

**PROVINCE OF SASKATCHEWAN
MINISTRY OF ENVIRONMENT
NOTICE OF MINISTERIAL DECISION
PURSUANT TO SECTION 15
*THE ENVIRONMENTAL ASSESSMENT ACT***

**OUTLAW TRAIL WIND LIMITED PARTNERSHIP
OUTLAW TRAIL WIND ENERGY PROJECT**

WHEREAS:

- A. Pursuant to subsection 8(1) of *The Environmental Assessment Act* (the Act), Outlaw Trail Wind Limited Partnership (Outlaw Trail, the proponent) applied for ministerial approval to construct and operate a 200-megawatt wind energy project, consisting of 33 wind turbine generators north of the Hamlet of Big Beaver and 22 kilometres south of the Town of Bengough, Saskatchewan in the Rural Municipalities of Happy Valley No. 10 and Hart Butte No. 11 (the development).
- B. Pursuant to section 10 of the Act, the Minister of Environment (the Minister) gave notice of the assessment to be conducted.
- C. Pursuant to clause 9(1)(b) of the Act, an environmental impact statement, consisting of a document entitled “Outlaw Trail Wind Energy Project Environmental Impact Statement” dated June 2021 (the statement) was submitted to the Minister.
- D. Pursuant to section 11 of the Act, the Minister has reviewed the statement and has made the statement and review available for public inspection.
- E. The Minister is satisfied that all the requirements of the Act have been met, including those required of the proponent, and has concluded that the development ought to be approved subject to terms and conditions.

NOW THEREFORE TAKE NOTICE THAT, pursuant to clause 15(1)(a) of the Act, Ministerial Approval is hereby given to the proponent to proceed with the development subject to the following terms and conditions:

- 1. The proponent shall proceed with the development, in the manner described in the statement, except where alterations are required by the subsequent terms and conditions of this approval.
- 2. The proponent shall inform the Minister, in the manner described in subsection 16(1) of the Act, of any change to the development that does not conform to the terms and conditions of this approval.

3. The proponent shall follow the requirements of the laws and regulations of the Province of Saskatchewan, respecting the design, construction, operation, maintenance and decommissioning of the development.
4. This approval is not an environmental approval with respect to any ancillary feature of this development, for example, but not limited to power transmission lines, natural gas pipelines and water supply lines, and provincial or rural municipality roads, that is the responsibility of a party other than the Proponent. If required, such features will be considered under separate application to be submitted by the responsible party.
5. Where there is discrepancy between a condition of this approval and any document submitted by the proponent, the condition of this approval shall take precedence.
6. The proponent shall notify the ministry in writing of the date the development begins operation.
7. The proponent shall adhere to the management triggers and post-construction monitoring requirements of the *Adaptive Management Guidelines for Saskatchewan Wind Energy Projects* (2018).
8. The proponent shall submit post-construction monitoring results by February 1 following the years when monitoring is required as outlined in the *Adaptive Management Guidelines for Saskatchewan Wind Energy Projects* (2018).
9. The proponent shall submit a revised adaptive management plan for review by the ministry by February 1 following the fifth and tenth years of operation.
10. The development must commence within five years of the issuance date of this approval. If it has not commenced within five years of the issuance date of this approval, the Minister shall give the proponent 30 days to rectify the breach or to make representations as to why an extension of the five-year time period is warranted. If the breach is not rectified and an extension of time is not granted by the Minister, this approval expires.
11. This Ministerial Approval takes effect on the date of signing.

Dated at Regina, Saskatchewan this 18 day of March, 2022

ISSUED BY:


Warren Kaeding
Minister of Environment

**REASONS FOR DECISION
MINISTERIAL APPROVAL
PURSUANT TO SECTION 15
*THE ENVIRONMENTAL ASSESSMENT ACT***

**OUTLAW TRAIL WIND LIMITED PARTNERSHIP
OUTLAW TRAIL WIND ENERGY PROJECT**

Introduction

In July 2018, the Ministry of Environment (the ministry) received a proposal for the Outlaw Trail Wind Energy Project (the project). Upon screening, the project was determined to be a “development” as defined in the Act and was therefore required to undergo an environmental impact assessment (EIA) prior to receiving Ministerial Approval to proceed with the project. The EIA provides information needed by the Minister of Environment (the Minister) to determine if adequate environmental safeguards are in place for a proposed project to proceed and, if so, under what conditions.

Outlaw Trail Wind Limited Partnership (Outlaw Trail) is proposing to construct and operate the 200-megawatt (MW) wind energy project in south central Saskatchewan. If selected by SaskPower to enter into a 25-year Power Purchase Agreement, the proposed project would provide additional wind energy to SaskPower’s integrated grid.

Application of The Environmental Assessment Act

Under subsection 8(1) of *The Environmental Assessment Act* (the Act), a person shall not proceed with a “development” until ministerial approval has been received. The Act further sets out process requirements for the undertaking of the EIA. Pursuant to section 10 of the Act, public notice announcing an EIA is underway for the project was placed in local daily and weekly newspapers beginning on January 11, 2019.

Outlaw Trail submitted a Terms of Reference (TOR) for the environmental impact statement (EIS) outlining the specific studies they would undertake to gather, document and evaluate information on potential impacts of the project. Following review by the Saskatchewan Environmental Assessment Review Panel (SEARP) and minor revision, the TOR was accepted in January 2020.

The draft EIS, developed to address the requirements of the TOR, was received on March 2, 2021. Upon resubmission, the revised document underwent a second technical review and was accepted. The final EIS then underwent a 30-day public

review from September 11 to October 11, 2021. Comments received during the technical and public review of the EIS allow for an informed decision regarding the technical merits and potential environmental impacts of the project. The ministry conducted detailed analysis of all information collected during the EIA, including that received during public review, and this information has been considered in the decision on the project.

Ministerial decision options under subsection 15(1) of the Act are:

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

The ministry conducted detailed analysis of all information presented in the EIS. I have carefully considered this analysis and information in the course of reaching my decision on the project.

Duty to Consult

The project is located on private and leased agricultural land in southern Saskatchewan. The ministry considers there to be no potential impact to Treaty or Aboriginal rights, or traditional uses. No notification is required beyond that typically provided to the public or as required by legislation. There were no concerns raised by First Nation or Métis communities and no comments received during the review period.

Engagement and Public Review

Outlaw Trail engaged with local communities, landowners, rural municipalities (RMs) and conservation organizations through meetings and open houses to introduce the project and collect information on potential environmental and socio-economic impacts. Topics raised during open houses centered on potential disturbance to adjacent native grasslands, visual impacts, landowner remuneration, potential health effects on livestock, vibration and ground compaction, and infrastructure location.

During the public review period, three comments were received from the general public and one from Public Pastures - Public Interest. Comments included concerns about the location of the project directly adjacent to native grasslands, while most expressed general support for the project and acknowledged that siting of the project outside of the wind turbine avoidance zones and on largely cultivated agricultural land will reduce the potential for impacts to wildlife and wildlife habitat.

Reasons for Decision

I am satisfied that Outlaw Trail has met all the requirements of the Act, thereby requiring a decision to be made pursuant to section 15 of the Act. Having made my decision to issue a ministerial approval, the Act requires me, pursuant to subsection 15(2), to state the reasons for the decision.

General Siting Considerations

Outlaw Trail refined the general siting of the project according to guidance provided in the ministry's *Wildlife Siting Guidelines for Saskatchewan Wind Energy Projects*. While the project borders extensive native grasslands, including lands designated in *The Wildlife Habitat Protection Act (WHPA)*, the direct footprint is located outside of designated conservation lands, and their setbacks where prescribed.

Terrestrial Environment

The project layout will be developed over approximately 6928 hectares (ha) with a footprint that includes 158 ha of temporary and 25 ha of permanent disturbance, predominantly on cultivated agricultural land. The final proposed layout would impact approximately 0.8 ha of wetlands/drainages and 8.3 ha of native prairie, as compared to 1.2 ha and 15.3 ha, respectively, had the alternative layout with all collector lines buried underground been chosen. Should the approved layout be significantly altered, Outlaw Trail would be required to submit an application for a change under section 16 of the Act.

Plant species of conservation concern (SOCC) were identified during surveys conducted by Outlaw Trail in the project area and several non-native invasive species including those listed as noxious were observed. Project activities during construction are expected to cause largely reversible but long term impacts to native vegetation, including the potential for loss of unidentified listed plant species. Outlaw Trail has proposed mitigation to minimize impacts to vegetation, including avoiding plant SOCC and sensitive areas when siting project infrastructure and temporary workspaces, re-seeding with appropriate seed mixes, and implementing appropriate weed control measures.

Outlaw Trail conducted surveys, including bird movement and nocturnal radar surveys, to characterize the collision risk to birds and bats and identify wildlife SOCC. Surveys did not detect a dominant bird movement corridor through the project area. Migratory bat activity in the project area was variable with peak activity in the fall. Several bird SOCC were also noted.

Construction activities are expected to cause minor impacts to wildlife and wildlife habitat including loss, disturbance and fragmentation of wildlife habitat. Outlaw Trail proposed to reduce wildlife fatality risk during the design phase by avoiding sensitive habitats. The fatality risk to wildlife during construction and decommissioning would be similar and mitigation would include reduced vehicle speeds, adhering to activity restriction setbacks and burying electrical lines in existing rights-of-way (ROWs) where feasible.

During operations, the project poses a direct fatality risk to wildlife through collisions with WTGs and associated project infrastructure. Project siting on largely cultivated agricultural land will limit potential interactions for species at risk with project infrastructure throughout operation. Outlaw Trail is required to follow the post-construction monitoring and reporting requirements outlined in the *Adaptive Management Guidelines for Saskatchewan Wind Energy Projects* and has developed an Adaptive Management Plan (AMP) containing proactive mitigation measures. Should such measures prove ineffective, Outlaw Trail would consult with the ministry about additional actions, such as feathering of blades, partial or complete shutdown (i.e., curtailment) during periods of higher risk, or changes to monitoring frequencies or duration.

Water and Aquatic Environment

There are no fish-bearing waterbodies or watercourses within the project area. Outlaw Trail has proposed mitigation measures to prevent impacts to wetlands within the project area including maintaining setbacks from wetlands when siting project infrastructure and access roads wherever possible and implementing erosion and sediment control measures to protect nearby waterbodies. Less than one hectare of wetland and drainage areas will be impacted by the project.

Atmospheric and Acoustic Environment

Operation of the project will provide a cumulative and positive offsetting of greenhouse gas emissions that are by-products of other sources of electricity generation. Air, dust and noise emissions will be generated during construction and decommissioning of the project, however these emissions will be short in duration and will not have a significant impact. Mitigation for air emissions will include standard industry and best management practices such as applying dust suppressant on access roads.

Noise will also be generated by the WTGs throughout operation of the project. As Saskatchewan does not have guidelines for permissible noise levels, Outlaw Trail has committed to follow the Alberta Utilities Commission (AUC), *Rule 012: Noise Control* (AUC 2019) level of 40 A-weighted decibels (dBA) nighttime and 50 dBA

daytime for all noise receptors within 1.5 km of a turbine base. Modelling results presented in the EIS predict sound levels at all noise receptors will be within the limits for rural areas at all times.

Heritage and Socio-Economic Environment

The potential for heritage resources in the project area was ranked as moderate to high and a Heritage Resource Impact Assessment was conducted under the requirements of *The Heritage Property Act*. Heritage clearance was given after the routes of several project components were shifted to avoid two known heritage sites. Mitigation measures will be employed during construction to protect potential unknown heritage resources, including staking and avoiding native cover land classes. Should new heritage resources be discovered during construction, Outlaw Trail will cease work and contact the Heritage Conservation Branch of the Ministry of Parks, Culture and Sport.

The project will have minimal effects on the socio-economic environment with potential benefits of the project including local employment and business opportunities. Minor changes due to increased demand for housing, services and physical infrastructure may arise during construction of the project. Mitigation measures proposed to address these effects include a community benefit and engagement plan to assist in guiding local communities' participation in the project, coordination with emergency response agencies and development of approved emergency response plans, and development of traffic management plans.

Decommissioning, Reclamation and Closure Plan

Outlaw Trail has developed a conceptual decommissioning and reclamation plan for the project. The project will have an expected lifespan of 25-years with the option to replace or recondition the WTGs to extend the life of the project. Outlaw Trail will develop a more detailed decommissioning and reclamation plan to adhere to regulatory requirements in place at the time of decommissioning, and will incorporate industry standards and best management practices in consultation with landowners and the appropriate regulatory agencies.

Conclusion

The ministry is satisfied that the overall environmental impacts of the project are well understood and that the mitigation and environmental protection measures outlined in the EIS are implemented, and terms and conditions are imposed as presented in my approval, adverse effects can be minimized and benefits enhanced.

This conclusion is based on the proponent's adherence to the ministry's *Wildlife Siting Guidelines for Saskatchewan Wind Energy Projects* and *Adaptive Management Guidelines for Saskatchewan Wind Energy Projects*, the proponent's commitments as documented in the EIS and on my ability as the Minister of Environment to impose specific conditions at this time.

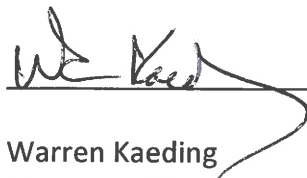
The ministerial approval for the development includes terms and conditions designed to promote the elimination and control of adverse environmental effects associated with the development. Included are requirements that Outlaw Trail:

- (a) proceed with the development in accordance with the EIS;
- (b) provide notification of any change; and
- (c) follow the requirements of other applicable laws and regulations.

These conditions, plus the measures proposed in the EIS are adequate to address all issues related to the project.

Dated at Regina, Saskatchewan this 18 day of March, 2022

ISSUED BY:



Warren Kaeding
Minister of Environment