



# **STANDING COMMITTEE ON THE ECONOMY**

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## STANDING COMMITTEE ON THE ECONOMY

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

Mr. Ron Harper, Deputy Chair  
Regina Northeast

Mr. Darcy Furber  
Prince Albert Northcote

Mr. Jeremy Harrison  
Meadow Lake

Mr. Warren Michelson  
Moose Jaw North

Ms. Laura Ross  
Regina Qu'Appelle Valley

Ms. Nadine Wilson  
Saskatchewan Rivers

[The committee met at 21:40.]

**The Chair:** — If I could call the committee to order, please. Good evening, committee. We're here this evening to continue with the consideration of Bill No. 25, The Wildlife Habitat Protection Amendment Act.

We have some substitutions this evening. We have Mr. Allchurch substituting for Ms. Wilson. We have Mr. LeClerc substituting for Mr. Michelson. We have Mr. Ottenbreit substituting for Ms. Ross. And we have Ms. Morin substituting for Mr. Furber.

Seeing that we just met this afternoon or this morning, I don't believe it's necessary to reintroduce the officials. So if the minister has anything she wants to add, if not we'll go right to the questioning. Questions? Mr. Nilson.

**Bill No. 25 — The Wildlife Habitat Protection  
Amendment Act, 2008**

**Clause 1**

**Mr. Nilson:** — Thank you, Mr. Chair. Thank you. Just before I start I want to make a suggestion of procedure which I just made in the other committee earlier today is that one of the issues — and this is especially for the Clerk of the legislature and others — is that when we deal with legislation like The Wildlife Habitat Protection Act, if anybody's looked at the actual Act, it's pages and pages and pages of land descriptions. And so then when a Bill comes forward, like Bill 25 that we're dealing with tonight, it has very simple little deletions or additions, and it's almost impossible to tell what this is actually doing.

We're at a stage in the history of Saskatchewan where we actually have appropriate digital maps of the whole province, and it would be not difficult at all for the explanatory notes to any amendments to The Wildlife Habitat Protection Act, agriculture legislation, some of the other environment legislation, so that when it comes forward, each paragraph would have attached a reference to a digital map, and then we would all actually see quite quickly what the issue is.

I'm in a situation or we're in a situation tonight where we know all those things exist but we don't have them. So we're going to have to go ahead and ask questions as it relates to each particular one and then get a description in words, which is fine. That's the traditional way of doing it. There aren't that many, but it'll take us a little while. So that's what we'll do.

So my first question relates to section 2 item no. 2, and it basically has a reference to item 240 which adds into lands that are going to be included the northeast quarter of section 24. But you have to go to the actual legislation to see that's in township 37, range no. 8, west of the second meridian. First question. Where in Saskatchewan is this located?

**Hon. Ms. Heppner:** — I can begin by responding to the member's concern over not having maps. The maps were requested by Mr. Furber who is not with us this evening, and those maps were provided in the House during speeches to this

Bill. Both the member for Regina Lakeview and the member for Regina Dewdney both actually thanked the ministry for providing maps.

In a conversation I had earlier today with the member for Regina Walsh Acres, she confirmed that the maps were in their possession. They were in her constituency office. And I would imagine in the course of the day those could have been retrieved and brought back to the legislature.

So while I understand the desire and need for maps, all of that information was provided. And if, quite frankly and with all due respect, if the opposition misplaces those or forgets them, I don't believe that I'm in charge of records management for the opposition. But I would like to put on the record that all of the information had been provided to the opposition, as requested, in a very speedy manner.

**Mr. Nilson:** — I'd like to comment on that. We here in the legislature as members of the legislature, but especially the ministers, have a role of providing information for the public of Saskatchewan. I know that a set of these maps did come over. We asked for a replacement one because we don't have them. But I guess my point, and why I raise it at the beginning, I think every person in this room should have a set so that we actually can tell what's going on. It's not that much expense to do another eight or nine or ten maps or whatever it is. But given that we don't have that and that we don't have co-operation, can you please tell us where the land is that's described in item no. 240.

**Hon. Ms. Heppner:** — There's an extra copy here if the member would like them, but as I said, the member for Walsh Acres confirmed with me in person this morning that they were indeed in possession of the maps. So again, if they lose them, I'm sorry.

**The Chair:** — Ms. Morin.

**Ms. Morin:** — Thank you. Just for clarification, the opposition did receive one set of maps. Those maps were passed around to a number of members and unfortunately those maps are in limbo in someone's files somewhere. I phoned the minister's office four times this morning, letting the minister know, the minister's staff know where I would be at any given point in time in the building so that it wouldn't provide any inconvenience for the minister's staff to be able to find me, to be able to bring me the maps that I requested. And then we again asked the minister this morning during our committee meeting.

So if the minister wants an apology for those maps having been misplaced, the minister can have that apology, but I made it very clear that we required the maps. And having one set of maps, as Mr. Nilson has already said, for numerous members to be able to peruse makes things very cumbersome and difficult. Thank you.

**The Chair:** — Could we have a copy of the map so we can have it reproduced and give it to the committee members?

**Mr. Nilson:** — Well I'm a little bit uneasy giving away the one

copy I got. I don't know if . . . Is there another copy?

**The Chair:** — Just give it to the Clerk and . . .

**Mr. Nilson:** — No, I think they have extra copies.

**Hon. Ms. Heppner:** — That's copy number two so . . .

**Mr. Nilson:** — I just looked. The minister has a copy. She'll provide that to the Clerk.

The map does show — now that it's been handed to me — that this particular quarter is located just west of Endeavour, Saskatchewan and that it's in the mid-boreal upland natural eco region and that in fact this is an addition to The Wildlife Habitat Protection Amendment Act of about 160 acres. Is that accurate?

**Hon. Ms. Heppner:** — Yes, that's accurate.

**Mr. Nilson:** — And so basically that's the information. It looks like, according to the map, land that includes a number of water bodies and obviously some of that mid-boreal upland natural eco region. Are there any specific characteristics to this that would have it go back into The Wildlife Habitat Protection Act, or was this land that was in the possession of the provincial government and just was included back into the legislation?

**Hon. Ms. Heppner:** — This was formerly private land. It was part of an exchange, and the characteristic of the land that's being added in under clause 2 is actually a source of hay for winter feeding elk.

**Mr. Nilson:** — So that's a positive thing, and it's a good description so we know what the clause 240 . . . This then replaces land that was taken out earlier. Is that . . .

**Hon. Ms. Heppner:** — Yes.

**Mr. Nilson:** — That's correct. Okay.

The next item is provision 355, and that relates to a quarter section of land which is just north of Tobin Lake. I guess the access to the closest community would be White Fox, Saskatchewan. Can you explain what's happening here? It appears that this land is being removed. When it shows in the legislation it's repealed, that means it's no longer included. Can you explain what's happening here?

**Hon. Ms. Heppner:** — There is a section of land that's being removed as part of a land exchange. There's another parcel that's being put back in as a replacement. Like I said, it's just a land exchange. And the land that is being removed will also have a conservation easement placed upon it as well upon its removal.

**Mr. Nilson:** — What is the purpose for the removal?

**Hon. Ms. Heppner:** — It's adjacent to a property that already has rental cabins on it. And there are hiking and ski trails that go through the land that is being removed, so obviously there's human activity on that piece. So that will be pulled out, and another piece of property will be moved in where that sort of activity will not be taking place.

**Mr. Nilson:** — So the purpose is . . . It's not conducive to the use of wildlife habitat land to use it for ski trails. Is that correct?

**Ms. Cherney:** — I can answer that on behalf of the minister. So this land is going to be used to complement a private subdivision development. So there's cabins adjacent to it. And so to supplement the business of the individual who has those cabins, he wants to provide ski trails and hiking trails for his clients to enjoy the natural wilderness. And so that's not incompatible with wildlife values. And that's why we're able to place a conservation easement on the parcel so that those values will continue to be protected, and it can also be used for ski trails and hiking trails.

And as an added addition to the legislative protection, we will insert new land as part of this exchange. So really there's an increased benefit for wildlife habitat values. We have those still part of the hiking trail-ski trail complex. And we have new land brought under the protection of The Wildlife Habitat Protection Act.

**Mr. Nilson:** — Where is the new land located?

**Ms. Cherney:** — The southwest quarter of 16-53-13-W2. That is also part of the Bill. It's coming in in this addition at the same time. I'm not sure off the top of my head which provision it is, but we will deal with it as an addition.

**Mr. Nilson:** — Can you identify which provision it is?

**Ms. Cherney:** — I think I misspoke there, that we've identified replacement land, but it doesn't appear to be part of this Bill. That will be coming in in a future addition, the land that we would like to have included. But you know, we would have to conclude the exchange transaction before that land comes into the provincial domain so that we could include it in the legislation. I misinterpreted what I'm reading here.

**Mr. Nilson:** — So who is exchanging the land? Is it the same operation . . . [inaudible interjection] . . . So it's a business or a resort? Or what is it that's located here?

**Ms. Cherney:** — Rental cabins.

**Mr. Nilson:** — And so for the record then there will be an exchange of land in section 16. Is that correct?

**Ms. Cherney:** — That's correct.

**Mr. Nilson:** — So that's a couple of miles away from this particular piece along the, it looks like, the Torch River. So it's in the Torch River area just north of Tobin Lake. So we will be then seeing in the next Bill, was it one or two or three quarters of land that will come back in, in exchange for this particular quarter going out?

**Ms. Cherney:** — We're moving one so we would bring one back in.

**Mr. Nilson:** — But because it's a conservation lease on what's left, that's why you describe it as having more habitat for . . . So okay. So that's an explanation for that item.

Let's move on to the next one which is the 373, clause 4, and this is a removal of land which, I guess, is on the edge of Tobin Lake, and it's on the shoreline. And so this is taking a big chunk of land out of wildlife habitat protection land which is, I guess, close to the provincial park that's there, or there's a park there anyway. Perhaps you could explain what's happening here.

**Hon. Ms. Heppner:** — There is a potential for cottage development. There is a Torch River land use plan which was undertaken by the Ministry of Agriculture, and the potential cottage development is consistent with the land use plan.

**Mr. Nilson:** — And where is this land use plan from? What kind of a land is it, a regional one or is it . . . Perhaps you could describe what this is.

**Hon. Ms. Heppner:** — It's a regional land use plan undertaken by the Ministry of Agriculture. And I would point out that in 2004 in legislation, in Bill No. 79, a very similar — actually almost identical — proposal was in place. That legislation was passed for a cabin development initiated through Sask Ag, Food and Rural Revitalization consistent with the land use plan within the RM [rural municipality] of Torch River. So this is actually, like I said, almost an identical proposal as to one that was found in 2004 legislation under The Wildlife Habitat Protection Act.

**Mr. Nilson:** — And what kind of habitat are we talking about here? Does it have any development on it at all now?

**Hon. Ms. Heppner:** — I don't believe so.

**Mr. Nilson:** — And are there other cottage developments or similar kinds of developments close to this particular property?

**Hon. Ms. Heppner:** — Yes. As I just stated, in 2004 in legislation under the previous administration a similar amendment was made to The Wildlife Habitat Protection Act in Bill No. 79 to remove land according to the land use plan of the RM of Torch River for cabin development. And this is, I believe, part of that land use plan.

**Mr. Nilson:** — And where was that land located that was taken out?

**Hon. Ms. Heppner:** — Southwest 35-51-14-W2. And that's 40 acres.

**Mr. Nilson:** — So that would be the portion that's not covered by the lake in the southwest of 35. Would that be an accurate description?

**Hon. Ms. Heppner:** — Yes.

**Mr. Nilson:** — So this continues development of a cottage area along the riverbank. Is that correct?

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

**Mr. Nilson:** — Now you've indicated that there's a land use plan. Can you describe, you know, how this land use plan was developed and who has developed it?

**Hon. Ms. Heppner:** — As it's part of the Ministry of Agriculture, I don't have all the details in front of me. I can tell you it was done under the previous administration, as it was cited in the 2004 legislation that I commented on. We could probably get that from the Ministry of Agriculture for you. I would imagine it would still be on file.

**Mr. Nilson:** — Well I think, I mean the issue with all of these particular pieces of land relates to the fact that critical wildlife habitat was protected. And what was placed in the protection at the time the Act was created and what's been added since is an attempt to make sure that there's wildlife habitat protected throughout the whole province.

We know that there's a disproportionate amount of that protection that's taken place across the forest fringe area, which I think includes this area, but the public expects . . . And I have to say that before the committee structure and before we're in this situation, land like this was not removed without a full discussion in the legislature.

The whole purpose of the legislation originally created was to make sure it was a very rigorous process to have any land removed. So I think there's an obligation on all of us to ask a lot of questions about what the land is that's being removed, and why it's being removed, and does it in fact have to be removed from the Act at all.

So this is an example clearly of cottage development. Now it sounds like it's organized by the Department of Agriculture. I'm not sure if that's accurate. Can you perhaps explain.

**Hon. Ms. Heppner:** — It's a private developer, but as I said, it's in accordance with a land use plan by the RM of Torch River. Almost exactly the same proposal was put forward under the previous administration. I believe it was Mr. Forbes who was the minister at the time. Also citing the land use plan of the RM of Torch River, the development of that land use plan was done through the Ministry of Agriculture.

And I do agree with you that consideration for habitat protection and what we do with habitat in this province should have a full and complete debate. But I would point out as well, this Bill No. 79, which I've cited a few times, has exactly the same amendment from 2004, was first introduced in the House and passed through in 10 session days. If that's considered a full and complete discussion on a Bill of this magnitude, so be it. I wasn't in government at the time.

But we do obviously appreciate the questions and comments here. And you had asked also about the actual land use plan. It was a publicly developed plan. I'm not sure the date it was released, but as I said, we can certainly get a copy to you on that.

**Mr. Nilson:** — Well you know, I appreciate your comments, and I also appreciate the process that was used. One of the things that we have found out in my questioning of the Minister of Justice but also questioning of others is that it doesn't appear to be a legislative review process in the new government.

And so if that doesn't happen, then there's other places for that to happen, and that includes the committee. So that's what

we're doing, is we're going through to review what the information is so that we can have assurances of what the intent is and also so that the public can know and have on the record what exactly is happening. If there are questions, well then I guess we'll all be answerable to that.

Now unfortunately, I guess the photocopy didn't pick up the river or anything, that all the members have. So if you're trying to figure out these maps in comparison to the ones we've got, the black and white version of this doesn't even show Tobin Lake, so you're in a bit of difficulty trying to use it.

So this is a Department of Agriculture request to get land out of the wildlife habitat protection so that they can accommodate a developer of cottages along Tobin Lake. Well that's clearly a better explanation of what this is than what the Act actually shows. And it also provides assistance to the committee and to the public as to what it is. So this is actually waterfront property on Tobin Lake which is a very desirable spot. So we'll move on.

So the next item is clause no. (5) and that relates to 431. And this appears to be a half section of land which is just right at the . . . and yes, it involves land that includes the area just north of Gronlid. And I assume this is the ski hill and the ski development area that's located right by the bridge across the Saskatchewan River at this point. It's got both of them.

So can you confirm that that's what we're looking at here, and that it's approximately 210 acres to be removed from wildlife habitat protection?

**Hon. Ms. Heppner:** — This land is located within the Wapiti Valley Regional Park. Apparently several years ago SaskPower had acquired this land from the Ministry of Agriculture and didn't realize at the time that this particular parcel of land was under wildlife habitat protection and allowed for development within the park of a ski hill and some cabin development.

So the development has already occurred on a piece of land which was under protection, but there was an oversight, as I said, by SaskPower when they allowed this development to take place.

So we can't undo what's been done, and there will be replacement lands put in at a future date. It's not in this particular piece of legislation. But there will be lands put in to replace the lands that have already seen development within the park.

**Mr. Nilson:** — So this is the Wapiti ski hill and related properties?

**Hon. Ms. Heppner:** — Yes.

**Mr. Nilson:** — And so this is land that's owned by SaskPower, but they acquired it without realizing that it was wildlife habitat protection land. And who did they acquire it from?

**Hon. Ms. Heppner:** — They acquired it from the Ministry of Agriculture.

**Mr. Nilson:** — Okay. Because it's land south of the river, is

that correct? Okay. So this one then is a correction of a number of administrative errors at a whole area. And I guess it's not necessarily a bad thing as far as the ski hill and related areas. I know they're well-used and well-liked. But it does eliminate some wildlife habitat land in a bit of a strange way.

**Hon. Ms. Heppner:** — Yes, and we'll work, like I said, in future legislation to correct this and add suitable lands to replace this oversight.

**Mr. Nilson:** — And I think, I mean this is another example, Mr. Chair, of having the satellite imagery and the digital cadastral map of Saskatchewan that will make it so that we won't end up with these kind of difficulties in the same way any more because it won't be possible to actually register some of the documents without having access to that. Okay.

The next item is 496. And this is, it looks like a quarter section of land being removed from on the shoreline of a lake just a mile or less out of St. Brieux, Saskatchewan. Can you explain what's happening here?

**Hon. Ms. Heppner:** — This is actually also an oops. When the legislation was originally put into place, there was millions of acres of land that were designated as wildlife habitat protection under the Act. And as you can imagine, when there's such a mass of land, there's bound to be a few glitches and errors along the way.

So it has been found that this land actually, the title for it, was granted back in 1920. This is privately owned land which never should have been listed under the legislation's wildlife habitat protection. So this pulls it out, obviously, because it's not Crown land, and the province can't place it in the legislation. So we're pulling it out as it is privately owned land.

**Mr. Nilson:** — Okay. So that's, I mean that sounds like a very good explanation. But I think it's important that, actually because of the intent of the original legislation, that we have very clearly described for the committee and for the public why a piece of land is taken out. But in fact this never was in. So practically, it's just correcting the mapping now that — once again — we have better, better sort of surveying of the whole province. So okay. Thank you for that explanation.

Let's move on to item no. (7) which is provision 675 in the appendix. And I think this is an addition of land which is located just south of Mortlach, Saskatchewan and southwest of Moose Jaw, not too far from the north shore of Old Wives Lake. And I'm sure, Mr. Chair, this is an area that you know well. And so effectively, this is adding a quarter section in that area. Can you explain what's happening here?

**Hon. Ms. Heppner:** — This is actually the second half of a land exchange. The first parcel of land in that exchange, which was removed in 2007 in an amendment . . . And as often happens when something is pulled out, it's the land to replace it is done at a future time. So this is the second half of a land exchange.

**Mr. Nilson:** — Okay. And that's land in that same area then, so it's a similar type of mixed grassland, natural eco region land?

**Hon. Ms. Heppner:** — Yes.

**Mr. Nilson:** — That's good, good bird country. I know that. The next piece of land is the land involved in items, I think it's probably 794 — or at least the map shows for 794. And effectively it must be a redescription of what's actually in the legislation. And so perhaps you could explain what is happening here.

This land is located just south of Saskatoon, straight west of Dundurn, right on the shore of the South Saskatchewan River. And clearly this is an area of high concern to all people who are concerned about the South Saskatchewan River, so we need an explanation here.

**Hon. Ms. Heppner:** — Yes. This land is adjacent to the South Saskatchewan River. It's actually being developed for agricultural use. And the land described here will actually be protected through the retention of a 30-metre habitat buffer along the edge of the river. So the property wouldn't actually go up to the edge of the riverbank, but there would be the 30-metre buffer.

The ministry has also identified replacement land which is actually included in this amendment as a replacement for the lands that would be removed.

Oh, let me follow up on that. It's an agricultural lessee who plans to continue the agricultural activities that are currently there.

**Mr. Nilson:** — So the land that's to be added according to the actual Bill is the south half of section 6, township 33, range 5, west of the third.

**A Member:** — The land to be added?

**Mr. Nilson:** — That's what it says as item no. (8) in the Bill.

**Hon. Ms. Heppner:** — I'm sorry. Were you asking which was going to be added?

**Mr. Nilson:** — Yes. What was in the Bill before is being deleted, which is the south half and northwest quarter of section 6. Or maybe what, in 794, what you've done then is taken out one quarter of the section.

**Ms. Cherney:** — Yes. I think that's the way that clause 2(8) . . . The way that 794 is worded now would be the land that remains as a result of taking away the northwest quarter of 6. You're left with the south half of section 6 still being protected, but in addition we are also adding in additional lands. And that would be found in provisions 844 and 879 which should be . . . we'll come to them if you're going through this clause by clause. We'll come to them in clauses 2(11) and 2(13). Those are the lands that we're adding in to offset the withdrawal that we're making.

**Mr. Nilson:** — And you've indicated that there's a 30-metre buffer. Does that mean that the title to that land stays in the department or in the Department of Agriculture, or what happens there?

**Hon. Ms. Heppner:** — Yes, that 30-metre buffer zone would stay with the Ministry of Agriculture.

**Mr. Nilson:** — And will there be a conservation easement or other designation on that particular land?

**Hon. Ms. Heppner:** — A conservation easement wouldn't be required as that 30-metre buffer isn't part of what would be taken out of The Wildlife Habitat Protection Act. So it actually stays within this legislation, is my understanding, to that 30-metre buffer part.

**Mr. Nilson:** — Okay. So that's then item 818 is what you're talking about then, which is clause 10 because that then . . . so that's . . . So basically we've got clause 8 and clause 10 being dealt with at the same time.

**Hon. Ms. Heppner:** — Yes, that's correct.

**Mr. Nilson:** — So effectively what we have then is the shoreline property isn't the shoreline. It goes up to 30 metres from the shoreline, and that, that land, the ostensible reason for its use is for agriculture.

**Hon. Ms. Heppner:** — Yes.

**Mr. Nilson:** — And this land is located on the highway that goes by the casino and just south of the casino. Is that right?

**Hon. Ms. Heppner:** — Yes.

**Mr. Nilson:** — Okay. So I know that there's a lot of pressure for residential land in this area. Is there any sense that this will become residential land?

**Hon. Ms. Heppner:** — The lessee has indicated to us that their plans are for continued agricultural use. That's the information that we have to date.

**Mr. Nilson:** — So this land will remain in the hands of Agriculture, so that the lessee will just have a lease, or is it somebody going to buy it?

**Hon. Ms. Heppner:** — We've been in discussions with the lessee of this land. There has been no final determination on that. As I said earlier this morning in relation to another parcel, pulling this particular land out of The Wildlife Habitat Protection Act doesn't automatically mean a sale will go through, as they've indicated that they're interested in purchasing this. This is similar in that, if we remove it now, because of the legislative process can be a quite lengthy one, that if we pull it out now it allows us the opportunity to sell if that's what the ministry chooses to do. But as I said, no final determination on this sale has been determined to date.

**Mr. Nilson:** — Given the concern of a number of different groups, including the partners of the Saskatchewan River Basin and others about the shoreline of the river, has there been any discussion with anybody involved there? You know, presumably that's located out of the Meewasin Valley Authority?

**Hon. Ms. Heppner:** — There haven't been any discussions to

date with that particular organization. As the 30-metre buffer is in place, there is no direct impact on the shoreline as far as we can tell.

**Mr. Nilson:** — Are there any land use plans in this area?

**Hon. Ms. Heppner:** — Not that I'm aware of.

**Mr. Nilson:** — I ask that question because this is an area where there is concern about the fact that we don't have land use legislation in Saskatchewan. And so I think in one of our previous conversations we had quite a discussion about the fact that Alberta's moved ahead with some province-wide land use planning. It's exactly these kinds of removals of the property from wildlife habitat protection that beg for some new initiatives.

I know it's not an easy task and I know that there was some discussions about how we might move along, but I would strongly encourage everybody to continue that process so that we're not in a situation where we have the land built up all along the river 30 metres from the water and then say, oh maybe we should've done this a little differently.

So I understand your description now of what this is. It doesn't appear to be an assurance that this won't end up being residential property if in fact somebody buys it and I guess that's, that's a concern. I think a lot of times it's probably, the best protection still remains having it in the Department of Agriculture with wildlife habitat protection designation, but thank you for that explanation.

So that dealt with clauses (8) and (10). So now I guess we go to clause (9), which is obviously I think some deletions and some additions if I understand this correctly. And this is for land that's directly across from the Coteau Beach area when these are both south of Gardiner Dam and they're located on Lake Diefenbaker. And there's some addition of some land and there's some deletion of some land. Could you please describe what is happening here?

**Hon. Ms. Heppner:** — On the clause (9), this is an addition and there is another clause which we will get to. This actually replaces land that later on in the clauses there's a proposal for land to be withdrawn. The land that is included in clause (9) as the addition is actually far superior habitat to the land that is being proposed to be withdrawn under a separate clause. So as I stated this morning on this almost like a land switch, this is actually a net gain as far as habitat goes, as this particular parcel is actually superior habitat to the one that was previously listed.

**Mr. Nilson:** — So the description here is the land that's added to it and this is the chunk of property that's right on the lakefront. Is that correct?

**Hon. Ms. Heppner:** — The one that's been in this clause as the addition is actually shoreline property. The one that is being removed in a subsequent clause is adjacent to this particular piece in the addition.

**Mr. Nilson:** — In fairness, and I'll tell you that this is my home territory so I know a fair bit about this whole area, my mother having grown up at Macrorie, which is just about 8, 9 miles

north of here. And I grew up on the riverbank just north of here as well.

My sense is that the land that's being taken out of the wildlife habitat protection area actually includes good access to the lake in the form of an inlet, and that that was the area that was . . . well is protected now and is to be removed, so it's actually exchanging an area that would be protected. An ideal world would keep both of these parts protected as opposed to an exchange, but is the intention here to — where the land is being removed — to develop residential properties?

**Hon. Ms. Heppner:** — On the neighbouring piece that's being removed? Yes, that was discussed this morning. There's a proposal for a cottage development. So as I stated earlier, the reason for having it included for withdrawal under this Bill is to allow us the flexibility, if we accept the proponent's proposal, to be able to finalize that transaction in a timely fashion as I stated, because as you know, the withdrawals and the additions through The Wildlife Habitat Protection Act is a legislative process which can be sometimes be a timely process as well. So this to remove it in order to potentially sell it. If we are not satisfied with the proposal that's brought forward, the land can be put back under protection at a future date.

**Mr. Nilson:** — Is there a land use plan that covers this area?

**Hon. Ms. Heppner:** — Not that I'm aware of.

**Mr. Nilson:** — Okay. Is this land covered by the rules that are managed by the Saskatchewan Watershed Authority as it relates to land draining into a lake behind a dam?

**Ms. Cherney:** — I'll answer that question, if I might. The land that we're proposing to add, as the minister has indicated, is right adjacent to the water. And so there would likely be a high-water mark or a takeline that the Watershed Authority would be responsible for managing land between that high-water mark and the water's edge itself. So they would certainly have an interest in the land that we're adding to this, as they do along all of the shoreline.

**Mr. Nilson:** — And that would include the shoreline in the inlet that comes right into the other land as well. I guess my question doesn't relate so much to that high-water line. It relates to the fact that there's a responsibility that goes back, I don't know, a number of kilometres from the edge of every lake where the Watershed Authority has to authorize whatever development takes place in that particular area.

So is this land included in that particular authority that's held under the Watershed Authority, which has the effect of being a zoning regulation in almost the sole discretion of the Minister of Environment?

**Hon. Ms. Heppner:** — To answer your question, if the Ministry of Environment is satisfied with the proposal and if we decide to sell this particular land and if a cottage development goes forward, there's environmental issues that obviously have to be addressed within that proposal. And any development would be subject to the oversight of various ministries, including the Saskatchewan Watershed Authority with whatever jurisdiction they hold over the waterways through that



particular parcel.

**Mr. Nilson:** — So there is continued control over this particular property by ministry.

**Hon. Ms. Heppner:** — Yes.

**Mr. Nilson:** — But the net effect really of this one is that it's planned that there will be cottage development, as I know there is a high demand for cottages along this part of the lakeshore.

**Hon. Ms. Heppner:** — That's what's being contemplated, yes.

**Mr. Nilson:** — Well then I guess the next item we go to is clause (11) which is, and I think it includes clause (13) in the map as well, so it's item 844. And this is, I guess, substituting and adding in some particular land. Can you describe what clause (11) does. It appears to add some land, but can you explain how? Land that's located along the river just downstream from Gardiner dam and obviously close to Coldwell Park, if anybody knows where that is.

**Hon. Ms. Heppner:** — The clause (8) and (10), which we previously discussed, was a removal. Clause (11) and (13) are the proposed additions as a replacement land for the land that would be withdrawn under clause (8) and (10).

**Mr. Nilson:** — Okay. And can you tell us what the trade-off is there. Like how much land was going out versus how much was going in as it relates to clauses (8) and (10) and clauses (11) and (13)?

**Hon. Ms. Heppner:** — The withdrawal that I had mentioned is 405 acres. The addition in clauses (11) and (13) is 90 acres, which I understand sounds like a bit of a discrepancy. However the 405 that it's proposed to be withdrawn is, as I said, already being used for agricultural purposes and is cultivated, and there's not much in that 405 that is, I guess, untouched habitat. So the 90 acres that is proposed as a replacement actually replaces the non-cultivated portion of that 405 acres in the previous withdrawal.

**Mr. Nilson:** — Just out of curiosity, I appreciate the 90 acres and I do know that it is better habitat than the others that you're removing some other places. Would there be a plan to try to obtain all of the land along the river in this stretch to be included in as wildlife habitat land, or at least the land that the Department of Agriculture controls?

**Hon. Ms. Heppner:** — There is no current plan to have all of the shoreline be designated under wildlife habitat protection. A chunk of it already is, some of it is privately held land, some is Crown land, but there is no plan to put all of the shoreline under wildlife habitat protection.

**Mr. Nilson:** — Okay, but this is also an area where there isn't a land use plan right now so that this . . . I guess I'm just responding to, I know quite a number of people within the community who are concerned about the South Saskatchewan River especially. And so I would encourage you to look at this stretch, actually all the way up to Saskatoon, and see if there aren't other pieces that could be added in now when you have the chance to do that before there's further pressures on

development.

Okay. Let's move on to clause no. (12) and this is an addition of some land and this is located up just southeast of Shell Lake. And can you explain what's happening in this particular area?

**Hon. Ms. Heppner:** — In 2006 the Mistawasis First Nation had requested the removal of this land and that was done through an amendment as part of a land claim. It ended up that they did not take this particular parcel of land as part of their land claim, so it is simply being returned to the wildlife habitat protection.

**Mr. Nilson:** — Okay. Well thank you for that explanation. And then we go to clause no. (14) which has provision 960 of the appendix, and this involves a removal of some land from The Wildlife Habitat Protection Act, and it's just southeast of Spiritwood. Can you describe what's happening here?

**Hon. Ms. Heppner:** — This is another bit of an oops and this is actually privately held land. The title was granted in 1993 and was designated in error originally and, as you can appreciate, we will make every attempt at due diligence to make sure that this sort of thing doesn't happen, but as was stated in an earlier case, as it's privately held land it should not have been designated under The Wildlife Habitat Protection Act. So it's just being removed.

**Mr. Nilson:** — So it was designated in the original legislation or subsequent legislation? It just seems like 1993 is a relatively recent title. Perhaps you can explain that.

**Hon. Ms. Heppner:** — It's my understanding it was not in the original legislation but in subsequent, and I don't have the year of that amendment in front of me.

**Mr. Nilson:** — So was it land that was sold by the Department of Agriculture inadvertently? Is that a more accurate description of it, or what exactly happened?

**Hon. Ms. Heppner:** — I'm not sure. I don't have all that information with me. If you like, we can track down the exact date of its original designation and get that information to the committee Chair.

**Mr. Nilson:** — Well I would appreciate that because I mean effectively it's . . . There's some problem here which is being corrected, so I accept that information, but I think we should actually know what it is.

So now I think that ends all of the items that are being dealt with as it relates to the Act, but also in there is a section 3 which deals with the treaty land entitlement withdrawal regulations in item 50 in the appendix to those regulations. Can you explain what that is? And I don't think we have a map that relates to that.

**Ms. Cherney:** — Would you mind repeating again, Mr. Nilson, which clause you're referring to?

**Mr. Nilson:** — I'm referring to clause 3 on page 2 of the Act. In the explanation that you provided it says this is going to be withdrawn to allow for a development opportunity. So I'm just

interested in, for the record, what is actually happening with this land.

**Hon. Ms. Heppner:** — I apologize to the committee, both for the length of time that consultation took and for a bit of a lack of information on this particular piece. I would be more than willing to come back or to provide to the Chair the information on that. I don't have the details of the proposal with me. There is a proposal for an addition within this legislation to replace land that would be removed under this particular section, but I don't have the details on, as it does say to allow for development opportunities. I don't have that information with me. But as I said, I would be more than willing to get that information to the Chair at the soonest possible time.

**Mr. Nilson:** — Well thank you for providing that. I've been trying to figure this one out from the research that I was doing and I couldn't figure it out and it appears there may be a problem here, so I think that rather than have the whole Bill passed, we should have the detail here.

**Hon. Ms. Heppner:** — Looking at the land description, it is the same land description as is listed for under . . . [inaudible interjection] . . . Is the parcel of land that we had discussed previously on Lake Diefenbaker. I'm not sure why it would be listed twice in this legislation though.

**Mr. Nilson:** — That's my concern, because this relates, this is actually a regulatory change and so we need to see the appendix to The Wildlife Habitat Lands Designation Regulations, because when I looked at this earlier today, it related to the northwest quarter and the south half of section 2-46-23-W3, and that doesn't match at all with the explanation that's been given here. If you go to item 50, clause (a) in the regulations and tell us if that's what's to be repealed.

Perhaps we could ask the question is, why would some land be deleted in the regulations to this particular legislation as opposed to in the Act itself? And that may give us an answer to the question. Because I know that everybody would just as soon that we completed our work on this particular Bill tonight. But we don't want to have something left that's a problem. Can you . . .

**Ms. Cherney:** — I can provide a partial explanation to that, I think, and then we can come back with additional information if you need more.

So I think the name of the regulations themselves is kind of descriptive for us. The wildlife lands designation regulations is a way that we can protect land in a more timely way. As you know, regulation amendments can come through a different process and it doesn't require an opening of the Act at that point in time. So there are some lands that have been designated and come under the protection aspects of The Wildlife Habitat Protection Act, but they are designated through those regulations so they're listed in the regulation.

So this appears to be one of those parcels of land that was designated through an addition or an insertion in the regulation. And so we need to describe it differently, as provision 50 does, that it effectively amends that set of regulations or the schedule to the Act itself so that we can, you know, withdraw that land

and release it from the protection of The Wildlife Habitat Protection Act. And we have included in, you know, one of the earlier clauses the replacement land for that. So it happens both in the same Bill. But one of them is protected under the regulation portion.

**Mr. Nilson:** — So then for clarity, and I think I understand your explanation, this particular land that's involved here is the northeast quarter of 27—25—6-W3, which is the land that we were talking about previously where there's going to be a cottage development on effectively the shores of Lake Diefenbaker, directly across from the Coteau Beach cottage development. But because it was land that was designated in the regulations, it has a different method of removal than all of the previous ones we've dealt with.

**Ms. Cherney:** — That's correct. Because it's not specifically listed in the Act itself, it comes in under the protection through the regulation.

**Mr. Nilson:** — Okay. Well that does explain it and, Mr. Chair, that does give us an answer for all of the provisions of this legislation.

I once again reiterate the position that I have that, and I think is probably shared by the minister and the department, that the sooner we can have overall province-wide land use rules, the easier it will be. Because at the present time the method of effectively controlling land use is ownership of the land by the Department of Agriculture or the Department of Environment or through some other interim measures, and that isn't always as successful in letting the public know what the land use is.

So I thank you, Mr. Chair, and I think one of my colleagues has some questions.

**The Chair:** — Mr. Harper.

**Mr. Harper:** — I have a couple of questions in regards to the very first item brought up by my colleague, provision 240. In your explanation it says that this land is being put back in as replacement for lands withdrawn in 2005, amendment for private sale. Was the land for private sale, was it in the very same area or nearby . . . [inaudible] . . . privately?

**Hon. Ms. Heppner:** — It's actually quite close to the land that was withdrawn in 2005. It's about 2 miles away.

**Mr. Harper:** — So the lands going back in, was that Crown land or was that private land, or was it just exchanged?

**Hon. Ms. Heppner:** — The land that's going back in was actually privately held land. The 2005 amendment for the withdrawal was the Crown land which the lessee then got. And the lands, this is the second half of that land . . .

**Mr. Harper:** — Land exchange.

**Hon. Ms. Heppner:** — Land exchange. So we're actually getting the private land now; he got the Crown land in 2005.

**Mr. Harper:** — And earlier on you said it was ideal habitat for winter elk feeding.

**Hon. Ms. Heppner:** — Yes.

[Clause 1 agreed to.]

**Mr. Harper:** — Is that natural feeding or was that cultivated land that had been seeded down to obtain product?

[Clauses 2 to 4 inclusive agreed to.]

**Hon. Ms. Heppner:** — The information I have is that it's a source of hay for winter feeding for elk. It might be a combination of natural and seeded. I'm not sure of the exact details.

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 25, An Act to amend The Wildlife Habitat Protection Act and to amend The Wildlife Habitat Lands Designation Regulations. Is that agreed?

**Mr. Harper:** — You wouldn't know whether that was cultivated land at one time and had been seeded down for hay product for private use and then just reverted back to the natural grass?

**Some Hon. Members:** — Agreed.

**The Chair:** — May I have a member move that we report the Bill without amendment? Mr. LeClerc.

**Hon. Ms. Heppner:** — I can certainly try to get that information for you. But the principle behind the trade-off is whatever land the Crown trades, the land that we get in return is comparable or superior. So I'm quite confident that the area is a decent piece of property for us to have.

**Mr. LeClerc:** — I move.

**The Chair:** — Is that agreed?

**Mr. Harper:** — So in your experiences here have you encountered or your department encountered the opportunity to work with the elk foundation? It's a private operation which purchases land for the purposes of creating elk habitat.

**Some Hon. Members:** — Agreed.

**The Chair:** — That concludes the business for this evening. Madam Minister, I'd like to thank you and your officials for being here to answer questions. And do you have a wrap-up comment?

**Hon. Ms. Heppner:** — I'm not sure which organization you're discussing because there is elk farming and then there is the wild . . . Which organization would this be?

**Hon. Ms. Heppner:** — I would like to thank members of the committee, not just for their time this evening but I know that all the committees within the legislature have been sitting through quite long hours, and as a member of this Assembly I just want to thank all of you for your time and dedication because I know some of these nights get a little bit long. So thank you for your time in serving your province.

**Mr. Harper:** — The elk foundation, I would suppose, would be similar to the Ducks Unlimited. It's a privately owned operation which purchases land and allows the land to revert to its natural stages, primarily for the support of elk wildlife.

**The Chair:** — Thank you, Madam Minister, and now I would entertain a motion of adjournment. Mr. Ottenbreit. Thank you. This committee is now adjourned.

**Hon. Ms. Heppner:** — There have been discussions through our fish and wildlife branch with that organization. They're a smaller organization and aren't one of the larger stakeholders such as the Saskatchewan Wildlife Federation, but there has been dialogue with the fish and wildlife branch.

[The committee adjourned at 22:52.]

**Mr. Harper:** — . . . for my question is that their goals are very similar to yours as far as providing habitat for wildlife. Theirs is more specific to elk. But I think there's opportunity for some co-operation perhaps or some discussions that would perhaps lead to co-operation because I think their intentions are well meaning.

Mr. Chair, that concludes my questions. If any of my colleagues have any further questions.

**The Chair:** — Ms. Morin.

**Ms. Morin:** — Thank you, Mr. Chair. I just wanted to thank the minister and her officials for answering our questions here this evening and working into the wee hours of the evening here. So thank you very much and I appreciate the time.

**The Chair:** — Seeing no more questions, Bill 25, clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.