Amended April 27, 2019

via E-mail
environmental.assessment@gov.sk.ca

Steve Wilkie
Senior Environmental Assessment Administrator
Environmental Assessment Branch
Saskatchewan Environment
REGINA, Saskatchewan

Dear Mr. Wilkie:

On behalf of the **Citizens Environmental Alliance** I am writing this letter to you today to voice CEA's concerns regarding the proposed CanPacific Potash Inc. Albany Project southeast of Regina.

Firstly, who are we? The **Citizens Environmental Alliance** is a Saskatchewan not for profit organization that consists of citizens throughout Saskatchewan and western Canada from all walks of life including civil servants, academia, students, farmers, ranchers, professional engineers, clergy and retired people.

Our Vision is "*working together to protect the environment for all generations now and into the future*". Our Mission is *"to create a cleaner safer environment by working together with our neighbours to improve local, provincial and national water management strategies".*

An internal review of the project Environmental Impact Statement and reviewers comments from our member scientific technical experts have provided some key insights, questions and concerns regarding the project and provided some potential solutions for the proponent:

A. Grasslands and Wetland Loss

The Moist Mixed Grasslands eco-region in Saskatchewan is an endangered ecosystem. Therefore the first thought regarding potential impacts to these fragile ecosystems should be avoidance. The second thought should be avoidance and the third thought should be avoidance.

Native Grasslands

a. Destruction of native prairie cannot be mitigated with replacement by just transplanting or planting native species. Reestablishment of cultured grasslands will not be realized in the operating life-span of the project. Constructed wetlands can be more readily established and returned to replacement their previous ecosystem function but this is not true of native prairie as once converted it is essentially lost forever. Past lack of success has shown reestablishment of native prairie is a concept and not a reality.

b. There was no information on the impacts to vegetation from salt plumes from the salt storage area. During high wind events the salts can be distributed hundreds of meters affecting all varieties of plant life. There doesn't appear to be any analysis of this but this has high potential for significant impacts on native vegetation.

c. The technical review concludes: "After mitigation measures are applied, residual impacts to wildlife and wildlife habitat, are not expected to be significant." Who and by what scientific methodology was "not significant" based?

d. It is questionable if prairie loss mitigation can include protection. Under most circumstances it is a fatal flaw in environmental assessment to have protection as a component of mitigation but for native prairie it may be worth considering. This should undergo public consultation and be accepted in a grasslands vegetation mitigation plan.

e. For true avoidance in project design the plant should be located in the middle of the project area on cultivated land. As well cultivated land should always be used for well fields, and infrastructure. Native prairie, grassland, shrub and tree area, wetland and riparian habitat including wetlands need to be totally avoided.

f. All environmental compensation plans must be must undergo public consultation before approval of the project. This should be standard for any project.

Wetlands

Presently the cumulative wetland loss in southern Saskatchewan is estimated to exceed 85% and therefore cumulative impacts of additional losses must be calculated and consulted on.

The project plans to infill approximately 70 ha of wetlands and the "*Actual loss of wetland area would be surveyed after construction and CanPacific would develop a wetland compensation plan to be approved by the Ministry of Environment to offset for the unavoidable loss of wetlands*." There a number of deficiencies in this area:

a. The first level of environmental consideration in environmental impact must be avoidance and therefore the proponent must truly and sincerely "avoid" all native ecosystems including wetlands. In the proposed scenario who will decide if the plan is adequate if the proponent and the regulator cannot come to an agreement on the plan? As well, who will monitor and enforce the mitigation provisions? Although the plan indicated that Saskatchewan Environment will approve the mitigation plan it is actually the Water Security Agency who is responsible for wetlands and should be the agency indicated as responsible.

b. The "after the fact" determination of environmental impacts and considerations for mitigation is a fatal flaw. This needs to be made at time of project proposal. After the fact determination would mean that mitigation costs are unknown to the proponent and they are unable to consider this fact when determining economic considerations to proceeding.

c. The review EIA also states that the plan "*may include protection of native habitat or wetlands in another location*". This a major error of misconception as protection cannot be equated as mitigation for loss. Wetlands are already protected by both policy and legislation by both the provincial and federal governments. Mitigation of loss should be considered in the restoration of legally drained wetland or constructed wetlands within the same watershed. The proposed protection adds virtually nothing. With no approved provincial wetlands policy, the Citizens Environmental Alliance would be willing to

work with the proponent and the Water Security Agency to develop a pilot mitigation plan for wetland loss for this project.

d. Presently Saskatchewan lacks a provincial wetland policy including a mitigation component. This must be developed, undergo consultation with public and indigenous communities and be approved before the development of the mitigation plan. (See Consultation for additional information.) Mitigation for wetland loss must be at a higher ratio than 1:1 to properly reflect the loss of complexity in wetland ecosystems.

B. Consultation

The EIS concluded that duty to consult was not triggered for the project as it would be located on private land and Crown land with no right of access. This conclusion is not correct. Treaty or Aboriginal rights are more than the link to land ownership. These treaty and inherent rights are extended to water quality, impacts on fish and wildlife populations as well as right of access. Fisheries and wildlife are both not static natural resources and harvesting are a right for Indigenous peoples including ancillary right to have adequate supplies of these natural resources. As well, access to private land to harvest these resources can be done as easily as a verbal agreement the same as non-treaty hunters and harvesters.

The legal duty lies with the crown and therefore the government, not the proponent, must consult with First Nation and Metis communities without this bias. This duty cannot be delegated to third parties.

These consultation duties should include:

a. Wetland policy and mitigation plan
b. Impacts to prairie eco-system
c. Surface and ground water quality
d. Allocation priorities of water including in time of drought.

C. Wildlife and Fish

Again the proponent and reviewers failed to recognize that WSA is the regulating agency and issues the *Aquatic Habitat Protection Permit*. Does this mean that those sections were not reviewed by WSA technical staff responsible for this?

D. Water Use

Previous technical reports indicate that the Qu'Appelle watershed will be in a water deficit by 2024 and without instream needs met[1] The EIA has a basic assumption that the building of the Qu'Appelle River conveyance from Lake Diefenbaker to Buffalo Pound will occur. As of this date there are option proposals but no commitments to build the conveyance project to increase the flows to meet the needs of this project. The cost of this project is expected to exceed 1 billion dollars and it may be cost prohibitive.

The Albany project is projected to use 1,000 m^3/h to 1,650 m^3/h (Calculated to be 8.7 to 14.5 million cubic meter/year) Peak injection rates ramping down from 19,315 m^3/d to 16,111 m^3/d are expected

[1] *Water Scarcity, Water Supply, Water Security*, Upper Qu'Appelle Water Supply Project Economic Impact & Sensitivity Analysis, November 26, 2012

during mine start-up. The project will therefore use a significant amount of water and not return any of that to the watershed or water cycle.

1. The project must consider alternate reusable water uses such as the treated effluent of the City of Regina or storm water capture and use or a total recycling of water by desalinization technology to limit total loss of surface water.

2. The plant is scheduled to commence operations and water use in 2024 and continue for a minimum of 70 years. The proponent needs to forward cast modeling to have support for the withdrawals being sustainable for the Qu'Appelle watershed. This should include all other proposed uses including other potash mine's present plans to use water.

3. Water Sourcing: According to SaskWater, extensive consultation with the Water Security Agency, the government agency responsible for provincial surface water allocations, regarding water availability concluded that Buffalo Pound Lake is a long-term sustainable water source for industrial use for the project and the region. Provide scientific reports rather than opinion of this assumption.

4. The proponent stated "the issue of the water licence and it's sustainability in consideration of our rapidly changing climate environment was not considered by this review or by the referred to SaskWater Pipeline Project (EASB# 2013-002). More information on this aspect of water licencing and sustainability needs to be publically considered before the projects proceeds.

5. As mentioned previously, the concept of "design now and mitigate later" without additional public consultation is flawed. The purpose of the environmental assessment and review process is to ensure that adequate environmental safeguards are in place before a project is allowed to proceed and that it proceeds in a manner understood and broadly accepted by the public.

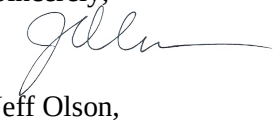
6. Based on the above facts we conclude the following:
    - It is unknown whether the withdrawal and elimination of water from the watershed is sustainable considering future climate change scenarios, instream flow needs, and apportionment.
    - The allocation of the water has not undergone an environmental review and must be completed before proceeding.
    - That the removal of fresh water from the watershed is unacceptable when other options exist.
    - The use of a significant amount of fresh water to a total loss by deep aquifer water injection in now not publically acceptable. A once renewable resource is essentially commuted to a non-renewable resource.
    - Mitigation plans must be a part of the proposal and the public must be consulted.

The purpose if the EIA is to assure environmental mitigation by proponents. To have additional measures for the protection of water and the aquatic environment occur "during the subsequent regulatory phase of the project" is not publically acceptable.

We note that public comments on projects are not published on the EA branch website. For this process to be transparent and the public fully aware all aspects and views of the public, comments should be published along with the proponents or governments responses.

As part of the public environmental review process we would appreciate a response in regard to each particular question or concern. Thank you in advance.

Sincerely,



Jeff Olson,

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