



STANDING COMMITTEE ON THE ECONOMY

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**STANDING COMMITTEE ON THE ECONOMY
2004**

Mr. Eldon Lautermilch, Chair
Prince Albert Northcote

Mr. Lyle Stewart, Deputy Chair
Thunder Creek

Mr. Michael Chisholm
Cut Knife-Turtleford

Ms. Doreen Hamilton
Regina Wascana Plains

Hon. Deb Higgins
Moose Jaw Wakamow

Mr. D.F. (Yogi) Huyghebaert
Wood River

Mr. Kevin Yates
Regina Dewdney

The committee met at 16:00.

The Chair: — Good afternoon, everyone. Here we are back in committee. We have some legislation on our agenda to deal with. As I understand it, we have three Bills on the agenda, and the first item of business before us is Bill No. 76 of 2004, An Act to amend the Prairie Agricultural Machinery Institute Act, 1999.

Bill No. 76 — The Prairie Agricultural Machinery Institute Amendment Act, 2004

Clause 1

The Chair: — Is clause 1 agreed? Mr. Stewart.

Mr. Stewart: — Thank you, Mr. Chair. I do have a few . . . some questions on this Bill.

The Chair: — Mr. Stewart, I neglected to ask the minister to introduce himself and his officials, and I think maybe we'd better do that before we get on the go here. Thank you. Mr. Minister.

Hon. Mr. Wartman: — Thank you very much, Mr. Chair. I think there may be some questions that our officials will be addressing so I would like to introduce to you the deputy minister for the Department of Agriculture, Food and Rural Revitalization, Doug Matthies, who is sitting on my right. To my left is Maryellen Carlson, assistant deputy minister. And we also have with us on the PAMI (Prairie Agricultural Machinery Institute) amendment Act, Jacquie Gibney, who is director of livestock development branch, and Abdul Jalil, director of the agriculture research branch.

The Chair: — Now, Mr. Stewart.

Mr. Stewart: — Thank you, Mr. Chair. And I, too, would like to welcome the officials. And we always appreciate your help.

Mr. Minister, the Beef Development Board operates on a farm owned by, or currently owned by the U of S (University of Saskatchewan). I believe it was willed to the U of S by the Termuende family. Is that three quarters of land or is it six? I'm confused.

Ms. Carlson: — I believe it is six quarters of land.

Mr. Stewart: — Okay. And that land is still owned by the U of S. Is that correct?

Ms. Carlson: — That is correct.

Mr. Stewart: — What will be the arrangements then? Will title be changed to PAMI or will it continue to be owned by the U of S and leased to PAMI?

Ms. Carlson: — The land will continue to be owned by the university and leased to PAMI for a nominal fee.

Mr. Stewart: — All right. Thank you. In the last provincial budget, the government decreased funding to PAMI by I think

200,000. Are there going to be adequate . . . Is there going to be adequate funding to include beef development and research with PAMI? Or is that going to be addressed?

Hon. Mr. Wartman: — We believe first of all that by combining beef development and PAMI, that there will be efficiencies. We believe also that the research abilities and skills will be complementary, which we believe will help. And in terms of the budget for the upcoming year, we're looking at what the needs are to try and meet those. You know that there is also some funding provided from Manitoba, and the nature of our funding that was designated last year was \$300,000 per year over the three years.

Mr. Stewart: — Thank you, Mr. Minister. You mentioned the fact that Manitoba is involved in funding PAMI. Will they also be contributing towards the beef function, beef development and research function?

Hon. Mr. Wartman: — That is being negotiated at this time.

Mr. Stewart: — Will the U of S, the University of Saskatchewan still be contributing some funding to the function?

Hon. Mr. Wartman: — No, they will not.

Mr. Stewart: — Yes, and what date will this change actually be officially in place?

Ms. Carlson: — The change will happen at the end of March 2005.

Mr. Stewart: — The fiscal year. Is there a transition board or a committee to facilitate this change?

Ms. Carlson: — Yes, there is. There's a transition board in place currently.

Mr. Stewart: — And who is on that board?

Ms. Carlson: — The transition board consists of Dean Barber, the dean of the College of Agriculture; Judy Yungwirth, who represents the university administration office; and myself.

Mr. Stewart: — What about the ownership of the cattle herd that has been the property of the U of S, I believe. Will that be transferred to PAMI or will that continue to be an asset of the University of Saskatchewan?

Ms. Carlson: — The herd is owned by the Horned Cattle Purchases Fund and is leased to Western Beef Development Centre. That lease continues and there will be discussions between PAMI and that fund regarding the ongoing relationship of that herd in the research agenda.

Mr. Stewart: — How many employees are currently involved, employed by the U of S on the Termuende farm and associated with beef development and so on?

Ms. Carlson: — Currently the staff that work at Termuende farm and would have some role at the Pathlow pasture are the

employees of the Western Beef Development Centre. And there would be approximately two full-time staff that would manage the cattle and the feeding and the maintenance, and then with occasional or casual staff brought on from time to time as seasonal workload demands.

Mr. Stewart: — Will those employees be transferred to PAMI? Will they become employees of PAMI on March 31?

Ms Carlson: — It's my understanding that those employees have been offered employment, and in some cases accepted employment with PAMI.

Mr. Stewart: — All right, thank you. I think that's all I have on this Bill unless some of my colleagues have questions.

The Chair: — Thank you, Mr. Stewart. Clause 1, is that agreed?

Some Hon. Members: — Agreed.

Clause 1 agreed to.

Clauses 2 to 7 inclusive agreed to.

The Chair: — Her Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan Acts as follows: Bill No. 76 of 2004, An Act to amend The Prairie Agricultural Machinery Institute Act, 1999. Would a member move that we report the Bill without amendment? Mr. Yates?

Mr. Yates: — Mr. Chair, I move we report the Bill without amendment.

The Chair: — It's been moved that we report the Bill without amendment. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That's carried.

The committee agreed to report the Bill.

Bill No. 57 — The Irrigation Amendment Act, 2004

Clause 1

The Chair: — The next item before us is Bill No. 57 of 2004, An Act to amend The Irrigation Act, 1996. Clause 1, is that agreed? Mr. Stewart.

Hon. Mr. Wartman: — I do have some new officials to introduce.

The Chair: — I'm sorry, Mr. Stewart, the minister has an array of officials today and we should allow him the opportunity to introduce the new people that he's brought to the table. Thank you.

Hon. Mr. Wartman: — Thank you very much, Mr. Chair. Again, Doug Matthies, deputy minister is with us. And to my left is Louise Greenberg, assistant deputy minister; and at the desk behind me is Len Erickson, manager of irrigation

engineering; and Bill Vavra, who is senior technician of irrigation administration.

The Chair: — Mr. Stewart.

Mr. Stewart: — Thank you, Mr. Chair, and Mr. Minister. And I'd like to welcome the new officials as well, and I neglected to thank the officials that were helping us out on the previous Bill, and we appreciate their help.

Just a couple of questions on this one I think, Mr. Minister. The irrigators are very much in favour of this. I understand it gives irrigation districts more autonomy and makes SIPA (Saskatchewan Irrigation Projects Association) an autonomous organization as well. And it's been quite well received.

There are however a couple of shortfalls possibly or at least areas where irrigation districts and SIPA itself have some concern. Expropriation powers are one of them, Mr. Minister. I wonder, what procedures are in place to assist irrigation districts that will now be more autonomous to assist them in obtaining the land they need for irrigation projects?

Hon. Mr. Wartman: — Well we do not actually give expropriation powers to any body. The RMs (rural municipality) can expropriate and it is really Department of Justice that would act on those requests.

Mr. Stewart: — So then an irrigation district that needs a right-of-way or something of that nature would have to approach their RM. Is that correct?

Hon. Mr. Wartman: — I think very important in any of these processes, first of all, to try and negotiate a settlement if it is at all possible, and I know that that is the emphasis of those who are working there. If it came down to a need for expropriation, I'm just going to follow up and I'll get back to you in terms of process. So if you can just hold for half a second we'll put our heads together.

Mr. Stewart: — Thank you.

Hon. Mr. Wartman: — Thank you for your patience. With most cases the negotiation would be the process that we would, we would take. I believe up until '96 the districts had some power of expropriation. Correct, '96?

A Member: — '97.

Hon. Mr. Wartman: — '97, okay. But now the . . . really the way that we would work is to try and negotiate a reasonable settlement.

Mr. Stewart: — I appreciate that, Mr. Minister; that's always the best solution when it's possible. But there are . . . I know there is one case in the west end of my constituency where that's . . . there's been a project on hold for some time because of a problem in obtaining a right-of-way across one property. So I think maybe it's something that will have to be addressed with more . . . in more detail in the future. But generally speaking, irrigators are in favour of this Bill, and we certainly don't want to do anything to hold it up.

There is one other area that I've had concerns raised about and that is arbitration procedures for soils and water availability, etc. There doesn't seem to be any mention of that in this Act. And it's one other area where irrigators tell us that there sometimes can be a problem. And I wonder if there's any provision for that that I haven't . . . I'm not aware of?

Mr. Matthies: — Mr. Chair, there is no specific provision for arbitration in the legislation. And again, the approach that the department would take, it would be attempting to mediate solutions. Equal, willing partners is sort of our view of the best approach for development. And so that would be our approach.

The province has, through the Department of Justice, a mediation service that could be brought in if there was a requirement for third party assistance, and we could look at that as another mechanism. But we specifically did not include the arbitration process because again, you're looking for long-term relationships and long-term neighbours. And it's our desire that you have a good working relationship.

Mr. Stewart: — Mediation is the best option; I accept that. And with that, unless some of my colleagues have questions, I'm willing to let this go. And I'd like to thank personally the officials for their help today.

The Chair: — Thank you, Mr. Stewart. Clause 1, is that agreed?

Some Hon. Members: — Agreed.

Clause 1 agreed to.

Clauses 2 to 34 inclusive agreed to.

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 57 of 2004, An Act to amend The Irrigation Act, 1996.

Would a member move that without amendment? Ms. Junor.

Ms. Junor: — I do so move.

The Chair: — It has been moved that the committee report the Bill without amendment. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That's carried.

The committee agreed to report the Bill.

The Chair: — The next item before . . .

Hon. Mr. Wartman: — Mr. Chair, if I could thank my officials as well.

The Chair: — Yes you may, sir.

Hon. Mr. Wartman: — I'd like to thank them for their work on these Bills. And in particular today I'd like to thank Mr. Erickson and Mr. Vavra for their work and for their journey

here to be a part of the procedures today. So thanks to all of them, but particularly those two today.

The Chair: — Thank you, Minister, and thanks to your officials on behalf of the committee.

Bill No. 79 — The Wildlife Habitat Protection Amendment Act, 2004

Clause 1

The Chair: — The next item before the House is Bill No. 79 of 2004, An Act to amend The Wildlife Habitat Protection Act. And I would ask the minister to bring forward his officials and introduce them, and we can continue the discussion on this Bill.

Minister, would you introduce your officials, please?

Hon. Mr. Forbes: — Yes, good afternoon, Mr. Chair, and committee members. I'd like to introduce Dave Phillips, assistant deputy minister, resource environmental stewardship division; Hugh Hunt, right here, executive director, resource stewardship; and behind me over here is Nancy Cherney, director of ecosystem management section, resource stewardship; and also from Saskatchewan Agriculture and Food and Rural Revitalization is Greg Haase, director of land administration, whom we work with closely.

And I don't know if it's a practice. Do we make opening remarks on this or an overview?

The Chair: — You're more than welcome to do explanatory remarks if you'd like to before we begin.

Hon. Mr. Forbes: — Thank you very much. I'd like to set the stage for this. The proposed amendments before you will enable Saskatchewan Agriculture, Food and Rural Revitalization, the land administering agency, to conclude sale or transfer of 4,414 acres of Crown land currently protected under the Act.

The Wildlife Habitat Protection Act protects about 3.5 million acres of Crown land and wetlands considered important to wildlife. Designation of land in the Act prevents its sale and, unless otherwise specified in regulation, generally prohibits habitat alteration. The largest cluster of land, 3,214 acres, to be withdrawn through this amendment is in the Green Lake area of northwest Saskatchewan.

Now the remaining land to be withdrawn through this amendment will enable Saskatchewan Agriculture, Food and Rural Revitalization to conclude sale to the current land lessees and in one case allow them to develop a 40-acre parcel in the RM of Torch River in accordance with an approved land use plan for that area.

The proposed amendment also includes minor housekeeping changes to correct 20 land location descriptions within the schedule of the Act, and removal of these conservation lands is mitigated by the addition of 80,384 acres under the protection of the Act in August 2004 as part of the department's effort to ensure no net loss of protected habitat.

And so with that, Mr. Chair, I'd be happy to entertain questions,

and my officials will help with that.

The Chair: — Thank you. Mr. Huyghebaert.

Mr. Huyghebaert: — Thank you, Mr. Chair, and welcome to officials and minister. Just a few questions on the Bill, and colleagues have a few questions also.

One of the questions that comes to mind immediately I guess, Mr. Chair, is in a short session of some 12 days we introduce legislation and want it run through and passed. Could the minister explain why this is so important to pass within a 12-day legislative period?

Hon. Mr. Forbes: — Thank you. Thanks for the question. I think this is important because as we can add to the Act through regulation, it is important that we can conclude some of these other ongoing processes. And the village of Green Lake really did want to see their work go forward with their land plans. And so this is important to move forward.

Mr. Huyghebaert: — Well thank you, Mr. Minister. And did I hear you correctly in your opening statement that the numbers of acres taken out of The Wildlife Habitat Protection Act is equal to those put back in. Is that correct? And if not, could you explain if there is a difference.

Hon. Mr. Forbes: — Well what I'd like to say, in my opening remarks we talked about the total . . . was 4,414 acres that we're withdrawing through the amendments of the Act. What has happened since . . . in 2004 we added 80,384 acres to the Act through regulation. In 2003, we added 47,712. We should also say that there was TLE (treaty land entitlement) removals. But at this point, we're up 26,000 acres — 26,169 acres.

Mr. Huyghebaert: — From . . .

Hon. Mr. Forbes: — Since 1992.

Mr. Huyghebaert: — Okay, thank you, Mr. Minister. Mr. Chair, I'm very interested to know who the department consulted with before introducing this legislation. And I look at organizations such as Sask Wildlife Federation, outfitters, conservation officers. So who was consulted prior to the drafting and implementation or introduction of this legislation?

Hon. Mr. Forbes: — The Sask Ag is responsible for the management and administration of the affected lands. Now they consulted with the individual lessees and with the northern village of Green Lake, and all support the withdrawal of the land to do their work. We don't consult with conservation organizations on individual land parcels, but they all do support the no-net loss policy that we have in regards to this Act.

Mr. Huyghebaert: — I just want to go into a specific area, and around Greenwater Lake, and I'm wondering what impact this legislation will have on the tourism around Greenwater Lake, seeing that there's 1,300 hectares that are being removed from Greenwater Lake. And it's a question that has been put to myself.

Hon. Mr. Forbes: — There's, I think, an error in some of the debate that's gone on in the House, a confusion between

Greenwater Lake and Green Lake because there is no land being removed in the area of Greenwater Lake.

Mr. Huyghebaert: — Thank you, Mr. Minister, that clarifies that. And there is another one that struck home to me and it's reference to Woody River. And of course, you know, my constituency is Wood River. And I'm wondering if there's a Woody River that it refers to, or if in fact it is Wood River, which is a river that runs through my constituency?

Hon. Mr. Forbes: — Well I may ask David to comment on this. But when I was looking through this, you know, you learn very interesting things with this. And of course, we administer 3.5 million acres of land, and they're listed by individual parcel description. And so there's actually about 7,000 individual entries under this, under this Act, so there's an awful lot of work. But I'll ask Dave if he has the details.

Mr. Phillips: — There are both a Woody River and a Wood River. The Woody River is up in the northeastern forest.

The Chair: — Mr. Allchurch.

Mr. Allchurch: — Thank you, Mr. Chair. Mr. Minister — and welcome to your officials today — I have a few questions, and the reason for the questions is because Green Lake is an area that I visited many, many times. I know the area very well.

In your briefing here a few minutes ago, you said that you consulted and discussed with the Green Lake mayor and council in regards to this Bill. Is that correct?

Mr. Haase: — I can answer that. Basically when Green Lake boundary changed in 2000, one of their first requests was that the policy to transfer Crown land within the boundaries be implemented for their village, for their northern village. And so we proceeded with that, and that's when these particular lands under The Wildlife Habitat Protection Act were noted. And unless they're removed from the Act, they cannot be transferred to the village.

So the consultation was part of that whole annexation process and the request of the village to have those lands transferred to them.

Mr. Allchurch: — Okay, in your consultation with the mayor and council, I specifically phoned the mayor and the administrator regarding this because I wanted information regarding the Green Lake land. And their comment was I don't know what the heck you're talking about.

Hon. Mr. Forbes: — I'll ask Greg now, but I do want to . . . This is just recently and . . . Well I'll let Greg answer this, yes.

Mr. Haase: — As I said earlier, this has been ongoing since 2000. I believe there's been an election since then. The request was from the previous council, that these lands be transferred to them. So in terms of discussions with the existing mayor and council, I haven't been involved in any of that and I'm not aware of any.

Mr. Allchurch: — Well, Mr. Minister, if this took place, with consultation, in the year 2000 . . . And there may or may not

have been a change in the mayor or council; I'm not sure of that. I understand that the mayor's been there for some time.

I told them, I said if you don't know, your administrator's been there for a while. He must know what's going on unless this happened in previous years.

Mr. Haase: — Yes, the administrator again, as far as I know, is still the same administrator, and the consultation or at least the discussion with Green Lake was with respect to having these lands transferred to them. I was involved personally with a discussion with the previous mayor — and I believe the mayor has changed — and he, I believe, understood the fact that they had to be removed from this Act before we could transfer them. So certainly our discussions have been more related to the transfer and the process that we would have to go through than consulting specifically on removing them from The Wildlife Habitat Protection Act.

Mr. Allchurch: — Well thank you for that. In my discussion with people there and even people from other departments in Regina here, I actually found out that this process was actually started some 12 to 14 years ago, that this land was supposed to be annexed into the village of Green Lake. And it was ironic that in questioning today that the department here doesn't know about it, and yet the people from Green Lake did know about it.

The land that's in question, a lot of it here on the Bill is just changing the description of the land because apparently the wrong description of the land was put on that, a Bill before. Is that right?

Hon. Mr. Forbes: — Are you speaking specifically to the Green Lake annexation or some of the errors that we're talking about? The Green Lake.

Mr. Allchurch: — Just Green Lake.

Mr. Haase: — Well I can't answer whether or not there were errors made in this particular piece of legislation. What I can say is that your . . . I mean, there's been ongoing discussions with Green Lake for a number of years about which lands they control and which lands they have access to and which lands should be transferred to them. But it isn't until their village boundary got changed in 2000 that we proceeded to transfer Crown land within the new boundary to the village. And these lands fall within that 2000 annexation. Now people at Green Lake, and there's a court . . . or a lawsuit, to my understanding, with respect to 12 townships; so if you're talking to them, they may be talking about the entire 12 townships. What we deal with is the land within their village boundaries.

Mr. Allchurch: — Okay. And I think you're right. The land that's in question regarding the lawsuit that's upcoming is not the land that we're speaking about in this Act. Is that not right?

Mr. Haase: — It would be part of it but this is . . . My understanding is that their lawsuit covers 12 townships around Green Lake, of which this would be part but because this is within the village boundaries, these are the ones that we would proceed with if they were removed from this Act.

Mr. Allchurch: — Well I noticed that in this Bill, 3,214 acres,

which amounts to just a little over 20 quarters is being annexed into the village of Green Lake. How big is the . . . or how big of an area does the village of Green Lake have as far as land mass? It's almost as big as some cities.

Mr. Haase: — Yes. I don't have the exact size. Government Relations, that department determines what lands fall within the village and where the village boundaries lie. It is quite extensive. We have transferred to them about 4,640 acres of Crown land in addition to these lands that we would expect to transfer after they were removed. So the boundary extends quite some distance from the village core.

Mr. Allchurch: — Let me get this straight. This 20 quarters or 3,214 acres plus the 4,600 that you said was already in the village of Green Lake, that alone adds up to some 7,500 acres. That's the land that the village of Green Lake has jurisdiction over?

Mr. Haase: — That's correct.

Mr. Allchurch: — They must be going to start a city up there. What is this land going to be used for if they need this much land as a village?

Mr. Haase: — It's my understanding that what they're looking to use this land for is economic development and as their . . . because of the wide dispersement of their population that they want to have control, I guess, of the land that these folks occupy.

Mr. Allchurch: — Well as you know, Green Lake is a Métis settlement. Is this land to appease a Métis settlement in the North?

Mr. Phillips: — Perhaps I could . . . should expand. The information that we have is with the community dispersed around the core of the village. There are a number of residents associated with the community that aren't actually within the boundaries of it as it stands and they're not part of any RM so they don't legally qualify to vote in local elections. And extending the boundaries of the village to encompass their land, these residents would be eligible to vote in local elections. The village wants to adjust the boundaries so that it's more recognizable where the perimeter of their community is to include the people who aren't living right, you know, they're maybe living at some distance away. And as Greg Haase has mentioned, to accommodate increased and expanded economic development.

Mr. Allchurch: — Well, thank you. If that is correct then with just what you said, I'm surprised that the new mayor and council doesn't know anything about this — just totally shocks me. Because it is definitely going to help the village of Green Lake and yet they don't know anything about it.

Hon. Mr. Forbes: — I would be . . . I would share your response. I'm not sure how it was framed to them when you phoned them and asked them about, did they know about this amendment. You know, we're consulting with them. It's been awhile taking this to get to where it is today. They may not . . . I don't know how you framed the question to them for them to respond to, so . . .

Mr. Allchurch: — Well the village of Green Lake is just like the provincial government winning a windfall now, they've got access to all this land; they didn't even know they had it.

Hon. Mr. Forbes: — They're expecting it. They're, you know, they're expecting it. And they feel it's theirs. So, I don't know if Greg has any more comment to that.

Mr. Allchurch: — Well I don't know if they expect it because I'm sure in the last 48 hours somebody would have phoned me regarding this and no one has, so I'm not sure they expect it.

But nevertheless, when you look at 3,214 acres of wildlife land being annexed into the village of Green Lake is a lot of land. And I'm concerned with the fact, with WHPA (The Wildlife Habitat Protection Act) wildlife land, not just in Green Lake but all over the province. And I've asked many, many questions regarding TLE agreements and whatever have you.

And I also am on the same side as the Saskatchewan Wildlife Federation when it comes to the amount of wildlife protection land taken out of that description and then substituted, as the government has done, with other lands. My concern is why take the best land out of the area or out of the province to pursue other negotiations and then come back and say, well we've replaced those acres with other acres but they're not as good. What is the purpose for the government to allow that to happen?

Hon. Mr. Forbes: — Well I would say that when the Act was originally drawn up, and this goes back to the early '80s, it was based on a provincial inventory of game animal habitat so they had a certain science that was guiding them at that time.

Since that time we've learned a lot about conservation and the initiatives that we need to take to encourage biodiversity within the province. And so The Wildlife Habitat Protection Act really underrepresented native habitats important for the non-game wildlife, and so as we do this, as we go through this, there will be new signs, better signs will guide us in our choices here.

But I do want to go back, if I may, Mr. Chair, just to clarify. The officials just handed me a note that may help the member with the previous question. If I could give you some clarification with this.

I understand that the 3,214 acres are already under lease to the village of Green Lake as an interim measure. So they may be . . . They already have it under a lease right as we speak; that's an interim measure. And they're just waiting withdrawal from the Act to permit the land transfer to be finalized.

Mr. Allchurch: — Thank you, Mr. Minister. In regards to that then, if it was leased to them, which I know it was but it's still under the protection of the wildlife protection Act, then why was it essential to allow those lands to come under the jurisdiction of the village of Green Lake when they already had them leased and the people looking after that were good stewards of the land?

Hon. Mr. Forbes: — Well, I'm just going to answer this but I think then they would own it. Then it would be theirs.

Mr. Haase: — Yes, the land was permitted to them back in

2002, I believe, for the first year . . . the first time it was permitted to them on an annual basis as an interim step. Their expectation at that time was that they would get title to it. And I guess it's like anything else, once they have title then it's theirs to do with it as they see fit, as opposed to having to deal with just the permitted activities.

Mr. Allchurch: — Thank you for that answer. If this is the case, where you take wildlife protection land and allow two TLE agreements to be the ownership of First Nations, you've taken land now, and I'm going to use the Green Lake case because you're talking about it, where you've taken land, protection of wildlife land, and allowed the village of Green Lake to have jurisdiction over it. Why then can't you take land that is leased by cattle producers and have them own this land that is still under wildlife protection land?

Mr. Phillips: — Yes, treaty land entitlement allocations, as the minister mentioned, total 90,000-plus acres. Additional lands have been added into the Act. But these are exceptional circumstances. You know, there's 3.5 million acres of lands that have habitat protection Act designation. And this is a small portion of that total that's under exchange and replacement.

The additional lands the minister mentioned, 1980, early 1980s when the habitat protection Act was first brought in, was a period in the development of the province where native landscapes were under significant development pressures. Marginal lands were being converted to annual cropping. And this was a measure to protect wildlife habitat values.

Since that time conservation lands acquired either by our department through the Fish and Wildlife Development Fund, or the by efforts of conservation groups like the Wildlife Federation, Nature Conservancy, Saskatchewan Wildlife Federation, Ducks Unlimited. The conservation land picture is quite different now than it was back in the late '70s or early '80s when the habitat protection Act was first brought in.

Mr. Allchurch: — Okay, I can understand it but I don't think you're seeing my point. The fact is, you've taken land to satisfy TLE agreements, and all well intentions. I've got no problem with that. What I'm saying is this land that was put under protection land was some of the best — if not the best — land for wildlife and environment. You've taken some of that land and you've transferred it out to settle TLE agreements. Now you've taken this land, and you've taken it out to satisfy Green Lake, in this case. And I've got no problem with that. Why can't this land then be taken out and given to cattle producers under the same arrangement? And I've asked these questions before and the answer is no. All I'm saying is, why can't it?

Mr. Phillips: — The answer I would offer is that cattle producers use of these lands is entirely consistent with management for protection of wildlife values, and continuing grazing access is provided for in the operating policies around habitat protection Act lands, so their use of the land continues in the way that they would otherwise be using it. All that's prohibited is sale or harmful alteration of the habitat value of the land.

Mr. Allchurch: — In that case then, land that's just south of Spiritwood — and it may be off the top a little bit, I don't know

— land that's just south of Spiritwood that was under the critical habitat protection land was utilized to satisfy TLE agreements, which a reserve got that land. All well and good. Some of the best land that produced some of the best hunting for elk, deer, and whatever, the First Nations have that now, and now they're eligible to outfit off there. What good is that to environment and wildlife if it is better than what the land was there in the first place?

Mr. Phillips: — The habitat protection Act and habitat management programs don't speak to who uses, you know, the wildlife produced from those lands. You know, it's strictly for purposes of maintaining the ecological function of those important lands. We don't manage the Act for purposes of personal, you know, hunter access or how the wildlife is used.

Mr. Allchurch: — So what you're saying then, cattle producers that lease this land and graze the grass off for cattle is not a good use for that wildlife land, where if you allow an outfitting group to take animals off that land and it's not utilized for grazing, it's better?

Mr. Phillips: — I'm maybe not communicating well. The use of the land for grazing use is entirely compatible with the intent of the habitat protection Act, with, you know, with some minor conditions around development of water sources, fence line clearing, and so on. No, grazing use of these habitat lands is allowed and it's quite consistent with the purposes of the Act.

Mr. Allchurch: — I understand that. I understand that clearly. What I'm saying is if the land can be utilized for hunting or outfitting or whatever, is that better because to satisfy TLE agreements, that's what it's used for, whereas a lessee grazing that land and the land is not allowed to be sold to him or transferred to him, is that better?

Mr. Forbes: — I would add, and I know that this is a strong point and the member has debated this, has used this example several times in the House, and so it's a decision that has to be made and valued, and the officials here work through those valuing of the purposes of the Act and decide in terms of the treaty land entitlement, that process and the value of the land. So there decisions made, values that are made, and I appreciate the member's points.

I would say today though that, you know, the amendments before you speak specifically to . . . Now there's the Green Lake amendment, which the village is . . . we're in that process, you know, that we have, in terms of the annexation. There's two other specific examples and there's some housekeeping things, so I think we need to focus on those before us. They do speak of how agriculture has worked with the leaseholders and their aims, what they would like to see happen with the Crown land.

Mr. Allchurch: — Thank you, Mr. Minister. And you're so right, we should be getting back to the Act. But all I'm saying is, if land around Green Lake is going to be utilized for whatever, and it was W protection land, then all I'm saying is why can't the farm producers that leased this land in years before, why haven't they got the same opportunity to buy this land, still keep it as wildlife protection land? Why isn't that offered to them in the same cases as TLE and Green Lake?

Hon. Mr. Forbes: — Green Lake, being a northern village, as any village or any community, has desires for its citizens in terms of community and economic development, and this is very, very important for it. You know, in terms of the TLEs, we support that and that process and we also support the good stewardship that many ranchers and farmers demonstrate. And this is on Crown land.

And there is a good chunk, well, you know, we administer now — I want to make sure I get this number right — it's 3.5 million acres under this Act. But, you know, in terms of what the Department of Agriculture leases to ranchers, far, far exceeds that. Greg, how many acres would you be administering?

Mr. Haase: — We administer seven and a half million, about five million of which is leased out for grazing purposes. That would include the 3.5 million wildlife habitat protected land.

Mr. Allchurch: — Thank you, Greg, for that answer. The thing of it is, though, a lot of the land that is going to settle First Nations and especially this land around Green Lake, that land is protected wildlife land. The land that you were talking about is Crown land or agricultural land that is leased out. There's a difference. Crown land or leased land is not under the jurisdiction or protection of wildlife land, which has another priority with it because it protects the environment and wildlife. Just ordinary Crown land doesn't.

Mr. Haase: — Yes, just to be clear, I guess, the 5 million acres that I talked about being leased out is grazing land, some of which would be indistinguishable from some of the land that is listed under The Wildlife Habitat Protection Act. So the 3.5 million would be included in that 5 million.

Mr. Allchurch: — Mr. Minister, in regards to the Green Lake area that we're talking about, is there any other areas in Saskatchewan that have the same right as Green Lake did to annex land around their community so they have jurisdiction over it? Green Lake's one; is there any other?

Mr. Phillips: — There are several parcels in this package that relate to ongoing community development. There's a parcel of land in the Torch River area that's . . . it's a 40-acre — now this is not for . . . to an urban municipality — but this 40-acre parcel is part of a commercial leasing cabin development project under the Torch River land use plans. So it is in support of community development.

There's another parcel in the Lac Pelletier area where there's a 40-acre amount to be moved in order to correct a cottage development problem where a person in good faith had built a cottage and was actually infringing on a legal subdivision that is included in the habitat protection Act.

So, you know, under exceptional circumstances, where, you know, the communities need these lands for whatever purposes, then they can be recommended for withdrawal. But at the same time, additional lands are recommended for inclusion into the habitat protection Act to broaden the representation of non-game wildlife that's under-represented in the present 3.5 million acres that are designated under the Act.

If I could continue. For example, the terrestrial habitat

inventory was done in the late '70s. It was based on game animal capability — deer, moose, elk, game birds, upland birds, and waterfowl. And much of the very best habitat on Crown land is protected in that regard. There is growing awareness of other representative needs in native habitat lands including animals that aren't game animals. Many of those habitats are under-represented in the habitat protection Act designation. So many of the new lands that are brought forward for inclusion would be to help contribute to the goals of the biodiversity conservation action plan and would not necessarily be white-tailed deer or moose habitat. They may be some of the best non-treed lands that were missed in the terrestrial habitat inventory that was a game animal inventory.

Mr. Allchurch: — Well thank you for that. I guess I'm wondering, you just mentioned about Torch River, where there was 40 acres that was put into that area. Here in Green Lake, we have 32 in this Bill plus another 4,000 before, so that's 7,500 acres into Green Lake. That's a ton of land.

I know that there's other communities in the North — now I'm speaking more of the North — that have the same situation as Green Lake does. Do they have the same qualifications to annex land into their community, their village, or whatever, as Green Lake does?

Mr. Haase: — There's been a long-standing policy since the late '80s in government that lands within northern village boundaries can be transferred to those northern villages at no cost. I presume, and this would be managed through Government Relations, that any northern village could apply to move their boundaries to annex more land. That would be dealt with on a case-by-case basis.

We have transferred land to a number of those northern villages over the last 15 or 20 years, and I believe there's probably still some more because one of the issues in the North is survey and Government Relations has been working diligently over the last couple of years to try and get some additional land surveyed so that those transfers could take place. Most of those lands are administered through Environment. There's a couple of villages that we get involved with around Green Lake and Cumberland House that we've transferred land to in Agriculture and Food.

Mr. Allchurch: — Thank you for the answer. In that case then, this land that will be transferred, if they so desire, the village, town, or whatever, has jurisdiction over that land totally. Is that right?

Mr. Haase: — Once those lands are transferred, that is correct.

Mr. Allchurch: — And then they can do what they want with that land and it's not under any government policy.

Mr. Forbes: — They would be subject to any community regulations and planning that happens throughout the province, but largely you're correct.

Mr. Allchurch: — I have no more further questions, Mr. Chair.

The Chair: — Thank you very much. Clause 1. Is that agreed?

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 79 of 2004, An Act to amend The Wildlife Habitat Protection Act.

I would ask that a member move that the committee report the Bill without amendment.

Ms. Hamilton: — ... that this committee report the Bill without amendment.

The Chair: — It's been moved. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That's carried.

The committee agreed to report the Bill.

The Chair: — Mr. Minister, if you would like to thank your officials.

Hon. Mr. Forbes: — First, thank you for the questions and for your attention today. And to my officials, thank you very much for your answers. Thank you.

The Chair: — Thank you very much. And I want to thank the committee for their diligence. And the Chair will entertain a motion to adjourn. It's been moved by Mr. Stewart. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. This committee is adjourned.

The committee adjourned at 16:55.

