project through employment, partnership and joint venture opportunities.

## **5.2 Possible Impacts to Water Quality in the Minago River**

Generally, citizens provided support in principle regarding the switch from discharging effluent to Oakley Creek, to discharging to the Minago River. Citizens agreed that Oakley Creek and Limestone Bay are both important fish spawning habitat for pickerel (walleye) with great importance to the commercial fishery. However, while there was approval of reducing impacts to Oakley Creek and Limestone Bay, there was



concern regarding the potential impacts as a result of the increased effluent that will be discharged to the Minago River. This includes concern about the potential release of harmful contaminants in both normal and emergency situations.

In regard to normal circumstances, some citizens noted that the chemicals used to separate nickel from ore to produce concentrate can be harmful to the environment and human health. Additionally, they noted that tailings in general are often thought to be harmful to the environment. Overall, there was considerable concern that Flying Nickel may release effluent that does not meet regulatory requirements, especially since Flying Nickel is only proposing to conduct passive water treatment.

Many citizens raised concerns about emergency or unplanned release of contaminated effluent to the Minago River in the event of an accident. Citizens acknowledged that this was perhaps unlikely, but pointed to their experience with the Bucko Lake mine, in which there have been multiple instances of discharge of contaminated water as a result of mine activities. As a result, several citizens who live in and are familiar with the Wabowden area raised concerns about the connection between release of contaminated effluent and impacts to water quality and fish health. Several people noted that they would not harvest fish around the Bucko Lake mine. Though there are differences between the Bucko Lake mine and the Minago mine in process and delivery, there remains significant hesitation about the potential impacts.

One of the broader concerns about the release of effluent to the Minago River is the connectedness between the Minago River and the Nelson River. Several citizens questioned how far impacts may be felt downstream. This included questioning whether, if there was a spill, those as far as Split Lake or Gillam would be impacted given the direct downstream connection to the Minago River. Overall, citizens voiced concern about the lack of information—including in the initial *Environment Act Proposal* as well as the NOA—about how far down the Nelson River contaminants may travel under various scenarios including spill events and normal operations.

### **5.3 Increased Traffic and Road Incidents**

Citizens identified increased road and rail traffic as a potential concern to public safety. Notably, citizens expressed concern about the existing baseline conditions of Highway 6 between Wabowden and Grand Rapids, conditions that are expected to worsen by increased trucking of supplies and nickel concentrate along Highway 6 through this stretch. Specifically, concern was raised regarding high speeds, careless driving, and poor visibility, issues that may be compounded by additional mine-related traffic.

Citizens noted that, as a result of the additional traffic, the likelihood for vehicle collisions, including those with wildlife, would likely increase. It is acknowledged that increased traffic and road incidents fall outside of the scope of the NOA, as the revised mine scope would have equivalent amounts of traffic. However, citizens felt that this issue was not adequately addressed in the initial contemplation of the *Environment Act Proposal*, and therefore seek solutions prior to Project approval.



## 5.4 Potential Impacts to Ecological Health and Métis Land Use

Citizens identified significant concerns regarding the potential impacts of the mine on the regional ecology and use of the land by the Red River Métis. Notably, citizens overall were concerned about the potential disturbance associated with increased noise, vibration, light, and habitat loss, which may adversely impact caribou and moose in particular— as species of cultural importance— as well as the loss of wetland or peat habitat. Citizens also described how the overall price of hunting increases when habitat loss associated with mining activities actively drives animals further away from traditional hunting grounds.

Citizens felt that Flying Nickel should be required to commit to developing Project habitat offsetting measures to compensate for habitat loss due to the Project. This was something that was noted in feedback received regarding the initial project scope, but also—as the Project footprint is to expand as part of this alteration—a further need was identified to ensure the Project creates a net benefit, during the operation and closure phases, through remediation.

Citizens also raised concerns about potential loss of access to the area, which is used for fishing and hunting. Citizens identified active use of the Minago River, Little Limestone Lake, William Lake, Talbot Lake, Hargrave Lake, and the unnamed waterways and lands surrounding the Minago mine site on the north, west, and south sides. Citizens noted that, while efforts must be made by Flying Nickel to reduce habitat and wildlife disturbance, existing access must remain unchanged, such that citizens can continue to access lands adjacent to the mine site. It was expressed that without access there was a fear of losing Red River Métis livelihood practice, such as trapping, upon which Red River Métis continue to depend.

## 5.5 Concerns About Unknown Impacts to Water, Wildlife, Fish, and Medicines (Plants)

The impacts of the release of contaminants and the legacy effects of the Bucko Lake mine near Wabowden has made many citizens wary of other mines and the potential “unknown” impacts that may accompany them. Specifically, citizens are concerned about contaminants that may be released from the Minago mine, either intentionally or unintentionally, and end up contaminating water that is used for drinking, wildlife, fish, or medicines.

In addition to concern about unknown impacts from extraction activities, participants in the land use and occupancy interviews noted that impacts from past mining have extended far beyond the footprint of the mine itself and expressed concerns that this may occur in the case of Minago.

While citizens noted that no level of environmental contamination is acceptable, it was clear that “unknown” contaminants—those that are discovered long after they pose a risk—are perhaps of greatest concern. To combat this concern, Red River Métis Citizens expect that Manitoba, as the



regulator, will require that Flying Nickel implement a robust monitoring program that considers both local and regional contaminant monitoring in water, sediment, fish, wildlife, and plants in areas that may be affected by the mine. Further, it is expected that monitoring results and analysis be shared publicly, such that individual citizens can review the results and be provided with either peace of mind that no risk is posed to them, or an opportunity to raise concerns and identify manners in which contaminants can be reduced.

## **5.6 Concerns for Human Health and Well-being**

As explained in the above sections, Citizens remain wary of potential contamination from mining. In addition to concerns about environmental impacts, they also spoke to fears of the potential impacts of contaminants on human health and well-being.

As evidenced in Section 6.0, the Red River Métis Citizens actively use and occupy the lands and water surrounding the Minago mine, including for subsistence harvesting. Again, due to the legacy effects of the Bucko Mine, citizens expressed concern for the health and well-being of those who collect water and eat fish from areas like Spilt and Cross Lake and stressed that rates of cancer among Red River Métis in the area will only increase with production at the Minago mine.

Citizens also spoke to the importance of maintaining mental and physical safety while working as an employee in the mining sector. Past experiences with lack of safety training, safety procedures, and mental health resources have contributed to perceived fears around the safety of future mining operations.

## **6.0 Documented Red River Métis Knowledge and Land Use Occupancy**

In total, 462 mapped individual land use and occupancy features are found within the Project Study Area (Figure 1). This section discusses these sites in relation to the Project and provides detail on how the Red River Métis use and occupy this area.

### **6.1 Interpreting the Data**

The MMF has conducted multiple map biography and Oral History interviews for various projects or studies. The data presented in this report includes all data collected by the MMF, including the data collected specifically for this Project, as well as information from other projects or reports relevant to this study.

SVS worked with three datasets to develop the maps for this report. The first was collected between 2003 and 2009. This data has been included on the maps but does not always have consistent attribute



data available. The inconsistent attribute information is a limitation of the data; however, researchers have included it because it still contributes to the overall evidence of Red River Métis land use and occupancy in the area. The second dataset is from 2009 onward and includes the land use and occupancy data that has been collected by the MMF for past projects. The third dataset is from interviews conducted specifically for this Project. The MMF Data Catalogue houses all three data sets to tell a more fulsome story of the Red River Métis in the region surrounding the Project.

## 6.2 Aquatic Study Area

The aquatic study area map shows all features that are indicative of historic and current use of the aquatic environment by the Red River Métis in the Project area. These sites, and those that use them, may be impacted by the change in the mine footprint and the flow of effluent into the Minago River (Figure 3). This includes:

- **Fishing for subsistence:** For lake whitefish, pickerel/walleye, jackfish/northern pike, yellow perch, various bait fish, goldeye, carp, trout, and sucker in Oakley Creek and the lakes southwest of the mine footprint, and in the lakes and rivers northeast of the mine footprint toward Cross Lake.
- **Commercial Fishing:** In Cross Lake.
- **Aquatic Ecological Knowledge:** Lake whitefish spawning along the northern edges of William Lake.

Some of these areas have been used by interviewees consistently throughout their entire lives. Others have been used by citizens who participated in interviews from over 10 years ago: without follow-up interviews, it is impossible to know if they continue to use the areas today.



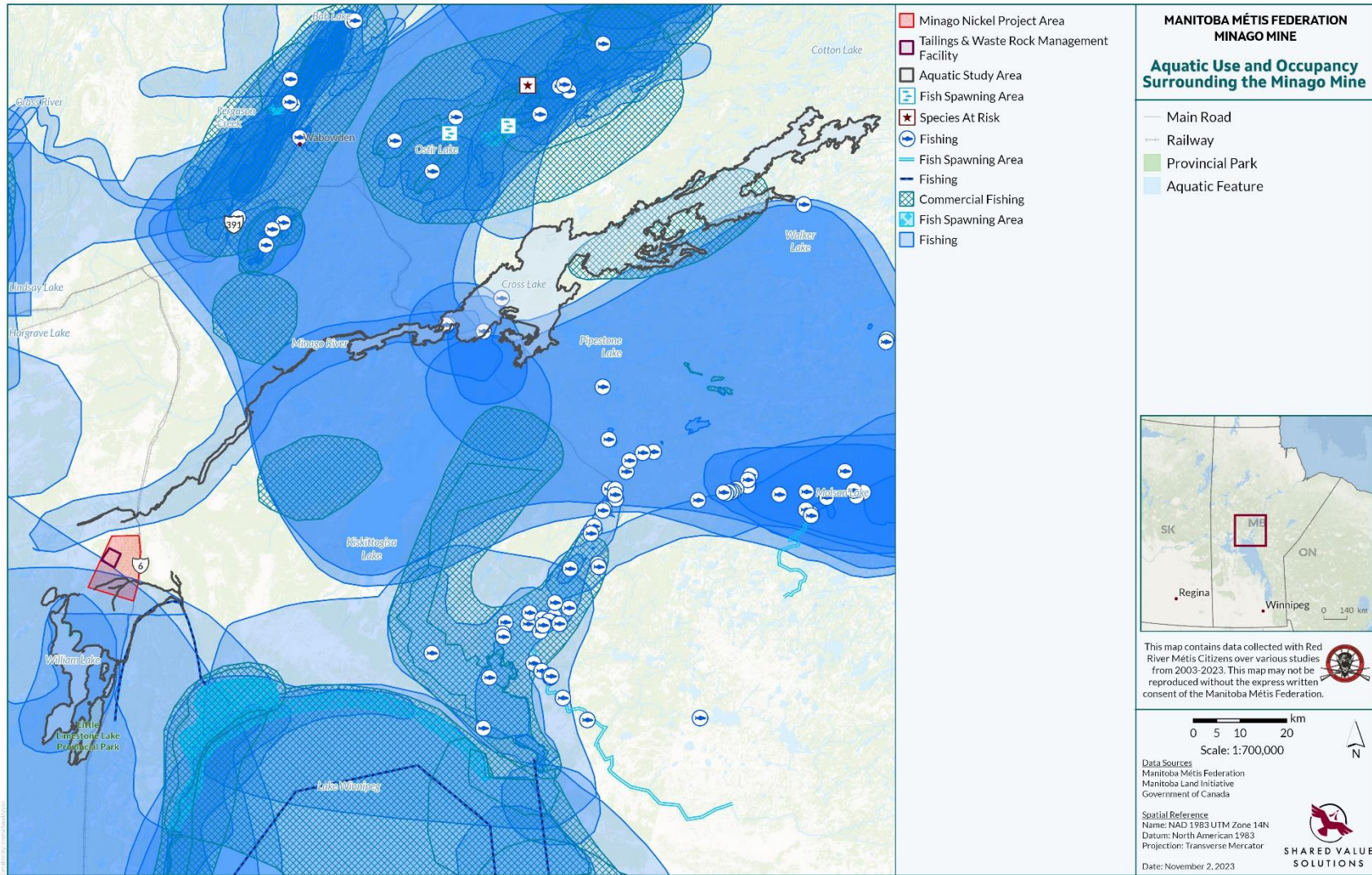


Figure 3. Map of aquatic use and occupancy by Red River Métis surrounding the Minago Mine.



## 6.3 Terrestrial Study Area

The series of Terrestrial Study Area maps (Figures 4-12) show all mapped features that indicate historic and current use by the Red River Métis. These sites, and those that use them, also have the potential to be impacted by the change in the mine footprint and the flow of effluent into the Minago River. These uses include:

- **Harvesting of plants and animals for subsistence** (Figure 4-10): Hunting for waterfowl including ducks and geese, upland birds including grouse, partridge, and ptarmigan, crane, beaver, otter, muskrat, rabbit, fox, deer, caribou, elk, and moose across the entirety of the terrestrial Study Area (Figure 8). Trapping and snaring for bear, beaver, coyote, fisher, fox, lynx, marten, mink, muskrat, otter, weasel, wolf, wolverine, rabbit, squirrel, badger, and porcupine south of the mine footprint and near Wabowden (Figure 9). Gathering berries including blueberries, cranberries, raspberries, strawberries, moss berries, choke cherries, and saskatoon berries, mushrooms including chaga, trees including birch, poplar, red willow, spruce, and maple, wild ginger, wild rice, mint, sage, rabbit's foot, sweet flag, seneca root, cattails, Labrador tea, wild leeks, wild onions, and fiddleheads, for food, firewood, medicinal, and ceremonial purposes (Figure 10). Gathering sites are present across the study area and are particularly concentrated along the route from Grand Rapids to Wabowden.

One interviewee noted that, already, some of the gathering sites near Wabowden can no longer be used because of concerns about mining tailings in Bucko Lake. Many of these trapping, snaring, and gathering sites are for subsistence harvesting and also for sharing knowledge and teaching youth about trapping and snaring, plant identification, medicine creation, and traditional ways.

- **Access and travel routes (Figure 5):** Land trails travelled by foot, horse, dog sled, and Skidoo, water routes, boat launches and landings, portage routes, and historic routes and trails. There is a concentration of access routes directly southeast of the mine footprint and another near Wabowden.
- **Commercial trapping and snaring (Figure 6):** For beaver, coyote, fox, marten, otter, rabbit, squirrel, wolf, bear, lynx, fisher, muskrat, and weasel.
- **Observed Changes** (Figure 11): Places where participants observed changes to the natural environment, often from resource development or climate change impacts. A change in water quality was observed in Cross Lake, and changes to the environment were observed immediately adjacent to the mine footprint as well as near Wabowden.



There are also features that overlap with the terrestrial Study Area (Figure 1) that indicate occupancy, or long-term consistent presence, of the area. These sites indicate current and historic occupancy of the area by the Red River Métis, supporting the claim that the National Homeland of the Red River Métis spans across the whole of Manitoba and beyond its borders. Sites of occupancy in the terrestrial Study Area include:

- **Red River Métis Ecological Knowledge** (Figure 4): Known habitats for mammals including moose, bat, and deer, plants including seneca root and small white lady's slipper, and species at risk including woodland caribou. A notable portion of the land spanning both sides of the transportation route from the mine south to Grand Rapids has been identified as important habitat for moose and woodland caribou.
- **Places where Red River Métis stay out on the land** (Figure 5): Cabins, trailers, and temporary locations such as tent sites. There are several cabins directly southeast of the mine footprint.
- **Red River Métis Cultural Sites** (Figure 12): Historic and current sites of cultural significance to the Red River Métis<sup>11</sup> and contemporary gathering sites.
- **Knowledge Transfer** (Figure 12): Sites where interviewees learned or taught skills and knowledge unique to the Red River Métis. There is a concentration of these sites near Wabowden.

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<sup>11</sup> The specific description of these sites has been intentionally left for privacy and protection reasons.





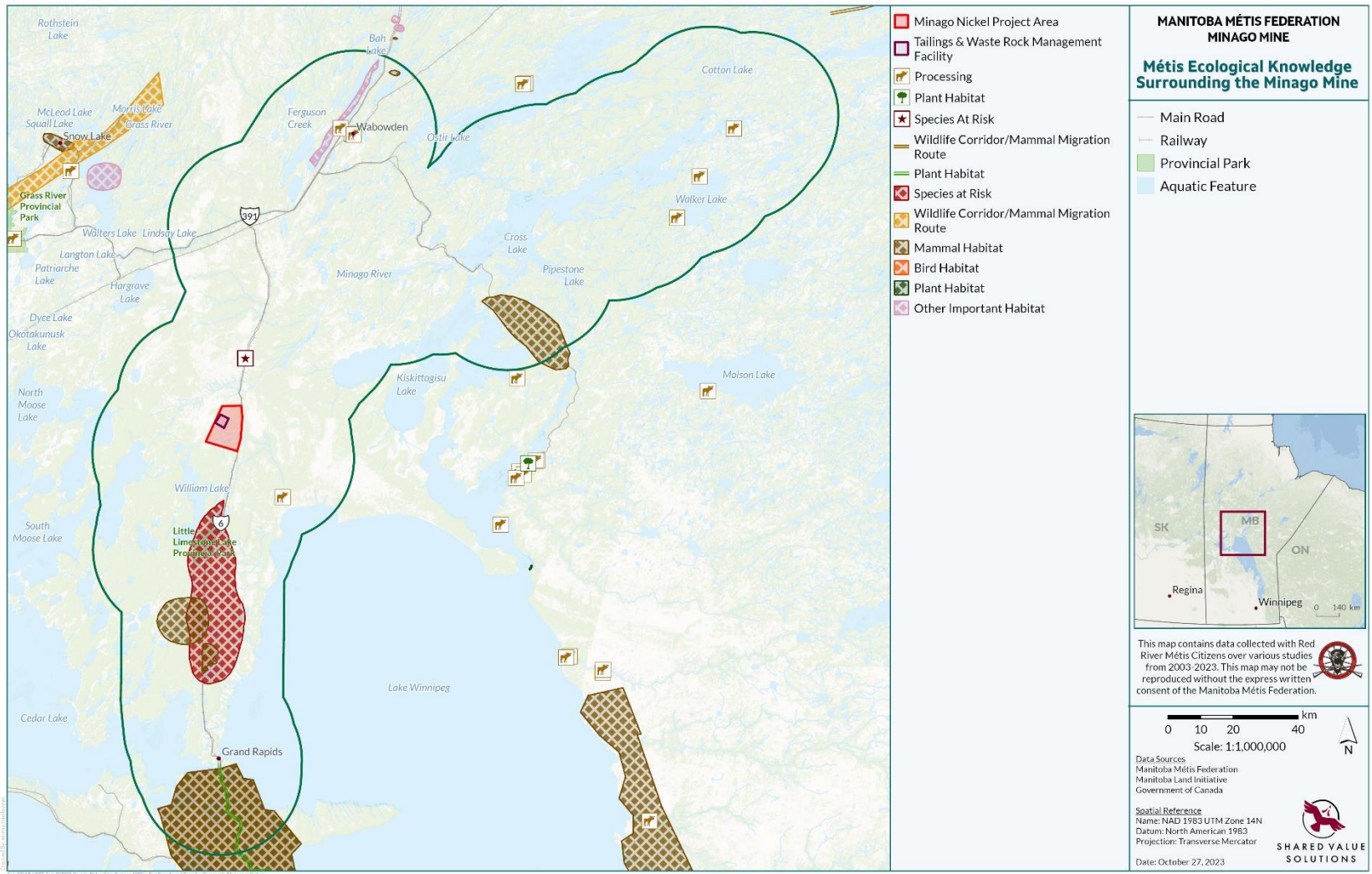


Figure 4. Map of Métis Ecological Knowledge (MEK) surrounding the Minago Mine



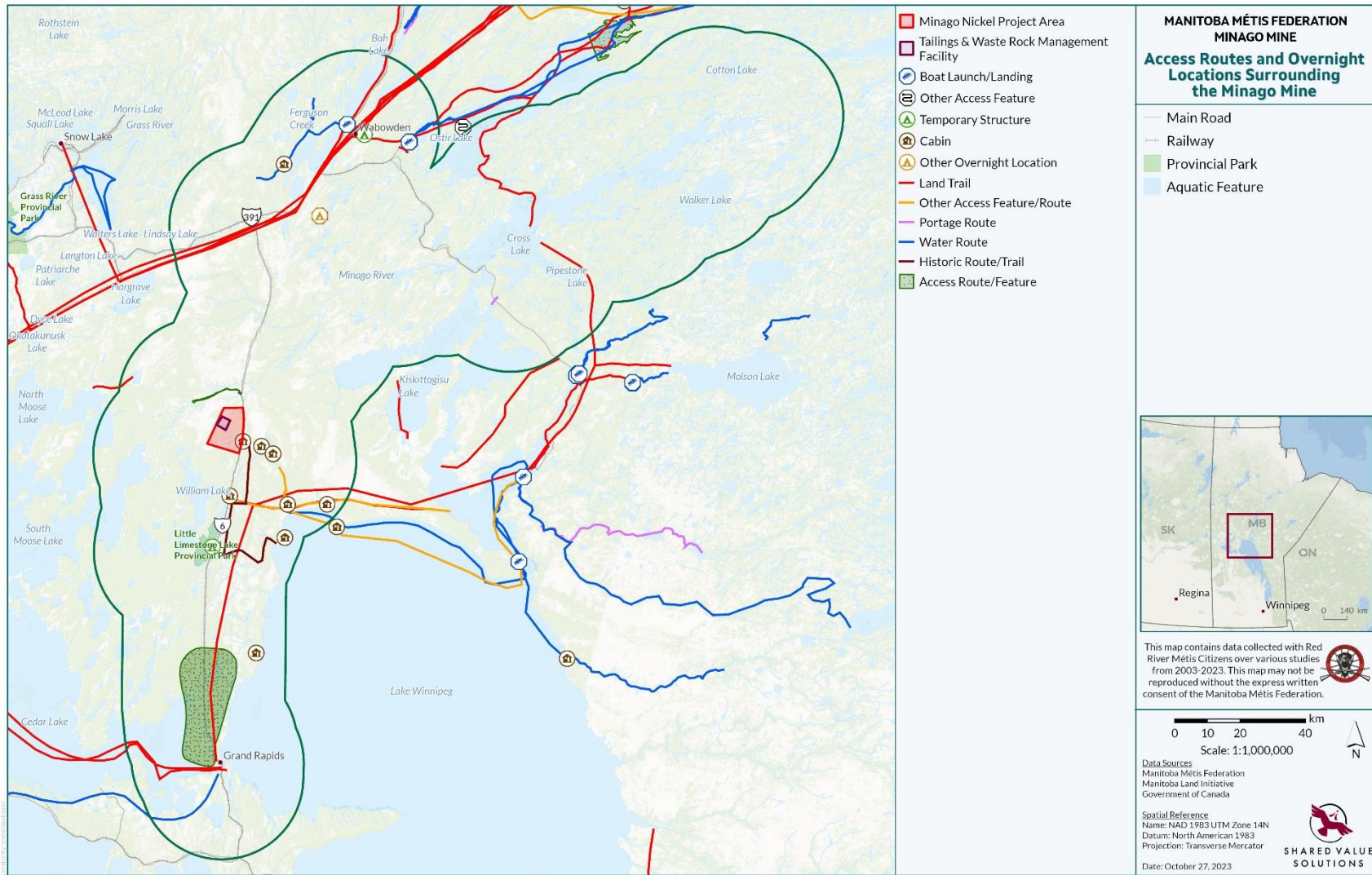


Figure 5. Map of access points and overnight locations used by Red River Métis surrounding the Minago Mine.



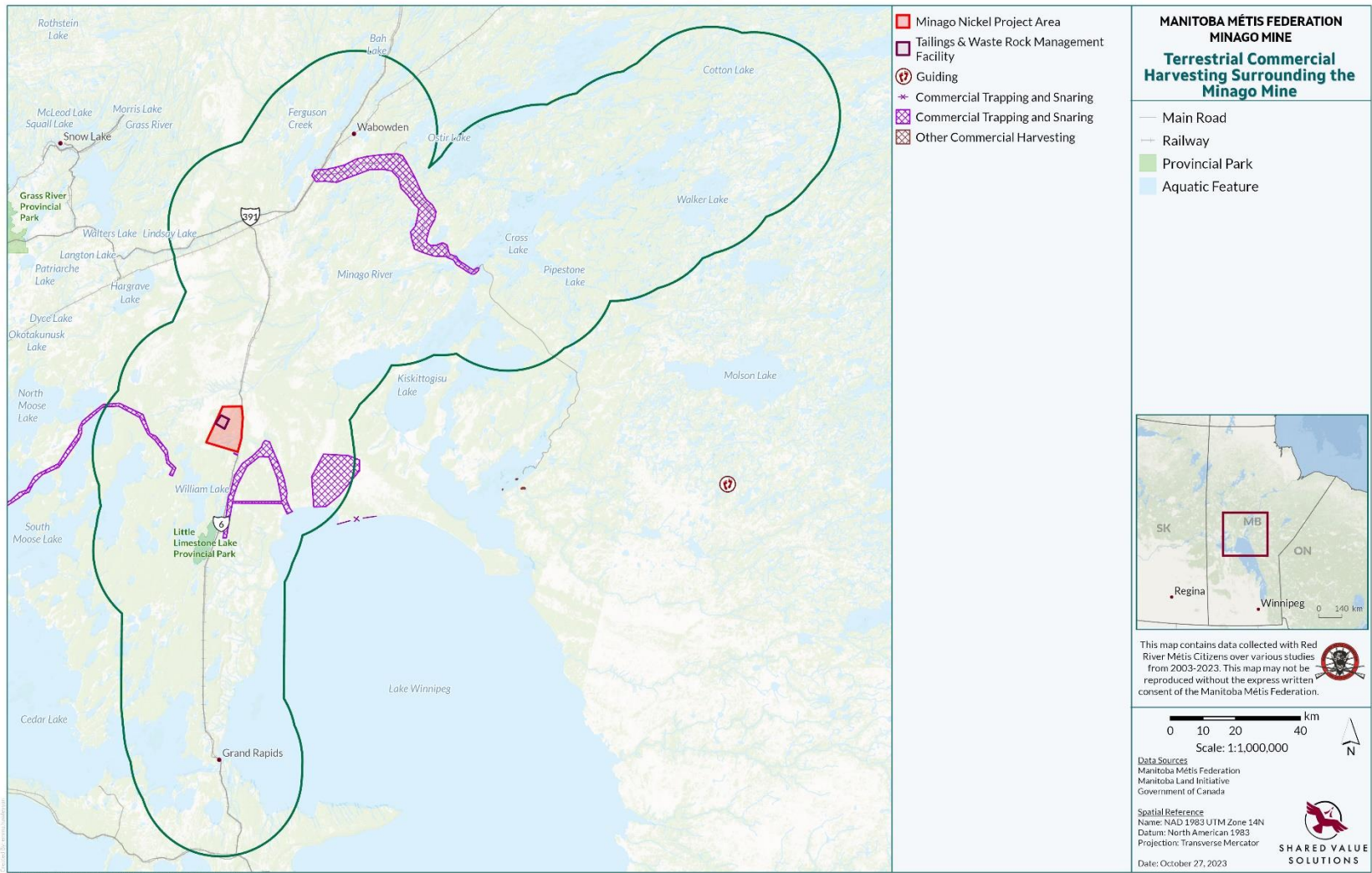


Figure 6. Map of land-based commercial harvesting sites used by Red River Métis surrounding the Minago Mine.



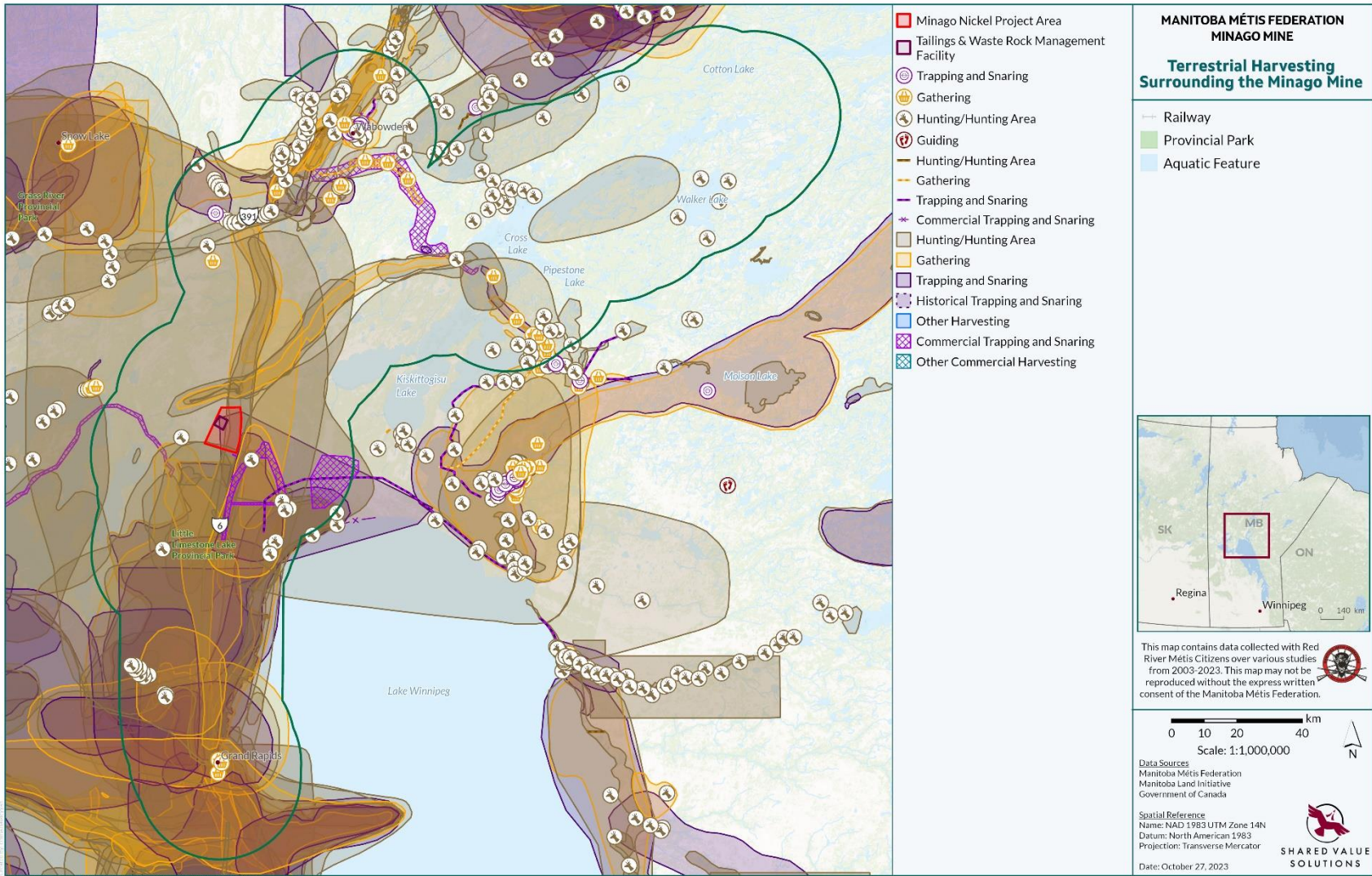


Figure 7. Map of land-based harvesting sites used by Red River Métis surrounding the Minago Mine.



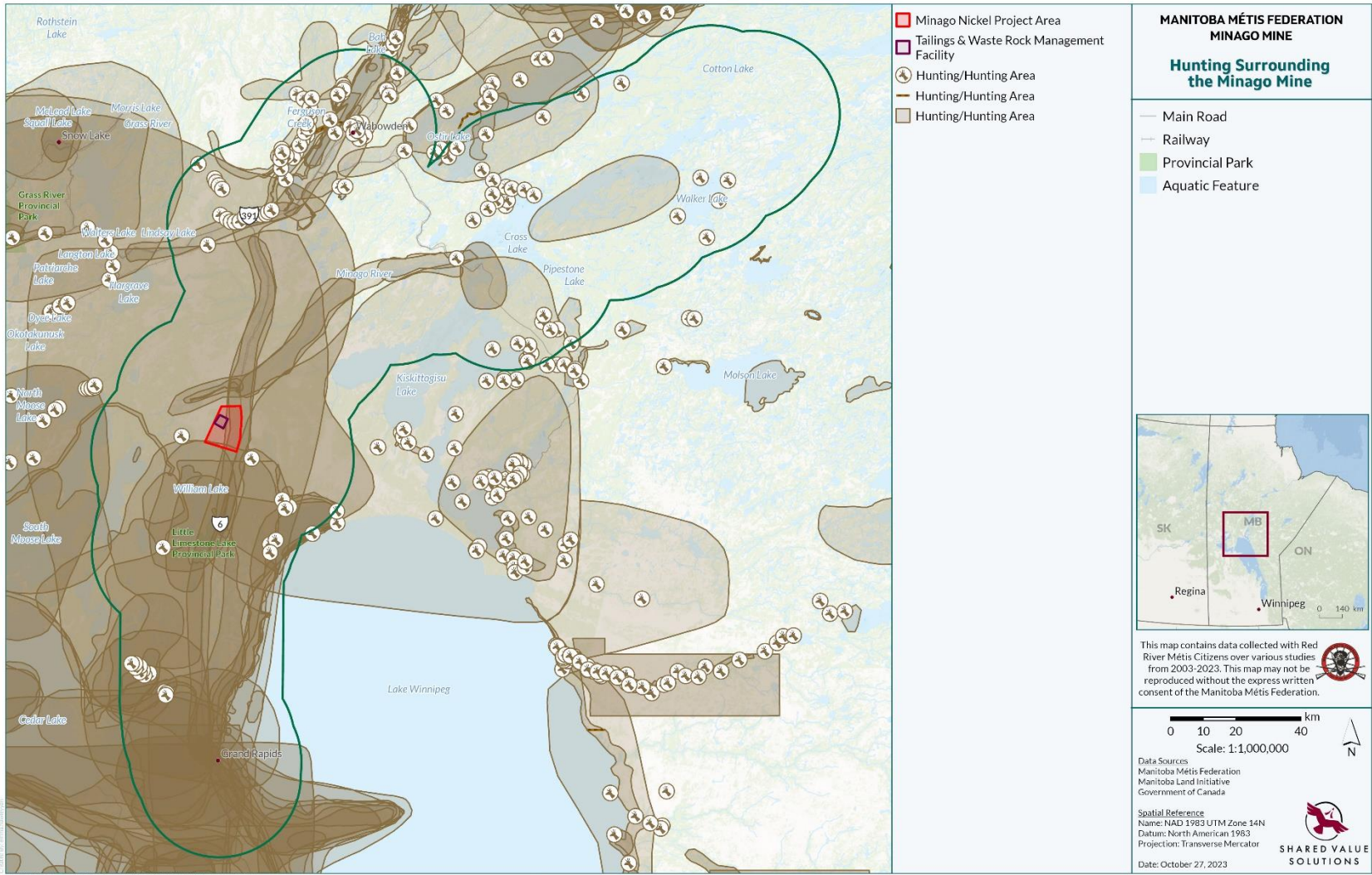


Figure 8. Map of hunting sites used by Red River Métis surrounding the Minago Mine.



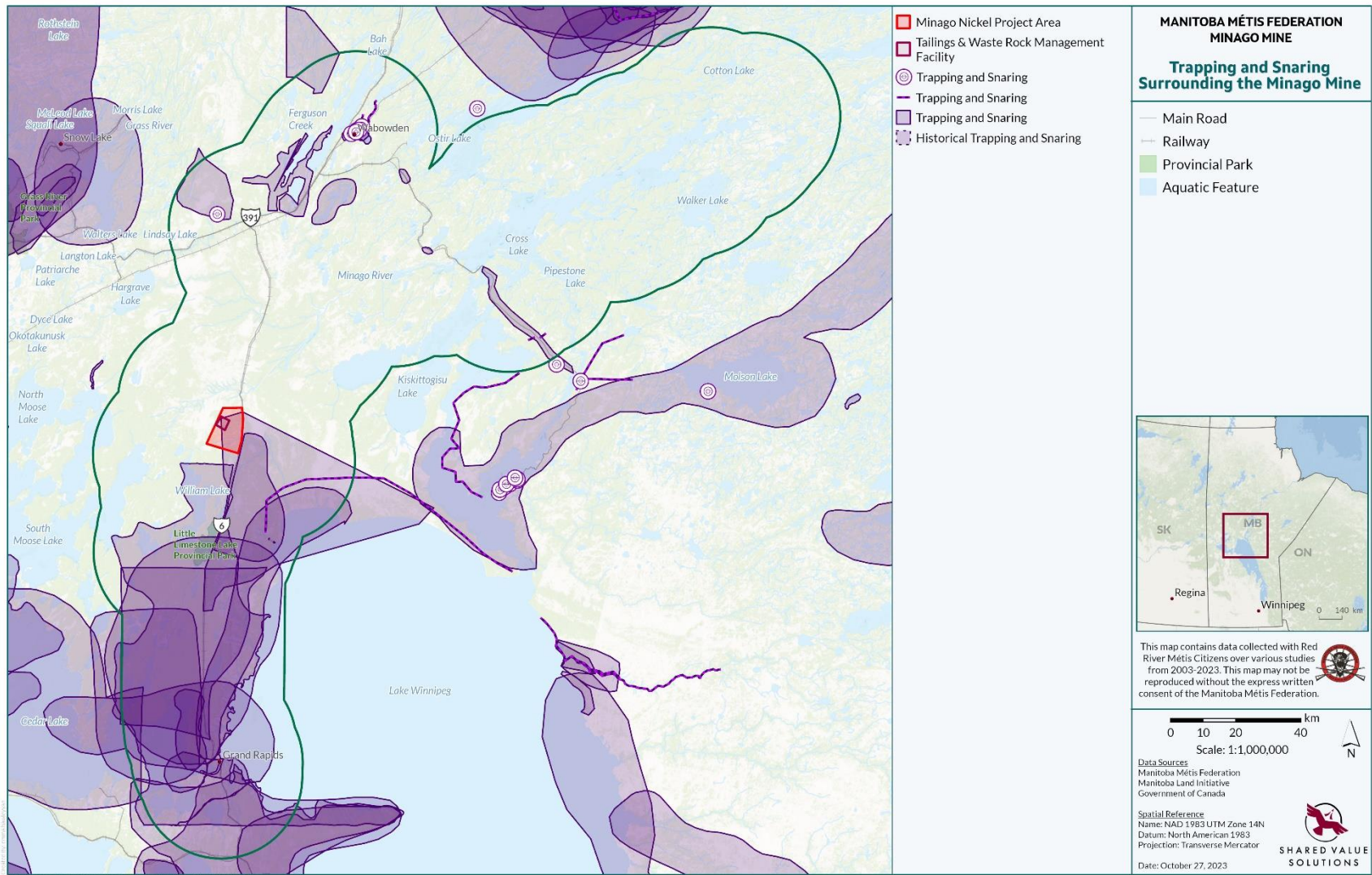


Figure 9. Map of trapping and snaring locations used by Red River Métis surrounding the Minago Mine.



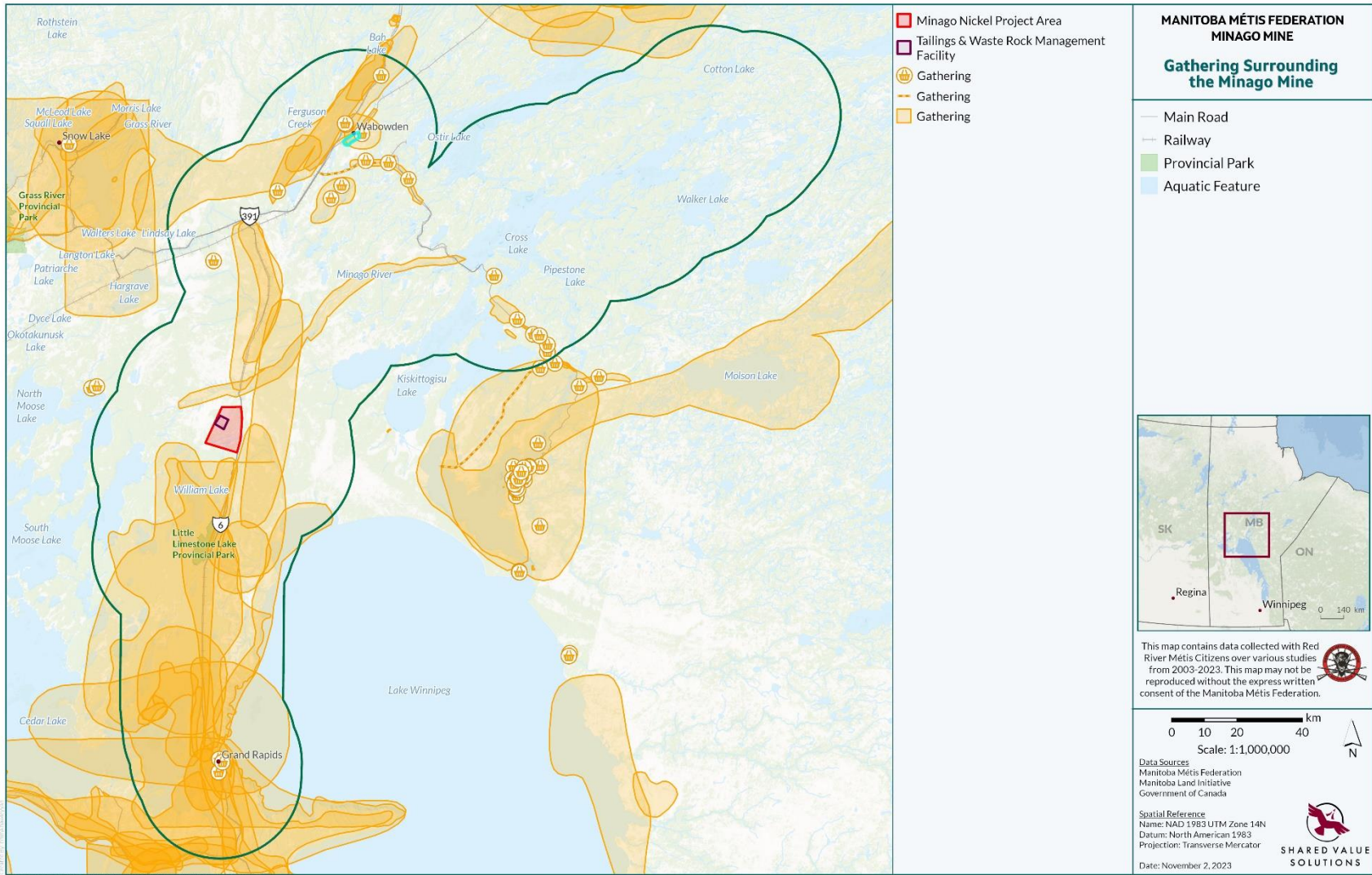


Figure 10. Map of gathering sites used by Red River Métis surrounding the Minago Mine.



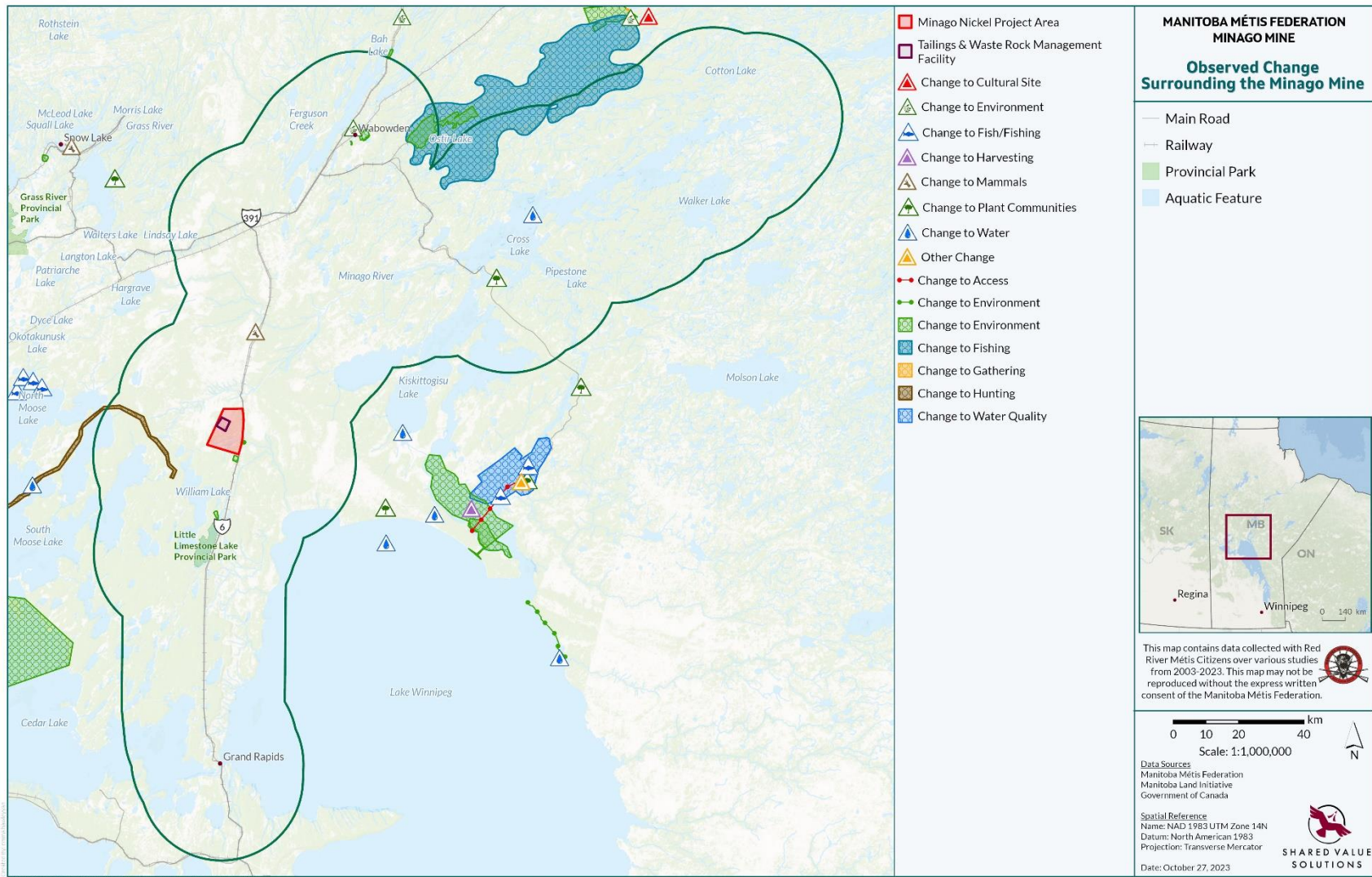


Figure 11. Map of Métis Knowledge and observed changes surrounding the Minago Mine.





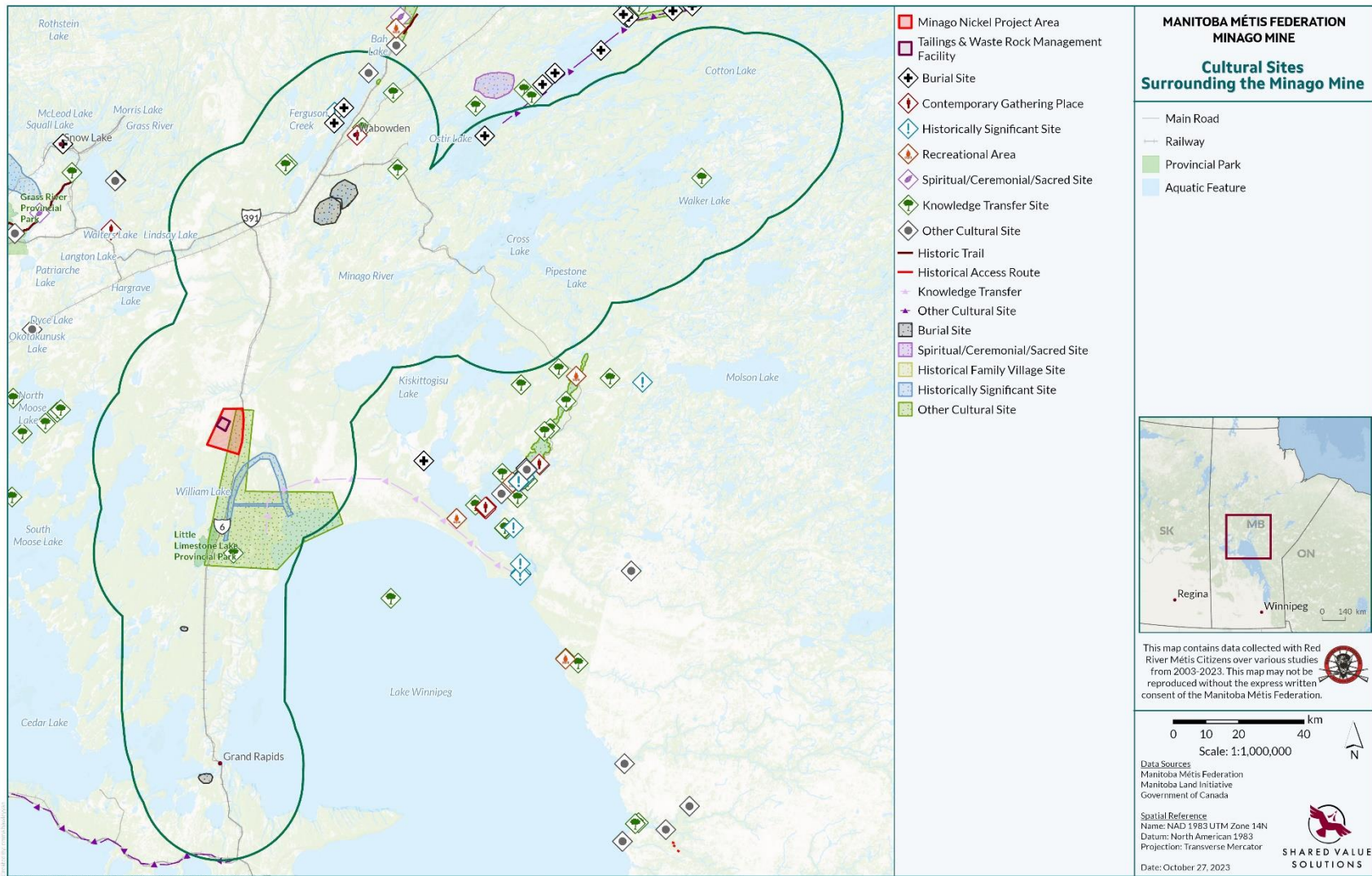


Figure 12. Map of Red River Métis cultural sites within proximity to the Minago Mine.



## 7.0 Summary and Recommendations

The Minago mine poses a potential impact to the rights and interest of the Red River Métis, owing to the potential environmental effects associated with the disturbance of a largely natural area, as well as those which may come as a result of the discharge of effluent to the Minago River. It is acknowledged that, relative to the Project scope which is approved under *Environment Act* Licence No. 2981, the Project described by this NOA is a vast improvement and goes a long way to reducing anticipated environmental effects.

However, in considering the potential effects and impacts, we continue to raise concerns about Flying Nickel's ability to reliably discharge mine effluent that meets water quality guidelines. Specifically, the planned passive treatment approach, if underperforming, can be unreliable, and given Flying Nickel's water management system, there is limited ability for Flying Nickel to hold onto effluent prior to discharge into the environment, which has the potential to violate subsection 4(1) of the *Metal and Diamond Mining Effluent Regulations*.

Based on the technical review and community engagement, we have identified the following key concerns:

- Tailings effluent will rely on a passive treatment system with currently unknown effectiveness. Further, there is minimal contingency planning in place to deal with effluent, which is unable to meet water quality objectives, and therefore remains a risk to human and environmental health.
- Treated effluent discharge during low water flow conditions would represent up to 75% of flow in the Minago River. This high proportion of effluent, which could comprise the Minago River, raises concerns about potential impact to aquatic health and to habitat within the river and in surrounding riparian zones. If effluent does not closely resemble the natural conditions of the Minago River, aquatic life may undergo shock.
- The NOA has failed to address previous comments raised by the Technical Committee regarding the documentation of rare species on-site. Species at risk or species of cultural importance may be disturbed, displaced, or destroyed as a result of this Project. However, without adequate baseline conditions, species would be impacted without detection.
- Currently Flying Nickel has offered no plan for compensating or offsetting wetland habitat or caribou habitat affected. The footprint of the Minago mine is situated in important habitat for many species of cultural importance for the Red River Métis. It is our expectation that all sensitive habitat disturbed by this Project, including that which serves as wetland habitat or caribou habitat, will be compensated to provide a net benefit.



- The MMF has not had an opportunity to comment on the monitoring, comprehensive closure, and reclamation plans that are to be developed in consultation with local First Nations. The MMF must be afforded an opportunity to work collaboratively with Flying Nickel and other parties on matters of monitoring and environmental oversight for this Project.
- Closure and Reclamation plans have not been updated since the 2014 NOA submission. While the scope has not greatly changed since that time, nine years without a revision to a closure and reclamation plan would suggest that it is out of date and does not follow current best practices.

Based on these comments, the following series of recommendations were developed. It is expected that Flying Nickel will revise the NOA and or Project plans based on these recommendations, and in instances where this has not occurred, Manitoba will incorporate these recommendations as conditions of any licence granted as part of this Project. The MMF recommends, requests, and/or requires the following:

- Flying Nickel develop and implement a contingency plan to ensure water quality guidelines are met before water is discharged into the Minago River. This includes both demonstrating that passive effluent treatment technology is effective under all environmental conditions, and that Flying Nickel is able to prevent the discharge of effluent that does not meet water quality guidelines, until a point at which the issue is rectified.
- The receiving environment of the Minago River must be monitored and protected from scour and erosion through developing a monitoring plan with the MMF.
- Manitoba refer the Project to Fisheries and Oceans Canada (DFO) for assessment under the *Fisheries Act* to consider whether habitat offset measures are necessary as per Section 35 of the Act.
- Flying Nickel must submit their closure and reclamation plans to the MMF for review and approval and provide appropriate capacity support to the MMF to do so.
- The MMF must be included in the development of all environmental monitoring plans for the Minago Mine and monitoring efforts. Additionally, reports detailing the annual results of monitoring efforts should be made public and provided to the MMF for analysis and comment.
- Environmental monitoring must include routine monitoring of water quality, sediment quality, fish and wildlife tissue, and plants for the presence of contaminants of potential concern.



- The MMF must be invited to sit on the Environmental Monitoring and Management Steering Committee to ensure Red River Métis Citizens' Rights and interests are well-represented in committee decisions.
- Flying Nickel must gather more information to make sure the large flow created from treated effluent discharge will not negatively impact the Minago River and surrounding environment.
- Flying Nickel must take appropriate action on the previous comments not addressed in the 2022 NOA.
- Flying Nickel must develop habitat offset plans for caribou and wetland habitat impacted by the Project which results in a net benefit.
- Access to surrounding lands and waters where currently existing must remain unchanged such that citizens can continue to access lands adjacent to the mine site.

While these recommendations are intended to guide action by Flying Nickel and Manitoba, the MMF anticipates the need for further discussion to ensure that the rights and interests of the Red River Métis are appropriately considered and fully incorporated into the Project.



# Appendix A: Comment Table

Comment #	Reference	Comment	Recommendation
<b>Water and Geological Resources</b>			
MMF-001	Notice of Alteration to EAL No. 2981, Section 3.2.2 Surface Water Collection and Management Plan	<p>Flying Nickel intends to implement a gravity flow, open channel, discharge rather than the previously proposed, pumped/piped discharge. Flying Nickel is also intending on only having one compliance point at the confluence of discharge swales. Effluent will travel a significant distance in the swales before it is sampled for compliance.</p> <p>It is unclear what the water quality will be while the discharge travels in the swales. It is also unclear what materials will be used to construct the swales and if the intended materials will be reactive with the effluent. For example, it is unclear if heavy metals may be sorbed onto soil particles prior to reaching the compliance point. It is also unclear if any sampling of the swale’s materials will be conducted throughout the mine’s lifetime.</p>	<p>Please provide the following details:</p> <ul style="list-style-type: none"> <li>a) What water quality tests will take place before water is discharged into the swales?</li> <li>b) What are the intended materials of the swale beds and sides?</li> <li>c) What tests have taken place to determine to what extent heavy metals will be sorbed onto the swale materials?</li> <li>d) How, at what frequency, and where will the swales materials be sampled?</li> </ul>
	Notice of Alteration to EAL No. 2981, 3.2.3 Water Quality Model Review	<p>While it is encouraging that Flying Nickel is proposing a water treatment system, it is concerning that the exact efficacy of the system won’t be known until it is built and tested. There are no contingency plans presented in the NOA for the worst-case scenario where the water quality won’t meet the Manitoba Water Quality Standards Objectives and Guidelines. It would be prudent for Flying Nickel to have a contingency plan that will ensure that the water quality guidelines are met before discharge into the Minago River. Furthermore, there is no</p>	<p>Please provide the following:</p> <ul style="list-style-type: none"> <li>a) Additional sources and practical examples demonstrating the suitability of the proposed water treatment system for the anticipated water quality of the mine discharge.</li> <li>b) Contingency plans if compliance cannot be achieved with the</li> </ul>



Comment #	Reference	Comment	Recommendation
		discussion of literature or practical, successful examples for this type of system in the NOA.	proposed water treatment system.
	Appendix A - TREK Geotechnical. 2021a. Minago Nickel Mine Geotechnical Assessment. Letter report to Silver Elephant Mining. September 17, 2021., PREVIOUS AND PROPOSED MINE SITE DEVELOPMENT	In Table 1, Comparison Between Previous and Proposed TWRMF and Polishing Ponds, the Proponent presents Hydrotechnical Design Targets. It is unclear how the different rainfall events were estimated and if climate change was taken into consideration. It is critical that the hydrotechnical structures at Minago mine are properly designed for climate change, in particular any structures that will remain on-site in perpetuity.	Flying Nickel must confirm that all hydrotechnical structures are designed to take into account climate change considerations. If the designs do not consider climate change projections, the designs must be updated to ensure they are safe and stable for all future rainfall events.
	Appendix B - Flying Nickel Mining Corp. 2022. Minago Nickel Project – Water Quality Model Review, General Comment	It is surprising and concerning that there is no mention of how climate change considerations were incorporated into the water quality model. With climate change increasing the frequency and magnitude of extreme events such as high and low flow events, it is imperative that climate change projections and recent flow data are considered. All of the modelling estimates rely on the input flow conditions in the Minago River. The results will not be representative unless representative flow conditions are used.	It is recommended that Flying Nickel improve the accuracy of their water quality model by: <ul style="list-style-type: none"> <li>a) Using at least three different climate change scenarios including a worst-case scenario</li> <li>b) Using recent streamflow data (i.e., acquired in the last five years)</li> </ul>
	Appendix B - Flying Nickel Mining Corp. 2022. Minago Nickel Project – Water Quality Model	Flying Nickel presents estimated flow conditions in Table 1. It is unclear what data was used for these estimates. It is unclear if flow monitoring has continued in the Minago River.	Please provide the following: <ul style="list-style-type: none"> <li>a) A summary of all hydrometric data collected for the Minago River.</li> <li>b) A rationale supported by scientific</li> </ul>



Comment #	Reference	Comment	Recommendation
	Review, Section 2.2 Minago River Flows		evidence that supports the suitability of the data record length and resolution for establishing baseline flow conditions in the Minago River.
<b>Fish and Aquatic Environment</b>			
	Section 4.2.2 Hydrology - Minago River	The Proponent claims that the Minago River levels will increase with the release of the mine's discharged effluent (wastewater) but that it is not expected to scour the channel or cause erosion of the riverbanks because the flows estimated downstream of the discharge point will remain within the river's historical flow range. They also claim that the consistently increased flows will be negligible compared to historical extreme high flows. The MMF find this comparison concerning because the new flow regime with the added discharge at a consistently higher level is not directly comparable to extreme weather events that occur for a short period; each of these scenarios present a different concern for habitat alteration and shoreline erosion.	<p>The receiving environment must be monitored for and protected from scour and erosion due to the consistent increased flows as well as the channel's resilience to extreme weather events.</p> <p>The Proponent must engage with the MMF in the development of a plan to monitor channel scouring and shoreline erosion in the receiving environment of the Minago River. This plan must also include mitigation strategies to strengthen the shorelines with native plants and biological materials to protect against the potential effects of the consistent elevated flows as well as potential extreme flow events. The mitigation plan options must be developed in advance of any discharge from the site so that in the event that monitoring shows evidence of alteration, the mitigation strategies can be deployed promptly. The MMF must be consulted in the development of all monitoring plans, mitigation plans, as well as communication</p>



Comment #	Reference	Comment	Recommendation
			plans for the protection of the Minago River and the aquatic receiving environment. Red River Métis Citizens harvest fish from these waters and any alteration of habitat for species of importance risks impacting Red River Métis Rights to that harvest.
	Section 5.0 Closure and Reclamation	The Proponent notes that they are not proposing any modifications to the closure and reclamation plans for the mine that were described in the 2010 EAP or the 2014 NOA. These plans cannot be considered final without consultation, review, and approval of the MMF. The Minago mine will drastically alter the healthy lands and waters that Red River Métis Citizens access and require to practice Métis Rights and culture.	The Proponent must submit their closure and reclamation plans to the MMF for review and approval before they can be considered adequate or complete by the regulator. The Proponent must also provide appropriate financial support to the MMF to facilitate the review of these plans.
	Section 6.0 Environmental Monitoring	The Proponent reports that environmental monitoring requirements will be established in cooperation with neighbouring First Nations but to date has excluded the MMF in the development of requirements, plans, and committees that will determine the environmental monitoring objectives, plans, and strategies.	The MMF must be included in the development of all environmental monitoring plans for the Minago mine, as well as be included in monitoring efforts through staffing Red River Métis Citizens. The MMF requests that the Proponent provide financial support to allow such review and consultation efforts. Lastly, the MMF must be invited to sit on the Environmental Monitoring and Management Steering Committee to ensure the rights and interests of Red River Métis Citizens are well-represented in the decisions of the committee. These actions are critical considering the Project will





Comment #	Reference	Comment	Recommendation
			directly impact the Red River Métis Rights and interests.
<b>Terrestrial Ecology and the Physical Environment</b>			
	2022 Notice of Alteration to EAL No. 2981, Section 4.6.1	The Proponent states that, in response to reviewer comments on the 2014 NOA, a survey to determine the presence/absence of rare fern species on the limestone ridges within the Project footprint was commissioned for spring 2022. However, the MMF has not been provided with a copy of this survey report. It is necessary for the MMF to complete a review of this study in order to complete a fulsome review of the Proponent's proposed design changes and assess their potential impact on rare plant species of importance to Métis harvesters.	Please provide the MMF with a report outlining the results of the 2022 rare fern presence/absence surveys. The Proponent must provide the MMF with a minimum of 45 days to review and provide comment on this report. Until this has occurred, the MMF's review of the 2022 NOA for the Minago Nickel Project cannot be considered complete.
	2022 Notice of Alteration to EAL No. 2981, Section 4.6.2	The Proponent states that, in response to reviewer comments on the 2014 NOA, a survey to determine the presence/absence of bat hibernacula on the limestone ridges within the Project footprint was commissioned for spring 2022. However, the MMF has not been provided with a copy of this survey report. It is necessary for the MMF to complete a review of this study in order to complete a fulsome review of the Proponent's proposed design changes and assess their potential impact on wildlife species of importance to Métis citizens.	Please provide the MMF with a report outlining the results of the 2022 bat hibernacula presence/absence surveys. The Proponent must provide the MMF with a minimum of 45 days to review and provide comment on this report. Until this has occurred, the MMF's review of the 2022 NOA for the Minago Nickel Project cannot be considered complete.
	2022 Notice of Alteration to EAL No. 2981, Section 4.6.2; Section 3.2.2., Table 1	In Section 4.6.2, the Proponent states that the proposed Project changes would only result in a 4% increase in terrestrial habitat loss. However, in Section 3.2.2, Table 1 shows that the total area of the proposed Project footprint from the 2022 NOA (2,236.6 ha) will increase by	Please provide the MMF with the following additional information: <ol style="list-style-type: none"> <li>1. A detailed data table outlining the proposed Project footprint changes</li> </ol>



Comment #	Reference	Comment	Recommendation
		<p>approximately 23% relative to the total footprint area from the 2014 NOA (1,819.3 ha). The Proponent’s rationale for minimizing the change in terrestrial footprint appears to rely primarily on the assumption that the “increases [in the footprint of waste rock and overburden stockpiles due to geotechnical considerations] would almost certainly have become evident during the detailed Project design.” (p. 9). The MMF notes that this does not change the fact that these footprint increases were not evaluated in the 2014 NOA and should therefore be assessed accordingly in the 2022 NOA now that this information has been become available. Overall, the MMF does not agree with the Proponent’s minimization of the footprint change in the 2022 NOA.</p> <p>In addition to this, the Proponent states that the new terrestrial areas subject to habitat disturbance do not include any habitat types that were not previously identified or assessed. However, the Proponent has not presented any evidence to substantiate this statement, such as a data table including a breakdown of total loss by vegetation community or habitat type. It is challenging for MMF to do this by manual comparison to the mapping in the 2014 NOA due to issues such as lack of scale bars on maps, differences in base aerial imagery, and the Project footprint not being displayed on vegetation class or wildlife survey maps.</p> <p>Together, these two issues make it difficult for MMF to complete a fulsome assessment of how the proposed</p>	<p>by ecosystem type (e.g., terrestrial, aquatic, wetland) for the full 417 ha (23%) footprint increase.</p> <ol style="list-style-type: none"> <li data-bbox="1419 383 1902 591">2. A detailed data table outlining the total increase in terrestrial habitat loss by habitat or vegetation class to substantiate the statement that no new terrestrial habitat types will be affected.</li> </ol>



Comment #	Reference	Comment	Recommendation
		Project design changes affect the terrestrial environment; additional information is required.	
	2022 Notice of Alteration to EAL No. 2981, Section 4.6.1 & Section 4.6.2	<p>In response to Victory Nickel’s 2014 NOA, the Wildlife Branch of Conservation and Water Stewardship (CWS) commented that the Proponent did not contact the Manitoba Conservation Data Centre (CDC) for updated rare species records. Instead, Victory Nickel was relying upon data from 2007, which was concerning to the Wildlife Branch considering significant additions had been made to the CDC database between 2007 and 2014. The MMF notes that it is possible that significant additions have been made between 2014, when this comment was originally made, and 2022 when the updated NOA was submitted by Flying Nickel, increasing the imperative to update the baseline dataset.</p> <p>There is no indication in the 2022 NOA report (Section 4.6.1 or Section 4.6.2) that Flying Nickel obliged this recommendation from the Wildlife Branch. The MMF is significantly concerned that Project design changes and assessment of potential impacts to the terrestrial environment are based on data that is 15 years old.</p>	<p>Please provide the MMF with an update on the status of the CWS Wildlife Branch’s 2014 request to update baseline data on rare species records.</p> <p>If this has been completed, please provide the MMF with a detailed list and map of rare species with potential or confirmed occurrence within the new Project footprint area.</p> <p>If this has not been completed, the MMF reiterates the CWS Wildlife Branch’s request to include an updated rare species baseline dataset for consideration in the 2022 NOA.</p>
	2022 Notice of Alteration to EAL No. 2981 – Section 4.6.2	The 2022 NOA report does not contain any discussion on how the proposed Project design changes, including the relocation of the TWRMF and the increased area of the polishing ponds, have the potential to also influence waterfowl attraction to the site for stopover and staging. There is also little to no discussion of this potential adverse effect in the 2014 NOA. Métis harvesters are known to use this area to harvest waterfowl and are	<p>The MMF recommends that the Proponent implement strategies (e.g., visual or auditory deterrents, physical exclusion, etc.) to prevent migratory waterfowl from using its TWRMF and polishing ponds as stopover and staging sites.</p> <p>If this mitigation measure is deemed</p>



Comment #	Reference	Comment	Recommendation
		concerned about potential exposure to harmful contaminants through this pathway.	unnecessary (from an ecological perspective), please provide the MMF with a detailed rationale as to why migratory waterfowl are unlikely to stopover/stage in the TWRMF and polishing ponds, and/or be exposed to harmful contaminants in this process.
	2022 Notice of Alteration to EAL No. 2981	<p>As noted in Comment MMF-017, it is challenging for MMF to determine exactly which wetland/vegetation classes the revised Project design components (e.g., TWRMF, polishing ponds) overlap. This is due to a lack of information in the 2022 NOA. However, since the study area is known to be covered by extensive wetlands (e.g., bogs and fens) and due to the known significant peat removal, the MMF assumes that the revised Project components will also overprint wetlands.</p> <p>There is no indication in the 2022 (or 2014) NOA that the Proponent intends to develop a wetland offset (or no net loss) plan due to the loss of wetlands resulting from the Project. The MMF notes that wetlands in Manitoba are protected under the <i>Water Rights Act</i> according to their permanence classification, and therefore requires more information from the Proponent on whether the wetlands overprinted by the Project qualify for legal protection and offsetting. The MMF notes that this was also requested by Manitoba Water Stewardship in 2014 during the NOA review period, but the public registry for this file does not include a rationale from the Proponent indicating why this request was not obliged and carried</p>	<p>Please provide the MMF with the total area of wetland habitat that will be temporarily and permanently lost as a result of the Project, including identifying which components overprint them and details on wetland class, per the Water Rights Act.</p> <p>The MMF strongly recommends that the Proponent develop a wetland offset/no net loss plan to account for the loss of wetlands resulting from the Project. This plan should be developed and executed in close collaboration with the MMF's Métis Community-Based Climate Monitoring Program, who have experience conducting wetland monitoring work. If the Proponent deems this unnecessary, please provide the MMF with a detailed rationale.</p>



Comment #	Reference	Comment	Recommendation
	2022 Notice of Alteration to EAL No. 2981, Section 3.2.2	<p>forward to the 2022 NOA.</p> <p>In Section 3.2.2 of the 2022 NOA, the Proponent states that the waste rock and overburden (including clay and peat) stockpile footprints have been increased due to the geotechnical properties of the materials, and that this is one of the reasons for the overall Project footprint increase. In the 2014 NOA, the Proponent discusses the possibility of reclaiming the Project site, including “applying organic matter such as peat stockpiled in the initial construction phase to nutrient and organic matter deficient sites” (2014 NOA, Chapter 7.9.15, p. 7-463). In the 2022 NOA, there is no discussion of how the changes to the peat stockpile footprint may influence the viability of using stockpiled peat for the purposes of Project reclamation.</p>	Please provide the MMF with a detailed explanation of how changes to the peat stockpile may or may not affect the viability of using stockpiled peat for the purposes of Project reclamation.
	2022 Notice of Alteration to EAL No. 2981, Section 4.6.2	<p>In Section 4.6.2 of the 2022 NOA, there is no discussion of how the Project changes, including the increased footprint, have the potential to adversely affect woodland caribou.</p> <p>The Project footprint, including its updated components, is located within woodland caribou habitat, specifically overlapping the Wabowden Management Unit and the William Lake range. This management unit has been assigned a “high” conservation concern status due to uncertainty around population trend, a high level of disturbance, and a high level of planned development (Manitoba Boreal Woodland Caribou Recovery Committee, 2015). In particular, the William Lake range has a very small population (estimated at 25 to 40,</p>	Considering the precautionary principle, the MMF recommends that the Proponent develop a woodland caribou habitat compensation plan to help offset the further disturbance to the Wabowden Management Unit (including the William Lake range). In keeping with the expectations of the recently signed Section 11 agreement, this plan should be developed in close collaboration with the MMF, including meaningful integration of Métis Knowledge, stewardship principles, and involvement of Red River Métis monitors.



Comment #	Reference	Comment	Recommendation
		<p>according to Environment Canada, 2012) and between 2012 and 2017, habitat disturbance within its range increased to over 65% undisturbed, which provides an indicator that the population is unlikely to be self-sustaining (Environment and Climate Change Canada, 2017). The MMF notes that in its 2015 woodland caribou recovery strategy, Manitoba set an ambitious target to protect and manage 65 to 80 percent intact suitable boreal caribou habitat in each management unit and is currently falling short of this target within the vicinity of the Project.</p> <p>In the 2014 NOA, the Proponent concludes that the habitat in the Minago project area is of limited value to woodland caribou. However, many aspects of this assessment are insufficient. For example, this conclusion is made primarily on the basis of the likely migratory behaviour of the Wabowden range (instead of the William Lake range that directly overlaps the Project study areas) and that the black spruce stands within the Project area are at a higher elevation, not surrounded by open muskeg and therefore not the preferred predator refuge habitat of the caribou within this range. Further, it is not clear whether the Proponent’s 2007 winter aerial surveys and traverses, which were used as supporting evidence that caribou do not use the Project area, provided coverage of the area where the new TWRMF and polishing ponds will be situated. The MMF notes that its Métis Knowledge database contains record of caribou occurrence in very close proximity to the Project area.</p>	<p>In addition to the mitigation measures outlined in the 2014 NOA (e.g., restricting access to mine transportation corridors, implementing vehicle collision prevention measures, providing wildlife escape routes from roads, etc.) the MMF recommends that the Proponent implement the following:</p> <ul style="list-style-type: none"> <li>• Use dust suppression techniques on roads to prevent dust emissions and deposition on potential caribou forage.</li> <li>• Prohibit any blasting activities during known sensitive windows for caribou.</li> <li>• Work with the MMF to monitor the Project site for the presence of caribou and pause any disruptive activities (e.g., blasting) until caribou have vacated the site.</li> <li>• Reclaim roads as soon as they are no longer required. The MMF notes that there is a distinction between simply decommissioning roads (e.g., removing culverts, scarifying/grading) and rehabilitating them to prevent predators from more easily pursuing and preying on caribou</li> </ul>



Comment #	Reference	Comment	Recommendation
		<p>There is also no indication in the 2014 or 2022 NOA that the Proponent made efforts to acquire updated data (e.g., from telemetry studies, aerial surveys, regarding natural/anthropogenic/total habitat disturbance) from Manitoba regarding the Wabowden Management Unit, including the Wabowden and William Lake ranges.</p> <p>Overall, the MMF feels that the evidence presented in the 2014 NOA (which was reviewed in the absence of information in the 2022 NOA) is not sufficient to conclude that the adverse effects of the Project on caribou will be low in magnitude.</p> <p>There is an increasing precedent to use the precautionary principle when assessing and mitigating the potential effects of projects on woodland caribou and their habitat integrity, which are continually in decline. The MMF is concerned that the increase in Project footprint only adds to potential caribou habitat loss. In the absence of defined critical habitat or a recovery action plan for the Wabowden Management Unit (including the William Lake range) and in light of concerning habitat disturbance trends, the Proponent should apply the precautionary principle and develop a caribou habitat compensation plan to offset the area that will be disturbed as a result of the Project, as well as implement enhanced mitigation measures to prevent disturbance to caribou within an increased zone of influence.</p> <p>The MMF also notes that Manitoba and Canada recently finalized an Agreement for the Conservation and Recovery of the Caribou, Boreal Population in Manitoba</p>	<p>(e.g., tree/shrub planting, mounding, slash rollback, etc.).</p>



Comment #	Reference	Comment	Recommendation
		(Government of Canada, 2023), also known as a Section 11 agreement. This agreement highlights the importance of engagement with Indigenous peoples, as well as incorporating Traditional Knowledge into boreal woodland caribou assessment, protection, conservation, and recovery efforts.	

