



Saskatchewan Farm Stewardship Association

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## WSA Consultation Meeting – Proposed Changes to Legislation Response

NOVEMBER 8, 2016 10:30 AM WSA BOARDROOM

### PROPOSED LEGISLATION CHANGES AS FOLLOWS:

#### 1. COMPLAINT PROCESS

- a) Remove The Formal Complaint Process
  - Not efficient – AGREE
  - Established in legislation so requires amendments to change
  - 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/revised 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 and requires detailed information 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.
  - o Request specific details of the damage, including photos
  - o In the event of an unsubstantiated claim, the \$2500 is not refundable
  - o If the 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
- Propose 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.**