

COURT FILE NUMBER _____

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 LYNN W. OLIPHANT

I, LYNN OLIPHANT, of the Rural Municipality of ABERDEEN, 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.
2. I am a 79-year-old Canadian citizen and Saskatchewan resident. I live with my wife, Dr. Rhonda M. Shewfelt.
3. I have an M.Sc. in Biology and Ph.D. in Zoology. I was a professor at the University of Saskatchewan where I supervised a number of graduate and post-graduate students in the fields of ecology and cellular ultrastructure until I retired in 1999.
4. In addition to my normal teaching duties and because of a strong interest in the issue of sustainability, I was involved in an early attempt at interdisciplinary teaching in a class called *Man and the Biosphere*. In the mid-90's I attempted to resurrect this effort in a class called *Planet Earth-The Issues Confronting Us*. I have been involved in many conservation and environmental groups both locally and internationally and have been the recipient of several awards from various groups including Nature Saskatchewan, Cameco, the Meewasin Valley Authority, and the Canadian Geographic Society. I was instrumental in setting up the *Craik Sustainable Living Project* which developed a world-wide reputation before the project was destroyed by fire.

5. I am involved as an applicant because the current direction of the Saskatchewan government, the crown corporation, SaskPower, and the other named Respondents fails to adequately address the climate crisis. Dangerous climate change is impacting my personal life and life on the planet in general.

6. The specific areas that I wish to address are primarily covered under Section 7 of the Charter: Life, Liberty, and Security of Person. Not only are the Respondents failing to address the issue of climate change, but they are also actively taking steps that will exacerbate this threat. I feel strongly that my personal liberty and security have been severely constrained by the general lack of attention to ensuring the sustainability of life on our planet and specifically here in Saskatchewan. Dangerous climate change puts not only my life in jeopardy, but also the lives of my children and grandchildren, the people of Canada, and other species - our "basic right to be alive" is being violated.

7. Various communities in Canada have already faced life-threatening weather events intensified by climate change. Last summer a small community, Lytton, in British Columbia broke the heat record for Canada for three successive days by a whopping 5 C. Later that same week, 90% of this community burned to the ground. The deaths of the several hundreds of people in the greater Vancouver area last year associated with this "heat dome" are other examples of climate change impacts.

8. Agriculture has also experienced this threat as seen with the poor harvest experienced across western Canada in 2021. While we have made significant progress in developing new and better crop varieties for the northern prairie regions, the primary determinant of production is still weather. Moisture is a major determinant of crop production here in Saskatchewan and is determined by a combination of precipitation and drying due to temperature and wind. Predictions suggest summers will be warmer and while precipitation may increase slightly, it may also shift in timing and be drier during critical times for crop growth and maturing. In 2022, some areas of the northern prairies faced delayed seeding due to flooding while other areas continue to experience extreme drought. Whatever the actual outcome, uncertainty will increase and lead to increased stress levels not only for our producers, who are already under significant stress related to increasing input costs and uncertainty, but virtually everyone else as we are all dependent on a stable and viable economy. Agriculture is a major sector of the Saskatchewan economy today and this can be expected to increase as the petroleum industry is phased out. On a more personal level, my wife and I grow much of our own food (estimated 50%) and last year spent considerable time and money hauling water to ensure we did not lose our garden.

9. There are many important issues facing humanity today related to climate change including humanity's economic and population expansion pushing other species to the brink of extinction, instability of the ecosystems we depend upon, the increasing threats of global pandemics, mass migrations due to ecological collapse and social breakdown, and the increasing disparity between the rich and poor.

10. With respect to biodiversity, we have seen substantial changes on our land over the last quarter century. We have lost Sprague's pipits and lark sparrows. We have lost all of our small wetlands which numbered over 40 and with this loss has been the eradication of both the boreal chorus frog and wood frog which were formerly abundant as well as the red-sided garter snakes that fed on them.

11. Our decisions regarding our sources and use of energy fundamentally impact sustainability. The unprecedented exponential growth of the Human Enterprise over the past two centuries has been fueled by the extraction and burning of fossil fuels (FF). We have built a society that has become completely dependent on FF use. It has become an addiction that will require every level of government to help break.

12. Concerns regarding the rising levels of CO₂ and other greenhouse gases (GHGs) and their effects on global weather are but one aspect of the problem; witness the wars that have been fought over FF and the current breakdown of the energy supply chain in Europe associated with the war in Ukraine which could easily turn to a nuclear holocaust. The impact of changing weather patterns on food supplies is only starting to be apparent. Trickle-down effects may include massive migrations and crowding of people, greatly increasing the potential of further pandemics on top of more local disease outbreaks.

13. I had hoped that I could spend my few remaining years enjoying my life knowing that human society was on a path that was leading to peace and prosperity for all. Instead, I find myself consumed with constantly attempting to counteract acts of the government that all scientific evidence suggests are self-destructive and are often in a direct contravention of our global agreements on addressing climate change (such as the 2015 Paris Agreement of United Nations Framework Convention on Climate Change, to which Canada is a signatory). This has had a negative impact on my professional career as well as my personal life. As good as daytime CBC radio can sometimes be, I find myself lying in bed much of the night listening to reports from around the world, getting up the next morning to send an e-mail in response either to something positive but more frequently something negative that I heard, hoping it may make a difference. Just a few years ago I spent almost a week helping a neighbor filling sandbags to prevent his house from being flooded and we now find ourselves in a drought that has lowered our water table by over 15 feet.

14. My wife and I have been living for the past quarter of a century in a way that we hoped would lower our impact on the environment and act as a model for other people -- reducing the size of our "ecological footprint". Almost ten years ago we installed an 18.7 kw grid-tied solar panel array as our main source of energy for our house at a cost of over \$50,000. We had made the house all electric (no natural gas or fuel oil) when originally built in 1996. We attempt to grow much of our own food to avoid the use of fossil fuels used heavily in industrial agriculture and transportation. We access most of our meat and eggs locally directly from the producer. We have installed low-energy appliances and lighting

and have foregone such things as clothes dryers, microwave ovens, TV, etc. We purchased a used 2013 Chevrolet Volt (PHEV) in 2014 which is powered by our solar array and we no longer feel we can justify flying.

15. After calculating our household's (my wife and I) ecological footprint I find that if everyone on the planet lived in this way, we would require two earths. Our household's footprint is 3.4 hectares which compared to the 1.8 hectares average for the world overall is high, but still less than half of the average Canadian household ecological footprint. Our household carbon footprint is 4.8 tonnes/year representing 50% of our total footprint. Our global overshoot day is July 1 (the date we have used more from nature than our planet can regenerate in the entire year). Even if everyone currently living on the planet agreed to adopt an equivalent lifestyle, it would only be "sustainable" if we cut our population in half since there is no second inhabitable earth-size planet available.

16. We could become more "sustainable" if we weren't immersed in a society that makes this very difficult. Food in our stores is produced and transported using vast amounts of FF. Nitrogen fertilizers are produced from natural gas, plastics are FF based, transportation and home energy systems are primarily FF based. This is a major stumbling block to enacting the changes we need to see over the next few decades if we are to become "carbon neutral" by 2050 and address the following interrelated and concurrent crises: climate change, the sixth great extinction, more severe pandemics, global inequity and poverty, political upheaval, etc.

17. We must level the playing field. Our species has so far simply used science and technology to remove limits to growth instead of learning how to live within the limits of real-world ecosystems. I am highly pessimistic that we are up to the challenge, and it dominates my mind constantly. If Canada, with its vast resources including large areas of pristine wilderness, and a small, well-educated, rich, and healthy population is unable to model a sustainable way of living on this planet, perhaps it cannot be done. We are certainly not doing a good job here in Saskatchewan now, especially given that we have one of the highest environmental footprints of the world and a government that is simply making things worse.

18. In conclusion, the current and proposed acts of the Respondents including the government of Saskatchewan are having a major impact on my personal mental well-being, my feelings of insecurity, and affecting how I must spend my time every day. The actions of the Respondents to build more fossil fuel based electrical generation will have far-reaching negative impacts around the world well into the future. Every day we procrastinate makes the transition to a sustainable pathway more difficult.

19. 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

at, Saskatoon, Saskatchewan,

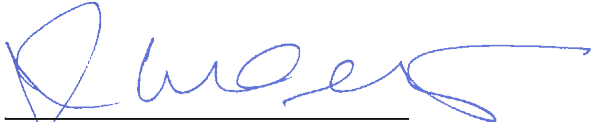
this 17th day of March,

2023.



Commissioner for Oaths
for Saskatchewan

Being a Solicitor



(signature)