

The Environmental Assessment Act

being

Chapter E-10.1 of the *Statutes of Saskatchewan 1979-80* (effective August 25, 1980) as amended by the *Statutes of Saskatchewan*, 1983 c.77; 1988-89 c.42 and c.55; [1996 c.F-19.1](#); and [2002, c.C-11.1](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER E-10.1

An Act respecting the Assessment of the Impact on the Environment of New Developments

SHORT TITLE

Short title

- 1 This Act may be cited as *The Environmental Assessment Act*.

INTERPRETATION

Interpretation

- 2 In this Act:

- (a) **“assessment”** means an environmental impact assessment required under section 9;
- (b) **“contaminant”** means any substance, whether gaseous, liquid or solid, that:
- (i) is foreign to or in excess of the natural constituents of the environment; or
 - (ii) affects the natural, physical, chemical or biological quality of the environment;
- and that is or may be injurious to the health or safety of persons or injurious or damaging to property or to plant or animal life;
- (c) **“Crown”** means Her Majesty in right of Saskatchewan;
- (d) **“development”** means any project, operation or activity or any alteration or expansion of any project, operation or activity which is likely to:
- (i) have an affect on any unique, rare or endangered feature of the environment;
 - (ii) substantially utilize any provincial resource and in so doing pre-empt the use, or potential use, of that resource for any other purpose;
 - (iii) 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;
 - (iv) cause widespread public concern because of potential environmental changes;
 - (v) involve a new technology that is concerned with resource utilization and that may induce significant environmental change; or

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(vi) have a significant impact on the environment or necessitate a further development which is likely to have a significant impact on the environment;

(e) **“environment”** means:

(i) air, land and water;

(ii) plant and animal life, including man; and

(iii) the social, economic and cultural conditions that influence the life of man or a community insofar as they are related to the matters described in subclauses (i) and (ii);

(f) **“environment officer”** means an environment officer appointed pursuant to *The Environmental Management and Protection Act*;

(g) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(h) **“ministerial approval”** means the written approval of the minister given pursuant to subsection 15(1) or 16(2);

(i) **Repealed.** 2002, c.C-11.1, s.382.

(j) **“person”** includes a body corporate or other legal entity, an unincorporated association, partnership or other organization, a municipality and the Crown, a Crown corporation or an agency of the Crown;

(k) **“pollutant”** means a substance, including a contaminant, which results, or is likely to result, in pollution of the environment;

(l) **“pollution”** means alteration of the physical, chemical, biological or aesthetic properties of the environment, including the addition or removal of any contaminant, that:

(i) will render the environment harmful to public health;

(ii) is unsafe for or harmful to domestic, municipal, industrial, agricultural, recreational or other lawful uses of the environment; or

(iii) is harmful to wild animals, birds or aquatic life;

(m) **“proponent”** means a person who proposes or desires to undertake a development;

(n) **“statement”** means an environmental impact statement required under section 9.

1979-80, c.E-10.1, s.2; 1983, c.77, s.25; 1988-89, c.42, s.37; 1988-89, c.55, s.9; 2002, c.C-11.1, s.382.

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APPLICATION OF ACT

Act binds Crown

3 This Act binds the Crown.

1979-80, c.E-10.1, s.3.

Exemption from Act

4 Where in the opinion of the Lieutenant Governor in Council there is an emergency, he may exempt any development, any class of developments or any proponent from the application of all, or any part, of this Act or the regulations.

1979-80, c.E-10.1, s.4.

POWERS OF MINISTER

Powers of minister

5 For the purpose of administering and enforcing this Act and the regulations, the minister may:

- (a) conduct research with respect to the environment, assessments or statements;
- (b) conduct studies of the quality of the environment, environmental planning, assessments or statements;
- (c) gather, publish and disseminate information with respect to the environment, assessments or statements;
- (d) appoint committees to perform any advisory functions that he considers necessary;
- (e) make any examinations, tests and other arrangements that he considers necessary;
- (f) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person with respect to the environment, assessments or statements.

1979-80, c.E-10.1, s.5.

6 Repealed. 1988-89, c.42, s.37.

Power to limit disclosure

7 Where, in the opinion of the minister, it is in the public interest or in the interest of any person, the minister may, subject to the regulations, withhold or limit production, public inspection or discovery of any information or document that relates to a development, other than any information or document that relates to pollutants, public health or human safety.

1979-80, c.E-10.1, s.7.

E-10.1**ENVIRONMENTAL ASSESSMENT****MINISTERIAL APPROVAL REQUIRED****Ministerial approval required**

8(1) Notwithstanding the requirements of any other Act, regulation or bylaw relating to any licence, permit, approval, permission or consent, a proponent shall obtain ministerial approval to proceed with a development, and no person shall proceed with a development until he has received ministerial approval.

(2) Where a conflict exists between any condition of any licence, permit, approval, permission or consent granted under any other Act, regulation or bylaw and a condition of the ministerial approval, the condition of the ministerial approval prevails.

(3) Notwithstanding subsection (1), a proponent may, subject to the regulations, conduct a feasibility study, including research and exploration, and may take any other necessary action to comply with this Act before obtaining ministerial approval to proceed.

1979-80, c.E-10.1, s.8.

ASSESSMENT AND REVIEW PROCEDURE**Assessment and statement required**

9(1) The proponent of a development shall, in accordance with the regulations:

- (a) conduct an environmental impact assessment of the development; and
- (b) prepare and submit to the minister an environmental impact statement relating to the development.

(2) The proponent shall bear all costs incurred in carrying out an assessment and in the preparation and submission of a statement.

1979-80, c.E-10.1, s.9.

Assessment of forest management plans

9.1(1) In this section:

- (a) **“forest management activities”** includes:
 - (i) harvesting of forest products;
 - (ii) site preparation or improvement, including drainage, fertilization, irrigation and prescribed burning;
 - (iii) reforestation or renewal of forest products on harvested areas;
 - (iv) road construction and camp development;
 - (v) forest product improvement, including weeding, thinning, pruning and salvage of damaged forest products;
 - (vi) the application of chemical or biological agents to protect or renew forest products;
 - (vii) protection of forest products from insects, disease and fire;

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- (viii) any other activity prescribed in the regulations;
- (b) **“forest products”** means forest products as defined in *The Forest Resources Management Act*;
- (c) **“management licence”** means a management licence issued pursuant to section 19 of *The Forest Act* and continued pursuant to subsection 107(1) of *The Forest Resources Management Act*.
- (2) Subject to subsections (3) and (4), forest management activities pursuant to a 20-year forest management plan within the meaning of *The Forest Resources Management Act* are deemed to be a development, and no person shall proceed with those activities until ministerial approval has been obtained for that plan.
- (3) The holder of a management licence with a 20-year forest management plan that was approved pursuant to *The Forest Act* prior to the coming into force of this section but that has not received ministerial approval pursuant to this Act:
- (a) must prepare and submit a statement and obtain ministerial approval pursuant to this Act respecting the next revised 20-year forest management plan due after the coming into force of this section by the date specified in the management licence for submission of that plan; and
- (b) notwithstanding anything contained in this Act, in the absence of ministerial approval, may continue carrying out forest management activities that are consistent with the forest management plan approved pursuant to *The Forest Act* until the earlier of:
- (i) the expiry of the period mentioned in clause (a); or
- (ii) the denial of ministerial approval respecting the plan mentioned in clause (a).
- (4) Subject to the requirements of section 16, where ministerial approval is given respecting a 20-year forest management plan, no further ministerial approval is required for any subsequent revised forest management plan required pursuant to subsection 38(2) of *The Forest Resources Management Act*.
- (5) Subject to clause (3)(b), nothing in this section is to be construed as exempting from any of the requirements of this Act any project, operation or activity or any alteration or expansion of a project, operation or activity that would otherwise be a development.

1996, c.F-19.1, s.100.

Minister to give notice of assessment

10 When the minister becomes aware that an assessment is about to be conducted, he shall immediately give notice of the assessment in any manner that may be prescribed in the regulations.

1979-80, c.E-10.1, s.10.

E-10.1**ENVIRONMENTAL ASSESSMENT****Review of statement**

11(1) The minister shall cause a review to be prepared of each statement that he receives.

(2) When the review mentioned in subsection (1) is completed, the minister shall:

- (a) make the statement and review available for public inspection; and
- (b) give notice, in the manner prescribed in the regulations, of the locations at which the statement and the review may be inspected, and may prescribe any conditions relating to the inspection that he considers appropriate.

1979-80, c.E-10.1, s.11.

Inspection of statement

12 Any person may:

- (a) inspect a statement and review that is available for public inspection pursuant to subsection 11(2);
- (b) make a written submission to the minister within 30 days from the date when the minister first gives notice pursuant to subsection 11(2), or, if the minister considers it appropriate, within an additional period of 30 days.

1979-80, c.E-10.1, s.12.

Public information meeting

13 At any time prior to making his decision whether to approve a development, the minister may:

- (a) cause an information meeting to be conducted relating to the development; and
- (b) direct the proponent to make experts available to attend the meeting.

1979-80, c.E-10.1, s.13.

Inquiries

14(1) At any time prior to making his decision whether to approve a development, the minister may appoint persons to conduct an inquiry or inquiries with respect to all, or any aspect of, the development, and shall set the terms of reference for the inquiry.

(2) The persons appointed under subsection (1) have all the powers of commissioners under *The Public Inquiries Act* and may engage the services of any professional or other advisors, experts, assistants or employees that they consider necessary.

(3) The minister may:

- (a) pay to persons appointed pursuant to subsection (1) any remuneration for their services and allowances for expenses incurred by them that the minister may determine; and
- (b) enter into agreements with those persons, and impose any conditions that he considers appropriate, to provide for the manner of payment, including payment by way of accountable advance.

1979-80, c.E-10.1, s.14.

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Ministerial approval

15(1) Where the minister is satisfied that a proponent has met all the requirements of this Act, he shall, within a reasonable time after making his decision:

- (a) give ministerial approval to proceed with the development and may impose any terms and conditions that he considers necessary or advisable; or
- (b) refuse to approve the development.

(2) The minister shall give notice of his decision, together with written reasons for the decision, to:

- (a) the proponent;
- (b) any person who has made a written submission to the minister pursuant to section 12; and
- (c) any other persons that the minister considers advisable.

1979-80, c.E-10.1, s.15.

Changes in approved development

16(1) Where a proponent:

- (a) has received ministerial approval to proceed; and
- (b) intends to make a change in the development that does not conform to the terms or conditions contained in the ministerial approval;

he shall inform the minister of the proposed change before proceeding with it.

(2) Where the minister has received notice of a proposed change, he shall:

- (a) give ministerial approval of the proposed change and may impose any terms and conditions that he considers advisable;
- (b) refuse to approve the change in the development; or
- (c) direct the proponent to seek approval for the proposed change in the manner prescribed in sections 9 to 15.

(3) No person shall proceed with a change in a development until he has been given ministerial approval to proceed.

1979-80, c.E-10.1, s.16.

Development to proceed in accordance with ministerial approval

17 No person shall proceed with a development for which he has received ministerial approval, except in accordance with the terms and conditions of the ministerial approval.

1979-80, c.E-10.1, s.17.

Order enjoining development

18 The minister may apply to Her Majesty's Court of Queen's Bench for Saskatchewan for an order enjoining any person from proceeding with a development contrary to this Act or to the terms and conditions of any ministerial approval, and the court may make an order on any terms and conditions that it considers appropriate.

1979-80, c.E-10.1, s.18.

E-10.1**ENVIRONMENTAL ASSESSMENT****Power to conduct investigation**

19 Where, in the opinion of the minister, the terms and conditions of a ministerial approval are not being complied with, he may:

- (a) cause any investigation, inspection or inquiry to be conducted; and
- (b) require any information or document to be submitted to him;

that he considers necessary to determine whether the ministerial approval is being complied with.

1979-80, c.E-10.1, s.19.

OFFENCES**Prohibition *re* giving false information**

20 No person shall knowingly give false information to:

- (a) the minister;
- (b) any environment officer;
- (c) any board of inquiry appointed under this Act; or
- (d) any appointee of, or person employed by or acting on behalf of, the minister or a board of inquiry;

in respect of any matter to which this Act or the regulations relate.

1979-80, c.E-10.1, s.20.

Offence and penalty

21 Any person who contravenes subsection 8(1) or 16(3), section 17 or 20 or subsection 25(3) is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000 and, in the case of a continuing offence, to a further fine of not more than \$1,000 for each day or part of a day during which the offence continues.

1979-80, c.E-10.1, s.21.

Limitation on prosecution

22 No prosecution for an offence under this Act is to be commenced after two years from the day of the commission of the alleged offence.

1979-80, c.E-10.1, s.22.

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LIABILITY

Liability for damages

23(1) Where any person proceeds with a development for which ministerial approval is required without:

- (a) being given ministerial approval; or
- (b) being exempted pursuant to section 4;

he is liable to any other person who suffers loss, damage or injury as a result of the development, and that other person is not required to prove negligence or intention to inflict loss, damage or injury.

(2) The burden of proving that any loss, damage or injury was not caused by a development is on the person who proceeds with the development.

1979-80, c.E-10.1, s.23.

GENERAL

Service of notice

24(1) Any notice required to be given by this Act or the regulations is, unless otherwise provided for, to be served personally or mailed by registered mail to the last known address of the person being served.

(2) A notice served by registered mail is deemed to have been received on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of his own, he did not receive the notice or he received it at a later date.

1979-80, c.E-10.1, s.24.

Order authorizing entry and seizure

25(1) Where a judge of the Provincial Court of Saskatchewan is satisfied by information on oath that there are reasonable grounds to require an order to enable an environment officer to carry out the duties assigned to him, the judge may issue an order on any terms and conditions he considers appropriate, authorizing an environment officer to:

- (a) enter and search any land, building or chattel; and
- (b) seize any chattels, documents or samples;

described in the order.

(2) Every environment officer, while exercising his authority pursuant to an order issued under this section, shall produce a copy of the order upon the request of any person who has the custody, possession or control of any land, building, chattel or document described in the order.

(3) No person shall obstruct or impede an environment officer acting pursuant to an order issued under this section.

1979-80, c.E-10.1, s.25.

E-10.1**ENVIRONMENTAL ASSESSMENT****Environment office to preserve confidentiality**

26(1) Every environment officer shall preserve confidentiality in respect of any matter that comes to his knowledge in the course of any investigation, inspection, test or inquiry under this Act and no environment officer shall communicate any such matter to any person except:

- (a) as may be required in connection with the administration of, or in any proceeding under, this Act and the regulations;
 - (b) to his counsel; or
 - (c) with the consent of the person to whom the information refers.
- (2) Except in a proceeding under this Act or the regulations, no environment officer is required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of any investigation, inspection, test or inquiry under this Act or the regulations.

1979-80, c.E-10.1, s.26.

REGULATIONS**Regulations**

27 The Lieutenant Governor in Council may make regulations:

- (a) respecting any requirement relating to an assessment or a statement;
- (b) respecting any guideline applicable to the approval of any development;
- (c) respecting the manner and form of giving notice under this Act;
- (d) prohibiting or regulating, in all or any part of the province, any feasibility study or any other action permitted under subsection 8(3);
- (e) specifying the grounds on which the minister may withhold or limit disclosure of any information, matter or document relating to a development;
- (f) prescribing activities for the purposes of section 9.1.

1979-80, c.E-10.1, s.27; 1996, c.F-19.1, s.100.