

ATTACHMENT: September 15, 2022
Provincial Advice Record: Designation Request under IAA
Response requested by -revised submission
Lambert La Ronge Peat Harvest Project

Ministry	Environment
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Please fill out the form in relation to Environment Assessment Project 2018-020, or any other information relevant to the proposed Lambert La Ronge Peat Harvest Project.

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

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.

- a. Technical review of the project and its potential impacts by subject matter experts from across provincial government.
- b. 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.
- c. Evaluating the adequacy of the proponent's consultation and accommodation and assessing the need for additional consultation and accommodation measures.
- d. 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.
- e. 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.

- f. 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.

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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).

Not applicable

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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 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).

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 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. Assessment of mining (e.g., pipelines) and processing components over the full life of Project
 - b. Impacts on water quality through expected or accidental release (e.g., hot brine spills/leaks)
 - c. Impacts on water quantity due to withdrawal from aquifer
 - d. Effects to fish and fish habitat
 - e. Potential impacts on Aboriginal and Treaty Rights

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.

The La Ronge Area Peat Harvest Project has generated media attention and public concern. An online petition opposing the project has received more than 21,000 signatures. A Facebook group called "For Peat's Sake – Protecting Northern Saskatchewan Muskegs" was also started in response to the project, it has 1,700 members. A video detailing the importance of the area to First Nation and Métis people has also been shared online. The ministry has received correspondence from the Fur Conservation Association, Pipestone Block N-5, Napatak Community Association and many members of the public opposing the project. Government officials have also received numerous letters from individuals raising concerns and opposing the project.

Impacts on climate change are the key issue raised by members of the public as a result of the project. Impacts on biodiversity and species at risk have also been noted.

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 Lac La Ronge Indian Band (LLRIB) has indicated that engagement and consultation has fallen short of expectations and the project would not provide sufficient benefits to outweigh impacts to the community or environment. On April 20, 2021, LLRIB released a statement opposing the project within their traditional lands, citing considerable concern raised by traditional users of the area. The statement also cited impacts on fish and wildlife habitat, traditional uses and treaty rights as reasons for opposing the project.

The most common concerns received from community members to date, relate to impacts to treaty and Aboriginal rights and climate change impacts resulting from the project. Other concerns noted include loss of biodiversity and impacts to woodland caribou habitat; safety concerns due to increased traffic; the loss of natural fire breaks; and increased risk of wildfire.

In order for the project to move forward, EAS expects Lambert to develop mitigations to minimize the impacts or offer accommodation to the affected communities to help fulfill the ministry's obligations to consult and accommodate. First Nations and Métis leadership are provided an opportunity to review the EIS and consultation record and confirm mitigation measures and accommodations agreed to prior to a decision on the project. EAS may continue to consult with

potentially affected First Nation and Métis communities after the 30 – 60-day review period, if required to ensure duty to consult and accommodate obligations are met.

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 of Environmental
Assessment and Stewardship

Title of responder

September 15, 2022

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>	<p>https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/environmental-assessment</p> <p>https://pubsaskdev.blob.core.windows.net/pubask-prod/98187/98187-Consultation_Policy_Framework.pdf</p> <p>As required under the <i>Species at Risk Act (SARA)</i>, Canada developed a <i>Recovery Strategy for the Woodland Caribou (Rangifer tarandus caribou), Boreal Population, in Canada</i> when woodland caribou were listed as threatened under schedule 1. The recovery strategy called on provinces to develop range plans that demonstrate how they will protect critical caribou habitat.</p> <p>In accordance with this requirement, Saskatchewan has prepared the <i>Range Plan for Woodland Caribou in Saskatchewan</i> for the SK2 Central administration unit. The goal of the Range Plan is to achieve and maintain a self-sustaining woodland caribou population by managing habitat availability. As part of the process, Saskatchewan has identified five primary management strategies that can be used to reduce landscape disturbance. These strategies include:</p> <ul style="list-style-type: none"> • Avoidance, • reclamation and restoration, • mitigation offsets for new disturbances, • forest harvest patterns; and • access management. <p>The La Ronge Peat Harvest Project located within boreal woodland caribou habitat is conducting an environmental impact assessment under <i>The Environmental Assessment Act</i>. Should the project be approved, a condition would be included in the ministerial decision to require a caribou mitigation and offsetting plan. The plan must align with Saskatchewan's range plan. Avoidance of Tier 1 habitats is recommended, but where this is not possible, the proponent must</p>

					propose measures to minimize their impacts, and offset for any residual impacts to woodland caribou habitat that remain after mitigation. Woodland Caribou Wildlife Species at Risk Government of Saskatchewan
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 Protection Act</i> , Crown Conservation Easements under <i>The Provincial</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, secondary containment, in addition to terms and conditions for	No	Yes, carried out as per the Government of Saskatchewan's <i>First Nation and Métis Consultation Policy Framework</i>	

	<i>Lands Act, 2016, The Wildlife Habitat Protection Act and The Conservation Easements Act.</i>	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
ENV - EP	Approval to construct and operate under <i>The Mineral Industry Environmental Protection Regulations, 1996</i>	Yes, conditions may include imposing monitoring requirements, require decommissioning and reclamation planning and financial assurance	No	Yes, carried out as per the Government of Saskatchewan's <i>First Nation and Métis Consultation Policy Framework</i>	
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</i>	

				<i>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. Assessment of mining (e.g., pipelines) and processing components over the full life of Project</i>	<i>b. Impacts on water quality through expected or accidental release (e.g., hot brine spills/leaks)</i>	<i>c. Impacts on water quantity due to withdrawal from aquifer</i>	<i>d. Effects to fish and fish habitat</i>	<i>e. Potential impacts on Aboriginal and Treaty Rights</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
ENV – FW&L	<i>The Fisheries Act (Saskatchewan)</i>	No	Yes, indirectly through direct input on Authorizations issued under the <i>Fisheries Act</i> (Canada) and any associated offsetting plans.	No	Yes	Yes
ENV – FW&L	<i>The Provincial Lands Act</i>	yes, impacts are to be avoided and/or mitigated,	Yes	No	yes	Yes
ENV - EP	HSWDG permit under the <i>Hazardous Substances and Waste Dangerous Goods Regulations; The Environmental Management and Protection Act, 2010; The Saskatchewan Environmental Code</i>	Yes, requires proper storage of hazardous materials with secondary containment to prevent spills	No	No	No	No

ENV - EP	Approval to construct and operate a pollutant control facility under <i>The Mineral Industry Environmental Protection Regulations, 1996.</i>	Yes	Yes	Yes	Yes	Yes
PCS – Heritage Conservation Branch	Heritage Clearance under <i>The Heritage Property Act</i>	Yes	No	No	No	No
Municipalities	Municipal Development Permits may be required by individual municipalities					
Municipalities	Zoning amendments may be required in some municipalities					