

COURT FILE NUMBER KB-RG - 0848 of 2023

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE REGINA

APPLICANTS SABRINA DYKSTRA, JILL FORRESTER, RYAN HEISE,
KAYLA HOPKINS, LYNN OLIPHANT, HAROLD PEXA,
AMY SNIDER, and CLIMATE JUSTICE SASKATOON
ORGANIZATION INC.

RESPONDENTS SASKATCHEWAN POWER CORPORATION, CROWN
INVESTMENTS CORPORATION OF SASKATCHEWAN,
and THE GOVERNMENT OF SASKATCHEWAN

AFFIDAVIT

AFFIDAVIT OF APPLICANT MARK BIGLAND-PRITCHARD

I, MARK BIGLAND-PRITCHARD, of the City of SASKATOON, SASKATCHEWAN, MAKE OATH AND SAY (or AFFIRM):

1. I have personal knowledge of the statements and facts deposed to in this Affidavit, except where stated to be on information learned from someone else, and where so stated, I verily believe the information to be true. I am 63 years old, and I currently reside in Saskatoon, SK. I have been a Canadian citizen since 2009 and a resident of Saskatchewan since 2005.
2. I am co-founder of CLIMATE JUSTICE SASKATOON ORGANIZATION Inc. (hereinafter "CJS") and have been an organizer with CJS since its inception in 2012. I have been duly authorized by the CJS organizers to submit this affidavit in support of CJS's participation as an applicant affected by the Government of Saskatchewan's actions to continue investing in unabated fossil fuel facilities.
3. I am a semi-retired energy consultant and applied physicist; I hold an MA in Chemical Engineering (Faculty of Physics & Chemistry and Department of Chemical Engineering, University of Cambridge), an MSc in Energy Conservation (School of Mechanical Engineering, Cranfield University), and a PhD in building physics (School of Architecture, University of Sheffield). I have worked for more than three decades in the field of sustainable energy: my roles have included research projects, university-level teaching, assessment and management of municipal energy conservation projects, and private consultancy.

4. I currently work fulltime in support of private refugee sponsorship; I took my current post out of concern for vulnerable people worldwide, including many impacted by droughts, floods, heatwaves and conflicts exacerbated by the climate crisis.

5. CJS formed as an organization focused on mobilizing people living in Saskatoon, SK, and the surrounding area for sustainable living and justice for all. CJS has operated with a core group of organizers that has varied in size over its history. The group of CJS organizers is typically between 20-40 people who are actively assisting CJS to achieve its objectives. CJS also maintains email list and social media following of several hundred supporters who are predominantly residents of Saskatchewan. CJS recently incorporated as a non-profit corporation in the province of Saskatchewan, but it continues to be governed by the group of active organizers with a consensus-based decision making procedure.

6. CJS functions to raise awareness of those disproportionately harmed by climate change and to share an alternate narrative of how communities can work toward developing sustainable, healthy, and equitable economies in harmony with natural systems. Members and supporters come from a wide variety of backgrounds - Indigenous and settler, urban and rural, across the whole spectrum of age and of professional backgrounds.

7. CJS is a well-organized association with considerable expertise related to energy policy, social justice, and public relations. CJS as an organization has the capacity to participate in bringing forward this application as a matter of important public interest.

8. CJS has organized dozens of events such as rallies, marches, town hall events, media releases, and discussion panels in the Saskatoon, SK, area over its 10-year history. In 2013, CJS provided the bulk of the organisational capacity behind the Citizens' Hearings on Climate Change, involving two days of input from a diverse range of experts. CJS was the principal organizing body for one of the largest civil society demonstrations in the history of Saskatoon that took place on September 27, 2019, as part of the Global Climate Strike where over 2,000 people gathered at Saskatoon City Hall to march past the provincial cabinet office and the federal government building.¹

9. CJS has also worked in Estevan, SK and Coronach, SK to gain a deeper understanding of the perspectives of coal workers and their communities about the impending phase out of coal fired electrical generation and the corresponding opportunities and challenges of the coal phase out. CJS

¹ Kyle Benning, "Thousands rally in Saskatchewan for action on climate change" (27 September 2019) Global News Saskatchewan, online: <https://globalnews.ca/news/5963739/rally-climate-change-saskatchewan/> (17 March 2023); and Zak Vescera, "Saskatoon Climate Strike brings a global movement home" (27 September 2019) Saskatoon, SK: The Star Phoenix, online: <https://thestarphoenix.com/news/local-news/saskatoon-climate-strike-brings-a-global-movement-home/> (17 March 2023).

organizers Hayley Carlson, Justin Fisher, and Rachel Malena-Chan published a paper on behalf of CJS in November 2018, about the future of coal in Saskatchewan entitled: *Bridging the Gap: Building bridges between urban environmental groups and coal-producing communities in Saskatchewan*.²

10. CJS empathizes with fossil fuel workers and understands their concerns about job security given that we must phase down fossil fuel energy to mitigate dangerous climate change. CJS advocates tirelessly for a just transition to clean energy that prioritizes sustainability and health of people and the environment. CJS organised a panel discussion in Saskatoon, SK in 2022 on the challenges, opportunities, and options inherent in just transition, and is expecting to work with partners on projects aimed at empowering communities for which transition is an inevitable necessity.

11. CJS also participated as an intervenor in the constitutional reference court cases on the Greenhouse Gas Pollution Pricing Act at the Saskatchewan Court of Appeals in 2019 and the Supreme Court of Canada in 2020.

12. CJS has a long-standing interest in mitigating the impacts of climate change, promoting equality in climate policy, and has conducted advocacy and education with respect to the benefits of a just transition focused on sustainability. We have partnered with Idle No More and with adhoc Indigenous initiatives in several public actions calling for recognition of Indigenous territorial rights.

13. Work is in progress, on behalf of CJS, on development of an alternative plan to meet Saskatchewan's energy needs while rapidly reducing greenhouse gas emissions.

14. It is established science that anthropogenic climate change is primarily caused by the burning of fossil fuels. It is further established that only a small and steadily reducing "carbon budget" remains if the world is to avoid levels of global heating likely to plunge both ecosystems and human societies into irreversible catastrophe. Consequently, we hold that it follows logically that rapid reduction of GHG emissions, and especially carbon dioxide, is incumbent on all jurisdictions.

15. The Supreme Court of Canada has stated that "*climate change is an existential challenge*" and "*a threat of the highest order to the country, and indeed the world*."³ CJS is participating as an applicant in this action because the climate crisis represents a truly exceptional issue that needs the assistance of the Court to clarify how the *Canadian Charter of Rights and Freedoms*⁴ applies to government action that is intensifying the problem. CJS knows that the Respondents ongoing decisions to build new

² Carlson, H., *et al*, "Bridging the Gap: Building bridges between urban environmental groups and coal-producing communities in Saskatchewan" (2018) Saskatoon, SK: Climate Justice Saskatoon, online: <https://climatejusticesaskatoon.ca/future-of-coal/future-of-coal-bridging-the-gap/> (17 March 2023).

³ *References re Greenhouse Gas Pollution Pricing Act*, 2021 SCC 11 at para. 167.

⁴ *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982 c 11.

unabated fossil-gas-fired electrical generation assets will accelerate dangerous climate change and increase the harms to all citizens and the environment.

16. CJS organizers and supporters have participated in numerous consultations with SaskPower to articulate these concerns. Throughout these consultation processes, SaskPower has consistently avoided committing to the necessary rapid decarbonization of our electrical supply. CJS supporters have also received letters from SaskPower outlining their ongoing plans to further expand gas-fired electrical generation. Affixed to this affidavit as **Exhibit "A"** is a copy of a letter from SaskPower dated July 12, 2022, outlining details of its plans to build the proposed power plant near Lanigan, SK.

17. It is the position of CJS that it is unreasonable for the Respondents to continue to build new gas-fired electrical generation assets such as the Great Plains Power Plant near Moose Jaw, SK, and the proposed new gas-fired power plant at Lanigan, SK because the science is clear that there is no room in the remaining atmospheric "carbon budget" for these new assets that would "lock-in" additional dangerous emissions for many decades to come. Decisions made today on our new electrical generation will have a significant and widespread societal impact on the people of Saskatchewan for decades.

18. CJS has no personal, proprietary, or pecuniary interest in this action that would justify the proceeding on economic grounds. CJS makes this application in good faith because there is an important public interest to be served by the Court in clarifying our rights and freedoms as they relate to government decisions about new electrical generation.

19. The Respondents are making decisions today about our state-owned electrical generation that will influence Saskatchewan's emissions trajectory for decades to come. It is of critical importance that we avoid carbon "lock-in" to fossil fuel based electrical generation associated with new fossil fuel infrastructure. The importance of avoiding "lock-in" is documented in the latest IPCC *Sixth Assessment Report* and the UN Environmental Programme *Emissions Gap Report 2022*, among many other credible sources.⁵

20. CJS believes individual rights to life, security of person, and equality are engaged by state action that serves to intensify the impacts of dangerous climate change. Dangerous climate change is

⁵ Shukla, P.R., et al, *Climate Change 2022: Mitigation of Climate Change*. (2022) Contribution of Working Group III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, Cambridge, United Kingdom: Cambridge University Press, online: https://www.ipcc.ch/report/ar6/wg3/downloads/report/IPCC_AR6_WGIII_FullReport.pdf (17 March 2023) at 28 (Summary for Policy Makers C.4.), 147 (Technical Summary-7), 188, 265-267, 355-356, 696-698; and United Nations Environment Programme (2022). *Emissions Gap Report 2022: The Closing Window — Climate crisis calls for rapid transformation of societies*. Nairobi, online: <https://www.unep.org/emissions-gap-report-2022> (17 March 2023) at 2, 39, and 42.

a matter of public interest that transcends the immediate interests of the parties. The intersection of *Charter* rights with state action to expand greenhouse gas emissions has not been previously resolved by the Court. Therefore, it is important that this action is heard in full on its merits to allow for the benefit of the Court's due consideration of the matters in this application.

21. I make this Affidavit in support of the Originating Application along with the other co-applicants, anticipated to be filed in early 2023, and for no unlawful purpose.

SWORN (OR AFFIRMED) BEFORE ME
by electronic means
at, Saskatoon, Saskatchewan,
this 21st day of March,
2023.

[Signature]
Commissioner for Oaths
for Saskatchewan
Being a solicitor.



(signature)

July 12, 2022



Re: Proposed Natural Gas Power Station

Dear [REDACTED],

SaskPower has been evaluating land for a potential new natural gas power station. We're writing to let you know we've now selected our land, NW 36-33-24 W2M, near our Wolverine Switching Station, in the Lanigan area.

We selected the Lanigan site based on the opportunities it presented such as road access, potential for groundwater availability, proximity to natural gas and transmission infrastructure and cost.

As a landowner near this site, we also wanted to reach out to you to outline next steps. Our next priority is to learn from stakeholders– like you– to understand what you want us to consider as we continue to evaluate this project.

We want your input! Please get in touch by email at publicengagement@saskpower.com or phone at 855-566-2903 to let us know how you'd like to exchange information. We'll also hold an open house for the general public on July 27th from noon to 7 p.m. at the Lanigan Town Hall.

Please note: we haven't made a final decision to build the new power station. Your input will help inform the engagement process, project interests and concerns.

About the project

As we begin to phase out conventional coal power, we'll need to replace it with another source of reliable power. Natural gas is our best option for meeting this need in the near term. It will help us meet environmental regulations because it produces half the emissions of conventional coal. And it will support us in bringing more renewable generation options online, like wind and solar.

As a result, we're looking to build a 370-megawatt (MW) combined cycle natural gas power station near Lanigan. A 260-MW combustion turbine, for simple cycle dispatch, is forecast to be in-service in 2027, and the remainder of the plant would be built by 2028. The facility will be designed to have the capability to operate in both simple cycle and combined cycle mode, which will have more flexibility when demand for power changes. This plan may need to shift based on future regulations that may come through the Government of Canada's Clean Electricity Standard.

Thank you in advance for taking time to participate in this process. Your input is important to us as we plan for future generation.

Sincerely,

A handwritten signature in black ink that reads "Christine Enmark". The signature is written in a cursive, flowing style.

Christine Enmark
Public Engagement & Stakeholder Consultation