



June 5, 2026

Ministry of Energy and Resources  
1945 Hamilton St  
Regina, SK S4P 2C7

Sent Via Email: [er.servicedesk@gov.sk.ca](mailto:er.servicedesk@gov.sk.ca)

**RE: Submission on the Proposed Changes to the *Surface Rights Acquisition and Compensation Act***

On behalf of the Agricultural Producers Association of Saskatchewan (APAS), we appreciate the opportunity to provide comments on the proposed amendments to the *Surface Rights Acquisition and Compensation Act* (SRACA).

APAS represents agricultural producers across Saskatchewan, many of whom operate in areas impacted by surface leases and related energy infrastructure. The SRACA plays an important role in balancing responsible resource development with the rights, obligations, and long-term sustainability of agricultural operations.

While many of the proposed amendments improve administrative clarity and procedural fairness, APAS believes several provisions would benefit from additional clarification and strengthening to ensure landowners can effectively access and rely upon the protections provided under the legislation.

#### **Review of Compensation (Section 77)**

APAS supports the proposed clarification regarding timelines for compensation review applications, as it better reflects the original intent of the legislation.

However, APAS recommends allowing landowners to apply for compensation review at any time following the initial three-year period after compensation has been established or updated. Restricting applications to a 180-day filing window creates an unnecessary procedural barrier and may limit fair access to the review process.

More broadly, APAS encourages the Ministry to simplify the compensation review process to ensure landowners can reasonably and effectively access the mechanisms available to them under the Act. Often the cost for a landowner to submit for a review of compensation to the board is far above the benefit they will receive from updated compensation values, discouraging landowners from applying. The process should be designed such that a landowner is able to submit for routine review without professional assistance. All reasonable costs incurred by landowners to access the compensation review process should be reimbursed to ensure true accessibility to the mechanism.

In general, compensation rates should be determined utilizing current, independent land appraisal rates to ensure accurate market value, rather than relying on appraisal evidence compiled by operators.



Additional guidance should also be provided regarding when landowners may apply to the Board in cases involving non-payment or delayed payment by operators. Landowners are required to grant access to their land for surface leases and have no ability to reclaim leased areas when an operator fails to make their lease payments. APAS recommends that Saskatchewan adopt a system similar to Alberta's, where the provincial government guarantees lease payment to the landowner even where the operator has defaulted.

#### **Filing of Surface Rights Agreements (Sections 30 and 51)**

APAS believes the filing process presents an opportunity to address the significant information imbalance that exists between operators and landowners during compensation negotiations.

Operators typically possess extensive internal data regarding compensation agreements and prevailing lease rates, while individual landowners often negotiate with limited market information. This imbalance can place landowners at a disadvantage when determining whether compensation reflects fair market value.

APAS recommends the Ministry explore opportunities to develop an anonymized database of surface lease compensation information using filed agreements. Providing access to aggregated compensation data would improve transparency, support more informed negotiations, and contribute to fairer outcomes for all parties.

#### **Compensation Resulting from Ministerial Entry Orders**

APAS supports a new provision to clarify the Board's authority to determine compensation for damages payable to a landowner as a result of entry ordered by the Minister. We recommend that any limitation set on this mechanism for landowners to seek compensation not be set below two years after the date of entry/damages were incurred. Due to the nature of agricultural operations, it may take up to two years to notice sustained damages or losses as a result of the entry.

#### **Compensation for Weed and Pest Control (Section 85)**

APAS supports the clarification which explicitly allows landowners to seek compensation for reasonable costs incurred when carrying out weed and pest control obligations that operators have failed to fulfill.

However, the legislation should clearly define the timeframe within which a landowner may intervene following notification to an operator. Weed and pest management activities are highly time-sensitive, and delays can result in significant agricultural and environmental impacts. APAS recommends a timeframe of 48 – 72 hours for the operator to address a weed or pest issue after notification.

APAS also emphasizes that these amendments must not shift responsibility for weed and pest control onto landowners. Operators must remain fully responsible for maintaining leased lands in a weed- and pest-free condition. Where operators fail to meet these obligations and landowners are unable to mitigate resulting impacts, compensation should be available for damages incurred, with penalties increasing for repeat offenders.

#### **Notice of Damage Caused by Operators (Section 62)**

APAS supports efforts to encourage earlier resolution of damages caused by operators and views this amendment as a positive step.

However, a specific timeline is needed regarding the amount of time that must pass after notice is provided before a landowner may apply to the Board for resolution. Clearly defined timelines would help prevent unnecessary delays, reduce disputes regarding procedural adequacy, and ensure damages



are addressed in a timely manner. APAS recommends a timeline of 10 days after confirmed notification after which landowners are able to apply to the Board.

### **Immediate Right of Entry Application (Section 31)**

APAS supports extending the timeframe for landowners to object to immediate right of entry applications. However, the proposed 10-day period remains insufficient given the realities of agricultural operations and the challenges many rural landowners face in accessing legal or technical expertise on short notice.

APAS recommends extending the objection period to 30 days to ensure landowners have a meaningful opportunity to review and respond to applications.

APAS also remains concerned about the approval of immediate right of entry applications in circumstances where urgency has not been adequately demonstrated. While the provision may be appropriate in exceptional situations, the Board should require clear and documented evidence of urgency before granting immediate right of entry.

### **Service Lines**

APAS supports the proposed clarification regarding service lines but continues to have concerns regarding their long-term impacts on agricultural operations.

Service lines are frequently left in place long after their operational purpose has ceased, leaving landowners responsible for accommodating infrastructure that no longer serves an active function. Landowners are often required to identify and respect associated rights-of-way without meaningful support from operators.

APAS recommends reducing barriers to agricultural development where inactive service lines remain in place and encourages the Ministry to establish clearer processes for line abandonment and removal. Additionally, while service lines remain active, they can restrict agricultural development and negatively affect soil conditions. APAS believes these impacts should qualify service lines for ongoing compensation.

### **Revisions to ‘Serve and Notify’**

While APAS understands the rationale for clarifying the use of “serve” and “notify” within SRACA, landowners should continue to retain the right to receive notices through registered mail rather than relying exclusively on electronic delivery methods.

Many rural areas continue to experience inconsistent broadband and cellular connectivity, making electronic communication unreliable in some circumstances. Maintaining flexible notification options is important to ensuring procedural fairness and effective communication.

### **Other Concerns**

APAS members continue to have concerns about regulatory directives surrounding reclamation and remediation that support the SRACA and would recommend that reclamation accountability be re-included in the legislation itself.

The timing of this consultation overlaps a critically important period of agricultural activity, severely limiting meaningful participation from agricultural stakeholders. APAS has previously highlighted this oversight to the Ministry in prior consultations, and we are disappointed to see not only this consultation, but the accompanying *Mineral Rights Act* and *Oil and Gas Conservation Act* being consulted upon during seeding once again.



APAS continues to advocate for more purposeful consultation be conducted from November to March to ensure proper engagement of agricultural landowners.

Finally, while the comments outlined above relate specifically to the proposed SRACA amendments, many of these issues reflect broader, longstanding concerns associated with surface rights and mineral development in Saskatchewan. APAS recommends that the Ministry undertake a more comprehensive review of the Act to address these systemic issues in a coordinated manner.

APAS appreciates the opportunity to contribute to this consultation and welcomes continued engagement with the Ministry to ensure that amendments to the SRACA appropriately balance responsible resource development with the interests and rights of Saskatchewan agricultural producers and landowners.

If you have any questions regarding this submission, please contact [policy@apas.ca](mailto:policy@apas.ca) for additional information.

Thank you for your ongoing work supporting Saskatchewan's resource and agricultural sectors. APAS looks forward to continued collaboration to ensure both industries can operate successfully and sustainably into the future.

Respectfully,

A handwritten signature in black ink, appearing to read "Dion McGrath", is positioned above a horizontal line.

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Dion McGrath, Executive Director  
APAS