



MANITOBA ECO-NETWORK

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22 December, 2022

Honourable Steven Guilbeault
Minister of Environment & Climate Change
House of Commons
Ottawa, Ontario K1A0A6

Dear Minister Guilbeault:

Re: Fisher River Cree Nation request for designating the Sun Gro Expansion.

The Manitoba Eco-Network (MbEN) and the Wilderness Committee (Manitoba) are sending this letter to support Fisher River Cree Nation's (FRCN) request for the federal government to designate the Sun Gro Expansion project under section 9 of the *Impact Assessment Act* (S.C. 2019, c. 28, s. 1). This project involves the addition of licensed areas to the proponent's peat mining lease quarry. This is considered a major alteration, and thus requires an application (and assessment) under *The Environment Act* (C.C.S.M. c. E125).

The proposal is currently in the planning stages. As of December 20, there is no application posted on the provincial public registry. This creates a perfect opportunity for the federal government to work with the province to develop a cooperative approach to reviewing this proposal. In doing so, it would be the first designated assessment to be undertaken in the province since the *Impact Assessment Act* came into force.

As you are aware, peat harvesting has significant potential negative impacts. The FRCN letter clearly documents potential negative adverse effects specific to federal jurisdiction, including impacts on wetlands, fish and fish habitat, migratory birds and greenhouse gases. Importantly, this information was compiled from consultation with "FRCN Elders, Traditional Knowledge holders, Resource Users, and other research." (*Impacts on the Environment and Infringement on Fischer River Cree Nation's Aboriginal and Treaty Rights, Social and Economic Conditions*, p. 2). While the project will likely be subject to an assessment in Manitoba, the regulatory oversight mechanisms available at the provincial level are not likely to address these impacts to the same extent as would a federal assessment. We believe a cooperative approach would be far more successful.

Arguably the most significant impacts of this (and similar) projects are on the Indigenous rights of the First Nations and Métis people in whose territory this development is proposed. These impacts are both specific to the forthcoming proposal, but also cumulative in nature. As recently addressed in the *Yahey v British Columbia* decision (2021 BCSC 1287), cumulative effects can infringe and have significant adverse impacts on the meaningful exercise of Indigenous rights. FRCN has lived experience with existing peat mining. The information they offer the Minister with respect to the adverse effects should be considered not only for this proposal, but also in concert other projects (including the existing operation) when contemplating the ability for FRCN to exercise their rights in their territory. Thus, cumulative effects should be an important consideration when deciding whether or not to designate a project.

Conclusion

We echo FRCN's remark that we will likely identify more project-specific issues once the provincial application is available. Based on the information available to us, we would argue that the timing of this request, as well as the scope of potential negative impacts merit federal designation of this project.

Under the *Impact Assessment Act*, the Minister of Environment and Climate Change and the Impact Assessment Agency are tasked with fulfilling the purposes of the Act: fostering sustainability, protecting the environment and public health, ensuring impact assessments take into account all potential effects, promoting communication and cooperation with Indigenous peoples and protecting their s 35 constitutional rights, ensuring opportunities for meaningful public participation are provided, and ensuring that impact assessments take into account scientific, Indigenous and community knowledge. We are confident you will seek to achieve these purposes and ensure an informed and inclusive decision about the proposed development can be made by designating the project as a physical activity and initiating an impact assessment under the IAA. We welcome future opportunities to engage with the Impact Assessment Agency as a determination is made with respect to the Sun Gro Expansion project.

Sincerely,

Heather M. Fast, J.D., LL.M.
MbEN Policy Advocacy Director

Eric Reder
Wilderness & Water Campaigner, Wilderness
Committee

Patricia Fitzpatrick, Ph.D.
MbEN Policy Committee Chair

About Our Organizations

Since 1988, the Manitoba Eco-Network has promoted positive environmental action by supporting people and groups in our community. MbEN's programming focuses on policy advocacy, engagement in consultation processes and developing capacity building tools that benefit the environmental non-profit sector and our member groups. We are a public interest environmental organization seeking to promote and facilitate good environmental governance and the protection of Manitoba's environment for the benefit of current and future generations.

The Wilderness Committee was founded in 1980 as a registered non-profit society and federal charity. Each year 60,000 supporters, volunteers and activists from coast to coast to coast work together to preserve wilderness, protect wildlife, defend parks, safeguard public resources and fight for a stable and healthy climate. Our head office is in Vancouver, with field offices in Victoria, Winnipeg and Toronto. We are united in our mission to protect life-giving biological diversity through strategic research, community mobilizing and grassroots public education. Ten years ago the Wilderness Committee worked extensively on the effects of peat mines on the Washow Peninsula. We believe that the provincial government commitments regarding peatlands that were enshrined in law during that time have been abandoned by the current provincial government. Further, the release of carbon from peat mining begins immediately when draining of wetlands starts, and is not being accounted for by peat mine companies in the provincial licencing scheme. This lack of appropriate management of carbon-rich peatlands requires federal oversight.