

ATTACHMENT: June 30, 2021

Provincial Advice Record: Designation Request under IAA

Response requested by July 20, 2021

Lake Diefenbaker Irrigation Expansion Projects

| | |
|----------------------------|--|
| Ministry | Environment |
| Lead Contact | Brady Pollock |
| Full Address | 4 th Floor, 3211 Albert St. Regina SK S4S 5W6 |
| Email | brady.pollock@gov.sk.ca |
| Telephone | <personal information removed> |
| Alternate Ministry Contact | Brianne England, brianne.england@gov.sk.ca , <personal information removed> |

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

Ministry of Environment

Environmental Assessment and Stewardship Branch

The Environmental Assessment and Stewardship (EAS) Branch is responsible for administering all aspects of the environmental assessment (EA) process under *The Environmental Assessment Act* (Saskatchewan) (the Act), including the following.

- Technical review of the project and its potential impacts by subject matter experts from across provincial government.
- Assessing duty to consult requirements with First Nations and Métis communities once the environmental impact assessment (EIA) is underway and assigning procedural aspects of consultation to the proponent where appropriate.
- Evaluating the adequacy of the proponent's consultation and accommodation and assessing the need for additional consultation and accommodation measures.
- Ensuring public participation where members of the public, stakeholders and First Nations and Métis communities have an opportunity to provide comments for consideration by the Minister of Environment (the Minister) when making a decision on the development.
- Making recommendations to the Minister on the environmental acceptability of the development, potential terms and conditions that may accompany an approval if granted, and on the adequacy of the Crown's duty to consult thus far.
- Overseeing the proponent's compliance with environmental protection commitments in the environmental impact statement (EIS) as well as with terms and conditions of an approval which fall outside of any other regulatory authority.

Additional information regarding the Saskatchewan environmental assessment process can be found at:

<https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/environmental-assessment>

Other Branches of the Ministry of Environment (ENV) involved in the EA review:

- Fish, Wildlife & Lands (FW&L)

- Environmental Protection (EP)
- Climate Change (CC)
- Cumulative Impacts and Science (CIS)
- Forest Services (FS)
- Strategic Management Services (SMS)

Provincial Ministries/Agencies involved in the EA review:

- Ministry of Agriculture (AG)
- Ministry of Education (ED)
- Ministry of Energy and Resources (ER)
- Ministry of Government Relations (GR)
- Ministry of Health (Health)
- Ministry of Highways and Infrastructure (HI)
- Ministry of Labour Relations and Workplace Safety (LRWS)
- Ministry of Parks, Culture and Sport (PCS)
- Ministry of Trade and Export Development (TED)
- Saskatchewan Health Authority (SHA)
- Water Security Agency (WSA)

Agencies and branches review and provide comments back to EAS regarding proposed projects. Their review focuses on all areas of the project that relate to their legislative authority and technical expertise. Subsequent to the Minister's EIA decision, these agencies and branches may also be involved in subsequent approvals, permitting, monitoring/reporting and related consultation activities.

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

Not applicable.

- 3. Describe the provincial legislative or regulatory process or approvals administered by your ministry that may assess or manage the potential adverse effects of each the Phases. 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).**

See Table 1. Response to question 3, included below

- 4. Confirm whether any authorization listed above would contemplate the following matters and if yes, discuss, in general, the benchmarks or standards to which a project of this nature may be held (be specific in relation to each point below that may be applicable to your ministry's mandate):**
- Water and food security;**
 - loss of lands with native habitats and associated wildlife;**
 - impacts to soils, waters, and fish habitat;**
 - habitat for migratory birds;**
 - localized climactic changes due to increased irrigation;**
 - impacts to sacred sites and other cultural and heritage-sensitive areas; and**
 - long-term cumulative impacts of water withdrawals and agrochemical inputs.**
- See "Enclosure 2 – Designation Request – FSIN June 18, 2021" for additional context for the items listed above.**

See Table 2. Response to question 4 included below

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.

To date, EAS has not received direct comments from the general public in relation to the projects. EAS is aware of public concern raised through local media coverage since the project was announced in July 2020.

Concerns raised to date have been related to: lack of consultation; use of additional water for irrigation purposes; availability of water under future climate change scenarios; losses in power generation from the Gardiner dam; financial investment associated with the projects; reduction in flows to the Saskatchewan River Delta and associated impacts to wildlife habitat; impacts to native prairie grassland; transboundary effects; and, reduced downstream flows impacting the Lower Qu'Appelle River Watershed.

The EA process requires the proponent to engage the public prior to submitting a technical proposal for determination under the Act. Section 2(d) of the Act includes the criteria against which projects are reviewed to determine whether they are "developments". According to clause 2(d)(iv), projects *likely to cause widespread public concern because of potential environmental changes* are "developments" and must complete an EIA and receive Ministerial Approval prior to proceeding.

As part of the EIA the proponent develops a public engagement and consultation plan within the Terms of Reference, to be executed throughout the EIA. The public also has an opportunity to submit comments during the legislated 30 to 60-day public review period. Public comments will be considered by the Minister in a decision to approve or refuse the project, along with any terms and conditions he considers necessary.

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.

The ministry received correspondence from the Cumberland House Cree Nation on July 16, 2020, indicating their concerns that: the project would divert and disrupt natural flow of water to the community and to the Saskatchewan River delta; potential impacts to waterfowl and migratory bird habitat; potential impacts to nearby forests which provide habitat for lynx, wolf, black bear, moose and caribou; as well as concern that the project had been announced prior to consultation. This correspondence was shared directly with the Agency on June 11, 2021.

Where the Minister's decision on a development leads to actions that have the potential to adversely impact Treaty and Aboriginal rights and the pursuit of traditional uses, the ministry has a duty to consult (DTC) with First Nations and Métis communities in advance of the decision. The Government of Saskatchewan *First Nation and Métis Consultation Policy Framework* establishes the province's policy on consultation with First Nations and Métis communities.

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?

No

Brady Pollock
Name of responder

Executive Director
Title of responder

July 20, 2021
Date

Table 1. Response to question 3.

| Agency | Regulatory Mechanism Name/Leg | Possible Conditions Yes/no/type | Engagement Yes/no/ approach | Consultation Yes/no/approach | Additional information and guidance material |
|------------|---|--|--|--|--|
| ENV – EASB | EA Approval/ Process guided by <i>The Environmental Assessment Act</i> | Yes, any terms and conditions the Minister considers advisable. | Yes, all projects require engagement which is generally proponent led. | Yes, carried out as per the Government of Saskatchewan's <i>First Nation and Métis Consultation Policy Framework</i> | https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/environmental-assessment https://pubsaskdev.blob.core.windows.net/pubsask-prod/98187/98187-Consultation_Policy_Framework.pdf |
| ENV – FW&L | Species Detection Permit under <i>The Wildlife Regulations, 1981</i> | Yes, | No | No | https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/wildlife-and-conservation/wild-species-research-permitting Saskatchewan Conservation Data Centre(SKCDC) |
| ENV – FW&L | Fish Collection and Salvage Permits under <i>The Fisheries Act</i> (Saskatchewan) and <i>The Fisheries Regulations</i> . | Yes, conditions would specifically mitigate concerns related to collection methods, release, aquatic invasive species and disease, species at risk and data collection/ reporting. | Yes | Yes, carried out as per the Government of Saskatchewan's <i>First Nation and Métis Consultation Policy Framework</i> | https://www.saskatchewan.ca/residents/environment-public-health-and-safety/wildlife-issues/invasive-species |
| ENV – FW&L | Approvals and Dispositions for crown administered lands including crown resource lands, Fish, Wildlife & Development Fund Land, lands protected under <i>The Wildlife Habitat</i> | Yes, Disposition terms (easement, multiple use permit, work authorization) would outline and set conditions and would address erosion, deposition of deleterious substances, sedimentation, sanitation, impacts to wild species, | No | Yes, carried out as per the Government of Saskatchewan's <i>First Nation and Métis Consultation Policy Framework</i> | Restoration of Saskatchewan's Agricultural Crown Rangelands |

| | | | | | |
|------------------------------------|--|---|----|--|---|
| | <i>Protection Act, Crown Conservation Easements under The Provincial Lands Act, 2016; The Wildlife Habitat Protection Act and The Conservation Easements Act.</i> | secondary containment, in addition to terms and conditions for occupation of the land. | | | |
| ENV – FW&L | Aquatic Habitat Protection Permit issued pursuant to <i>The Environmental Management and Protection Act, 2010</i> | Yes, conditions would address erosion, deposition of deleterious substances, sedimentation, sanitation, and secondary containment | No | Yes, carried out as per the Government of Saskatchewan's <i>First Nation and Métis Consultation Policy Framework</i> | |
| ENV - EP | HSWDG permit under <i>The Hazardous Substances and Waste Dangerous Goods Regulations; The Environmental Management and Protection Act, 2010; The Saskatchewan Environmental Code</i> | Yes, pertaining to the type and quantity of hazardous substances and how they are stored. | No | Yes, carried out as per the Government of Saskatchewan's <i>First Nation and Métis Consultation Policy Framework</i> | https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/hazardous-materials-and-safe-waste-management/hazardous-materials-storage |
| PCS – Heritage Conservation Branch | Heritage Clearance under <i>The Heritage Property Act</i> | Yes, to ensure heritage resources are protected | No | Yes, carried out as per the Government of Saskatchewan's <i>First Nation and Métis Consultation Policy Framework</i> | |
| Municipalities | Municipal Development | | | | |

| | | | | | |
|----------------|--|--|--|--|--|
| | Permits may be required by individual municipalities under <i>The Planning and Development Act, 2007</i> | | | | |
| Municipalities | Zoning amendments may be required in some municipalities under <i>The Planning and Development Act, 2007</i> | | | | |

Table 2. Response to question 4

| Agency | Regulatory Mechanism Name/Leg | <i>a. water and food security</i> | <i>b. native habitats and wildlife</i> | <i>c. soils, waters, and fish habitat</i> | <i>d. migratory bird habitat</i> | <i>e. local climactic changes due to irrigation</i> | <i>f. cultural and heritage-sensitive areas</i> | <i>g. cumulative impacts of water withdrawals and agrochemical inputs</i> |
|---------------|--|---|---|--|---|--|--|--|
| ENV – EASB | EA Approval/ Process guided by <i>The Environmental Assessment Act</i> | Environmental assessment provides a coordinated review of environmental issues associated with developments in the province. The process is one of the ministry's principal environmental management tools and requires that potential impacts be identified, documented and evaluated. Technical review of the project will be completed by subject matter experts from across provincial government and include all aspects of the project including those listed above. Where significant environmental impacts are identified that cannot be adequately managed through existing regulations or standards the Minister may include terms and conditions to address those impacts. The environmental standards and benchmarks to which projects are held are informed by current best management practices, precedence set by similar projects and widely accepted scientific knowledge. | | | | | | |
| ENV – FW&L | Species Detection Permit under <i>The Wildlife Regulations, 1981</i> | No | No | No | No | No | No | No |

| | | | | | | | | |
|------------------------------------|--|--|--|---|---|----|---|----|
| ENV – FW&L | <i>The Fisheries Act (Saskatchewan)</i> | Yes, salvage of game fish that are important for sustenance purposes. | Yes, indirectly through direct input on Authorizations issued under the <i>Fisheries Act</i> (Canada) and any associated offsetting plans. | Yes, indirectly through direct input on Authorizations issued under the <i>Fisheries Act</i> (Canada) and any associated offsetting plans. | No | No | No | No |
| ENV – FW&L | <i>The Provincial Lands Act</i> | <i>yes, surface waters – impacts are to be avoided and/or mitigated, response from 3-Lands applies</i> | yes, native habitats on privately held lands are to be avoided where possible or impacts minimized; on crown administered lands, native habitats would be avoided to the maximum extent possible | yes, impacts to soils would be considered in relation to soil management during construction activities and subsequent restoration activities; yes – impact to waters identified in 3-Lands | yes, all habitat is considered, including for migratory birds – mitigation is supported by setbacks outlined in the <i>Saskatchewan Activity Restriction Guidelines</i> | No | yes, indirectly through the duty to consult process, locations identified are typically avoided and activity would include setback. | No |
| ENV - EP | HSWDG permit under the <i>Hazardous Substances and Waste Dangerous Goods Regulations</i> ; <i>The Environmental Management and Protection Act, 2010</i> ; <i>The Saskatchewan Environmental Code</i> | No | No | Yes, requires proper storage of hazardous materials with secondary containment to prevent spills | No | No | No | No |
| PCS – Heritage Conservation Branch | Heritage Clearance under <i>The Heritage Property Act</i> | No | No | No | No | No | Yes, ensures heritage resources are located and protected | No |

| | | | | | | | | |
|----------------|--|--|--|--|--|--|--|--|
| Municipalities | Municipal Development Permits may be required by individual municipalities | | | | | | | |
| Municipalities | Zoning amendments may be required in some municipalities | | | | | | | |

ATTACHMENT: June 30, 2021

Provincial Advice Record: Designation Request under IAA

Response requested by July 20, 2021

Lake Diefenbaker Irrigation Expansion Projects

| | |
|----------------------------|---|
| Ministry | Water Security Agency |
| Lead Contact | Jeff Hovdebo, Executive Director, Water Programs and Services |
| Full Address | Water Security Agency 300 – 2365 Albert Street Regina, SK S4P 4K1 |
| Email | Jeff.hovdebo@wsask.ca |
| Telephone | <personal information removed> |
| Alternate Ministry Contact | Aaron Schweitzer, Manager, Water Rights, Approvals and Compliance 101-111 Fairford Street East Moose Jaw, SK S6H 7X9 <personal information removed> / aaron.schweitzer@wsask.ca |

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1. In general terms, please confirm and describe your ministry's role (if applicable) in the review of the Projects.
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The Water Security Agency (WSA) is a provincial Agency that has been established to manage, administer, develop, control, and protect the water, watersheds and related land resources of Saskatchewan. Included in this mandate, the WSA has the responsibility for administering the following regulatory programs:

Water Rights, Allocation and Approval of Water Diversion Works

To ensure the sustainable and environmentally sound development and use of the province's surface and groundwater resources.

Aquatic Habitat Protection

The protection of aquatic ecosystems and human health in a way that balances social and economic development interests. The primary goal of the Aquatic Habitat Protection Program is to ensure aquatic habitat is preserved and maintained at the productive level which existed prior to the development activity proposed.

Environmental and Municipal Management Services

To ensure the construction of new, expanded, or upgraded drinking water and wastewater facilities meets all provincial regulations to protect public health and the environment.

To ensure all waterworks and sewage works governed by our empowering legislation provide consumers with access to safe drinking water and produce wastewater effluent that has minimal impacts to the receiving environment.

To ensure appropriate usage of chemicals and application methods for aquatic nuisance control activities thereby protecting the aquatic environment.

Agriculture Water Management

To ensure that impacts from local and cumulative scale agricultural drainage works, can be addressed through obtaining land control and implementing mitigative controls.

Reservoir Development Areas

To ensure the safe and orderly development of the land surrounding seven Water Security Agency reservoirs to maintain safe and efficient reservoir operations.

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

Water Rights, Allocation and Approval of Water Diversion Works

Aaron Schweitzer, Manager Water Rights, Approvals and Compliance

Aquatic Habitat Protection

Jeff Hovdebo, Executive Director, Water Programs and Services

Environmental and Municipal Management Services

Jeff Paterson, Acting Executive Director, Environmental and Municipal Management Services

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Regina, SK S4P 4K1
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Agriculture Water Management

Bryan Osborne, Director, Agriculture Water Management
Water Security Agency
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Bryan.Osborne@wsask.ca

Reservoir Development Areas

Kevin Wingert, Director, Rural Water Services
Water Security Agency
306 – 350 Cheadle Street West
Swift Current, SK S9H 4G3
<personal information removed>

Kevin.Wingert@wsask.ca

3. Describe the provincial legislative or regulatory process or approvals administered by your ministry that may assess or manage the potential adverse effects of each the Phases. 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).

Water Rights, Allocation and Approval of Water Diversion Works

Permits/Approvals Issued:

- Water Rights Licence (WRL)
- Approval to Construct (ATC) – surface or ground water works
- Approval to Operate (ATO) – surface or ground water works
- Permit to Conduct Ground Water Investigation

Pursuant to *The Water Security Agency Act* and regulations under that Act, any use of water, with the exception of domestic uses, requires a Water Rights Licence. In addition, Approvals to Construct and Operate are required for any works where water is to be used or diverted.

More information is available at:

<https://www.wsask.ca/Permits-and-Approvals/Water-Allocation/>

<https://www.wsask.ca/Permits-and-Approvals/Regulatory-Info/Surface-Water-Approval-Process/>

Aquatic Habitat Protection

Permits/Approvals Issued:

- Aquatic Habitat Protection Permit (AHPP)

Section 38(4)(5)(6) of The Environmental Management and Protection Act (EMPA) and Sections 4, 5, 6 and 7(a) of The Environmental Management and Protection (General) Regulations define WSA's provincial authority for aquatic ecosystem protection and the broader aquatic habitat protection objectives that stem from it, such as protection of the bed, bank and boundary of Crown surface waters and the values entailed such as aquatic habitat, aquatic organisms, the water cycle, and shoreline stability.

The Aquatic Habitat Protection Program is responsible for regulating, permitting and inspecting any activity that directly or indirectly alter or cause to be altered the configuration of the bed, bank or boundary; removes, displaces or adds any sand, gravel or other material from, in or to the bed, bank or boundary; or removes vegetation from the bed bank and boundary of any river, stream, lake, creek, marsh or other watercourse or waterbody.

The Aquatic Habitat Protection Program is in place to minimize development impacts during every phase of the construction project resulting in the protection of aquatic habitat. These mitigation measures can include: using appropriate building materials, project designs and timing, and preventing increased soil erosion and sedimentation.

More information is available at:

<https://www.wsask.ca/Water-Programs/Aquatic-Habitat-Protection/>

Environmental and Municipal Management Services

Permits/Approvals Issued:

- Permit for Construction of Waterworks and/or Sewage Works
- Permit to Operate Waterworks
- Permit to Operate Sewage Works
- Permit for the Chemical Control of Aquatic Nuisances in and/or Near Surface Water

The Water Security Agency EMMS is the main regulator of drinking water and wastewater systems in Saskatchewan.

The Environmental Management and Protection Act (EMPA) and the Waterworks and Sewage Works Regulations (WSWR) define WSA's provincial authority to regulate the construction and operation of drinking water and wastewater facilities in the province.

Some systems may fall under the regulation of other authorities. For example, industrial facilities are regulated by the Ministry of Environment, and small private systems are regulated by the local Health Region. However, due to capacity issues at the MoE, WSA has been issuing permits for industrial facilities.

EMMS is responsible for regulating, permitting, inspecting and monitoring of all municipal waterworks, most rural water pipelines and all municipal sewage works within the Province. WSA shares responsibility with the Ministry of Environment for regulating private waterworks and sewage works within the province that have a design capacity of greater than 18m³/day. Typically MoE will regulate "private" industrial facilities where they have other regulatory interests (e.g. potash, and uranium mines), while WSA will regulate entities such as provincial and regional parks, colonies, subdivision developments. etc.

EMMS is in place to mitigate risks to drinking water and surface water, and thereby protect the health of Saskatchewan citizens served by public water supplies. Quality water is not only essential for public health but is vital to our economic well-being and sustainability of the environment.

Environmental Services Section also govern wastewater management as a means to protect surface and groundwater uses such as livestock watering, crop irrigation, recreation and aquatic biodiversity, as well as drinking water raw water sources.

EMMS is also the provincial regulator in the province for the chemical control of Aquatic Nuisances in and/or Near Surface Water. Under Section 7(1)(a) of The Environmental Management and Protection (General) Regulations a permit is required if a chemical or substance is applied in and/or

near any surface watercourse in Saskatchewan. Further, under Section 7(1)(b) of The Environmental Management and Protection (General) Regulations, a permit is required if a substance is to be applied to any surface water or along the banks or shore of surface waters in Saskatchewan. This includes intermittent waterways and drainage ditches, even when dry.

More information is available at:

<https://www.wsask.ca/Water-Info/Drinking-Water/>

<http://www.saskh20.ca/about.asp>

<https://www.wsask.ca/Permits-and-Approvals/Regulatory-Info/Chemical-Control-of-Aquatic-Nuisances-in-and-or-Near-Surface-Water/>

Agriculture Water Management

Permits/Approvals Issued:

- Drainage Approval

The program is responsible for approving drainage works and also administers a complaint process for unapproved works.

The Water Security Agency Act defines WSA's ability to require approvals for works (including both drainage works and surface water works). This includes obtaining land control where the works are located as well as lands significantly affected by the works. The Water Security Agency Regulations require that prior to issuing an approval for works that the WSA consider the impact of the works as it relates to water quantity, quality, and habitat. Proponents may be required (as part of the Approval Process or through conditions on the Approval) to undertake mitigative measures to lessen the impact of their projects.

The Water Security Agency Act also identifies the process used to administer Requests for Assistance in Resolving a Complaint (RFA). Provisions for enforcement are also included in the Act.

More information is available at:

<https://www.wsask.ca/Water-Programs/Agricultural-Drainage-/Agricultural-Water-Management-Strategy/>

Reservoir Development Areas

Permits/Approvals Issued:

- Development Permit

The Water Security Agency Act and Regulations define WSA's authority respecting the RDAs which are established in regulation and delineated by published maps.

While the role of the RDAs has evolved over time WSA has maintained an interest in the development of lands within the Avonlea Creek, Blackstrap, Bradwell, Brightwater, Dellwood, Lake Diefenbaker and Zelma RDAs through a permitting process.

More information is available at:

<https://www.wsask.ca/Permits-and-Approvals/Regulatory-Info/Reservoir-Development-Area/>

All the above WSA regulatory programs have the ability to set conditions within the scope of the respective program as outlined above.

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4. Confirm whether any authorization listed above would contemplate the following matters and if yes, discuss, in general, the benchmarks or standards to which a project of this nature may be held (be specific in relation to each point below that may be applicable to your ministry's mandate):
 - a. Water and food security;
Yes - water
 - b. loss of lands with native habitats and associated wildlife;
Yes – but specific to aquatic habitat
 - c. impacts to soils, waters, and fish habitat;
Yes – water and aquatic habitat
 - d. habitat for migratory birds;

- No
- e. localized climactic changes due to increased irrigation;
- No
- f. impacts to sacred sites and other cultural and heritage-sensitive areas; and
- No
- g. long-term cumulative impacts of water withdrawals and agrochemical inputs.
- Yes – water allocation and use
- See “Enclosure 2 – Designation Request – FSIN June 18,2021” for additional context for the items listed above.
-

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.

No

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.

No

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*?

No

Jeff Hovdebo

Name of responder

Executive Director, Water Programs and Services

Title of responder

July 19, 2021

Date

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Response requested by July 20, 2021

Lake Diefenbaker Irrigation Expansion Projects

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|----------------------------|---|
| Ministry | Ministry of Agriculture |
| Lead Contact | Kelly Farden |
| Full Address | Crops and Irrigation, Ministry of Agriculture Box 609, 410 Saskatchewan Avenue West Outlook, Canada S0L 2N0 |
| Email | Kelly.Farden@gov.sk.ca |
| Telephone | Bus: 306-867-5507 Cell: <personal information removed> |
| Alternate Ministry Contact | |

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

The Ministry of Agriculture administers *The Irrigation Act, 2019*. The act is in place to promote, develop and sustain irrigation in the province. It provides the legislative framework for the creation and operation of irrigation districts, new irrigation development, and the operations of Irrigation Crop Diversification Corporation. The Ministry creates the standards and policy with regards to the assessment of lands for irrigation suitability.

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

Jason Drury – Jason.drury@gov.sk.ca

Heather Duczek-Reynolds – heather.duczek-reynolds@gov.sk.ca

-
3. Describe the provincial legislative or regulatory process or approvals administered by your ministry that may assess or manage the potential adverse effects of each the Phases. 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;
 - The Irrigation Certification process is required in order for any producer in the province to be able to irrigate. *The Irrigation Act, 2019* stipulates that all new irrigation developments must first receive an irrigation certificate from the Minister of Agriculture. Only lands suitable for sustainable irrigation development receive irrigation certificates.
 - The creation of any new irrigation districts associated with the project will follow processes outlined in the act.
 - Whether (for each) the authorization would set conditions and if yes, what issues would those conditions address;
 - There are a number of conditions that can be and are applied to irrigation certificates. The conditions are all in place to protect the provinces land and water resources. If it

is no longer in the public interest to irrigate a parcel of land the Minister has the power to cancel the irrigation certificate.

- If land has a drainage issue a condition to the certificate would be that drainage is required within a specified time. If drainage is not realized within in that time the conditional Irrigation Certificate would be expired and no other certificate would be issued.
- Whether (for each) the authorization would require public and/or Indigenous consultation and if yes, provide information on the approach to be taken; and
 - If provincial crown land is involved Lands Branch in the Ministry of Agriculture is involved and completes this on the Ministries behalf.
- 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).
 - [Irrigation Certification in Saskatchewan](#) | [Irrigation](#) | [Government of Saskatchewan](#)

4. Confirm whether any authorization listed above would contemplate the following matters and if yes, discuss, in general, the benchmarks or standards to which a project of this nature may be held (be specific in relation to each point below that may be applicable to your ministry's mandate):

- a. Water and food security;
 - b. loss of lands with native habitats and associated wildlife;
 - c. impacts to soils, waters, and fish habitat;
 - d. habitat for migratory birds;
 - e. localized climactic changes due to increased irrigation;
 - f. impacts to sacred sites and other cultural and heritage-sensitive areas; and
 - g. long-term cumulative impacts of water withdrawals and agrochemical inputs.
- See "Enclosure 2 – Designation Request – FSIN June 18,2021" for additional context for the items listed above.

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.

- a. There has been significant positive comments related to the project, however no Ministry of Agriculture engagement has taken place to date.

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.

- a. No Ministry of Agriculture engagement and/or consultation has taken place to date.

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*?

No

Kelly Farden
Name of responder

Manager, Agronomy Services
Title of responder

July 20, 2021
Date

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| Ministry | Agriculture |
| Lead Contact | Wally Hoehn (Lands Branch) |
| Full Address | 202-3085 Albert St. |
| Email | Wally.hoehn@gov.sk.ca |
| Telephone | <personal information removed> |
| Alternate Ministry Contact | Megan Schaefer |

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

Administrators of Agricultural Crown land and surveyed water bodies (beds, banks and shore) in the southern half of the province.

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

Lands Branch: Megan Schaefer 306-529-7197 or Wally Hoehn 306-787-1045.

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3. Describe the provincial legislative or regulatory process or approvals administered by your ministry that may assess or manage the potential adverse effects of each the Phases. 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).

Ministry of Agriculture administers the agricultural Crown land in the province under *The Provincial Lands Act, 2016* and *The Provincial Lands (Agriculture) Regulations*.

Section 2-10 (2) of the Act indicates that "the land forming the bed and shore of any river, stream, watercourse, lake, creek, spring, ravine, canyon, lagoon, swamp, march or other body of water is reserved to the Crown."

Section 4-4(1) (j) of the Regulations provides the authority for Minister of Agriculture to "issue a licence with respect to provincial land for any of the following purposes: to carry out any other purpose if the minister considers a licence for that purpose to be in the public interest.

Section 4-4(3) in the Regulations provides the authority of the Minister of Agriculture to issue an easement on provincial land for a purpose other than a purpose authorized by subsection (2) if the minister considers the easement to be in the public interest.

Lands Branch Process:

1. We will not authorize or provide a disposition for projects that are located on/adjacent to private land. We currently don't have the fee structure, or capacity to manage this and it is not a key priority for us. Ag Crown land management is our priority. WSA has not been canvassing us for these types of projects or any others that require AHPPs along private land.
2. For individual projects adjacent to crown land – we can provide a special lease (Miscellaneous use) disposition using the rates described below. These will **not** be considered commercial and we will use the special lease rates as described below and the \$200 set-up fee. These will be annual dispositions until hopefully next year, when we can do longer-term dispositions.
3. For group projects we will provide a miscellaneous use disposition for a longer term of 10 years.

We have a draft policy and guidelines for Irrigation. We will be working to finalize these in the near future.

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4. Confirm whether any authorization listed above would contemplate the following matters and if yes, discuss, in general, the benchmarks or standards to which a project of this nature may be held (be specific in relation to each point below that may be applicable to your ministry's mandate):
 - a. Water and food security; **no, if request comes to us first we would make sure they go to WSA.**
 - b. loss of lands with native habitats and associated wildlife; **yes, if native prairie we will not approve the breaking of it for development.**
 - c. impacts to soils, waters, and fish habitat;
 - d. habitat for migratory birds; **we review for federally designated critical habitat and apply "Saskatchewan Activity Restriction Guidelines for Sensitive Species"**
 - e. localized climactic changes due to increased irrigation; **no**
 - f. impacts to sacred sites and other cultural and heritage-sensitive areas; **no, we follow up with Heritage Branch**
 - g. long-term cumulative impacts of water withdrawals and agrochemical inputs. **No, we would rely on WSA.**See "Enclosure 2 – Designation Request – FSIN June 18, 2021" for additional context for the items listed above.
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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.

No

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.

No

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*?

No.

Megan Schaefer
Name of responder

Director, Land Management North
Title of responder

July 15, 2021
Date