

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 KAYLA HOPKINS

I, KAYLA HOPKINS, of the Rural Municipality of FERTILE VALLEY (RM #285), 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. My full name is Kayla Jan Manson Hopkins. I am 34 years old, and I currently reside with my husband, Connor Ogilvie on our farm south of the Village of Conquest, Saskatchewan.
3. I grew up on my parents' farm south of the Village of Conquest and I have lived in Saskatchewan for most of my life other than brief periods where I lived in the province of Alberta to pursue post-secondary education at NAIT in Edmonton and also at the University of Lethbridge.
4. I work as an Infection Control Practitioner in Outlook, Saskatchewan and I also occasionally work as a Lab and X-ray Technologist on a casual basis in both Outlook and Rosetown, Saskatchewan.
5. Like many younger farmers, I work an off-farm job to support my ambition to be a full-time farmer. It is difficult to begin farming because of the capital-intensive nature of buying land and equipment. I have been working with my parents over the past 5 years to transition some of their herd

to my farm. I tend a herd of 50 breeding cattle and my husband also has a cattle herd of his own as well. My husband and I work together to tend fencing, check water bowls, put up hay, and maintain the health of our respective herds. We intend to start grain farming as well in 2023 and we hope to be successful and environmentally conscious at grain farming as well.

6. My husband also works off-farm to support the farm. Our goal is to be able to work less at our day jobs and be in a position to focus on our mixed farming operation full time.

7. I have understood that human activity is causing dangerous climate change for many years, but since I have started ranching, I now recognize that I am more susceptible to the impacts of climate change than others. Our farm has been in a protracted drought since I started ranching and I worry about how climate change is making extreme weather like droughts and floods more severe.

8. I know that dangerous climate change is caused by burning of fossil fuels. I try to minimize my impact by hanging laundry to dry, by using LED light bulbs, and by driving a compact car. I get discouraged because others use fuel without regard, and I do not see others taking the issue of dangerous climate change seriously.

9. Large emissions are created by air travel, and fertilizer and fossil fuel production. Many farmers are worried about policies aiming to reduce fertilizer emissions, but I feel that we farmers have a duty to produce food in a sustainable manner and I am willing to change my practices to reduce our impact and protect nature. It is reasonable to me that we all need to improve our practices rather than stubbornly resist change. Afterall, we all need to eat, and our food systems need to be sustainable.

10. Balancing the objectives of farming with the protection of nature has long been a controversial issue in our local neighborhood. A while back, the Outlook Elementary School was in the news for a controversial message displayed on the school's sign which read "FARMING AFFECTS OCEANS. CHEMICALS HURT HABITATS & SPECIES. THEY ALSO DECR OXYGEN LEVELS" [sic]. Affixed to this affidavit as Exhibit "A" is a copy of the news story related to this issue that was published by the CBC on May 26, 2021.¹

11. The content of the Outlook Elementary School sign was featured prominently on social media at the time and as a topic of discussion at work in the coffee room. None of the people who commented on the Facebook posts about this issue were supportive of the Outlook teachers and their willingness to explore these complex issues in students' social studies classes. I stated to my co-workers that while I agreed that the wording of the sign could have been different, I recognize that we can improve our

¹ Matt Young, "Sask. school division apologizes after message critical of agriculture posted on school sign," (May 26, 2021) CTV News, online: <https://saskatoon.ctvnews.ca/sask-school-division-apologizes-after-message-critical-of-agriculture-posted-on-school-sign-1.5444322> (12 March 2023).

farming practices to be more sustainable. The context of the backlash created by the Outlook school sign informs how many farmers feel threatened to reduce emissions and mitigate dangerous climate change.

12. Climate change is already having a profound effect on me personally and my occupation as a rancher. I have faced overwhelming stress as a result of severe drought. In the 5 years that I have been keeping cows, not one year has provided “normal” moisture levels. Furthermore, in the two years before I began ranching, I recall having excessive rainfall and many farms were dealing with flooding and wet field conditions, often installing tracks on their equipment instead of rubber tires to work wet fields. Although weather conditions in 2022 were marginally better than our worst year of 2021, we are still in drought conditions. The spring and summer of 2022 were cooler with less wind which made conditions more tolerable than the very hot, dry, and windy conditions in the spring and summer of 2021.

13. Raising cattle in a drought is different than being a grain farmer in a drought. I appreciate that drought is hard on all farmers, but grain farmers experience paper losses as they deal with low yields and bills that drought years cannot cover. Ranchers feel the drought stress more acutely as we have an obligation to care for our herds; our herds are living animals that experience thirst, hunger, pain, and stress. I was often stressed about my situation because I had to ensure that my 50 cows would not starve to death in the winter. The duty of ranchers to care for our animals makes the drought stress much more acute because we see our animals’ condition daily even as we also face the financial stress of our farms losing money.

14. In 2021, the drought was so severe that our hay yields were reduced by more than 75%. My husband and I spent numerous hours struggling to put up hay to cover our winter feed requirements. I cannot express how heart breaking it is to drive around a hay field picking up a meagre windrow that might yield half a bale in one acre. In a normal year we usually get about 2 bales per acre. I recall on our wedding day in 2016 that we had 3 inches of rain that day alone. Hay fields were lush that year and there were some fields that yielded 4 bales per acre. With such wild swings in weather, it is difficult to plan your needs as a rancher. Generally, we know that we will need 4 bales per cow to provide feed for the winter.

15. With hay yields that were so low in 2021, we were forced to spend much more time in the tractor, driving to fields that were further and further away from our yard as we struggled to ensure we had enough feed for the winter. We phoned nearly every neighbor looking to bale up any slough grass or otherwise. Trying to cut hay where it hasn’t normally been cut is very difficult. These spots are rough, and debris hidden in the grass can cause equipment damage. These unexpected break downs only add to the stress. It is like cutting hay in the abyss, but because we were so desperate for feed, we felt we had no choice. I also need to mention that our fuel bill was much higher in 2021 because we had to spend so much more time in the tractor trying to put up the feed we would need.

16. Facing a winter without sufficient feed reserves, many ranchers are forced to sell animals. In the drought of 2021 as feed prices rose, prices for livestock dropped. As young farmers we could not afford to take severe losses on our farm, and we worked to exhaustion trying to put up our hay to cover our needs. We managed to make it through 2021 without having to reduce our herd sizes, but it came at a great cost to my mental health.

17. Also in 2021, we decided to fence a new pasture in a lake valley area to source more grass for our cattle herd. This relatively remote area had not been pastured before and the terrain and overgrowth led us to name this pasture "The Jungle." In October 2021, rodents chewed the electric fence controller at The Jungle and triggered a grass fire. The dry conditions led to the fire spreading quickly. I wasn't home at the time of the fire, and I am grateful that my father and the first responders were able to contain the fire. Fire is another condition that rural people will face more often as dangerous climate change brings more extreme droughts. I am fortunate that we had fire insurance and that no one was hurt, but more extreme conditions will make these events more difficult to deal with.

18. The prospect of dangerous climate change making these extreme drought and flood events more common causes me great anxiety because it was already a difficult struggle to weather the drought of 2021. The drought of 2021 nearly worked my husband and I to exhaustion and there were many times when I phoned friends or family for support. Often it felt like I was being "talked off the cliff" during these conversations. I shudder to imagine more extreme conditions that will come as dangerous climate change progresses.

19. I have been fortunate to receive a crop insurance payout in each of the past three years. It is helpful that ranchers can get moisture insurance and that coverage has helped my farm. However, I can't help but wonder how long these payments will last. Eventually prolonged drought may render my farm uninsurable, and I don't know what I would do in that case. These worries cause me to lose sleep and at times feels overwhelming.

20. Knowing how severe the drought of 2021 was, in the early spring of 2022 we pumped water from sloughs into our dugout to ensure it was filled up to provide water for the rest of 2022. We also had to irrigate some of our shelter belts to prevent trees from dying. The loss of water security is another example of how dangerous climate change is already impacting our farm. Shelterbelts take decades to establish, but they recently came dangerously close to dying and I think we saved many trees by watering them, but this work only adds to the exhaustion one feels as a farmer in prolonged drought.

21. I sometimes find myself questioning whether I am doing the right thing by trying to be a rancher. I wonder if I am deluding myself thinking that I can establish myself as a successful rancher despite the changing climate. In the fall of 2022, I recall thinking to myself that we made it through 2021 and how tough that was. I thought that despite the difficulties of 2022, it wasn't as bad as 2021. Farmers are

perpetual optimists hoping for better conditions next year, and my thinking clearly demonstrates that philosophy. However, I cannot help but worry that dangerous climate change is pushing us to more extreme conditions than experienced before. Am I only rationalizing my decision to keep ranching because I don't want to face the alternative? I think about this constantly. The additional uncertainty, additional risks, and knowing that our emissions continue to increase, thereby accelerating dangerous climate change, causes me to lose sleep at night and angers me that our governments are not cooperating to address emissions reductions collaboratively rather than squabbling with each other.

22. I am currently pregnant, and we are expecting our first child this spring.

23. For many years I delayed having children. It was a great struggle for me weighing the decision to have children. I worry about what future my child will have knowing that we humans continue to cause environmental harm, that our way of life is not sustainable, and that dangerous climate change will only get worse throughout my lifetime. Finally, perhaps due to my own selfishness, we decided to have a child and we rationalized it by thinking that our one additional child will not have a significant impact adding to the environmental crises, particularly if we educate and encourage our child to live sustainably. Despite those good intentions, I have had nightmares thinking about what sort of future my child will face if we do not mitigate the causes of climate change.

24. I find it frustrating that our provincial government is not doing more to mitigate greenhouse gas emissions and help all sectors transition to sustainability. During my first three years ranching, I struggled to find extension services and regenerative agriculture resources to help us pursue holistic management and operate our farm with less environmental impact. It is disheartening that urban people view farmers as causing our environmental problems. Conventional farming is focused on maximizing yields to ensure we have plenty of food at low prices. I find it difficult to embrace lower impact farming because it is hard to find resources teaching those best practices and it seems to me that focussing on sustainability may impact my yield and profitability. Not only is our provincial government doing little to transition agriculture to low emissions production, but our government also tried to prevent helpful policies like national pollution pricing via several ongoing court challenges between 2018 - 2021.

25. Recently I have developed a network of progressive farmers that are interested in sustainable food production. I am glad that there are some government programs aimed at helping farmers like me reduce our emissions and become more resilient to adapt to our changing climate. It is foolish to think that we can adapt to a changing climate no matter what. We need to mitigate dangerous climate change because our farms, like mine, cannot become impervious to extreme weather caused by runaway climate change.

26. I consider myself to be persistent and objective. I have a duty to look after my herd and to grow food with the lowest emissions possible. Despite my worries about the impacts of dangerous climate

change, I want to succeed as a rancher. But I don't just want to survive, I would like to demonstrate to others what is possible. Sustainable food producers are role models that give others in the sector hope. I aspire to be one of those ranchers together with my husband hoping to make our parents, and my yet unborn child, proud of our leadership. Although that is my goal, it is difficult to be different from the norm and be an early adopter of these new practices.

27. Dangerous climate change is also impacting my personal life and the choices I make in many ways. I used to enjoy taking my horse to the city of Saskatoon to go riding with a Riding Instructor Clinician occasionally in the afternoons. Now I refuse to make those trips knowing how much fuel is burned and how many emissions are caused for only a couple hours of horseback riding. I cannot justify short lessons with the Riding Instructor, but I now try to go for the odd 2-day riding clinic (often on weekends) thinking that at least I get far more time with the instructor for about the same emissions as a 2-hour afternoon session. Everyone needs to reduce our impact, and this is just another way that I am trying to change for the benefit of all.

28. My anxiety and frustration are sparked when I learn of our provincial or federal governments approving new fossil fuel developments. Approving and providing funding for new projects that will create more pollution and thus accelerate dangerous climate change is causing me direct harm as a rancher. These announcements make me feel powerless and hopeless because these large projects, with their huge impacts and emissions, completely undermine everything that I try to do to reduce my impact. Our politicians are choosing a path that brings more harm to all of us, but particularly to ranchers like me. I cannot understand why our governments are not taking aggressive measures to reduce the causes of dangerous climate change, but instead appear to be making choices that intensify the problem.

29. The government of Saskatchewan and its crown corporations like SaskPower cause my anxiety and depression to intensify when they continue to build new fossil gas-fired power plants like the ones at Swift Current, Moose Jaw, and other proposed sites.

30. I know that my ecoanxiety would be helped greatly if our government of Saskatchewan and SaskPower were demonstrating sincere effort to embrace and deploy all solutions to decarbonize our society. I despair because of the scale of the problem, and I don't know what more I can personally do, but I know that SaskPower and SaskEnergy could be investing substantially in renewable energy on a large scale and dramatically encouraging energy efficiency for both homeowners and businesses.

31. The Saskatchewan government must recognize dangerous climate crisis as an existential threat. Positive action from our government to help transition all sectors, including agriculture, to reduce emissions would help to quell my feelings of anxiety, sadness, and despair. Saskatchewan has the best solar resource in Canada, and plenty of wind. Government action to encourage renewable energy on

farms like ours would serve to help reduce emissions and give people hope. We need to replace our fossil fuel energy with clean energy now. I do not understand why SaskPower continues to build gas-fired electrical generation without pollution control when we know that is making climate change worse. I have no choice but to buy my electricity from SaskPower. SaskPower needs to commit to clean energy and chart a path to becoming net zero as soon as possible.

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

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



Commissioner for Oaths

for Saskatchewan

Being a solicitor



(signature)

SASKATOON | News

Sask. school division apologizes after message critical of agriculture posted on school sign



[Matt Young](#)

Anchor/Reporter CTV News Saskatoon

[@MattYoungCTV](#) | [Contact](#)

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SASKATOON -- Sun West School Division is apologizing following negative reaction to a message posted on a sign at Outlook Elementary School.

The sign said: "Farming affects oceans. Chemicals hurt habitats & species. They also decrease (decrease) oxygen levels"

Many took to social media criticising the message, saying the area is supported by the agriculture industry and the sign sent an overwhelmingly negative message.

Director of Education Randy Emmerson apologized for "how negatively this will have affected our communities.

"We value our partnership with the agricultural sector. We teach about agriculture. We've got many folks that are involved with agriculture literacy within our schools. And it was so unfortunate that it got knuckled down into a topic or a question or a statement that was so anti-agriculture."

Emmerson said the message was posted on Tuesday after a teacher was working on a unit in social studies on sustainability, where different groups cover different topics.

"The group that was working on the oceans started taking a look at really how farming and the oceans are connected. And so, as they condensed the information, it was so much information that talked about the goodness of farming that was condensed into the one part that was put on the sign," Emmerson said.

He said the school division will continue to show the value of the agriculture industry and the land in general.

"We're a land based province, and there is so much we can learn from the land. And the stewardship of the land is so important."

The sign has now been changed to read: "Agriculture is the most healthful most useful & noble employment of Man. (George) Washington"

Emmerson said the school administration changed the sign to reflect the positive relationship the school division has with agriculture in the province.

He added the school division will review the approval process for what's displayed on signs at schools.

Former Conservative Party leader and current Regina-Qu'Appelle MP Andrew Scheer said the original message was “unbelievable, and infuriating” in a Facebook post.

“We all benefit from modern farming. Without it, food would be unaffordable for most people. Canadian agricultural practices are the best in the world and we should be celebrating it, not attacking it. Especially in Saskatchewan.

“I just spoke to the principal, and am relieved that the sign has been changed. Let’s hope the kids in this school get the full picture. Radical activists should not be indoctrinating our kids like this.”