



# **STANDING COMMITTEE ON THE ECONOMY**

**Hansard Verbatim Report**

**No. 33 – May 18, 2010**



**Legislative Assembly of Saskatchewan**

**Twenty-sixth Legislature**

## STANDING COMMITTEE ON THE ECONOMY

Mr. Darryl Hickie, Chair  
Prince Albert Carlton

Mr. Ron Harper, Deputy Chair  
Regina Northeast

Hon. Dustin Duncan  
Weyburn-Big Muddy

Ms. Laura Ross  
Regina Qu'Appelle Valley

Mr. Lyle Stewart  
Thunder Creek

Mr. Len Taylor  
The Battlefords

Ms. Nadine Wilson  
Saskatchewan Rivers

[The committee met at 16:00.]

**Bill No. 132 — *The Wildlife Habitat Protection  
(Land Designation) Amendment Act, 2009***

**The Chair:** — Welcome everybody. And I see that we are now at the hour of 4 o'clock, and the members are here. The minister is prepared to proceed. I will now call the committee to order. I want to welcome you all here today as we talk about the . . . continue deliberations on the Environment Bill, 132, to the Standing Committee on the Economy.

Before I begin, though, I'd like to introduce opposition members. We have Mr. Taylor — chitting in for Mr. Harper is Ms. Morin — Mr. McCall, Mr. Nilson. And Mr. Iwanchuk as well is present. From the government side, we have Mr. Stewart, Ms. Ross. Mr. Allchurch is chitting in for Ms. Wilson, and we have Minister Duncan.

Now members, we would now like to start the consideration of Bill No. 132, *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2009*. And by practice, the committee normally holds general debate during consideration of clause 1. Ms. Minister, would you like to introduce your officials to the committee at this time?

**Hon. Ms. Heppner:** — Thank you, Mr. Chair. To my right is Liz Quarshie, deputy minister for the Ministry of Environment. To my left is Todd Olexson, acting director lands branch. And just behind us is Lin Gallagher, assistant deputy minister, resource management and compliance.

**Clause 1**

**The Chair:** — Thank you, Ms. Minister. We'll now consider clause 1, short title, *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2009*. Ms. Minister, if you have any opening comments, please proceed.

**Hon. Ms. Heppner:** — Thank you, Mr. Chair. I'm happy to be here this afternoon to discuss *The Wildlife Habitat Protection Act* and the changes that we're making. I'm looking forward to the discussion this afternoon. And I would hope that we are going to have a discussion based on the facts of the situation. I know that there's been some misinformation that has been circulating including that we've been accused of wanting to sell three and a half million acres of protected land. That is absolutely not true.

The course that the ministry has taken is . . . shortly after I became minister, I had asked if we had a values inventory of the land that was under wildlife habitat protection. And there was not any up-to-date values inventory of that land. We really didn't know what we were protecting. So I asked that some of that work was started. Coming out of that was the development of CLEAT which is the Crown land ecological assessment tool. It is a science-based tool that was developed with ministry staff, those staff members being biologists and agrologists and ecologists, so this is people who know what they are doing when it comes to assessments.

*The Wildlife Habitat Protection Act* was implemented in 1984.

At the time it was put in place to protect habitat for wildlife. Since then we look at a vast range of things, when it comes to lands that require protection, outside of just habitat protection, things like species at risk, important plant life, that sort of thing. So we really needed to have an up-to-date assessment of what exactly the Crown had, why we have it, if there is more that could be protected, and those sorts of things. So CLEAT was the tool that was developed to do that assessment.

Coming out of this, we have before us the wildlife habitat . . . And out of that, we would be able to determine, based on the ecological values that were determined through the science-based tool, which land was really sensitive and required legislative protection under *The Wildlife Habitat Protection Act*. Over 90 per cent of the land that's under the Act is administered through the Ministry of Agriculture and is leased land. It is currently being used. And I think that's an important point. This is not vacant Crown land. This is leased land.

For the most part, it is being used by ranchers and farmers for things such as grazing. And so through the assessment tool, it was shown that a portion of the land that was under wildlife habitat protection could be sold with the conservation easement. The land use would not change. In many circumstances, the folks who've been using this land have been using it for generations. They are excellent stewards of the land, and they just wanted the opportunity to buy it.

In order to facilitate that, we developed a new conservation easement, a Crown conservation easement — which we have discussed in this committee previously — which actually enables the Crown to make sure that land is protected even more than it was before. We've increased the penalties and fines. We've added new enforcement tools to make sure that the Crown can make sure that that land is protected. So going forward, even though some of it may be sold, it will actually be better protected than it currently is.

Through that assessment tool, it was also determined that a very small portion of land which had been under wildlife habitat protection no longer carried with it the values that may have been there when it was first added and could be sold without any restriction. Again it's important to note that over 90 per cent of the land that we're talking about, the three and a half million acres, will continue to be protected whether through *The Wildlife Habitat Protection Act* or through the sale with the corresponding conservation easement. So the accusation that we are selling three and a half million acres of wildlife habitat protection land is not accurate.

One of the other things that has been raised is that we are selling this land to make money. And while there obviously would be a revenue that would be generated from this land, this is in no way a money grab for the government. As an example, the Ministry of Agriculture started a land sale program in 2008, I believe. At the time, there was one and a half million acres of agricultural land outside of any kind of legislative protection. It wasn't part of the WHPA [*The Wildlife Habitat Protection Act*] Act that would be made available for sale. In two years, only 160,000 acres have been sold. So when you consider only 10 per cent of those total lands have been sold, this is not a big money grab for any government.

We are simply allowing people who have been using this land for generations to be able to purchase that land because we believe in land ownership. It is why our ancestors came here years ago with the promise of being able to purchase land in Saskatchewan and settle the province based on that.

Also with the land sale through the Ministry of Agriculture, we have been accused of, through that land sale, that both the Minister of Agriculture and myself were telling people that we would never sell WHPA land. Again I would like to clarify the record that is simply not the case. The letter that was sent out as a form letter to those who were either (a) asking to purchase land through the ag land sale starting in 2008, we found that a lot of those requests were actually land that was covered by WHPA. So we needed to clarify to those folks who are asking to buy WHPA land that WHPA land was not part of that sale. And then there was people who were concerned about the sale of WHPA land, so we wanted to clarify for them as well.

The letter that went out under my signature clarified, and I quote, "The Act prevents the sale of designated land and is therefore not eligible for sale as part of the agricultural Crown land sale program announced in November 2008." So that is the clarification on what exactly the ag land sale was that started in 2008. The letter goes on to say, and I quote:

All government policies and programs are subject to review and updating from time to time to ensure that they support key priorities and objectives. Our goal is to find the most appropriate balance for protecting conservation, ecological values while enabling private ownership and support provincial objectives for growth and prosperity.

I know that there are those who have quoted from this letter previously. Those quotes were, I would say, taken out of context, so I wanted to take the opportunity to clarify the record on that.

The letter that was sent out to our various stakeholder groups was sent out last June. It clearly outlined what the ministry's objective was. It talked about the development and use of CLEAT, the assessment tool on WHPA land, and it said, and I quote:

The evaluation may show that some lands can be sold without restriction. On others, it may find that important values can be effectively managed using conservation easements regardless of whether the land is leased or sold. For still others, it may be most appropriate for the Crown to retain ownership and management responsibility.

So, Mr. Chair, as you can clearly see, starting back into the summer of 2009, we made it very clear to our stakeholders what the government's intentions were, that we were going to assess land and then assess it on the appropriateness of remaining under wildlife habitat protection, being sold with a conservation easement, or being able to be sold without restriction.

We invited all of these stakeholders to a workshop to go through the details of all this. Some stakeholders attended. Others did not. There were subsequent presentations made to SARM [Saskatchewan Association of Rural Municipalities] and other technical briefings, where again some agencies attended

and some did not.

I would also like to, for the information of the committee members, explain some of the changes and other things that we are doing on this file. As many of the committee members will know, we had a meeting with stakeholders about a week and a half ago. It was incredibly well attended, and we had a very good discussion. There were some concerns raised there. We'd also point out that at that time not one of those agencies that was represented asked us to pull this Bill.

What we were discussing was things that we could do going forward, and they had a list of things that they were requesting. We have agreed to those, and in last week, I announced in a media scrum some of the additional work that we were planning on doing and some of the changes that we would be making.

One of their requests was that a portion of the revenue from any land sales through this program would be put towards land conservation in the province. I suggested that that money go to the Fish and Wildlife Development Fund. It's already an established committee working in our province, and they are doing very good work, and there is stakeholder representation on that committee. That has gone to cabinet. It has been approved, and so we'll be moving forward working with stakeholders on having a portion of the revenue going to the Fish and Wildlife Development Fund for land conservation and management in Saskatchewan.

One of the other things that was asked for from Nature Saskatchewan was, there used to be a Crown land conservation committee housed within the Ministry of Agriculture. It no longer exists in the Ministry of Agriculture. And the request was made if we could reconstitute that committee but house it within the Ministry of Environment or working with the Ministry of Environment. Happy to do that. All stakeholders that were at that meeting and a few additional invitations will be sent out to have representation on that committee, so it would be made up of environmental NGOs [non-governmental organization], the agriculture community, stock growers and cattlemen, the Métis Nation of Saskatchewan and representation from FSIN [Federation of Saskatchewan Indian Nations].

That committee will work with government. They can bring ideas to us. If they know of additional lands or sensitive areas that they would like to see protection or have protection applied to those areas, we would be happy to look at that. If the government has ideas going forward, we would work with that committee going forward. One of the concerns that was raised both in the meeting with stakeholders on that Thursday was raised here by committee members on *The Conservation Easements Act*, which has already gone through committee, was the power of the minister to examine the request for removal of a conservation easement. It states very clearly in that piece of legislation that it would have to be removed only in the public good not in the good of the landowner but in the public good.

To ensure that there is comfort around that, it is my intention that any request for a removal of a conservation easement by a landowner of the Crown conservation easements, the new easement, that application would go through the committee that we are going to set up for their review. That committee, I will stipulate, will not have veto power over that, but they will

certainly have input into the application for a removal of a conservation easement.

The other issue that was raised by our stakeholders was the assessment of land outside of WHPA. There is unoccupied Crown land within the province that currently doesn't fall under any kind of legislated protection, and so we have committed, once the assessment is completed on WHPA land, to move to unoccupied Crown land to make sure that we have the values stated correctly on those properties as well. And where warranted, if there is found that there's unoccupied Crown land that has a high ecological value, that we would make sure it is protected.

[16:15]

I think that is the updates that came out of the meeting that we had with stakeholders. I think they're very important changes that can be made and things that we can do moving forward. The one other thing that I had announced last week was once the values inventory, the assessment tool, is applied to WHPA land and we have a clear indication of the three categories — whether sold without restriction, sold with a conservation easement, or to remain under *The Wildlife Habitat Protection Act* — is those lands that will remain under *The Wildlife Habitat Protection Act*, we will submit to the legislature a schedule of land locations and descriptions to make sure that those properties, those lands, can only be touched through a legislative change.

The land that will be remaining to be sold with a conservation easement will continue through regulation because our intention is to sell them. For ease of administration, that will be a regulatory change. But the highly sensitive lands that remain under WHPA will be a legislative change through this Chamber.

It's important to point out . . . And I know that there is some concern about regulations instead of legislation. There is quite a few pieces — obviously every government works on regulations — but there are quite a few pieces of legislation that currently govern the actions of government in Saskatchewan that land can be added and removed through regulation alone. They existed under the previous administration. They exist in the same format today. And actually it's quite interesting to note that they are, for the most part, highly sensitive lands.

Lands through *The Ecological Reserves Act* are added and removed through regulation, except for the Great Sand Hills which is a legislative change. There are pieces through Tourism and Parks, parks legislation where historic sites can be added and removed through regulation alone. So I would like to point out that regulations are not a bad thing. They have been used by governments in this province, I would say, since the beginning of governments in this province, and they were used by the previous administration as well on highly sensitive lands.

The other thing I would like to point out, because I know this has been raised and it is not accurate and I would like to correct the record, is that folks who have donated land to the Crown — and we certainly appreciate those individuals who want to make sure that property they feel is valuable remains to be protected going forward — donated lands, they do not fall under the

purview of WHPA. They have nothing to do with this. They will not be sold because of WHPA. They won't be sold at all. But they are not part of this program and are therefore, I would say, irrelevant to the discussion that we're having today. Donated lands fall under *The Natural Resources Act*. They are administered by the Fish and Wildlife Development Fund and are therefore, as I said, outside of WHPA.

I think those are the points I wanted to make on some clarifications and to update committee members on some of the things that we have agreed to do along with stakeholders who have raised some concerns with us. And with that, I will open up to questions.

**The Chair:** — Thank you, Ms. Minister. Just for the record, we have Ms. Higgins joining us on the opposition side, and we have Mr. McMillan and Ms. Harpauer on the government side. So with that, questions? Ms. Morin.

**Ms. Morin:** — Thank you. Thank you, Madam Minister, for your opening remarks. I'm wondering if you could table the letter that you were quoting from.

**Hon. Ms. Heppner:** — I can get committee a clean copy. I have writing all over mine.

**Ms. Morin:** — Wonderful, thank you very much. You stated in your opening remarks that somehow that this is going to protect the land even more. Maybe you could just elaborate on that.

**Hon. Ms. Heppner:** — Under the current WHPA legislation, because it is occupied land . . . This isn't vacant land. People are using this land every day through leases. Along with those leases, they have to abide by the legislation and regulations that govern WHPA land. The penalties for violations under WHPA currently, not this piece of legislation but currently, is a maximum of \$2,000 for an individual with a subsequent \$200 per day for every day the violation continues after it was originally found. And there are very few other enforcement tools for the government to use.

So if a person is leasing WHPA land and chooses to violate that land, there's not a lot of incentive for them not to because the penalties are rather minor. In this new legislation and *The Conservation Easements Act* that we had examined a few weeks ago, the maximum penalty for an individual is \$100,000 plus an additional \$100,000 per day maximum for every day that that violation continues, so it could add up to be a sizable penalty. Along with that are additional enforcement tools that are laid out for the government, things that weren't there previously, including stop work orders. We can seize equipment, and I think court ordered injunctions was the other one.

So the tools that government has to make sure that those who are on the land are abiding by the rules that govern that land are far stricter than they are today. And like I said, that's both in the WHPA legislation and in *The Conservation Easements Act*. So I would say that the deterrent is far greater; therefore the protection is higher because people are going to be less likely to violate when the penalties are so extreme.

**Ms. Morin:** — And how many of these citations have been enforced over the last two years in terms of the conservation

easements that are currently being violated . . . being investigated and then having a citation ordered of either a penalty or a monetary penalty? How many have happened over the last two years?

**Hon. Ms. Heppner:** — Mr. Chair, we don't have the information here on the number of violations of WHPA land for the last two years, but can certainly try to gather that information and get it to committee members through the Chair.

On conservation easements, because this is a new easement there wouldn't be any violations under this particular piece of legislation because they haven't been placed yet. But it is important to note that conservation easements that are currently being used by environmental NGOs are voluntary. The landowners can choose to have an easement place placed on their land or not.

The easements that would accompany the sale of WHPA land are mandatory. There is no choice by the landowner or the lessee who wants to buy their property on whether or not that easement is attached. It is a mandatory easement.

**Ms. Morin:** — So I've had a concern raised with me that there was a piece of land that was being leased with a conservation easement attached to it and that there was a violation of that conservation easement. So let me rephrase my question then. So in the last two years, of all the land that's been leased and although the infractions that have happened with respect to conservation easements not being upheld, can you tell me what those numbers are of the last two years?

**Hon. Ms. Heppner:** — We're trying to track down the number of conservation easements that are held in the name of the Crown; there aren't very many. The vast majority of conservation easements in the province are agreements between environmental NGOs such as Ducks Unlimited, NCC [Nature Conservancy of Canada], organizations such as that, and the landowner. We don't police those. They're not our agreements. They're a voluntary agreement between the environmental NGOs and the landowners, so I wouldn't have any numbers on violations of those easements because they are not ours.

Like I said, there are a few held by the Crown; I'll try and track down those numbers. And in the last two years, there's been one violation that I'm aware of on easements held in the name of the Crown.

**Ms. Morin:** — Okay, thank you very much. So then I guess I'm still somewhat befuddled by your claim that this new legislation that the Sask Party has put forward is going to protect the lands even more than prior, and that doesn't happen simply by the virtue of increasing penalties.

If there isn't appropriate monitoring and enforcement, then you can have the penalty be \$1 million and it wouldn't matter a darn bit. So given that — you're saying yourself there hasn't been many infractions on the current, the leased land with conservation easements attached to them — how do you explain that when we just looked at your budget estimates and we see that there aren't any major increases in your ministry's budget? How do you explain that you're going to be able to do the monitoring and enforcement necessary in order to ensure that

any of those lands that are sold with conservation easements attached to them have the appropriate monitoring and enforcement necessary to ensure that they are being maintained?

**Hon. Ms. Heppner:** — One of the concerns that was raised by conservation groups when we met with them was the monitoring of conservation easements. There was a proposal put forward by one of the groups that we basically contract out to environmental NGOs to do the monitoring. We are unable to do that. There are some legal reasons. There would be some massive trespass violations to allow private citizens to go onto private land that is not theirs for monitoring. So while I certainly welcome the interest of those groups to be involved in this, it just is not a reality that is possible to have environmental NGOs and private citizens doing the policing on land such as this.

As far as monitoring goes, it is the responsibility of the Crown to make sure that these easements are . . . that landowners, when they are able to purchase the land, abide by those. We have increased our conservation officer staff complement. In this budget, there are 13 more permanent conservation officers than we had previously. And we are also increasing the education and compliance within the ministry to make people aware of exactly what the rules and regulations are that surround this.

But to answer the member's question, we are increasing staff within the ministry, and they will be able to do the monitoring of these conservation easements.

[16:30]

**Ms. Morin:** — Well the staff in your ministry that you're saying you're going to be increasing are going to be busy little beavers given all the new pieces of legislation that have come before the House this spring session. It will be very interesting to see how they're going to be able to adapt to all of their new-found responsibilities, Madam Minister.

You also spoke about the fact in your opening comments that these, some of the lands no longer had the same values. So is this the motivation for taking all of the lands out of the legislation because some of the lands no longer had the same values?

**Hon. Ms. Heppner:** — Well I certainly hope from the member's response that she's not questioning the ability of the men and women within my ministry to do their job because that's exactly what it sounded like to me. These are incredibly dedicated people. And my ministry has been busy because there have been things that needed to be done that weren't addressed. My deputy minister, I have never seen anybody work so hard. And the staff that is in charge — the ADMs [assistant deputy minister] and the branch heads — and anybody who works in my ministry, I haven't come across whole lot of people who haven't been willing to go above and beyond what is asked of them to do their job.

So to question whether or not the conservation officers are going to be busy little beavers or not and everybody else in my ministry to keep up to the things that we're asking of them, they

absolutely are. And I think anybody who's watching this who happens to work in the public service should be offended by that because I think that's a ridiculous accusation. I have absolute confidence in the staff within my ministry to do the job and to do the tasks that are asked of them.

**Ms. Morin:** — Wow, Madam Minister, that was quite the hissy fit that we just witnessed. With all due respect . . .

**The Chair:** — Order. Order. Order. I would ask the members of the committee to have the same level of respect that would be given in the Chamber as well. And to use comments such as that hissy fit is demeaning to the standard of the minister and shows disrespect.

So moving forward, I will state that door was . . . Order. The door was opened by yourself with the question regarding the work of the officials in the ministry, Ms. Morin. So the minister provided an answer. Her answer was well-taken by the Chair. And just let it be known that the level of respect given, you might not like the person, but you should respect the position. So that kind of language is uncalled for.

**Ms. Morin:** — Well, Mr. Chair, thank you for that. And I was also offended by the minister's tone of voice as well, so I guess we'll just call it a draw.

So, Madam Minister, getting back to your comment, by no means is anyone, especially me, implying that the employees and the civil servants within the ministry aren't doing their job. That is absolutely, unequivocally not the case.

**The Chair:** — Order. What I'd like to do is that the tone of this is starting to take a certain path I do not want to see happen in my committee. So all questions will be posed through the Chair as well and answered through the Chair. Thank you.

**Ms. Morin:** — Thank you, Mr. Chair. So as I was saying, Mr. Chair, there is no way that anyone is accusing the civil servants in the ministry of not doing their jobs. What I am saying is that there have been so many changes to the legislation that has come before the House this spring session that it seems it's going to be very difficult for all the ministry civil servants to be able to fulfill all the demands that are going to be placed upon them. So for the minister, Mr. Chair, to be saying that she believes that we are going to be slighting the civil servants in the ministry is absolutely 100 per cent inaccurate and highly offensive, Mr. Chair.

So I'll move on to the next line of questioning. And the minister can sit there and laugh, Mr. Chair, but the minister has been quite derogatory towards the stakeholder groups that have serious concerns about this legislation. She has been extremely derogatory towards the FSIN that has serious concerns about this legislation, and I'm going to make sure that the questions that the stakeholders and the concerned citizens of the province are asking are going to be answered in the committee because unfortunately any of the questions that I've asked in the House on this legislation have not been answered by the minister. And that is why I'm doing the job I'm doing here today, Mr. Chair.

So I will start with that question again because unfortunately I didn't get an answer to that question. And the question is, the

minister made the remark in her opening remarks that some of the lands no longer had the same values. So can the minister explain why it is that an entire Act is being dismantled just because some of the lands may not have held the same values as when they were originally assessed?

**Hon. Ms. Heppner:** — Mr. Chair, I would like to point out this Act is not being dismantled. *The Wildlife Habitat Protection Act* will remain and, as I stated in my opening remarks, the land that's assessed at the highest value will remain in wildlife habitat protection under the Act through legislative changes only and not regulation.

The changes for the land on what's going to be sold and what will remain in protection, as I stated in my opening remarks, when land was first put into *The Wildlife Habitat Protection Act*, it was there for wildlife habitat protection. It was viewed only under the lens of land for big game. And that was it. Since then, the assessment has been based on the assessment that we have done. The assessment is based on an array of other things, as I stated: species at risk, important plant life, those sorts of things.

So we looked at this through a different lens than what was probably used in 1984, and some of that land will have changed over time. Animals move. They're migratory. They may not be there. The land around it may have become so disturbed, private land may have become so disturbed that a particular piece of land is no longer a habitat refuge, and it contains no other ecological value, such as species at risk or important plants or those sorts of things.

So between 1984 and today, things change. And so for a very small portion of those lands, it no longer carries the same values that it may have. And like I said, for a very small portion, there is some land that would be available for sale without restriction, but it's because the value just isn't there any longer.

**Ms. Morin:** — So can the minister explain then why those lands that will be available for sale without restrictions or the lands that will be available for sale with conservation easements, why that couldn't be done while maintaining the land protected under the legislation versus pushing through the legislation that is currently in front of us?

**Hon. Ms. Heppner:** — I'm not sure I understand the member's question because we are selling some land without restriction, and we are selling some with conservation easements. And there still is a large portion of land that will remain under wildlife habitat protection.

If the member is asking for us to carry on with the practice that was done previously, there was WHPA land that was sold to lessees over the last several years. The difference is, we'd be selling it with conservation easements when it was sold previously from WHPA. And there's tens of thousands of acres that were pulled out for lessees to purchase. It was sold without any restriction whatsoever. It was pulled out of the Act and sold without restriction. And there was no guidelines on the use of that land going forward. So if there were any special features that were attached to those lands that were pulled out previously, there's absolutely no guarantee that those special features would remain because there was no land use

requirements attached once that land was sold.

The difference with this is that any land that is sold under WHPA — which is not unusual; as I said, WHPA land has been sold in the past — it would be sold with a conservation easement which means that if there is land with special features, land use rules would be applied. And those special features would be maintained going into the future.

So I think that while the previous form of going through a legislative process and selling WHPA land to lessees . . . because I believe in land ownership. I have nothing against that. The difference is that land . . . There is absolutely no guarantee that land was going to remain in any kind of pristine condition or keep with it the native prairie grasses that would have been on it or any of those things.

With the position that we've taken by categorizing land and making sure that the most sensitive stuff is not sold, that the moderate land can be sold but have a conservation easement attached to it, we actually make sure that that land is protected going forward. So we accommodate the land ownership which was done previously. But instead of selling it without any kind of restrictions attached, it would have a conservation easement attached which actually would lead to far greater environmental protection than the practice that was previously done.

**Ms. Morin:** — Well, Madam Minister, as you know when lands were sold previously, they were sold through the means of those lands being in legislation, so it was disclosed to the public before those lands were sold prior to those lands being sold. And we also know, Madam Minister, that there was a no net loss policy, meaning that any of the lands that were sold were replaced with other lands of equal ecological value or greater ecological value.

Now your legislation currently doesn't show anything or any intention of a no net loss policy. All we're seeing is that the government is quite willing to sell off lands that are currently protected under *The Wildlife Habitat Protection Act*.

What we also know is the minister's notion of continuing to protect the land with special features — being conservation easements — is something of a nefarious nature as well, given that at the same time that this legislation is going through, there is also *The Conservation Easements Amendment Act* going through which gives the Minister of Environment the power again to remove a conservation easement and it then not be court challengeable. Is that not, in fact, the case, Madam Minister?

**Hon. Ms. Heppner:** — Thank you for the question. The member, Mr. Chair, had stated that no net loss was not found in our legislation. I would like to point out that no net loss never appeared in the previous WHPA legislation either. And I have stated in my opening comments that because we have this enhanced assessment tool that we will be going, after we assess the WHPA land, that we will assess other Crown land and make sure that if there is land that is worthy of protection that we would absolutely protect that.

[16:45]

And I want to make the land that goes into protection, whether through *The Ecological Reserves Act* or *The Wildlife Habitat Protection Act*, is to be land that is actually ecologically valuable. We could make this a numbers game. I could do it acre for acre, but at the end of the day, do we have the best land protected? And are we throwing land under protection just so that our bottom line balances out?

That is not my intention. My intention is to find, through this assessment tool, the land in our province that the Crown is responsible for that has an ecological value that warrants protection. Where we find those pieces of property, we will absolutely put them into protection in whatever piece of legislation best suits that piece of land, as I said, whether it's ecological reserves or WHPA or others.

As I said in my opening remarks, when it comes to the application for removal for a conservation easement, I have told our stakeholder groups, through this committee that we'll be setting up which will be made up of environmental NGOs, the stock growers, Cattlemen's Association, First Nations and Métis, that if we do have an application for removal of a conservation easement that that application would be viewed by that committee for their input. And the conservation easements, I understand, are court challengeable.

**Ms. Morin:** — Oh, that's interesting, well thank you for that. That will be something that I'm sure my dear colleague will want to look at and review further. So the minister states that there was . . . no net loss wasn't indicated in the language previously either. But the difference, Madam Minister, is the fact that the lands were under legislation, and therefore the public would know about any land sales prior to those land sales taking place, and it was the policy of the previous administration to have a no net loss policy.

As a matter of fact, Madam Minister, I'm sure you probably already know this anyways, but there was approximately 1 million acres that were protected under the Devine Tories in the '80s when they first brought in *The Wildlife Habitat Protection Act*, which had a slightly different name at that time. And then under the NDP [New Democratic Party] administration, there were approximately 2 million acres of land that were added to *The Wildlife Habitat Protection Act*. So as we can see, Madam Minister, there was a significant amount of land increased under *The Wildlife Habitat Protection Act* under the NDP administration, adding onto what the Progressive Conservatives in the '80s had done. And when lands were being sold under the previous administration, that would be known to the public in advance, and there was a policy in place to have a no net loss policy.

So there are substantial differences to what's happened in the past in terms of protecting the public lands, the lands that are owned by all the people in the province, in terms of making sure that lands are protected for future generations. So how does anyone feel like they can trust what's happening right now, given that there are substantive changes with no protections for the people of the province in terms of what they want to see protected for future generations?

**Hon. Ms. Heppner:** — Well, Mr. Chair, I can't speak to what people who the member is referring to . . . how they feel. What



I know is that I have letter after letter after letter from organizations endorsing the government's proposal on this, including SARM, which represents hundreds of thousands of people, Canadian Federation of Independent Business, stock growers, cattlemen, and a whole host of others. I don't have them all with me. And we have representation from organizations that represent hundreds of thousands of people in this province who are supportive of this.

And not every policy or proposal or piece of legislation that a government brings forward is probably, I would say, going to have 100 per cent endorsement by anybody in the province. But we believe in this piece of legislation, as I stated in my opening remarks. We believe in the principle of land ownership. The people who are requesting to purchase this land are farmers and ranchers who've been using this land for generations. They are using it well. They received environmental awards. And I have absolutely no problem defending the fact that we will allow these people who've been using this land to buy their land. And it's not something that I'm going to apologize for. What we have done is, in this process, to make sure that we have it as protected as we possibly can, and as I stated, protected better than the current legislation allows.

**Ms. Morin:** — So, Madam Minister, given that your concern is about making sure that when their land is sold that it has better protection, why would the Sask Party government not maintain the lands under the legislation and then just make changes to the conservation easements amendment Act, conservation easements Act to ensure that if a conservation easement is attached to a piece of land when it's sold that it would be enforceable? And then it would be monitored on a stringent basis in terms of making sure that that conservation easement was being maintained. Why the massive changes that have been introduced versus continuing on with having those lands protected under legislation and then making some . . . [inaudible] . . . to enforce the conservation easements to be enforced going forward?

**Hon. Ms. Heppner:** — Well the changes that we've made are based on a science-based assessment. So we actually know what land we're talking about and that we make sure that the land that is of the highest ecological value is not sold. I'm sure that there is going to be ranchers that make an application for a purchase of their land that we would say no to because it's of the highest value and it would remain under WHPA.

And as far as pulling some of it out through regulation, as I stated, the highest ecological value will remain as a legislative change. And the pieces of property or the parcels of land that will be sold with the conservation easement will be done through a regulation. As the member knows, the legislative process takes a year, sometimes longer.

And as part of an administrative effort to allow people to purchase this land, it can be pulled out through regulation. And as I stated, this province operates under regulation. Previously there was the most sensitive lands that we have could be added or pulled out — park sites, historic sites — through a regulation. They were not legislative changes. And so the most sensitive land will remain as a legislative change, but those that are available for sale will be through regulation.

**Ms. Morin:** — My colleague, Mr. Nilson has a few questions he'd like to ask around this as well.

**Mr. Nilson:** — Thank you, Mr. Chair. Three weeks ago, you indicated that your CLEAT program, your assessment program that you keep referring to, was basically being used on 28,695 parcels of land. Is that correct?

**Hon. Ms. Heppner:** — That sounds about right. The total parcels are 28,695. That's parcels, not acres.

**Mr. Nilson:** — Yes. And at that time when I asked a question about how many of these parcels had actually been reviewed in this process, you indicated at that point, three weeks ago, 272 parcels. Have there been any more parcels examined in the last three weeks?

**Hon. Ms. Heppner:** — No.

**Mr. Nilson:** — So we're still sitting at less than 1 per cent of the parcels have been examined with your new program. Is that correct?

**Ms. Gallagher:** — I'm Lin Gallagher with the Ministry of the Environment. As I mentioned when we were here last time, Mr. Speaker . . . sorry, Mr. Chair. We went through and did what we believed was a . . . We had our scientist run the model and determine what would be a statistically valid sample, so a random sample throughout the province.

We have also identified that in the future we will continue to ensure, as we add new data sets, as we continue to enhance the model because this is a model that will continue to evolve . . . we will continue to do validation on land. As well as where we have questions around if there is a species at risk, we will send people out to specific sites. In fact we have a field staff going out into the field actually, I think, in the next few weeks to check on a parcel of land to determine whether it's under the high-water mark or not. So that kind of work will continue as we go along with this.

**Mr. Nilson:** — Well given the comments that you made earlier this afternoon about the sale of substantial hectares of land, can you provide assurance to this committee and to the legislature that before you sell land, you will actually do a full appraisal under your new program so that we will know and can have information to the Provincial Auditor, whoever is going to check up on this later, that the land is fully evaluated?

**Hon. Ms. Heppner:** — That's actually part of the process that we envision going forward for a couple of reasons. First of all, obviously if it's going to be sold, it has to be appraised. We use licensed appraisers, licensed in the province of Saskatchewan, so we know what the fair market value is. So there is that.

The other assessment that would be made because they would be sold with a conservation easement, we would have to know exactly what is on that property in order have all the rules attached to that particular easement. Every easement would be different based on the land that it is attached to. So the special features and ecological values and all those things would have to be known in order to have the right stipulations and guidelines within the easement. So that would be part of the

process for selling.

**Mr. Nilson:** — Well thank you for clarifying that. So you are assuring the committee here that when land is going to be sold, it will be evaluated through your CLEAT program. And also a separate process obviously is a real estate evaluation and so that actually the public will be protected in knowing that the land that is being sold under this legislation, which won't have any legislative review, is and has been fully evaluated under the CLEAT program, and then on top of that we've had a proper evaluation of that. So can you confirm that please?

**Ms. Gallagher:** — So what the intent of the evaluation is . . . so there will have to be a fair market appraisal for each piece of land, and so that will happen consistently. When it comes to applying the CLEAT model, the CLEAT model will have already been applied to each of the parcels of land, so we will have a categorization of where it lands into the . . . We have the one to nine category, so either it's a seven, eight, nine which would put it into a ranking where it's of high ecological value; a four, five, six which is medium; or the low ranking.

So that will have already been done. But as we applied the CLEAT model, we had several flags that we have put onto each of the parcels of land. So that could be one around species at risk or occurrences of species of concern. So if that flag was on the land, then yes, we would go in and do an additional assessment to ensure that we have an understanding because species at risk move. So you know, you may have had a species at risk nesting on the site one year, but it may not still be there, so that evaluation would occur.

The intent with the Crown conservation easements, though, is to make it very broad and general. And so what the minister was referring to is, you know, would there be drainage issues or would there be other concerns. For areas with a flag, there may be additional flags put on. But for the Crown conservation easements, they would be inclusive enough to ensure that those factors were covered off for all lands that were being sold with a Crown conservation easement.

[17:00]

**Mr. Nilson:** — So I take it from the answer from Ms. Gallagher that the minister and the department cannot confirm that each property will be assessed under the CLEAT program and actually have somebody go and see that land and deal with it if it's going to be sold. And I guess the reason I raise that question, because I think that's the question that the public has, is that there is the possibility of selling off this land based on a great big scheme without actually going and dealing with specific parcels of land.

And this land has been in the property of the province, owned by all the people of the province, and I think everybody expects that the department will do full due diligence if they are going to sell any of this land. So I think, from the answer that I've received, is that you're saying that you won't do full due diligence on each parcel that's to be sold. Can you confirm or deny that?

**Ms. Gallagher:** — So I just wanted to confirm what I've indicated. So the CLEAT model has assessed the land for its

ecological values, and what we have done is also validated that the CLEAT model has a very high accuracy for the assessment. So we would not be going out and doing the same kind of intense validation that we did with our field sampling for every parcel of land because the CLEAT model will have already have done that valuation. And then we have confirmed that it was very accurate in comparison to the field sampling that we did.

**Mr. Nilson:** — Well no, I understand what you've said. I think my position and I think many people in the province's position would be that if you're going to sell land that's owned by everybody, the standards should be higher. And so it's one of the reasons that we're having a great deal of difficulty with this particular legislation is some of the procedures.

And I'd also say that the Provincial Auditor in their most recent report in 2009, volume 3, one of the main issues that they have with the Department of Environment across a whole number of areas is the accountability of how they manage contracts and of how they manage various parts of the organization. And you know, here they're talking about air emissions, contaminated sites, and regulation of that, and I think that's exactly why people are concerned on a broad basis with how we deal with this.

But I think I'll turn it over to my friend who'll go into a different area of questioning. Thank you.

**Mr. McCall:** — Thank you, Mr. Chair. Madam Minister, officials, a couple of questions I guess on more of a treaty-land-entitlement-related theme and on a duty to consult and accommodate theme. First off, *The Wildlife Habitat Protection Act* as it stands right now, unamended, bears a fairly strong relation to the treaty land entitlement process and has had since the early '90s at the launch of the treaty land entitlement process.

As it stands right now in the current legislation, there is a relationship where it deals with the treaty land entitlement process. Those are dealt with under regulation 9(1)(b). And I'm willing to be corrected on the nomenclature of that. That regulation is replaced by a new regulation 9(b), as far as I can read, that does not make specific reference to the treaty land entitlement process.

Could the minister or officials clarify what the relationship of the Act, once amended, will be to the treaty land entitlement process?

**Hon. Ms. Heppner:** — The TLE [treaty land entitlement] process as it stands under the current WHPA legislation, lands that were made available for TLE selection were withdrawn through regulation. They were never withdrawn through a legislative change. In the new piece of legislation, because the proposal is to have all land withdrawn through regulation, that actually doesn't change. The TLE lands would still be withdrawn through regulation.

**Mr. McCall:** — So the minister, in terms of the duty to consult and accommodate . . . there have been concerns raised around how this piece of legislation impacts the duty to consult and accommodate. The minister in other settings has said that there

was the courtesy of an invitation extended to the First Nations to consult on this legislation. It's an interesting choice of language I'd suggest, Mr. Chair, in that of course we're working through a process where there's a duty to consult and accommodate as defined by the Supreme Court and set out before the province to fulfill.

Does this legislation in the minister's opinion or officials' opinion trigger the duty to consult and accommodate process?

**Hon. Ms. Heppner:** — To answer the member's question, the introduction of this legislation does not trigger the duty to consult because it's a broad policy initiative. We engaged both the FSIN and MNS [Métis Nation of Saskatchewan] which is why we invited them to the separate meeting so that they would have a further understanding of what we're doing. But did it trigger the specific duty to consult? No.

**Mr. McCall:** — How does the minister arrive at that opinion? Was there a written opinion provided by officials within the Department of Environment or by Justice or First Nations and Métis Relations? Was a specific written opinion provided on that status, as the minister refers to, not triggering the duty to consult and accommodate?

**Hon. Ms. Heppner:** — The appropriate ministries were consulted with to determine whether the duty to consult was triggered on this piece of legislation, and we were advised that it was not.

**Mr. McCall:** — Could the minister itemize for the committee's edification what those ministries were?

**Hon. Ms. Heppner:** — Our conversations were with Justice. I wouldn't be able to say which individual ministries Justice consulted with, but the information that we received came from Justice.

**Mr. McCall:** — Would the minister be able to table that written opinion as it relates to duty to consult and *The Wildlife Habitat Protection Act* amendments with the committee?

**Hon. Ms. Heppner:** — No, I don't believe it's policy to hand over legal opinions that are given to government.

**Mr. McCall:** — So we'll take the minister's word for it.

**Hon. Ms. Heppner:** — [Inaudible] . . . question?

**Mr. McCall:** — [Inaudible] . . . question, okay. My colleague, the member from Walsh Acres will be moving an amendment for the legislation that was successfully moved for the conservation easement Act. It's a non-derogation clause in terms of Aboriginal rights. Does the minister support the addition of that non-derogation clause for treaty rights for Aboriginal rights to this piece of legislation?

**Hon. Ms. Heppner:** — Yes. That's fine.

**Mr. McCall:** — Thank you.

**Ms. Higgins:** — Thank you very much, Mr. Chair. I have a few questions. And I'm hoping you would come prepared for these.

I asked a number of written questions. And I think the suggestion from the ministry was that I would be better to ask these questions during committee as per the regular — or because I would be going to committee stage — as per the regular legislative process, which it isn't. But I think that was dealt with in the House, as to answering questions.

So did you come prepared to answer the questions that we'd asked as written questions? And do we have a list of names of individuals, organizations, dates, and locations of consultations that were held on WHPA?

**Hon. Ms. Heppner:** — I do. I think I've written on my copy as well, unfortunately. But we'll get a copy to committee through the Chair. Sorry, I doodle.

**Ms. Higgins:** — Thank you very much. Yes, that's why we all carry around a pad of paper. But anyway, and the next one, actually I was looking for information on the CLEAT program or assessment tool, if you have more detailed information because there's been a number of questions that have been asked of me.

And it is not been easy to try and get information to have a great deal of comfort with the process that has been put in place. So did you bring some information on CLEAT?

**Hon. Ms. Heppner:** — Actually we have the PowerPoint presentation that we've presented to stakeholders. And if it's all right with the Chair — I don't have copies for everybody — if there's interest in everybody receiving one, if we can make copies. But we do have the PowerPoint presentation here which we would be happy to supply to committee members.

**Ms. Higgins:** — Another question that I have then I guess to deal with this. I'm sure we're not going to get into it detailed. We may yet. But I guess just some general questions on CLEAT, that it placed a higher value — this was one of the concerns that was raised with me — was that it places a higher value on larger blocks of land and really didn't pay appropriate attention to smaller parcels that may be even more important in the scheme of things.

**Hon. Ms. Heppner:** — That's not necessarily, not necessarily the case. If there's a smaller area which has traditionally been a refuge for animals, then that would be assessed on that. That even though it's a small parcel of land, there is still a refuge aspect to that, and it would be important to keep that the way it is for those animals that are using that. So the size of the land, the acreages involved has been looked at but also exactly what features and species are at home there.

And that is kind of, it doesn't necessarily mean that all big parcels are going to be protected and all small parcels are going to be no longer under the legislative protection of WHPA. And it's also important to notice, whatever size the land is, what is it next to. Because we could have a very small parcel of WHPA land that's beside a large section of land, say, held by Ducks Unlimited.

So we don't just look at the individual piece of land under WHPA but also surrounding features as well to see what that piece of property plays in the larger area. So small or large, we

do examine the size, but also based on the surrounding area and distance to other protected areas and that sort of thing.

[17:15]

**Ms. Higgins:** — So is there also attention paid to kind of connectivity?

**Hon. Ms. Heppner:** — Yes.

**Ms. Higgins:** — And CLEAT also, does it do a measurement only against the land contained within the schedule of *The Wildlife Habitat Protection Act*, or does it rate or measure with surrounding areas where a piece of land is located?

**Hon. Ms. Heppner:** — It is examined based on what the surrounding area is regardless of what that land is, whether it's, say, a migratory bird sanctuary or whatever other land is around there. It examines the WHPA parcel in relation to what the surrounding land is regardless of whether that surrounding land is WHPA or not.

**Ms. Higgins:** — The CLEAT program, does it also take into consideration RANs [representative area network] and the whole issue with biodiversity and the biodiversity action plan?

**Hon. Ms. Heppner:** — It does. The representative area network, as you know, is made up of so many different kinds of land, whether it's private conservation land or parks or other. There's a whole long list of them. So it does take into consideration RAN and what the other land locations are and the use of that land and its place in RAN. So it does look at surrounding area and the RAN network.

**Ms. Higgins:** — Now I may not be explaining this appropriately or using the appropriate language that you may be used to using when dealing with the CLEAT program. But it raises a number of questions that . . . Well you have to take into consideration the surrounding properties. It's not an either-or. How do you balance that off in the project? I mean you can't say, well there's enough surrounding private or whether it's wildlife land or land or fish and wildlife or whatever it may be, Rocky Mountain Elk Foundation — could be anything around — so we don't need the Crown land. It can be sold.

Or do you look at it as priority for the Crown and whatever is surrounding may be an asset or a accompanying piece? Do you see what I mean? How does it balance off? That you're not kind of abdicating what should be done by the provincial government because there are private organizations that have set up areas in that they feel are important, you know, that the government should be looking at a broader perspective.

**Hon. Ms. Heppner:** — I understand what you're asking. The concern is if there's all this other protected land, then we don't need the WHPA to be part of that protected land.

**Ms. Higgins:** — Right.

**Hon. Ms. Heppner:** — That's not the case. There's a long list of things that are looked at when CLEAT is used as the assessment tool for these properties. And I'm sorry that we don't have it quicker, but in the presentation that you'll be

getting, the composition makes up 65 per cent of the actual end assessment. So we would look at natural cover, whether there's wetlands, prairie grasses, that sort of thing, other unique features, how intact that particular parcel is, and species at risk — so that is a determination. The majority of the determination is based on the special features of that particular property.

Also looked at is the size and shape of that and then the connectivity. What's next to it? What's neighbouring it? That makes up part of the assessment as well, but the basis of the assessment is actually placed on what is that land. Regardless of where it is and what's surrounding it, what is that land? But we also do look at what's surrounding that as well.

**Ms. Higgins:** — The third question that I asked was for a list of how each of the parcels listed in the schedule attached to *The Wildlife Habitat Protection Act* ranked or rated with the new assessment.

**Hon. Ms. Heppner:** — I don't have those numbers for you today. The CLEAT model has been applied to all WHPA land. As Lin had pointed out earlier, there's some parcels that have been flagged through this process. And so there's some additional follow-up to do to make sure that we have all of the information on those additional parcels with flags on them. So as for how many acres will be in each particular section, I don't have that for you today.

**Ms. Higgins:** — That actually wasn't what I asked. The written question was to the Minister of Environment: how are each of the parcels of land currently listed in the schedule in *The Wildlife Protection Act* designated or rated under the new ecological assessment? And your answer to me was, "As *The Wildlife Habitat Protection Act* is currently before the Assembly, detailed questions regarding this bill are better directed to the minister in the committee stage as per the regular legislative process."

So the whole point of asking the questions in written question form was so that we would have some background information so that when we came into committee, we could ask questions and not be fishing for information.

So when you told me to ask the questions in committee — that was more appropriate in your view, even though Mr. Speaker disputed that and I think fairly strongly ruled on it, that it was an inappropriate answer for a written question — I had assumed, and I guess wrongly so, that you would have come . . . You told me to ask them here. Now you're telling me you don't have the information or didn't come prepared to answer.

**Hon. Ms. Heppner:** — Mr. Chair, I understand the question that was asked about the current schedule and how it's rated under the new assessment. And as I said, there's some follow-up to do on some of the flagged areas, and I don't have all of that information with us today because there is some follow-up to do on some of the areas that were flagged through the assessment tool.

**Ms. Higgins:** — Well I guess I would appreciate having the work as it is now. I don't have a problem with something being under review. I mean, if you go on to the websites attached to the Department of Agriculture and you look at Crown land, you

can go in by specific RMs [rural municipality], and you can look at fairly detailed information on wildlife habitat protection or land that's covered by *The Wildlife Habitat Protection Act*.

And probably for the last number of months — well it has been for a fair number of months — there is a variety of parcels that are listed in the initial schedule that under land description where it would be occupied agricultural lease, vacant, occupied agricultural, non-agricultural, there is a designation that says under review. I would be more than happy to have the ones that are under review flagged or marked as under review. That's not a problem. It's just trying to work through this and get an understanding of how the assessment works, what impact it has on property.

And I guess when I'm told in written questions to ask the question in committee, I expected to get an answer when I asked the question. So even information as currently is would be appreciated, and I have to say expected at this point in time.

**The Chair:** — Mr. Taylor, did you have . . .

**Mr. Taylor:** — Yes, Mr. Chair, but I was listening. I thought Ms. Higgins was in the middle of a question. I didn't want to interrupt her.

I think we should adjourn until we get this information. This is unacceptable that . . . It's been three weeks since the questions were asked. The direction was given. This is not rocket science . . . [inaudible interjection] . . . Pardon? This is not, it's not rocket science. I don't think we should continue until we get this information. And the department can either get it together for tonight or for tomorrow. We're quite prepared to come back tomorrow and finish this if we could get that information.

**Hon. Ms. Heppner:** — Mr. Chair, as I said, we don't have all that information yet, and I would imagine it wouldn't be ready for tomorrow either. And I believe we had an agreement for committee tonight. I am sorry if I don't have all of the information that the members are asking for, but as I said, there's some additional work to be done.

The member had referenced what's on the Ministry of Agriculture's website, I believe; I may have misheard. I can't speak to what the Minister of Agriculture has on his website, but as far as the information that I am able to provide, I've given the best answer that I can. And I would say that we should continue on with the questions as agreed to.

**The Chair:** — Mr. Taylor, I'll just let you have more time here, and we'll . . .

**Mr. Taylor:** — Thank you. Thank you, Mr. Chair. Without this information, we can't do our job on this side of the House. We're here to ensure that the legislation is as, as described, it does what the government wants it to do, and that the stakeholders have a firm and full understanding of the implications. This question is at the heart of some of that, and without that information, I don't believe this, this Bill should proceed. Therefore I'm asking that, that we adjourn the committee until this information is available.

**The Chair:** — If I will . . . Just give me a two-minute recess to

confer with the Clerk, please, to see where this is going to be going. I'll come back in two minutes.

[The committee recessed for a period of time.]

**The Chair:** — Thank you, members. We are now missing the minister.

Thank you, committee members, for your time and indulgence as I confer with the Clerk's office. We have before us a procedural difficulty, I'll call it for lack of a better word right now. Mr. Taylor, I will ask you a question to which you will have to answer. Do you want an adjournment? Do you want an adjournment tonight, Mr. Taylor?

**Mr. Taylor:** — I do. If we do not have this information available, I believe we should adjourn until such time as we get the information.

**The Chair:** — You will need to move a motion to that effect, Mr. Taylor, and a vote will be taken.

**Mr. Taylor:** — Therefore I would move that the committee do adjourn.

**A Member:** — Until the information's received.

**The Chair:** — Thank you, Mr. Taylor. Mr. Taylor moves a motion to adjourn until that information is available to proceed. I will now ask the members to vote. Those in favour of the motion to adjourn say aye.

**Some Hon. Members:** — Aye.

**The Chair:** — Those against say nay.

**Some Hon. Members:** — Nay.

**The Chair:** — The nays have it. We'll proceed as . . . The committee does proceed to the next question. But your concern is duly noted.

**Ms. Higgins:** — Well then I would have to go back to do we have the list available for people that were consulted, dates consulted? You said you were going to get me a copy of that. Jesus.

**Hon. Ms. Heppner:** — It's coming.

**Ms. Higgins:** — Do you have the detailed . . . And I don't know whether slide show presentation, photocopy, is going to be what we need for the CLEAT program then if we're going to get into a little more detailed questions?

**The Chair:** — Ms. Higgins, you wish to address the committee? No?

**Ms. Higgins:** — No, I will wait for whatever information may possibly be available.

**Mr. Nilson:** — Mr. Chair?

**The Chair:** — Yes, Mr. Nilson.

**Mr. Nilson:** — Yes, is it possible that given that they're not able to provide the answers that they said three weeks ago they were going to provide here, that they could, maybe at direction of the committee, go to the department and get their working papers and provide us with what they do have? And we'll accept that maybe there's some gaps or red flags or whatever they call, but at least we'll have some material to deal with and therefore be able to ask some questions and get some answers. The department is fairly close to our committee meeting here.

**The Chair:** — Mr. Nilson, thank you. I guess the question from the Chair would have to be then, is the line of questioning . . . you still want to ask more questions, I would take it then, in the interim, to keep moving forward as possible?

Mr. Stewart, I'll notice to recognize you.

**Mr. Stewart:** — Mr. Chair, I would say that that is up to the minister. If the minister sees fit to do that, I think that she should, and if the minister doesn't see fit, I think we should proceed as best we can.

**The Chair:** — Thank you, Mr. Stewart. I'll make a comment. I did get confirmation through the Clerks that the procedural format that I followed was in order, by the way, with the motion and the vote. So I know what you're asking for, Mr. Nilson, and what we'll do here is that it's been noted what you want to proceed.

We will still . . . I guess the question to the officials, not to the minister is, are you able to provide some sort or form of responses if we continue on with other questions at all tonight as to the questions that were proposed, written questions, and there was no . . . Is there any kind of information available, or is it the officials are saying that that particular information is not available at all at this time? That's just a procedural question I have as well, based on what the conference with the Clerk was.

**Hon. Ms. Heppner:** — We are getting the information. There is a question on the consultation, the lists. That's coming from my office upstairs, and the PowerPoint presentation is coming. And as to the member's question as to the itemization of land locations, that is not available.

**The Chair:** — Thank you, Ms. Minister. Let me . . . [inaudible] . . . follow-up here. There is a procedural way to still address the committee tonight, which is to proceed with questions that are not on this particular topic. And I understand that you do have other questions and, having recognized that point, there are answers coming to certain questions as well. So what I'd like to do at this time is continue on with questions unless we have other issues that you want to raise. Mr. Yates.

**Mr. Yates:** — Thank you very much, Mr. Chair. I want to raise that failing to provide answers to questions to members of the legislature and in doing so preventing them from doing their due diligence on a Bill is an issue of privilege. We as members are entitled to and deserve the ability to properly scrutinize legislation, and for the government to push through legislation then that they haven't been willing to . . .

**The Chair:** — Order. Order, Mr. Yates. I've just been informed that you have no standing on this committee to raise a point of

privilege or order. So it's a procedural matter at this time. However, you were recognized and you've raised what would be a point of privilege and you do not have standing to do that. So I defer to Mr. Taylor or Ms. Morin if they so choose as having standing, sir, and still recognizing the rules of the committee. So I will now allow, I guess, Mr. Taylor who wishes to address this.

**Mr. Taylor:** — Yes, I believe Mr. Yates's point should be well taken. The argument quite clearly is that . . . And even the Speaker recognized the importance of the written questions and the options that the government has to answer those questions. The questions must be answered. So therefore it is a matter of privilege when members' questions are not answered, given that there are options.

The minister made it quite clear that she felt, wrongly, but she felt this was the best place for those questions to be answered. She directed the opposition to ask those questions in committee and then she comes unprepared to answer those questions. So I believe that Mr. Yates's point, this is a matter of privilege and the committee should perhaps be a little stronger, should address this matter of question in the privilege context.

**The Chair:** — For the member's attention and for purposes of procedure, the minister has in fact declined to answer that question orally — orally — which is in fact in recognition of the Speaker's ruling of April, I want to say 14th, 14th, which allows the minister to in fact orally decline a question that she believes or he believes is not in . . . Here it is from the ruling from that date. So:

Rule 19(3) anticipates a minister will provide a response even if it is to decline or take notice.

Henceforth in similar circumstances, for the record, I request the ministers orally decline the question. The minister may decline with or without reason.

And that's from a decision from the Speaker dated from April 14th, 2010. And that is the precedents I have to work with. It's the precedent that's been provided by the Speaker, and I would say that, recognizing the point of privilege that was raised by Mr. Taylor, it's been addressed through the Speaker's ruling from April 14th, and that's the precedents that I've been told by the Clerk's office to work with. So it's there.

I apologize and I stand that . . . I say I'm sorry and I apologize because I'm still learning the rules. This isn't question period; you're right. And so what we'll do now is that, on a point of privilege, did you wish to say any more on the point of privilege, Mr. Taylor? Because I might have cut you off. I'll apologize for that.

**Mr. Taylor:** — I think what I want to serve notice is that this is a matter of privilege and we reserve the right to raise it in the House.

**The Chair:** — Mr. Stewart.

**Mr. Stewart:** — Yes. Clearly you don't debate privilege here and this would not be a question of privilege in any event. The information that's available has been provided and the minister

and her officials are willing to have other information brought in this evening. And so I suggest that the question of privilege is not appropriate and that we carry on asking questions and the information will become available, such information that is available. And that's I think that all that can be done, Mr. Chair.

**The Chair:** — Thank you, Mr. Stewart. Mr. Taylor, on that point I'll let you have the floor again. I think you have another comment you want to make.

**Mr. Taylor:** — Yes. Simply the last point just to perhaps clarify my last comment. Wasn't specifically raising the matter of privilege in the committee — simply indicating that we recognize this is a matter that can be raised in the House and I am serving notice to the committee that this a matter that we could raise in the House tomorrow.

**The Chair:** — Okay. Madam Minister, you wish to speak to this as well. I believe you had your hand up. You had some points.

**Hon. Ms. Heppner:** — I would point out that I am not refusing to answer a question. I am answering the questions that have been presented to me to the best of my ability and those of my officials, and I believe that we have given some pretty detailed answers.

I understand the member's concern that she had a written question that wasn't responded to and was told to ask that question here. Had I had that information here today, three weeks later, I would happily provide it. I'm not withholding information. I am unable to answer the question based on the information within the ministry at this time.

And I would point out if they're asking about land locations, land locations aren't part of this Bill because the land is able to be added and removed through regulations and not legislation. The schedule of land locations are not part of the Bill.

**The Chair:** — Thank you, Madam Minister. So with everything that's been going on and transpiring over the last few minutes, I would ask that we move on now with additional questions, and the points raised with Mr. Taylor will be brought up in the House as what the Clerk has informed me of. So that will move that on. So we'll ask questions now, moving on. Ms. Higgins.

**Ms. Higgins:** — Well just for clarification, I didn't ask for land location. I'm quite capable of looking at land descriptions and looking at a map of Saskatchewan and finding where the land is located. It's easily done. What I asked for was how the parcels of land currently listed in *The Wildlife Habitat Protection Act* schedule rated under the new ecological assessment using the CLEAT model. So how did they rate? The quarter section in section 17, township 4, range 6. What did it rate? Three. What did it rate? That's all I'm asking.

**The Chair:** — I do recall that the minister's official did indicate that that initial — and this is for the minister's official — that CLEAT, the question that was raised before in which you answered was a scientific sample based for the 200-and-some parcels that were looked at over the 26,000 that had been identified. So is that what you answered before though

in regards to . . . So I'm not sure if they're able to do that right now. Just bear with me here. You have 26,000 parcels of land but the initial CLEAT assessment was based on a scientific sampling of 200-and-some? Correct?

I've got the answer I was looking for, I guess, because I saw the acknowledgment. So thank you.

So what we have now is we have a situation where the minister has acknowledged that there are certain questions she is unable to answer. Her officials are aware of it now. There was a motion moved. It's been voted against.

We will now proceed further with additional questions, a different order of line of questioning. And your points are noted by the committee. And we're moving on. Mr. Nilson?

**Mr. Nilson:** — Yes. About an hour ago I think the minister and the officials acknowledged that all of the land, the 28,000 parcels have been evaluated under the CLEAT program. And so the question, all the question is, is what's that evaluation? And we're happy to take the rough documents or whatever. But as a former minister I know that that material is somewhere in somebody's office. And basically it would assist all of us, the whole committee, the community to understand what's going on here.

And so it's not as if it's non-existent. I mean the material is there because the specific question was asked three weeks ago and we got the answer in *Hansard* from April 28th and it was answered just an hour, hour and a half ago. So perhaps if somebody in the . . . or one of the officials can go over to the department, get the big binders of all of the work, and bring them here, that would satisfy our situation.

**Hon. Ms. Heppner:** — As we've stated, the CLEAT assessment tool has been applied, but it's not finalized to . . . There is further work to be done. I am happy to provide committee members with that information, but I can tell you it won't be today or tomorrow.

**The Chair:** — Well thanks, Ms. Minister. Your answers have been duly noted — clearly stated as well, so thank you for that.

I would indicate that in regards to a Chair's role and parliamentary privilege, the question asked and answered indicates that the minister is unable to provide the answer at this time to specific questions raised. So based on what we saw in the House as a situation from the Speaker's ruling after the initial written questions, I am going to determine that in this case the minister has answered the question to the best of her ability. Whether or not the committee members believe that or understand that or want to recognize that, that's not for me to decide.

But she's indicated an answer, and in this case, although it's been three weeks as noted by the members, the minister has provided an answer. And I have indicated that we will continue on based on the fact that there was a motion to adjourn that was defeated. And I would ask that the members of the committee move on with a different order of questions at this time.

The minister has indicated as well that there are some answers

that will be provided and coming, and some answers just are not right now. And we'll move on to the next order of questions. Ms. Morin.

**Ms. Morin:** — Thank you, Mr. Chair. Can you tell me, Madam Minister, is the CLEAT tool going to be used to assess all lands? Not just the lands under *The Wildlife Habitat Protection Act*, but also all other Crown lands in the province.

**Hon. Ms. Heppner:** — Yes. I had mentioned that in my very opening remarks, that one of the things that I had agreed to work with the conservation and other stakeholder groups on is that once the assessment is done on WHPA land, we would move on to unoccupied Crown land as the next step, and then other Crown land after that. So that is the position that we have taken, and yes.

**Ms. Morin:** — Okay. In the minister's opening remarks, she also talked about the fact that this isn't a money grab for government and that only 10 per cent of the land that was up under the Crown land sale for agricultural land had been sold. So the minister was implying then that this shouldn't be a great concern because only 10 per cent of the land that was up for sale under that program had actually been sold.

So if the minister could then explain to me why it is that the minister feels that it's only going to be a small amount of land that's purchased, why it is that all the lands then had to come out of *The Wildlife Habitat Protection Act* in terms of legislation? And the only other thing I heard from the minister in terms of her comments was that there was a concern because it takes a year or more to sell lands under legislation. Is that the reason that the lands are coming out of the Act, is because of the length of time that it would take to, a year to purchase that land for the lessees that want to purchase that land?

[18:00]

**Hon. Ms. Heppner:** — Mr. Chair, obviously if people are purchasing the land that they are currently leasing, to have it through regulation obviously makes the administrative situation a whole lot easier. I would like to point out yet again, I've stated it previously, that once the categorization of land has been completed and the determination has been made on the highest ecological values of land, those will go back into the wildlife habitat protection through a legislative change and not through regulation. And so those will be through legislation.

There is also the complexity of categorizing land, and then adding and removing through legislation, and part of it is for ease of administration. As for the actual land sales that we're anticipating, we have no idea what they are going to be. But I point to the ag land sale as an example of a certain amount of land that is available for sale and what has been sold over the last two years. So I use as an example of that, we're not anticipating that there is going to be a massive rush to come out and buy this land. What we are doing is making it available for sale.

**Ms. Morin:** — It's very difficult to follow this, Madam Minister, because one minute we're being told by yourself that, you know, don't anticipate a large rush because only 10 per cent of the Crown land under ag had been sold when it was put

up for sale, and yet the minister has no idea what amount of land is going to be sold when this Bill potentially gets passed.

So when I look at Bill 132 and under section 11, schedule repealed, it says, "**The Schedule is repealed.**" That means that all the lands currently under *The Wildlife Habitat Protection Act*, which is a substantial document as the minister knows, will then no longer exist in the Act. So that means that the Act, which is currently 229 pages, will then only contain five pages. So we know that the Act essentially is being gutted because that is the essence of the Act.

Now the minister is saying that the lands are going to be assessed and then — and if I'm understanding correctly — that the lands that are going to be retained as protected lands, that are not going to be for sale with conservation easements attached, are going to be put back into the Act. Is that correct?

**The Chair:** — Just before the minister answers, after this answer, we'll take a five-minute recess as indicated before.

**Hon. Ms. Heppner:** — The answer to the question, Mr. Chair, is yes.

**The Chair:** — Okay. I guess what we'll do is that, based on that, if we can just . . . I know that it's 5 after 6. We'll take a recess to 10 after 6. Five minutes, yes.

[The committee recessed for a period of time.]

**The Chair:** — Thank you, members of the committee. Just before we begin again, and to have your indulgence, we have three pieces now to table: ECO 17/26 from the Minister of Environment, response to correspondence to Brad Wall regarding the sale of Crown land and the concern about the disappearance of native habitat; ECO 18/26 from the Minister of Environment, Ministry of the Environment, invitations to stakeholder organizations; and ECO 19/26 from the Ministry of Environment, the southern Crown land conservation management system.

So thank you for that, and we'll continue on with Ms. Morin. And again I thank you for letting me take the recess. I appreciate that.

**Ms. Morin:** — You're welcome, Mr. Chair. So, Madam Minister . . .

**An Hon. Member:** — Too much information.

**Ms. Morin:** — Yes. We were just talking about Bill 132 and section 11 where it talks about the schedule being repealed. And you had informed me just prior to the recess that the lands that are going to be retained as protected lands under wildlife habitat are going to be put back under legislation.

So I guess what I'm not understanding, Madam Minister, is, why the hurry? Why the big rush to have the schedule completely repealed, have all the lands ripped out of the legislation, and then do an assessment and place some lands back into legislation? Wouldn't it just have made more sense to do a full assessment and then if the minister so desired to look at what lands the minister would want to put up for sale, I



guess, so to speak?

[18:15]

**Hon. Ms. Heppner:** — Mr. Chair, I would point out again that having land being able to be added and removed through regulation is not necessarily a bad thing. It happens throughout a whole host of pieces of legislation that the government currently operates under, legislation that was there under the previous administration like *The Ecological Reserves Act*. Quite honestly, some of the most sensitive land that we have is able to be added and removed through regulation.

It's the way the previous government operated. We operate under that particular piece of legislation through the same regulatory process. We had made the change to this piece of legislation that land could be added and removed through regulation. It's not outside how other pieces of legislation are viewed and how the government operates in other areas, as I have stated.

The plan to put the most sensitive land under wildlife habitat protection back through a legislative change, quite honestly, is because of concerns that stakeholders raised. And if that offers them some level of comfort, I'm more than willing to do that once the final assessment has been made and we know which lands are going to be in that category, to put them back under legislative process instead of a regulatory change.

But I think it's important to understand that sensitive sites such as historic sites through Parks, ecological reserves, all come in and out through regulation. And I don't know that there's ever been a concern raised about that. As far as I know, this piece of legislation, quite honestly, falls in line with the way other pieces of legislation operate. But if stakeholders have a comfort with having the most sensitive land under WHPA under legislation, I have no problem doing that once the final assessments are in place.

**Ms. Morin:** — Thank you, Madam Minister. Madam Minister, you had stressed on numerous occasions now that you support ownership and, Madam Minister, I have to quite agree. I support ownership as well, as well as my colleagues. And quite frankly, the owners of the wildlife habitat protected lands right now are the people of the province of Saskatchewan and we definitely want to support the current owners of the land.

So the level of comfort that the current owners of the land would have would be for the minister to remove section 11 from Bill 132 where it reads that the schedule is going to be repealed. Would the minister consider removing section 11 from Bill 132 to provide that level of comfort to the current owners of the land?

**Hon. Ms. Heppner:** — I believe the member is asking that we put all of the land back into wildlife habitat Act as a schedule. If that is the request, as I've stated, that is not the approach that we're taking. It'll be through regulation. And once the final assessment is made and that top tier of land is assessed and we know which parcels those are, we will come back with an amending piece of legislation to include the schedule of those lands. But that change won't be made in this piece of legislation today.

**Ms. Morin:** — Thank you, Madam Minister. So what level of comfort can the minister provide to the current owners of the land, being the people of Saskatchewan, given that this is Crown land? What can the minister provide to the . . . What level of comfort, I should say, can the minister provide to the current owners of the land with respect to knowing that there will not be a loss of protected lands in the province?

Currently there is approximately 3.5 million acres of land that are protected under the Act. What level of comfort can the minister provide to the current owners of the land knowing full well that they will not lose any of the lands that are currently protected for their legacy for their future?

**Hon. Ms. Heppner:** — Well as I've stated, once the assessment of WHPA land has been completed, we are going to be applying that assessment tool to other Crown land. And where we find land that requires protection, that land will be added to protection. I would point out though that, even though the ownership may change, there is not really a loss of protection when you consider that over 95 per cent of the current land found in WHPA will be protected, either through legislation or through a conservation easement. So while, as I said, the ownership may change, the level of protection remains on those lands.

**Ms. Morin:** — Given that the minister is not going to consider removing section 11, which repeals the schedule of all the Crown land that's protected under *The Wildlife Habitat Protection Act*, would the minister consider delaying proclamation until all the answers are provided that have been asked and till all the OCs [order in council] are in place to prevent any gaps in the meantime?

**Hon. Ms. Heppner:** — Mr. Chair, if I could ask for a clarification as to which orders in council the member is speaking of.

**Ms. Morin:** — The orders in council with respect to the lands that are going to be placed back under legislation, under protection under legislation.

**Hon. Ms. Heppner:** — The land going back into protection in legislation wouldn't be an order in council; it would be a schedule and an amendment to the legislation.

**Ms. Morin:** — So I'll rephrase the question then. Would the minister consider delaying proclaiming the Bill until all the answers that have been asked are provided and until the lands are protected under . . . the lands that are going to be retained as protected wildlife habitat lands are placed back under the protection of legislation?

**Hon. Ms. Heppner:** — I guess the simple answer to the member's question is no. We don't have plans for a delay of proclamation.

**The Chair:** — Mr. Nilson.

**Mr. Nilson:** — That's a very interesting answer about this particular legislation because I hope you realize that once you've proclaimed this legislation — say it happens to be next week — every piece of land that's protected here no longer has

any protection. So my question is: will you be putting in place a regulation under your new section 3 designating all the land that's presently in the legislation as wildlife habitat and ecological lands so that there is no gap in protection?

**Hon. Ms. Heppner:** — There wouldn't be a gap in protection. The legislation would be proclaimed when the regulations are in place, and the regulations would categorize the different land categories and levels of protection.

**Mr. Nilson:** — Okay. Thank you for that answer because that's what we asked for. So basically until you've got your CLEAT project done, then you won't be able to create the regulation, and therefore the proclamation will wait until that process is done.

[18:30]

And so, Mr. Chair, what I would suggest is that it would be appropriate for this committee to get all of that information under the CLEAT program whenever it's ready — if it's two weeks or four weeks or whatever — so that it can be available in the process for the public to review.

And we note that the documents were just distributed, say very clearly that all the land was assessed in the past. That's what the documents on slide 12 of the PowerPoint on the southern Crown land conservation management strategy says, "WHPA lands were assessed using CLEAT." But thank you for that answer.

So the answer is that's there's an assurance from the ministry that they will not be proclaiming the legislation which eliminates all the protection until cabinet has in actual fact simultaneously created a regulation by order in council that will protect the land. So thank you for that.

**The Chair:** — Thank you, Mr. Nilson. The point you raise is taken under consideration for the committee. Thank you. Who's next to ask questions? Ms. Morin.

**Ms. Morin:** — So can I just confirm with Madam Minister that that information will be forthcoming when it's available?

**Hon. Ms. Heppner:** — Yes. And I'm unable to put an actual timeline on that, but when it's available, it would be distributed to committee members through the Chair.

**Ms. Morin:** — And that's prior to proclamation as the minister has just pointed out.

**Hon. Ms. Heppner:** — Yes.

**Ms. Morin:** — Thank you very much. I wanted to talk about the June 2009 . . . Well actually let's first go to the minister's handout that we received earlier which is the list of, I guess, the notion of consultation having taken place on the Bill. Now I see here that for the June 29th, 2009, workshop on CLEAT and the southern Crown land management strategy at the Travelodge in Regina it says here:

The following groups were provided with information on the proposed new strategy to manage ecological values on

Crown lands in south Saskatchewan that summarised proposed changes to legislation and the methodology on Crown lands assessment. Invitations were sent to the following stakeholder organizations to attend a workshop

. . .

That was an invitation that was sent out June 29th, 2009. Now you have listed here 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 — 12 different organizations, and only two of them are listed as having attended. Can the minister also elaborate on who else attended that particular workshop.

**Hon. Ms. Heppner:** — On the consultation list, I note that two, I believe on your list as well, say attended behind them. I'm not sure why they were specified specifically. I would note though on June 18th, Nature Conservancy, Saskatchewan Wildlife Federation, Nature Saskatchewan, and Ducks had a meeting with Environment and Agriculture. Those folks are listed, the ones that weren't . . . in attendance.

From the June 29th meeting we've gone back . . . There wasn't an official sign-in sheet, and we've been trying to glean some information from the folks that were there. We have actual confirmation that Saskatchewan Stock Growers Association was there and the Cattlemen's Association, but I don't have the particular people from the other organizations. Like I say, we didn't have an actual sign-in sheet.

**Ms. Morin:** — Oh my goodness. Okay. This is not getting any easier, Madam Minister.

My understanding is the June 29th, 2009, meeting — for which the minister has no confirmation of who attended except for the two that are listed on this sheet that she provided to us today — this was the workshop with respect to CLEAT and the southern Crown land management strategy. Now that is the workshop that was conducted, that came from the June 2009 letter that was sent to various stakeholders. Is that correct?

**Hon. Ms. Heppner:** — That is correct.

**Ms. Morin:** — Okay. So it was at this meeting on June 29th of 2009 that the stakeholders were discussing the items that are directly correlated to Bill 132. Is that correct?

**Hon. Ms. Heppner:** — Obviously they wouldn't have the actual Bill. That would be not appropriate. I believe that's a violation of privilege to release a Bill. But as outlined in the letter that was sent out, what was discussed was CLEAT, the assessment, our plans to categorize land for sale, sale with easement, and to remain in wildlife habitat protection. And I would point out on that list that was handed out, the June 18th meeting which had attendance by folks from Nature Conservancy, Saskatchewan Wildlife Federation, Nature Saskatchewan, and Ducks, the same information was presented at that meeting as was on the June 29th meeting.

**Ms. Morin:** — Okay. Well then let's look at the letter of invitation . . . well the letter of explanation that was sent out in June 2009. It didn't have any dates attached to it, but it talked about what the province intended to do. And I want to read this into the record so that people understand clearly what was stated in this letter that went out to the stakeholder

organizations. And it says:

The province intends to evaluate the ecological attributes on all of its Crown land holdings in southern Saskatchewan, beginning with those lands currently managed through WHPA. Together with social and economic considerations, this ecological evaluation will guide the province in future land management decisions. The evaluation may show that some lands can be sold without restrictions. On others it may find that the important values can be effectively managed using conservation easements, regardless of whether the land is leased or sold. For still others, it may be most appropriate for the Crown to retain ownership and management responsibility.

The rest of it talks about some of the, you know, methods about computer-based models and such. Anyways, having said that, this is the paragraph that specifically talks about the fact that the CLEAT tool would be discussed at this meeting, and it talks about how that CLEAT tool may apply to a re-evaluation of those lands.

But nowhere in this letter do I see, Madam Minister, any notion, any notion whatsoever that the current lands that are protected under *The Wildlife Habitat Protection Act*, under legislation, are going to be removed and put into regulation. Nowhere in this letter does it explain that clearly to the stakeholder organizations that all of those lands would become unprotected under the Act and be then moved . . . The schedule will be moved into regulation. And yet the minister claims that the stakeholders knew full well what the government was going to do based on this letter.

Can the minister tell us if there was more information shared with those stakeholders at those meetings than what is explained in this letter? Because it is clear from the letter that those stakeholders would not have known that those lands would become unprotected and taken out of, I mean, unprotected in terms of taking them out of the legislation.

**Hon. Ms. Heppner:** — Mr. Chair, what I have said in regards to this letter and the invitation that was sent out to stakeholder groups is that it was very clear what our intentions were. Our intentions were to assess land, categorize it into three different categories — what could be sold, what would be sold in a conservation easement, and what would remain under wildlife habitat protection. Obviously we couldn't share the actual pieces of legislation with them. They were made aware that that legislation would be introduced. That was our plan in the fall.

I do want to say again that I think there needs to be accuracy in this discussion. It was asserted that the land would be unprotected under our plan simply because it would be a regulatory change versus a legislative change. And I would state again for the record that some of our most sensitive sites and lands in this province are in and out through regulation under the previous administration. And I don't recall any outcry from either the NDP members or stakeholders on that, and regulations aren't a bad thing.

The Stanley Mission church site could be pulled out through regulation. That's the way the legislation is set up. Lands

through *The Ecological Reserves Act* are in and out through regulation. That's the way the previous government operated. It's the same way that we've operated.

So I do take exception to the assertion that these lands are unprotected simply because they can be added in or removed through regulation. I don't think that's an accurate assessment of the situation before us. But I would say that the letter that was sent out to stakeholders made it very clear what our strategy was moving forward on the Crown land in southern Saskatchewan.

**Ms. Morin:** — Well, Madam Minister, the lands that are currently under the protection of legislation are definitely protected for the people of Saskatchewan and the people of the province because they get to find out about those lands being sold before they're sold. Now the situation will be that they'll find about those lands being sold after they've been sold because it will fall under your discretion as to which lands will then be sold. So there is a substantial change.

Now the minister says that people knew that there were going to be some lands that would be sold without restrictions; there would be some land that would be sold with restrictions. Well I'm looking at the verbiage in this letter. When one looks at it carefully it says, "The evaluation may show that some lands can be sold without restriction [that's pretty clear]. On others it may find that important values can be effectively managed using conservation easements . . ."

The language changed, Madam Minister. So why didn't it just say, on others it may find that other lands could be sold effectively using managed conservation easements? Why did the language change because people are saying that they didn't understand that that was the government's intention. And I'll leave it at that. I'll go on to my next question.

**Hon. Ms. Heppner:** — Do I have an opportunity to answer that?

**The Chair:** — It appears so. It looks like that.

[18:45]

**Hon. Ms. Heppner:** — The end of that sentence — and again, if we're going to have accuracy in this — is, it says, and I quote: ". . . it may find that important values can be effectively managed using conservation easements regardless of whether the land is leased or sold."

It would automatically imply that this land would be available for sale with conservation easements. That's the way I read it. I've read this letter over many times because I know that the member has raised concerns about it not being clear. And I have to tell you, when it says, "managed using conservation easements regardless of whether the land is leased or sold" and we're talking about WHPA land, it would automatically imply that WHPA land would be available for sale. I think it's pretty clear.

**Ms. Morin:** — Well unfortunately the majority of the stakeholders, that you have said you've consulted, don't.

Now let's go to the consultative process which is what you're calling it. Now the big, you know, claim to fame from Madam Minister is the fact that in her second reading of the Bill . . . said that, you know, we have contacted many stakeholders. And you've said it again here twice today in committee — Nature Conservancy of Canada, Saskatchewan Wildlife Federation, Nature Saskatchewan, Ducks Unlimited — which is interesting unto itself given that these are the very organizations that have written to both you, the Premier, and myself saying that they were not appropriately consulted and didn't know the full intention of what the minister was going to do and what the Premier was going to do with this legislation. So it's very interesting that there's a completely different story when you talk to the organizations themselves and what the minister sees as meaningful, as consultation.

But what's really disconcerting is that the minister has provided us a list this evening of other stakeholders that she is saying that invitations were sent to but yet has only noted that two of them were accurately noted as having been in attendance.

Now the obvious ones that jump out at me, Madam Minister, are for instance the Federation of Saskatchewan Indian Nations and the Métis Nation of Saskatchewan, along with the Saskatchewan Association of Rural Municipalities. Those would be the three along with . . . there's a few others, but those would be the three that would be really obvious in terms of knowing whether or not they were part of any type of consultative process on Bill 132. So I'm wondering if there's any documentation that these three organizations were consulted at all in the process leading up to this legislation being introduced.

**Hon. Ms. Heppner:** — Mr. Speaker, part of the difficulty with this is that the official within the ministry that was in charge of these meetings is no longer within the ministry, but apparently she watches committee because she just called, and so that's handy. It's nice to know people watch.

So I can confirm on the list that shows the stakeholders that were invited to the June 29th meeting. In attendance at that meeting were the Saskatchewan Wildlife Federation, Nature Conservancy of Canada, Nature Saskatchewan, Ducks Unlimited, Métis Nation of Saskatchewan, Saskatchewan Stock Growers Association, Saskatchewan Cattlemen's Association, the Bison Association, the Sheep Development Board. And apparently the Canadian Parks and Wilderness Society was not able to attend but had a separate meeting with officials afterwards.

**Ms. Morin:** — Thank you, Madam Minister. So going off of the new information that's been provided, the Federation of Saskatchewan Indian Nations was not part of that consultative process, and neither were they part of the June 18th consultative process, and neither was the Saskatchewan Association of Rural Municipalities. Is that accurate?

**Hon. Ms. Heppner:** — According to the handout which I believe is the same as the one I'm looking at, July 16th there was a separate presentation made to the Saskatchewan Association of Rural Municipalities. The Federation of Saskatchewan Indian Nations was not at the June 29th meeting.

**Ms. Morin:** — Thank you very much. Now I've received numerous pieces of correspondence as well, as the minister has because she's either cc'd on what I'm receiving or I'm being cc'd on what she's receiving. And I'm finding it very interesting that the minister is using the certain groups as being supportive of the legislation because when the minister — just so the minister is aware — when the minister gave the list of groups that were consulted in her second reading speech, I decided to phone each and every one of those organizations to find out if in fact they felt that they had appropriate consultations with the Minister of Environment with respect to Bill 132.

I'm just pulling out the second reading speech here. Now the minister stated that the Bill, the Act has been developed. I'm going to quote:

. . . this has been developed in consultation with a wide variety of stakeholders such as the Saskatchewan Wildlife Federation, the Nature Conservancy of Canada, Nature Saskatchewan, Ducks Unlimited [Canada], the Federation of Saskatchewan Indian Nations, Saskatchewan Cattlemen's Association, and the Saskatchewan Association of Rural Municipalities.

Now the minister claims that the Act had been developed in consultation with these stakeholders. So when I phoned through the list, the only stakeholder from the list that I just read off, that claimed that they had appropriate consultation or had been consulted was the Saskatchewan Cattlemen's Association. Every single other stakeholder has either left phone messages for me or has written to me so that I had something other than a verbal response telling me that this, in fact, was not the case. Can the minister tell me why there is so much confusion?

**Hon. Ms. Heppner:** — As to the member's questions, I obviously can't speak for how other people feel. I do find it interesting. I've read media reports, and I've had phone conversations with people who told me that they had absolutely no idea that any of this was coming. And yet we have them listed at being in attendance at meetings and having received correspondence and emails from the ministry. I can't explain those two things. I'll let them explain that.

But to have confirmation of different organizations at these meetings, the list I have in front of me, as an example Ducks Unlimited was at a June 18th meeting. They were at a June 29th meeting, and there was another meeting on July 22nd where Ducks was there again. As an example, that's three. So I can't explain to the member the comments made from organizations when they had received information, had attended meetings. I don't know.

**Ms. Morin:** — Well unfortunately neither will anyone else who's not understanding what's happening with this piece of legislation, Madam Minister. And it's also most disconcerting that it says it's that — these are the minister's own words in second reading of this Bill — “This has been developed in consultation with a wide variety of stakeholders . . .” making it seem like this is something that these stakeholders are endorsing or are in favour of. And yet I can only find one of those stakeholders — when I made my phone calls — that were endorsing this Bill and that claimed that they were consulted,

only one of the stakeholders that minister spoke about in her second reading speech. And I find that very disconcerting.

We have even . . . I mean, I'll just quote to you from a message that was left for me by Dave Marit from Saskatchewan Association of Rural Municipalities. He says that he checked with somebody, and then he goes on to say:

We have no resolution on *The Wildlife Habitat Protection Act*. There was one years ago, but it was — I'm not sure how the wording was on it — but we don't, we don't have anything current on it, so we really don't have a position. And I just wanted to clarify with you that we haven't seen the proposed changes to *The Wildlife Habitat Protection Act*.

And then he started to talk about the fact that it was, he'd seen something on weed control.

So Madam Minister, I'm very concerned, very concerned that we have all of the individual, all the stakeholder groups that the minister referred to in her second reading speech basically portraying that this legislation was formulated, or developed I should say, to use your words, was "developed in consultation with a wide variety of stakeholders" — 1, 2, 3, 4, 5, 6, 7 of them — and that only one claims to have known about the changes that were coming in Bill 132 and that they endorse it. That's very, very disconcerting, Madam Minister.

Now the letter that was presented to committee this evening by Madam Minister, with respect to the form letter that the minister was quoting from as to what went out to individuals that wrote letters to Madam Minister . . . And Madam Minister, I mean, quoted from this letter saying, quote — and I'm going to read from the document that Madam Minister provided to committee this evening: "The Act prevents the sale of designated land and is therefore not eligible for sale as part of the agricultural Crown land sale program announced in November of 2008."

Now I'm finding it very interesting that this is the letter that Madam Minister presented to the committee this evening because I was forwarded — on top of the hundreds of pieces of correspondence I've received so far — I was actually forwarded a number of these form letters that people received. And yes, some received that particular form letter, and some received a different one. And the one that I'm going to read from now is also signed by Madam Minister as the Minister of Environment. And I want to quote from this letter as well, where it says . . . Well I'll start earlier on so that Madam Minister doesn't accuse me of having chopped off a thought here:

The recently announced program includes only the sale of leased cultivated and grazed Crown land administered by the Ministry of Agriculture [with respect to the agricultural Crown land sale program].

And I'll go on to quote:

While the sale program is intended to encourage Crown land lessees to purchase their land holdings, some land is ineligible for sale because it is reserved for other public purposes. Specifically, information provided to lessees

noted that lands designated under The Wildlife Habitat Protection Act and lands that may be environmentally sensitive (among other reasons) are precluded from sale.

Now this letter was sent to this individual on January 8th of 2009. So this is quite contrary to the document that the minister has sent to stakeholders in June of 2009. So can the minister explain what was the dramatic shift in decision making from this letter, this form letter that was sent out from the minister on January 8th of 2009 versus the legislation that we see currently before us?

**The Chair:** — Ms. Ross.

**Ms. Ross:** — Yes. We only have one letter. Is there a possibility that we could also have a copy of the letter that she's quoting from?

**Ms. Morin:** — Absolutely. The minister has it in her possession. It's obviously something that the minister can provide. I can gladly provide it as well, as long as I can black out the name of the individual that sent it to me because clearly they may not want it published . . . [inaudible interjection] . . . The question, Ms. Ross; Ms. Ross, the minister is part of the government that you're part of.

**The Chair:** — Order. Order. Order. I'm not going to go between members. Here's what's going to happen. You've asked for the letter to be tabled. Ms. Morin, as I understand it, is more than willing to table the letter. However she would choose not to table it because there is information that she doesn't want shared with the committee, which I understand. So give me a date of the letter, and is there a file number in reference to that letter that could be cross-referenced to minister's documentation as a form letter format?

**Ms. Morin:** — Absolutely. The date on the letter is January 8th, 2009. The file number is 2008-888.

**The Chair:** — Thank you, Ms. Morin. I'd like to know if it's possible if we could get that letter tabled then from the minister's office and through the Chair, please.

**Hon. Ms. Heppner:** — Well I don't have that particular letter in front of me; we'll be getting it. But from the section of that letter that the member read from, I see no discrepancy between that and the letter that I had read that was from April, talking about the agricultural Crown lands sale and that WHPA land was not part of that sale. It's exactly what this one says.

When the Minister of Agriculture had announced the Crown land sale of agricultural land in 2008, we had a request for I believe more than 1 million acres. The requests came in asking for information on leased land of over 1 million acres from producers to see if that would potentially qualify, and a lot of that land was wildlife habitat protection land.

[19:00]

So we had to clarify, and it's the same type of clarification as the letter that I have read into the record today to clarify that the agricultural land sale did not include WHPA land. There's no discrepancy between the two letters.

As for the impetus for the changes that we see before us today with *The Wildlife Habitat Protection Act*, I've said this quite publicly and quite a few times, and we'll say it again, that the . . . At first wanted . . . this was quite a while ago, an assessment of land that was under the name of the Crown. So we had started that work. The requests that were coming in through the agricultural land sale, outside of WHPA, indicated to us that there was a large portion of people who were interested in their land to see if it would qualify or not, and that a large portion of that was WHPA land.

So we endeavoured to come up with an initiative that would allow land ownership for these folks who had been using and leasing this land for generations. That's exactly why we came up with this. It's not a secret. It's what I've said all along, that we wanted to allow these people who had been leasing this land for decades, had been using this land well and wisely, would have an opportunity to purchase that land.

And when it became apparent that there is people who were asking to purchase their land and it was WHPA land, we went about trying to find a way to accommodate that. And I believe that we have. And as I said earlier this evening, the proposal that we have . . . while the previous government did sell land to lessees out of WHPA — they pulled it out and sold it to lessees — there was absolutely no protection following that land. It was sold outright with no protection, and all bets were off what happened to that land after it came out of legislation. All bets were off; could have been paved over if the landowner wanted to, and it's gone.

Under our proposal, we are allowing for land sale, as has happened in the past when land was pulled out of WHPA for sale to lessees. The difference is we are attaching very stringent conservation easements and protection to that land so it won't be paved over. And all bets will not be off so that this land is protected into the future.

**Ms. Morin:** — Well, Madam Minister, as you have just said, you know, in previous examples you said that there were land sold and it could have been paved over. Well I guarantee you, Madam Minister, before anything was made into a parking lot, there was debate on the floor of the Assembly. Because that's the way it worked previously, is if lands, if there was a desire to sell lands, there was a debate in the Assembly as to who was purchasing those lands and how those lands would be used before there was an agreement for sale. And also if lands were sold, there was a policy to replace those lands that were sold to make sure that there was no net loss.

Now going on with this letter, I want to quote again. It says:

Officials with the Ministry of Environment provided input into the development of the Agricultural Crown Land Sale Program, but are not involved in reviewing the specific parcels made available for sale under it. The focus of this program is to enable the sale of Crown land that is not protected under existing legislation and which is currently cultivated or being used for grazing purposes. Therefore, the ministry is not anticipating a need to monitor long term use of the land after it is sold.

So, Madam Minister, that in itself has a few people worried

about the notion of the commitment to ensure that conservation easements are appropriately monitored and that the conservation easements are then not removed at some point in the future with respect to Bill 132 which is in front of us now.

I want to go on here because I'm getting to a point here which I find very interesting. It says:

Crown agricultural land designated under WHPA is sometimes requested to be made available for sale for specific purposes; such as satisfying Treaty Land Entitlement obligations or to meet the operational requirements of adjacent landowners or lessees. In these cases, the Ministry of Environment conducts a review to determine if removing the designation to allow the sale to proceed is appropriate.

Here's what's interesting:

The ministry also follows a no "net loss policy" in relation to WHPA, in that lands which are removed from the Act are replaced with new lands of similar ecological value.

Now this is a letter the Minister of Environment signed on January 8th of 2009 when someone had written to her about the issue of Crown land sales. Now I just want to repeat that quote again:

The ministry also follows a "no net loss policy" in relation to WHPA, in that lands which are removed from the Act are replaced with new lands of similar ecological value.

When did the minister change her mind with respect to a no net loss policy?

**Hon. Ms. Heppner:** — I would like to begin by addressing the, I think it was part of a preamble, that there was concern because we were not monitoring land that was sold through the agricultural land sale program after it was sold, and therefore we were in no position to have any kind of trust by the public to monitor conservation easements. I would like to point out these things have absolutely nothing to do with each other.

The land that was sold under the agricultural land sale program was not under any kind of protection. It wasn't pulled out of WHPA to be sold. This was agricultural land with no protection. People could go buy it. The values that need to be protected that we're talking about today aren't part of the values that this agricultural land was, so why would the government go and monitor for that? It's a completely different program.

What we're talking about is selling land that does have special features and conservation and ecological issues attached to it, which would be sold with the conservation easement, and therefore the monitoring has to be done to make sure that we have those special features protected going forward. To compare WHPA land that's being sold to producers to other agricultural land that was never under protection sold to producers are two totally different things, and I don't know that it's appropriate to confuse those two issues.

On the no net loss policy, I've been very clear that where we find land through this assessment tool that requires protection,

we will be putting it in. What I don't want to get engaged in is an acre for acre to make sure that we have a balanced bottom line. We will do our very best to make sure that we can put land into protection that requires protection.

The approach that we are taking is going to make sure that we're doing that because of this assessment tool, that we can adequately assess the land that the Crown has that has not been assessed to date, that is not under any other kind of protection, and make sure that that is protected, whether it's through WHPA or ecological reserves or natural resources or other Acts that we have in place in order to offer protection for those lands. We will continue to search for those lands to put them into protection.

**Ms. Morin:** — So in essence, Madam Minister, what you are saying is there is no guarantee, there is no level of comfort that you can provide the current landowners, which are the people of the province. Every man, woman, and child, every citizen in the province, there is no guarantee, no level of comfort that you can provide them of what the inventory of protected lands in this province is going to look like into the future. Is that correct?

**Hon. Ms. Heppner:** — What I can say is this. We will assess the other land, Crown land, and protect the land that has values that require protecting. And the other thing that I can guarantee is that any land pulled out of WHPA to be sold to lessees will be protected, unlike what happened previously when land was pulled out of WHPA and sold with no protection. We will be selling it with protection, which I think is a pretty, pretty good approach, that private ownership also demands environmental conservation tools being attached to that ownership.

**Ms. Morin:** — Well I would have to say that the current owners of the land were much more comfortable knowing that there was a protection in having the debate about whether that land should be sold, prior to the land selling, instead of finding out afterwards and then finding out they have little or no recourse with respect to the lands that were sold.

But anyways, Madam Minister, I want to talk about the fact that from your list, if we go back to that again, we can see that the Federation of Saskatchewan Indian Nations doesn't appear on the list for the June 18th, 2009 meetings, it doesn't appear on the list for the June 29th, 2009 meeting, and it doesn't appear for a separate individual meeting at any time after that. Can the minister please tell the committee whether the Federation of Saskatchewan Indian Nations was consulted with respect to Bill 132?

**Hon. Ms. Heppner:** — What I can say when it comes to the FSIN is that we provided them with exactly the same information we provided other stakeholders. We provided the same opportunities for input as every other stakeholder. Coming out of the information and the meetings that we requested their attendance at, they did not attend last summer even though they had the same information that other stakeholders had. We received no concerns raised by the FSIN about the approach that we were taking. There was never any additional request for more information from the FSIN.

And we did have a meeting with the Premier and some of the cabinet ministers, the chief and vice-chiefs last week, and I

made the commitment to Vice-chief Whitefish there that this Crown land conservation committee that we would be striking with stakeholders, I asked that the FSIN work with us to have a seat at that table. I will continue to have conversations with the vice-chief to determine who that person would be and so that they can have an ongoing input into land conservation issues along with the other stakeholders that we've asked to be part of that committee.

**Ms. Morin:** — So the Federation of Saskatchewan Indian Nations, and neither was any of the 74 First Nations in Saskatchewan. None of the First Nations of Saskatchewan or the FSIN were consulted with respect to Bill 132. Is that correct?

[19:15]

**Hon. Ms. Heppner:** — As I said, all of our stakeholder groups were given the same information, the same opportunities to participate, the same request for their participation, and we received no negative feedback or requests for additional information from the FSIN.

**Ms. Morin:** — Thank you. So, Madam Minister, am I correct then with the understanding that there was no attempt, no further attempt to consult with the FSIN or to consult with any of their 74 First Nations because Madam Minister already explained that there was a legal opinion given to you through Justice that this did not fall under duty to consult, duty to consult responsibilities? Is that correct?

**Hon. Ms. Heppner:** — As I stated earlier this evening, the proposal that we had and the legislation that we have before us, we were advised that it did not trigger the duty to consult.

**Ms. Morin:** — Okay. Thank you, Madam Minister. So I'm just going to quickly let Madam Minister know that I've had a member from the Muskoday First Nation contact me, from Peepeekisis, the P.A. [Prince Albert] Tribal Council vice-chief, Meadow Lake Tribal Council vice-chief, chief of Yellow Quill, council members from Fishing Lake, as well as the fourth vice-chief of the FSIN, being Lyle Whitefish, contact me and are extremely upset about the fact that there were no attempts made to consult with First Nations with respect to Bill 132.

And perhaps Madam Minister can clarify then why that would be the case, that there was nothing triggered under duty to consult when the first opportunity for purchase of the currently leased lands falls to the current lessees. When there are still outstanding land entitlements in the province of Saskatchewan, these individuals that I have just named off would like to know why the current lessees get the first right to purchase when there is still outstanding issues under treaty land entitlements.

**Hon. Ms. Heppner:** — Mr. Chair, on the right of first refusal, the lessees on that land have always had the right of first refusal. It was like that previously. It remains that way. It doesn't change the right of first refusal. It does not change. It will remain with the lessee of that land. If that land is made available for sale, the lessee has the right of first refusal. It's been that way in the province. And if they choose not to buy it, they can continue on with their lease. That is their choice. That is the way the program is currently set up.

So to give the right of first refusal to First Nations through TLE is not the way things have been operated in the province to date, and it would effectively kick lessees off the land. I'll let Todd explain it a little bit more. What's in place is if there is a request for land there is a time allotment made for — and you can correct me if I'm wrong — a time allotment made for those First Nations to satisfy the current users of that land. It's the process that's always been in place. The TLE process has not changed because this legislation is changed. And I'll let Todd explain it a little bit in more detail.

**Mr. Olexson:** — Sure. The treaty land entitlement process is based upon the principles of a willing buyer and a willing seller. Through the current TLE process, if lands under WHPA are selected and those lands are leased, the lessee has to consent to the TLE selection for the sale to move forward. In the future, if private land was selected or at present private land can be selected to the TLE process, then the current owner would obviously have to consent to the sale of that land to the First Nation. So selling land, or whether it's Crown owned or private owned, doesn't exclude it from being selected under the TLE process.

**Ms. Morin:** — Thank you for the response. The difference though, Madam Minister, is simply this: that the First Nations now won't find out about those lands being sold until after they're sold. Up until now, if those lands were going to be potentially sold, the First Nations would be aware of the process because the process would be open and transparent and would be debated in the legislature. So they would therefore then have the opportunity to know about the potential land sale and plead their case as well.

Now, Madam Minister, the first right of refusal goes to the lessee, and the First Nations will only find out about that land being sold until after the land has been sold. So then the only recourse for them is if the lessee who purchases the land agrees to sell the land to the First Nation. So the process for First Nations in the province has changed dramatically, Madam Speaker.

Can you explain to the First Nations in the province why they shouldn't be concerned with this Bill in terms of how it affects them?

**Hon. Ms. Heppner:** — As I said, the process actually hasn't changed. The right of first refusal has always been with the lessee. It will continue to be with the lessee if they want to purchase that land. If there is a TLE claim on a particular piece of land, regardless of whether or not that land is leased or owned, the First Nation has to come to an agreement with that particular land user, whether or not they are a lessee or an owner. Just because it's leased land does not give automatic access to a First Nation who has a TLE claim. The lessee still has to be satisfied through the process.

Because it's being made to sound that before, the First Nations had full and unfettered access to land and now that it's going to be a private ownership, they don't have full and unfettered access. It was always willing buyer, willing seller. It was always right of first refusal to the lessee. And so the process for the TLE claims hasn't changed. If it's a lessee or an owner, the First Nation still has to satisfy that land user.

**Ms. Morin:** — Yes, the process has changed, Madam Minister, in that, as I said, there is no transparency any more because of the fact that people will not find out about these land sales happening until after the land has been sold. So there's no transparency to what is going to occur going forward, Madam Minister. So the process has changed dramatically and therefore, because the process has changed dramatically, it does potentially have impact on the ability for First Nations to be able to purchase the lands that they would like to purchase as well.

So there is an effect on the First Nations of Saskatchewan, and that is exactly why we saw hundreds of them on the front lawn of the legislature today, Madam Minister. If there was nothing that would affect them, they wouldn't need to have driven here from Yellow Quill and Fishing Lake and Montreal Lake and Meadow Lake. They drove a great distance to be here today to make sure that the minister hears their concerns before the minister makes the decision to have this legislation pass through this session. So I mean there's no question that the changes to the Bill 132, with the absolute lack of transparency that is going to take place before land is sold, is going to potentially have impact on the First Nations of the province.

I'm going to put on record some comments from the fourth vice-chief, Lyle Whitefish, who is the direct contact with the Ministry of Environment on issues of land and such. And he wrote in the letter to the Minister of Environment on April 29, 2010, specifically regarding the amendments to *The Wildlife Habitat Protection Act* and *The Conservation Easements Acts*. He says in the letter:

The program will reduce the amount of accessible lands available to First Nations people who possess Treaty rights to such available land through Treaty Land Entitlement (TLE) and Specific Claims agreements. I wish to sternly express that such a program hinders the First Nations people in Saskatchewan to exercise their Treaty and constitutional right to hunt, fish, trap and gather on such lands.

[19:30]

Then he goes on to say:

It has come to my attention that you were informing your government colleagues and members of the Saskatchewan Legislature that your Ministry consulted and accommodated the First Nations people prior to initiating this program. I find these statements extremely troubling since no such undertakings have occurred. There has been no attempt by your Ministry to enter into a consultation process with First Nations people regarding the expansion of the sale of Crown lands protected under the *Wildlife Habitat Protection Act*.

Judging from past experience I can only ascertain that your deliberate refusal to consult and accommodate First Nations people on your Ministry's initiatives, including the sale of Crown lands protected under the WHPA, as well as your Ministry's "Results-based Regulatory Review", is a reflection of the policy position that your government has taken with regards to the First Nations



people in Saskatchewan. The province has no regard or respect for the interests, concerns and the Inherent and Treaty rights of the First Nations people in Saskatchewan. Furthermore, it appears your government views the Inherent and Treaty rights of First Nations people as a hindrance to Premier Wall's "growth agenda" and that the government will proceed by attempting to ignore the provincial Crown's constitutional and legal obligations to the First Nations people in Saskatchewan.

Then he goes on to say:

Rather than a vague reference, I am seeking a response that includes a listing of all the meetings your Ministry held with the First Nations and the dates [that] such were held, which First Nations and their leaders or representatives who attended such meetings, what their responses were, how these were incorporated into the report your Ministry used to make the decision, and how your Ministry reported back to the First Nations of your decision. I also request a copy of such report.

Now, Madam Minister, given what I have found out in committee this evening, may I inform, according to what your responses were this evening, Vice-chief Lyle Whitefish that no such information will be forthcoming given that there were no consultations with any of the First Nations with respect to Bill 132, *The Wildlife Habitat Protection Act*?

**The Chair:** — I'd just like to inform the members that we have Ms. Wilson's return now in her chair so she's back from her trip to Prince Albert.

**Hon. Ms. Heppner:** — Thank you, Mr. Chair. I would like to clarify something that was read into the record through that letter from Vice-chief Whitefish. It said that this will have an effect on treaty rights when it comes to hunting, fishing, and trapping. I would like to point out that any Crown land that is leased does not mean that there is . . . because it's Crown that there is automatic access for First Nations. The lessee has the authority to post that land so if they don't want any hunting on their land that they're leasing, there will be no hunting by First Nations or anybody else. If that land is purchased, the owner of that land has exactly the same opportunity.

So if a lessee, and because we are selling to the lessees — we're not selling to a different person; we're selling to the lessees — and they have their land posted for no hunting and they buy the land and continue to post for no hunting, there is absolutely no change in anybody's access for hunting or other opportunities on that property.

As far as the assertion that no attempts were made to contact the FSIN, I would have to say that is not accurate. Every opportunity that was given to other stakeholders was given to the FSIN. All the same information was sent to the FSIN. There was additional contact attempted through the office to engage the FSIN and, as I stated, we received — after they had been given the same information, the packages were sent, fax sheets, the letters were sent, emails and phone calls were made — we received no negative response on this proposal from the FSIN.

**Ms. Morin:** — Thank you, Madam Minister. I realize that I had

read quite a bit into the record and so perhaps I should just read the one sentence again which clearly states what the issue is here. And it says: "It has come to my attention that you are informing your government colleagues and members of the Saskatchewan Legislature that your Ministry consulted and accommodated the First Nations people prior to initiating this program."

Now, Madam Minister, the reason that Vice-chief Lyle Whitefish makes that observation is because in the second reading speech that Madam Minister did, she said, "This has been developed in consultation with a wide variety of stakeholders such as . . ." And it names a few and then says, the Federation of Saskatchewan Indian Nations. This is what Madam Minister said in her second reading speech about *The Wildlife Habitat Protection Act*.

Now it is clear from the information we've received this evening that the FSIN was never spoken with or spoken to or was able to attend the list of things that the minister had, the list of meetings that the minister provided for the committee this evening.

So Vice-chief Lyle Whitefish is taking issue with the fact that Madam Minister has quoted that this legislation was developed in consultation with the FSIN when there was no such consultation that took place. Is that correct, Madam Minister?

**Hon. Ms. Heppner:** — As I stated in my previous answers, there seems to be an assertion that no contact was made, no effort was made. The same information was sent to the FSIN. The same opportunities for attendance at meetings was provided to the FSIN. There was contact, through the ministry, attempted. And after all of the information they received, which was the same information as every other stakeholder, we received no negative feedback from the FSIN on this issue.

**Ms. Morin:** — Well I would suggest, Madam Minister, that when we're finished here that — I know I'm going to look for a dictionary and I'm sure Madam Minister has one in her office as well but — there is a different definition between contact and consultation. They are quite, two quite different issues.

So I would suggest, Madam Minister, that if it is the case that Madam Minister feels that the FSIN was appropriately consulted just because they were contacted, then I suggest that there is going to be some serious relationship issues going forward, Madam Minister. Because that is in fact not appropriate and is not the case.

So I would suggest that we do find out the difference between consult and contact because they're inherently different and it will cause a great deal of concern and great deal of problems going forward if the two are interchanged with each other, Madam Minister.

I'm going to allow my colleague from Moose Jaw to ask a few questions because she has some questions to ask and I think I'm going to allow her to move forward at this point. Thank you.

**The Chair:** — Ms. Higgins.

**Ms. Higgins:** — Thank you very much, Mr. Chair. Madam

Minister, are we going to get a new accurate list then? In response to one of my questions, you tabled a list of meetings and consultations that I had asked in written questions and asked again this evening and in subsequent questioning. It's not accurate or complete. So could I ask for an accurate copy to be tabled with the committee?

**Hon. Ms. Heppner:** — On the list that was provided, it says invitations were sent to the following stakeholder organizations and lists them all. That is accurate. I believe that the member's asking for who was actually in attendance at that June 29th meeting?

**Ms. Higgins:** — Well I asked the question, with whom did the government consult about the proposed amendments to *The Wildlife Habitat Protection Act*? Please provide names, dates, and locations of these consultations. And this was the list that you tabled.

Now I'm told that Canadian Parks and Wilderness Society was not present at the June 29th meeting, but there may have been a subsequent meeting held separately. And the Federation of Saskatchewan Indian Nations was not in attendance, but they're on the list. And also in the middle of this list — it's a bit of a cut-and-paste by the looks of it — you have a designation for a page 2, and then there is a list typed in below that. So I don't whether there's supposed to be a page 2 or whether it was just a bit of a cut-and-paste and this is it.

**Hon. Ms. Heppner:** — Okay. That was a page number that wasn't supposed to be there because they were on two pages before, but the dates were June 12th, June 29th, July 16th, and July 22nd.

**Ms. Higgins:** — So then we're not getting an updated list or an accurate list? It's just as is? I'll just say to the Chair, I would ask that we get an accurate list that's tabled in response to the question. Tabled through the Chair with other information that's been requested would be appropriate. Madam Minister, if we'll . . . Oh, sorry.

**The Chair:** — Duly noted. Thank you.

**Ms. Higgins:** — Thank you. Madam Minister, just a couple of quick questions. In various conversations and comments in the House— comments that I've seen other places in the discussion about the 3.4 million acres that's currently protected under *The Wildlife Habitat Protection Act* — you've made the comments that it's expected that there will be about 10 per cent that's sold outright, so 350,000 acres. I've heard you make comments that about a third will be kept. And I would assume that what's in between there would be sold with conservation easements. Am I accurate, or am I . . .

**Hon. Ms. Heppner:** — I don't believe that I've ever said that a third would be, I think you said, protected. There was three categories. That doesn't mean that it's a third, a third, and a third. The category that would be sold without restriction would be a very small portion.

Then there will be a category that is sold with conservation easements and a category that would remain in habitat protection. We don't have all of that finalized today, but I don't

believe that I've said it's only a third that will be . . . remain in wildlife habitat protection. I'm not sure where . . .

**Ms. Higgins:** — Okay. So then the comment that 10 per cent would be sold outright, or the expectation that about 10 per cent would be sold outright?

**Hon. Ms. Heppner:** — We're waiting on the finalization of numbers. That was used as an example of the high end of a possibility. It wouldn't be any more than that, but like I said, the numbers and the land assessments haven't all been finalized.

**Ms. Higgins:** — Okay. I guess it refers to 1 million acres of WHPA land that has been inquired about through the agriculture Crown land sales in the slides that you've provided for us. So is your expectation that that much would be sold?

**Hon. Ms. Heppner:** — There were inquiries made from lessees as to land. Some were inquiring to purchase; some were inquiring as to the status of their land. We're not saying that 1 million acres are going to be sold. Those are the inquiries that we received into the ministry when the Ministry of Agriculture started their land sale program. They were just inquiries about what their status of their land was, and some were requests for purchase.

**Ms. Higgins:** — Okay. When we look at the slides, moving on then, I just wanted to clarify that. For some reason I've had those numbers stuck in my head, so I'll check back through some info and see where I got them from.

On slide no. 23 where it has that you provided for the committee about the CLEAT program kind of a quick overview of how the assessment works, it breaks it down into classes. And at the bottom it says, classes 3, 4, and 5 in the green font. Now we weren't provided colour copies so I guess I'm assuming that's the first column: consider for sale with no restrictions. And then we have classes 5, 6, 7 in the yellow font: consider for sale with conservation easement. And then classes 7, 8, and 9 in the red font: retain in WHPA.

I guess the thing that jumps out at me is the numbers and the values overlap. So what makes the distinction between a no. 5 in a green font or a 5 in a yellow font, or a 7 in a yellow font and a 7 in a red font? And who makes the decision?

[19:45]

**Ms. Gallagher:** — Hi. So the rationale is, and I'll go back a little bit, is that the CLEAT model is based on both risk and on ecological value. And how we built this matrix is that you see the scoring, so when it comes . . . when I have this . . . When it's an animated program, it's much easier to explain because we show you where we've put the ecological value and where we've put the risk value. But where you have a 5 that's in the green category, that would be, when you see the red ink here, it's of higher risk value.

**Ms. Higgins:** — When I see the writing where? . . . of the rating.

**Ms. Gallagher:** — So the rating. So when you have . . . You have 5, 4, 3 in the first layer of categories. So when it's a 5,

that's because it has high-risk value, but it's of lower ecological value. And in this model, it's very much skewed towards the ecological value. That's a much more . . . Our data sets are stronger. We felt that there, when it comes to risk, you're not sure whether an activity will actually happen or not. So if it's a risk because it could be . . . It's a high risk, let's say, if it's of the soil category that could potentially be broken, so it would be put into a higher risk category. But you don't know that it's going to be broken, whereas when we know, we know the ecological value, so we rated the ecological value higher. So if the land came out at a high-risk but a low ecological value, it would go into the first class. But the second row you see where it's 7, 6, and 5, which would be yellow if you had a colour copy . . .

**Ms. Higgins:** — Well the photocopies don't even show the numbers of what they are in the yellow. There's kind of a little bit of a smudge on there.

**Hon. Ms. Heppner:** — It's not very good on the colour copy either, but you can have that one.

**Ms. Gallagher:** — So the second row has 7, 6, and 5, and then the third row is 9, 8, and 7 in the red. So the green would be 5, 4, 3. The yellow is 7, 6, 5. And the red is 9, 8, 7. And so where it has, where you have a duplicate of the 5's for example it is . . . And so the number is based on the scoring, depending on where the box is. So where you have the yellow 7, it would be of high-risk as well, but again the middle ecological value. And where the 7 is on the third row, where it's the 9, 8, and 7, it has a high risk as well as a high ecological value, so it gets put into the no sale category. High protection, excuse me.

**Ms. Higgins:** — And the risks are assessed how? What's all taken into consideration?

**Ms. Gallagher:** — If you go back to the slide, I think it's 22, it gives you the risk criteria. And so what we have as risk is the magnitude of impact times by the probability of occurrence. And we have gone through different land use categories, the magnitude of impact, and then the probability of occurrence on the chart that you have in front of you.

So what we looked at for the types of risks that were important to be considered under the CLEAT, we included agricultural capability. I mentioned the soil type. We looked at existing sand and gravel development, existing pit mining, existing and potential developments for subdivisions and recreational lands because all of those would put a land at . . . The WHPA land could be at risk for changes, and so we wanted to ensure that those risk values were incorporated into the model.

**Ms. Higgins:** — Okay. Thank you. In a letter that's dated June 2009 — I guess it doesn't nail it down too tight — but June 2009:

The province intends to evaluate the ecological attributes of all its Crown land holdings in southern Saskatchewan, beginning with those lands currently managed through *The Wildlife Habitat Protection Act*.

Has this model been used on all of the agricultural Crown land to date?

**Hon. Ms. Heppner:** — The proposal for using CLEAT is to do WHPA lands first. Once that assessment has been completed and we know which parcels belong where, we will be looking at unoccupied Crown land to make sure that we have the assessments done on other Crown land as well. And as I said previously, where it's warranted and we find parcels that have a significant ecological value, we can then put those under protection because there is some that isn't currently protected.

**Ms. Higgins:** — So how much unoccupied Crown land would be south of the NAD [northern administration district] that you would be looking to assess with this model?

**Ms. Gallagher:** — So we've run the WHPA lands, but the unoccupied Crown lands, we haven't been able to pull together all the data sets. We have to wait for information from the Ministry of Agriculture as well. So that documentation, we've requested that. And once we have that information, we'll be able to run the CLEAT model on that as well as the remainder of Crown lands.

**Ms. Higgins:** — So if you've run the CLEAT model on the WHPA land and you're looking for some final data from the Ministry of Agriculture to run on unoccupied Crown lands, why would you be looking to do that when the WHPA land data from CLEAT isn't at a stage where it's useable or it can be released? I mean wouldn't you finish one process before moving on with the next one?

**Ms. Gallagher:** — We haven't started to run the model. We've asked to get that database to understand what the land designations are for unoccupied land. So we need that information from Agriculture. So we've asked for that in anticipation that we'll finish the WHPA work in the near future.

**Ms. Higgins:** — You've denied the committee information that we had fully expected to have presented here at the committee because there are red flags that need to be checked and finalize the results that's done on the WHPA lands. So I was a little surprised by the comments. When you think back, it was the minister's comments in her opening remarks where she spoke about moving ahead and looking at unoccupied Crown land. And I guess I made the assumption that this was south of the NAD. Are you looking, once this CLEAT model is . . . Everyone's happy with the way it's running, I guess, or satisfied with the results that you're getting out of it. Are you looking at running this model on northern lands? And I believe north of the NAD is actually more in Environment's jurisdiction.

**Hon. Ms. Heppner:** — This particular tool with the data sets that we have was developed for assessment on southern land, and so that's where it will be applied. And as I stated, WHPA land will be done first. When that is completed — it is not completed yet — when that is completed, we will move on to unoccupied Crown land, but the tool is developed and designed for southern lands only.

**Ms. Higgins:** — Thank you.

[20:00]

**The Chair:** — All right members, we'll take a 10-minute

recess, returning at 10 after 8. It makes it easy to figure it out on the clock. Thank you.

[The committee recessed for a period of time.]

[20:15]

**The Chair:** — Welcome back members. Just before we begin we'll table document, ECO 20/26 from the Ministry of Environment. It's in regards to the government's agricultural Crown land sale program. It's a letter dated January 8th, 2009. And we will turn to questions. Like, Ms. Morin.

**Ms. Morin:** — Thank you, Mr. Chair. Well, Mr. Chair, things happen for a reason, and I guess we had to take that short recess so that I could go and get a cup of herbal tea up in my office and then find, lo and behold, four more letters on my fax machine from individuals who are concerned with this legislation.

Well the one letter that I want to quote from is from an individual who has written to the Premier as well as, Madam Minister, yourself as well. And so I know that you have obviously already seen this letter. Now this individual talks about his deep dismay regarding both the process leading to and the content of the proposed amendments to *The Wildlife Habitat Protection Act*, and especially where they will allow for the sale of some lands protected under the Act. Now he goes on to say:

I do not believe the Government of Saskatchewan has consulted widely enough with the general public or with the spectrum of expert individuals or groups to come to any valid decisions regarding changes to the Act at this time.

Now he goes on to say:

It seems to me that it would be very difficult for you to disagree that the process your government is going through at the moment is fundamentally flawed.

Then he goes on to say:

The protection of critical wildlife habitat under *The Critical Wildlife Habitat Protection Act*, now WHPA, was considered landmark legislation far outside the boundaries of Saskatchewan when introduced by the Grant Devine government over 25 years ago.

So, Madam Minister, what you can tell this individual about his concern that he has expressed to both you and the Premier about the fact that the legislation is . . . Sorry, the protection for the wildlife habitat lands is coming out of legislation, going into regulation. And then, once it's assessed, you're going to put some of those lands that are going to be ultimately protected as wildlife habitat lands back into legislation, about the fact that the slide presentation that you gave to us this evening, on slide number three, says that more than 1 million acres of WHPA lands have been inquired about when it comes to the Ministry of Agriculture's Crown land sales program?

So if the ministry has had 1 million acres inquired about, which are currently WHPA lands that are protected under the Act,

what can you say to individuals like this gentleman that wrote to you and to the Premier, about feeling some security that the lands that are currently possessed by him and other members of the Saskatchewan citizenry have in terms of knowing that these lands are . . . well, knowing that there's going to be some legacy for future generations?

**Hon. Ms. Heppner:** — As I pointed out in a previous answer, the information on those slides, where it says there is inquiries made about 100 or about 1 million acres, it wasn't necessarily inquiries to buy. I don't believe that we will likely sell 1 million acres. There are inquiries about where their land was, was it under WHPA, or could some of those be sold.

As to the protection of lands going forward, I have to say I've had phone calls and emails into my office in support of this. I've spoken to Saskatchewan Wildlife Federation members who are in support of this. And I have stacks of letters from people who are in support of this from organizations, including as I've already stated, SARM and CFIB [Canadian Federation of Independent Business], which represent hundreds of thousands of people between the two of them.

And as far as the conservation going forward, I think I've stated it several times this evening already, that first of all on the regulation side, there's many pieces of legislation that was under the previous administration, which should remain under this administration, where some of our most sensitive lands can be added and removed through regulation. And I don't recall any comments or concerns from any of the NDP members on those issues in the past. I might be wrong; I might have missed them. But lands can be added and removed through regulations on things like *The Ecological Reserves Act* and through some of the parks legislation as well when it comes to historic sites.

So regulations have been used by governments for as long as this province has been here. Regulations are not a bad thing. And as far as legacy going forward, as I've stated previously as well, when the previous administration pulled land out of WHPA to sell to lessees, it was sold without any kind of rules or regulations or guidelines surrounding that land. It was just sold. It was gone from protection forever, and there was nothing that would limit the new owner from doing whatever they wanted to with that land.

The difference with our approach is when land is sold from WHPA, it will go with a conservation easement which will have protection in perpetuity on that piece of property because the conservation easement is attached to the title. It does not stay with the person; it stays with the land. So regardless of how many times that land is sold, that conservation easement stays with that land. So it continues in protection, which I have to say is a far better approach than simply pulling land out of WHPA and selling it without any kind of protections at all.

I have also stated numerous times this evening that once the assessment on WHPA land is complete, we will apply that same assessment tool to other Crown land, and where we find land of ecological value that should be under protection, it will be put into protection.

**Ms. Morin:** — Well, Madam Minister, it is interesting how many times Madam Minister wants to talk about how lands

previously were sold without any protections. So I guess I'll have to once again inform the minister, of the lands that were sold previously, they were sold with full public knowledge in advance of the land sale taking place, so the public then had the ability to air their concerns as the sales were debated in the legislature first. And also there was a policy of no net loss, which means that any of the lands that were sold were replaced to ensure that the legacy remained intact for future generations.

So I guess I'll just have to keep clarifying the information that the minister already knows but seems to enjoy leaving out of her comments.

Now, Madam Minister, did you receive any correspondence, emails, phone calls that were opposed to *The Wildlife Habitat Protection Act*?

**Hon. Ms. Heppner:** — Yes.

**Ms. Morin:** — And could you, for the sake of the committee, let us know what that was in comparison to the amount of emails and correspondence you received that were in favour.

**Hon. Ms. Heppner:** — I don't have those numbers with me, but as I pointed out, if we're speaking of peoples represented, the Saskatchewan Association of Rural Municipalities, I have a letter from them. They represent hundreds of thousands of people. I have letters. I have letters. I have letters of support from a variety of organizations who represent numerous amounts of people, but as to numbers of for and against, I don't have that information with me.

**Ms. Morin:** — So can Madam Minister tell us when she will have the numbers, given that when I was in a previous committee with respect to Bills 5 and 6, the Minister of Labour — despite the fact that I was not in agreement with what the Minister of Labour was doing at the time — was able to provide us with the numbers, in terms of the correspondence and emails and phone calls he'd received that were endorsing the legislation and that were opposed to the legislation? So can we expect that from you at some point as well, Madam Minister?

**Hon. Ms. Heppner:** — Mr. Chair, if the members want copies of the letters from stakeholders that I have referenced tonight, I'd be happy to get those to them. But to be able to go back and quantify if somebody phones and leaves a message and says, we support this, doesn't leave names or phone numbers, you delete messages; or somebody calls me at home and says, we support this, or into my constituency office or other constituency offices, I think that's near impossible to quantify. But as I said, if the members want copies of the stakeholder groups that have written to support this, I would commit to getting that information to committee members through the Chair.

**Ms. Morin:** — I would gladly accept what the minister is able to provide, given that the minister isn't able to quantify the correspondence and emails and calls that have been coming into her office. I have to commend my constituency assistant because we have been tracking them in my office, and I have excellent records and I could have answered that question right off the top of my head.

But anyway, having said that, another one of the letters that

came over my fax machine this evening when I went to my office was this one. And again it's addressed to Premier Wall as well as yourself, Minister Heppner, and it says this:

I am deeply concerned about the Saskatchewan Party's constant push to commodify every part of the province, especially when this is being done without full consideration for conservation of habitat and Saskatchewan's wildlife species.

And then it goes on to say this:

The most recent budget announcement re Saskatchewan Environment were losses of 4 per cent per year for the next four years and a 15 per cent reduction in the civil service. A budget loss of 16 per cent will be devastating to a department that has been struggling for years just to keep an incredible number of increased duties on limited resources. Not only is Sask Environment responsible for fisheries, hunting, guiding, wildlife, parks, forestry, and wildfire management, duties now include monitoring environmental regulations such as provincial waterways, safe drinking water, waste management, recycling, and air quality.

So, Madam Minister, you can see why I asked the question about the Ministry of Environment employees being able to cope with all of the new added duties with the legislation that has come before the House this session because it is a concern that we're seeing in correspondence that we're getting from citizens in the province as well, Madam Minister.

So I just want to share that with you so that careful attention can be given to the monitoring from I guess your office and the deputy minister and the assistant deputy minister as to how all of those processes are taking place effectively because there are concerns from people in the province.

[20:30]

Now when it comes to the committee meeting of May 10th, you'll recall, Madam Minister, that we talked about the issue of the meeting that was called on May the 6th, I believe. That was the Thursday. It was the May 6th. And it was, it was . . . I'm trying to find the exact date. Maybe I should ask that question. What was the exact date that the invitations went out for the May 6th meeting?

**Hon. Ms. Heppner:** — There was some initial phone calls made on Friday, April 30th trying to contact our stakeholder groups. There was phone calls made on Monday. There was a follow-up email sent out on Monday and then follow-up phone calls later on on Monday to confirm attendance. That would be Monday the 3rd.

**Ms. Morin:** — Okay, so there were initial phone calls made on April 30th, and the rest of the invitations were then extended on May 3rd from what you've just explained. Now who were the initial phone calls made to on April 30th?

**Hon. Ms. Heppner:** — I don't have that information with me but the April . . . or the Monday, May 3rd when the emails were sent out, were sent out to the same list of folks that we had

contacted about the June 29th, 2009, meeting. So the invitations would have been sent out to the Saskatchewan Wildlife Federation, Nature Conservancy of Canada, Nature Saskatchewan, Saskatchewan Environmental Society, Ducks Unlimited, Canadian Parks and Wilderness Society, Federation of Saskatchewan Indian Nations, Métis Nation of Saskatchewan, Saskatchewan Stock Growers Association, Saskatchewan Cattlemen's Association, and the Bison Association. I think that's . . . the Agricultural Producers of Saskatchewan and Saskatchewan Association of Rural Municipalities.

**Ms. Morin:** — Thank you very much for that. Now can Madam Minister please let us know who was able to attend that meeting on the 6th?

**Hon. Ms. Heppner:** — Of the list that I just read out, every single organization was able to attend and was represented. Some sent one person. Some sent a few, except for the Federation of Saskatchewan Indian Nations.

**Ms. Morin:** — Thank you very much. Now, Madam Minister, you and I have had a conversation or a question and answer session around the issue of the FSIN not attending the May 6th meeting. So I'm going to quote from the minutes from the Economy Committee of May 10th where the minister said: "The meeting that happened last Thursday, they were invited. They chose not to attend." And it goes on to say:

And so we had asked them out of courtesy, as we did with all of our other stakeholders, to attend the meeting for their input. We were requesting their input. They chose not to attend. So it's not that they were excluded from the process; they were invited to attend and chose not to.

Now you went on to say then . . . I'll quote again, ". . . officials from my ministry have stated that in committee appearances over the last few weeks — that our duty to consult is to individual First Nations and we agree on that point."

Now is it my understanding that the individual First Nations weren't invited to the May 6th meeting because the minister assumed that FSIN would be there to speak on their behalf?

**Hon. Ms. Heppner:** — As I stated on May 10th and I've stated earlier today, this discussion around all of this did not trigger the duty to consult. We invited the FSIN as one of the stakeholder groups. We invited the Métis Nation of Saskatchewan plus all the other organizations that I have listed off this evening as one of the stakeholder groups to participate in this discussion.

**Ms. Morin:** — Right. So as I said, so you had invited the FSIN as a courtesy, as you did with the other stakeholders, and assumed that they would be able to attend and speak on behalf of the 74 First Nations. Or what were you expecting from the FSIN when you gave them the courtesy of an invitation to attend this meeting on May 6th?

**Hon. Ms. Heppner:** — When the duty to consult is triggered, it is our position, the position of the government, that the duty to consult is with individual First Nations. That was also laid out in a letter that I received from the vice-chief identifying exactly

the same thing. When there is a duty to consult, it is our responsibility to consult with individual First Nations. As I said, this proposal that we are putting forward did not trigger the duty to consult. We invited the FSIN as a stakeholder along with other stakeholders to be at that meeting on May 6th.

**Ms. Morin:** — Perfect. Okay. So did you, when you extended the courtesy invitation to the FSIN, inform them that this did not trigger duty to consult so they would be able to attend the meeting and not feel that they didn't have the mandate to attend on behalf of the 74 First Nations?

**Hon. Ms. Heppner:** — The invitation that went out to the FSIN was exactly the same invitation that went out to every other stakeholder because we had wanted them to participate as a stakeholder. If there is a duty to consult, our responsibility and obligations under the framework are to consult with individual First Nations. So I don't know why would we have specified to the FSIN as part of that invitation that, oh by the way, this is not part of the duty to consult when our duty to consult is with individual First Nations.

**Ms. Morin:** — Can the minister table the invitation that went out to the stakeholders so that we can all see exactly what it contained?

**Hon. Ms. Heppner:** — I can track that down. It won't be this evening, but I can get that through to committee members through the Chair.

**Ms. Morin:** — Thank you. So the minister wouldn't be able to read to the committee this evening what that invitation entailed in terms of the wording?

**Hon. Ms. Heppner:** — No. If I had it with me, I would give it to committee members this evening. As I said, I don't have it. I can get it to the committee members through the Chair.

**Ms. Morin:** — Okay, thank you. So given that in previous letters from Vice-chief Lyle Whitefish . . . and I can document all of those and read them again; I've read excerpts from them numerous times in the past, Madam Minister, so, if you need me to, I can.

But given that Vice-chief Lyle Whitefish was very, very clear on how the FSIN was in past able to represent the 74 First Nations in terms of being their voice and doing the research and investigative work that was necessary for the First Nations that weren't able to do so on their own accord through the partnership agreement that saw the \$300,000 funding cut by your ministry, was there any notion along the way here that — given that there was never a situation where the FSIN was present and yet was writing repeated letters on repeated, on numerous pieces of legislation — that at some point somebody might want to pick up the phone and just say to, hey FSIN, you know, we'd like you to come to this meeting? Are you going to be able to make it? So that he could then say, no because we don't have the mandate to be there. And then someone from your ministry could then say, it's not about . . . It doesn't trigger duty to consult. We just want you there for your input. So that there wouldn't be this massive communication gap and confusion that currently exists.

**Hon. Ms. Heppner:** — Mr. Chair, that's exactly what we did. When this began last year, we contacted them. We sent them emails. We phoned. We sent them the letter. We asked them to participate. And we didn't hear anything back from them. When this meeting was called for May 6th, we emailed and we called and we called and we called. We did exactly what the member has asked us to do. We picked up the phone and called and said we want you at this meeting. We gave them the opportunity to respond. We gave them the opportunity to attend, and unfortunately they were unable to attend on May 6th. But there was emails and phone calls made asking them to be there.

**Ms. Morin:** — Thank you, Madam Minister. I'm assuming that you have all of that documented and can provide that for the committee as well.

**Hon. Ms. Heppner:** — Absolutely.

**Ms. Morin:** — Now this is what Vice-chief Lyle Whitefish tells me. And this is dated March 24th, 2010, and he tells me that since you took over as the Minister of Environment — which would have been November 2007 I'm assuming, something around that point in time, that since you had taken over as Minister of Environment on November 2007 — that the phone call that he received on March 24th, 2010, from your deputy minister, Liz Quarshie, informing them that the funding to the Ministry of Environment partnership agreement of \$300,000 was being cut, was the first phone call he'd ever received from the Ministry of Environment or from your office.

So again I'm not understanding the confusion that exists when he's saying that this is the first phone call that he'd received. And yet we're hearing from you that we've had numerous phone calls from your ministry, but you have the documentation that you can provide for us, right?

**Hon. Ms. Heppner:** — Mr. Chair, if we wanted to get into a back and forth about my relationship with the vice-chief at the FSIN, that's fine. I don't understand. If the members have such huge issues with this Bill . . . I've discussed the FSIN, our call for their involvement in this. Vice-chief Whitefish was not the vice-chief when I became minister in 2007. He became vice-chief, I believe, last fall, 2009. I'd have to check the date. I'm not sure.

I've had face-to-face meetings with him since then, sat in a room with him. There were phone calls made to FSIN, and in June there was emails sent to the FSIN in June. There was letters and information packages sent to the FSIN in June. There was no response. There were letters. There was emails and phone calls made for the May 6th meeting. They did not attend.

I have met personally with Vice-chief Whitefish between his appointment last year — not in 2007, last year — and today. And so like I said, if we want to have this conversation, that's fine, but I have to say that it falls kind of under asked and answered about FSIN involvement. I don't know what else I can possibly say or what else I can possibly offer up to the committee. I've offered up the email that was sent out for the meeting; we'll get that here, documentation. But I have to say, I've sat across the table personally with the vice-chief and discussed things with him since his appointment as vice-chief on the natural resources file.

**Ms. Morin:** — Thank you, Madam Minister. I stand corrected on the fact that he was not a vice-chief since the time that you were appointed Minister of Environment. I did know that, and my apologies for not having stated that information correctly, but we've been sitting here for a few hours and things do get a bit foggy at this point. But I look forward to the information that you're going to be providing to the committee given that there is some confusion, and perhaps that'll clear up some of the confusion that currently exists.

So there's . . . In your comments you talked about the fact that the conservation easements that would be attached to any lands that are sold under WHPA that would be deemed fit having a conservation easement would only be sold if it's in the public good. And you're saying that you're going to, through one of your amendments, organize a committee to look at those potential land sales. Is that correct?

[20:45]

**Hon. Ms. Heppner:** — I believe that the reference that you're making when you reference the public good is an application from a landowner who has bought land with a conservation easement that puts forward an application for removal of that easement.

**Ms. Morin:** — Yes.

**Hon. Ms. Heppner:** — The Crown land conservation committee — which I have asked stakeholders to be a part of after the suggestion came forward that this might be a good idea — I have committed to them that if there is an application for removal of a conservation easement, that it would go through that committee for their review. They do not have veto power. That obviously — the power — rests with the government. But the stakeholder groups would be able to examine the application for removal of an easement.

**Ms. Morin:** — But you did say earlier that the committee would not have any veto power if it doesn't fall . . . Let's put it this way: if the minister is not in agreement with the committee's recommendation, the committee cannot override — doesn't have any veto power over — what the minister intends on doing.

**Hon. Ms. Heppner:** — Yes, I believe I just said that.

**Ms. Morin:** — Okay, thank you. I also asked for . . . I made a request in the legislature for the agenda from the June 2009 meeting that took place with the various stakeholders. I'm wondering if the minister has the ability to provide that this evening.

**Hon. Ms. Heppner:** — Mr. Chair, it being 9 o'clock, I don't think that we could get that tonight, but I will see about getting that to committee members through the Chair.

**Ms. Morin:** — Great. Thank you very much, Madam Minister. I appreciate that. Mr. Nilson has a few questions that he would like to ask at this point.

**The Chair:** — Mr. Nilson.

**Mr. Nilson:** — Thank you very much, Mr. Chair. One of the . . . There's a number of items that are in this southern Crown land conservation management strategy document that was presented to the committee. Am I correct in assuming that this is dated June 29th, 2009, and it was the document used to present to the committee at that time? Is that where this comes from?

**Hon. Ms. Heppner:** — As far as I can ascertain, the CLEAT presentation that was given in June is essentially the same as this. There might have been some tweaking around the edges before on this one, but it's virtually the same presentation.

**Mr. Nilson:** — Okay. Thank you very much. That's what I assumed the answer would be, but the reason I asked the question is that then the information that's in here is basically information as of June 2009 and that because on the slide 9, it talks about conservation easements and what's the system that's in place at that point. And it says that growing use of these conservation easements has nearly 85 000 hectares that are under protection. Would that figure be as of the end of 2008, and so therefore you could use it like from an annual report or something like that?

**Hon. Ms. Heppner:** — I understand that it would be current at the time, and the vast majority of those would be through environmental NGOs like the NCC, the Saskatchewan Wildlife Federation. Ducks Unlimited is a huge user of these. So that would be accurate as of the time of the presentation.

**Mr. Nilson:** — And so these include then the ones that are from all of these various organizations. How many of them would be related to lands that were from *The Wildlife Habitat Protection Act* and had basically then been sold to ranchers or others who might get land?

**Hon. Ms. Heppner:** — We have the total numbers for the Ministry of Environment. The Ministry of Agriculture really don't have a breakdown based on WHPA. I believe that's what you've been asking.

**Mr. Nilson:** — But given that answer, even though it doesn't have a number, that there are some lands that are in place. And the reason I ask that is, if you look at the date that this legislation was brought in, in 1997, that's about the same time as the previous minister, Mr. Scott, was able to bring forward and put in the other 2 million acres of land into *The Wildlife Habitat Protection Act*. And one of the reasons that this legislation was brought forward at that time was that we knew there was land that would go in and out of the wildlife habitat based on assessments and continued work with that. And so the whole conservation easement legislation was in place at that point to deal with some of the kinds of things that you're talking about now.

So could the minister acknowledge that this process of use of conservation easements is actually a continuation of a process that's been in place for about 13 years?

**The Chair:** — While we're waiting for the minister to answer, we'll just table this letter, ECO 21/26 from the Ministry of Environment. It's an invitation letter to attend the Crown land ecological assessment tool meeting, so dated May 6th, 2010. So

that's so tabled.

**Hon. Ms. Heppner:** — I would have to say no, it is different. *The Conservation Easements Act* that the member refers to would allow for voluntary agreement, whether through a conservation agency or the government and a landowner, as a voluntary agreement to have a conservation easement placed on their property — was voluntary. And as I've stated a few times, the enforcement and fine provisions were pretty weak. And what we are proposing . . . And there's no guarantee that it was put on on land that was pulled out of WHPA.

So I don't think that we can say that what we are proposing through our conservation easement Act and the WHPA Act that we have before us is a continuation of what happened previously. I would say absolutely it's not. Voluntary versus mandatory is vastly different, and the fact that this WHPA land will not be sold in that category without a conservation easement is far different than having a voluntary one. And for the amount of land with easements on it and the amount that's been pulled out over the years through . . . out of WHPA, the numbers don't correlate that there would be an automatic easement put on the WHPA land that was pulled out before.

The conservation easements that we have proposed, as I've stated, the penalties and fines have increased dramatically. The enforcement tools available to government are vastly improved from what was before, and we actually don't believe that there's a conservation easement as strict as this in the country currently.

**Mr. Nilson:** — I didn't understand that last comment that you made. Could you please repeat it?

**Hon. Ms. Heppner:** — It's my understanding the conservation easements that we proposed through this are strictest that there is in . . . around.

**Mr. Nilson:** — In the whole country of Canada is what you're trying to say.

**Hon. Ms. Heppner:** — Yes.

**Mr. Nilson:** — Okay. Okay. You know, I don't disagree with the fact that you've improved on this, but I think practically you're building on some very good things that Mr. Lorne Scott brought forward and I think it's . . . probably be a more positive way to deal with this is to say, well yes, we are building and working on other parts. But I'll leave that. Certain people have certain styles of how they deal with things and that's not . . . I mean what I'm hearing is not how I approach things.

I have another question. In your document from the southern lands policy, southern Crown lands conservation management strategy, you indicate that parcels will be excluded from sale because of other considerations and you list very clearly "Parcels that have been identified for inclusion in the proposed expansion of the Great Sand Hills Ecological Reserve."

Can you confirm that this is all the lands that *The Great Sand Hills Regional Environmental Study: Final Report* identified for the proposed expansion? Are those the parcels that are referred to and that's what's included?



**Hon. Ms. Heppner:** — Yes, they are.

**Mr. Nilson:** — I appreciate that. Thank you. On page 8 of that document, *The Great Sand Hills Regional Environmental Study: Final Report* of May 2007, it says, and I quote:

The provincial Crown owns over 85% of the land, of which most is under grazing lease and additionally protected under *The Wildlife Habitat Protection Act*. All of the Review Area is believed to have high potential for natural gas development, an important source of revenue for the province and communities surrounding the GSH.

But it's that particular land that is referenced that would be excluded from what you've said. So when you are providing this protection, earlier you said that the legislation, if and when it's passed, will not be proclaimed until protections are in place. So will the protection for this particular land be in the general order in council creating the regulation for the whole parcel of land, or will it be in a specific Great Sand Hills regulation which would be separate?

[21:00]

**Mr. Olexson:** — I can add a little detail on the proposal and how things may unfold. The reason, as you're well aware, that the area is being excluded is because the Great Sand Hills regional environmental study is still under consideration through the environmental assessment. That is a legislated process, and we are excluding that area and those lands from this review for that reason.

When government has the opportunity to complete that review and then consider additional area for the Great Sand Hills ecological reserve, ultimately some of those lands will be removed from WHPA to create a larger ecological reserve at that time. So there will be some removals in the future. Potentially some of the land will also be staying in *The Wildlife Habitat Protection Act*. Those are outcomes of the Great Sand Hills regional environmental study which we, you know, ultimately can't say what that will be until it's completed.

**Mr. Nilson:** — Okay, so I'm interpreting that answer to mean that these lands will just be included in the overall order in council regulation which protects all the lands that are presently attached to the legislation. So thank you for confirming that for me.

I have another question that relates to what kind of funding you have available to do the assessments that, you know, you've talked about in this whole program of assessments. And which part of the budget for Environment does this work, is this work done? And I guess my question is, if I know which vote it is, I can be able to tell whether or not there's sufficient money. Or maybe you can explain to me if there's sufficient money to do the job.

**Hon. Ms. Heppner:** — The work is being done jointly between the fish and wildlife branch and lands branch. And as I stated earlier, when it comes to monitoring of the conservation easements, we have increased the staff complement of conservation officers.

**Mr. Nilson:** — And so the conservation officers in these areas will be the ones that will be doing this particular work.

**Hon. Ms. Heppner:** — They'll be doing the monitoring of the conservation easements once the land is sold, but the assessments are done jointly between the fish and wildlife branch and lands branch.

**Mr. Nilson:** — And I see from the budget that both those areas have received cuts in their budgets this year. Is that correct?

**Hon. Ms. Heppner:** — Well as this is not a budget discussion, and I don't have budget documents in front of me, I . . . maybe my deputy minister can answer. But to say that a line item is just simply cut, therefore the capacity isn't there, there was restructuring that was going on within my ministry. So while there may have been a reduction, it was probably based on something quite valid, and that doesn't reduce the actual capacity within the ministry to oversee this work. But like I said, this is not a budget discussion. I don't have those documents in front of me.

**Mr. Nilson:** — No, I think this discussion is about legislation that many people in the province are concerned about. And they're concerned about some of the policy decisions. They're also concerned about the capacity to actually do what is promised. And I know from looking at the auditor's comments over a few years, but more specifically this last year, that in Environment one of the issues always is, do you have the capacity to actually do the things that you're legislated to do? So that's where that question comes from. And so I encourage you to keep careful track of that.

Now I have one more question that relates to a proposed amendment that was presented to us. And from looking at the amendment around *The Natural Resources Act*, my specific question is, what kind of arrangement have you made with the Saskatchewan Wildlife Federation around the Fish and Wildlife Development Fund as it relates to the percentage of the proceeds from sale of lands that would go into the Fish and Wildlife Development Fund?

**Hon. Ms. Heppner:** — Well for clarification, it's more than the Saskatchewan Wildlife Federation that's involved with the Fish and Wildlife Development Fund. There is a whole host of stakeholders that are involved in that. And now that there is approval at the cabinet level, because it's a financial decision, obviously we needed some higher approval than just me on dedicating a portion of the revenue to the Fish and Wildlife Development Fund. I will be meeting with, when we have this stakeholder group convene, the Crown land conservation committee, I will be having a discussion with them on the actual percentage of revenue going forward. I don't have that today for you.

**Mr. Nilson:** — Okay, I didn't . . . So you know what the answer is, but you can't tell us today. Is that the answer?

**Hon. Ms. Heppner:** — My answer is I am going to be consulting with the stakeholders that are going to be part of the new Crown land conservation committee.

**Mr. Nilson:** — But do you already have a percentage

designation set up so that you can explain, before you bring forward this amendment, exactly what it is going to mean for the Fish and Wildlife Development Fund? Do they get 100 per cent? Do they get 50 per cent? Do they get 2 per cent? What's the arrangement?

**Hon. Ms. Heppner:** — Well considering the call from the opposition on consultation, I would have to say that I will be coming forward with a percentage of revenue dedicated to the Fish and Wildlife Development Fund, once I have an opportunity to consult with stakeholders on the Crown land conservation land committee.

**Mr. Nilson:** — Okay. So in this context then the word consult means when you tell them. Is that correct?

**Hon. Ms. Heppner:** — As I have stated, I will be, when the committee is convened with the stakeholders, I will be meeting with them to have a discussion with our stakeholders on the revenue that will be shared with the Fish and Wildlife Development Fund from the sale of WHPA land with conservation easements.

**Mr. Nilson:** — Okay. Well I think you could answer my question just by saying no, I won't tell you now; I'll tell them then. And I do have cabinet approval to do this, which is why you're bringing forward a proposed amendment this evening. But it's always frustrating when simple questions are treated with answers that are not, not very helpful.

And so, but I'm done with my questions tonight, but I know my colleague has a couple more and I will let her conclude. So thank you very much.

**The Chair:** — Ms. Morin.

**Ms. Morin:** — Thank you, Mr. Chair. Madam Minister, the beauty of BlackBerrys and instant messaging is that it can provide answers for you when it's required on occasion, and interestingly enough, it provides me with more information from individuals who are watching this evening as well.

And I'd like to ask one question out of some of the information I've received on my Berry this evening and that would be, were there attempts made by the FSIN under the direction of Vice-chief Lyle Whitefish to meet with your Deputy Minister Liz Quarshie over the period of time that Vice-chief Lyle Whitefish was in office?

**Hon. Ms. Heppner:** — Is this in relation to the Bill that's before us tonight?

**Ms. Morin:** — It would be in relation to meeting with the deputy minister to discuss numerous issues, one of which would be the invitation that was sent on June of 2009.

**Ms. Quarshie:** — Thank you very much. I think I'm suffering from a bit of memory loss here, but I don't recall specifically that the vice-chief requested to meet with me regarding the June 2009 letter or about WHPA, CLEAT lands.

**Ms. Morin:** — I have to pose my questions through the Chair and through the minister. So I'm being told then that there's no

recollection of the FSIN asking for a meeting or making numerous requests to ask for meetings with the deputy minister?

**Hon. Ms. Heppner:** — Mr. Chair, I believe that the deputy minister has answered. We are examining WHPA tonight. If there is a question about WHPA, happy to answer that. The deputy minister's just said to her, best of her recollection that there was no request made to meet over the June 2009 letter as the member had referenced, or to WHPA as the member had referenced in her question.

**Ms. Morin:** — Thank you, Madam Minister. Madam Minister referred to the fact that numerous times, that FSIN hasn't contacted us. In terms of you or your office, FSIN hasn't provided us with any feedback. FSIN hasn't done this; FSIN hasn't done that. Now I've received obviously information contrary to that, that there were requests made for numerous meetings with the deputy minister. So I'm trying to discern whether or not there is any recollection from you or your deputy minister of those requests for meetings being made by the FSIN.

**Hon. Ms. Heppner:** — I believe the question's asked and answered. Mr. Chair.

**Ms. Morin:** — Thank you, Madam Minister, appreciate that.

So, Madam Minister, in a weekly newspaper, you are quoted as saying, "We actually didn't have any calls yesterday for the legislation to be pulled, and so we're going to be carrying on with our time line . . ." Now first of all, I'm going to confirm that you actually said that. Did you say that to this? Was this quote factual in terms of what the weekly had printed here?

**Hon. Ms. Heppner:** — I would guess that the article was in reference to the March 6th meeting that we had with stakeholders. I stand by that statement because at that meeting not one of them asked us to pull the legislation.

**Ms. Morin:** — Are you referring to the May 6th meeting? Is that correct?

**Hon. Ms. Heppner:** — May, yes.

**Ms. Morin:** — So that was in reference to the May 6th meeting, that you were going to continue with the timeline because, as you put it, you hadn't had any calls asking you to pull the legislation.

So now, Madam Minister, you know that on May 12th, Nature Saskatchewan asked you to pull the legislation because of the tight timeline and the many unanswered questions. And on May 11th, the Saskatchewan Wildlife Federation asked you to do the same because, in their words: ". . . the lack of consultation and the aggressive time line on this Bill has effectively made it impossible to address our concerns and left many important questions unanswered . . ."

On May 17th the National Farmers Union asked you to do the same in terms of pulling the legislation because of how it would potentially affect future farmers and ranchers and young future farmers and ranchers. And on May 13th the Saskatchewan

Environmental Society asked you to table the legislation, to engage in further consultations to ensure that a number of the protections that they were looking for would be put into place.

[21:15]

And then of course there is the FSIN, who also asked you to withdraw the legislation, which quite frankly ended up in a front page headline on May 15th in the *Leader-Post* that reads, “Halt of land sales rejected.”

So given that you’ve now had all of these news releases from the very stakeholder organizations that you claimed helped you, developed the legislation, will the minister now change her mind given that you’ve now heard that these organizations want you to either pull or table the legislation and do so so that the appropriate concerns can be addressed and that there could be a proper consultative process, not just with the stakeholder organizations but also with the individual citizens of the province that have sent both you, the Premier, and myself letters and emails to that effect.

**Hon. Ms. Heppner:** — The short answer to that is no. I don’t believe that there is tight timelines on this. We began contacting people in the beginning of June last year. It has been almost a complete year. There are organizations who not once contacted my office with any concerns or complaints or questions in a year or, I would have to correct that, until the last few weeks. But from the time that this began in June — the legislation was tabled in the House in December — no comments, concerns, that I heard against my office.

I don’t believe it’s been a tight timeline. By the time this is passed, it’ll be almost a full year since this has been out, not, you know, hardly secretive. We invited all these groups to participate and give us feedback. As I said before, I also have a whole list of people. I could, you know, read every letter into the record from all of the organizations, stakeholder groups that are supportive of this.

When you’re in government, you have decisions to make. We believe in the principle of landownership. We believe that that can be done in conjunction with conservation of those lands. We believe that this is the right approach to take, to allow the people who have been using this land to have access to purchase this land.

As far as the NFU [National Farmers Union] goes, I think one of the best things that we can do for the next generation of farmers is allow their parents to buy the land so they can will it to their kids and they can keep on farming without having to worry about it being leased or not. I think landownership is the absolute best way to guarantee that farming continues in this province.

I’m not going to apologize for this legislation. I absolutely 100 per cent believe in it. It will not be pulled.

**Ms. Morin:** — Thank you, Madam Minister. Madam Minister, I’m wondering if you could just explain to the committee . . . I’ve now seen ads in the newspaper as a campaign to obviously sell this legislation to the citizens of Saskatchewan. Given that you’ve had so much negative feedback on this legislation, I’m

wondering if you could just tell us what the cost is to the taxpayers of Saskatchewan for the marketing campaign to get people to buy into this legislation?

**Hon. Ms. Heppner:** — I don’t have the final count on that. Some of the advertisement went into dailies like *The StarPhoenix*, some went into weeklies. Some of our smaller papers that just recently got published — they get published once a week — I don’t have the final tally on that. But once that number comes in, I will happily share that with committee members through the Chair.

**Ms. Morin:** — Thank you, Madam Minister. So, Madam Minister, given that there are a number of things that have become readily apparent . . . There is a difference of opinion with respect to consultation with six of the seven stakeholders named by the minister in her second reading speech. There’s a difference of opinion with respect to the relationship that Madam Minister has with the FSIN and the FSIN’s understanding of this, what should have taken place around consultation for this Bill. There’s a difference of opinion with the current owners of the land, being the citizens of the province, who have written to all of us stating their concern.

And so, Madam Minister, I am very disheartened to hear that despite the fact that you now have the feedback that you asked for, what you claim is a significant amount of months ago, that now that you actually have all that feedback and all that information that — and you claim that you feel so strongly about landownership — that you have very little regard for the current owners of the land, being the people of the province of Saskatchewan. It’s quite perplexing, Madam Minister.

So having said that, Mr. Chair, I’m going to cease my line of questioning, and I’m going to propose an amendment that one of my colleagues had already made the minister aware of that I was going to be putting forward. And that is a clause to further entrench the notion that we have to be respectful in our relationship with the First Nations of the province of Saskatchewan and that we have to be respectful of a relationship with the Métis people of the province of Saskatchewan.

And, Mr. Speaker, I would like to read the clause so that the minister is fully aware of what she had agreed to. And it’s simply that:

Nothing in this Act shall be construed or interpreted so as to abrogate or derogate, directly or indirectly, any treaty or aboriginal rights recognized and affirmed by subsection 35(1) of the *Constitution Act, 1982*.

And I’m going to pose the question to the minister and find out whether she’s still in agreement with making this amendment to this Bill.

**Hon. Ms. Heppner:** — That’s fine, Mr. Chair.

**Ms. Morin:** — Thank you very much. Well thank you to your officials, and thank you for answering the questions of the committee tonight and providing us with the information that we have requested that was not available to be provided this evening. It certainly would’ve made the job of the opposition

much, much more, much more — how should I say? — much more diligent, much more factual in terms of our due diligence if we have the information that we request, especially when those requests . . . the one request was made three weeks ago when the minister herself said, come to committee and ask the question there. So given that, Mr. Chair, I will cease my line of questioning. Thank you.

**The Chair:** — Thank you. Are there any more questions or comments from any of the committee members? Seeing none, clause 1, short title, *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2009*, is that agreed?

**Some Hon. Members:** — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 14 inclusive agreed to.]

**The Chair:** — New clause 4. I recognize Ms. Morin.

#### Clause 4

**Ms. Morin:** — Thank you, Mr. Chair, I'd like to:

Add the following clause after Clause 3 of the printed Bill:

#### “New section 2.1

#### 4 The following is added after section 2:

#### “Aboriginal rights protected

2.1 Nothing in this Act shall be construed or interpreted so as to abrogate or derogate, directly or indirectly, any treaty or aboriginal rights recognized and affirmed by subsection 35(1) of the *Constitution Act, 1982*”.

I so submit.

**The Chair:** — Questions on the new clause 4? Seeing none, do committee members agree with the new clause 4 as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 4 as amended agreed to.]

**The Chair:** — New clause 12. I recognize Mr. Stewart.

#### Clause 12

**Mr. Stewart:** — Thank you, Mr. Chair.

#### New Clause 12

Amend the printed Bill by adding the following Clause after Clause 11:

#### 12 Subsection 20(4) of *The Natural Resources Act* is amended:

(a) by striking out ‘and’ after clause (g); and

(b) by adding the following clause after clause (h):

“(i) any portion designated by the Lieutenant Governor in Council of moneys received from the sale of Crown lands:

(i) that were designated as wildlife habitat lands in the Schedule to *The Wildlife Habitat Protection Act* as it existed on the day before the day on which *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2009* came into force, other than lands withdrawn by regulations made pursuant to clause 9(1)(b) of that Act; or

(ii) that are designated as wildlife habitat and ecological lands in the regulations made pursuant to *The Wildlife Habitat Protection Act* on or after the day on which *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2009* came into force.”.

**The Chair:** — Are there any questions on the new clause 12? Mr. Taylor.

**Mr. Taylor:** — I'd like to ask Mr. Stewart to explain that, please.

**Mr. Stewart:** — This is, first of all we struck out “and” after clause g and the portion of the monies received from the sale of Crown lands that were designated as wildlife habitat in *The Wildlife Habitat Protection Act* before the day on which the Act is . . . came into force other than lands withdrawn by regulations and that are designated as wildlife habitat and ecological lands in the regulations pursuant to the Act after the day on which the wildlife habitat protection amendment Act comes in force.

I hope that explains that for you. Because without the context of the rest of the Bill, it's very difficult to understand. But if we take it in context, I think it makes perfect sense.

**Mr. Taylor:** — I guess my question should have been not to explain it. Mr. Stewart did a good job of explaining it. I guess my question should have been what is the purpose of the amendment?

**Mr. Stewart:** — I should probably refer the question to the people from the ministry or the minister who are much more familiar with it than I am.

**The Chair:** — Ms. Minister.

**Hon. Ms. Heppner:** — Happy to explain, Mr. Chair. As I have stated several times this evening, one of the things that was asked from the stakeholder groups was to devote a portion of the sale revenue from the sale of WHPA lands, the lands that would be sold with the conservation easement and the ones sold without restriction, that those, a portion of that revenue would be directed to a conservation fund. We have decided and the amendment states that, I believe, that it would . . . We have agreed to that. A portion of the funding or the funds received

would be going to the Fish and Wildlife Development Fund which is a great organization, semi-arm's length from government, made up of stakeholders who are engaged in land conservation and management.

**The Chair:** — Thank you, Ms. Minister. Do committee members agree with the new clause 12 as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Is the new clause 12 agreed to?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 12 as amended agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 132, *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2009*. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

**Some Hon. Members:** — On division.

**The Chair:** — It's duly noted. Agreed with division as duly noted.

I would ask a member to move that we report Bill No. 132, *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2009* with amendment. Ms. Ross moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Thank you, Ms. Minister and officials, for tonight. Any final comments from the minister?

**Hon. Ms. Heppner:** — Thank you, Mr. Chair. I know that we have all spent a great amount of time together over the last few weeks with all the various pieces of legislation plus budget estimates that have come from the Ministry of Environment. I want to thank all the committee members for their time and for their questions and to you, Mr. Chair, for your interventions when required. But in particular, I'd like to thank the staff from the Ministry of Environment, my deputy minister, the ADMs, and everybody else who is working there.

[21:30]

In particular, I would like to recognize the folks who have put together the CLEAT system. I know that they put their heart and soul into this to make it the best assessment tool that they possibly could, and they've done a great job, and I would like to publicly thank them for their dedication to their work.

And also, Mr. Chair, the farmers and ranchers that we have been speaking of tonight are citizens of this province, and I have to say that I am pleased as part of this government to be able to provide them the opportunity to purchase their own land.

Thank you, Mr. Chair.

**The Chair:** — Thank you, Ms. Minister. Before we take the motion for adjournment, I must . . . Any final comments from the opposition. I think, Ms. Morin, you've already maybe said something, but if you want to do it again, feel free.

**Ms. Morin:** — Sure. Thank you, Mr. Chair. I want to thank the Chair and the committee members for their time and Madam Minister, as well as your officials, and especially the ones whose faces we don't see here who are doing the good work back in the ministry. Thank you very much for all the work that you're providing to the citizens of the province — appreciate it.

**The Chair:** — Thank you, Ms. Morin. I have to now read something in the record. Early this evening there was some discussion regarding a question of privilege and a point of order. As it relates to the procedural difficulty earlier, I find that this issue was not a question of privilege, rather a point of order.

There have been numerous rulings by Speakers of this Assembly and a well-established practice that Speakers have consistently ruled that the Speaker does not exercise procedural control over committees. Committees are and must remain masters of their own procedure. Procedural difficulties which arise in committees ought to be settled in committees.

To further clarify for all members, if an issue of privilege was raised in the committee, I want to outline a proper process that should be followed as outlined in the House of Commons Procedure and Practice, 2nd Edition, at page 1050:

The Chair . . . does not have the power to rule on questions of privilege; only the Speaker has that power. If a Member wishes to raise a question of privilege during a committee meeting or an incident arises in connection with the committee's proceedings that may constitute a breach of privilege, the committee Chair allows the Member to explain the situation . . . If the Chair determines the question does relate to parliamentary privilege, the committee may then consider presenting a report on the question to the House.

Can I ask for a motion to adjourn tonight's committee meeting.

**Ms. Wilson:** — I so move.

**The Chair:** — Ms. Wilson. Carried. We now stand adjourned.

[The committee adjourned at 21:32.]