



September 8, 2017

EASB File #: 2017-014

Mr. Kerry Holderness, Chair  
Quill Lakes Watershed Association No. 14  
([holdernesskerry@gmail.com](mailto:holdernesskerry@gmail.com))

Dear Mr. Holderness:

**Re: QLWA - Common Ground Drainage Diversion Project**

The Environmental Assessment and Stewardship Branch (EASB), Saskatchewan Ministry of Environment (the ministry) has received your proposal seeking a Ministerial Determination for the Common Ground Project (the Project). The EASB is of the understanding the Quill Lakes Watershed Association (QLWA) is proposing to construct a drainage diversion channel to redirect surface water from Kutawagan Lake and Pel Lake towards Last Mountain Lake. The total channel length as proposed would be approximately 25 km and constructed with a bottom width of 1 m and 3:1 side slopes. QLWA, the proponent, estimates the channel would divert approximately 7,000,000 m<sup>3</sup> of surface water towards Lake Mountain Lake and lower the lakes by 0.6 metres.

A review of the proposal included the following information, collectively termed the "Application":

- *Quill Lakes Flood Mitigation Assessment – January 2015;*
- *Kutawagan Diversion Project Environmental Assessment – September 2015*
- *Common Ground Drainage Diversion Design Report May 2017 – submitted on June 29, 2017;*
- *Common Ground Drainage Operational Plan submitted on June 29, 2017;*
- A document entitled *Wildlife Considerations for the Quill Lake Flood Mitigation* submitted on July 12, 2017;
- Project discussions held between QLWA and the Government of Saskatchewan Working Group at meetings held in the Rural Municipality of Mount Hope Council Chambers (April – July 2017);
- A record of engagement activities and letters of support for the project provided by QLWA; and,
- Water quality monitoring data collected in 2017.

Based on the information presented in the Application, it is our determination that the project does not meet the criteria of section 2(d) of *The Environmental Assessment Act* (the Act) and, therefore, is **not** a “development” that is required to undergo an Environmental Impact Assessment (EIA). This determination is provided under the authority of section 7.3 of the Act and grants the proponent authorization to proceed with the subsequent regulatory approvals for this project.

The project is deemed **not** to be a development as per the attached Reasons for Determination. In addition to advising of our determination, this letter also includes the following terms and conditions.

**The decision to not require an EIA pursuant to the Act is contingent on compliance with the following terms and conditions:**

1. The project must be undertaken and environmental protection measures implemented in the manner described in the Application, except where alterations are required for compliance with other regulatory requirements.
2. The project must be undertaken to ensure any water quality and quantity limits and requirements for timing of releases, as may be identified when the Drainage Approval is issued by Water Security Agency, are adhered to and significant downstream impacts are avoided.
3. EASB must be advised if you plan to alter the project significantly from that described in the Application.
4. EASB must be advised if work is not commenced within two years of the date of this letter. The Application’s environmental acceptability would be re-examined in light of the circumstances of the day.
5. Channel excavation activities must only occur between November 1<sup>st</sup> and April 1<sup>st</sup> outside of restricted activity periods to avoid impacts to sensitive wildlife species potentially utilizing the project area.
6. QLWA must ensure measures are implemented to avoid or minimize new disturbance or impacts to sensitive habitat such as native grassland.
7. Areas disturbed by project activities must be reclaimed following disturbance and vegetated using an appropriate seed mix. Please note that all native grassland areas disturbed by project activities are to be reclaimed using native species appropriate to the site.
8. QLWA must install appropriate erosion and sediment control measures as outlined in Erosion and Sediment Control Best Management Practices (e.g. [MHI ESC BMP Manual](#)).

9. Within 6 months of the completion of construction activities, QLWA will submit a report to the ministry prepared by a qualified environmental monitor summarizing construction of the diversion project, results of monitoring activities and documenting implementation of measures described above.
10. The QLWA will continue engagement activities with interested parties to communicate project status, outcomes of construction activities and results from the ongoing monitoring and operation of the drainage project. A summary of this engagement will be included in the report required by condition 9 of this Determination.
11. You must comply with all other federal, provincial and municipal regulatory requirements including those from the ministry.
12. You must comply with all reasonable follow up Ministerial requests to monitor compliance with these conditions.

Please also be advised that:

1. This letter is NOT an approval to proceed with construction activities, it is simply provided to inform you that you may proceed to obtain other permits and approvals that may be required. Additional approvals from the ministry and other agencies may be required.
2. As noted above, the ministry has made a determination that the proposed undertaking is not a development. The purpose of providing a determination is to provide some certainty that the ministry will not initiate any action to require an EIA pursuant to the Act.
3. The province recognizes its constitutional obligation to consult with potentially affected First Nations and Métis communities when making decisions that may adversely impact the exercise of Treaty and Aboriginal rights. If the project may have an impact on Treaty or Aboriginal rights, decisions by other government agencies during permitting may trigger the Crown's duty to consult.

Should you have any questions regarding the content of this letter, please feel free to contact Sharla Hordenchuk, Director – Environmental Assessment and Stewardship Branch at (306) 787-1023.

Sincerely,

Original signed by Assistant Deputy Minister

Wes Kotyk  
Assistant Deputy Minister  
Acting for and on behalf of the Minister of Environment  
Phone: (306) 787-5419

...4

---



Enclosure: Reasons for Determination

cc: Ian McNichol, Vice Chair, Quill Lakes Watershed Association ([imcnichol0815@gmail.com](mailto:imcnichol0815@gmail.com))  
Government Officials Working Group Members/Alternates:  
Sharla Hordenchuk, Ministry of Environment  
Brady Pollock, Ministry of Environment  
Clinton Molde, Water Security Agency  
Dwayne Rowlett, Water Security Agency  
Keith Comstock, Ministry of Government Relations  
Jared Dunitz, Ministry of Government Relations  
Kareen Holtby, Ministry of Agriculture  
Ron Eley, Ministry of Agriculture  
Ron Gerbrandt, Ministry of Highways and Infrastructure  
Rod Bushman, Ministry of Highways and Infrastructure

# Reasons for Determination

---

Date: September 8, 2017

File: 2017-014

**Project Title:** Common Ground Drainage Diversion Project

**Proponent:** Quill Lakes Watershed Association (QLWA)

**Proposal:** The QLWA is proposing to construct a drainage diversion channel to redirect surface water from Kutawagan Lake and Pel Lake towards Last Mountain Lake. The total channel length as proposed would be approximately 25 km and constructed with a bottom width of 1 m and 3:1 side slopes. The proponent estimates the channel would divert approximately 7,000,000 m<sup>3</sup> of surface water towards Lake Mountain Lake and lower the lakes by 0.6 metres.

The information provided in the review of the documents has led to the determination that the described project **does not** trigger criteria of section 2(d) of *The Environmental Assessment Act* (the Act) and therefore **is not** considered a “development” that is required to undergo an Environmental Impact Assessment (EIA).

**The above determination is based on an evaluation of the project against the criteria of section 2(d) of the Act as described below:**

- a) **have an affect [sic] on any unique, rare or endangered feature of the environment;**
- Previous baseline assessments conducted in the project area provided information regarding the potential occurrence of rare species in the project area. This information was obtained through desktop surveys of historical occurrences of rare or sensitive species and through field observation and surveys in July and August of 2015. Wildlife surveys were not conducted using accepted protocols or during appropriate timeframes and utilized primarily incidental observations. Additional site inspections were conducted from July 4 to 7, 2017 and did not detect any sensitive species.
  - Historical information and previous baseline assessment identified multiple sensitive species identified in the *Saskatchewan Activity Restriction Guidelines for Sensitive Species* and/or species listed under the *Species at Risk Act* or the Committee on the Status of Endangered Wildlife in Canada.
  - Based on the potential for the presence of sensitive and/or listed species and due to the importance of the area for the staging of large numbers of migratory waterfowl and shorebirds during spring and fall migration, as a condition of this Ministerial Determination construction of the project will only occur between November 1<sup>st</sup> and April 1<sup>st</sup>. This will minimize the potential interaction of project construction activities with sensitive species and help to avoid or minimize impacts of the project.

*This criterion is not met*

**b) substantially utilize any provincial resource and in so doing pre-empt the use, or potential use, of that resource for any other purpose;**

- The project does not involve the significant use of a provincial resource.

*This criterion is not met.*

**c) cause the emission of any pollutants or create by-products, residual or waste products which require handling and disposal in a manner that is not regulated by any other Act or regulation;**

- The project will not create by-products, residuals or waste products requiring handling and disposal not regulated by another Act or regulation.

*This criterion is not met.*

**d) cause widespread public concern because of potential environmental changes;**

- QLWA conducted extensive engagement activities with various stakeholders in areas surrounding the Quill Lakes and downstream areas and presented details of the Common Ground Drainage Proposal. Based on details of engagement activities provided, there appears to be general support by stakeholders for a project that provides a controlled diversion of water which includes a mechanism to monitor and manage water quality discharged to downstream areas. This option appears to be preferred to an uncontrolled spill of water from the Quill Lakes towards Last Mountain Lake where water quality and downstream impacts could not be managed.
- The ministry has been provided letters of support for the Common Ground Drainage project from multiple rural municipalities and communities in the area surrounding the Quill Lakes and areas potentially impacted by the project, including: the rural municipalities of Elfros, Emerald, Ituna Bon Accord, Lakeview, Ponass Lake, Prairie Rose, St. Peter, Osborne, and Wreford; and, the towns of Wynyrd and Watson.
- Based on the public attention associated with the Quill Lakes area and the current high water levels, there is existing widespread concern associated with the status quo. The potential environmental change resulting from the Common Ground proposal is not expected to cause widespread public concern due to the anticipated improvements resulting from the project.

*This criterion is not met.*

**e) involve a new technology that is concerned with resource utilization and that may induce significant environmental change;**

- Standard construction techniques would be used to complete the project and no new technology is proposed.

*This criterion is not met.*

**f) have a significant impact on the environment or necessitate a further development which is likely to have a significant impact on the environment.**

- Winter construction will minimize potential impacts to sensitive wildlife species and areas utilized by these species such as the Kutawagan Lake Important Bird Areas. Additional mitigations developed as a part of the Environmental Protection Plan required as a condition of this determination will further function to avoid and/or minimize impacts of the project.
- Based on the limited volumes of water proposed for diversion and the operational measures that will be required to monitoring and manage water quantity and quality being discharged, significant environmental impacts to the project area or downstream areas are not expected to result.
- Additional drainage applications have been submitted to the Water Security Agency from local landowners. These applications cannot be processed until an adequate outlet has been identified in the Quill Lakes basin.

*This criterion is not met.*

**Conclusion:** Based on the above considerations, the ministry's review of the proposal concludes that the project is not a "development" that is required to undergo an EIA and require a Ministerial Approval as identified in Section 8 of the Act.