

Chapter 12 Agriculture—Conserving Agricultural Crown Land

1.0 MAIN POINTS

The Ministry of Agriculture owns and is responsible for managing the conservation of 2.8 million hectares of agricultural Crown land. The Ministry has over 7,000 leases on this managed land (with individuals and pasture associations).

Maintaining the health of agricultural Crown land can result in land that is more resilient to drought and floods, and can also help prevent the spread of weeds. Therefore, the Ministry monitoring the health and use of agricultural Crown land is important to keeping agricultural landscapes healthy and productive, and preventing depletion or exploitation.

We assessed the Ministry of Agriculture's processes to manage the conservation of agricultural Crown land under its responsibility. At July 2023, we found the Ministry had effective processes, except it needs to:

- Complete land health assessments and communicate results to pasture associations timely, make implementation of key recommendations in health assessments mandatory, and determine consequences of non-compliance. The Ministry has not yet assessed 44% of its 1.16 million hectares of Crown land leased by pasture associations. Not completing these assessments and not communicating results to pasture associations timely increases the risk that pastures with land health issues will further deteriorate.

At July 2023, the Ministry only makes implementation of recommendations mandatory for pastures assessed as unhealthy. However, for three of the four assessments we reviewed, the Ministry assessed the pasture as 'healthy with problems' meaning that sections of a pasture are unhealthy and may further deteriorate without appropriate action.

- Conduct timely inspections on agricultural Crown land leased by individuals and centrally track results. Without frequent inspections (e.g., every 10 years), the Ministry may be unaware of changes to land health and not take steps to conserve and protect the land.
- Monitor the implementation of land health assessment recommendations and required actions from its lease inspections. Not centrally tracking non-compliance and recommended actions increases the risk that information is lost when there is staff turnover and the Ministry does not know whether lessees addressed issues.
- Formalize factors in determining which Indigenous communities to consult with when proposing the lease or sale of Crown land to help establish transparency and consistency in the Ministry's processes.



- Track in its IT system all critical habitat on Crown land under its responsibility. Not tracking land with critical habitat increases the risk of lessees insufficiently protecting habitat for species at risk.

Good land management impacts biodiversity and natural processes necessary to sustain clean and adequate water supplies, a stable climate, and other values important to people and the economy.

2.0 INTRODUCTION

The Ministry of Agriculture owns and is responsible for conservation of 2.8 million hectares of native prairie, pasture, and tame hay Crown land (i.e., pastures) and cultivated Crown land.^{1,2,3} Conservation is the planned use and management of a natural resource (e.g., crop rotation, number of livestock in a pasture) to prevent depletion or exploitation.⁴

2.1 Agricultural Land in Saskatchewan

Saskatchewan covers approximately 65 million hectares of various terrain including woodlands, wetlands, grasslands and agricultural land. Of this, as of 2022, 9.8% is provincially-protected wildlife habitat.⁵

Agricultural land makes up the highest amount (49%) of non-forested land in Saskatchewan (29% of total land in Saskatchewan). **Figure 1** depicts the type and amount of hectares of land in Saskatchewan. The land types under the Ministry of Agriculture's responsibility are within agricultural land and grassland.

Figure 1—Area of Forested and Non-forested Land Types in Saskatchewan

Land Type	Amount in Hectares (millions)	Percentage
Forests/Woodland	26	40%
Agricultural land	19	29%
Wetland	7	11%
Water	7	11%
Grassland	5	7%
Other ^A	1	2%
Total	65	100%

Source: Government of Saskatchewan, *Saskatchewan State of the Environment 2019: A Focus of Forests*, p. 2.

^A Other land is made up of anthropogenic (i.e., polluted), rock and sand, or had no data.

Agricultural land is used for the production of crops and livestock. It occupies most of the southern part of the province. Some types of agricultural grasslands, such as hay and pasture lands, not only provide forage and grazing for livestock, but also help to maintain wildlife habitat and act as carbon storage.

¹ Native prairie refers to a grassland ecosystem that is in its original or natural state (i.e., not cultivated for crops).

² Cultivated land is Crown land the Ministry owns and leases to producers to grow crops.

³ A hectare is 2.47 acres.

⁴ Government of Saskatchewan, *Protected and Conserved Areas Roadmap*, p. 25.

⁵ www.canada.ca/en/environment-climate-change/services/national-wildlife-areas/protected-conserved-areas-database.html (26 September 2023).

Section 5.0 shows changes in agricultural land use in Saskatchewan from 2011 to 2021, including the increased usage of agricultural land in crop production and the reduction of natural land and pasture land.

2.2 Responsibilities for Managing Land Including Conservation

Under *The Provincial Lands Act, 2016*, the Ministry of Agriculture is responsible for developing, promoting, and implementing policies and programs related to the sustainability of agriculture in Saskatchewan and for the management of provincial lands. This includes managing conservation of 2.8 million hectares of Crown land that it owns. The Federal Government deemed about 20% of this as critical habitat land (e.g., known sensitive lands important for species at risk).⁶

Under *The Sale or Lease of Certain Lands Act*, the Ministry leases land to the public. The lessees are responsible for using the land within the requirements the Ministry establishes within lease agreements and for complying with legislative requirements (e.g., federal *Species at Risk Act*).

The Ministry may also sell agricultural Crown land to the public. For example, in March 2023, it sold 2,967 hectares for \$7.8 million.

The Ministry employs 23 staff who conduct land assessments (for pasture land) on its Crown land. These assessments consider whether the Ministry and its lessees comply with federal and provincial requirements, follow lease requirements, and appropriately manage the land (e.g., may result in changed requirements for pasture users).

The Ministry spent \$4.8 million on land management services in the Lands Branch in 2022–23 (2021–22: \$4.9 million).⁷ The Lands Branch's responsibilities include managing conservation, conducting land assessments, and selling and leasing Crown land. The Ministry plans to spend \$5.7 million on land management services in 2023–24.⁸

2.3 Risk of Ineffective Conservation of Crown Land

Protecting portions of Saskatchewan's land helps to maintain natural ecosystems. It helps sustain biological diversity and results in a more resilient system. Protecting unique and representative ecosystems sustains habitat for fish, wildlife, plants and people while supporting recreation and economic opportunities for the future.

Good land management contributes to biodiversity and wildlife habitat conservation. While the main intent of farming is food or forage production, land management impacts biodiversity and natural processes necessary to sustain clean and adequate water supplies, a stable climate, and other values important to people and the economy. For example, land under permanent cover can be more resilient to drought and floods, and can also help prevent the spread of weeds. Without monitoring trends in the health and use of Crown land management over time, the Ministry may be unable to evaluate whether it is keeping agricultural landscapes healthy and productive as well as sustaining biodiversity. Having a risk-based plan to complete periodic assessments could serve as an effective land management practice in order to manage conservation of Crown land.

⁶ Adapted from information provided by the Ministry of Agriculture.

⁷ Ibid.

⁸ Ministry of Agriculture, *Business Plan 2023–24*, p. 8.



3.0 AUDIT CONCLUSION

We concluded, for the 12-month period ending July 31, 2023, the Ministry of Agriculture has effective processes, except in the following areas, to manage the conservation of Crown land in Saskatchewan.

The Ministry needs to:

- Track all critical habitat (e.g., for species at risk) on Crown land it is responsible for in its IT system
- Formalize factors it considers when determining which Indigenous communities to consult with when proposing the lease or sale of Crown land
- Complete baseline range health assessments and communicate results to pasture associations timely, make key recommendations in range health assessments mandatory, and determine consequences of non-compliance
- Complete timely inspections on individually-leased Crown land and centrally track results
- Monitor the implementation of range health assessment recommendations and required actions from lease utilization plans
- Track and evaluate trends of non-compliance it observes when completing range health assessments or inspections

Figure 2—Audit Objective, Criteria, and Approach

Audit Objective: Assess the effectiveness of the Ministry of Agriculture's processes, for the 12-month period ending July 31, 2023, to manage the conservation of Crown land under the Ministry's responsibility.

Audit Criteria:

Processes to:

1. **Plan to manage conservation of Crown land**
 - Maintain inventory of land it is responsible for managing (e.g., type of land, habitat, whether land is protected)
 - Work with key partners (e.g., lessees, other federal and provincial government agencies, Indigenous communities) to set plan
 - Establish a plan to sustainably manage land
2. **Sustainably manage Crown land**
 - Communicate land conservation requirements to lessees (e.g., what laws exist and what is needed to comply with them)
 - Obtain reliable data on Crown land by completing land assessments (e.g., frequency of assessments, using good practice to complete assessments)
 - Carry out management activities consistent with plan (e.g., monitor pasture users comply with requirements, change requirements of pasture users)
 - Use mechanisms available to protect areas when selling Crown land (e.g., assess land for ecologically sensitive areas before putting up for sale, use easements, duty to consult)
3. **Monitor management of Crown land conservation**
 - Evaluate the effectiveness of the plan to manage conservation (assess measures and data)
 - Adjust plan and/or management activities as required
 - Report to senior management, the public, and other agencies on significant findings (e.g., progress on managing Crown land conservation)

Audit Approach:

To conduct this audit, we followed the standards for assurance engagements published in the *CPA Canada Handbook—Assurance* (CSAE 3001). To evaluate the Ministry's processes, we used the above criteria based on our related work, reviews of literature including reports of other auditors, and consultations with management. Ministry management agreed with the above criteria.

We examined the Ministry's criteria, policies, and procedures relating to managing the conservation of Crown land. We interviewed key staff responsible for performing activities related to managing the conservation of Crown land. We assessed the Ministry's processes for updating its IT system with critical habitat data, performing range health assessments, and verifying the saleability of land parcels for auction. We tested samples of lease agreements, range health assessment reports, lease renewal inspections, and reports to senior management and the public on the management of Crown lands. We used an external consultant with expertise in the area to help us identify good practice and to assess the Ministry's processes.

4.0 KEY FINDINGS AND RECOMMENDATIONS

4.1 Key Actions Used to Manage Land Conservation

The Ministry of Agriculture uses key actions (e.g., lease agreements, weed management plans) to manage the conservation of land. We describe how the Ministry uses these key actions to manage land conservation in the following sections.

See **Figure 3** for a description of the Ministry's Crown land, amount of land, leaseholders, risks to land conservation, and the Ministry's key actions to manage conservation. Actions are tools the Ministry uses to address the risks associated with conserving land (e.g., invasive weeds).

Figure 3—Ministry of Agriculture's Crown Land

Land Use	Amount of Land (in hectares)	Leaseholders	What can impact conservation of land?	Ministry's key actions to manage conservation
Hay, Native Prairie, and Pasture	1.16 million	Pasture associations (about 230 leases)	<ul style="list-style-type: none"> ➤ Weeds ➤ Drought or flooding ➤ Overgrazing, which may lead to permanent reduction in forage or reduced habitat for species at risk 	<ul style="list-style-type: none"> ➤ Lease agreements ➤ Range health assessments ➤ Weed management plans ➤ Conservation easements
	1.62 million	Individuals (about 6,400 leases)		<ul style="list-style-type: none"> ➤ Lease agreements ➤ Lease inspections ➤ Weed management plans ➤ Conservation easements ➤ Ecological assessment before selling land
Subtotal	2.78 million			



Land Use	Amount of Land (in hectares)	Leaseholders	What can impact conservation of land?	Ministry's key actions to manage conservation
Cultivated	0.05 million	Individuals (about 1,030 leases)	<ul style="list-style-type: none"> ➤ Weeds ➤ No crop rotation ➤ Other things that reduce crop yield, such as poor nutrients in soil 	<ul style="list-style-type: none"> ➤ Lease agreements ➤ Lease inspections ➤ Weed management plans ➤ Conservation easements ➤ Ecological assessment before selling land
Total	2.83 million	About 7,660 leases		

Source: Adapted from information provided by the Ministry of Agriculture.

Having risk-based actions allows the Ministry to appropriately manage conservation of its Crown land.

4.2 Collaboration with Key Partners

The Ministry of Agriculture appropriately collaborates with key partners (e.g., the Federal Government, the Ministry of Environment, lessees, working groups, and committees) responsible for the conservation of agricultural Crown land.

There are a number of legislative requirements and parties involved in managing the conservation of Crown land. Lessees are one of these key partners; see **Section 4.7** for details about lease agreements.

Environment and Climate Change Canada is responsible for the federal *Species at Risk Act*, which sets out which wildlife species and ecosystems (e.g., land where bank swallows live) require legal protection to help ensure sustainability. This federal Act makes Saskatchewan's Ministry of Environment responsible for provincial compliance.⁹ However, the Ministry of Agriculture also needs to comply with the *Species at Risk Act* requirements on the Crown land under its responsibility.

In 2021, led by the Ministry of Environment, the provincial government created a *Protected and Conserved Areas Roadmap* to identify goals, objectives, and actions for 2021–25. This Roadmap guides the Government's strategies toward achieving the following outcomes outlined in its *Prairie Resilience: A Made-in-Saskatchewan Climate Change Strategy*:

- Protect and conserve 12% of Saskatchewan's land and water
- Protected and conserved areas are managed to retain, improve, and restore the ecological, natural, and cultural values for which they were established

The Ministry of Agriculture is one of the provincial government agencies responsible for helping achieve these two outcomes and the targets in **Figure 4**.¹⁰

⁹ The Ministry of Environment is responsible for managing the use of all wildlife habitats, as well as for the health of Saskatchewan's environment to support sustainable growth through objective, transparent, and informed decision-making and stewardship. Ministry of Environment, *Business Plan 2023–24*, p. 3.

¹⁰ Other provincial government agencies that contribute to achieving these outcomes include the Ministry of Parks, Culture and Sport through its responsibility for provincial parks, and the Fish and Wildlife Development Fund, which owns land for the protection of wildlife habitat.

Two groups developed this Roadmap: the Protected and Conserved Areas Working Group comprised of various ministries including the Ministry of Agriculture, and the Habitat Advisory Committee.¹¹ For example, the Ministry participated in the Protected and Conserved Areas Working Group by recommending land to mark as protected, which contributed toward the Government of Saskatchewan's overall goal to protect 12% of Saskatchewan's land. See **Figure 4** for the status of the Government's land conservation measures and targets.

Figure 4—Status of the Government of Saskatchewan's Land Conservation Measures and Targets

Measure	Target	Status
Total protected areas in Saskatchewan	By 2025, 7.8 million hectares (12%) protected	As at January 2023, 6.6 million hectares (10%) protected. ^A Of this, the Ministry of Agriculture protected 2.2 million hectares. ^B
Total area of agricultural land under permanent cover in Saskatchewan (i.e., total area of native prairie, tame or seeded pasture, and tame hay)	Maintain total area of agricultural land at 8.06 million hectares	As at 2021, 7.9 million hectares of agricultural land under permanent cover. ^C

Source: Measures and Targets: Government of Saskatchewan's 2023 Report: *Climate Resilience in Saskatchewan*, p. 5.

^A Government of Saskatchewan's 2023 Report: *Climate Resilience in Saskatchewan*, p. 5.

^B Adapted from information provided by the Ministry of Agriculture.

^C Ministry of Agriculture, *Annual Report for 2022–23*, p. 9.

The Ministry participates in approximately 20 working groups and committees (13 federal; 7 provincial) that involve other ministries and provincial agencies responsible for conserving Crown land. We found the Ministry centrally tracks its participation in these groups/committees (i.e., keeps records of minutes and key action items).

In 2022, the Ministry conducted a critical habitat project to determine how well lessees manage land with critical habitat, and to identify policy options to address gaps in protecting critical habitat on Saskatchewan's agricultural Crown land. The Ministry collaborated with lessees and other key partners (e.g., Ministry of Environment) to obtain information on critical habitat on leased land (e.g., presence of species at risk habitat features and threats [e.g., coyotes]). As of July 2023, the Ministry had a draft report of its key recommendations (e.g., need to provide workshops to lessees on managing land with critical habitat). It expects to finalize this report in fall 2023 and start to work on implementing the recommendations.

Effectively collaborating with key partners responsible for different aspects of land conservation can assist the Ministry in contributing to the achievement of the Government's goals.

4.3 Land Inventory IT System Did Not Include All Critical Habitat

The Ministry of Agriculture uses an IT system to maintain a list of land that it is responsible for managing. We found the Ministry did not update the system to include all necessary information about the land (e.g., critical habitats). Without this information, staff cannot take

¹¹ The Habitat Advisory Committee includes representatives from industry, non-government conservation organizations, landowner stakeholders, the Federation of Sovereign Indigenous Nations, and Métis Nation – Saskatchewan. The Protected and Conserved Areas Working Group includes representatives from several ministries (Agriculture; Energy and Resources; Environment; Government Relations; and Parks, Culture and Sport).



a risk-based approach to identify appropriate strategies and activities for lessees to manage the land.

The Ministry uses its IT system to track leases, lessees, and types and amount of land. The Ministry also uses the IT system to track land with wildlife habitat. Wildlife habitat includes land listed in *The Wildlife Habitat Protection Act* and related regulations (i.e., provincially-protected land), land subject to emergency protection orders issued by the Federal Government to protect certain wildlife species (e.g., greater sage-grouse), and federally-designated critical habitat for species at risk (e.g., bank swallows).¹²

The Federal Government provides the Ministry of Environment with updates to critical habitat under *The Species at Risk Act*. The Ministry of Environment provides the Ministry of Agriculture with updates to wildlife habitat under provincial and federal legislation a few times a year.

The Ministry of Agriculture appropriately tracks land locations in its IT system designated as provincially-protected wildlife habitat under Saskatchewan's *The Wildlife Habitat and Ecological Lands Designation Regulations*. We tested 30 land locations listed in the regulations and found the Ministry appropriately marked each one in its IT system as having provincially-protected wildlife habitat.

However, the Ministry needs to update its IT system to track land that the Federal Government identifies as critical habitat. We tested 14 locations the Federal Government identified as critical habitat for species at risk (e.g., greater sage-grouse, bank swallows) and found two locations the Ministry did not appropriately mark in its IT system as having critical habitat.

Without an accurate and complete list of land with critical habitat, Ministry staff may be working with incomplete data and lessees may not take appropriate actions to protect land with critical habitat.

- 1. We recommend the Ministry of Agriculture track all critical habitat on Crown land it is responsible for in its IT system.**

4.4 Sufficient Guidance Provided to Qualified Staff

The Ministry of Agriculture has sufficient documented policies, processes, and templates to help guide staff on managing agricultural Crown land (e.g., completing land health assessments). The Ministry also uses qualified staff to manage Crown land under its responsibility.

4.4.1 Sufficient Guidance to Staff

The Ministry of Agriculture's Lands Branch is responsible for developing policies, guidelines, templates, and process maps for staff to use when assessing Crown land (e.g., sustainability, when to lease or sell). The Ministry also makes its policies available to the public on its website.¹³

¹² The Federal Government makes emergency protection orders to protect certain wildlife species.

¹³ publications.saskatchewan.ca/#/categories/1383 (25 September 2023).

Additionally, Ministry staff use templates when assessing the range health of pastures on leased Crown land to evaluate the overall land health and identify potential concerns (e.g., invasive weeds).¹⁴ We found the range health assessment template consistent with good practice, which includes:

- Pasture overview (e.g., land location, pasture size, land with critical habitat)
- Grazing data (e.g., number of livestock)
- Assessment methodology (processes staff use to assess land health)
- Health assessment (e.g., land use and health rating)
- Challenges (e.g., livestock stocking rate, invasive weeds, water quality and quantity)
- Recommendations (actions pasture associations can take to improve land health)

The Ministry appropriately works with its legal counsel as well as other relevant ministries (e.g., Ministry of Government Relations) and agencies (e.g., Water Security Agency) when developing or updating policies related to Crown land. For example, we noted that the Ministry consulted with both the Water Security Agency and the Ministry of Environment when developing Irrigation Development Guidelines in 2022.

Having clear guidance and policies supports staff in consistently following processes when assessing and managing Crown land.

4.4.2 Qualified Staff Manage Crown Land

The Ministry of Agriculture uses staff from both its Lands Branch and Regional Services Branch to assess Crown land. Approximately 23 staff complete agrological (i.e., the application of science to agriculture) activities (e.g., range health assessments) to manage the Ministry's land leases. The Ministry requires these staff to be professional agrologists or working toward this designation.

We tested the qualifications of seven staff and found they were all active agrologists or articling agrologists registered with the Saskatchewan Institute of Agrologists. Maintaining active status means they are knowledgeable (e.g., up-to-date professional development) and experienced to conduct fieldwork.

We found the Lands Branch supports staff with internal and external training opportunities, including internal training on processes, and external collaboration with applicable Ministry branches (e.g., Regional Services Branch). The Ministry also provides annual on-site field training to staff for identifying plants and completing range health assessments. We found the Ministry appropriately tracked the training type and staff attendance.

For example, in June 2022, staff participated in plant identification training provided by an external agency that we found relevant to the Ministry's work on invasive weed species as well as to conducting range health monitoring.

¹⁴ Per Saskatchewan's *Invasive Plant Species Identification Guide*, invasive weeds are non-native plants that can adapt to its habitat very quickly and expand in range. Examples include plumeless thistle, creeping yellowcress, and woody burdock.



Training and using qualified staff for key land management activities (e.g., conducting range health monitoring) allows the Ministry to appropriately identify key risks related to Crown land it is responsible to manage.

4.5 Land Assessed for Ecologically Sensitive Areas Before Sale

The Ministry of Agriculture appropriately consults with the Ministry of Environment regarding ecologically sensitive areas before deciding to sell Crown land.

The Ministry of Environment assesses land for ecological sensitivity (e.g., whether it contains provincially-protected wildlife habitat, amount of natural cover, magnitude of impact) and lets the Ministry of Agriculture know the results. The Ministry of Environment assigns one of three ratings to the land:

- Low – Can sell land without protection.
- Moderate – Contains some sensitive land. The Ministry of Environment can remove the land from the list of provincially-protected wildlife habitat land in *The Wildlife Habitat and Ecological Lands Designation Regulations* and the Ministry of Agriculture can sell it with a conservation easement.¹⁵
- High – Cannot sell land.

We found in our testing of seven land parcels proposed for sale, the Ministry of Agriculture received the Ministry of Environment's rating on the ecological sensitivity of the land. Four of the land parcels had a low rating, so were eligible for sale. The other three land parcels had a moderate rating, so the Ministry of Agriculture worked with the Ministry of Environment to include a conservation easement before selling the land.

Considering land for ecologically sensitive areas allows the Ministry to appropriately assess the risks of selling land, and helps ensure it conserves ecologically sensitive land.

4.6 Need to Improve Indigenous Consultation Process When Considering Land Lease or Sale

The Ministry of Agriculture needs to formalize factors in determining which Indigenous communities it consults with before leasing or selling Crown land under its responsibility to the public.

The Ministry of Government Relations requires ministries to follow the Government of Saskatchewan's *First Nation and Métis Consultative Policy Framework* when determining which Indigenous communities may be impacted by decisions to lease or auction vacant Crown land for sale.¹⁶

¹⁵ *The Conservation Easements Act*, section 3, defines conservation easements as voluntary agreements between the Government of Saskatchewan and the owner of the rest of the land. It restricts use of the land subject to conservation easements (e.g., to ensure wildlife habitat is conserved). The Ministry of Environment is responsible for regulating compliance with conservation easements to protect wildlife habitats, including Crown land under the Ministry of Agriculture's responsibility.

¹⁶ The 2010 *First Nation and Métis Consultative Policy Framework* was the Framework in place at the time of our audit.

The Ministry of Agriculture, during its consultations in 2021 for land proposed for sale or lease in March 2023, used a map system and guidance from Government Relations to identify which Indigenous communities it should consult with. We found the Ministry of Agriculture used a radius of at least 100 kilometers surrounding the land it planned to lease or sell (as a starting point) to identify the Indigenous communities (i.e., First Nation and Métis communities) it would consult with.

We found the Ministry did not have documented rationale for using a 100 kilometer radius. The Government's Framework did not prescribe any radius. Management indicated it consulted with its legal counsel and Government Relations to determine this distance, but it did not have documented support for these consultations.

The Ministry of Agriculture consulted with various Indigenous communities in 2021 on 11 agricultural Crown land parcels proposed for sale or lease in March 2023. We tested two land parcels to verify the Ministry appropriately followed its policy to consult with Indigenous communities within at least 100 kilometers. The Ministry notified all First Nation communities within that radius for both parcels of land. For one land parcel, we found that the Ministry did not communicate with two Métis Locals as those locals did not have a president (position was vacant) during the consultation period.¹⁷ Not requiring notification to Métis Locals with vacant positions aligns with Ministry of Government Relations' guidance established by consultation with the Ministry of Justice and Attorney General.

Transparent consultation is important because the Ministry of Agriculture's decisions to lease or sell land may lead to Indigenous communities' inability to exercise their Treaty rights to hunt, fish, trap for food, and carry out traditional uses.

In 2022, the Ministry began consultation for agricultural Crown land it originally planned to lease or sell in fall 2023 or later.¹⁸ In August 2022, it sent notification letters to about 160 Indigenous communities notifying them of its general intent to sell or lease land (i.e., did not limit this notification to the 100 kilometer radius). It referred to the Government's website for further information on specific land locations and requested a response by November 2022. For the 2022 consultations, the Ministry also sent specific consultation notification letters to Indigenous communities within approximately 100 kilometers notifying them of the Ministry's intent to sell or lease land they might use.

The Ministry did not receive any responses from the general notification letter sent to Indigenous communities; however, it did receive 14 responses from Indigenous communities that received specific consultation letters. The Ministry did not formalize its processes for sending letters to all Indigenous communities notifying them of its intent to sell or lease land. Formalization would support the Ministry using consistent processes for future consultations.

At September 2023, the Ministry of Government Relations told us it is currently working to expand its guidance to ministries to provide more detailed factors to consider when determining which Indigenous communities to consult.¹⁹ Some examples of other factors

¹⁷ A Métis Local is a community-level governance organization. Each Métis Local consists of at least nine Métis people.

¹⁸ In August 2023, the Government paused agricultural Crown land sales and lease auctions for two years. www.saskatchewan.ca/government/news-and-media/2023/august/11/reviced-2023-first-nation-and-metis-consultation-policy-framework-released-%20 (12 October 2023).

¹⁹ The Government of Saskatchewan anticipates its 2023 version of the *First Nation and Métis Consultative Policy Framework* released in August 2023 to be implemented in January 2024. This updated Framework does not provide additional guidance on which Indigenous communities to consult.



include historical Indigenous ties (e.g., historical hunting land) to the area, even if those communities are not within 100 kilometers, and those Indigenous communities with potential Treaty rights in the area.

Formalizing consultation processes with Indigenous communities who may be significantly affected by the leasing or selling of vacant agricultural Crown land can help to promote understanding, transparency and credibility of the Ministry's processes.

2. We recommend the Ministry of Agriculture formalize factors it considers when determining which Indigenous communities to consult with when proposing the lease or sale of Crown land.

After the Ministry sends notification letters to Indigenous communities about proposed land sale or leases, it receives responses by letter or has discussions within timelines set in the Government's Framework (e.g., 30 days for long-term disturbance to land). The Ministry considers and assesses these responses to determine whether the Indigenous communities indicated use of the Crown land for Treaty and Indigenous rights and traditional uses. If a use is indicated, then the Ministry considers whether nearby Crown land can be used for similar purposes. If not, the Ministry will either leave the land vacant, or will lease it with clauses in the agreement to allow for Indigenous use of the land.

After the Ministry makes a decision, it sends each relevant Indigenous community a decision letter that outlines its decision on the land use (e.g., sale, lease) and how it made its decision (e.g., reports submitted by the Indigenous community did not indicate use of the specific lands to exercise Treaty and Indigenous rights and traditional uses).

We found, for the consultation related to agricultural Crown land auctioned in March 2023, the Ministry documented its consideration of Indigenous use from First Nation communities and Métis Locals. The Ministry provided these communities with the time to respond as outlined in the Government's Framework. Two staff appropriately reviewed and considered all of the responses and determined the Ministry's decision related to the land use.

4.7 Requirements in Lease Agreements Clearly Communicated

The Ministry of Agriculture uses lease agreements as tools to clearly communicate its requirements for lessees to follow in conserving Crown land.

The Ministry uses lease agreement templates for its land leases (e.g., grazing, cultivation, sand and gravel, and oil and gas surface leases). We found the lease agreement templates clearly establish requirements (e.g., grazing limitations, changes to structures on the land) and responsibilities (e.g., use land for intended purpose), and are consistent with good practice.

The lease agreement templates include important legislation (e.g., *The Provincial Lands Act, 2016*; *The Wildlife Habitat Protection Act*). The templates also state that the lessee must comply with all relevant federal, provincial, and municipal laws.

Communicating clear requirements helps lessees to understand what activities they are responsible for in conserving the Crown land they leased.

4.8 Need to Complete and Report Results of Range Health Assessments Timely

The Ministry of Agriculture started assessing the health of its agricultural Crown land in 2018; however, it has not yet assessed 44% of its 1.16 million hectares of Crown land leased by pasture associations. The Ministry also needs to communicate the results of range health assessments to pasture associations in a timely way.

The Ministry started completing baseline range health assessments in 2018 on higher priority pasture association leases under its responsibility. These leases consist of former Prairie Farm Rehabilitation Administration community pastures, former Saskatchewan Pasture Program community pastures, and grazing co-ops.²⁰ The Ministry appropriately assessed the priority of pasture association leases based on factors such as known invasive weeds, species at risk, or pasture manager role vacancies.

The Ministry does not complete range health assessments on about 1.6 million hectares of land that it leases to individuals. Rather, it conducts lease inspections when leases expire (see **Section 4.10** for discussion of the Ministry's need to complete these inspections more timely). We found it reasonable the Ministry completes inspections on this leased land instead of more detailed range health assessments because:

- The average size of the leased land is much smaller (i.e., pasture association leases average 5,000 hectares compared to individual leases averaging 250 hectares); therefore individual leases have a lower risk for land health changes
- The Ministry's inspections consider similar factors about land as range health assessments, however, inspections are somewhat less formal and detailed, and do not result in a formal assessment report
- Practice is consistent with other Canadian jurisdictions (e.g., Alberta performs inspections on individual lease renewals)

The Ministry uses range health assessments to evaluate productivity of land and to develop strategies to maintain the health of land. For example, staff use the assessments to identify invasive weeds, overpopulation of non-native species, or evidence of overgrazing. Staff will evaluate the pastures as either healthy, healthy with problems, or unhealthy.²¹ A healthy pasture is able to sustain livestock. A pasture that is healthy with problems is able to sustain livestock, but still requires actions to improve land health. An unhealthy pasture may not be able to support as many livestock due to invasive weeds, grazing distribution issues, too little moisture, and lower quality forage. The Ministry communicates its findings with the pasture association managing each pasture.

Figure 5 depicts the number of range health assessments the Ministry completed each year from 2018–22. The Ministry assessed the land health of 91 (39%) of about 230 pasture association leases.

²⁰ Prairie Farm Rehabilitation Administration was a former federal agency under Agriculture and Agri-Food Canada. In 2013, the Federal Government transferred this land to the provincial Ministry of Agriculture.

²¹ Staff evaluate pastures on a scale out of 100. A score less than 50 is unhealthy; a score from 50–74 is healthy with problems; a score from 75–100 is healthy.

**Figure 5—Range Health Assessments Performed on Land Leased to Pasture Associations, 2018–22**

Assessment Year	Pasture Association Type					
	Grazing Co-op ^A		Former PFRA ^B		Former SPP ^C	
	Lease Count	Hectares	Lease Count	Hectares	Lease Count	Hectares
2018	-	-	12	88,262	-	-
2019	-	-	9	79,829	5	19,499
2020	9	19,448	19	219,153	2	5,737
2021	2	3,334	11	94,496	2	4,724
2022	3	4,386	5	54,095	12	60,332
Total	14	27,168	56	535,835	21	90,292

Source: Adapted from information provided by the Ministry of Agriculture.

^A Grazing co-op is a group of farmers who lease land for pasture use.

^B Former PFRA is a community pasture that used to be part of the Prairie Farm Rehabilitation Administration.

^C Former SPP is a community pasture that used to be part of the Saskatchewan Pasture Program.

Figure 6 depicts the number of hectares of pasture association lands, the number and percentage of leased hectares the Ministry assessed the health of, and the number of hectares unassessed. The Ministry assessed the land health of 56% of pasture association leased hectares by 2022.

Figure 6—Number of Leased Hectares Assessed 2018–22 and Remaining

Pasture Association Type	Total Leased Hectares	Total Leased Hectares Assessed (2018–22)	Percentage of Leased Hectares Assessed (2018–22)	Total Leased Hectares to be Assessed
Former Prairie Farm Rehabilitation Administration Community Pastures	589,127	535,835	91%	53,292
Former Saskatchewan Pasture Program Community Pastures	318,107	90,292	28%	227,815
Grazing Co-ops	254,371	27,168	11%	227,203
Overall Total	1,161,605	653,295	56%	508,310

Source: Adapted from information provided by the Ministry of Agriculture.

The Ministry plans to complete all baseline range health assessments for the three types of pasture association leases within 10 years (i.e., completed by 2028). Depending on the size of the pasture association lease, it may take staff a few weeks to complete a range health assessment.

We found the Ministry looked at the frequency other jurisdictions use when completing range health assessments. North Dakota completes range health assessments every five years and Alberta every 10 years. The Ministry plans to conduct ongoing assessments (after completing initial baseline assessments) every 10 years.

The Ministry needs to finish assessing the health of all pasture association leases to assess the current condition of the land. The Ministry told us that the majority of the land of former community pastures is already provincially protected, but the land of grazing co-op pastures is not. Assessing grazing co-op pastures may help the Ministry to further identify land that should be protected. The Ministry plans to assess the health of this land by 2028,

which is too late to contribute to the Government's 2025 land conservation goals outlined in **Section 4.2**.

3. We recommend the Ministry of Agriculture complete baseline range health assessments of pasture association leases.

In our testing of four range health assessments, we found the Ministry consistently used sufficient checklists to document these assessments. We found qualified staff completed the assessments and reviewed the reports timely (i.e., the winter after the assessment). For the assessments tested, we found staff rated one pasture as healthy, and the other three as healthy with problems.

Although we found staff completed the four range health assessments reports discussed above timely (within a year), the Ministry did not consistently communicate its findings to pasture associations in a timely way. Further analysis found staff conducted eight range health assessments in 2020 and 2021, but they had not yet finalized and communicated findings to the relevant pasture association as of August 2023. If an assessment reports the presence of invasive weeds, for example, the problem may get worse if the Ministry does not communicate results to the pasture association timely and the pasture association does not take action.

Without timely communication of range health assessment findings to pasture associations (i.e., within a year), issues the Ministry identifies may go unaddressed and the health of the pasture may deteriorate.

4. We recommend the Ministry of Agriculture communicate the results of range health assessments to pasture associations timely.

4.9 Key Recommendations from Range Health Assessments Should Be Mandatory and Have Consequences for Non-Compliance

While the Ministry of Agriculture makes recommendations as part of range health assessments, it does not make key recommendations (e.g., follow weed management plans) mandatory or establish consequences for non-compliance.

As discussed in **Section 4.8**, Ministry staff assess the overall health of land as healthy, healthy with problems, or unhealthy. The Ministry's assessment report to the pasture association includes a section for challenges (e.g., barriers for overall land health, invasive species) and recommendations (i.e., actions to improve land health).

The Ministry does not specify which recommendations in the reports are significant (i.e., higher impact on land and need to be addressed sooner). However, the Ministry indicated that it would make recommendations mandatory on an unhealthy pasture (i.e., pasture association would be required to implement changes). Since the Ministry started completing range health assessments in 2018, it has not assessed a pasture as unhealthy; therefore, all recommendations up to July 2023 from range health assessments are not mandatory. If pasture associations do not take action to improve the health of the land, the land may further deteriorate.



We tested four range health assessments the Ministry completed and found that staff assessed one as healthy and three as healthy with problems. In each of the assessments, staff provided at least one recommendation to the pasture association as an area for improvement. For example, one report included recommendations to reduce the number of cattle grazing on the land during consecutive years of drought, and to contain and control invasive weeds.

By not having mandatory, enforceable recommendations, there is a greater risk that the overall range health deteriorates and the problems (e.g., spread of invasive weeds) the Ministry identified may increase. Additionally, the pasture association is less likely to take appropriate actions to conserve land (e.g., continued overgrazing may lead to less forage) when recommendations are not mandatory or enforceable.

In three of the range health assessments we tested, the Ministry also recommended the pasture association develop a weed management plan. A weed management plan is a strategy to control invasive weeds that can include using animals/insects (e.g., beetles), or herbicides to minimize the spread. The Ministry has incentive programs to provide funding to lessees to help them control invasive weeds.²²

While the Ministry may recommend developing and implementing a weed management plan, this recommendation is voluntary in Saskatchewan. In the bordering jurisdictions of both Alberta and North Dakota, weed control is a mandatory requirement of lessees, especially for invasive weeds. These two jurisdictions also enforce these requirements through fines for non-compliance.

By allowing lessees to voluntarily comply with weed management plans, there is a higher risk that invasive weeds will continue to spread if lessees do not address issues.

5. We recommend the Ministry of Agriculture make implementation of key recommendations to lessees in range health assessments mandatory and set consequences for non-compliance.

4.10 More Timely Inspections of Individually-Leased Land Needed

The Ministry of Agriculture inspects the health of land leased to individuals, but does not complete inspections timely. In addition, we found the Ministry did not complete all inspections as expected.

Leases to individuals include various leases such as grazing, cultivation, oil and gas, or sand and gravel.

The Ministry requires land health inspections when a lease expires (which can be up to 33 years).²³ An inspection includes staff checking the use of the land (e.g., seeded area, number and type of livestock grazing), structures on the land, and presence of invasive weeds.

²² www.saskatchewan.ca/business/agriculture-natural-resources-and-industry/agribusiness-farmers-and-ranchers/sustainable-canadian-agricultural-partnership/programs-for-farmers-and-ranchers/crown-land-pasture-association-invasive-weed-program (12 October 2023).

²³ Grazing and cultivation leases are typically for 33 years. Oil and gas, and sand and gravel leases are typically for 21 years.

The Ministry started using a checklist for lease inspections in 2023. The checklist includes:

- Questions for staff to ask the lessee (e.g., did the lessee supply additional feed on grazing lands which may indicate insufficient foliage)
- Land health condition observed during the inspection (e.g., invasive weeds)

We found the checklist consistent with good practice.

The Ministry also develops lease utilization plans when it inspects leased land. Lease utilization plans include details such as the required actions the Ministry expects the lessee to take, deadline for completion, and result if the lessee does not comply (i.e., lease cancellation). For example, the Ministry cancelled a lease in 2023 because the lessee did not comply with the lease utilization plan's required actions such as only using leased lands for agricultural purposes and allowing garbage to accumulate on the land.

We found inspecting land health every 21–33 years is not timely compared to other jurisdictions (e.g., Alberta) or good practice. Good practice suggests inspections approximately every 10 years.

We tested 22 changes to leases where the Ministry expected staff to complete inspections and found nine with no evidence staff inspected the health of the land. We found staff did not maintain support to indicate when they inspected the land and what they observed (e.g., site photos, areas of non-compliance). Since staff only started using a lease inspection checklist in 2023, they only completed this checklist for six of the leases we tested. The Ministry indicated staff keep their own notes (field notes) on what they observed for the inspections. All staff cannot access or share this information because the Ministry does not centrally track lease inspection results. This means the Ministry may not know which lease inspections staff completed and the results.

With a long timeframe (e.g., 33 years) between inspections, significant changes can occur to a parcel of land such as changes to plant species or land erosion, both of which potentially indicate unhealthy land. Without more frequent inspections, the Ministry would be unaware of changes to the land, and the Ministry and lessee cannot adequately protect the land.

6. We recommend the Ministry of Agriculture conduct timely inspections on individually-leased Crown land and centrally track results.

4.11 Implementation of Recommendations from Land Assessments and Inspections Not Monitored

The Ministry of Agriculture does not monitor lessees' implementation of recommendations it makes during pasture association range health assessments or actions it identifies in lease utilization plans for lessees to address.

The Ministry does not formally track recommendations made in range health assessments and whether the pasture associations address them (e.g., rejuvenation of tame forage).



For example, the Ministry does not use its IT system to track what recommendations or the type of recommendations it makes to each pasture association.

For lease inspections, while the Ministry has a listing of outstanding lease utilization plans for individual lessees, it does not track the required actions or when it plans to follow up to verify the lessee complied (i.e., the Ministry has not established a formal timeframe). Required actions may include constructing fencing (e.g., to control and prevent overgrazing) and removing garbage.

For these required actions, staff track the required completion dates in their own notes; however, these notes are not centrally available to all Lands Branch or regional office staff, so they cannot monitor completion. Additionally, the Ministry does not track how long it takes to resolve issues identified in these lease utilization plans. For example, we were unable to see how long after the plan deadline that staff check whether the lessee resolved identified issues.

Without a formal process to track recommendations the Ministry makes to pasture associations or required actions for lease utilization plans, there is a risk lessees will not address issues affecting the health of agricultural Crown land. This can lead to further deterioration of useable land. Also, not centrally tracking recommendations or expected actions increases the risk that information is lost when there is staff turnover (i.e., field notes not shared) and the Ministry does not know whether lessees addressed issues.

7. We recommend the Ministry of Agriculture monitor the implementation of range health assessment recommendations and required actions from lease utilization plans.

4.12 Need to Track and Evaluate Trends of Non-Compliance with Requirements

The Ministry of Agriculture does not formally assess the results of its pasture association range health assessments and individual lease inspections (e.g., trend analysis of common land-inspection issues) to help it develop land conservation strategies.

For example, staff may frequently identify a specific invasive weed in a certain region when they perform inspections and range health assessments. If the Ministry tracks trends of non-compliance, it can adjust strategies to appropriately manage risks. The Ministry could communicate relevant information to lessees based on trend analysis or adjust its plan for completing assessments or inspections.

Without processes to monitor trends of non-compliance by lessees (e.g., not implementing recommendations from pasture association health assessments and individual lease inspections) the Ministry cannot effectively develop strategies to communicate and work with key partners (e.g., lessees) to resolve common issues it identifies.

8. We recommend the Ministry of Agriculture track and evaluate trends of non-compliance it observes when completing range health assessments or inspections.

4.13 Complaints Addressed, But No Formal Timelines Established

The Ministry of Agriculture appropriately deals with complaints regarding Crown land, but does not have formal timelines for staff to address complaints.

Most of the public complaints the Ministry receives regarding Crown land relate to non-compliance with Ministry requirements (e.g., inadequate pasture fence, presence of weeds, subleasing). The Ministry does not have an established policy or timelines for when staff should address complaints about Crown land. It also does not centrally track complaints.

We tested four complaints and found the Ministry responded to and addressed the complaints between 61 and 291 days, but had acceptable reasons for delays in resolving the complaints (e.g., waiting until spring to conduct a land inspection). For 31 complaints received between February 2022 and August 2023, the Ministry:

- Resolved 16 complaints in an average of 159 days
- Averaged 253 days to resolve 15 outstanding complaints at July 31, 2023
- Left one complaint outstanding for over 545 days

Lack of centrally tracking and providing timelines for handling complaints increases the risk the Ministry does not resolve significant issues in a timely way and take appropriate action to manage the health of Crown lands. See **Recommendation 8** for the need to track and evaluate trends of non-compliance.

4.14 Sufficient Reporting on Significant Findings

The Ministry of Agriculture appropriately uses different methods to communicate with senior management, lessees (e.g., pasture associations), the public, and other agencies (e.g., Federal Government).

4.14.1 Lessees

Ministry staff regularly communicate with and present their recommendations to pasture associations after completing range health assessments. Staff provide a written report and often present their findings at pasture association board meetings. See **Section 4.8**, where we found that the Ministry did not always communicate range health assessment reports timely.

Twice a year, the Ministry distributes newsletters with adequate information to update lessees on lease requirements and outlining how to access land regulations, as well as an overview of new programs and how to access them. The Ministry also makes these semi-annual newsletters available on its website.

Ministry staff also attend events such as the Canadian Western Agribition and the Saskatchewan Stock Growers Association annual general meeting to provide information related to land conservation efforts and programs.



Processes to keep lessees up-to-date on current Ministry processes and expectations, as well as providing the results of recent land assessments helps lessees take appropriate action to manage leased Crown land.

4.14.2 Senior Management, the Public, and the Federal Government

The Ministry of Agriculture prepares reasonable briefing notes (e.g., updates on reporting measures such as its plans to manage invasive weeds) as needed to notify senior management about work regarding managing conservation of Crown land. For example, the Ministry prepares an annual briefing note to update the Deputy Minister on the activities related to pasture association range health assessments. This includes summaries of:

- Land health assessments completed with details such as pasture locations and area size (i.e., hectares)
- Overall land health levels of assessed pasture association leases and invasive weeds, if any

Every six months, the Ministry of Environment prepares a report for the Federal Government on the protection of critical habitat. These reports include actions the province has taken toward the protection of critical habitat for species at risk. For example, in the most recent report from March 2023, the Ministry reported taking actions regarding oil wellsite reclamations in areas it identified as critical habitats for caribou.

The Ministry of Agriculture also appropriately provides quarterly Crown land sale updates to the Deputy Minister, which includes whether the land parcels sold contained conservation easements as well as the number of hectares sold. Further, the Ministry indicated the auction company reports the agricultural Crown land sale results on its website for a month after the sale closes.

The Ministry also posts lease auction results on its website for two years after Crown land lease auctions.²⁴ This report provides the cultivated, hay and grazing hectares leased, the lease value, and the land location.

The Ministry's annual report appropriately includes its progress on meeting its goals.²⁵ For example:

- Enhance protection of critical habitat land: the Ministry completed 15 critical habitat assessments to determine how well lessees manage land with critical habitat. We reviewed evidence of two of these assessments and found the Ministry communicated the results to the lessee, which included practices to support critical habitat for species at risk (e.g., keeping existing shrubs intact for foraging, thermal or nesting cover). The Ministry plans to use the results to determine its future approaches to critical habitat protection.
- Design and implement policies to achieve the goal of maintaining native prairie: the Ministry increased communication with lessees including on available programs and services to enhance the resilience of native prairie. We reviewed the Ministry's

²⁴ publications.saskatchewan.ca/#/products/120391 (27 September 2023).

²⁵ www.saskatchewan.ca/government/government-structure/ministries/agriculture (27 September 2023).

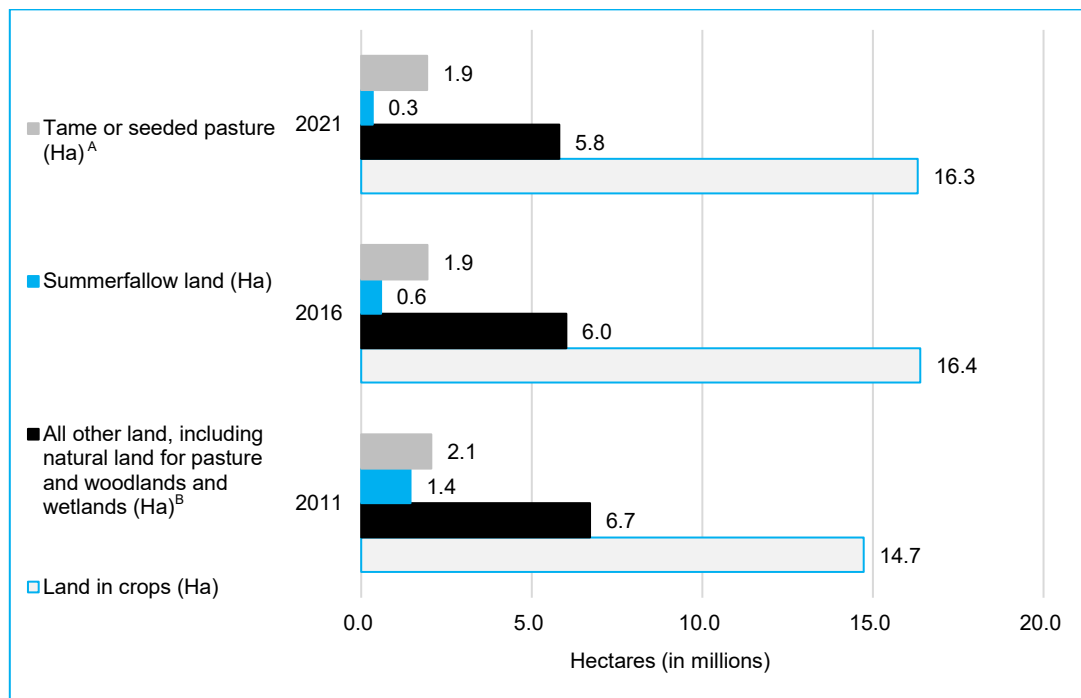
summary of its communications and found it consulted with lessees, Indigenous communities, and other relevant groups (e.g., Saskatchewan Association of Rural Municipalities).

- Develop a plan to manage invasive weeds: the Ministry reviewed its invasive weed strategy. The strategy included planned outcomes such as improved province-wide information on the spread of invasive weeds available on a single platform; increased awareness among lessees on local weed concerns and how to manage invasive weeds; and increased awareness of Ministry resources available among pasture associations for managing invasive weeds.

Appropriately reporting significant information to senior management and the Federal Government keeps decision-makers informed. Reporting to the public shows transparency in the Ministry's processes to manage the conservation of land.

5.0 AGRICULTURAL LAND USE IN SASKATCHEWAN 2011–21

The graph below shows changes in agricultural land use in Saskatchewan from 2011 to 2021, including the increased usage of agricultural land in crop production and the reduction of natural and pasture lands. This trend is not applicable to the Ministry of Agriculture's Crown land. During the periods in the graph, the Ministry of Agriculture did not reduce natural and pasture lands.



Source: www150.statcan.gc.ca/t1/tb1/en/tv.action?pid=3210015301&pickMembers%5B0%5D=1.9&cubeTimeFrame.startYear=2001&cubeTimeFrame.endYear=2021&referencePeriods=20010101%2C20210101 (26 June 2023).

^A Ha – hectares.

^B In 2011, natural land for pasture was 4.8 million hectares (2016: 4.6 million hectares), woodlands and wetlands was 1 million hectares (2016: 1 million hectares), and all other land was 0.9 million hectares (2016: 0.5 million hectares). Detailed information not available for 2021 data.



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