

July 23, 2012

Honourable Gord Mackintosh
Minister of Conservation & Water Stewardship
330 Legislative Building, 450 Broadway
Winnipeg, MB R3C 0V8

Tracey Braun, Director Environmental Approval Branch &
Darrell Ouimet, Environment Officer
Manitoba Conservation, Environmental Approvals
123 Main St Suite 160,
Winnipeg MB R3C 1A5

Dear Minister Mackintosh, Director Braun, and Officer Ouimet:

Re: Public Registry File #4254.10 - Sunterra Horticulture Inc. - Sunterra Peat Mine Development

This correspondence is comments under the *Environment Act* regarding Public Registry File #4254.10 - Sunterra Horticulture Inc. - Sunterra Peat Mine Development.

In the spirit of the Manitoba Government's intentions to change how peat leases, mining, and licensing are handled in Manitoba, we have some suggestions:

- All leases for crown lands should be posted on line in a public accessible manner.
- Existing leases for peat lands should be posted immediately (both current and pending).
- Clear information as to leases that are deemed to be in place, and those leases that are frozen during the two-year moratorium on new peat mines should be clearly identified.
- Full information about existing peat mines, including which leases they use needs to be public also.
- Notification of any request for a peat lands lease or a peat lands mining license under the *Environment Act* should include an RSS feed, and on line notification.
- Public review for any such disposition is expected.
- Where First Nations are potentially affected then notification for potential leases should be included in the notification system regarding license applications.
- Public comments and review should apply to both leases and mining proposals.
- All comments, and responses to public reviews should be kept public.

- The fact that two primary acts (*Mines and Minerals Act* and *Environment Act*) are involved, plus various other regulations and acts, should no longer be an excuse to avoid making appropriate decision making and public reviews.
- One department, Manitoba Conservation and Water Stewardship should administer all steps with regards to peat mining, including if leasing, licensing/permitting/approvals under more than one act are involved.
- Peat leases and mines inside Crown land designations and wildlife management areas, parks, etc. should not be allowed.
- Peat leases and mines should not operate within 50 km of any cottage or housing subdivision, beach, camping or picnic area.
- Manitoba Conservation Environmental Approvals Branch advice to proponent for peat dispositions (and any other Crown lands disposition) should be posted with review documents.
- All other regulatory steps, laws used, permits or rights issued or potentially issued regarding any peat lease or license will be identified as part of the materials for public review.
- Methodology for ecological, aboriginal rights, and potential economic benefits should be researched, and applied in a transparent manner to any proposal or application for use of these peat crown lands.
- Government should become transparent as to the annual revenue from peat leases, and royalties from peat mines – with this information made public annually, including the allocation of these revenues also being public.
- Transparent research that is independent of the industry regarding peat reclamation needs to be conducted, especially regarding environmental effects.
- Any future peat lands policy for Manitoba needs to clearly differentiate between boreal region peat lands that are usually called muskeg, and the southern sites which may be smaller but equally as ecologically significant as boreal region peat lands.
- Finally, all leases for peat lands that are in the vicinity of Lake Winnipeg should be stopped immediately, with any existing leases or licenses cancelled.

Specific to the proposal for Public Registry File #4254.10 - Sunterra Horticulture Inc. - Sunterra Peat Mine Development we would observe:

- As outlined in the December 2011 Manitoba *Environment Act* Proposal Form (EAPF) the proposed peat mine will result in approximately 1324 hectares (ha) of land clearing (see: 6.3.7 Mammals/Habitat, p. 75), with 715 ha being mined directly (see: 3.4 Project Location, p. 11). This will have significant impact on moose and other wildlife in the region, and contradicts public policy.
- All of the quarry leases (both pending and existing) and proposed mining will take place inside Peguis First Nation's Treaty Land Entitlement (TLE)

- Notification Zone (incorrectly referred to as Peguis First Nation's Community Interest Zone).
- That the proposed mines will be within the Moose Lake Wildlife Management Area (WMA) and in close proximity to Beaver Creek Provincial Park – inhibiting recreational activities in the area, reducing property values, and limiting other citizen activities.
 - The proposal not only includes four existing quarry leases granted between 2006 and 2008 under the *Mines and Minerals Act*, but it also includes 6 additional pending (frozen) leases (see Table 2 at p. 124). It is inappropriate for a proponent to be applying for an *Environment Act* license on leases that it does not in fact hold. As you are likely aware, *The Save Lake Winnipeg Act* placed a two-year moratorium on the granting of new peat quarry leases, so there is no guarantee that these pending peat quarry leases will ever be granted (and we submit that these pending leases should not be granted).
 - The proponent is choosing to refer to or avoid reference to smaller project study area when it benefits them to do so, and is likewise choosing to refer to or avoid reference to the much larger regional study area when it benefits them to do so. For example, the proponent claims the amount of land cleared equals: 1% of the regional study area, 7% of the project study, and because there is “abundant undisturbed habitat” including “protected habitat with the Moose Creek WMA” (see: 6.3.7 Mammals/Habitat, p. 75) any potential effects are determined to be “not significant.” However large portions of both the regional study areas, and project study areas include large portions of Lake Winnipeg (see: Figure 2). Obviously Lake Winnipeg is not suitable habitat for moose, and this additional area should be subtracted from any calculations of the percentage of moose habitat impacted.
 - The calculations also need to take into account lands inside the project and regional study areas that are impacted by other developments, including cottages and other peat mines in the area. The cumulative effects section is quite deficient in this respect.
 - The proponent also claims that moose populations are “abundant and secure” (see: 4.1.8 Mammals/Habitat, p. 43), but this fails to consider that moose population have been declining rapidly in many parts of Manitoba leading Manitoba Conservation to restrict hunting in several areas of the province.
 - The proponent also cites a 1990 study “Evaluation of Ecological Constraints on Peat Mining in New Brunswick” by Helene Gautreau-Daigle in support of it's assertion that “...no [moose] population differences were observed between developed and undeveloped bogs.” (see: 6.2.2 Loss of Wildlife Habitat, p. 64). The claim is highly suspect and requires more than a nearly twenty year old study to substantiate. Their selection of scientific literature, from eastern Canada, is dated and opportunistic.

- The claim that "...restoration of a [peat mining] site often results in a wider diversity of flora which will result in a wider variety of habitats to support a more diverse fauna."(6.3.7 Mammals/Habitat, p. 75) is highly suspect and requires further substantiation. Clearly the question in restoration is if the same species and ecosystem function are returned. Wider diversity may mean invasive species.
- The proponent did request water quality data from Water Stewardship, and species data from Manitoba Conservation's Data Centre. However an absence of data may not have much weight, because this may simply confirm a lack of existing knowledge. As water Quality Modelling Specialist Elaine Page warned: "We have very little data from the 1970's on lake Winnipeg – much of the chemistry data has been collected intensively since 1999." Likewise Chris Friesen from Manitoba Conservation Data Centre disclaimed: "An absence of data does not confirm the absence of any rare or endangered species. Many areas of the province have never been thoroughly surveyed." (see: Appendix D - Government Correspondence.) The same can be said for the lack of known heritage of historical data (see: 4.2.7 Heritage Resources, p. 51).
- The proponent did limited wildlife surveys in Sept 2010 and May-June 2011 (see 4.1.8 Mammals/Habitat, p. 43), but does the proponent realize that wildlife surveys need to be wider than the site only?
- Lastly the cumulative effects assessment needs to take greater account of the fact that there are several existing and pending peat mines and leases on the peninsula at the narrows between the north and south basins of Lake Winnipeg. Combined these numerous peat leases and mines have significant cumulative impacts.

Sincerely,

Gaile Whelan Enns
Director, Manitoba Wildlands