

Hon. Steven Guilbeault
Minister of Environment and Climate Change
Fontaine Building 12th floor
200 Sacré-Coeur Blvd
Gatineau QC K1A 0H3
ec.ministre-minister.ec@canada.ca

For Peat's Sake - Protecting Northern Saskatchewan Muskegs
Attn. Miriam Körner
<Personal information removed>
<Personal information removed>
phone: <Personal information removed>

January 15, 2022

Dear Minister Guilbeault,

Re: Petition to Designate the Lambert La Ronge Peat Harvest Project under *Impact Assessment Act*

The undersigned petitioners appreciate your November 6, 2021 address at COP26 in which you said "We need to work together to conserve and protect the large intact biodiversity and carbon-rich areas of the world – the Boreal, Amazon, Congo Basin, and South East Asia peatlands. . . If we do not protect them, biodiversity will not be protected, nor will our climate."

As a step toward achieving this goal, we hereby request that you exercise your discretion under s.9(1) of the *Impact Assessment Act* (IAA) to designate the proposed Lambert La Ronge Peat Harvest Project (the Project) in northern Saskatchewan for impact assessment under the IAA. We further request that you establish a review panel under s. 36(1) of the IAA to conduct the environmental assessment.

The petitioners are convinced that such a designation and referral to a panel review of the Project is in the public interest given that the Project may cause adverse effects within federal jurisdiction and adverse direct or incidental effects, and that public concerns related to those effects warrant a designation.

Lambert Peat Moss Inc. (the Proponent) has presented the Saskatchewan Ministry of Environment with a proposed peat mining operation to be carried out over a period of 80 years near La Ronge on the traditional lands of the Woodland Cree, Dene and Métis peoples. This project encompasses the clear cutting, draining, and stripping of 1822 hectares in four clusters and has a total footprint of 2619 hectare.

As a result, the Project may cause:

- adverse impacts on the rights of Indigenous peoples; and
- adverse direct and cumulative effects to areas of federal jurisdiction (e.g., fish and fish habitat, species at risk, migratory birds, greenhouse gas emissions, loss of carbon sequestration capacity) that may not be mitigated through project design or the application of standard mitigation measures; where
- the boreal population of Woodland Caribou is a federally threatened species at risk with sightings in, and critical habitat overlapping the Lambert project area. The provincial response to recover the species is inadequate due to incomplete information on caribou presence, and a range planning response that is severely dampened by forestry interests in the area. The province continues to be the only jurisdiction in Canada that has not listed the species.
- The project area is also critical habitat for two bird and one amphibian threatened species at risk: Common Nighthawk, Rusty Blackbird, and Northern Leopard Frog. There is no known provincial response to recovering these species in the boreal.

Further, the petitioners maintain that public concerns relating to the Project warrant its designation under the *Impact Assessment Act*.

The petitioners are residents of northern Saskatchewan and members of *For Peat's Sake – Protecting Northern Saskatchewan Muskegs*, a coalition formed to protect the muskeg and peatlands of northern Saskatchewan. Some *For Peat's Sake* members are Indigenous people, but we do not represent any First Nation or Métis organization. We note that on April 20, 2020, the Lac La Ronge Indian Band publicly stated its opposition to the Lambert La Ronge Area Peat Harvest Project within the traditional lands of the Lac La Ronge Indian Band.

Thank you for considering the attached petition; we look forward to your

reply. Sincerely,

Signature: _____ <Original signed by> _____ Date: Jan. 15, 2020

Miriam Körner – Founding member of For Peat's Sake and resident of Potato Lake

Signature _____ <Original signed by> _____ Date Jan 15, 2022

Sarah Gauthier – For Peat's Sake and Lac La Ronge Indian Band member

Signature _____ <Original signed by> _____ Date Jan 15, 2022

Vanessa Hyggen – For Peat's Sake and Lac La Ronge Indian Band member

cc. Hon. Warren Kaeding, Minister of Environment, Saskatchewan
Terry Hubbard, A/President, Impact Assessment Agency of Canada
Chief Tammy Cook-Searson, Lac La Ronge Indian Band

PETITION TO DESIGNATE THE LAMBERT LA RONGE PEAT HARVEST PROJECT UNDER *IMPACT ASSESSMENT ACT*

1. Introduction

This petition requests that the Minister of Environment and Climate Change exercise his discretion under s.9(1) of the *Impact Assessment Act* (IAA) to designate the proposed Lambert La Ronge Peat Harvest Project (the Project)¹ in northern Saskatchewan for impact assessment under the IAA. The petition further requests that the Minister establish a review panel under s. 36(1) of the IAA to conduct the environmental assessment.

The following reasons for designating the Project for impact assessment by a review panel are detailed in this petition:

- adverse direct or incidental effects within federal jurisdiction;
- adverse impacts on the rights of Indigenous people;
- failure by the Crown to meet its duty to consult with Indigenous people; and
- public concerns related to the effects of the proposed project

2. Adverse direct or incidental effects within federal jurisdiction

Species at Risk (Woodland Caribou)

The Project falls within the SK2 range plan for the threatened Boreal Caribou, which identifies two out of the four of Lambert's proposed mining clusters as critical Tier 1 and Tier 2 caribou habitat. (Note: In Lambert's TOR they identify all four clusters within Tier 3 areas.)

The project also falls within the Forest Operating Plan for the Prince Albert Forest Management Agreement (PA FMA), which expects timber to be harvested in the 1.7 million hectares of the total 3.3 million hectares of land, water, and swamp, accumulating to 63% of the forested areas according to their own records.

¹ La Ronge Peat Harvest Project – Technical Proposal:
<https://publications.saskatchewan.ca/#/products/100723>

The cumulative effects of peat mining together with timber harvesting stand in strong contradiction to the provincial government's goals of the SK2 range plan², which are to:

- Reduce the current level of human-caused disturbance;
- Maintain more than 80 per cent of high-potential woodland caribou habitat in a condition unaffected by direct and/or indirect human-caused disturbance;
- Maintain adequate connectivity between different areas of SK2 Central and adjacent caribou administration units and the SK1 caribou conservation unit;
- Use forest harvesting to create natural forest patterns that more closely resemble the range of variation of natural disturbances, both in distribution and scale; and
- Decrease the total amount of non-permanent legacy roads.

Fish and Fish Habitat

The Project falls within the watersheds of areas of significant spawning habitat for walleye and other fish. The potential for the following impacts to fish and fish habitat are of concern, in particular due to the potential cumulative effects of multiple projects in the watershed areas (e.g., peat moss mining, forest harvesting, silica sand mining, gold mining):

- Reduction in the volume of water that will reach the spawning areas due to increased evaporation resulting from proposed holding ponds;
- Increase in peak streamflow resulting from changes in the storage and attenuation capacity of upstream watersheds as a result of both forest and peat harvesting, leading to erosion and sediment-laden waterbodies;
- Reduction in the water filtration capacity of the watershed due to the elimination or reduction of peat, leading to increased sediment and/or other contaminants in downstream waterbodies; and
- Reduction/increase in natural stream flows due to the re-directing of water from one watershed into another.

Inconsistency with Canada's commitments in respect to climate change

Carbon Emissions - The boreal forest – and especially peatlands within the boreal forest – are gaining international attention as natural carbon sequesters. The importance to protect these areas worldwide and to keep wetlands wet is becoming more and more prominent in climate change research. Countries and provinces are reacting with banning peat mining and urge consumers to look for alternatives to peat products.

² Range Plan for Woodland Caribou in Saskatchewan – SK2 Central, 2019

<https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/wildlife-and-conservation/wildlife-species-at-risk/woodland-caribou>

Our understanding is that peatland mining is a major source of greenhouse gas emissions. A recent International Institute for Sustainable Development report³ on peat mining in Manitoba states that there is no way to mitigate the significant carbon releases that occurs from peat mining, except via carbon credits.

Canada has set important and socially responsible commitments to exceed the goal to reduce carbon emissions by 30% below 2005 levels by 2030 – or 511 Mt Co₂ eq. By 2050 Canada plans to achieve net-zero emissions. Under the 2019 Reference Case scenario, it is projected that Canada's emissions in 2030 would be 673 Mt CO₂ eq. (Progress Towards Canada's Greenhouse Gas Emissions Reduction Target, Environment and Climate Change Canada, 2020)

This begs the question of consistency: how can Canada commit to addressing climate change, while at the same time allowing provinces to consider applications for climate-damaging activities such as peat mining? We believe that the effects of peat mining in terms of carbon sequestration justifies a clear federal interest and designation.

Peat Fires - "Human impacts, such as climate change and the draining of wetlands, are increasing the overall susceptibility of peatlands to fire. [...] ⁴ Peat fires release significant amounts of carbon dioxide and other greenhouse gases. In addition, peat fires release mercury into the atmosphere at a rate 15 times greater than upland forests, which may be a serious human health concern."

Canadian Forest Service scientists are currently collaborating globally with other peatland researchers to understand and act upon the implications of peat fires. Until there is a clear understanding and policies have been adjusted accordingly, we believe that peat mining needs to be regulated federally to protect the three communities and traplines within a 5 km radius of the proposal from heightened peat fire risks.

Incorporating local knowledge - S.115(e) of the IAA provides authority to the Minister to authorize Indigenous governing bodies to exercise powers with respect to the impact assessment of a designated project. The Petitioners assert that this Project, once designated, provides an excellent opportunity for an Indigenous-led impact assessment. The Indigenous communities in the La Ronge region hold a wealth of knowledge among the trappers, hunters, gatherers and biologists that know the land intimately and have seen changes over generations. This important knowledge must be taken into consideration when planning a project where there are fundamental concerns about adverse impacts to the environment. And this is knowledge that must be gathered, shared, recorded and interpreted by and with communities for communities in a manner appropriate to their own cultural protocols and processes.

³ Swystun et al. 2015

⁴ <https://www.nrcan.gc.ca/climate-change/impacts-adaptations/climate-change-impacts-forests/forest-carbon/peatland-fires-carbon-emissions/13103>

Cumulative and long-term impacts of 80 to 100 year permit - Lambert Peat Moss Inc. seeks a 80 to 100 year permit for the Project. This extended time frame alone demands a more robust assessment process that considers cumulative and long-term effects on climate change, woodland caribou, and the cultural impact. Indigenous communities and other residents are being asked to consult on a project that will affect future generations. We are being asked to make decisions for future generations, without being able to understand fully how it will put sustainability at risk. Lambert only has a 20-year working plan for two out of the four clusters they are seeking to mine and yet they are asking to reserve two clusters where development will not start within the next 20 years.

3. Adverse impacts on the rights of Indigenous peoples

In the mandate letter to you as Minister of Environment, Rt. Hon. Justin Trudeau, P.C., M.O. states: “There remains no more important relationship to me and to Canada than the one with Indigenous Peoples. We made significant progress in our last mandate on supporting self-determination, improving service delivery and advancing reconciliation. I am directing every single Minister to determine what they can do in their specific portfolio to accelerate and build on the progress we have made with First Nations, Inuit and Métis Peoples.”

The Project proposes to mine peat on the traditional lands and Treaty 6 territory of the Woodland Cree, Dene and Métis Peoples in northern Saskatchewan. On April 20, 2021 the **Lac La Ronge Indian Band issued a media release stating their opposition to the Lambert La Ronge Area Peat Harvest Project**⁵ within the traditional lands of the Lac La Ronge Indian Band.

The areas proposed for peat mining are an integral part of a wider area used by hunters, trappers, gatherers, fishers, dog mushers and recreational users. Cultural camps, that rely on the intactness of the surrounding area are at nearby locations of several clusters. The relationship to this area is critical to cultural, social, and economic well-being of families and communities, as is the ability to ***conserve and protect the environment and the productive capacity of their lands and resources and determine and develop priorities and strategies for the development or use of their lands or territories***, as affirmed by the United Nations Declaration on the Rights of Indigenous Peoples⁶ (UNDRIP).

⁵<https://lrib.com/lrib-chief-council-opposed-to-the-proposed-lambert-la-ronge-area-peat-harvest-project-april-20-2021/>

⁶United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) articles 29 and 32

The Project will have significant and irreversible effects on the relationship of First Nations and Métis with this area, through physical loss and changes of land, potential adverse effects on fisheries in nearby water bodies, and disruption to species such as Woodland caribou. It also significantly impacts the ability to plan for the future. An 80 to 100 year peat harvest proposal transfers the rights to plan for the long-term use of this area from First Nations to a private company focused on extraction rather than sustainable use for long-term community and cultural well-being. It stands against the Seventh Generations principle that decisions we make today should result in a sustainable world seven generations into the future.

Canada committed to fully adopting and implementing UNDRIP. This is yet another reason why we believe this project necessitates federal designation. The use, plans and priorities for this area, as defined by First Nations, and the impacts of peat mining on these, is a matter for nation-to-nation discussions.

4. Failure by the Crown to meet its duty to consult with Indigenous people

We question if the Crown in right of Saskatchewan or in right of Canada has met its legal duty to consult with Indigenous people. The Saskatchewan government has delegated its duty to consult to the Proponent under the Saskatchewan 2010 Policy Framework for the Duty to Consult as a guideline to conduct consultations. However, this Framework was adopted **without free, prior and informed consent** by Saskatchewan's First Nations and Métis people. The Métis Nation has taken the framework to court in September 2020 as unconstitutional. No decision has been made in court yet.

While on its own this failure is already problematic, it is unacceptable to proceed during a pandemic where a) communities are foremost concerned about the health and wellbeing of their members and b) where COVID restriction do not allow meaningful engagement between the proponent and community members. Lambert's consultation process is fragmented and not conducive to or consistent with community expectations.

Article 19 of UNDRIP states:

*States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their **free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.***

5. Public concerns related to the effects of the proposed project

Public concerns about the Project are wide-ranging from increased risks of forest fires in the area due to drainage of peatlands, impacts on Indigenous rights to hunt, trap, and gather, self-determination on land development, women's rights to protect the land,

increased carbon emissions, increased traffic, water and air quality. The following represent recent expressions of this public concern:

- A local high school class from La Ronge started a petition against the Lambert Peat Moss Inc. proposal with their teacher and gathered over 20,000 signatures
- A Facebook group called “For Peat’s Sake – Protecting Northern Saskatchewan Muskegs” which was initiated by concerned citizens in the Lac La Ronge area grew to over 1600 members province-wide (as of January 2022)
- For Peat’s Sake’s concerns were covered in media such as CBC National, APTN Infocus, CTV Prince Albert and Saskatoon, StarPhoenix, Toronto Star, Prince Albert Daily Herald, La Ronge NOW and Briarpatch
- MLA Doyle Vermette presented petitions to the Saskatchewan legislative assembly.
- Over thirty people gathered in a ceremony for the muskeg and spoke out in an oral ‘letter’ compiled in video to leaders.
- Trappers have spoken out through their fur block representatives and sent letters in opposition to the Project.
- Napatak Community Association executive sent a letter on behalf of their community.
- Letters addressed to the Lac La Ronge Indian Band, the Jim Brady Local Métis and the Ministry of Environment have been sent by concerned citizens

5d. Accountability

The government of Saskatchewan does not have wetland policy in place and as far as we know no guidelines that monitors peat mining and holds companies accountable.

Draft Letter 11 FINAL

Final Audit Report

2022-01-15

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