

ATTACHMENT October 25, 2022

Federal Authority Advice Record: Designation Request under IAA

Response due by November 15, 2022

Sugar Creek Peat Harvesting Project

Department/Agency	Indigenous Services Canada
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1. Has your department or agency considered whether it has an interest in the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

No

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2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

ISC/FNIHB is not responsible for funding, approving or issuing licences, permits or authorizations for the assessments of this proposed project

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3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

No

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4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

FNIHB has specialized knowledge pertaining to First Nations people. Areas of expertise include but are not limited to: the provision of health services, community health and wellness programs, drinking water quality on First Nation Reserves, and social determinants of health, such as mental health and addictions, language, diet, or the chemical contaminants of traditional foods and perceptions of contamination.

5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

FNIHB is not aware of any previous contact or involvement with the proponent or other parties in relation to the project

6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of IAA? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

The project (being implemented by the proponent Sun Gro) is proposing the construction, operation, decommissioning and abandonment of the Sugar Creek Peat Harvesting Project, located approximately 20 kilometres southeast of Fisher River Cree Nation, Manitoba. The Project would extract peat from four sub areas and include an access road, bog roads, a staging area, sedimentation ponds, and a drainage network.

There is not much information on the extent of the project impacts, however, any project activities will likely interfere with land use/access, loss of traditional lands and ability to hunt (loss of terrestrial habitat), fish, gather and/or trap as well as the ability for Indigenous People to practice their culture. However, the potential impacts of the proposed project have to be considered over an extended period of and with particular attention to anticipated impacts of advancing climate change on food security and traditional activities of First Nations potentially affected by the proposed Peat harvesting.

Additional considerations should be given to the letter from Fisher River Cree Nation to Hon. Steven Guilbeault, ECCC Minister (dated October 14th) which outlines several concerns of impacts the project may have in the community.

7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Project? In particular, the following issues have been raised by the requestor. The Project could result in potential:
- adverse effects to areas within federal jurisdiction, including Indigenous peoples and lands, species at risk, and fish and fish habitat;
 - alteration of the land and hydrological and ecological functions of groundwater, surface water, and wetlands in Fisher River Cree Nation (FRCN) traditional territory;
 - adverse effects to fish habitat and spawning within the Sugar Creek watershed system;
 - adverse effects to wildlife populations, migration patterns, and wildlife habitat;
 - significant adverse impacts on the treaty and aboriginal rights of FRCN, as well as significant adverse effects on FRCN's health, social, and economic conditions;
 - change to FRCN's ability to develop its land and economic plans;
 - impacts to locations of cultural and historical importance to FRCN and other Indigenous communities;
 - adverse effects to the Fisher Bay Provincial Park and Proposed Expansion that is underway;
 - contribution to climate change due to loss of peatland carbon storage and sequestration area; and
 - cumulative effects of existing peat harvesting operations in the area, which were not considered in previous provincial licensing processes and are likely irreversible or not restorable for well over 100 years.

ISC-FNIHB has several programs that may be relevant and could be considered as a means of assisting First Nations people in further investigating and scoping out their concerns about the Project:

- a. The First Nations Baseline Assessment on the State of Health and the Environment program - supports community-based research in First Nation communities that are interested in assessing the baseline health and environment status of their community prior to the implementation of planned large-scale industrial projects on their traditional territories, and when such projects may have potential impacts on the community.
- b. First Nations Environmental Contaminants program – supports community-based research in First Nations communities that are interested to improve their health and wellbeing by

supporting their capacity to identify, investigate and characterize the exposure to environmental hazards on their health and environment through community-based research, monitoring, risk assessment and risk communication.

- c. Climate Change Health and Adaptation Program – supports community-based research and action oriented projects, to help southern First Nation communities minimize risks and adapt to the impacts of climate change on human health. More on the program can be accessed at: <https://www.ClimateTelling.info>
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- 8. Does your department or agency have information about the interests of Indigenous groups in the vicinity of the Project; the exercise of their rights protected by section 35 of the *Constitution Act, 1982*; and/or any consultation and accommodation undertaken, underway, or anticipated to address adverse impacts to the section 35 rights of the Indigenous groups?

No

- 9. If your department has guidance material that would be helpful to the proponent or the Agency, please include these as attachments or hyperlinks in your response.

ISC-FNIHB

Name of departmental / agency responder

Title of responder

November 4, 2022

Date