

# NEW WILDLIFE SITING GUIDELINES FOR SASKATCHEWAN WIND ENERGY PROJECTS

## *Discussion of the newly established Wildlife Siting Guidelines for Saskatchewan Wind Energy Projects*

**By: Christopher J. Masich, Lawyer McKercher LLP**

On September 19, 2016, the Saskatchewan Ministry of Environment established *Wildlife Siting Guidelines for Saskatchewan Wind Energy Projects* while at the same time denying Algonquin Power's proposed 177 megawatt wind-power near Chaplin, Saskatchewan. With the Government of Saskatchewan's announced target of 50 percent renewable energy generation capacity by 2030, proponents now have guidance to ensure compliance with *The Environmental Management and Protection Act, 2010*, *The Environmental Assessment Act*, *The Wildlife Habitat Protection Act*, *The Water Security Agency Act* as well as federal legislation, the *Species at Risk Act*, the *Canadian Environmental Protection Act*, the *Fisheries Act* and the *Migratory Birds Convention Act*.

### *Summary of New Wildlife Siting Guidelines for Saskatchewan Wind Energy Projects*

**Avoidance Zones.** The Ministry of Environment has identified wind energy project avoidance zones where the risk of ecological impacts and/or public concerns related to wind energy project development is believed to be high. These avoidance zones include:

- a prescribed buffer of five kilometres around and inclusive of designated environmentally sensitive areas including: national parks, provincial parks, Last Mountain Lake National Wildlife Area, Important Bird Areas, Western Hemispheric Shorebird Reserve Network sites, Ecological reserves, Last Mountain Lake, North Saskatchewan River, South Saskatchewan River, Frenchman River, Qu'Appelle River and Assiniboine River; and
- areas without prescribed setbacks from designated areas including: Fish and Wildlife Development Fund lands, conservation easement areas, *The Wildlife Habitat Protection Act* land, critical habitat for Species at Risk and Federal National Wildlife Area Lands outside Last Mountain Lake National Wildlife Area.

Siting new wind energy projects in these locations may result in approval delays, costly operational restrictions or could confer higher environmental assessment and compliance costs. The avoidance zones are depicted in yellow in the attached map.

**Pre-Construction Planning and Surveying.** The Ministry of Environment recommends the pre-construction planning and surveying steps be undertaken to establish local differences in wildlife populations and movement patterns, habitat, area topography, facility design and weather and ensure compliance with Saskatchewan and federal environmental laws. These additional guidelines will assist proponents in ensuring compliance with *The Environmental Assessment Act* among other environmental legislation. Proponents are guided to:

- (i) search the Saskatchewan Conservation Data Centre and other conservation databases to help determine the presence of historical species occurrences and habitat features, and to guide species detection surveys;
- (ii) review available literature and resources to determine any significant landscape features that may attract or serve as important habitat for wildlife;
- (iii) conduct field investigations to verify habitat types identified and to determine any additional relevant habitat features; and
- (iv) appropriate pre-construction species detection surveys within the proposed project area and associated buffer zone.

**Site-Level Considerations.** The Ministry of Environment has adopted guidance from *Wind Turbines and Birds: A Guidance Document for Environmental Assessment*. Proponents should assess the following:

- (i) projects should be sited on previously altered landscapes such as areas of cultivation, near towns or in urban and industrial areas;
- (ii) projects should not be sited proximity to natural lands, such as wetlands, woodlands and grasslands, especially large contiguous blocks of habitat and/or in landscapes with a high proportion of natural land;

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- (iii) projects should avoid species at risk and their habitat, especially areas with multiple species at risk;
- (iv) projects should avoid landscapes that contain bird staging areas and migration corridors, including areas between bird staging sites and along major watercourses;
- (v) projects should avoid sites that reconnaissance indicates are typically used by raptors and bats for foraging or nesting;
- (vi) projects should avoid sites used by wildlife during critical periods such as for breeding and wintering.

**Infrastructure Design Considerations.** The Ministry of Environment has identified a non-comprehensive list of infrastructure design considerations for proponents which includes:

- (i) minimizing roads, fences and other infrastructure; align roads to avoid habitat destruction and wildlife disturbance;
- (ii) implementing measures (e.g. automation) to minimize human disturbance at sites once construction is complete;
- (iii) using tubular towers rather than lattice towers to minimize bird perching and nesting opportunities;
- (iv) installing lights for aviation safety, incorporate the minimal number of lights and synchronized flashes per minute with minimum flash duration;
- (v) adjusting tower heights to reduce risk of strikes where feasible
- (vi) reducing above-ground power lines to avoid strikes and electrocution of birds. Where this is not feasible, lines should be designed to reduce the potential electrocution of large birds;
- (vii) altering or shutting down during periods of high concentration of bird or bat activity;
- (viii) spacing turbines so as not to inhibit bird movement, generally 200 metres or more;
- (ix) locating turbines away from predatory species perching opportunities, and away from areas of high concentrations of prey; and
- (x) plan to reclaim any disturbed natural lands using native species and appropriate methods upon decommissioning.



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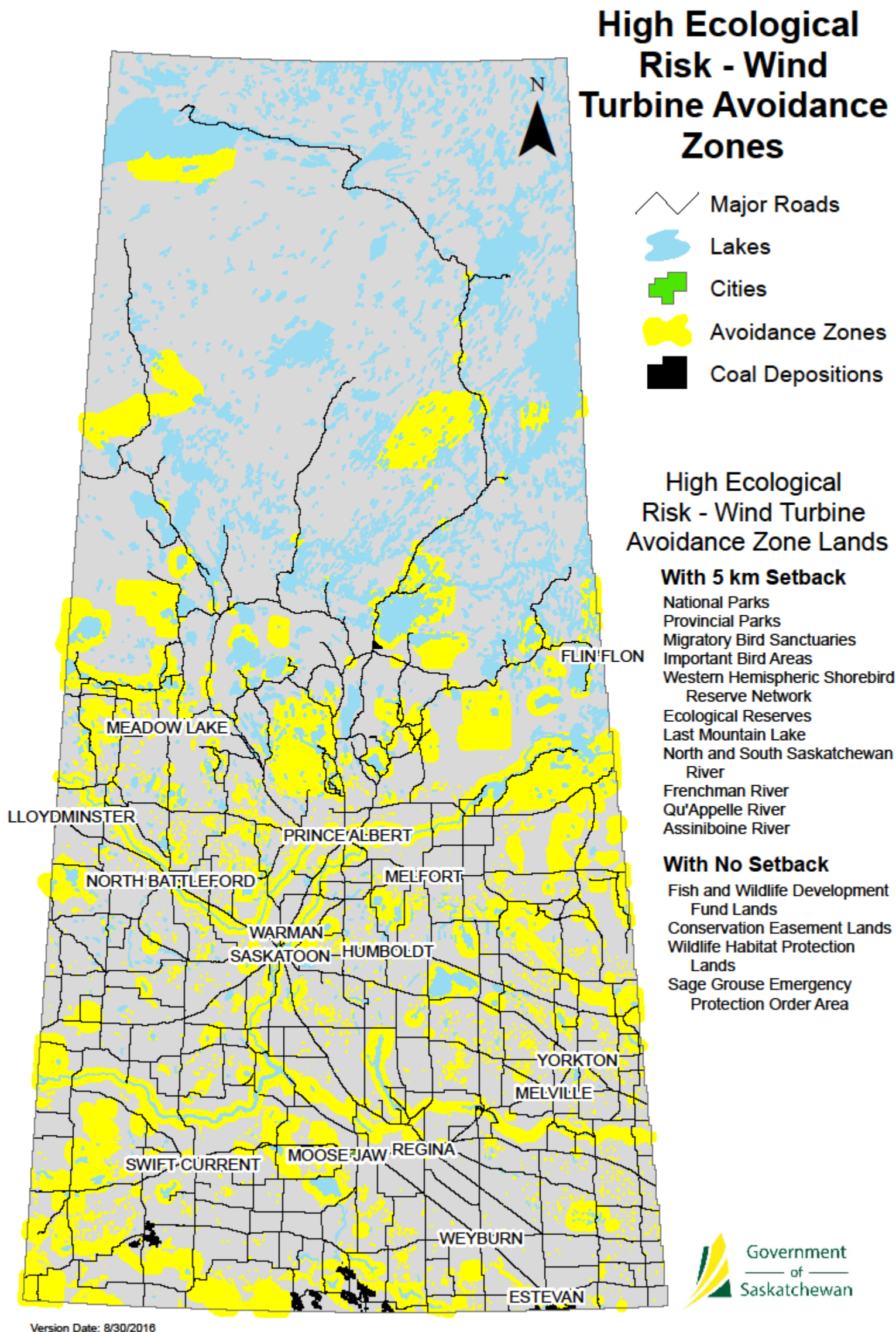
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<sup>2</sup> Detailed avoidance zone map data can be requested from Ministry of Environment, Environmental Assessment and Stewardship Branch