



June 26, 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 *Mineral Resources Act* and the *Oil and Gas Conservation Act***

On behalf of the Agricultural Producers Association of Saskatchewan (APAS), we appreciate the opportunity to provide comments on the proposed amendments to the *Mineral Resources Act* (MRA) and the *Oil and Gas Conservation Act* (OGCA), particularly those related to the clarification of Crown ownership of subsurface pore space.

APAS represents agricultural producers across Saskatchewan, many of whom are directly affected by resource development activities. Saskatchewan's agricultural and resource sectors are both critical contributors to the provincial economy, making it essential that legislative and regulatory frameworks support responsible resource development while protecting the rights and interests of landowners.

While APAS recognizes the Ministry's objective of improving regulatory clarity and supporting future resource development opportunities, several proposed amendments raise concerns that warrant additional consultation and consideration.

**Clarification of Subsurface Pore Ownership**

APAS recognizes the Ministry's objective of clarifying subsurface pore space ownership to support regulatory certainty. However, we cannot support this amendment without further consultation and greater clarity regarding its implications for agricultural producers and private landowners.

Agricultural operations rely extensively on subsurface pore space. Water storage and movement, nutrient cycling, soil health, and carbon sequestration are all functions that depend on the productive use of pore space. The proposed amendments do not clearly explain how Crown ownership may affect agricultural management practices, participation in carbon markets, or future land-use decisions.

APAS believes any clarification of ownership must explicitly protect a landowner's ability to conduct normal agricultural operations, undertake land and water management activities, and participate in emerging environmental markets without undue interference or uncertainty. Agriculture should be formally recognized as a priority and ongoing use of subsurface pore space within Saskatchewan.

APAS also notes that landowner organizations, including APAS, expressed significant concerns during previous consultations regarding the inclusion of carbon capture and utilization projects under the *Surface Rights Acquisition and Compensation Act* (SRACA). Clarification of pore space ownership should not be used as a mechanism to expand the applicability of SRACA to these projects without further consultation.



### **Crown Long Term Liability for Sequestered CO<sub>2</sub>**

APAS supports the establishment of a framework allowing the Crown to assume long-term liability for permanently sequestered CO<sub>2</sub>. Given the extended time horizons associated with carbon storage projects, this approach provides important certainty for landowners and ensures liabilities do not persist beyond the lifespan of project operators.

As further detail is developed around the criteria of the crown adopting this liability, APAS would recommend additional consultation to ensure that delayed impacts on soil health, nutrient cycling, water availability, and farm management concerns are adequately addressed in the framework.

APAS also supports the creation of an industry-funded liability assurance mechanism to support the Crown's assumption of long-term responsibility. Similar approaches should be considered for other resource development activities where liabilities may extend beyond the operational life of a project.

The fund should be developed with transparency in mind and guarantee adequate capitalization without political interference. The fund should also consider the possibility of a risk-based fee structure that captures the variable cost and disturbance to agricultural land. Assessing financial capacity should be determined at the licensing stage to ensure that no operations are able to begin where an operator is unviable.

### **Seismic Exploration and Surface Access**

APAS supports provisions allowing emergency access where there is a demonstrable risk to safety or where urgent action is required. We also support requirements for landowner notification, where practical, and compensation for direct losses or expenses incurred.

However, APAS does not support extending these authorities to activities related to mine planning. Exploration activities conducted for mine development do not constitute emergencies and should continue to require landowner consent.

The proposed requirement for ministerial review and landowner notification demonstrates recognition that these circumstances differ fundamentally from emergency access situations. As a result, APAS remains opposed to this amendment as currently drafted.

### **Oil and Gas Conservation Act Modernization**

APAS supports the modernization of the OGCA to better reflect the evolving nature of Saskatchewan's resource sector and the operation of facilities associated with a broader range of mineral resources. As development proceeds on the proposed *Mineral Resources Wells and Facilities Operations Act*, APAS strongly encourages meaningful engagement with agricultural landowners to ensure that operational requirements, surface impacts, liability management, and compensation considerations are appropriately addressed. In addition, as sections from OGCA are moved into the MRA, powers of the Minister and Lieutenant Governor to prescribe spacing areas, setbacks, and drainage areas should be reviewed to reflect the modern day scale of agricultural equipment and the economic value of lost acres.

### **Consultation Timing and Process**

These consultations conducted by the Ministry of Energy and Resources continue to have significant impacts for landowners in our province. The timing of these consultations during seeding and calving significantly limits the ability of agricultural producers and landowners to participate meaningfully in the process.



Given this, APAS strongly recommends that additional consultation on these amendments as well as the amendments proposed to the SRACA be conducted from November to March to ensure proper engagement of landowners.

APAS appreciates the opportunity to contribute to this consultation and welcomes continued engagement with the Ministry as these legislative amendments are considered.

Saskatchewan's agricultural and resource sectors both play critical roles in the province's long-term prosperity. APAS looks forward to working collaboratively with government and industry to ensure that future legislative and regulatory frameworks support responsible resource development while respecting the rights, interests, and livelihoods of agricultural producers and rural landowners.

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

Respectfully,

A handwritten signature in black ink, appearing to read "Dion McGrath", written in a cursive style.

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Dion McGrath, Executive Director  
APAS