

Provincial Authority Advice Record**Response requested by: May 25, 2023****Aspen Power Station Project – Saskatchewan Power Corporation**

CIAR No.: 84525

All comments should be submitted via the **Submit a Comment** feature available on the Project's Canadian Impact Assessment Registry page (Reference #84525 at <https://iaac-aeic.gc.ca/050/evaluations/proj/84525?culture=en-CA>). Letters and forms can be uploaded using this feature. If you have any difficulties submitting this way, please contact the Agency using the information provided below for assistance.

Ministry/Agency:	Ministry of Environment		
Contact Name:	Camille Jensen	Telephone:	306-787-6124
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Please complete this form.

1. Would your ministry/agency participate in the federal impact assessment process for this Project? If so, provide the information of the main point of contact.

The Ministry of Environment is the provincial regulatory body with oversight of the project and may participate in the federal impact assessment (IA) process for this project, should it be required. Participation would be informal and primarily include information sharing and coordination of milestones, if requested by the proponent. Contact same as above.

2. Will your jurisdiction be undertaking a review and analysis of the Project? Would your jurisdiction participate in a cooperative review of the project information?

The Ministry of Environment, Environmental Assessment and Stewardship Branch will conduct a screening under *The Environmental Assessment Act*. This will result in a Ministerial Determination on whether an environmental impact assessment (assessment) is required. An application for screening has not yet been submitted. It is expected that SaskPower will submit an application to the province when the Detailed Project Description is provided to the Impact Assessment Agency of Canada. The branch may participate informally in the federal review.

3. Does your ministry have any advice on matters that should be included in the Summary of Issues and addressed by the proponent in the Detailed Project Description?

For each issue discussed, provide a concise, plain-language summary that is appropriate for inclusion in the Summary of Issues

Additional information should be provided on:

- Identify the water quantity required for operation.
- The IPD mentions the possibility of two water sources, groundwater or the SaskWater pipeline. If groundwater is the selected source, the results of the groundwater investigation should be included in the DPD. The DPD should also identify potential effects to groundwater quality and quantity, including the sustainability of the source and potential impact to local users, and mitigation measures that would be used to minimize adverse effects.
- Groundwater was not identified as a valued component. Potential impacts to groundwater should be identified, including potential contamination from spills, etc.
- A cumulative effects assessment should be included.

The Ministry does not have concerns related to impacts within federal jurisdiction that should be included in the Summary of Issues and addressed by the proponent in the Detailed Project Description. Local stakeholders have been adequately engaged and given an opportunity to identify and raise any concerns or objections to the project. Project impacts will be managed through the provincial assessment process and subsequent provincial approvals.

4. Does your ministry have any advice on matters to consider for inclusion in the Tailored Impact Statement Guidelines, should an impact assessment be required?

The Ministry does not have advice on matters to consider for inclusion in the Tailored Impact Statement Guidelines. The proposed project does not appear likely to cause adverse effects within federal jurisdiction or to impact Indigenous peoples in a manner that may warrant a federal impact assessment. Potential impacts to species of conservation concern will be addressed through the provincial environmental assessment review and subsequent project approvals.

5. Do you have any comments about the Project in relation to effects within federal jurisdictions, and/or the factors defined in section 22 of IAA¹, species at risk or impacts to Indigenous peoples?

IAA defines effects within federal jurisdiction with respect to a designated project as changes to fish and fish habitat, aquatic species, or migratory birds, changes on federal lands or in a province other than the one where the designated project is being carried out, or, outside Canada, with respect to the Indigenous peoples of Canada, an impact resulting from any change to the environment on physical and cultural heritage, current use of lands and resources for traditional purposes, or sites of historical or archaeological significance.

¹ A link to IAA text can be found here: <https://www.canada.ca/en/impact-assessment-agency/corporate/acts-regulations/legislation-regulations.html>

The project is unlikely to cause adverse effects within federal jurisdiction. The project is sited on private land and will not impact fish bearing waters. Considering the mitigation measures proposed, it is unlikely there will be significant impacts to migratory birds or species at risk. The project will not result in transboundary impacts and is not located on federal lands.

The project is sited on private land with no right of access for the exercise of Treaty and Aboriginal rights or traditional land uses. The nearest First Nation is located 68km from the site. It is unlikely that there will be negative impacts to Indigenous peoples. The proponent has engaged with Indigenous communities and has not received any concerns.

Do you have comments related to issues such as health, environment, economic or social conditions that you wish to note for the Agency's consideration (both positive and negative)? Additional topics for consideration include gender-based analysis; alternative means to carry out the Project and / or alternatives to the Project; cumulative effects; and sustainability.

This project is likely to create positive social and economic impacts for the region and will assist SaskPower in reducing overall greenhouse gas emissions. The facility will support the optimization of sourcing electricity from renewable sources and provide the remaining capacity.

SaskPower has submitted two similar projects for approval over the last ten years. These natural gas electricity generation projects are estimated to emit 60% less carbon dioxide than conventional coal-fired generation.

6. Please identify the contact information for your jurisdiction for the public relevant to the potential impact assessment. Could be a generic email box or specific to your jurisdiction's role in the project (e.g. permits, authorizations, guidance or funding within your jurisdiction's mandate.)

Environmental Assessment and Stewardship Branch: environmental.assessment@gov.sk.ca

7. Based on the Initial Project Description, please confirm what project components and activities you would consider relevant in relation to permits, authorizations or guidance within your jurisdiction's mandate.

Construction

- Site preparation (stripping and stockpiling topsoil, grading, fencing, etc.)
- Building construction and equipment installation
- Construction of water works
- Construction of hazardous substances storage
- Aquatic habitat protection for activities near water
- Roadside development activities near roadways
- Impacts to species of conservation concern
- Noise

- Weed management
- Impacts to heritage resources

Operation

- Air emissions, including greenhouse gas reporting
- Water use
- Handling and storage of hazardous substances
- Discharges to the environment
- Impacts to species of conservation concern
- Noise

Decommissioning and Reclamation

- Building and equipment removal and disposal
- Site reclamation (grading, revegetation, etc.)
- Post-reclamation monitoring

8. Will your jurisdiction be issuing a permit, authorization or be involved in the aforementioned Project in a regulatory manner? If so, indicate below.

Saskatchewan Ministry of Environment

- Ministerial Determination
- Environmental Protection Plan (Industrial Air Source)
- Permit to Construct and Operate a Hazardous Substances Storage Facility
- Permit to Construct and Operate an Industrial Waste Works
- Aquatic Habitat Protection Permit
- Monitoring and Reporting of Greenhouse Gases

Water Security Agency

- Permit to Conduct a Groundwater Investigation
- Water Rights Licence
- Approval to Construct and Operate Works

Ministry of Highways and Infrastructure

- Roadside Development Permit

9. For any permits or authorizations to be issued, please provide a short description of each with specific information on the location or component of the Project to which the permit or authorization would be applicable.

The Environmental Assessment Act

Ministerial Determination

The screening will determine whether the project meets the definition of a development. A project is a development if it is like to meet one or more of the following criteria:

- Have an effect on any unique, rare or endangered feature of the environment;
- Substantially use any provincial resource and in so doing pre-empt the use, or potential use, of that resource for any other purpose;
- Cause the emission of any pollutants or create by-products, residual or waste products which require handling and disposal in a manner that is not regulated by any other Act or regulation;
- Cause widespread public concern because of potential environmental changes;
- Involve a new technology that is concerned with resource use and that may induce significant environmental change; or
- Have a significant impact on the environment or necessitate a further development which is likely to have a significant impact on the development.

The screening occurs upstream of permitting and approvals and assesses the project as a whole. If the project is likely to be a development, an environmental impact assessment is required and the project must receive Ministerial Approval before proceeding.

The Environmental Management and Protection Act, 2010:

Environmental Protection Plan

An approved Environmental Protection Plan is required pursuant to the Industrial Source (Air Quality) Chapter of the Saskatchewan Environmental Code

An operator of a prescribed industrial air source is required to have an approved plan in place to ensure ambient air quality standards set out in the *Saskatchewan Ambient Air Quality Standards* are met. This authorization applies to the facility emissions.

Permit to Construct and Operate a Hazardous Substances Storage Facility

A permit is required for hazardous substance storage meeting the storage thresholds in *The Hazardous Substances and Waste Dangerous Goods Regulations*. Storing hazardous materials and waste dangerous goods must be done in a manner that avoids environmental impacts or risk to human health. To minimize these risks, regulations ensure storage facilities are constructed, operated and decommissioned properly. The Ministry of Environment must approve the construction, alteration or expansion of a facility to handle hazardous substances or waste dangerous goods.

Permit to Construct and Operate an Industrial Waste Works

A permit is required for the construction and operation of the facility if it meets the criteria in *The Environmental Management and Protection (General) Regulations*. If the thresholds are met, the facility would also be required to have an approved decommissioning and reclamation plan in place. A financial assurance is not required if the permitted party is a Crown corporation.

Aquatic Habitat Protection Permit

Protects aquatic habitat from impacts that may arise from development in, or near water.

The program preserves and maintains aquatic habitat at the productive level which existed prior to the development activities by preventing:

- Temporary and permanent habitat alteration;
- Increased soil erosion and sedimentation;
- Impacts of construction timing and development on aquatic organisms and species at risk; and
- Discharge of chemicals, oil, gasoline and other contaminants into water.

This program also protects vegetation and habitat in the water and on the banks. The permit may be required for project components near waterbodies or wetlands.

The Management and Reduction of Greenhouse Gases Act

Regulated Emitter Registration

A facility must apply as a regulated emitter if it meets the prescribed requirements. A regulated emitter would be a facility that produces greenhouse gases in excess of 1,500,000 tonnes carbon dioxide equivalent per year by generating electricity from a gas or coal-fired generator. If the facility meets the prescribed requirements, it will be required to adhere to the greenhouse gas monitoring and reporting program.

The Water Security Agency Act

Permit to Conduct a Groundwater Investigation

This permit is required to conduct a groundwater prior to issuing a Water Rights Licence and/or Approval to Construct and Operate Works. The investigation evaluates the viability of the source and is used to ensure the sustainability and environmentally sound development of the province's groundwater resources.

Water Rights Licence and Approval to Construct and Operate Works

Anyone wishing to construct, alter, extend or operate a works and/or right to use water must obtain approval from the Water Security Agency. This licence and approval apply to the use of surface or groundwater as would be required for the operation of the project.

The Highways and Transportation Act

Roadside Development Permit

A roadside development permit may be required for any approaches, pipelines and utilities, roadside development or use of the highway or its right-of-way. A permit is required for work within 90 meters of the property line or right-of-way edge of a provincial highway.

Additional permits may be required for the movement of oversized and overweight vehicles on provincial highways and for on premise and off-premise identification signs.

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10. Will there be opportunities for engagement with the public or Indigenous groups as part of the regulatory or review process by your jurisdiction? If so, when is this likely to occur (e.g. during the impact assessment process, during a specific phase of the impact assessment process such as the impact statement phase, or post-impact assessment, etc.)

Prior to submitting a Technical Proposal for screening, the proponent is required to conduct public

engagement and include the results of engagement activities in the application. Engagement activities could include local public meetings and/or open houses, discussions with landowners and nearby residents, meetings with community associations, municipal governments, First Nations and Métis communities, special interest groups, etc. During the screening review, there is no legislated step requiring public or Indigenous engagement.

SaskPower began preliminary engagement on siting from 2020 to July 2021 and site-specific engagement from July 2022 to present with interested stakeholders and Indigenous groups. Overall, feedback appears to be positive, and concerns have been addressed. SaskPower has committed to ongoing engagement throughout the project lifecycle.

During the environmental impact assessment review, the proponent is expected to continue public engagement activities and actively solicit stakeholder and Indigenous feedback regarding potential issues, interests and concerns. This information is included in the environmental impact statement.

The Environmental Assessment Act requires a 30-60 day public comment period occur prior to the Minister making a decision on the acceptability of a development. The public is invited to submit written comments for consideration during this period.

11. Will your jurisdiction be providing any participant funding?

Funding is available through the *First Nations and Métis Consultation Participation Fund* for projects that trigger a Duty to Consult. If the project receives a Ministerial Determination that it is a development and required to undergo an environmental impact assessment, a pre-consultation assessment will be completed to determine whether the Duty to Consult has been triggered. This is conducted in accordance with the *First Nation and Métis Consultation Policy Framework*. As this project has not yet initiated a provincial environmental assessment screening, and the Duty to Consult has not been assessed, no funding is available for this project.

The Ministry of Environment does not have financial assistance programs available to support engagement activities during the development and construction of private facilities.

Camille Jensen

Name of responder

May 26, 2023

Date

If you have any difficulties, you may contact the Agency via email at Aspen@iaac-aeic.gc.ca