



Fisher River

CREE NATION

October 14, 2022

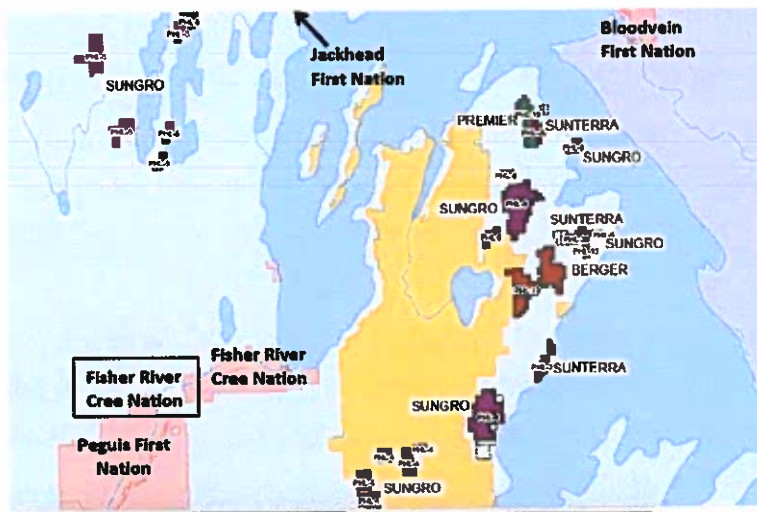
Honourable Steven Guilbeault
Minister of Environment and Climate Change
House of Commons
Ottawa, Ontario
K1A 0A6

Email: minister@ec.gc.ca

Dear Minister Guilbeault:

Our Fisher River Cree Nation is a Treaty Five First Nation with Reserves 44 and 44A located at the mouth of the Fisher River where it empties into Fisher Bay (Lake Winnipeg). In 2014 the governments of Manitoba (MB) and Fisher River Cree Nation (FRCN) entered into a consultation protocol agreement. Included in the agreement was a map of the Fisher River Cree Nation Traditional Territory Interim Notice Area (FRCNTT) which was the area of immediate concern to Council at the time, as it was the area most actively used by FRCN members.

As shown on the Key Map below, numerous peat harvesting sites are licensed within the FRCNTT. The licensed areas comprise 31,438 acres or 49 sq. miles (127 sq. km.) To put this in perspective, 38.4% of the total 81,904 acres of peatlands licensed for harvesting in the entire province of Manitoba are concentrated in FRCN's traditional territory in proximity to our community.



Prior to 2015 the licensed areas shown on the map were held under quarry leases that were issued under the Mines and Minerals Act. Fisher River Cree Nation was not consulted on any of the lease applications, and in fact was not aware the majority of leases even existed until peat companies applied for Environment Act Licence approvals in 2011.

FRCN and other local First Nations, Indigenous communities, cottage owners' associations, non-government organizations and individuals strongly opposed the environment act licence (EAL) applications during the EAL reviews that occurred between 2011 and 2014, but despite the serious concerns raised regarding environmental impacts and infringements on Indigenous rights, the licenses were approved.

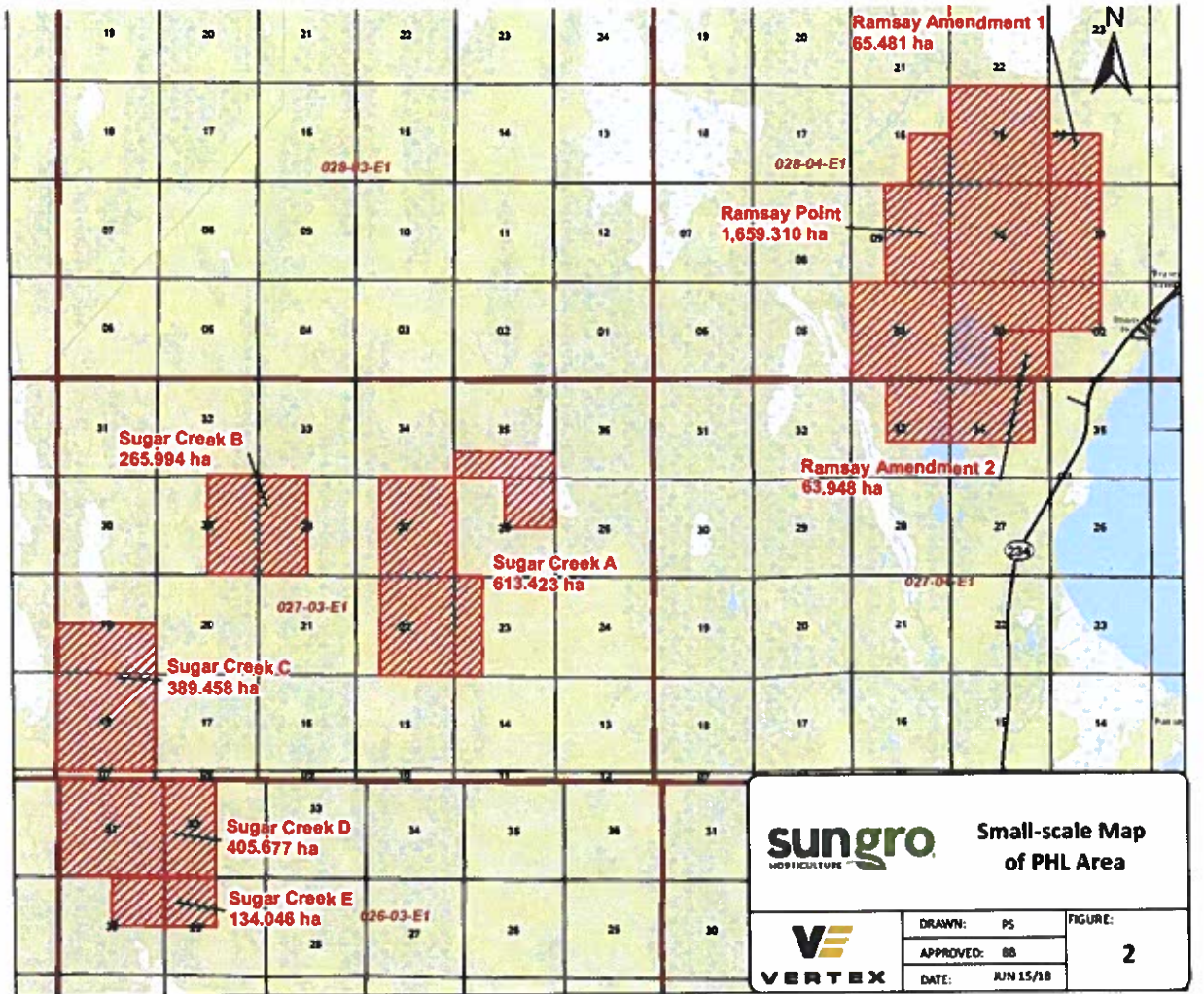
In 2015, the Manitoba government enacted new legislation titled *the Peatlands Stewardship Act*. Under the new act, all peat mining quarry leases were converted to peat harvesting licences. Several peat quarry lease applications that were in the preliminary review stage at the time the new act was proclaimed, were commonly (and erroneously) referred to by government and the proponents as "pending" leases. All "pending" applications were cancelled except for eight that were listed in Schedule "B" of the Act. The new Act provided for these "Schedule B" applications to be approved by the Director of Forestry and Peatlands Branch; however, that specific section of the act was not proclaimed until November 16, 2020.

Under current legislation, the addition of licensed areas to an Environment Act Licence is considered a major alteration and requires an Environment Act application, which in turn triggers the requirement for environmental reviews and Crown - Indigenous consultation. Fisher River Cree Nation has been made aware by Forestry and Peatlands Branch that Sun Gro Horticulture Canada (Sun Gro) has applied for an additional expansion of their current Manitoba Environment Act Licence to include the Sugar Creek sub-areas (Sugar Creek A, B, C, D and E shown on the map on the page following) which are located in our highly used traditional hunting, trapping and gathering areas, approximately 20 km from our Fisher River Cree Nation Reserve #44.

Sun Gro also has two Schedule B areas (labelled Ramsay Amendment 1 and Ramsay Amendment 2 on the map) that are adjacent to the Ramsay Bog PHL- 4 sub-area they are currently harvesting. It is assumed that the Schedule B area additions to PHL- 4 will be included in Sun Gro's applications as well.

We are respectfully requesting that you exercise your powers under sections 9(1) and 9(2) of the *Impact Assessment Act* (IAA) to designate the proposed Sugar Creek Sub-licence Peat Harvesting Project (the Project) for impact assessment under the IAA. We believe the proposed development will cause extreme adverse effects to areas within federal jurisdiction, adverse direct or incidental effects, and public concerns related to those effects. The proposed developments will have significant adverse effects on the treaty and aboriginal rights of the Fisher

River Cree Nation peoples, recognized and affirmed by section 35 of the *Constitution Act 1982*, as well as serious adverse effects on FRCN's health, social and economic conditions.



Based on the strong opposition from our neighbouring First Nations, local cottage owners association and several non-Indigenous groups regarding the previous peat harvesting licence applications in 2011 - 2014, we anticipate that those groups would likely be in strong support of our request for designation under the federal Impact Assessment Act..

Our main concerns with the peat harvesting licensing proposal are summarized in the attached "Environmental Impacts and Infringements on the Rights of Fisher River Cree Nation from Proposed Peat Harvesting Projects" document. We will undoubtedly identify more site-specific issues when the provincial Environment Act Licence application and proponent's reports are made available to us.

If you wish to discuss or require further information, Fisher River Cree Nation's consultant, Harley Jonasson, may be contacted at Harley.Jonasson@gmail.com or phone 204-805-4936. Thank you for your attention and we look forward to your favourable response.

Sincerely,

FISHER RIVER CREE NATION

<Original signed by>

Chief David Crate, C.M.

Councillor Darrell Thaddeus

<Original signed by>

Councillor Hillary Murdock

<Original signed by>

Councillor Cory Murdock

<Original signed by>

Councillor Delaney Mason

cc Allisson Lefebvre allisson.lefebvre@iaac-aeic.gc.ca
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(Attachment)

IMPACTS ON THE ENVIRONMENT AND INFRINGEMENTS ON FISHER RIVER CREE NATION'S ABORIGINAL AND TREATY RIGHTS, SOCIAL, AND ECONOMIC CONDITIONS

1. CONTRAVENES THE FEDERAL POLICY ON WETLAND CONSERVATION

The objective of the Federal Government with respect to wetland conservation is to: *promote the conservation of Canada's wetlands to sustain their ecological and socio-economic functions, now and in the future.*

All of the important Ecological Functions listed in the federal policy apply to the wetlands surrounding FRCN. These include

- water recharge, providing natural purification and storage of freshwater for humans and wildlife
- natural shoreline protection from wave action and erosion
- natural flood reduction and control, through water storage and retention
- important source of oxygen, and a vital element of the natural evapotranspiration and climatic cycles
- habitats for a wide range of waterfowl, flora, furbearers, reptiles and fish
- refugia for rare and endangered species
- preservation of biodiversity and vitality of species
- natural storage base for carbon
- natural sinks for pollutants such as sulphur from acid rain and heavy metals
- nutrient source for connected waters
- soil and water conservation

The proposed peat harvesting projects will impact all of the above ecological functions of the affected wetlands in FRCN's traditional territory, and as such are contrary to the federal policy.

2. GROUNDWATER, SURFACE WATER AND WETLANDS

The Canadian Institute of Forestry National Electronic Lecture Series 2019 by Marcel Darveau, & Kylie Mcleod of Ducks Unlimited Canada includes these statements:

- ◆ Water may be redistributed between uplands and wetlands through groundwater, surface runoff, and root processes (Devito et al. 2012, Wells et al. 2017)
- ◆ Following harvest (Petroni et al. 2016), Regenerating aspen may use adjacent wetlands as water sources; Trees from forest lands may lay 'root pipelines' through riparian zones to wetlands to access wetland water sources.
- ◆ Peatlands serve as water reservoirs, providing water to the surrounding landscape during droughts and absorbing extra water during wet years.

- ◆ In many undisturbed peatlands, thick wet soils and moss limit wildfire frequency and prevent deep burning (Johnston et al. 2010, Schiks 2016). Peatlands in their natural state may act as fire breaks. When peatlands undergo drying, warming, or disturbance they may act as fire propagators.

On a local scale, peat extraction significantly alters hydrological and ecological functions, and “..many of the changes are irreversible, such as changes to the soil structure (Okruszko, 1995; Gottlich et al., 1993)”. The peat bogs in FRCN’s Traditional Territory are unique, ecologically fragile and sensitive areas, and require exhaustive studies in order to understand the linkages between the various eco-systems that make up the Washow-Fisher Peninsula and be able to assess their true values in terms of biodiversity, carbon storage and sequestration, water filtering and flood control.

The interaction between groundwater, surface water, bogs, wetlands, forests, and vegetation) is extremely complex and there has been minimal, if any, study done to better understand these interactions. Likewise, there are many wildlife and plant species that depend on, and in some cases are only found in these wetland peat bog areas, some of which are undoubtedly designated species at risk protected under federal legislation. The project area, and in fact the entire Washow-Fisher peninsula is an ecologically sensitive area that needs full protection from peat mining. Any impact on one environmental value component (EVC) can have a domino effect on the other EVCs, and ultimately a devastating cumulative effect on the environment and the FRCN peoples.

Based on consultation with FRCN Elders, Traditional Knowledge holders, Resource Users, and other research, it is the opinion of Chief and Council that any additional peat harvesting in this area will have serious, long-lasting, and likely irreversible adverse effects on the sensitive and fragile natural ecosystems of not only the specific project sites but also the entire peninsula.

An existing operation that began in 1997, 25 years ago, still has not begun any restoration work on their depleted peat areas. In fact, not a single peat company that is actively harvesting in FRCN’s territory has begun any restoration work. Even assuming restoration efforts are successful, which is extremely questionable based on comments by Manitoba government experts in 2011 – 2014 peat application reviews, it will likely be 100 years or more before the mined areas will provide any of the ecological values and resources that have supported the Fisher River Cree Nation and other Indigenous communities for countless generations.

3. AQUATICS – FISH AND FISH HABITAT

Aquatic biota and habitat, particularly fish and fish habitat are protected under the Fisheries Act. The Peat Harvest Lease (PHL) areas are in the midst of the Sugar Creek watershed system which is a major spawning area. The proposed peat harvesting will have significant if not devastating

adverse effects on fish habitat and spawning, which is a federal jurisdictional concern. The FRCN community has always been heavily reliant on a healthy and sustainable fishery for both sustenance and income. FRCN members currently hold over 150 commercial fishing quota licences for Lake Winnipeg commercial fishery, making this FRCN's main industry that plays a critical role in sustaining the economic viability of the community.

Fish travel from Lake Winnipeg up the Sugar Creek and its branches. The southern branch connects to the drainage ditch that runs east-west along PR 325 which in turn is intersected by large north-south drainage systems. The northern branch meanders for miles, with the visible stream course eventually disappearing into the vast bogs and wetlands that make up the Sugar Creek watershed. The full extent of the fish migration and spawning areas, and species of fish that use the Sugar Creek system requires comprehensive studies.

4. IMPACT ON WILDLIFE

Moose: The significant adverse impacts of peat harvesting on moose migration patterns, populations and habitat became readily apparent in the Washow-Fisher peninsula region after peat harvesting operations opened up in this area. Moose populations decreased to the point where a full moose hunting conservation closure was implemented in the area. The closure applies equally to Indigenous treaty rights holders as well as non-Indigenous hunters. Additional peat operations will further exacerbate an already critical condition.

In addition to avoiding peat harvesting sites for the 30 years of harvest operations, moose will not return to the harvested sites until they are in an advanced stage of restoration, which means that important moose habitat is effectively destroyed for up to 100 years. Furthermore, it is not only the immediate area being harvested that impacts moose and other EVCs; extensive non-licensed areas surrounding the physical operations are also impacted by the noise, commotion and alteration of wetlands, water and in some cases fish and aquatic habitat. In addition, the heavy truck traffic on the more than 100 km of roads that service the operations results in moose avoiding several hundred meters of lands on either side of the roadways.

Moose use wetlands extensively in the summer months and feed on vegetation around marshes, shallow lakes and swamps. Meanwhile, woodland caribou, a threatened species under Canada's federal Species at Risk Act (2002), use peatlands, typically forested peatlands, as refugia from predators such as wolves and bears. In addition to ungulates, other large mammals such as bears utilize wetlands. Many small mammals also utilize wetlands such as shrews, lemmings, voles, muskrats and beavers. (Ducks Unlimited Canada)

Manitoba has provisions under *the Water rights Act* and Regulation that prohibit the drainage of certain classes of wetlands and imposes penalties and compensation requirements for loss or

alteration of other wetland classes. The peat companies are not being required to comply with these rules.

Birds: Kingfishers, owls, ospreys and other predators use wetlands to feed, whereas many waterfowl use wetlands as habitat as well as refugia from predators while molting. Many water birds, such as the sandhill crane, use wetlands during migration, as stopover areas to rest and feed, and for nesting habitat.

Amphibians: Boreal wetlands provide critical amphibian habitat for several frog species, including boreal chorus frogs, wood frogs and occasionally, leopard frogs. (Ducks Unlimited Canada)

Other Wildlife: Local trappers have advised that other wildlife commonly found in peatlands and bogs during the winter trapping season includes wolves, foxes, lynx, rabbits, squirrels, mink, fisher and ermine.

Medicine Plants: Wetlands, including peat bogs, are a traditional source of many medicine plants, berries, etc. that are used by FRCN members.

5. ECONOMIC IMPACTS

Chief Crate and Council of Fisher River Cree Nation have long recognized the importance of developing a sustainable tourism and recreation-based economy for their community. Their successful efforts working in partnership with the Manitoba government have resulted in the designation of Fisher Bay Provincial Park (FBPP), development of the Bay River Cottage Subdivision, commercial timber harvesting allocations, resource tourism (outfitting and ecotourism) licences are some of the examples of their successful resource-based economic initiatives.

Chief and Council are currently planning the development of a campground on lakefront land owned by FRCN, a tree seedling nursery, and a food security program for the community to grow and harvest their own country foods. The food security program requires that the traditional plants and medicines found in the peat bogs and wetlands are protected in order that traditional gathering practices can continue in a sustainable manner.

The peat mining developments in FRCN's Traditional Territory Notice Area will not only adversely affect FRCN's current economic programs but also plans for new initiatives. FRCN's community development strategy relies heavily on ecotourism potential and pristine environmental conditions of the region. Peat mining operations are in direct conflict with FRCN's ability to develop its land and economic plans.

6. IMPACTS ON SOCIAL AND CULTURAL CONDITIONS

Cultural and Historical Importance

The Sugar Creek and Ramsay Point areas have been well known for several generations as prime moose habitat, and in fact Ramsay Point is named after John Ramsay who was a famous moose hunter who lived for a time at that point. Ramsay supplied the entire community of Icelandic immigrants at the new Icelandic River settlement (now named Riverton) with moose meat throughout their first winter in 1876. He also showed the Icelanders how to hunt and how to fish through the ice on Lake Winnipeg, as well as other traditional ways to survive in the harsh winters in their New World. It is well documented in numerous history books that without his help, many of the Icelandic settlers surely would have perished during those first bitter cold winters. Sadly, John Ramsay's village at Sandy Bar, situated on the shores of Lake Winnipeg two miles from Icelandic River, was decimated by smallpox and most of the people in the village died, including Ramsay's wife and three of his four children. Ramsay and his surviving daughter Mary moved for a time to Fisher River, Matheson Island and then to what is now officially known as Ramsay's Point.

The purpose in providing this brief history of John Ramsay is to show that in addition to the significant environmental values of the Ramsay Point and Sugar Creek areas, this area also has very important historical and cultural values to not only the FRCN and other Indigenous communities but also to the ancestors of the original Icelandic settlers who continue to this day to honour and pay tribute to John Ramsay, and care for the graves of his wife Betsey and her children.

Impact on Fisher Bay Provincial Park and Proposed Expansion: FRCN is currently working in partnership with the Manitoba government, Peguis First Nation and Canadian Parks and Wilderness Society on protected area designations of lands in FRCN's Traditional Territory Notice Area. This project is in advanced stages of consultation and engagement with Indigenous and non-Indigenous communities, municipalities and cottage owners. Increased peat mining will jeopardize this project and severely limit the areas that can be protected.

7. IMPACTS ON INFRASTRUCTURE

Access roads to the various PHL areas will need to be constructed, resulting in further degradation of the lands, wetlands, and fish and wildlife habitat.

8. GREENHOUSE GAS AND CLIMATE CHANGE

Ecological Goods and Services Value

TABLE 23: SUMMARY OF CANADA'S BOREAL WETLAND ECOSYSTEM SERVICE VALUES (CURRENT ESTIMATED VALUE OF CONSERVING NATURAL CAPITAL IN CANADA'S BOREAL REGION)

Type of Good or Service	Total Area (hectares)	Total Value (billions, 2002\$)	Value per Hectare (2002\$)
Non-peatland wetland ecosystem values (flood control, water filtering, and biodiversity)	2,836,800	3.4/year	1,189/year
Peatland carbon storage value	83,199,800	349.1	4.196
Peatland carbon sequestration value	83,199,800	0.4/year	4.6/year
Peatland flood control and water filtering services	83,199,800	77.0/year	926/year
Total	86,036,600 (total wetland area)	349.1 for peatland carbon storage plus 80.6/year in annual benefits	4.196 for peatland carbon storage plus 2,119/year in annual benefits

Source: See above sections for sources used to estimate values for peatlands and non-peatland wetland values.

The above table from Counting Canada's Natural Capital: Assessing the Real Value of Canada's Boreal Systems by Mark Anielski and Sara Wilson, the Pembina Institute shows the value of wetlands and of peatlands. The values are in terms of 2002 dollars so it is expected that those values would be considerably higher in 2022.

Soil Organic Carbon Estimates in the Fisher River Cree Nation Notice Area

The following is taken from a study prepared for CPAWS Manitoba by Ducks Unlimited Canada in April 2021.

The Fisher River Cree Nation Notice Area watershed comment zones contain an estimated combined 360.7 million tonnes of soil organic carbon, which is equivalent to the emissions of 287.4 million typical passenger vehicles annually (Table 2).

Bogs contribute the most carbon with 112.6 million tonnes followed by 104.3 million tonnes from fens, 67.5 million tonnes from uplands, 61.6 million tonnes from mineral wetlands, and 14.6 million tonnes from open water bodies (Table 3).

Out of the 11 watershed comment zones, zone 1 has the highest soil organic carbon density of 622 tonnes/ha followed by zone 2 and 3 at 583 and 557 tonnes/ha respectively (Table 2). Zones 7, 10, and 11 have the lowest soil organic carbon density at 304, 233, and 263 tonnes/ha respectively (Table 2).

Table 2: Watershed Soil Organic Carbon and Equivalents.

Watershed Comment Zones	Area	Soil Organic Carbon	Soil Organic Carbon Density	CO ₂ Equivalent	Annual Emissions Equivalent	Emissions Over 20 Years Equivalent
	Hectares	Tonnes	Tonnes/Hectare	Tonnes	Number of Cars	Number of Cars
1	18,094	11,259,421	622	41,277,036	8,973,269	448,663
2	40,196	23,452,691	583	85,977,564	18,690,775	934,539
3	23,419	13,050,221	557	47,842,109	10,400,458	520,023
4	114,753	49,877,050	435	182,849,265	39,749,840	1,987,492
5	104,897	48,594,760	463	178,148,389	38,727,911	1,936,396
6	30,817	14,059,632	459	51,542,612	11,204,916	560,246
7	223,270	67,763,202	304	248,419,899	54,004,326	2,700,216
8	95,346	41,523,579	436	152,225,439	33,092,487	1,654,624
9	127,829	54,700,636	428	200,532,531	43,594,029	2,179,701
10	148,741	34,613,810	233	126,894,227	27,585,702	1,379,285
11	7,018	1,847,492	263	6,772,904	1,472,370	73,619
Combined Total	934,180	360,742,492	386	1,322,481,974	287,496,081	14,374,804

Table 3: Watershed Soil Organic Carbon by Wetland Type.

Watershed Comment Zones	Tonnes of Soil Organic Carbon				
	Bog	Fen	Open Water	Mineral Wetland	Upland
1	3,992,817	4,811,268	220,237	1,322,353	912,746
2	15,278,537	1,849,733	1,009,389	3,467,139	1,847,893
3	8,552,199	856,322	738,273	1,815,133	1,088,293
4	13,189,809	16,568,960	1,148,850	14,634,859	4,334,571
5	19,616,355	12,290,946	3,327,630	8,881,635	4,478,193
6	7,835,982	1,109,777	1,873,502	1,920,531	1,319,839
7	6,817,799	27,345,703	1,474,856	11,145,823	20,979,021
8	15,488,327	12,587,024	1,868,955	7,101,327	4,477,945
9	19,991,980	17,053,743	1,834,534	8,525,552	7,294,828
10	1,511,991	9,486,233	920,569	2,801,349	19,893,668
11	386,767	360,403	183,412	43,590	873,319
Combined Total	112,662,563	104,320,112	14,600,207	61,659,293	67,500,317

9. CUMULATIVE EFFECTS

Cumulative environmental effects are defined as effects that are likely to result from the proposed project in combination with the effects of other projects or activities that have been or will be carried out in the foreseeable future. Existing projects, activities and decisions that need to be considered in the cumulative effects assessment of impacts to the Fisher River Cree Nation are extensive. Most of these were not considered in previous provincial environment licensing processes.

It is FRCN's opinion that the cumulative effects of existing peat harvesting operations, combined with future developments of existing peat licence areas in the Washow-Fisher Peninsula would be significant and likely irreversible, or at the very least not restorable for well over 100 years. Peat harvesting is not a truly sustainable use of natural resources. The intrinsic economic, cultural and environmental values of the peatlands far outweigh the minimal benefits that the province receives from its very low royalties.

