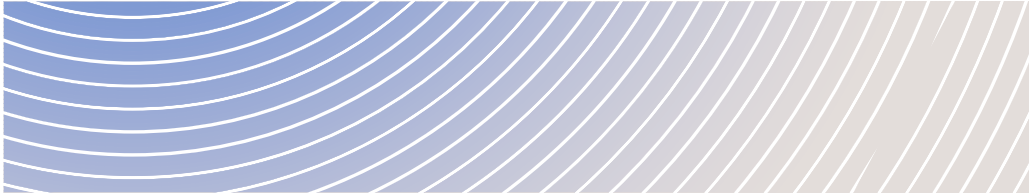


# Analysis Report



WHETHER TO DESIGNATE THE **TWINNING OF THE TRANS-CANADA HIGHWAY IN MANITOBA PROJECT** PURSUANT TO THE *IMPACT ASSESSMENT ACT*

May 27, 2026



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This document has been issued in French under the title: Rapport d'analyse – Décision de désigner ou non le Projet d'Élargissement à quatre voies de la route transcanadienne au Manitoba, en vertu de la *Loi sur l'évaluation d'impact*



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# Purpose

The Impact Assessment Agency of Canada (IAAC) prepared this report for consideration by the President of IAAC<sup>1</sup> in his response to the request to designate the Twinning of the Trans-Canada Highway in Manitoba project (the project) proposed by Manitoba Transportation and Infrastructure (the proponent) pursuant to section 9 of the *Impact Assessment Act* (the IAA).

## Context of request

On March 13, 2026, the Minister of Environment, Climate Change and Nature (the Minister) received a request to designate the project from Doug Orchard, Henry Rasmussen, and Peter Kirby (the requesters). The letter included a request for designation of the Twinning of Trans-Canada Highway (the twinning) from Kenora, Ontario to the Whiteshell Provincial Park in Manitoba. The requesters expressed concerns about potential project-related effects in areas of federal jurisdiction including fish and fish habitat, migratory birds, current use of lands and resources for traditional purposes, changes to the wellbeing of Indigenous Peoples, and impacts to the rights of Indigenous Peoples. Other matters raised outside of federal jurisdiction include adverse effects to terrestrial wildlife and insect species (including increased traffic strikes for both), concerns about the design of the proposed highway expansion, concerns that potential project effects to the environment are divided between federal and provincial jurisdiction, and concerns about the adequacy of the provincial regulatory process to address potential adverse effects. The letter also included a request for a Regional Assessment of the twinning in Ontario and Manitoba.

On May 4, 2026, IAAC received a follow-up letter from the requesters asking IAAC to reconsider the September 2024 decision not to designate the Trans-Canada Highway Twinning project in Ontario (the Ontario twinning project) based on the potential that federal funding may be provided for sections of the Ontario project. The requesters are also of the view that federal funding warrants IAAC conducting a Regional Assessment of the twinning projects in Ontario and Manitoba. The requesters also expressed concern regarding IAAC's description of the Trans-Canada Highway Twinning Project located in Manitoba on the Canadian Impact Assessment Registry, including the use of the word "corridor" as it can be used to describe both highway routes and animal travel paths.

The Ontario twinning project was subject to a previous designation request in 2024. The Vice-President of Operations of IAAC responded on September 17, 2024, that the project cannot be designated because it had substantially begun. On March 24, 2026, the Ministry of Transportation Ontario confirmed to IAAC that the scope of the Ontario twinning project has not changed since the September 2024 decision. The current request does not contain any new information regarding the Ontario twinning project that IAAC had not previously considered in its initial limitation analysis. Therefore, IAAC considers the current designation

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<sup>1</sup> On December 5, 2024, the Minister of Environment delegated the powers under section 9 of the *Impact Assessment Act* related to designation requests to the President of IAAC. Therefore, under subsection 9(1) of the *Impact Assessment Act* the President may respond to a request to designate a physical activity that is not prescribed in the *Physical Activities Regulations* (the Project List).



request of the Ontario twinning project to be a repeat request and is of the view that the project continues to be ineligible to be designated under subsection 9(1) of the IAA for the same reasons stated in 2024.

In the fall of 2024, Manitoba Transportation and Infrastructure (MTI) completed the twinning of 700 metres of provincial trunk highway (PTH) 1E near the Ontario-Manitoba border. On March 27 and March 31, 2026, MTI confirmed to IAAC that this development is not part of the proposed Twinning of the Trans-Canada Highway in Manitoba project; it is a distinct and separate activity and was completed for a different purpose.

Due to the above limitations, IAAC is focusing this analysis on the proposed 16-kilometre twinning project in Manitoba, from five kilometres west of provincial road (PR) 301 to 700 metres west of the Manitoba/Ontario border.

On April 8, 2026, IAAC sent a letter to the proponent notifying them of the designation request and requesting information on the proposed project. In addition, IAAC sought input from Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada (ECCC), Health Canada (HC), Indigenous Services Canada (ISC), Natural Resources Canada (NRCan), Transport Canada (TC), Manitoba Environment and Climate Change, and eight potentially affected Indigenous groups: Shoal Lake #40 First Nation; Iskatewizaagegan #39 Independent First Nation; Manitoba Métis Federation (MMF); Washagamis Bay First Nation; Niisaachewan Anishinaabe Nation; Wauzhushk Onigum; Buffalo Point First Nation; and, Sagkeeng Anicinabe First Nation (Fort Alexander).

The proponent responded to IAAC's information request on April 28, 2026, with information about the project, its potential adverse effects, proposed design and mitigation measures and expressed its view that the project should not be designated.

Advice on applicable legislative mechanisms and potential effects of the project was received from TC, DFO, ECCC, ISC, and Manitoba Environment and Climate Change.

IAAC received responses from the Niiwin Wendaanimok Partnership (comprised of Washagamis Bay First Nation, Niisaachewan Anishinaabe Nation, Shoal Lake #40 First Nation and Wauzhushk Onigum Nation), and Manitoba Métis Federation (MMF).

## Project context

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### Project overview

The proponent is proposing to construct two new lanes along a 16 kilometre stretch of the Trans-Canada Highway, from about five kilometres west of PR 301 to about 700 metres west of the Manitoba-Ontario border in Whiteshell Provincial Park, Manitoba. As proposed, the Twinning of the Trans-Canada Highway in Manitoba project would involve expanding the existing two-lane highway into four lanes, rebuilding or replacing two interchanges, upgrading access at Hunt Lake and Lyons Lake, and replacing the flyover of PR 301.

The proponent explained that the project is currently undergoing a conceptual design study (CDS) to identify potential corridor alternatives to accommodate the four-lane Trans-Canada Highway, and to inform the functional design study and environmental assessments. The proponent indicated that between 2026 and 2027, technical field studies will be initiated to collect additional information on baseline environmental conditions. The proponent anticipates project construction to commence in 2029 and be completed in five years. There are no plans to abandon or decommission the project.

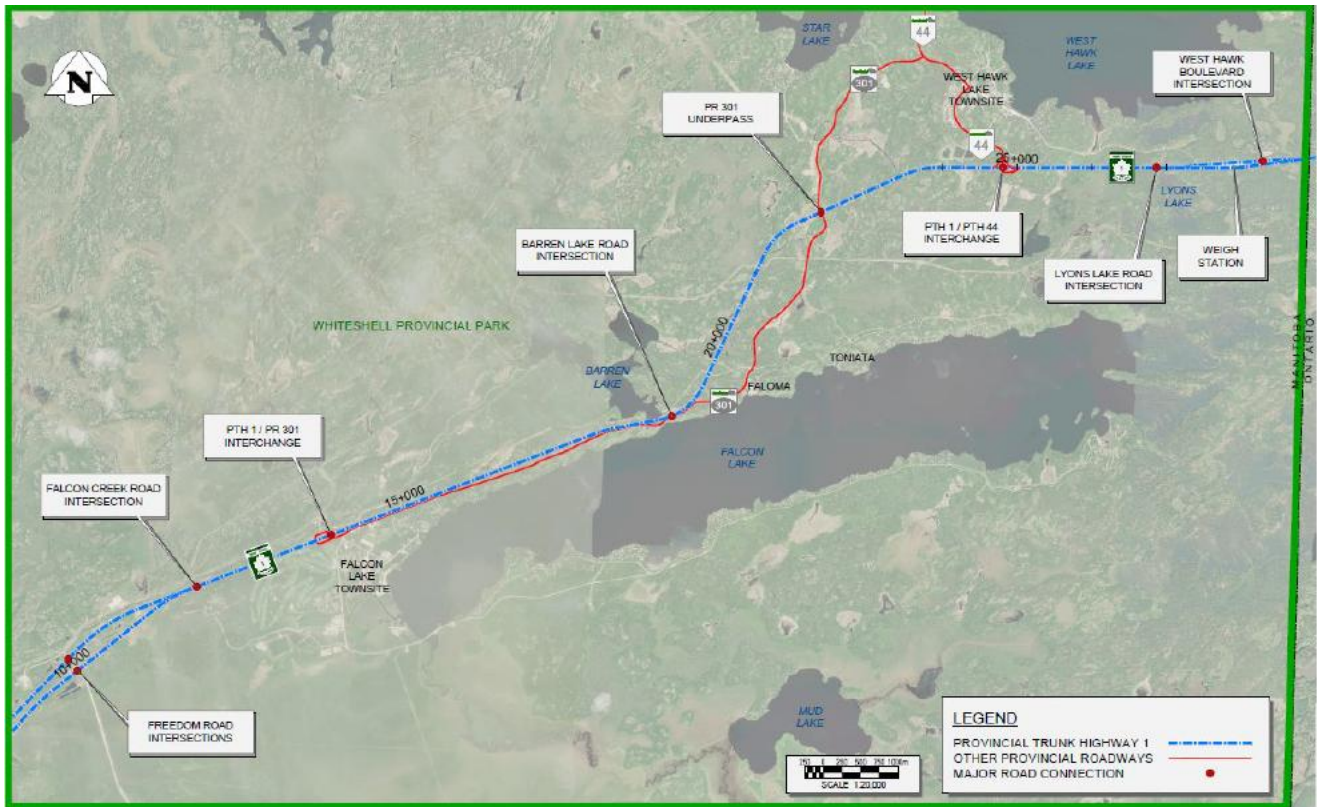


Figure 1: Project Location

Source: Manitoba Transportation and Infrastructure submission to IAAC on April 28, 2026

## Project components and activities

The key project activities and components include:

- replacement or reconstruction of two existing interchanges at PR 301 and at PTH 44;
- new access alternatives for Hunt Lake and Lyons Lake;
- replacement of the existing flyover of PR 301 and other grade separations and interchanges that may be required at additional locations;
- temporary construction camps, laydown, stockpile and staging areas;



- temporary access and crossings; and
- replacement or installation of new or existing watercourse crossings.

Operation and maintenance activities include snow clearing, roadway maintenance and repairs, and vegetation management.

## Analysis of the designation request

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### Authority to designate the project

The *Physical Activities Regulations* (the Project List) of the IAA identify the physical activities that constitute designated projects. The project, as described in the information provided by the proponent, is not included in the Project List. The most comparable item to the project is:

**Item 51:** “The construction, operation, decommissioning and abandonment of a new all-season public highway that requires a total of 75 km or more of new right of way”.

The project consists of twinning an existing two lane all-season public highway to a four-lane divided highway totalling 16 kilometres in distance, which is less than 75 kilometres of new right of way described in item 51 of the Project List.

Under subsection 9(1) of the IAA the Minister may, by order, designate a physical activity that is not prescribed in the Project List. The Minister may do this, if, in the Minister’s opinion, the physical activity may cause adverse effects within federal jurisdiction or direct or incidental adverse effects.

In accordance with subsection 9(2) of the IAA, in making the decision on whether to designate the project, if the Minister is of the opinion that the carrying out of the physical activity may cause adverse effects within federal jurisdiction or direct or incidental adverse effects, the Minister may consider public concerns related to the adverse effects within federal jurisdiction, adverse impacts that the physical activity may have on the rights of Indigenous Peoples, and whether a means other than an impact assessment exists that would permit a jurisdiction to address the adverse effects.

Under subsection 9(7) of the IAA, the Minister cannot designate a physical activity if the carrying out of the physical activity has substantially begun, or a federal authority has exercised a power or performed a duty or function that could permit the physical activity to be carried out in whole or in part. Under subsection 154(1) of the IAA, the Minister may, subject to any terms and conditions that the Minister specifies, delegate to IAAC any powers, duties, or functions that the Minister is authorized to exercise or perform under the IAA. The Minister has delegated the powers set out in section 9 of the IAA, including the power to respond to a request or issue a designation order, to the President of IAAC.

IAAC is of the view that the President may consider designating the project pursuant to subsection 9(1) of the IAA as the carrying out of the project has not substantially begun and no federal authority has exercised a power or performed a duty or function that would permit the project to be carried out, in whole or in part.

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## Existing legislative mechanisms

Key federal and provincial legislative mechanisms that are or may be relevant to the project are summarized below.

### Federal legislative mechanisms

#### *Fisheries Act*

The *Fisheries Act* provides protection for fisheries and their ecosystems. The Fish and Fish Habitat Protection Program of DFO reviews projects for their impacts to fish and fish habitat to ensure compliance with the *Fisheries Act* and *Species at Risk Act* (SARA). Through this program, DFO may provide a Letter of Advice to the proponent containing information to avoid and mitigate negative, project-related impacts to fish and fish habitat.

A *Fisheries Act* authorization would be required if a project is likely to cause the harmful alteration, disruption, or destruction of fish habitat and/or is likely to result in the death of fish. The Minister of Fisheries and Oceans must consider any adverse effects that the decision (under paragraphs 34.4(2)(b) and 35(2)(b)) may have on the rights of Indigenous Peoples recognized and affirmed by section 35 of the *Constitution Act, 1982*. If granted, a *Fisheries Act* Authorization would include legally binding conditions for avoidance, mitigation, and offsetting requirements commensurate with project impacts. Monitoring to validate impacts and verify efficacy of mitigation measures and offsetting are also part of Authorization conditions.

Based on the information currently available about the project, DFO does not have sufficient information to determine whether the project will result in adverse effects; however, a *Fisheries Act* paragraph 35(2)(b) authorization may be required if there is potential for the harmful alteration, disruption or destruction of fish habitat, and/or a *Fisheries Act* paragraph 34.4(2)(b) authorization if the project is likely to result in the death of fish.

ECCC administers and enforces subsection 36(3) of the *Fisheries Act*, which prohibits the deposit of deleterious substances into waters frequented by fish, or to any place, under any conditions, where they may enter waters frequented by fish, unless authorized by regulations or other federal legislation. Based on information currently available about the project, ECCC does not expect to exercise a power or perform a duty or function related to the project, as proposed, to enable it to proceed.

#### *Species at Risk Act*

For non-aquatic species listed in Schedule 1 of SARA as Extirpated, Endangered, or Threatened, a permit may be required from ECCC (i.e. under section 73 of SARA) for activities that affect a listed terrestrial wildlife species, any part of its critical habitat, or the residences of its individuals, where those prohibitions are in place.

A SARA permit may be required from DFO if the project activities are likely to result in impacts to aquatic species at risk, any part of their critical habitat or the residences of their individuals, in a manner which is

prohibited under sections 32, 33, and subsection 58(1) of the SARA. Based on available information, DFO stated that it is unlikely that a permit will be required under sections 32, 33 and subsection 58(1) of SARA.

### *Migratory Birds Convention Act, 1994*

The *Migratory Birds Convention Act, 1994* (MBCA) protects migratory birds and their eggs and nests wherever they occur, regardless of land tenure. The MBCA and its *Migratory Birds Regulations, 2022* (MBR) prohibit the disturbance or destruction of migratory birds, and their nests and eggs, unless a permit specifically authorizing the activity has been granted. The deposit of harmful substances into waters or areas frequented by migratory birds or in a place from which the substance may enter such waters or such an area is also prohibited.

The MBR also identifies 18 species of birds whose nests are protected year-round. Species that are both a migratory bird protected under the MBCA, and listed on Schedule 1 of SARA as endangered, threatened or extirpated, receive protections under both pieces of legislation. The proponent would be required to comply with MBCA and its regulations to ensure the protection of migratory birds.

ECCC does not expect to exercise a power or perform a duty or function related to the project, as proposed, to enable it to proceed. However, permits under the MBR may be required.

### *Canadian Navigable Waters Act*

The *Canadian Navigable Waters Act* (CNWA) applies to projects that will interfere with navigable waters, and TC administers the CNWA through the Navigation Protection Program. Approval under the CNWA may be required by TC for major, and non-minor works on Barren Lake, Falcon Creek, and Edgar Creek.

## Provincial legislative mechanisms

### *The Environment Act*

*The Environment Act* of Manitoba provides a strategic environmental protection and management system in Manitoba to ensure that developments proceed with safeguards in place to sustain a high quality of life, including social and economic development, recreation and leisure for future generations. Manitoba Regulated developments under *The Environment Act* require the proponent to submit an Environment Act proposal in the prescribed form and obtain a valid Environment Act licence before commencing the project. Manitoba Environment and Climate Change explained that *The Environment Act* licensing process is the primary provincial mechanism for identifying, mitigating, and monitoring environmental effects of highway projects. Manitoba Environment and Climate Change further noted that consultations in *The Environment Act* licensing process includes public consultations through advertisement and registry posting, and Crown-Indigenous consultations where potential project impacts are identified. Environment Act proposals are assessed to determine duty to consult with Indigenous Nations, and if required, the scope. Environment Act licensing decisions are not made until the scoped Crown-Indigenous consultation is complete.

If an approval is issued, the proponent is required to comply with the terms and conditions of the approval. Manitoba Environment and Climate Change further noted that the Environmental Approvals Branch will review the project proposal when submitted by the proponent and issue a Class two or three Environment Act licence if required.



The proponent stated the project is a Class two development under *The Environment Act*, and the proponent is required to submit an Environment Act proposal to obtain the Environment Act licence before construction can commence.

### *The Heritage Resources Act*

*The Heritage Resources Act* of Manitoba provides for the preservation and protection of Manitoba's heritage places, objects and related remains from damage, alteration or loss. *The Heritage Resources Act* creates the legal framework to designate heritage sites of significance; regulate work, development, or excavation that could affect heritage resources; protect archaeological and palaeontological resources and human remains; and empowers municipalities to protect places of local or regional heritage significance as municipal heritage sites. An approval under *The Heritage Resources Act* may be required before the commencement of developments and projects to ensure preservation and protection of heritage resources.

The proponent acknowledged that clearance under *The Heritage Resources Act* will be required because known registered historic sites were identified within five kilometres of the project area and there is potential to encounter unknown heritage sites within the project footprint.

### *The Fisheries Act*

*The Fisheries Act* of Manitoba provides the provincial framework for regulating the management, harvesting, processing, and marketing of fish in Manitoba. *The Fisheries Act* includes provisions related to commercial fishing activities, licensing, fish dealers, processing facilities, inspections, enforcement, and offences. A live fish handling permit under Manitoba's *Fishing Licencing Regulation* is required for the possession or transportation of live fish or fish eggs. The proponent acknowledged that the project may require a live fish handling permit if any in-water works require salvage operations to fish and mussel species from the project area.

### *The Contaminated Sites Remediation Act*

*The Contaminated Sites Remediation Act* of Manitoba establishes the provincial framework for identifying, registering, managing, and remediating contaminated and impacted sites in Manitoba. The purpose is to reduce or mitigate risks to human health and the environment, consistent with sustainable development principles, and, where practicable, restore affected sites to useful purposes. *The Contaminated Sites Remediation Act* provides a process for determining appropriate remedial measures, identifying persons responsible for remediation, and apportioning responsibility. It is administered through Manitoba's contaminated sites program.

The proponent anticipates that they may require an environmental site assessment to determine potential site contamination to determine whether remediation and approvals under *The Contaminated Sites Remediation Act* are needed.

### *The Endangered Species and Ecosystems Act*

*The Endangered Species and Ecosystems Act* of Manitoba provides the framework for the protection and enhancement of the survival of endangered and threatened species and species of special concern in



Manitoba. The Act also aims to reintroduce extirpated species and conserve and protect endangered and threatened ecosystems and promote their recovery.

The proponent anticipates that they may require ministerial exemption under *The Endangered Species and Ecosystems Act* since provincially listed at-risk species have been identified as potentially occurring in the area.

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## Potential adverse effects within federal jurisdiction

IAAC's analysis identified that the carrying out of the project may cause potential adverse effects within federal jurisdiction and direct or incidental adverse effects, as defined in section 2 of the IAA, taking into account input received from the requesters, proponent, federal authorities, a provincial authority, and Indigenous groups. As outlined below, IAAC is of the view that existing legislative mechanisms provide a framework to address those potential adverse effects within federal jurisdiction and direct or incidental adverse effects. Federal and provincial legislative and regulatory mechanisms relevant to the project described above were considered in IAAC's analysis.

### Fish and fish habitat

The requesters expressed concerns that the project will result in adverse effects to water quality due to sedimentation and runoff.

The proponent indicated that known fish-bearing waterways in the project area include Falcon Creek and Hamilton Creek, which are known to provide spawning habitat for Walleye in Falcon Lake. Similarly, McHugh Creek is known to provide spawning habitat for Trout species from West Hawk Lake. Other fish-bearing waterbodies located near the project area include Lyons Lake and Barren Lake. According to the proponent, the potential impacts to fish and fish habitat may include:

- minor alterations or loss of fish habitat at specific crossing locations associated with installation or replacement of culverts or construction of bridge structures (including the installation of riprap within the right of way);
- minor loss of instream and riparian habitat;
- temporary increased turbidity;
- changes to flows; and
- temporary barriers to passage.

The proponent noted that since the project is in the early planning stage, designs for crossing installations or replacements are not yet known. However, the proponent will follow its standard General Environmental Requirements, which includes erosion and sediment control measures, in-water work mitigation measures (including avoidance of in-water work in fish-bearing waters during spawning and nursery periods and limits on the duration of in-water work), and guidelines for restoration and revegetation activities. Additionally, further mitigation measures will be outlined in the Environment Act proposal and Environmental



Management Plans, including an Environmental Protection Plan. The proponent noted that they will submit project components to DFO for review and approval to ensure any adverse effects are addressed.

Manitoba Environment and Climate Change stated that the Environment Act licence conditions may address protection of surface water and ground water quality, drainage design and erosion/sediment control, and protection of fish and fish habitat at water crossings. Common mitigation measures that the proponent may utilize include designing for fish passage, adhering to DFO restricted activity timing windows for in-stream work, site isolation, maintenance of flow, and monitoring.

DFO noted that based on the limited information currently available, the project has the potential to cause the harmful alteration, disruption or destruction of fish habitat and/or the death of fish. As such, DFO indicated that the project may require authorization under the federal *Fisheries Act*. DFO further noted that the proponent should submit a Request for Review to DFO, which outlines the specific impacts of the project on fish and fish habitat for review under the *Fisheries Act*. MMF also noted the project's potential to cause the harmful alteration, disruption or destruction of fish habitat and/or the death of fish.

ECCC and MMF indicated that project activities associated with construction, operation could cause sedimentation in nearby waterbodies, increase the deposition of contaminants (including emitted nitrogen oxides and sulphur dioxide) resulting in pollution and acidification of fish habitat, causing deleterious effects to fish. ECCC does not expect that it will be required to exercise a power or perform a duty or function related to the project to enable it to proceed.

IAAC considered the input received and is of the view that existing federal and provincial mechanisms such as the federal *Fisheries Act* and SARA, and Manitoba's *The Environment Act*, *The Endangered Species and Ecosystems Act*, *The Fisheries Act* and *The Contaminated Sites Remediation Act* provide a framework to address effects to fish and fish habitat.

## Aquatic species at risk

MMF expressed concerns regarding potential adverse project effects on aquatic species at risk which are known to occupy habitats within or adjacent to the proposed construction corridors.

The proponent noted that no aquatic species at risk have been identified in waterbodies in or near the project area, and no critical habitat is present in or near the project area. The proponent does not anticipate adverse effects to aquatic species at risk.

DFO noted that the project is unlikely to require a permit under the *Species at Risk Act* as there are currently no aquatic species at risk mapped for the project area as defined by this designation request.

IAAC considered the input received and is of the view that existing federal and provincial mechanisms such as the federal *Fisheries Act* and SARA, and Manitoba's *The Environment Act*, and *The Endangered Species and Ecosystems Act* provide a framework to address effects aquatic species at risk.

## Migratory birds

The requesters raised concerns that the project could result in adverse effects to water quality due to sedimentation and runoff, which in turn could adversely affect the habitat of ducks and Canadian geese.

The proponent noted that some bird species (including some that are designated as at-risk under SARA, the Committee on the Status of Endangered Wildlife in Canada, and Manitoba's *The Endangered Species and Ecosystems Act*) have known ranges and habitat requirements that could occur within the project area. The proponent notes that there is potential for adverse effects to migratory birds, primarily related to clearing and construction-related disturbance. Contractors will follow the proponent's standard General Environmental Requirements, which includes erosion and sediment control measures and guidelines for vegetation clearing (including avoidance of clearing activities during nesting periods). Site-specific mitigation measures will be identified in the Environment Act proposal and Environmental Management Plans, including an Environmental Protection Plan. Manitoba Environment and Climate Change stated that an Environment Act licence conditions may address wildlife movement and mortality mitigation.

While the project is currently in the early planning stage, the proponent notes that adverse effects will be minimized and mitigated to the extent possible during subsequent design phases and during construction. As the project design advances, so will more defined determination of effects and applicable mitigation measures. Mitigation measures will include minimizing clearing to the extent possible, surveying/monitoring for nests, and undertaking nest sweeps by a qualified avian biologist. If there is an unavoidable conflict between clearing activities and nesting birds, the proponent will ensure that clearing doesn't occur until after the April 1 – August 31 nesting period or obtain a Damage or Danger Permit from the Canadian Wildlife Service authorizing the activity under the MBR.

ECCC noted that the project has the potential to cause adverse effects to migratory birds such as the loss, fragmentation and alteration of habitat, and negative impact on the reproduction, migration, and wintering of affected migratory bird species. ECCC advised the proponent to implement mitigation measures to avoid causing harm to migratory birds, their eggs, and their nests when they are protected, and that permits under the MBR may be required.

IAAC considered the input provided and is of the view that existing federal and provincial mechanisms such as the federal MBCA and SARA, and Manitoba's *The Environment Act*, *The Endangered Species and Ecosystems Act*, and *The Contaminated Sites Remediation Act* provide a framework to address these potential effects.

## Indigenous Peoples

The project is located within Treaty 3 territory, and no part of the project is located on any First Nation reserve lands. The closest reserve lands are Shoal Lake 40 First Nation and Iskatewizaagegan #39 Independent First Nation, located approximately 7.2 kilometres and 7.6 kilometres southeast of the project, respectively.

ISC noted that the location of the project area could result in some project effects extending into Treaty 1 territory, including potential effects on wildlife, depending on the severity of these effects.

The proponent and the Niiwin Wendaanimok Partnership indicated that engagement with potentially affected Indigenous groups has begun, and the proponent stated that engagement will continue over the project lifecycle. Regarding treaty rights and interests, the Niiwin Wendaanimok Partnership expects the Crown to fulfil its constitutional obligations including consultation prior to decisions that could impact treaty rights. According to the proponent, consultation will be guided by a provincial consultation policy, best practices, and new developments in case law. Manitoba Environment and Climate Change indicated that



the department has responsibilities related to Crown-Indigenous consultation coordination regarding provincial decisions. Concerns raised during consultation are considered and may be addressed through mitigation measures or licence conditions as appropriate.

The proponent indicated that continued planning, technical studies and engineering design, combined with consideration of Indigenous feedback through engagement and Crown consultation, will inform future assessment of impacts to Indigenous Peoples

## Current use of lands and resources for traditional purposes

The requesters expressed concerns that stripping and clearing land for utility relocation will result in a loss of access to traditional hunting areas for Indigenous Peoples. The requesters and MMF expressed concerns about the impact of terrestrial and aquatic vegetation removal on the habitat and food sources used by wildlife species that are hunted by Indigenous Peoples. This may result in decline in wildlife population and therefore availability of wildlife for hunting purposes. The requesters also raised concerns about a potential decrease in species that are hunted by Indigenous Peoples resulting from noise disturbance from equipment and traffic, as well as direct mortality from an increase in traffic and related traffic strikes.

MMF further expressed concerns that the project will result in the removal of culturally significant plants, directly impacting the rights of Indigenous Peoples to harvest these plant species of significance for medicinal or cultural purposes. MMF expressed concerns about impacts from construction on hunting, trapping, and harvesting grounds.

ISC acknowledged that the project's potential impact on wildlife could result in effects to Indigenous Peoples' current use of lands and resources

The proponent noted that Traditional Knowledge Land Use and Occupancy (TKLUO) studies have been completed by four Indigenous groups, and input from these studies were incorporated into the preliminary alternatives evaluation performed in a CDS. The proponent stated that more in-depth TKLUO studies will be completed during the functional design stage after a preferred project route is identified. The proponent also noted that ongoing Indigenous engagement and consultation will continue to inform project planning and indicated that identification and mitigation of potential adverse effects to current use of lands and resources will be considered as part of ongoing project planning and design.

Manitoba Environment and Climate Change noted that potential effects to access, traditional land use, and resource harvesting are considered during a project's Environment Act proposal review and Crown-Indigenous consultation.

IAAC considered the input provided and is of the view that existing federal and provincial mechanisms outlined in the sections above to address effects to fish and fish habitat and migratory birds, including species at risk, provide a framework to address effects that the project may cause on the current use of lands and resources for traditional purposes. This includes mechanisms such as the federal *Fisheries Act*, *MBCA*, *SARA*, *CNWA*, and Manitoba's *The Environment Act*, *The Endangered Species and Ecosystems Act*, *The Contaminated Sites Remediation Act*, and *The Fisheries Act* permits and approval processes.



## Physical and cultural heritage, or structures, sites or items of historical, archaeological, paleontological or architectural significance

ISC acknowledged that the project's potential impact on wildlife could result in effects to the cultural heritage of Indigenous Peoples.

The MMF expressed concerns regarding the possible disturbance of culturally significant archaeological sites.

The proponent noted that preliminary reviews have occurred to identify areas of known or existing heritage resources as part of the CDS and explained that the project will likely require approval under *The Heritage Resources Act* due to the known registered heritage sites identified within five kilometres of the project area. Further field studies and technical investigations will occur during the functional design study to inform ongoing planning, engineering design and provincial environmental assessment requirements. Planned Heritage Resource Impact Assessments (HRIA) and in-depth TKLUO studies will identify whether structures, sites or things of historical, archaeological, paleontological or architectural significance are present. The proponent anticipates that ongoing engagement and Crown consultation will help to identify any potential concerns related to physical and cultural heritage. If potential adverse effects are identified, the proponent will endeavor to avoid, minimize or mitigate these effects with input from Indigenous Peoples and Manitoba's Historic Resources Branch.

IAAC considered the input provided and is of the view that existing federal and provincial mechanisms outlined in the sections above provide a framework to address effects that the project may cause on physical and cultural heritage, or structures, sites or items of historical, archaeological, paleontological or architectural significance. Mechanisms include Manitoba's *The Environment Act* (which has Indigenous consultation as a requirement) and *The Heritage Resources Act*.

## Health, social and economic conditions

The requesters and MMF expressed concerns about the project's potential adverse effects on the wellbeing of Indigenous Peoples, largely stemming from the potential project effects on wildlife species that are hunted by Indigenous Peoples. The requesters noted that hunting is a traditional activity of the Anishinaabe people and community members have identified it as a critical part of their wellbeing because it provides a source of food, income, goods for everyday use, and acts as a tool for cultural education and teachings.

MMF expressed concerns regarding the adverse effects of increased project-related traffic, noise levels and landscape alteration on the social life and wellbeing of Red River Métis.

ISC acknowledged that the project's potential impact on wildlife could result in effects to the health, social and economic conditions of Indigenous Peoples.

The proponent noted that potential socio-economic impacts related to traditional land use and other project activities are considered in the provincial environmental assessment process. Other considerations include, impacts to access to the proposed project area, impacts to resource harvesting activities, and heritage resource activities. The proponent noted that multiple Indigenous groups have indicated a strong desire for Indigenous businesses and individuals to be employed and participate in project-related work. The

proponent stated that the potential effects of road construction projects are generally well understood, and interaction between the project and the health of Indigenous Peoples (such as changes to groundwater, surface water, air quality, noise levels and country foods) will be evaluated and assessed as part of the provincial environmental assessment process. The proponent also indicated that input from Indigenous Peoples through ongoing engagement and Crown consultation will be considered through all phases of project design.

IAAC considered the input received and is of the view that existing federal and provincial mechanisms outlined in the sections above provide a framework to address effects that the project may cause on the health, social, and economic conditions of Indigenous Peoples. These mechanisms include the federal MBCA and SARA, and Manitoba's *The Environment Act*, *The Endangered Species and Ecosystems Act*, and *The Contaminated Sites Remediation Act*. Requirements for Indigenous Crown consultation are associated with the Environment Act licence. The proponent has indicated that as part of their activities, they would continue to share information, consider feedback and input, and participate in meaningful consultation with Indigenous groups.

## Federal Lands

The project is not located on federal lands, as defined under the IAA. The proponent noted that the project does not occur within or adjacent to federal lands and does not anticipate adverse effects to federal lands.

## Pollution of boundary, interprovincial or international waters

The project is located in Whiteshell Provincial Park, Manitoba, which is about 40 kilometres north of the Canada-United States international border. The proponent noted that no boundary waters are associated with the project and does not anticipate adverse effects to boundary waters caused by project-related pollution.

IAAC is of the view that the project is unlikely to cause non-negligible adverse changes from pollution to boundary waters or international waters as defined in section 2 of the IAA. As well, federal and provincial mechanisms such as the federal *Fisheries Act* and Manitoba's *The Environment Act* provide a framework to address such adverse effects within federal jurisdiction and protect water quality.

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## Adverse direct or incidental effects

Direct or incidental effects refer to effects that are directly linked or necessarily incidental to a federal authority's exercise of a power or performance of a duty or function that would permit the carrying out, in whole or in part, of a project, or to a federal authority's provision of financial assistance to a person for the purpose of enabling that project to be carried out, in whole or in part.

The project as described may potentially require the exercise of the following federal powers, duties, or functions:

- authorization pursuant to 34.2(2)(b) and 35(2)(b) of the *Fisheries Act* (DFO);
- a permit under the MBR (ECCC); and

- approval under the CNWA.

As noted in the above section, the project is not located on federal lands. The proponent indicated that no federal funding for the project has been received to date.

The carrying out of the project may cause direct or incidental adverse effects. The proponent committed to complying with the federal *Fisheries Act*, and anticipates obtaining a permit under the MBR, and approval under CNWA. DFO stated that the project will require a *Fisheries Act* authorization if the project is likely to cause the harmful alteration, disruption, or destruction to fish habitat and/or death of fish. ECCC does not expect to exercise a power or perform a duty or function related to the project, as proposed, to enable it to proceed. However, permits under the MBR may be required if activities such as nest destruction or removal are necessary. TC stated that it may exercise a power or perform a duty or function under the CNWA in relation to the project.

IAAC is of the view that the existing legislation provides a framework to address direct or incidental adverse effects.

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## Public concerns

Outside of the concerns raised by the requesters, IAAC did not receive any public concerns related to adverse effects within federal jurisdiction or direct or incidental adverse effects.

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## Potential adverse impacts on the section 35 rights of Indigenous Peoples

The requesters are concerned that the project may result in a loss of lands for traditional hunting and the loss of terrestrial and aquatic habitat of species that are hunted by Indigenous Peoples. Similarly, the requesters are concerned that the project could have direct adverse effects on species that are hunted by Indigenous Peoples, including adverse effects from noise disturbance and mortality from increased traffic strikes. The requesters expressed concerns about the project's potential impacts on the well-being of Indigenous Peoples, largely stemming from the above adverse effects on wildlife species that are traditionally hunted.

The Niiwin Wendaanimok Partnership affirmed that they hold significant stewardship responsibilities and note that the project's location within their territory and the proximity to their communities and reserve lands means that it could potentially affect their ability to exercise rights and maintain their culture, traditions and way of life. However, they also noted that they have been working with the proponent to develop formalized understandings and guide their relationship throughout various phases of the project. The Niiwin Wendaanimok Partnership expects the Crown to fulfill its constitutional duty to consult with them on any decisions that could impact their rights and intends to collaborate with the proponent through the various stages of the project with the goal of building understanding, addressing adverse effects related to the project, and building opportunities and reconciliation. MMF expressed concerns about the potential project impact on the rights, claims and interests of Red River Métis Citizens.



ISC acknowledged that the project's potential impact on wildlife could result in effects to Indigenous Peoples' current use of lands, cultural heritage, and health, social and economic conditions.

The proponent noted that they have been engaging with potentially affected Indigenous groups and are committed to conducting consultation in a manner outlined in the provincial process. TKLUO studies have been completed by four Indigenous groups and input from these were incorporated into the preliminary alternatives evaluation. More in-depth studies, planned HRIAs, and continued engagement with Indigenous groups will continue to inform project-related planning. The proponent noted that a determination on rights cannot be made prior to completion of the consultation process, and where impacts to rights can't be avoided, minimized or mitigated, additional accommodation measures will be considered with Indigenous groups.

IAAC considered the input received and is of the view that the project may cause adverse impacts on the rights that are recognized and affirmed by section 35 of the *Constitution Act, 1982*. However, existing federal and provincial mechanisms such as the federal *Fisheries Act*, SARA, CNWA, and MBCA, and Manitoba's *The Environment Act*, *The Heritage Resources Act*, *The Endangered Species and Ecosystems Act*, and *The Fisheries Act* provide a framework to address the effects that could result in potential adverse impacts on rights. Notably, IAAC understands that *The Environment Act* of Manitoba requires Indigenous consultation as part of its licensing process and that the proponent will require clearance under *The Heritage Resources Act* of Manitoba to ensure protection of any potential heritage resources. IAAC notes that the project is primarily regulated by the province, and the Province of Manitoba has a legal duty to consult and accommodate, as appropriate, impacts on Aboriginal and treaty rights. Additionally, potentially required federal permits and authorizations include a legal duty to consult and accommodate, as appropriate, impacts on Aboriginal and treaty rights.

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## Regional and strategic assessments

There are no regional or strategic assessments pursuant to sections 92, 93 or 95 of the IAA that are relevant to the project.

On March 13, 2026, the requesters also asked the Minister to consider conducting a Regional Assessment of the Trans-Canada Highway Improvement Project in Ontario and Manitoba. The request for Regional Assessment is under consideration at the time of this report.

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## Conclusion

IAAC considered the information it received as part of the designation request process for the project to inform its analysis. Input was sought and received from the proponent, federal authorities, a provincial authority, and Indigenous groups.

The project has the potential to cause adverse effects within federal jurisdiction and direct or incidental adverse effects.

IAAC considered the factors in subsection 9(2) of the IAA and is of the view that there are means other than a federal impact assessment such as existing federal and provincial mechanisms, including the



federal *Fisheries Act*, , *MBCA*, *SARA* and *CNWA*, as well as Manitoba's *The Environment Act*, *The Endangered Species and Ecosystems Act*, *The Fisheries Act*, *The Heritage Resources Act*, and *The Contaminated Sites Remediation Act*, that provide a framework to address the potential adverse effects within federal jurisdiction and direct or incidental adverse effects that may be caused by the carrying out of the project, and concerns related to these potential effects. The requirements under these mechanisms, some of which include consultations with Indigenous groups and public engagement, also provide a framework to address adverse impacts that the project may have on the rights of Indigenous Peoples recognized and affirmed by section 35 of the *Constitution Act, 1982*.