

EASB File No.: 2018-010
Transaction No.: 10029614

November 15, 2018

Tom Bird
BluEarth Renewables Inc.
Unit 400, 214-11 Avenue SW
Calgary AB T2R 0K1

Dear Mr. Bird:

Re: 2018-010 BluEarth Outlaw Trail Wind Energy Project

The Saskatchewan Ministry of Environment (the ministry), Environmental Assessment and Stewardship Branch (EASB), has received your Application for Ministerial Determination and has completed a screening of the proposed BluEarth Renewables Inc. (BluEarth) project entitled *Outlaw Trail Wind Energy Project* (the project). The project is described in the following documents termed “the Application”:

- *Technical Project Proposal – Outlaw Trail Wind Energy Project* dated July 26, 2018;
- GIS shapefiles of the proposed project; and
- Email correspondence from BluEarth on October 11, 2018 in response to an information request regarding the project area and species at risk.

Based on the information presented in the Application, it is our determination that the project meets the criteria of section 2(d) of *The Environmental Assessment Act* (the Act) and, therefore, is 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. No person shall proceed with a development until ministerial approval has been obtained. The project is deemed to be a development as per the attached Reasons for Determination.

As the proposed project is subject to an EIA, BluEarth should develop a draft terms of

reference (TOR) for the EIA to be submitted to the ministry according to the *Guidelines for the Preparation of the Terms of Reference* available on the ministry website. Once submitted, the ministry would be pleased to review and provide feedback on your draft TOR which you can then use as a guide for the preparation of an environmental impact statement (EIS) for this development.

Based on the determination that the above project is subject to an EIA, it is necessary to inform the public as required in section 10 of the Act. Please confirm within five business days of receipt of this letter if you are willing to place the advertisement on our behalf to expedite the process. If so, the EASB will provide you with an advertisement template to be placed in the South Central Star, Coronach Triangle, Saskatoon Star Phoenix and Regina Leader Post.

Based on the ministry's current understanding of the project and the potential environmental impacts, it has been determined that the project will not adversely impact First Nations or Métis communities exercise of established or credibly claimed Treaty and Aboriginal rights to hunt, fish, and trap for food and carry out of traditional uses on unoccupied Crown land or occupied Crown land to which First Nations and Métis have a right-of-access. As additional information becomes available through the EIA process however, potential impacts to these rights and uses will be reassessed to determine if there is a duty to consult requirement. As you proceed through the EIA, you are strongly encouraged to engage all stakeholders with a potential interest in the project to document concerns and communicate project details to ensure an accurate understanding of the project and associated impacts.

Please note that it is the proponent's responsibility to contact all necessary federal agencies to ensure that the necessary approval requirements pertaining to federal acts and regulations are adhered to and to determine whether a federal environmental assessment will be required.

Should you have any questions regarding the content of this letter, please contact Ann Riemer, Senior Environmental Assessment Administrator at (306) 787-5793.

Sincerely,

Original signed by

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

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Enclosure: Reasons for Determination

cc: Brady Pollock, Environmental Assessment and Stewardship
Brianne England, Environmental Assessment and Stewardship
Kerrie Skillen, Stantec

Reasons for Determination

Date: November 15, 2018

File: EASB 2018-010

Project Title: Outlaw Trail Wind Energy Project

Proponent: BluEarth Renewables Inc. (BluEarth)

Proposal: BluEarth is proposing to develop a wind energy project up to 200 megawatts (MW) to be sited on approximately 373 hectares (ha) of private and leased Crown land north of the hamlet of Big Beaver, Saskatchewan. The project would include a maximum of 50 wind turbine generators (WTGs), approximately 36 kilometers (km) of access roads and laydown area, 56 km of overhead and underground collector lines, four meteorological towers, and office and maintenance buildings.

The information provided in the project proposal has led to the determination that the described project **does** trigger criteria of section 2(d) of *The Environmental Assessment Act* (the Act) and therefore **is** 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 effect on any unique, rare or endangered feature of the environment

- The footprint of the project development area (PDA) does not overlap any large waterbodies or wind turbine avoidance zones identified in the Ministry of Environment’s *Wildlife Siting Guidelines for Saskatchewan Wind Energy Projects* (siting guidelines). However, the project would be sited in the vicinity of several designated avoidance zones including the Big Muddy Lake Important Bird Area (IBA) located 7.3 km east of the project, the Willow Bunch Lake IBA located 11.1 km northwest of the project, and lands designated under *The Wildlife Habitat Protection Act* located north and east of the PDA.
- Species detection surveys conducted in the project area identified multiple species at risk including little brown myotis which is listed as endangered under the federal *Species at Risk Act* (SARA), and several species listed as threatened including common nighthawk, ferruginous hawk, Sprague’s pipit, chestnut-collared longspur, bobolink, barn swallow and lark bunting.
- Bird movement surveys in the project area recorded a total of 650 individuals from 41 species during the spring surveys and a total of 2,240 individuals from 31 species during the fall surveys. BluEarth compared bird movement to that at nearby control sites and concluded that the Big Muddy Valley two km north of the project does not appear to concentrate bird movement through the project area during migration.

- Ten sharp-tailed grouse leks were observed within one km of the PDA. BluEarth has proposed to locate WTG pads, temporary workspaces and access roads within the 400 m setback area for six of the leks. Nine occupied raptor nests were also observed within one km of the PDA, one of which is a ferruginous hawk nest. BluEarth has proposed to site electrical collector lines within the 1000 m setback area of the ferruginous hawk nest.
- BluEarth followed survey protocols developed in Alberta to measure bat activity. High levels of migratory and resident bat activity were observed in the project area, likely due to its proximity to abundant high quality habitat in adjacent native prairie grassland and forested coulees associated with the Big Muddy Valley. The valley may also serve as a corridor for migratory bats as several migratory species were observed including eastern red bat, hoary bat and silver-haired bat.
- Migratory bat activity was also noted at elevated bat detectors in the rotor-swept area. Research and monitoring at existing wind facilities indicate bats are prone to collision with WTG and the majority of bat fatalities at wind projects are migratory species. The results of the surveys indicate high bat activity and species diversity in the project area and as a result, the project represents a high risk for significant bat fatalities, including species at risk, due to collisions with WTG.
- The proposal did not include detailed post-construction monitoring, operational mitigation measures or an adaptive management plan that would be implemented in the event that bird and/or bat fatalities occur, these will be important components of the EIA for the project.
- Based on the information in the proposal, it is likely the project will directly and indirectly impact migratory bats, including species at risk, in the project area as a result of direct collision with WTG and indirect habitat disturbance. Studies conducted during the EIA will help confirm the level of risk, the potential effectiveness of mitigation measures to minimize risks, and the significance of any residual impacts that would be expected to remain following mitigation.

This criterion has been 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

- No provincial resource will be used in way that pre-empts its use for other purposes.

This criterion has not been 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

- There will be no emission of pollutants or by-products not regulated by another Act.

This criterion has not been met.

d) cause widespread public concern because of potential environmental changes

- BluEarth engaged local residents, nearby stakeholders and First Nations and Métis communities to share information about the project and discuss any concerns. Open house meetings were held in Big Beaver in June 2016 and June 2018. BluEarth also mailed project information to landowners and met directly with the Rural Municipalities of Hart Butte No. 11 and Happy Valley No. 10.
- Issues raised during engagement activities related to potential health effects, land agreements, visual impacts, investment opportunities, impacts to the local tourism industry, community benefits, impacts to groundwater and soil compaction.
- No widespread concern regarding the environmental impacts of this project has been identified.

This criterion has not been met.

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

- No new technology will be used for the project.

This criterion has not been 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

- BluEarth would site WTG foundations on cultivated land, however the project area is surrounded by large intact areas of native prairie grassland providing habitat for a diverse range of wildlife species including numerous species at risk. 21.6 hectares (ha) of native prairie grassland would be directly impacted by the project and associated infrastructure including roads, temporary workspaces and collector lines. Indirect impacts to adjacent native prairie and habitat would include fragmentation, edge effects, sensory disturbance, and displacement.
- Direct and indirect impacts to important wildlife habitat are likely due to the close proximity of many features of the project to large contiguous blocks of native prairie grassland.

This criterion has been met.

Conclusion: Based on the above considerations, the ministry's review of the proposal concludes that the project is a "development" that is required to undergo an EIA and require Ministerial Approval as identified in Section 8 of the Act.