

ATTACHMENT: October 25, 2022
Provincial Advice Record: Designation Request under IAA
Response requested by November 15, 2022
Sugar Creek Peat Harvesting Project

Ministry	Environment, Climate and Parks / Natural Resources and Northern Development
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Alternate Ministry Contact	

Please fill out the form in relation to the proposed Sugar Creek Peat Harvesting Project.

1. In general terms, please confirm and describe your ministry's role (if applicable) in the review of the Project.

A proposal has not been submitted for this project. Environmental Approvals Branch assesses peat harvesting proposals for environmental impacts and may issue an Environment Act licence for the development.

Forestry and Peatlands Branch issues Peat Harvesting Licences (PHL). A PHL has already been issued for Sugar Creek. Forestry and Peatlands Branch requires and reviews Peatlands Management Plans and Peatlands Recovery Plans from the proponent. Copies of Sun Gro's Management and Recovery plans for Sugar Creek have been shared with IAAC.

2. Please provide the contact information of the person or persons responsible for managing your ministry's oversight of the Project (if different from lead contact above).

Same as above.

3. Describe the provincial legislative or regulatory process or approvals administered by your ministry that may assess or manage the potential adverse effects of the Project. For each mechanism or approval, please provide information regarding the following:
- Name of the process or authorization (e.g. certificate, licence, permit or approval) and the associated legislative framework;
 - Whether (for each) the authorization would set conditions and if yes, what issues would those conditions address;

- Whether (for each) the authorization would require public and/or Indigenous consultation and if yes, provide information on the approach to be taken; and
- Whether (for each) your ministry has guidance material that would be helpful to the proponent or the Agency (please provide these as attachments or hyperlinks in your response).

The Environmental Assessment and Licensing process may result in an Environment Act Licence being issued to the proponent. The process is detailed in an information bulletin (https://www.gov.mb.ca/sd/pubs/environmental-approvals/info_eal_2018_10_19.pdf). Other helpful information can be found on the Environmental Assessment and Licensing website (https://www.gov.mb.ca/sd/permits_licenses_approvals/eal/licence/index.html). Licence conditions address issues including wildlife habitat loss, site drainage and effluent release, fuel storage, air emissions, decommissioning, and recovery. Examples of conditions can be found by viewing peat project files on the public registry (<https://www.gov.mb.ca/sd/eal/registries/index.html>). One such example is the SunGro Ramsay Point licence (<https://www.gov.mb.ca/sd/eal/archive/2011/licences/2964er.pdf>).

Peat Harvest Licences give – in addition to EAL, as described above – authority to harvest peat on Crown land in Manitoba. The Peatlands Stewardship Act and Regulations provide the legal framework for such authorization. Crown consultation is required when issuing *new* licences – because PHL-4 is already issued to Sun Gro, no Crown consultation will occur with respect to the licence; however, Crown consultation will occur with respect to issuing an Environment Act Licence for this project.

4. Confirm whether any authorization listed above would contemplate the following matters and if yes, discuss, in general, the benchmarks or standards to which projects of this nature may be held (be specific in relation to each point below that may be applicable to your ministry's mandate):
- a. effects on water quality and quantity;
 - Yes, sampling results for drainage water quality are compared to the Manitoba Water Quality Standards, Objectives, and Guidelines and pH limits. Licence conditions also affect timing and quantity of drainage from the development.
 - b. effects to fish and fish habitat;
 - Yes, stream crossings are designed to the recommendations in the Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat.
 - c. effects to migratory birds and species at risk;
 - Yes, prior to construction the proponent conducts a survey of species that are endangered/of special concern, and migratory birds, their nests and eggs. If wildlife losses are identified during operation, mitigation measures are required.
 - d. cumulative effects;
 - Yes, other industries or development is considered.
 - e. potential impacts to Indigenous peoples resulting from any change to the environment on physical and cultural heritage, the current use of lands and resources for traditional purposes, or any structure, site or thing that is of historical, archaeological, paleontological or architectural significance;
 - Yes, this is assessed internally as a "technical review" of the project, and it is also assessed during the Crown consultation process with potentially impacted Indigenous communities.
 - f. changes to the health, social, or economic conditions of Indigenous peoples; and
 - Yes, if such conversation come up during the Crown consultation process, they are assessed.
 - g. potential impacts on Aboriginal and Treaty Rights.
 - Yes, this is assessed internally by way of developing an Initial Assessment of how the project could impact Aboriginal and Treaty Rights, and assessed during the Crown consultation process with Indigenous communities.
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5. Have you received public comments/concerns in relation to the Project? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or would normally manage) these matters.

As we have not received a proposal for this project, we have not received comments or concerns. Generally, key issues for peat projects include wildlife habitat loss, site drainage and effluent release, fuel storage, air emissions, decommissioning, and recovery. These are addressed through licence conditions, as well as peat management and recovery plans.

6. Have you received Indigenous community comments/concerns in relation to the Project? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or would normally manage) these matters.

As we have not received a proposal for this project, we have not received comments or concerns. Key issues for peat projects are community specific, and would be addressed through licence conditions or discussions with the proponent. However, Government of Manitoba is aware that nearby communities (Peguis First Nation and Fisher River Cree Nation) have concerns with peat harvesting. Crown consultation with these communities will occur prior to making a decision on whether to issue an Environment Act Licence for Sugar Creek.

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7. Do you have any other information about the Project in relation to potential adverse effects or impacts to the public, or Indigenous peoples and their rights as protected under section 35 of the *Constitution Act, 1982*?

As we have not received a proposal for this project, we do not have other information.

Bryce Wood & Lee Fedorchuk

Name of responder

Environment Officer & Lead – Peatlands
Program

Title of responder

November 15, 2022

Date