

Summary Minutes of the Meeting - Friday, June 1, 2018 @ 10:00 A.M.

Water Security Agency (WSA) and Saskatchewan Alliance for Water Sustainability (SAWS)

Location: WSA Boardroom

Following introductions a method of recording and reporting of this meeting was identified.

- WSA agreed that everyone had their own notes to record. Both WSA and SAWS had a person present to record minutes.
- WSA agreed to an audio recording of the meeting. SAWS turned on their phone recorders at this point.

First item for discussion: "Who is SAWS?"

SAWS:

- formed on October 23, 2017 after learning on October 20 that a letter had been sent out by the Department of Environment to the Quill Lakes Watershed that they wouldn't be conducting the Environmental Assessment
- reached out to the Last Mountain Lake Stewardship Group, Calling Lakes Eco Museum and Round/Crooked Lakes Committee and built a communications strategy to share the information with the community about the Common Ground project and the fact that an EIA would not be conducted.
- RCE Saskatchewan presented on EIA situation in Okayama, Japan, in December, 2017, where the UN University was meeting and other UN agencies; alarmed that there was no EIA because no opportunity to provide input from RCE's higher education partners (University of Regina, University of Saskatchewan, Saskatchewan Polytechnic and other colleges); also concerned because there is a lot of potential, with climate change, for managing this water better on the prairies, problems with contamination, and other concerns of experts.
- **Action Item - SAWS to send WSA its application to the RCE Saskatchewan Education for Sustainable Development Recognition Event 2018 summarizing its work to date.**

Second Item for Discussion: Purpose – to find a path forward, working with the government and many interested parties, to find a solution to the drainage challenges facing the Quill Lake Watershed

SAWS:

- SAWS wants to work together to find proper solutions to this problem, instead of what's been happening for the past three or four years where there's been two attempts to drain into Last Mountain Lake/Qu'Appelle System. Both attempts

have been wrong in SAWS' view and there are alternative solutions that need to be looked at

WSA:

- WSA offered clarification that neither of the past project proposals were drainage of Quill Lakes or Big Quill Lake to Last Mountain Lake. Rather the past proposals were both intended as diversions of water from the Kutawagan Lakes and Pel Lake (tributaries which normally feed water to Big Quill Lake) to Last Mountain Lake. Again these proposed projects were not intended as drainage of Quill Lakes directly to Last Mountain Lake.

SAWS:

- Further opportunity exists now with the 17 UN Sustainable Development Goals (SDGs; 2015 to 2030), adopted by the federal government and through this the provincial governments are also bound to these SDGs; SDGs commit to new ways of doing development and opportunity exists with Quill Lakes to showcase good sustainable development practices involving holistic solutions, especially now that drainage into Last Mountain Lake/Qu'Appelle basin isn't on the table anymore given the court case; water is going to need to be managed by farmers on their land, so how is that going to happen? There is interesting innovation that could happen if SDGs are utilized in problem solving.
- Rule of law needs to be upheld; current Saskatchewan laws have earmarked a large number of drainage projects as illegal; other crown corporations — SaskPower, SaskEnergy — are complicit in participating (for example, marking lines for power and gas enabling this illegal drainage activity) versus demanding a drainage permit before marking lines. Enabling illegal activity is against the law. We are curious about FCC and financing practices that might be financing illegal drainage activity. Before any financing or marking lines, Crown corporations need to make sure the WSA license has been issued to ensure a proper and legal process. This is not allowed in other areas of business (or, if it is, should not be). SAWS is a citizen body and citizens have a right to laws being enforced in a non-arbitrary way (law enforcement should not rely only on citizen complaints especially where illegal activity is already known by the government).

WSA:

- As part of the discussion on the roundtable topic WSA noted that it was understood from discussion with MoE that in the out of Court settlement, MoE agreed to enhanced consultation at the project proposal stage with the parties to the out of Court agreement prior to determination of any decision related to a development or non-development under the environmental assessment legislation. WSA pointed to its role as a regulator and therefore could not reasonably lead a roundtable discussion process if it was to decide on any future water management projects for the area in its regulatory role context. Suggested further discussion with MoE in regard to a roundtable discussion.

- **Action Item – SAWS requests WSA to contact SaskPower and SaskEnergy by letter to ask for clarification about marking lines and other activities enabling drainage projects that do not have a drainage or aqua permit to do so.**
- **Action Item – SAWS requests WSA to contact FCC by letter to ask for clarification as to what protocols FCC uses to ensure they are not financing illegal drainage activity.**

Third Item for Discussion: Quill Lakes Drainage - What is WSA doing this year at the Quill Lakes?

SAWS:

- Part of the context for the question is legal: what is WSA doing in terms of ending illegal drainage? SAWS has a lawyer on retainer and could move legally to get laws enforced but would rather not go that way. SAWS wants the best for the province. Looked at a model Prince Edward Island used to solve their potato contamination issue, and it is very effective. This initiative allowed a rebranding for farmers because up to that point the farmers were looked at as the bad guy. SAWS does not want any bad guys in this province as we are all in this together. SAWS wants collaboration, openness, transparency and productivity. We want to move forward and see action happening in two months. SAWS has worked very hard to date and does not understand what WSA's barriers are to enforcing the law. What are WSA's barriers and why do we have so much illegal drainage?

WSA:

- Pointed out water management strategy started in 2012 leading to current strategy being moved forward at this time.

SAWS:

- Concern with effectiveness of strategy since the Quill Lakes are growing suggesting the water is not being managed. Given urgency expressed by QLWA for its proposed drainage solution into Last Mountain Lake to advance its project, SAWS needs to know what WSA is doing right now and what are the barriers preventing WSA from managing the water especially illegal drainage? SAWS understands the new ag-management, the networks, and is not prepared to wait a hundred years for a halt to illegal drainage. What are WSA's barriers to doing its regulatory function?

WSA:

- WSA has opened up an office in Wadena. It is working with landowners to address the need for approvals. WSA is working on drainage complaints.
- WSA outlined its process in terms of dealing with agricultural water management (or more simply called drainage): when the new Bill 44 and the previous regulations came forward, it was the first major change in over 35 years. If you look at the way drainage has been occurring up until recently, and to some

degree even still, amongst some farmers/producers, drainage is a cultural matter, a way of life. Going back historically drainage was used to improve/advance agricultural productivity. Some think it is a right. WSA went through a deep consultation process online and it was quite interesting how much this theme came forward. That is why the regulations were changed.

- WSA can't do everything in two months (or necessarily two years). When you take a violation forward to the court for those doing illegal drainage the court requires several stages have been followed. If WSA is going to win a case in court it can't jump from no action to applying a fine in a short time frame; from experience the court will ask you "did you try to educate this individual? Did you apply solutions such as warnings?"
- WSA offered clarification on the current lake levels being 520.87 masl approximately 60 cm below the natural spill level of 521.47 masl at the time, in answer to SAWS expression of concern about need for urgency of action. WSA also noted that with 2017 being a dry year, lake levels were reduced by approximately 40 cm last year.
- In response to this legal situation, WSA has a three-pronged approach (education, prevention and enforcement) and uses this as a model for a number of water issues where WSA serves as regulator. The first stage is trying to bring people into compliance through education basically through drainage network approvals. For the Quill Basin, the idea of a network, because it's an extreme risk area because the lake level is no longer an adequate outlet (it can't accept the water and has nowhere to go essentially) what SAWS asked about and what WSA has talked about is on farm consolidation. If a farmer has a section of land and he wants to be able to straight cultivate he can move water through consolidation from one slough and to another slough area; there are five classes of wetlands and some are longer term and short term. So consolidating maybe two or three class one or two wetlands into a class five wetland on his or her land is one strategy being pursued.
- In terms of enforcement, forced closures and taking individuals to court for non-compliance is the last step. So that's how WSA has been proceeding. WSA has 150,000 historical drainage projects that it has to deal with. WSA is developing a lot of the policy needed. WSA agrees that wetlands are critical to our future. Where drainage projects are going forward, WSA works toward a solution that has four aspects: (1) water quality, (2) water quantity, (3) habitat and wetland preservation, and (4) climate change. So for water quantity, gates, culverts, and drainage networks are created so that people downstream don't get flooded out. Rather than having all the water go through and erode the water courses WSA does an analysis to see how much water is going to come down and looks at offset schemes.
- WSA also noted that there are compliance actions currently underway in the Quills basin with two landowners moving forward on voluntary compliance and planned issuance of closure orders on the land of a third producer.

SAWS:

- Concern that this is a lengthy process and given the current context, SAWS can't wait for a lengthy process. If these farmers are being consulted and it's being explained to them that they need to keep that water on their land, why isn't it at that point that illegal drainage is stopped?
- Do you think WSA could get a process established between various government agencies and crown corporations (especially because SaskPower, SaskTel, SaskEnergy, they have to do various things prior to drainage) where they demand to see the WSA license prior to doing the work? Wouldn't this be one way to stop new drainage?

WSA:

- This is possible but at the same time there is pressure from all quarters and agriculture is important to the province.

SAWS:

- So is one of your barriers that farmers are putting pressure on WSA not to enforce current laws/regulations?

WSA:

- Not farmers directly. One of the barriers is the vast number of projects and how to deliver the mitigation component and deal with wetland infill.

SAWS:

- So a first step to stop new drainage would be to make sure SaskPower and SaskEnergy do not locate lines on a property prior to seeing a drainage permit? Then at least SAWS could come away from this meeting with something. Because SAWS needs to meet with WSA again.
- We also need to have a range of experts explain the problem with drainage. We need to look at alternate solutions, like upland storage, like Deep Well Injection. SAWS is very open to discussing other solutions and innovative measures. WSA could come out looking very favourably if you WSA finds a way for farmers to make money with the water they want to get rid of.
- An open roundtable approach employing the sustainable development goals is a good approach as the goals ask all the good questions that should be asked and include the 4 factors you currently use. Saskatchewan is a pressure cooker for sustainability issues (example, extreme temperatures, extreme weather events, low population) — all these things make sustainable development a challenge here; what we have to offer the planet in terms of education for sustainable development and solutions is immense; education is a first step so if there is any way to frame some kind of larger discussion SAWS would like to help; such a discussion doesn't have to just be Quill Lakes; it could be a provincial discussion of how we manage water on the prairies, bringing in all the different groups needed; innovation is happening in Saskatchewan but often there is no profiling of it (for example, you may have a few engineering students doing an amazing desalinization project but there's no focal point to bring these people together; if we don't bring them together we can't learn from each other). So there is a real opportunity here.

WSA:

- WSA provided information on its water quality monitoring and modelling work in the Quills area, including efforts to model various scenarios related to a “natural spill” from Quill Lake or diversion from the Kutawagan/Pel Lakes tributary area to Last Mountain Lake. WSA noted the results of its previously performed contracted modelling using the CE-QUAL-W2 model developed by the US Army Corps of Engineers using 10 years hind cast flow data. In summary recognizing that some years there’s going to be more flow than others, the model indicated an increase of Total Dissolved Solids (TDS) concentration between 30 mg/L and 100 mg/L overall in Last Mountain Lake. This is within the range of natural variation and of little significance as Last Mountain Lake historical TDS average ranges from about 950 mg/L to 2250 mg/L. At the time the modelling work was performed in 2015, TDS of Last Mountain Lake was at about 1350 mg/L. By the time water it gets further downstream, given all the inflow along the way and the dilution from the Qu’Appelle River, you’d likely not detect elevated TDS levels in the lakes near Fort Qu’Appelle.

Action Item – SAWS to request study from Dave Sutherland based on direction from WSA. SAWS to review this document.

WSA

- Further discussion on the findings of scientific evaluation of others was heard during the meeting. WSA questioned the intent of the journal material attached to the meeting agenda and was advised by SAWS that this was intended to convey info on the roundtable method of consultation used in PEI.

SAWS:

- SAWS representatives reiterated their views on the value of a roundtable to consider sustainable and innovative solutions.
- **Action Item - next meeting we can discuss if WSA would attend a Roundtable forum organized by Saskatchewan Ministry of Environment in collaboration with SAWS.**
- Last item organizing a next Meeting:
- **Action Item – SAWS would like WSA to contact SAWS in the next week with a second meeting date and location which will be held before the end of June, 2018**

Meeting ended at 11:10 am