

5.0 PUBLIC CONSULTATION

5.1 OVERVIEW

Public consultation for the Fishing Lake berm project has been ongoing since just prior to the spring flood of 2007. Prior to the 2007 flooding, public meetings were held for residents of all resort villages around Fishing Lake and the Fishing Lake First Nation to discuss the emergency flood measures. During the 2007 spring flood, media were updated through daily media conference calls, and presented with information from the SWA and Corrections and Public Safety. Local residents and municipal officials were provided with daily on-site briefings at Leslie Beach during the flood. In addition to these, the SWA created a toll-free telephone line to provide the public with current flood information. The FLAC was established to facilitate discussions between provincial, federal and local governments, to co-ordinate local government flood response initiatives and represent the communities affected by the flooding.

Construction of the temporary emergency berms was a very high profile project with local public attention as well as media coverage throughout the province. As such weekly construction status reports were prepared and supplied to local communities, with public advertisements by the SWA published in local newspapers and information posted on the Fishing Lake Flood Information website. The project received positive feedback within the local communities because of the magnitude of effort made and the quality of construction work ⁽³⁾.

To develop long-term flood protection plans, the Saskatchewan Ministry of Corrections, Public Safety and Policing and the SWA have been working with local communities since construction of the temporary berms in 2007. In April 2008, a public meeting was held to address long-term protective measures. The agenda for this meeting, along with additional correspondence between the SWA and the stakeholders since April 2008 is provided in Appendix F. The SWA is seeking authorization to permanently retain the berms as a permanent part of the flood protection plans at the request of each community that currently has a berm in place.

5.2 STAKEHOLDERS

The R.M. of Sasman, the R.M. of Foam Lake, the resort village of Chorney Beach and the resort village of Leslie Beach and their residents are the primary stakeholders in the emergency response to the 2007 flood at Fishing Lake. Representatives from these four local governments comprise the FLAC. The Committee's main purpose is to co-ordinate local government activities around the flood response including debris management, utility rehabilitation and consideration for long term flood options.

The R.M of Sasman, the R.M. of Foam Lake, and the resort village of Leslie Beach and their residents are the primary stakeholders in the flood control berm upgrading project at Fishing Lake. The primary activity related to this project involves long term flood protection plans for the associated communities. Stakeholder reviews and consultations concerning implementation of the long term flood protection plans with the three primary stakeholders, among others, will continue into 2010.

Government stakeholders involved in the project include the SWA, SE, and DFO as they will need to review the proposed project and provide regulatory approval. Additionally, the SWA is acting as the proponent for the proposed flood control berm upgrading and is representing the interests of the four primary stakeholders.

The Fishing Lake First Nation is also involved in the proposed flood control berm upgrading project, as their land is situated along a section of the shoreline of Fishing Lake. Although construction activities will not occur directly on reserve land, the border of the reserve land is within approximately 1 km of the berms at Leslie Beach. Additionally, retaining the berms permanently has the potential to change conditions of Fishing Lake and potentially affect the Fishing Lake First Nation.

5.3 CONSULTATIONS

Prior to the spring flood of 2007, the SWA held eight community meetings in potential flood zones warning people of the expected high waters in spring. Meetings in the vicinity of Fishing Lake were held in Humboldt (March 21), Wadena (March 21), and Canora (March 23). April

30th, 2007, Premier Calvert announced that the Province would put into place flood protection measures at Fishing Lake.

Public meetings regarding flood protection measures for Fishing Lake including berms and drainage improvements began in August of 2007. Meetings on the proposed flood protection measures were held with the Fishing Lake beach communities and the Fishing Lake First Nation. After the initial meeting with Fishing Lake First Nation, they expressed their opposition to the drainage ditch component of the project. Several meetings were held in the latter part of August to try to resolve these issues. On August 28, 2007 the drainage ditch project was brought to a halt due to the ongoing disagreements.

Public meetings were then held in early September, 2007 to inform the resort communities of the revised proposed flood protection measure consisting of the temporary berms. Elected officials of the Resort Village of Leslie Beach and the R.M. of Sasman (which includes Ottman, Murray, Pavillion and Saskin Beaches and Buckhorn Bay) voted in favour of the berms and passed a resolution to that effect. Based on resident votes, KC Beach, which is under the jurisdiction of the R.M. of Foam Lake, also approved berm construction. Residents within the Resort Village of Chorney Beach, however, voted against the berms.

Berm construction was initiated in September 2007 and meetings were held throughout construction with DFO to discuss berm alternatives and between government officials and the FLAC to discuss land control for the berms. At the beginning of October, meetings with the Fishing Lake First Nation were held to review berm alternatives and tour the active berm construction. Finally, a meeting was held on October 11, 2007 with the R.M. of Sasman regarding berm placement for their beaches.

Following completion of the berms in December 2007, meetings were held to discuss the findings and the options for mitigating watershed drainage impacts. Representatives from the Fishing Lake area clearly stated at these meetings that confirming whether the berms could remain permanently in place was their top priority. They deferred recommending any of the options for mitigating drainage impacts until the decision on long-term flood protection was made. Once the future status of the berms has been confirmed, additional action may be taken to address drainage impacts within the basin.

Landscape architecture firm Crosby Hanna & Associates held a public meeting on April 18, 2008 in Kuroki to discuss permanent flood control measures for Fishing Lake (Appendix F). A number of presentations were provided for those in attendance. Presenters included representatives from the Fishing Lake First Nation, the FLAC, DFO, SWA, engineering firm Clifton Associates Ltd., the Saskatchewan Corrections, Public Safety and Policing, SaskPower, SaskEnergy, SaskTel, and the North East Area Transportation Committee. Those present were invited to ask questions and voice their opinions after presentations were complete. Dates were announced for when each of the four Fishing Lake Authorities (R.M. of Sasman, R.M. of Foam Lake, Chorney Beach and Leslie Beach) would be provided details on financial assistance and community flood proofing plans.

In response to this public meeting the R.M. of Sasman, R.M. of Foam Lake and resort village of Leslie Beach sent individual formal requests to DFO asking that the temporary berms remain along Fishing Lake as a part of the long-term flood protection plan (Appendix F). The SWA met representatives of these three local governments on February 17, 2009 to discuss any suggestions or concerns that they may have regarding upgrading the existing berms to provide permanent long-term flood protection. At the request of the SWA, these suggestions and concerns were formally documented in letters submitted to SWA (Appendix F). The concerns are summarized in Section 5.4.

Also in February of 2009 the SWA sent a letter to Fishing Lake First Nation, Chief Shirley Wolfe-Keller requesting a meeting with the Chief and Council to discuss the flood protection plans to maintain the berms as permanent structures. A second follow-up letter was sent in April 2009 after no response had been received from the Fishing Lake First Nation. The April letter updated and summarized the process to date for upgrading the existing berms to provide long-term flood protection on Fishing Lake. The April letter again invited the Fishing Lake First Nation to participate in the process to build a respectful working relationship toward developing a collaborative and meaningful solution for flood protection. Copies of these letters are provided in Appendix F.

On May 2009 the SWA (Dan McGill, Policy and Communications Division) and Fishing Lake First Nation (Councillor Desjarlais) met to discuss the project context and general items for moving forward. At this meeting, both parties agreed upon the ongoing need to meet and work

together and a second meeting was set to focus on water quality issues. The Fishing Lake First Nation concerns expressed during this May 19 meeting are summarized in Section 5.4.

In follow up to phone conversations during June and July 2009, Councilor Wayne Desjarlais and Dan McGill met again on August 4, 2009 at the Fishing Lake First Nation Administration Complex. Both parties agreed that any change or impact to the environment or to fish habitat would have happened during construction of the berms and the concern now is how best to ensure the berms are protected with no further damage being done (to the environment or to fish habitat). Several topics were discussed and led to a roll up of issues and ideas that could be used as starting point for the plan to move forward. These included:

- developing a Memo of Understanding on how to work together;
- ensure the short and long term protection and maintenance of the berms, current work underway relative to the berms of Fishing Lake, and the sharing of information of the berms (between the SWA and Fishing Lake First Nation);
- consideration and use of the province's State of the Watershed Report to help identify the current health of the watershed, all of the potential impacts to the watershed and ways of mitigating such impacts;
- fish sampling work undertaken by the Ministry of Environment in June 09 outlining what were the objectives and the outcomes;
- the SWA review of drainage activities in the area;
- look for and create opportunities to provide Fishing Lake First Nation better insight into the work of the SWA and looking for common interests and objectives; and
- look for and create economic and employment opportunities (for Fishing Lake First Nation band members) that may arise from construction work by the SWA or by other provincial government agencies such as the Ministry of Highways.

Both parties agreed that it will be critical to turn these ideas into reality and that an approach of focusing on the positive and looking for early successes is needed. During the meeting, Councillor Wayne Desjarlais made the point that the Fishing Lake First Nation is here now and will always be here. Therefore, all parties might as well learn how to work together cooperatively now and in the future.

Dan McGill again met with Councillor Wayne Desjarlais at the Fishing Lake First Nation on August 20 2009 to discuss (in general) the State of the Watershed Report, two examples of completed SWA Watershed and Aquifer plans, and the Ministry of Environment- Treaty Four Partnership Agreement. The possibility of incorporating traditional knowledge into discussions and plans was considered, as long as it is done in a way respectful of traditional knowledge and with the comfort and permission of the First Nation. The history of the Band and its traditional use of the forest areas north of Kelvington, Greenwater Provincial Park and Hudson Bay were discussed in terms of consultation on many issues. A number of other issues were talked about and a tentative list of other agencies to involve from time to time was compiled. Plans were made for mid to late September 2009 to join John-Mark Davies of the SWA in water quality testing on Fishing Lake and to tour the berms.

5.4 PUBLIC CONCERNS

In response to the February 17 2009 meeting, the R.M. of Sasman brought forward a list of twenty concerns to SWA. The complete list of concerns is provided in Appendix F and has been summarized into general concern categories put forward by the residents as follows:

- Portions of the berm are not at the required elevation of 531.6 masl or areas do not have protective berming at all, therefore undermining the corresponding community's flood protection. This includes both public and residential land.
- Portions of the berm are placed on private lots. There are still land issues that need to be settled.
- Areas between the berm and residents' properties requires fill.
- Some areas behind the berm have standing water due to blocked internal drainage or because drainage was left unfinished.
- The lake is not easily accessible at this time. Residents requested construction information so that communities could begin planning for rebuilding boat launches and beach access.
- Some finishing details on the berms are still necessary including improving steep slopes and fixing erosion control issues.

In response to the February 17, 2009 meeting, the R.M. of Foam Lake also presented concerns, which included inconsistent berm elevations and drainage issues. In addition, the R.M. of Foam

Lake requested that the SWA provide written support for an extension from Corrections and Public Safety on the construction of 2.9 km of dust free resort road. Currently the R.M. must complete this road by the end of 2009 in order to qualify for the Provincial Disaster Assistance Program funding, however, berm upgrades scheduled for 2010 would likely damage this new road and so the R.M. of Foam Lake wishes to extend the deadline to 31 December 2010.

The resort village of Leslie Beach submitted the following requests, in response to the February 17, 2009 meeting, for upgrading the berms:

- Lowering sections of berm higher than the proposed elevation of 531.6 masl.
- Removing remnants of the turbidity curtain and posts.
- Providing gates to prevent traffic from driving on the berms.
- Relocating the rock stockpile to a more suitable location once repairs are complete.

The resort village of Chorney Beach also expressed a concern regarding the berm along Foam Lake Golf and Country Club. Their concern is that the berm is situated on a significant amount of Chorney Beach property but was built without approval from the council of Chorney Beach. The mayor of the resort village requested the berm be altered, as the council believes it serves no useful purpose to the golf course. The Foam Lake Golf and Country Club executive disagreed with the comments of the mayor of Chorney Beach want the berm around the golf course to remain permanently. The SWA met with both parties in the field to identify the problems and seek resolution. All parties seemed satisfied that the drainage and landscaping issues would be addressed in the project design and presented to both parties for review and comment prior to finalizing the project design.

The SWA sent updates to the R.M. of Foam Lake and the resort village of Leslie Beach on 28 May 2009 outlining progress on the Fishing Lake berm upgrade project, work planned for the summer of 2009, and the anticipated results.

Based on the initial meeting with Councilor Wayne Desjarlais on May 19 2009 and from subsequent meetings, the Fishing Lake First Nation believes it is critical to:

- Understand Fishing Lake First Nation is made up of 3 things that are equally important - the land, the water and the people. As such, it is important to take care of the water (now and for future generations), to be aware of what is happening in and around the water, to avoid developments that may threaten water quality, to have laws in place that support all of this and for the government be willing to follow through on these laws. In particular, Fishing Lake First Nation is concerned either the laws aren't in place to adequately protect Fishing Lake from shoreline developments or the government agencies tasked with enforcing these laws aren't willing or able to follow through.
- Ensure protection and respect for Fishing Lake First Nation's Treaty and Inherent Rights, their concerns and interests are heard and understood, and their opinions and ideas are meaningfully considered and used.
- Uphold a healthy, respectful and productive working relationship with outside agencies and people working collaboratively on the protection of Fishing Lake, and find ways to create positive momentum and early success in working with the SWA on this project.
- Ensure a level playing field by providing the Fishing Lake First Nation with access to science based knowledge and resources for legal costs and consultants.