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Environmental Approvals Branch
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July 2, 2013 (revised)

Via e-mail: lorna.zappone@ontario.ca

RE: Wataynikaneyap Power Terms of Reference for the New Transmission Line to Pickle Lake Environmental Assessment (Project Reference No: 13025)

Dear Ms. Zappone,

Thank you for the opportunity to comment on the Terms of Reference (ToR) for the New Transmission Line to Pickle Lake Project proposed by Wataynikaneyap Power. We would like to confirm that Wildlife Conservation Society (WCS) Canada be added to the proponent's stakeholder list for further information and consultation on this project. WCS Canada has no public membership and we are providing comments in our capacities as scientists offering independent review.

We have two main concerns with the current ToR:

- 1) A lack of consideration of alternatives to the undertaking that are currently justified by the proponent based on the priorities of the Ministry of Energy and the framework used to address alternatives to carrying out the project; and,
- 2) The route selection is focused primarily on technical and economic feasibility with limited attention and weighting to environmental impacts related to fish, wildlife, and water quality.

Our main recommendation to MOE is to not approve the final ToR until these issues are addressed in a revised form. We describe our concerns below.

We are submitting this comments in our respective capacities as scientists specializing in wildlife ecology, conservation biology, and landscape ecology in the region as staff scientists for Wildlife Conservation Society (WCS) Canada. WCS Canada (www.wcscanada.org) was established in May 2004 as a Canadian non-government organization with a mission to conserve wildlife and wildlands by improving our understanding of and seeking solutions to critical problems that threaten key species and large wild ecosystems throughout Canada. WCS Canada generates knowledge through research and tools for conservation of the northern boreal's wide-ranging fish and wildlife species, ecosystems, and biodiversity. WCS Canada provides this information to Government and First Nations decision-makers to create policies and governance systems that support biodiversity conservation, sustainable use of biological resources and best practices for industrial development.

Dr. Justina Ray was a member of Ontario's Ministry of Natural Resources (OMNR) Caribou Science Advisory Panel from 2008-2010 and is a member of the Provincial Caribou Technical Committee (PCTC) from 2010 to the present. Her role on the PCTC is to provide OMNR with provincial-level scientific and technical advice on woodland caribou recovery in Ontario, including on the implementation of the Caribou Conservation Plan (CCP). Justina has also been engaged in caribou recovery at the federal level since joining the science advisory panel for Critical Habitat identification for boreal caribou in 2008. She made a substantial contribution to documenting the empirical (observed using available data) relationship between caribou population and extent of disturbance, the foundation for managing for "thresholds" of development for caribou. Justina also worked to ensure that key elements of the Critical Habitat framework were appropriately integrated into Ontario's implementation of caribou recovery. She has been engaged in primary research and surveys of caribou and wolverine in the Far North for the last decade, and is a member of Ontario's wolverine recovery team and co-author of the provincial recovery strategy for this species. Finally, Justina was a member of the Far North Science Advisory Panel to Ontario's Minister of Natural Resources where she contributed advice on approaches to regional-scale land-use planning in Ontario's northern boreal forest¹.

Dr. Cheryl Chetkiewicz has been working in the region since 2009 with expertise in designing conservation approaches informed by large carnivore movements and habitat use patterns. She is developing multi-scaled tools to support regional and community-based conservation planning in Ontario's Northern Boreal landscape, including cumulative effects landscape models for northern Ontario.

1. Narrowing of the EA - alternatives to the undertaking and alternatives to carrying out the project.

Alternatives to the undertaking: Ontario's Long Term Energy Plan² and the Ministry of Energy may have identified the building of transmission line as a provincial priority, but this does not remove the responsibility for the proponent to consider alternatives to the undertaking. In fact, the *Environmental Assessment Act* (EAA) is clear on expectations for proponents in this regard. For example, one of the main reasons given by the Ministry of Energy for a new transmission line is the need to reduce the dependency of remote First Nations on diesel fuel for energy generation. The primary reason First Nations formed the transmission company in the first place is the promise of remote First Nation connectivity to the provincial grid in the future --- something that has been

¹ Ontario Far North Science Advisory Panel. 2010. *Science for a Changing Far North*. <http://www.mnr.gov.on.ca/en/Business/FarNorth/2ColumnSubPage/266512.html>

² New transmission supply to Pickle Lake is a crucial first step to enable the connection of remote communities in northwestern Ontario. A new transmission line to Pickle Lake — one of this plan's five priority projects — will help to service the new mining load and help to enable future connections north of Pickle Lake. Subject to cost contributions from benefiting parties, Ontario will focus on supplying Pickle Lake from the Ignace/ Dryden area immediately. A line to serve the Nipigon area specifically will continue to be considered as the need for it evolves.

discussed for many years. Renewable energies (e.g., run-of-the-river, solar) near remote First Nation communities could meet local First Nation energy needs by reducing reliance on winter roads and diesel power generation. However, it seems that until the demand for energy by an industrial proponent becomes a priority (e.g., road transportation for the Ring of Fire vs. community all-weather access), Ontario is unable or unwilling to address First Nation energy needs.

As an aside to the ToR, we submit that the tension created by the stated priority for the Ministry of Energy and the environmental assessment process managed by the Ministry of the Environment (MOE). We respectfully request that MOE consider a strategic environmental assessment of Ontario's *Long Term Energy Plan*. We submit that there is legislative basis for SEA in Ontario through the EAA's definition of an undertaking, which specifically includes policies, plans and programs (PPPs).

Alternatives to carrying out the project. We submit that the evaluation criteria and indicators proposed by the proponent are inadequate in this ToR because there is an over-emphasis on technical and economic feasibility that will narrow the environmental assessment proposed by this ToR. For example, missing from the initial framework on the potential effects of watercourse crossings are the environmental impacts on fish, fish habitat, and water quality. The main consideration for narrowing the alternatives described in Table 1 under these criteria is cost and constructability. We submit these environmental impacts along with population/herd scale impacts for woodland caribou need to be part of the initial framework.

2. Consideration of Route Options

It seems clear from the document that the proponent's preferred corridor option is primarily based on economic and technical grounds. Apart from offering a list of some environmental "advantages", there is no discussion of the environmental trade-offs of the various options that shed light on overall magnitude of potential impact. Each route will have different impacts from an environmental perspective that need to be discussed and weighted accordingly for public review.

Our main recommendation based on a review of the proposed ToR and corridor locations is that the preferred option for any new linear feature should align with existing and permanent, all-weather linear feature to Pickle Lake, specifically Highway 599. From an ecological perspective, existing linear features have already impacted the environment. For example, caribou will have already adjusted their movement and habitat selection patterns in response to the existing highway. Additional new linear features in a north-south direction will further constrain east-west movements by woodland caribou already navigating industrial forestry, all-weather roads, and human developments.

Furthermore, evaluation of impacts of the proposed project on caribou must explicitly consider the condition of relevant populations within ranges affected by this new linear feature. While these data will not be publicly available until later this year, it is clear from both the CCP and OMNR's Far North caribou research program that they are central to evaluating potential impacts and are being collected by OMNR throughout caribou ranges in Ontario. Most of the caribou populations that intersect with the Area of Undertaking are in a high risk situation due to the amount of current cumulative disturbance (anthropogenic and fire) in their ranges. As such, their current population status (i.e., whether or not the population is stable or in decline) is highly relevant to addressing cumulative effects and risk to further impacts associated with a new linear disturbance. In general, woodland caribou in Ontario's northern boreal region are sensitive to linear disturbance features associated with human development (e.g., Bowman et al. 2010).

While the deadline for receiving comments on the ToR has passed, time did not allow us to comment more fully. We still wanted to be sure to register our main concerns at this key stage in the process and hope you will consider our comments. Please contact Cheryl Chetkiewicz (cchetkiewicz@wcs.org or 807-472-1440) if you require further clarification of our comments.

Sincerely yours,



Cheryl Chetkiewicz, PhD



Justina Ray, PhD

References:

Bowman, J., J. C. Ray, A. J. Magoun, D. S. Johnson, and F. N. Dawson. 2010. Roads, logging, and the large-mammal community of an eastern Canadian boreal forest. *Canadian Journal of Zoology* **88**:454-467.