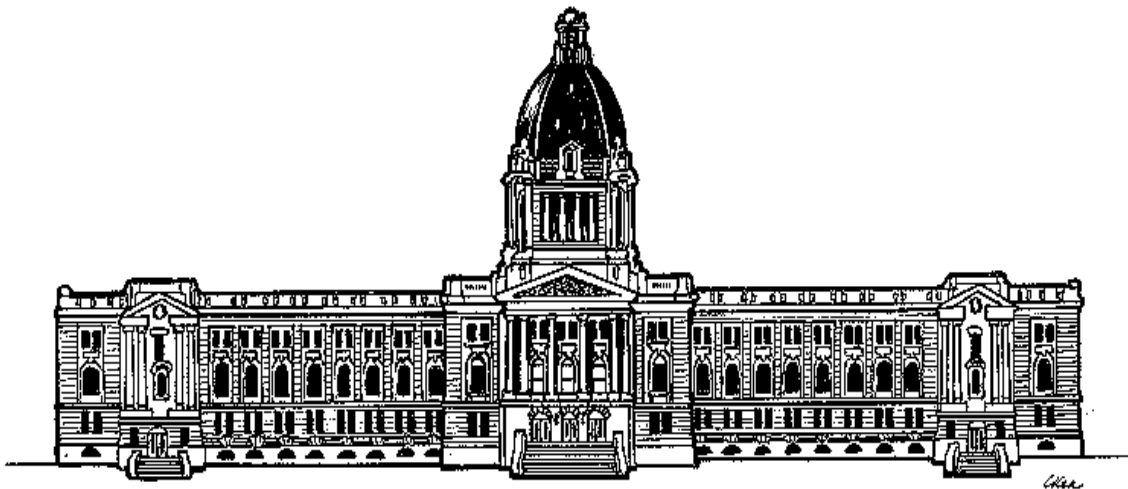




# **STANDING COMMITTEE ON THE ECONOMY**

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## **STANDING COMMITTEE ON THE ECONOMY**

Mr. Darryl Hickie, Chair  
Prince Albert Carlton

Mr. Ron Harper, Deputy Chair  
Regina Northeast

Hon. Dustin Duncan  
Weyburn-Big Muddy

Ms. Laura Ross  
Regina Qu'Appelle Valley

Mr. Lyle Stewart  
Thunder Creek

Mr. Len Taylor  
The Battlefords

Ms. Nadine Wilson  
Saskatchewan Rivers

[The committee met at 19:30.]

**The Chair:** — Well good evening everybody, and seeing that we're now at the time of the hour chosen, 7:30, for the committee to begin, I'll call the committee to order. I will welcome you all here to the deliberations of the Standing Committee on the Economy.

If I can just take a second to introduce the members again, I see we have Mr. Taylor, and chitting in for Mr. Harper is Ms. Morin. And on my right side, government side, I see we have Mr. Stewart, Ms. Wilson, Ms. Ross, and Minister Duncan. I have to apologize for not acknowledging your status, sir, as always before it's always been Mr. Duncan. So Minister Duncan is on the committee. So my apologies, sir.

I guess we want to table, to begin though is, the following document ECO 15/26 re: travel costs, Saskatchewan Watershed Authority dated May 7 of 2010.

**General Revenue Fund  
Environment  
Vote 26**

**Subvote (EN01)**

**The Chair:** — Committee members, we will now consider estimates for vote 26 Environment, central management and services (EN01), outlined on page 59 of the Estimates booklet.

Ms. Minister, we've been back and forth a few times, but if you'd like to introduce some of your officials again, and if you have any kind of opening statements once again, please feel free.

**Hon. Ms. Heppner:** — Thank you, Mr. Chair. I don't have any opening statements, but I will introduce the two officials that are sitting with me. Others can introduce themselves when they are at the table. To my right is Liz Quarshie, deputy minister for the Ministry of Environment and to my left is Lin Gallagher, assistant deputy minister, resource management.

**The Chair:** — All right. Thank you, Ms. Minister. I guess if we have members want to start asking questions. Ms. Morin.

**Ms. Morin:** — Thanks very much, Mr. Chair. And thank you, Madam Minister, for appearing before the committee again this evening, as well as all your officials.

I just wanted to start out with reviewing what we had gone through on the 30th of April when we met last. There were a number of things that had been requested, and you stated that it would be provided to the committee through the Chair, and I was just wondering if any of those materials would be available yet.

**Hon. Ms. Heppner:** — Mr. Chair, it's my understanding that the ministry had already submitted that. I'm not sure if you are in possession of it. If not, we have a copy here.

**The Chair:** — Well, Ms. Minister, all I'm in possession of is that one document, travel costs, so far. So if you'd like to

provide your . . . We can make copies up here and provide them for the committee members too, if you like. Ms. Morin, feel free.

**Ms. Morin:** — Perhaps while we're waiting, I'll just ask one of the questions again. In terms of — I'm assuming that that's probably some of the information that's provided — but I'm just wondering if you can now tell me what some of the penalties that are meted out in the event that someone doesn't remove a diseased tree that's been infected with Dutch elm disease.

**Hon. Ms. Heppner:** — Mr. Chair, there is an offence and penalty section 79 through *The Forest Resources Management Act* which says if people are not complying with an order, in the case of individuals, a fine not to exceed \$250,000 is a possibility. But I do want to point out that that has never been used in the case of Dutch elm disease.

The municipalities have the authority through *The Forest Resources Management Act* to appoint an inspector for their particular municipality. That inspector would then have the authority to access private lands. They can issue orders for removal on private land. If the landowner chooses not to comply, the municipalities have the authority to remove that tree and then engage in various cost recovery activities such as taxation through their own authority.

**Ms. Morin:** — Right. Thank you very much, Madam Minister. But according to what's available under the purview of the provincial government in terms of fines, we're saying that it can be anything up to \$250,000. Is that correct?

**Hon. Ms. Heppner:** — Yes.

**Ms. Morin:** — Okay. So it is purely then . . . Well what is the process? So an inspector goes out. An inspector makes an order to have a tree infected with Dutch elm disease to be removed. That doesn't happen, let's just say. And the next . . . Or let's put it this way, after a series of events because I'm sure there's a series of events takes place, there is a decision made to have a fine levied. What is the process that proceeds from that point on in terms of how the decision is made as to what that fine should be?

**Hon. Ms. Heppner:** — The process that has been followed, as I said, there's never been a fine levied in this circumstance. So the process that is in place is, trees would be identified. Then the municipality — based on the authority given to them through *The Forest Resource Management Act* and their appointment of an inspector — would work with the landowner for the removal of that tree. And hopefully that would be the solution to the problem because I would imagine most landowners would be quite compliant with removing a diseased tree from their property.

If they do not comply, then the inspector can issue an order for removal. As I said, then they can go onto the property and remove the tree and go through, issue some kind of cost recovery based on what municipalities feel is best, whether that's taxation or billing, direct billing or other things.

If none of that happens and the landowner refuses to comply and the municipality chooses not to go on and remove a tree, then it would actually go to court and a judge would decide. But as I said, that's never happened.

**Ms. Morin:** — I just wanted to fully be aware of the process that takes place and the procedures that would then be followed in the event that circumstance would then arise.

One of the other questions I had asked was about the Sask Watershed Authority and about finding efficiencies in Sask Watershed Authority. And the minister had indicated that there were efficiencies that were going to be sought or found based on travel. Am I paraphrasing that correctly?

**Hon. Ms. Heppner:** — Yes, that's one of the key areas, and there was information that was, I believe, handed out that goes to '09-10. Obviously there are going to be efficiencies found in the '10-11 budget year as well.

**Ms. Morin:** — Thank you, Madam Minister. So I'm noticing from the information that you provided to the committee this evening, that between the '08-09 and '09-10 budget cycles that we're looking at about a \$50,000 efficiency in travel costs for Sask Watershed Authority. Is that correct?

**Hon. Ms. Heppner:** — Yes.

**Ms. Morin:** — And what are we looking at in terms of the new budget cycle then, 2010-2011 in terms of projected efficiencies with respect to travel, on top of that I'm assuming?

**Hon. Ms. Heppner:** — The projections going into the '10-11 budget year is a focus on out-of-province travel. We are hoping for a reduction of about 35 per cent.

We are also working on minimizing in-province travel. The Saskatchewan Watershed Authority has five regional offices, and I think traditionally there is travel between those offices for various meetings, and so there's going to be a greater focus on conference calls to reduce the in-province travel. Obviously with the activities conducted by the Watershed Authority, there is still a need for in-province travel because they are out in the field doing various activities, but we will be working on a reduction where we can for in-province as well.

**Ms. Morin:** — Thank you very much. One of the other requests that was made was by my colleague Mr. McCall, and it was regarding the funding of the protocol agreement with the FSIN [Federation of Saskatchewan Indian Nations]. And Mr. McCall had asked if the minister could provide for the committee the amount of that funding over the past decade, year by year. Is that included in the documents that are being photocopied right now?

**Hon. Ms. Heppner:** — Yes.

**Ms. Morin:** — Okay. Thank you very much. And also of course the cost with respect to the Legislative Secretary for Environment. The minister had said at that time that she believed it was between 3 to \$5,000 for that report and study to be done and information to be provided to the ministry. Is that included in the information that's coming as well?

**Hon. Ms. Heppner:** — It is. It's part of the information package that we've submitted, and the costs incurred for the Legislative Secretary assigned to my ministry is \$3,186.06.

**Ms. Morin:** — Thank you very much. So with respect to the results-based regulations, there is a concern that because of the fact that it's going to be monitored on an ongoing basis to achieve the results that are going to be laid out by industry themselves, that there's a concern that it won't hit the mandate correctly with respect to duty to consult and accommodate First Nations people. Can the minister perhaps explain how that is going to occur with the new results-based regulations process?

[19:45]

**Hon. Ms. Heppner:** — Thank you for the question. The environmental assessment process remains under the results-based regulatory system that we are proposing. As it stands now, if there is a proposal for a development and an environmental assessment is triggered based on the development and the impact on treaty rights, it obviously triggers the duty to consult. That process is still in place. It's not a step that's been removed from the process or in any way overlooked. All the regulatory approvals that would trigger the duty to consult now would trigger it in the future under this process.

But the interesting thing to note about our results-based regulatory system is — and we've talked about this quite a bit in previous committee appearances — is on the development of the code and our plan to have First Nations involved in the development of the code. The development of the code actually sets the standards and outcomes that are expected by the government. So First Nations actually have an active voice in helping us to set those standards and outcomes, which I think is going to be a benefit to all involved. But as far as the specific question of duty to consult, it's triggered in the same fashion as it currently is.

**Ms. Morin:** — Okay. Well thank you for that. There is obviously a fair amount of concern with respect to the respectful relationship between the government and the FSIN proceeding in the fashion that it should.

One of the concerns of course that's come forward, which I'm sure the minister is fully aware of, is the issue of *The Wildlife Habitat Protection Act*, for instance, and the discussions that took place on Thursday by the invitation of the minister to various groups to see if there is more information provided or if there is some changes that might potentially take place. And one of the organizations that couldn't attend was the FSIN. And the reason that they couldn't attend is because they didn't have the authority to attend that meeting on behalf of the 74 First Nations of Saskatchewan to be able to speak as that voice.

So when we already see situations where there is legislation moving forward, where the FSIN, on behalf of the 74 First Nations, or the 74 First Nations individually don't have the ability to make their voices heard and be part of the consultations that are taking place on legislation that could have significant impact on them, in many ways, not the least of which is that they are residents of Saskatchewan and that the land under *The Wildlife Habitat Protection Act* belongs to all

the residents of Saskatchewan as their environmental legacy. So how is the minister going to approach situations like this one, for instance, where a significant stakeholder has been discluded from conversation on a very, very important piece of legislation that has become very contentious in the province?

**Hon. Ms. Heppner:** — When we started down this path on changes to WHPA [*The Wildlife Habitat Protection Act*] and conservation easements and making land available for sale to those who are currently leasing it, the FSIN was contacted last June along with all of our other stakeholders. I don't believe we received a response from them. The meeting that happened last Thursday, they were invited. They chose not to attend. And it was not meant to be a duty to consult forum.

The land that we are speaking of is occupied land. It is currently being leased. Occupied land is, when it comes to as an example the TLE [treaty land entitlement] process, is not typically used as part of TLE selection because it is occupied land. And so we had asked them out of courtesy, as we did with all of our other stakeholders, to attend that meeting for their input. We were requesting their input. They chose not to attend. So it's not that they were excluded from the process; they were invited to attend and chose not to.

And I did receive the letter outlining the fact that I believe it was on March 8th they had passed I think it's a resolution that says the FSIN is not the organization that the Ministry of Environment or government agencies are supposed to consult when it comes to duty to consult. It was to go . . . where our obligation — and we agree with that; officials from my ministry have stated that in committee appearances over the last few weeks — that our duty to consult is to individual First Nations and we agree on that point.

But as I said, the meeting last Thursday was not a duty to consult meeting. FSIN was invited as were all of our other stakeholders for their input and ideas on how we move forward.

**Ms. Morin:** — But the minister does understand that when you are inviting various stakeholders to discuss a very contentious and important piece of legislation that the First Nations and the people of the First Nations are obviously a very important stakeholder in that process.

And when they feel that they are discluded from that process by virtue of the fact that the invitation was on such short notice basis that the FSIN didn't have the authority to represent those 74 First Nations and that those 74 First Nations didn't have the time, appropriate time available to them to be able to give the FSIN to speak on behalf of them, I would not call it that they chose not to attend the meeting. I would call it that they were not able to attend the meeting because of the circumstances surrounding their particular situation.

Now I find the minister's tone of voice about having used the word "chose" a little derogatory and disrespectful, so let's be accurate in what's actually happened here. It's not that they simply chose not to attend. They would have liked to have been part of the consultative process with respect to the WHPA discussions but were not able to in terms of representing the 74 First Nations because they didn't have the authority to do so, and clearly you didn't have any leaders from those 74 First

Nations attend the meeting because of short notice.

Now one of the other issues that I've been told by FSIN is that had they had the agreement in place that existed between the Ministry of Environment and the FSIN in terms of the funding that was cut in the budget — of almost \$300,000 with respect to that research and investigative process, with respect to environment issues being able to go forward — that they may have then had the ability to have pulled this together quick enough. But because not only did they lose that \$300,000 in funding, so then they lost the ability to be able to proceed with issues that arise on such short notice, they were not able to then be part of the consultative process that took place on Thursday on a very, very important issue.

And they are very concerned about the issue of treaty land entitlement. A lot of the land that the minister refers to from 1996, which she likes to quote, was with respect to . . . from my colleagues that were in government at the time, was with respect to treaty land entitlement. Some of those lands were assigned to that and then later replaced through a no net loss policy.

But the point is that this is a very important discussion for the First Nations to be able to be taking part in, and for them not to be able to take part in it because of such short notice is not appropriate. So I'm wondering what the minister and the ministry is going to do to mitigate the circumstances, given that they weren't able to be there to represent those 74 First Nations, or what the minister or ministry is going to do in terms of further consultative process with those 74 First Nations so that their voices can be heard as well.

Is the minister willing to delay the process so those voices can be heard? And how that will, as I said, how that will affect things going forward because of the funding cut of the \$300,000 to the agreement that existed between the Ministry of Environment and the FSIN.

[20:00]

**The Chair:** — If I can just have a second while the minister is consulting, I'll just table this document that we now have in our possession, if it's okay with the committee members. I can't see any reason why I shouldn't be able to do this.

I wish to table the following document: ECO 16/26. It's regarding answers to April 30th, 2010, Ministry of Environment, estimates questions, and dated May the 13th, 2010. So just for the record, now it's been tabled.

**Hon. Ms. Heppner:** — Thank you, Mr. Chair. The member asking the question is tying the funding agreement that we had with FSIN to their capacity to respond. And I would like to point out in a letter that was sent out last year . . . It was sent out in June. It was sent out to the FSIN. Their funding agreement was in place and we had asked for feedback and input and suggestions and their perspective on this project. It was outlined what we were going to do with WHPA, conservation easements, and the assessment tool.

And while the funding was in place, we had no substantive comments back from FSIN. It was nine months before the

funding agreement ended. So we had tried in June to get comments and then, as I said, invited them again last week to participate. I was encouraged there was representation from MNS [Métis Nation of Saskatchewan] at that meeting, as well as our conservation groups and agriculture and cattlemen producer stakeholder groups.

The initiative, because it is a broad policy initiative by the government, there is no duty to consult triggered by this. Any land that is proposed to be sold, there will be specific triggers on that for the duty to consult, and then we would be consulting with the affected First Nations. And I will ask Todd to run through some of those scenarios.

**Mr. Olexson:** — Hello, I am Todd Olexson. I'm the acting director of the lands branch of the Ministry of Environment. Some of the questions I guess I would hope to respond to were with regard to treaty land entitlement.

The treaty land entitlement process is based upon the principle of willing buyer and willing seller; therefore, both parties generally have to agree to want the land and make it available for sale. As part of that process, on any Crown lands that are selected, any third party, any interest in that land, if it's been licensed or leased to an individual, those particular individuals at present have to consent, give their approval for the process or the sale to proceed. In essence they have to have their third party interest satisfied by whatever means is necessary, in many cases a financial transaction buying out their interest.

So in essence, if and when I guess any lands are sold, I would like to highlight that it doesn't remove them from the treaty land entitlement process. If lands are sold, they will enable a more direct transaction between the current third party interest who might be a new landowner. So the First Nation is still welcome to select private lands. In many cases, we're finding First Nations having greater success selecting private lands because many Crown lands have a lot of interest on them. We have that duty to ensure that all third party interests are taken care of prior to the Crown considering sale of lands.

So in some cases, this might make for a process that is easier for First Nations to complete. We have currently a number of concerns where the TLE process has many, many third party interests, and that is generating concerns for some of the First Nations. So in general we are finding more and more selections taking place on private lands, and those processes going through with more speed than some of the Crown land selections.

**Ms. Morin:** — Thank you. Madam Minister, you say in your response that the . . . I guess one can sense your position on the reason not to continue on with the funding of almost \$300,000 to the agreement between the ministry and FSIN because you say, quote, that you have no response for a request for feedback on *The Wildlife Habitat Protection Act* changes that were coming, that you requested in June of 2009.

Well, Madam Minister, that's very unusual given that you didn't have any feedback for information from other organizations, other environmental organizations who also, along with the FSIN, feel that you weren't forthright in that discussion or in that request in June 2009 with exactly what was

going to be taking place with changes to *The Wildlife Habitat Protection Act*.

These individuals and these groups are all under the impression, or were under the impression I should say that there was going to be an assessment done on all Crown lands, but there was no notion at that time that all of the lands protected under *The Wildlife Habitat Protection Act* were going to be moved out of legislation and into regulation. That is certainly something that they did not know about, and they've made that very clear to me through numerous emails, phone calls, and letters. And I know the minister has received them as well because I've been cc'd on a fair amount of those correspondences that have come to the minister.

So I wouldn't say that it was just the FSIN that didn't respond on the changes to the WHPA Act because they were in the same position as all the other conservation groups, NGOs [non-governmental organization] that were contacted — I wouldn't call it consulted — that were contacted with respect to the changes that we're now seeing in front of the legislature.

And also in the response, the minister has also talked about the fact that the agreement between the FSIN and the Minister of Environment didn't affect a duty to consult. And I'm gathering from what I've heard now, in numerous times of us sitting together, that it seems that this is one of the two reasons that this agreement was cut. Well maybe three reasons, I should say.

So given that the minister feels that this doesn't fit into the duty to consult, and therefore I guess it's expendable and that duty to consult would then mean, as you've just pointed out, that you should be consulting with all 74 First Nations and not directly with the FSIN, can the minister explain to me then why the FSIN was invited to this meeting on Thursday instead of having a letter go out to each and every single one of the 74 First Nations which the FSIN is comprised of?

**Hon. Ms. Heppner:** — To the member's preamble, I never said that it was only the FSIN who didn't respond. The member's question was only specific to the FSIN, and I was answering her question specifically.

As to the letter that was sent out, it stated quite clearly what we were planning on doing and what we were asking for in terms of input. It talked about the land designation under *The Wildlife Habitat Protection Act*. It talked about looking at lands to be sold without restriction, lands that could be sold with conservation easements, and land that would be retained by the Crown. It also went on to talk about the Crown land ecological assessment tool and then went so far, because we're so incredibly secretive, to say that during the fall 2009 legislative session the government intends to introduce amendments to *The Wildlife Habitat Protection Act* and *The Conservation Easements Act* to reflect this new approach.

I think it was pretty obvious what we were doing. It's no secret to anybody who received this letter exactly what our plan was.

As for the partnership, it is not a duty to consult partnership. It says specifically in section 3.2 of the signed agreement that the discussions with FSIN are in no way intended to reflect fulfilling the Crown's obligation on duty to consult, and nor do

we take it as such. And as for the 74 First Nations, as we have just stated, where land being affected triggers a duty to consult by the Crown, we will do that with the affected First Nations.

The request for FSIN's attendance at the meeting on Thursday because they are an interested stakeholder was not as a duty to consult, but as a courtesy to extend that invitation so that we could receive their input and feedback and position on our approach.

**Ms. Morin:** — Right. And as you've received the letter that I received which was written to you, cc'd to me, the FSIN was very clear in the fact that they could not attend the meeting to provide you with that feedback that you so desired because they didn't have the authority to provide that voice on behalf of 74 First Nations.

So given that they could not do that and given that the minister feels strongly about ensuring that the 74 First Nations individually have a voice, what is the minister now going to do to consult with those 74 First Nations on *The Wildlife Habitat Protection Act*, given that the FSIN no longer has the ability to do that on behalf of the 74 First Nations because of the funding cut of \$300,000 which then previously would have enabled them to be able to do that consultation with the 74 First Nations and then provide that voice for them?

**Hon. Ms. Heppner:** — The letter that the member references is, as I had stated in one of my previous answers, was that on March 8th there was a resolution passed that the FSIN was not the go-to organization on the fulfillment of the Crown's duty to consult and accommodate if there were impacts on treaty rights. And we actually agree with that position. We have said all along that our duty to consult is with individual First Nations.

But as I said, the meeting on Thursday did not constitute a need for duty to consult, so the FSIN was requested to attend to be able to give their input — they have a lands and resource branch — and to give their input. But to ask us to then go fulfill a duty to consult with 74 First Nations, this does not trigger the duty to consult.

**Ms. Morin:** — So it doesn't trigger the duty to consult. So is the minister going to meet with those 74 First Nations on a respect basis, given that the minister met with many other stakeholder groups that have expressed active interest and concern with respect to *The Wildlife Habitat Protection Act* and looked for input from the FSIN, not on a duty to consult basis? What is the minister going to do now to discuss this important piece of legislation with those other . . . or with the First Nations to ensure that their input, not based on duty to consult, is provided?

[20:15]

**Hon. Ms. Heppner:** — I think both the Premier and myself have been clear that it is our intention to have this legislation passed by the end of this spring session. It's been before the House since December. If there is any one of those 74 First Nations who wants to provide input on their perspective on this, happy to receive that; we'll meet with them. But as I said, the legislation, it's our intention it will be passed. So far to date, having had this legislation before the House since last fall, I

don't believe that we've had any indication from any one of those 74 First Nations on any concerns presented to my office.

**Ms. Morin:** — That's correct, Madam Minister, because the FSIN and the 74 First Nations didn't realize that there was going to be a funding cut to the working agreement between the ministry and the FSIN until — the date was March 24th — budget day, when the FSIN received a phone call from your deputy minister telling them that their funding had been cut with respect to the partnership agreement. And so they suffered that loss of \$300,000, which was significant impact on the work that they could do on behalf of the 74 First Nations.

So we will, I'm sure that with the individuals that are watching tonight will then decide whether or not they want to make their individual voices known with the minister, given that they felt that their voices were already represented by the FSIN in the FSIN's letter to the minister with respect to their concerns and, how should I say, criticism of *The Wildlife Habitat Protection Act* Bill that's presently before the legislature.

Now, Madam Minister, you talked about the fact that in June of 2009, you know, you had . . . I have the letter in front of me and quite frankly I don't glean from the letter the changes that have, that have been presented in the legislature. And, Madam Minister, you say that it was no secret and that, you know, that anyone that was present for the consultative meeting, if that's what you want to call it, would have known that this is exactly the change that was going to be coming forward.

So can Madam Minister explain to me that why it is that none of the organizations, which is the Saskatchewan Wildlife Federation, Nature Saskatchewan, Nature Conservancy Canada, Saskatchewan Environmental Society, Ducks Unlimited — I could go on and on; FSIN, MNS — none of them were aware of the fact that *The Wildlife Habitat Protection Act* changes were going to see all of the lands that are currently protected under the Act, they were going to see all of those lands removed from the legislation and put into regulation where there is no scrutiny as to which lands are going to be sold until after the sale has taken place. And the OC [order in council] is then, and the minister's decision is then made aware of.

So if the minister could explain to me how it is that they knew that the Act would then contain — oh what is it, one, two, three — two double-sided pages, four pages, and that all of the rest of the Act would disappear into regulation. Was that made explicitly clear? Was that made explicitly clear to the individuals that were contacted in June of 2009 that those lands would be removed from the legislation and put into regulation?

**The Chair:** — I see Mr. Duncan. You have a . . .

**Hon. Mr. Duncan:** — Yes, Mr. Chair. Point of order.

**The Chair:** — State your point of order.

**Hon. Mr. Duncan:** — Just I think we're getting off track — the consideration of estimates and on to a piece of legislation. And just would hope that we could perhaps move back to what we're here for. Thank you.

**The Chair:** — Thank you, Mr. Duncan. Ms. Morin, do you

wish to speak to the point of order?

**Ms. Morin:** — I certainly do. Mr. Chair, we already know . . . We're in budget estimates. Budget estimates, we show clearly that there has been a \$300,000 cut to an agreement that existed between the FSIN and the Ministry of Environment. There are a lot of concerns in terms of what needs to come forward for the representation of the FSIN on behalf of the 74 First Nations of the province or on behalf of the 74 First Nations of the province being able to represent themselves. This partnership agreement did exactly that. It allowed the FSIN to do the necessary research with those 74 First Nations so that they could represent their voices appropriately.

What the minister is saying is that this information was made clear to everybody that was there at the time in terms of changes to the legislation. What I'm trying to say is that that is not the case. This is not what I'm hearing as the critic and I want to . . . And it has serious implications in terms of what weight that \$300,000 provided in that partnership agreement in terms of the work that the FSIN could do in conjunction with the Ministry of Environment, even if the Ministry of Environment doesn't feel that it fit into their duty to consult mandate.

**The Chair:** — Okay. Thank you, Ms. Morin. I think at this time I'd like to open this up for discussion to the committee members as well now, having that most members have been here for the majority of this. Are there any other points of discussion on this matter from the government side? Seeing none, opposition side? Ms. Morin's point of order will stand then on that point.

If I can have just a couple of seconds to confer with the Clerk, please. Two-minute recess. I call a two-minute recess.

[The committee recessed for a period of time.]

**The Chair:** — Thank you, members of the committee, for allowing the recess to take place and letting me consult with the Clerk.

There are many things to consider on this point of order. I want to note firstly before I get into the decision, that consideration of vote 26, Environment, central management and services (EN01) is a very broad-based discussion for estimates. It's open to wide-ranging discussions. And I want to quote from page 1008 from the *House of Commons Procedure and Practice*, if you just have my indulgence please. It says, "The questions and discussions at these meetings are generally wide-ranging, although the rule of relevance does apply."

And that's why I find this to be somewhat problematic. Having sat here for up three and a half hours or four hours now, I know we've talked about this particular line item, Ms. Morin, on many occasions. The minister and her officials have answered these questions. I'm going to find the point of order is well taken with a premise. It's well taken because it is, we are speaking about a piece of legislation that has not come to committee yet for further discussion.

[20:30]

The questions you're asking about that particular piece of

legislation, I believe, are more suited for that particular time. However, discussions on the line item as it relates to the general operations of Environment will be allowed moving forward as you have in the past. So to relate to *The Wildlife Habitat Protection Act* I think is not relevant right now, but I will give you the premise that that particular line item is relevant to the general estimates on the operations of the Ministry of Environment.

So the point of order is well taken with a proviso or premise that you still have latitude to talk about that particular line item. Now I will also say, the minister has the right to answer or decline questions based on previous answers given as well. So I'll let that be a notice for the members of the committee as well, and Madam Minister. So, Ms. Morin.

**Ms. Morin:** — So with respect to the meeting on Thursday where the FSIN did not participate because they didn't have a mandate from the 74 First Nations, I just want to quote from the documents that were tabled this evening by the Minister of Environment to some of the requests that were made by myself and some of my colleagues.

And one of those documents is a "Funding Proposal to Create a Comprehensive Federation of Saskatchewan Indian Nations Indigenous Environment and Resource System." And it says "Appendix 2" at the top of the page. And if one goes down a little further on the page, it says, "Introduction and Background." And I'm going to quote from that. And it says:

Part of the mandate of the FSIN is to work toward ensuring the Inherent and Treaty Rights, and related interests of the member First Nations and Tribal Councils, are honoured and addressed. This responsibility includes the commitment that First Nations are given equal access to participate in and benefit from land and resource developments that will enhance and improve the lives of their members.

So despite the fact that the minister didn't see any value in the agreement that existed for 16 years between the FSIN and the Minister of Environment, it has to be one of two things, Madam Minister — either you didn't see any value in it or it's to save money to make up for a budget shortfall.

So I'm assuming that you'll want to go with A rather than B. So if that's the case, FSIN is very clear that they exist in terms of this partnership agreement with respect to the \$300,000 that were in place for this partnership agreement to assist the individual First Nations, the 74 First Nations, in doing the work necessary so that they can provide appropriate feedback or air their concerns with respect to how issues within the Ministry of Environment are affecting them.

So I'll just leave it at that point that it's a real shame that an amount of money of \$300,000 was cut with respect to the funding partnership that existed between the FSIN and the Ministry of Environment because of the good work that was being done on behalf of those 74 First Nations either in representing them or in being able to do the research and investigative work necessary on their behalf if they didn't have the capabilities to do that themselves.



My colleague, Mr. Belanger, has a few questions that he would like to ask and so I'm going to hand the floor over to him at this point.

Thank you, Mr. Chair.

**The Chair:** — Mr. Belanger.

**Mr. Belanger:** — Thank you very much, and welcome to the minister and her officials. Just very quickly, I've got some about four or five questions. Is the department still responsible for allocation of forestry rights? And that has not been transferred over to the Ministry of Energy and Mines, is that correct?

**Hon. Ms. Heppner:** — The final authority with the FMA [forest management agreement] does rest within my ministry. That being said, on the reallocation of the FMA that was recently done, Minister Boyd was the lead on the reallocation.

**Mr. Belanger:** — The reason why I'm asking is that I just fundamentally believe and I think it's appropriate to make that response, is that your Ministry of Environment is supposed to have a bit of more clout, I guess for a lack of a better word, in relation to allocation of forestry rights because quite frankly protection of the environment trumps allocation of forestry rights if it's done by a different minister.

A good example is if the minister decides to push up or ramp up the number of total allowable cubic metres of wood to be harvested each year, and it's contrary to proper forest management, he may disregard that advice and allocate it anyway based on the economics of an allocation, whereas your ministry would certainly take into account the balance necessary for the healthy forest aspect. When was the decision made to transfer the authority to Minister Boyd in relation to allocating forestry rights?

**Hon. Ms. Heppner:** — I'm not sure that I have an exact date on that, but let me explain exactly how this works. There will be no violations of the FMA. The FMA, the environmental management of the forest remains with the Ministry of Environment. We have final sign-off. The Ministry of Environment has the capacity on doing the calculations, so this has been a joint effort with the Ministry of Energy and Resources.

What Minister Boyd has been responsible for is being a lead on evaluating the proposals that have come in and working on the reallocation. That decision was a cabinet decision; it was not made by one particular minister. But there would never be allowed any kind of environmental violations in the name of economics. All of that final authority rests within my ministry on environmental management.

**Mr. Belanger:** — Okay. The other issue is in relation to the forest fire program, forest fire management program. I am assuming that we're still part of the MARS [mutual aid resource sharing] program in relation to the mutual aid response system where three or four or five or six jurisdictions get together and they kind of basically design a forest fire management strategy — a joint strategy where Alberta, BC [British Columbia], Saskatchewan, Manitoba, and Ontario basically share similar

practices. They have the same type of training. They have the same type of equipment and they kind of basically share all that equipment and all the training and all the manpower to fight fires in the event that one jurisdiction has more problems one year and that they would kind of support each other in that regard. So are we still part of the MARS program?

**Hon. Ms. Heppner:** — Yes, we are.

**Mr. Belanger:** — And the recent agreement with the western partnership, with BC and Alberta, that doesn't compromise the MARS program in any way, shape, or form?

**Hon. Ms. Heppner:** — No, it doesn't have any effect on it.

**Mr. Belanger:** — The other question I have — and this has always been a curious thing in my mind — when you have a fire, and a good example, if you have a fire in BC and things are kind of winding down in Saskatchewan . . . and I know that this happened to a few firefighters. They wanted to go work in BC for an extra two or three weeks and they weren't actually taken out there. I'm not certain what the reason was. But if there's a fire problem in BC and our season is wrapping up in Saskatchewan, why wouldn't your ministry send our forest fire fighters, who would then be laid off in Saskatchewan, but send them off to BC to fight fires for two or three weeks?

I think that happened on a few occasions, and I'm just wondering why your ministry wouldn't encourage them to work longer, thereby reducing their time on EI [employment insurance] and to also get more revenues or more money for their families.

**Hon. Ms. Heppner:** — Without knowing — and obviously we wouldn't be identifying any individuals — but without knowing exactly what their circumstances are, most or quite a few of the firefighters that we have working here just actually aren't certified. And only those who are certified, I think it's level 1 . . .

**A Member:** — Primary attack.

**Hon. Ms. Heppner:** — The primary attack teams are certified to work out of province. The rest of the staff that works on firefighting within Saskatchewan are not certified to go out of province. So as I said, without knowing specifics as to the employees — and obviously we wouldn't, like I said, mention names — there is a limitation on who can work out of the province under our agreements.

[20:45]

**Mr. Belanger:** — Yes, I understand that part. And I guess I should have clarified at the outset, these are the certified forest fire fighters that are not being allowed to go. I know it happened . . . I'm pretty sure it didn't happen last year where there's seven or eight of them from one specific community that were willing to go, and BC needed the fire fighters, the manpower, and Saskatchewan didn't send them.

Now that's a shame if they're not sending our boys out to go fight fires because, as I mentioned at the outset, we certainly got the reputation of having good forest fire fighters in

Saskatchewan. And they want to work longer hours and longer times and of course make more money, so I'm just wondering what would prevent you from sending these certified initial attack teams or team personnel to fight fires in Ontario or fight fires in BC or even in the States if they wish to go and they are needed?

**Hon. Ms. Heppner:** — Again without knowing the specifics of the staff that is being mentioned . . . But if the question is based on sending our qualified, certified firefighters to BC last year, it's my understanding that BC never made a request for our firefighters last year.

**Mr. Belanger:** — Okay, well it may have been the year before or the year before that, but I know it was one of those years. And why wouldn't we send them?

**Hon. Ms. Heppner:** — If they were requested and they were qualified to go, it's my understanding that they would go. And like I said, without knowing the specifics of the personnel the member is speaking to, it's almost impossible to give a more detailed answer than that. But like I said, if a jurisdiction that we have an agreement with makes a request, we would send the qualified staff to go.

**Mr. Belanger:** — The other question is, if you send . . . Say for example there's four or five of us certified in the northern community of Pinehouse — let's use the example — and BC requested us to go. And we're certified and we're willing to go and off we go. Does the province of Saskatchewan get a daily fee for these firefighters going there to fight fire? Like for example are you paid an X amount, say \$500 a day per firefighter that you send there? Is that been the practice of Saskatchewan?

**Hon. Ms. Heppner:** — Other jurisdictions, based on the agreement that we have, is on a cost-recovery basis. So we would obviously get reimbursed from, as an example British Columbia, on what our costs were for the services and equipment that we provided.

**Mr. Belanger:** — So Saskatchewan isn't making any kind of money off of this.

**Hon. Ms. Heppner:** — No, we're not making a lot of money, much to the chagrin of the Finance minister, I'm sure. But it's not a money-making venture for us. It's just basic. It's a basic cost recovery.

**Mr. Belanger:** — My final question is in terms of *The Wildlife Habitat Protection Act*. You mentioned in the Assembly, and I kind of picked it out of one of your responses, and I want to make sure I'm correct. And please correct me if I'm wrong.

But you mentioned that land ownership is something that we fundamentally believe in. And I'm not quoting exactly what you said but I wish to clarify, was that what you meant when you talked about *The Wildlife Habitat Protection Act*, in the sense that you're wanting to transfer the land ownership rights to these ranchers and farmers that were leasing for many years?

**The Chair:** — Mr. Stewart.

**Mr. Stewart:** — Point of order, Mr. Chair. We seem to be drifting back into *The Wildlife Habitat Protection Act* and it's not a part of these estimates.

**The Chair:** — On the opposition side, it can be Ms. Morin or Mr. Taylor can speak to this point of order if they so choose.

**Ms. Morin:** — Mr. Chair, perhaps we should allow the member asking questions to elaborate further on where he's going with the question with respect to how it relates to the Environment estimates in front of us, given that there is sometimes some preamble questions that get asked before one gets to the actual point that one wants to present to the committee, with respect to the thought process that's going on with the person asking questions.

**The Chair:** — Thank you, Ms. Morin. Having made the ruling already on a point of order that was well taken by Minister Duncan, what I will say again on that premise is that questions can be asked related to the estimates tonight. However to reference any point of legislation that is not currently before the committee or is coming to the committee, that kind of question can be better suited for that time. So I just advise Mr. Belanger, your questions should be in a very general, broad, wide-ranging discussion area related to the estimate line in particular, and maybe not so much of a preamble, sir.

**Mr. Belanger:** — Okay, let me rephrase that question. How much revenues are you expecting to arrive as a result of the sale of some of the wildlife habitat lands that you had proposed to sell?

**Hon. Ms. Heppner:** — The answer to that question is simple. The Ministry of Environment will receive zero dollars from the sale of the land.

**Mr. Belanger:** — Okay, now when you mention zero dollars, obviously they pay lease fees each year. And what are the lease fees come up to? Is it equivalent to, say the land taxes, and do the RMs [rural municipality] get any of the education or property tax on that particular land? Like what revenues are expected from the ranchers or farmers that are occupying these current lands?

**Hon. Ms. Heppner:** — This is in reference to a piece of legislation. It is also in reference to the Ministry of Agriculture. The land that is being . . . I'll answer this question, Mr. Chair, and then if we could move on to something relevant to my budget.

The land that is being proposed for sale is currently leased by ranchers and farmers. It is agricultural land. It is protected under wildlife habitat protection, which is under the purview of my ministry, but the land itself that we are speaking about, the land itself is under the purview of the Ministry of Agriculture. So the leases are through the Ministry of Agriculture, and if there are sales realized through this program, the revenues would flow through the Ministry of Agriculture, not the Ministry of Environment.

**The Chair:** — Any further questions? Ms. Morin.

**Ms. Morin:** — Thank you, Mr. Chair. So just to encapsulate

what has just been asked and answered, any lease fees that are paid on any WHPA lands and any proceeds of sales from WHPA lands, all flow into the Ministry of Agriculture and not the Ministry of Environment. Is that correct?

**Hon. Ms. Heppner:** — Yes. The land that we're speaking of is Crown agricultural land administered through the Ministry of Agriculture, but the protection through WHPA is administered through my ministry.

**Ms. Morin:** — So lands that are leased, that are protected under *The Wildlife Habitat Protection Act*, those lease fees then flow to the Ministry of Environment. Is that correct?

**Hon. Ms. Heppner:** — That is not what I said. And again the WHPA stuff is through a different . . . The sale of WHPA land is the legislation that the Chair has already ruled on. The fees go through the Ministry of Agriculture because it's agricultural Crown land.

**Ms. Morin:** — Perhaps I'm just not understanding and maybe we could just make it clearer so I can understand. So when Crown lands, protected under WHPA, are leased . . .

**The Chair:** — I'll call order now, Ms. Morin, order on that. If you want to relate to a question about her estimates, the minister's estimates as it relates to operations of Environment, the minister's already claimed and stated there's no revenue from this particular piece of legislation that is yet to be discussed in the committee. Again I'm just going to say that the point of order was well taken in talking about legislation that's still not before the committee. But the question can be related, if you wish, to the estimate lines.

**Ms. Morin:** — So with respect to the current estimates that we have in front of us, Madam Minister, is there any proceeds that come to the Ministry of Environment from the leasing of lands that are protected under the wildlife habitat protection amendment Act?

**Hon. Ms. Heppner:** — No.

**Ms. Morin:** — Thank you. And the sale of those lands would then go to the Ministry of Agriculture, as you've already pointed out. And all I need is a head shake, then I know that I'm on the right track and I've understood it correctly. Thank you.

So I want to move on to the sale of Crown lands that are under the purview of the Ministry of Environment. For instance I have here an order in council that was signed by the President of the Executive Council, which of course is the Premier, that orders that the Minister of Environment, I'm quoting now that:

Orders that the Minister of Environment is approved to sell certain provincial Crown land at Hitchcock Bay Subdivision, Lake Diefenbaker, on such terms and conditions the Minister of Environment specifies as appropriate to the individual lessees identified in the attached Schedule . . .

And then when you look at the attached schedule, there are 23 lots that have been sold on Lake Diefenbaker and they range in the amounts of anywhere from \$18,500 to \$20,500 — looks like

it's the most expensive — so from 18,500 to \$20,500. Where do the proceeds from these land sales go on Lake Diefenbaker? Do the proceeds go to the Ministry of Environment or do they go elsewhere?

**Hon. Ms. Heppner:** — Yes. On the sale of those lands, as the member may know, we initiated a Crown land sale policy. And let me be very clear on the lands that were just mentioned. Those are not WHPA lands. They are not under any other protection. They were just basic Crown land administered through the Ministry of Environment.

We had initiated a land sale policy a couple of years ago. When I was asked to be the Environment minister, one of the things that was brought to my attention from letters that I immediately started receiving was that under the NDP [New Democratic Party], they couldn't come up with a land sale policy. So they had about \$170,000, \$177,000 in deposits held since 2005. Twenty-nine individuals had money frozen in some state, whether full purchase price or simply deposit, but they weren't given their land.

We didn't think that was quite a fair approach, so we instead initiated a land sale policy. So if there was Crown land that was, say, in the form of a subdivision where there would be no additional environmental footprint, as an example, or that sort of thing. People who had been long-time lessees of Crown land, especially when you look at resort properties and that sort of thing, some of these people have been leasing from the government since the '70s and have property. They've built houses or cabins or whatnot and they just want to purchase the land. They're not purchasing the cabin or any of the buildings, just the actual land.

And so over the last few years our first priority was to actually sell to these 29 individuals the property that they had in good faith entered into agreement to purchase with the previous administration, actually allowed them to purchase their property and signed over title to those folks.

Since then we have been receiving applications for purchasing of other properties. Hitchcock Bay is one of the latest ones. These people have been leasing that property for quite some time and considering we do have a land sale policy in place now, they had asked to be able to purchase their property. All the property that is sold under this particular program is assessed by a licensed appraiser in the province of Saskatchewan and is sold to those folks at fair market value. As to where the money goes it would . . . I guess the cheques are written to the Ministry of Environment but its eventual stop is in the GRF [General Revenue Fund].

**Ms. Morin:** — Can Madam Minister please explain why these lands were under the purview of the Minister of Environment rather than the Ministry of Agriculture?

**The Chair:** — If I can just make a statement, this will be the final question as we are getting close to the hour of adjournment here. So this will be the final question for this evening.

**Hon. Ms. Heppner:** — The way the province is for the most part split up, the northern part of the province, the Crown land there is administered through the Ministry of Environment and

the southern lands are administered through the Ministry of Agriculture. There are instances where there are isolated Crown lands in southern Saskatchewan that are administered through the Ministry of Environment, most of them for recreational purposes. And the property around Hitchcock Bay is one of those isolated cases where it falls under the purview of the Ministry of Environment instead of the Ministry of Agriculture.

**The Chair:** — Thank you, Ms. Minister. And I guess thanks to your officials tonight for the last hour and a half of answering questions again in the committee. Ms. Morin, you wanted to have some concluding comments?

**Ms. Morin:** — Thank you, Mr. Chair. Madam Minister, thank you for answering my questions again this evening, as well as to your officials. Thank you for being with us again this evening and providing me with the information that I have asked for as well as the information that my colleagues have asked for. Thank you very much.

**The Chair:** — Thank you, Ms. Morin. I will now ask for a motion to adjourn the committee meeting. Ms. Ross. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Thank you to all committee members, officials, and those who tuned in tonight. And thank you and have a good night. This meeting now stands adjourned.

[The committee adjourned at 21:00.]