

DECEMBER 2016 - POST AGM & OBSTACLES ON THE TABLE

SASKATCHEWAN FARM STEWARDSHIP ASSOCIATION

THANK-YOU TO ALL MEMBERS THAT ATTENDED THE 2016 AGM AND A SPECIAL WELCOME TO ALL NEW MEMBERS!

Below is a quick update on the direction of the SK AG Water Management Regulations and the significant obstacles within. Compliance letters are in the mail. Responsible water management is everyone's responsibility, standing up for your right to farm and improve your land is your responsibility.

The SaskFSA board recently met with MLA's at the legislature to take these concerns to the upper level. We were present to hear the reading of the WSA legislation change bill, which an MLA requested to delay as a result of our meeting. We have a meeting request with Environment Minister Scott Moe and will also be meeting with provincial commodity groups to get them involved. Your SaskFSA board is working hard to influence WSA, upper levels of government and industry partners while continuing to attend meetings and advocate for your right to farm.

We all need to work together. As AG producers and members of SaskFSA, we would suggest you get involved at your local level. *Now is the time to get informed, join together, identify the concerns, provide solutions, and work with local producers and RM's. Get involved, communicate and contact your local MLA. Everyone needs to play a part, this is not going away and WSA is pushing their agenda hard.*

NOTE: THIS IS A CRITICAL TIME AND WE WILL BE SENDING OUT REGULAR COMMUNICATION UPDATES VIA EMAIL. PLEASE ENSURE YOUR MEMBERSHIP IS PAID TO CONTINUE RECEIVING THE UPDATES. PLEASE CONTACT ONE OF THE SASKFSA BOARD DIRECTORS IF YOU HAVE QUESTIONS OR FOR MORE INFORMATION.

SK AG WATER MANAGEMENT - OBSTACLES ON THE TABLE

Several key components of the current AG Water Management Strategy as of November 2016 will have severe negative repercussions on the Saskatchewan agriculture producer, and ultimately the GDP of Saskatchewan as outlined below:

1. LAND CONTROL

- . WSA success for pilot projects – 80% concept which means 20% of landowners do not agree = 100% failure (projects require 100% land control)
- . WSA endorsing extortion to gain land control
- . Projects are highly vulnerable unless protected by signed joint agreement, drainage easement or development of a C&D (limited information)
- . Drainage applications now require land control from RM's

2. ADEQUATE OUTLETS

- . Adequate outlets are not defined – suggest designation of adequate outlets to promote efficiency / direction for applicants
- . If not, applications will need revision, delayed approval times, frustration, resubmittals, and increase workload to producer and WSA

3. INFILLING

- . Policy draft states NO INFILLING
- . Not economically or physically feasible to construct works in this manner

4. WETLAND INVENTORY & CLASSIFICATION OF WETLANDS.

- . Wetland Inventory Mapping – inaccurate, recommend direct input from land owners
- . Classification of wetlands – all classes of wetland are considered the same when looking at restorations acres. Class 1, 2, 3 should be categorized differently than class 4 and 5 wetlands through the application process, as they are structurally different.

5. QUALIFIED PERSONS (QP) BASE PLAN MAPPING

- . QP's are utilizing "base PDF plans" as methods to confirm drainage works. These plans use the Wetland Inventory Mapping as well as "referencing aerial imagery from 1956 & 1974 as representation of slough extents during wet years". These baselines represent higher than average wetland levels – why not choose an average year?

6. WETLAND RESTORATION

- . 10% RESTORATION of wetlands - NOT REASONABLE, NOR FEASIBLE to ask producers to take productive land out of production to holdback 10% of previously drained wetlands (derived via the Wetland Inventory Mapping)
- . Solution - 10% RESTORATION at the discretion of the producer, not mandatory
- . 10% RETENTION - pending location of the 10% holdback acres and consideration of existing habitat acres on the land base

7. PERMIT TERMS

- . Extreme Risk Areas (Quill Lakes) – no permits will be issued, except for consolidations, no or limited consideration of working towards long term solutions
- . High Risk Areas – maximum length of term is 10-15 years - limited protection of the producer's investment of design, construction and registration of the project. This should be left at the discretion of the producer to decide - 10-25 years.
- . Medium to Low Risk Areas – 10- 25 years

8. QUILL LAKES

- . WSA has mandated that all drainage within the 2.2 M ac basin be closed / consolidated so no inflow enters the basin.
- . 30,000 ac of private land have been lost, 58,000 ac of crown land and another 40,000 acres of private land is at risk of being lost
- . Producers in the area have received closure letters. Producer's only options are to consolidate water / implement ditch blocks therefore potentially back-flooding productive ag land. Once full, the temporary solution projects will all drain towards the basin.
- . SaskFSA will be working with the Quill Lakes Watershed, The Quill Lakes Flood Impact Group and producers within the basin towards a long term solution

9. AQUATIC HABITAT PROTECTION PERMIT (AHPP)

- . Required for water conveyance projects such as channel clearing; channelization; wetland infilling/drainage; existing drainage ditch maintenance; and construction of new ditches – BASICALLY FOR ANY TYPE OF DRAINAGE PROJECT
- . AHPP is now included on the drainage application, permit conditions are restricting/not realistic and there are significant delays for approvals

PROPOSED LEGISLATION CHANGES:

Amendments to The Water Security Agency Act were announced by Minister Moe this past week. Specific amendments and concerns as outlined below. The WSA press release fails to mention the specific details that will directly impact AG producers - <https://www.wsask.ca/About-WSA/News-Releases/2016/November/Legislative-Changes-Support-Agricultural-Water-Management-Strategy/>

1. COMPLAINT PROCESS

- a) Removal of the Formal Complaint Process
 - Formal process was established in legislation so requires amendments to change
 - Not efficient – AGREE; Reactive model – AGREE; Costly and not an effective use of resources – AGREE
 - Removal of the Water Appeal Board (WAB) – **removal of the WAB eliminates the third party perspective/practical ruling. What is WSA proposing as a replacement? Currently WSA lacks credibility and is biased towards wetland restoration. – DO NOT AGREE/REQUIRE MORE INFORMATION**
- b) Replace with the Request For Assistance (RFA)
 - Important that people experiencing damage can request help – AGREE
 - As the process stands now – **ALL WORKS ARE UNAPPROVED HENCE ALL RFS'S MUST BE INVESTIGATED – currently there is no way to filter out unsubstantiated claims.** The RFA process needs to be evaluated/revise to ensure it meets the needs of all stakeholders and satisfies specific information requirements i.e. detailed information, photos and a refundable submission fee to eliminate unsubstantiated claims.

FUTURE FORWARD:

- It is important to design the RFA in a way that holds people accountable for responsible water management yet requires detailed information in the event of a claim in order to discourage unsubstantiated claims.
- Suggestions include:
 - o A refundable RFA fee of \$2500, if the complaint is deemed adequate the RFA fee will be returned. Request specific details of the damage, including photos. In the event of an unsubstantiated claim, the \$2500 is not refundable
- If land owner submitting the RFA has any unapproved works, they are subject to investigation
- Appeal to Queen's Bench on a point of law – **MORE INFORMATION REQUIRED**
- Problems with Existing Works - If existing works causing damage due to poor maintenance, changes environmental conditions or *some other factor*, after an investigation WSA can issue an Order revising the approval – **define "some other factor", this clause is very generic, what protection is there for the producers that take initiative for responsible water management and incur the expense of proper engineering, construction and registration of works? – MORE INFORMATION REQUIRED**

2. FINES

- Current max fine is \$10,000, not a large deterrent
- WSA proposes to increase fines, same as the Environmental Management Protection Act (EMPA), up to \$1 M per day – **AGREE UPON APPROVAL OF A WORKABLE AG WATER MANAGEMENT POLICY** – if there is a good policy in place, one that is workable on the AG landscape that allows producers to effectively manage their land and promotes responsible surface water management to mitigate flood and water quality concerns. **THE CURRENT POLICY IS NOT ACCEPTABLE, SIGNIFICANT OBSTACLES REMAIN AND NEED TO BE ADDRESSED.**

- Fines cover *all offenses* in the Water Security Agency Act – **MORE INFORMATION REQUIRED ON THE COMPLIANCE/ENFORCEMENT PROCEDURE**

3. PRE 1981

- Exemption for pre 1981 works was removed by regulation in 2015 – DO NOT AGREE.... The government changes the rules....this change to legislation allow WSA to make orders on pre 1981 works AND will protect them from being filed against
- *All works can cause impacts*, must have land control and not cause damage – **IF WORKS HAVE BEEN IDENTIFIED AS CAUSING DAMAGE, THEN INVESTIGATE.**

MEMBERSHIP FEES DUE

If your SaskFSA membership is up to date – **THANK YOU VERY MUCH!** If not, invoices will be mailed out early December. Please pay your membership as soon as possible. The changes happening with the AG Water Management Regulations will directly impact your right to farm. Your support is fundamental to enabling your SaskFSA team to continue to work with government on the drainage regulations, policy development and other important issues affecting your right to farm! **Membership currently represents ~960,000 acres!**

AND GET YOUR FARMER FRIENDS INVOLVED. NOW IS THE TIME TO MAKE A CHANGE, ONCE THESE REGULATIONS ARE IMPLEMENTED, THERE IS NO GOING BACK.

WE NOW ACCEPT VISA, for a membership form visit www.saskfsa.ca/join-today/ or call Myles at 1-306-740-9558 to pay by VISA.

WE WANT TO HEAR FROM YOU – Next SaskFSA board meeting is December 9th. If you have some concerns in your area you would like to discuss, would like more information on the latest initiatives or have any suggestions, please contact any member of the SaskFSA board. Contact information available at <http://www.saskfsa.ca/contact-us/>

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