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3.0 PUBLIC CONSULTATION AND INVOLVEMENT

3.1 OVERVIEW

MFEA and the EA Study Team, in response to Section 4 of the EIS Guidelines, developed a public consultation and involvement plan (**PIP**) for the Floodway Expansion EIA. This plan describes MFEA and the EA Study Team public consultation and involvement activities being carried out in 2004. It was provided to federal and provincial regulators in June 2004 (See Appendix 3A for a copy of the PIP Plan).

The public involvement activities undertaken for the Project reflect the current practice and principles for public involvement in an environmental assessment context, and current Public Participation Guidelines provided by Manitoba Conservation and the Clean Environment Commission (CEC) to achieve effective and timely decision and results that respect the knowledge, values and rights of all interested parties (See Manitoba Conservation Information Bulletin No. 97-02E, April 1997).

The environmental assessment component of the public consultation and involvement program focuses on stakeholders, **Aboriginal communities** and peoples, and members of the public who are potentially affected by the Project. Other interested parties were also welcome to participate. The PIP is intended to provide early and ongoing opportunities for potentially affected and interested parties to receive information on, and express their views about, the Project and its impact, measures to mitigate Project impacts and the EIA process. The PIP activity was intended to assist in planning of the Floodway Expansion Project, both before and after filing EIS documents.

MFEA, as well as supporting and participating in the EIA PIP activities, is also involved in ongoing public involvement and communication programs as part of the PIP. These activities reflect MFEA's broader mandate as a Crown agency with the responsibility to design and construct the Project, as well as maintain the Project facilities after construction. These consultation activities focus on issues and topics related to its mandate, some of which are related to the environmental assessment process. MFEA will develop and implement on-going communication with the public after the EIA process is complete.

Floodway Expansion Project public consultation and involvement activities planned during 2004 have been organized into four distinct rounds or stages, with the first three stages being completed prior to submitting the EIS:

- Round One (January to March): Round One related specifically to the EIA and initiated dialogue about the proposed Project, informed the public about the process and schedule for the environmental assessment, provided a description of the Project based on what was known at the time, and identified and confirmed issues/concerns about the proposed consultation process and Project. Round One occurred when Floodway Expansion pre-design was proceeding through the first of three major iterations and the EIA analysis was beginning. Information obtained during Round One was therefore provided to MFEA, the engineering team and the EA Study Team early enough in their processes that they could influence the Project design and EIA approach and content.

- Round Two (April to May): Round Two related both to the EIA and to key Project elements associated with MFEA's mandate. During Round Two, MFEA provided information and perspectives on key Project elements, including: compensation, water levels, recreation & economic opportunities, mitigation, floodway operating rules, summer operation and ongoing communication beyond the EIA process. This round was intended to provide the public with an opportunity to discuss key Project features with the proponent. The EA Study Team attended the public events to observe the discussions.
- Round Three (May to June): Round Three related to the EIA and presented initial EIA findings, in terms of Project features, potential effects and potential mitigation.
- Round Four (September): Round Four will relate to the EIA and will address the results set out in the EIS, including any enhancement, compensation, or mitigation measures that have been developed and incorporated into the EIS.

The emphasis of PIP activities to date has been on providing opportunities for involvement to potentially affected communities and segments of the public in the Floodway Expansion EIA Flood Study Region including municipal Councils, local citizen groups, environmental non-government organizations and local residents in the Rural Municipalities (**RMs**) of Morris, Macdonald, Ritchot, Taché, Springfield, St. Clements, East St. Paul, St. Andrews, West St. Paul, Town of Niverville, Town of Morris, City of Selkirk and City of Winnipeg. Opportunities have also been provided for individuals, organizations, and communities who may or may not be within the Flood Study Region or affected by the Project, but have an interest in the Project.

A separate process was established to involve potentially affected and interested Aboriginal communities and peoples and continues to be carried out by the EA Study Team and MFEA throughout the first three PIP Rounds. Three First Nations with a potential interest in the Project and the Manitoba Métis Federation were invited to participate in Floodway Expansion consultation and involvement. Follow up meetings and relevant EIA activities have taken place, and will continue, with those who express an interest in being involved (to date, Peguis First Nation and Manitoba Métis Federation have expressed such an interest). These activities are being conducted with each Aboriginal community in a process designed to meet their situation.

The PIP program principles and methods are reviewed below in Section 3.2. Further descriptions of public involvement programs to date (Rounds One, Two and Three) are presented in Section 3.3 along with a review of what has been heard to date¹. Section 3.4 reviews how the PIP has influenced the Project design and EIA. Section 3.5 addresses future steps in the PIP after filing of the EIS.

3.2 PUBLIC CONSULTATION AND INVOLVEMENT PRINCIPLES AND METHODS

3.2.1 Guiding Principles

The PIP sets out the following principles for Floodway Expansion public consultation and involvement. The PIP for the Project seeks to apply these principles consistently in its design and implementation:

¹ Appendices 3B, 3C and 3D each contain additional details for Round One, Round Two, and Round Three respectively, including meeting notes and summaries, presentations, story board content, website content, invitations and advertisements.

- Opportunities for early and recurring involvement: initiate consultation activities with interested parties early in the process, and to provide interested parties information on the proposed project and receive input with respect to concerns and opportunities.
- Opportunities for involvement at various stages during EIA preparation: before filing the EIS and the formal CEC hearing process, provide multiple opportunities for public input.
- Ability to influence the EIA and the Project: provide opportunities for interested and potentially affected parties to learn about the process and provide their concerns and suggestions about Project opportunities. Where possible, work through the consultation process to resolve issues and enable participants to have inputs recorded at each stage.
- Variety of methods to reach the public: provide a variety of mechanisms to communicate and interact with the public.
- Target key stakeholders: take steps early and throughout the process to identify and involve key stakeholders.
- Transparent and open process: provide an open process for sharing information related to the environmental assessment process.
- Consultation with Aboriginal peoples: recognize the special constitutional status of First Nations, Métis and other Aboriginal peoples who may be potentially affected by the Project.
- Adaptive Approach: adjust the public involvement program, as required and feasible, throughout the environmental review and planning process, in response to emerging issues, concerns and challenges.

3.2.2 Public Consultation and Involvement Methods

Several methods were used to facilitate public participation and ensure that MFEA and the EA Study Team were providing information and receiving the views from those who had an interest in the proposed Project. A combination of face-to-face interaction, electronic and paper communication, and public involvement support (including newspaper advertising, information on the EIA website, email notifications, invitations and word of mouth communication) were used to inform interested and potentially affected parties about the opportunities for public involvement. The audiences and the methods for communication varied as the PIP process evolved and included the components reviewed below.

3.2.2.1 Face-to-Face Interaction

Open Houses: Open Houses were conducted during each round of the PIP at four to six key locations throughout the Flood Study Region. These were widely advertised and were open to any member of the public. Information that MFEA and/or the EA Study Team wished to communicate was presented on storyboards which attendees were invited to review. Experts from the EA Study Team, project engineering team and MFEA were on hand to answer questions, listen and record the concerns of attendees. To increase the effectiveness of the Open Houses during Round One, a moderated open forum was held in the last hour where members of the public could ask questions to the experts in attendance and present their concerns. Attendees at Open Houses were encouraged to fill out a questionnaire before they departed. The input received at Open Houses was recorded and included in a listing of issues and concerns prepared for each round of open houses (for example, see Appendix 3B for Round One). The listings were posted on the EIA website for public access and use.

Stakeholder Workshops: Stakeholder Workshops were held in Rounds One and Three with organizations identified as having a particular interest in the Project, including local citizens groups who have been dealing with Red River flooding related issues, groups with an interest in specific effects of the Project (such as drainage, recreational opportunities, water quality, and erosion), environmental non-government organizations, and academic organizations. The workshops were intended to provide these groups with the opportunity to express their views in greater detail and to have enhanced access to members of EA Study Team, the project engineering team and MFEA. The sessions were by invitation and allowed for up to three representatives from each organization. Initial contact was made by telephone and followed by a confirmation letter to those organizations that wished to attend. The workshops took place in the same locations as the Open Houses, either the day before or after, during Round One and Three of the PIP. During Round Three, the Dugald and Selkirk workshops were combined into one workshop held in Selkirk. The format for the workshops included supper, an opportunity for attendees to review the Open House storyboards, a presentation with questions and answers, and a facilitated, round-table discussion where each participant was invited to provide comments and offer perspectives. Members of the EA Study Team and MFEA staff attended all sessions. Members of the Project engineering team attended the second round of workshops. Notes were produced for each workshop. To ensure the notes were accurate, a draft version was sent to each participating organization for comment prior to being finalized. A copy of the final notes was sent to each participating organization and posted on the EIA website. These notes are included in Appendices 3B and 3D.

Municipal Government Meetings: Meetings were held with municipal governments in areas potentially affected by the proposed Project. Meetings were held during Round One with the RMs of Morris, Macdonald, Ritchot, Taché, Springfield, East St. Paul, West St. Paul, St. Clements and St. Andrews, as well as the City of Selkirk and City of Winnipeg. At their request, a single meeting was held with the Town of Niverville during Round One. The format of the meetings consisted of the EA Study Team making a presentation, responding to questions raised and noting concerns identified. Staff from MFEA attended all sessions and assisted with the presentation as well as with answering questions. During Round Two, MFEA met with the RMs of Morris, Macdonald, Ritchot, Taché, Springfield, East St. Paul, West St. Paul, St. Clements and St. Andrews, as well as the Town of Niverville, the City of Selkirk and City of Winnipeg. During Round Three, the EA Study Team and members of the Project engineering team, which attended to help answer questions, met with many of the same councils as during Round One. However, meetings with the Town of Niverville and West St. Paul Councils were not conducted due to them deciding that further discussion regarding the Project was not necessary. The EA Study Team also met with the Town of Morris during this round of public involvement because council requested a meeting to discuss the Project. Notes were produced for each meeting. A draft version was sent to the applicable municipal government for comment prior to their being finalized. A copy of the final notes was sent to the applicable municipal government and posted on the EIA website.

Individual Stakeholder Meetings: Meetings between specific stakeholder groups and MFEA has occurred throughout the Project process and will continue beyond the EIA process. These meetings are held at the request of either the stakeholder group or MFEA, and provide the opportunity for each stakeholder group to express their concerns and issues directly with the Project proponent. For example, MFEA has held separate meetings with many of the stakeholder groups that participated in the PIP stakeholder workshops, and some of these meetings were the outcome of requests made at the workshops.

3.2.2.2 Electronic and Paper Communication

Environmental Assessment Website (“the EIA website”): The EIA website was launched in January 2004 to provide the public with current information regarding the proposed Project and the EIA (www.floodwayeia.com). This website was updated as new information about the Project and EIA became available. The EIA website offered subscriptions to free e-mail notification services, which notified subscribers of pending public meetings and updates of new information for the website. The EIA website also offered members of the public the opportunity to submit their questions and concerns. Questions and concerns were forwarded to applicable members of the EA Study Team for consideration in their analysis. The EIA website provided the opportunity for people outside of the Project Flood Study Region to find out about the Project and its effects and to ask questions and identify concerns. Several questions were asked from outside of Manitoba. To the end of June 30, 2004, 40,978 visits had been made to the EIA website.

MFEA Project Website (the “MFEA website”): MFEA is committed to providing ongoing communication with the public and interested stakeholders, and this communication will continue after the EIA process is completed. MFEA has established its own website to facilitate access to current information on the Project (www.floodwayauthority.mb.ca). The website was launched on April 29, 2004. As of July 2004, approximately 45 emails have been received via the website, with members of the public providing comments and asking questions on a variety of aspects of the Project. All questions were answered by MFEA through phone calls and e-mails.

Newsletters/Print Materials: A newsletter was produced to provide general information about the Project and its associated EIA during the first round of the PIP (See Appendix 3B for Round One Newsletter). The Round One newsletter included a review of: 1) Project features, 2) Project components, 3) Regulatory approvals for the Project, and 4) PIP for the EIA. The Round One PIP newsletter was distributed to: 1) elected leaders at Council meetings, 2) workshop participants, 3) Open House participants, and 4) any individual who requested a copy of the newsletter or other Project information via phone, e-mail or the website. The newsletter was also made available to the public in electronic format via the website. MFEA produced and distributed a separate newsletter for Round Two of public involvement. It was distributed by mail to more than 32,000 local households in the area potentially affected by the Project (See Appendix 3C). For Round Three of the PIP, information summarizing initial findings from the EIA was distributed to the same groups as in Round One. The information package contained a summary of the initial findings as well as a more detailed appendix of supporting material (See Appendix 3D).

MFEA provides ongoing communication on the Project's progress to a stakeholder list including MPs, MLAs, municipal officials, grassroots associations and local residents who have attended public meetings or requested information through the web site and toll-free phone line. Since January, four separate information packages have been distributed. Three of the information packages were distributed during Round One (See Appendix 3B), while the other information package was mailed-out during Round Two (See Appendix 3C).

Presentations: Throughout the EIA and PIP processes, MFEA representatives continue to receive requests to make a presentation on the Project to various audiences. These presentations have provided a general

overview of the Project to a broader audience and have enhanced the general level of awareness (See Appendix 3C).

3.2.2.3 Public Involvement Support

Contact Database: As part of the EIA website and through phone calls and e-mails, members of the public had the opportunity to submit their questions and concerns about the Project. The EA Study Team endeavored to respond to these concerns. A contact database was maintained to keep track of the questions and responses. As of July 6, 2004, 127 people had asked questions and provided comments via the EIA website and by email.

Issues Database: To track issues raised during Round One, an issues database was developed to assess issues raised by the public. This information was made available to the public via the website.

Advertising: Advertising is undertaken for all meetings and open houses. Methods to date for community meetings include print advertising in local and regional newspapers, email notification via the website, personal contacts, press releases and media briefings. In addition, letters of invitation and confirmation were sent to municipal government representatives (for meetings) and stakeholder participants (for workshops) prior to any event.

3.3 REVIEW OF CONSULTATION AND INVOLVEMENT ACTIVITIES TO DATE

The following table (Table 3.3-1) summarizes the consultation and involvement activities that have taken place in each of the three PIP rounds to date.

Appendices 3B, 3C and 3D contain additional details for each round including audiences, stakeholder group meeting notes and summaries, presentations, story board content, website content, invitations and advertisements.

**Table 3.3-1
Project PIP Consultation Activities: Rounds One, Two and Three**

Interest	Round One (EA Study Team) Issue Identification January – March 2004	Round Two (MFEA) Project Elements April-May 2004	Round Three (EA Study Team) Initial EIA Findings May – June 2004
Open Houses			
Ste. Agathe	51 attendees	115 attendees ¹	14 attendees
Dugald	136 attendees	70 attendees ¹	48 attendees
Selkirk	62 attendees	170 attendees ¹	29 attendees
Winnipeg	118 attendees	100 attendees ¹	24 attendees
Morris		45 attendees ¹	
Municipal Government Meetings			
RM Macdonald	✓	✓	✓
RM Morris	✓	✓	✓
RM Ritchot	✓	✓	✓
RM Taché	✓	✓	✓
RM Springfield	✓	✓	✓
RM West St. Paul	✓	✓	4
RM East St. Paul	✓	✓	✓
RM St. Clements	✓	✓	✓
RM St. Andrews	✓	✓	✓
Town of Niverville	✓	✓	4
Town of Morris			✓
City of Selkirk	✓	✓	✓
City of Winnipeg	✓	✓ ²	✓ ²
Stakeholder Workshops			
Ste. Agathe	✓		✓
Dugald	✓		
Selkirk	✓		✓ ³
Winnipeg	✓		✓

Notes:

1. MFEA held Open Houses in Howden, Oakbank, East Selkirk, West Kildonan, St. Norbert, and Morris. The attendance numbers are approximations. Figures for attendance at the two Winnipeg locations in Round Two have been aggregated. See Appendix 3C for detailed information.
2. Meeting with City of Winnipeg combined for Round Two and Round Three.
3. The Dugald and Selkirk workshops were combined and held in Selkirk for Round Three.
4. West St. Paul and Niverville indicated that further discussion about the Project was not needed at this time.

3.3.1 Round One (January to March 2004)

During Round One, the public was introduced to the Project and EIA, and issues and concerns about the Project were recorded. In early January, the EIA website was launched to provide current information

regarding the Environmental Assessment of the Proposed Floodway Expansion. In addition, an eight-page introductory newsletter was released to the public and distributed at all public meetings.

In total, 12 meetings were held with municipal government officials (See Table 3.3-1). In these meetings, Council members were provided with an overview of concepts associated with the preliminary conceptual design of the Proposed Floodway Expansion. The EA Study Team solicited and received feedback, recording all issues and concerns expressed in these meetings. The notes from these meetings were provided to the respective Rural Municipality's to review for accuracy prior to releasing them to the public. All meeting notes were made available on the EIA website as soon as they were finalized.

Stakeholder workshops were organized in four locations throughout the Flood Study Region and a total of 21 organizations participated in these sessions. These meetings provided the stakeholders with information presented at the Public Open Houses to a smaller audience, and involved question and answer sessions. All questions, answers, and issues raised were recorded by the EA Study Team and then provided to the participating stakeholders to review for accuracy prior to releasing the records of these meetings to the public. All meeting notes were made available on the EIA website as soon as they were finalized.

Four Open Houses were held in Ste. Agathe, Selkirk, Dugald, and Winnipeg. The Open Houses were advertised in both Winnipeg newspapers, community newspapers and selected rural publications. Each open house occurred during the hours of 4 to 8 pm and was followed by a moderated question and answer session that started at 8 pm and lasted until all public questions were voiced. All concerns and issues raised at these open house events were recorded.

Details on Round One activities and materials are provided in Appendix 3B.

3.3.2 Round Two (April to May 2004)

During Round Two, MFEA undertook a round of public involvement to provide project specific information and receive feedback about key Floodway and Floodway Expansion topics, including floodway operating rules, proposed compensation legislation, summer operation of the floodway, Floodway Expansion recreation and economic opportunities, and Floodway Expansion water levels and flows. This round consisted of further meetings with municipal community governments, advertised Open Houses, meetings with individual stakeholders and Aboriginal communities, along with a widely distributed newsletter² and launching of the MFEA website. (See Table 3.3-1.)

The following topics were addressed during the Round Two process:

- Round One Recap: MFEA recapped the issues raised in the local area during the first round of EIA PIP and reviewed their current status.
- Proposed Red River Floodway Act: The Provincial government asked MFEA to obtain feedback on this proposed Act, which allows individuals, farms, businesses, non-profit organizations and local authorities that suffer property damage and economic loss from artificial spring

² The newsletter was distributed by mail to more than 32,000 households in rural Manitoba and other areas potentially affected by the Project, including areas closest to the Floodway Inlet and Outlet Control Structures.

- flooding on the Red River to claim compensation. MFEA presented a summary of the Act and invited comments.
- Floodway Expansion Water Levels: With the aid of location specific graphics, MFEA demonstrated how Floodway Expansion would affect local water levels during a flood event.
 - Floodway Authority Act: The Act outlines the roles and responsibilities of MFEA as an independent, publicly accountable provincial agency that will manage the expansion and maintenance of the floodway on behalf of Manitobans. MFEA presented a summary of the legislation and invited feedback.
 - Floodway Operating Rules: MFEA described the current rules for operating the Floodway during the spring and invited comments.
 - Summer Water Operations: MFEA described the consideration that is being given to operating the Red River Floodway during the summer to reduce the risk of basement flooding. MFEA reviewed the current status and invited comments on this topic and proposed rules.
 - Recreation and Economic Opportunities: As one of the largest capital projects in Manitoba history, the Floodway Expansion will create a variety of opportunities for municipalities, residents, community organizations and businesses. MFEA invited residents and stakeholders to submit their ideas in response to a formal call for expressions of interest that MFEA was issuing.
 - Mitigation: MFEA reviewed its mandate to help mitigate effects of the proposed Project and provided examples of how this might be accomplished. The role of the EIA in identifying possible mitigation measures was also described.
 - Natural River Levels Study: MFEA presented the results of the Natural River Levels Study.

In addition to the above activities, MFEA surveyed local residents south of Winnipeg about the Project, conducted a public opinion research in April to survey the feelings and awareness of Manitobans about the Project, and continued to communicate the Project's progress by sending regular information updates directly to MPs, MLAs, municipal officials, local associations and local residents who have attended public meetings or requested information through the MFEA or EIA web sites or toll-free phone line.

A report of MFEA's round of public involvement was produced and released to the public, Manitoba, Canada and the EA Study Team. The Round Two report, presented in its entirety in Appendix 3C, identifies issues discussed, questions raised and answers provided, as well as proposed follow-up actions by MFEA. Additional information on MFEA's consultation activities is also provided in Appendix 3C.

3.3.3 Round Three (May to June 2004)

During Round Three, preliminary EIA findings were presented, as well as key changes in Project description, and information on the status and next steps associated with the EIA process. Presentation materials were developed, including a summary document covering the relevant topics (e.g., the status of the EIA process, key changes in the Project description and initial EIA findings). A more detailed appendix document, containing more information on the initial findings, was also provided. Both documents were distributed at municipal government meetings and stakeholder workshops. An electronic version of the information has also been posted on the EIA website.

In total, 11 different meetings were held with municipal governments. As in Round One, the notes from these meetings have been provided to the respective Rural Municipality's to review for accuracy prior to releasing them to the public. All meeting notes are made available on the EIA website as soon as they are finalized.

Three stakeholder workshops were held with interested individuals and organizations in Ste. Agathe, Selkirk and Winnipeg. Invitations and confirmations were mailed to each participant prior to the event. All questions, answers, and issues raised were recorded by the EA Study Team and then provided to the participating stakeholders to review for accuracy prior to releasing the records of these meetings to the public. All meeting notes will be made available on the EIA website as soon as they are finalized.

Four Open Houses were held in Ste. Agathe, Selkirk, Dugald, and Winnipeg. The Open Houses were advertised in both Winnipeg newspapers, community newspapers and selected rural publications. Each open house ran during the hours of 4 to 8 pm and was followed by a moderated question and answer session that started at 8 pm and lasted until all public questions were answered with the information available. All concerns and issues raised at these open house events were recorded.

The EIA website was updated to reflect the most current project description information and additional items, including public involvement materials (e.g., electronic versions of the newsletters, open house storyboards, workshop materials).

Details on Round Three activities and materials are provided in Appendix 3D.

3.3.4 Aboriginal Public Involvement Program

3.3.4.1 Invitation to be Involved

To recognize and address the special constitutional rights held by Aboriginal peoples, a special goal of the consultation and involvement program for the Floodway Expansion Project is to involve Aboriginal communities and peoples that might be affected or have an interest in the Project. A special initiative was undertaken to contact potentially affected and interested Aboriginal communities and peoples and follow-up with those who expressed a desire to be involved. Aboriginal consultation and public involvement was a combined effort of the EA Study Team and MFEA.

Three First Nations (Peguis, Brokenhead, and Roseau River), and two Manitoba Métis Federation (MMF) locals (Winnipeg and South East Regions) were initially identified as potentially being affected by Project impacts or as having an interest in the Floodway Expansion project. A two step procedure was implemented to initiate contact with these communities and peoples in order to determine if they wanted to be involved in the Floodway Expansion Project consultations.

1. Introductory letters were sent to the leadership of each organization informing them of the Project, the EIA and asking if they had any issues, concerns, questions or interests related to the Project. The letter invited them to contact a designated member of the EA Study Team with their concerns. A copy of the EIA PIP newsletter and an EIA study area map were included to assist in their deliberations. No responses were received to the letters. This prompted implementation of the second procedure.

2. Each organization was contacted by telephone and asked if they had any issues related to the Project and if they were interested in some form of follow-up activity such as a meeting with the EA Study Team or MFEA. Some of the organizations had not seen the introductory letters so an additional copy was sent to them.

The telephone contact process resulted in Peguis First Nation and the MMF requesting follow-up meetings. Peguis agreed to a meeting of the EA Study Team and MFEA, while the MMF requested a meeting with MFEA. MMF stated that it was representing the interests of the Métis people with respect to how the Floodway Expansion might affect Métis subsistence rights and Métis culture. Contact was made with a councilor from Brokenhead First Nation who discussed the matter with their Chief and Council and indicated verbally that they were not interested in further discussions on the Floodway Expansion Project aside from exploring Project business opportunities in the future. Roseau River Council identified a contact person for discussion about the Project; however, to date numerous attempts have been made to contact this person without success.

3.3.4.2 Follow-up with Peguis First Nation

On April 28, 2004, representatives of Peguis First Nation met with representatives of the EA Study Team and MFEA. Peguis indicated that they did not consider the meeting to be consultation³. Information was presented about the Project and EIA. Peguis identified various concerns it had about the project including:

- Potential effects on reserve lands and Peguis traditional activities by added water levels due to operation of Floodway Expansion Project.
- Potential effects of Floodway Expansion project on the ecological health of Netley Marsh, and the ability of Peguis to use the Marsh area for traditional and other activities in the future. The analysis of these effects should take into account the cumulative effects of local drains on the Marsh.
- Potential effects of Floodway Expansion on Red River water quality and quantity in next thirty years and how this might affect Peguis' ability to use or develop their future reserve lands in the area. Specific reference was made to whether the project will lead to any additional persistent organic compounds in Red River waters downstream of the outlet, and whether there would be any effects on fish resources and Peguis' right to fish in the Red River north of the outlet.
- Mitigation measures that address potential unknown and unanticipated effects that could impinge on Peguis' resource use rights.
- Potential economic opportunities for Peguis members on the Project.
- Lack of consultation by the Province of Manitoba on the Manitoba Floodway Authority Act.
- That any future agreements related to the Project do not abrogate or derogate their rights.

MFEA offered to meet with the Chief and Council of Peguis First Nation to discuss the Project. Notes of the meeting were produced after review by a Peguis representative who was in attendance.

The meeting led to further meetings and discussions between a designated representative of Peguis and representatives of the EA Study Team and MFEA. A key outcome of these discussions was creation and

³ Consultation in terms of justifying an infringement of treaty or aboriginal rights protected by Section 35 of the Constitution Act.

implementation of a key person interview program with Peguis members and elders to gather information and local knowledge about the First Nation's reserve and TLE lands near the Red River. Protocol for the interviews, including the interview questionnaire and procedures for addressing confidentiality issues, was developed with the designated Peguis representative. The people to be interviewed were identified by Peguis representatives. The interviews also served as an opportunity for potentially affected Peguis members to learn about the Project and raise any questions they had in a one-on-one setting. Information from the interviews was incorporated into the EIA as part of the existing baseline. As well, specific reference to effects on Peguis First Nation was incorporated into the EIA. Other outcomes were:

- a meeting between Peguis Council and senior management of MFEA to review the project and status of the EIA, discuss MFEA's duty to consult and explore economic development opportunities for Peguis members on the Floodway Expansion project; and
- a meeting arranged by MFEA between a Peguis representative and the engineering consultants conducting studies on the effects of the Floodway Expansion on water levels and flows downstream of the Outlet Structure. This meeting provided Peguis with an understanding of the methodology employed to determine the effects of the proposed Project on water levels.

Early in June 2004, legal council for Peguis sent a letter to the Minister of Water Stewardship expressing concern about the lack of provincial government consultation on *The Floodway Authority Act*. The Minister subsequently responded to the letter noting the Act is enabling and does not advance the Project, alter any of the processes that must be undertaken to obtain approval for the Project, and does not create impacts from Floodway Expansion.

MFEA is committed to building a positive, ongoing working relationship with Peguis First Nation. After the EIS is submitted, MFEA will continue to work with Peguis on Floodway related topics that are of importance to the First Nation.

3.3.4.3 Follow-up with MMF

In response to invitations from MFEA, MMF economic development representatives participated in several meetings during the winter and spring of 2004 discussing pre-project training for Aboriginal workers who would be engaged in construction of the Floodway Expansion project. In June 2004, representatives of MMF met with senior management of MFEA to review the Métis peoples rights related to the Floodway Expansion project, review the status of the Floodway Expansion project and identify MMF's expectations for involvement in the EIA and other aspects of the Project. The meeting lead to further discussion between MMF and MFEA representatives to plan further joint dialogue with MMF members. The purpose of the discussions is to identify and address issues and concerns of MMF members with respect to the Floodway Expansion Project.

3.3.5 Key Issues and Perspectives Heard to Date

Participants in the public involvement activities identified a wide range of issues and perspectives during the three rounds of PIP. These were recorded in notes of the meetings with municipal governments, stakeholder workshops, summaries of Open House issues/concerns, and the EIA contact database (See Appendix 3B). Some were very specific and were raised one time; however, many were raised a number

of times by different participants. Frequently raised issues and perspectives are presented below in three categories:

- Effects related to Floodway Expansion: consists of effects potentially caused by construction, presence or operation during a flood event of the proposed Project. These effects are within the scope of what is assessed and considered for mitigation in the Floodway Expansion EIA. The items in this category have been covered in the EIA.
- Effects related to the Existing Floodway and Flood Management: consists of effects associated with the presence or operation of the Existing Floodway and of the management of flood events. These effects would exist in the absence of Floodway Expansion and, therefore, are not caused by Floodway Expansion. Accordingly, most of these effects are outside the scope of what is assessed and considered for mitigation in the Floodway Expansion EIA. However, many of these items are included in the existing environment and related cumulative effects portions of the EIA.
- Related to Floodway Expansion EIA and PIP: pertains to the scope, approach and process for conducting the Floodway Expansion EIA and PIP.
- Other MFEA Round Two Issues: pertains to other issues arising from Round Two consultations by MFEA, including legislation and policy matters, operating rules, and benefits policies related to the Floodway Expansion.

Effects Related to Floodway Expansion

- Risk of changes to groundwater levels and groundwater contamination.
- Potential for higher upstream and downstream water levels during major flood events.
- Impacts on floodway operations if City of Winnipeg protection measures are not implemented in a timely manner.
- Effect of operating Floodway Expansion on ice jams north of the outlet.
- Increased erosion on the banks of the Red River upstream of the inlet and in the vicinity of the outlet in Lockport, Manitoba.
- Need for added capacity of floodway inlet drop structures and associated drains to accommodate future growth in agricultural drainage.
- Need for improvements and added capacity of bridges crossing the floodway.
- Concerns over traffic disruption during construction.
- Extent of increased land requirements and impact on property tax payments.
- Risk of inlet failure, poor condition of floodway inlet.
- Potential reduction in Red River water quality and increased sedimentation at Netley Marsh.
- Interest in expanded recreation opportunities in floodway, concerns over vandalism, litter and emergency service demands from added visitors.
- Need for certainty of adequate and timely mitigation/compensation of adverse effects from the Project.
- Need to consider possibility that analysis could have some inaccuracies and that there could be unforeseen and unanticipated adverse effects.
- Floodway Expansion creates inequities between level of permanent flood protection provided to Winnipeg and areas outside of Winnipeg.

Effects Related to the Existing Floodway and Flood Management

- Risk of increased upstream water levels when floodway is operating.

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- Impact of summer operations on upstream water levels and upstream residents.
 - Floodway operating rules and their implementation.
 - Definition of natural water levels.
 - Impact on ice jams north of the outlet.
 - Need for additional drainage structures into the floodway.
 - Fragmentation of municipalities, added cost of municipal services, property taxes not paid on floodway lands.
 - Inconvenience of added travel distances.
 - Failure to honor commitments for services and infrastructures after the floodway is expanded.
 - Need for Southern Flood Agreement.
 - Proposed compensation legislation is inadequate and unfair.
 - Concerns over management of floods – notification, coordination of response, evacuation rules, dealing with peoples needs during and after floods.
 - Dredging along the Red River to improve flows.

Related to the Floodway Expansion EIA and PIP

- Scope of EIA is too narrow. Assessment and mitigation of effects should include impacts of Existing Floodway and impacts of summer operations.
- Impact assessment should consider what happens if the City of Winnipeg does not implement its additional protection measures in a timely way.
- Cumulative assessment should include impacts on the Existing Floodway, of summer operations and Red River dredging.
- EIA should assess adequacy of proposed compensation legislation.
- EIA and PIP occurring too quickly. Not enough time to review and assess the information received.
- Intervenor funding is too late and not sufficient.

Other MFEA Round Two Issues:

- Red River Floodway Act: Residents generally recognized this Act as an improvement over the status quo and an important step forward; however, concerns were expressed about the lack of consultation during the development of the Act. Some expressed concern regarding provisions that may restrict access to the Court. Citizens also identified a need for more effective program administration and called for stronger appeal mechanisms. Outstanding compensation claims from 1997 remain an issue for residents immediately south of the floodway inlet and have created some skepticism regarding Manitoba's ability to handle compensation claims in a fair and transparent manner. In response, the Act has been amended to allow residents to opt out of the compensation plan in favour of legal recourse. Appeal mechanisms have also been strengthened - MFEA supports these improvements. MFEA will encourage Manitoba to consult stakeholders when drafting new regulations associated with the Act and encourage Manitoba Emergency Measures to ensure program administration is fair and efficient. Outstanding claims from 1997 are being dealt with by Manitoba outside of the Floodway Expansion environmental assessment process.
- Water Levels: Residents generally welcomed the water level comparisons provided by MFEA during Round Two. Many were relieved and surprised to discover that Floodway Expansion would increase the level of flood protection in some areas outside of Winnipeg. The only

- region water levels may be negatively affected as a result of the Floodway Expansion is north of Winnipeg. On average, these negative impacts would increase water levels by half a foot and would not create flooding in areas that would not already be impacted. Some residents north of the floodway outlet remain skeptical of the river's ability to handle increased water flow in their region. Other rural residents expressed concern that Winnipeg was receiving a higher level of flood protection "than the rest of us". MFEA will work with residents to better demonstrate the Project's positive effects on water levels during major flood events and the river's ability to handle increased water flows north of the Outlet Control Structure.
- Floodway Authority Act: Residents expressed very few concerns to MFEA about the Floodway Authority Act during Round Two and in the Manitoba's legislative review process. The Act received third reading in the Manitoba Legislature in June 2004.
 - Floodway Operating Rules and Summer Operation: Most residents were unaware of the Existing Floodway's operating rules. Some rural residents were skeptical of the need to operate the floodway in the summer to "protect the walkways in Winnipeg". While Manitoba continues to be responsible for the operation of the floodway, MFEA will work closely with provincial officials and local residents to help ensure effective and improved communication regarding future floodway operation. MFEA will work closely with Manitoba to coordinate spring operation of the floodway during the construction period – as required. MFEA will encourage Manitoba to release their review of summer operating rules for the floodway. Regardless of that review and to ensure rapid completion of the Project, MFEA will ask Manitoba not to operate the floodway in the summer during the construction period – failing an emergency. MFEA also recommends that the license/approvals for summer operation be sought at a later date. Summer operation will be addressed within the Floodway Expansion EIS as a planned future action. MFEA will ensure that fish and geotechnical studies are undertaken to better understand the effects of summer operation.
 - Recreation Opportunities: Residents expressed general support for expanding recreation opportunities associated with the Project, but were keen to hear about more detailed proposals. Municipal governments stated a desire to be consulted before any further plans were developed and suggested MFEA be sensitive to municipal infrastructure, enforcement and service costs. There was general agreement that initiatives, which compete for water with the Red River or require new project engineering costs, should be rejected. MFEA will ensure municipal governments are consulted before any specific recreation plans go forward.

MFEA anticipates taking the following steps to continue advancing the Floodway Expansion recreation opportunities:

- issue a full "*Opportunity Report*" on economic and recreation opportunities to follow-up on the March call for expressions of interest;
 - work to eliminate any disruption of Springhill Winter Park and current community festivals that use the floodway;
 - establish an officer for recreation and economic development within MFEA; and
 - creation of a Floodway Recreation Advisory Group to coordinate next steps, consider increased access to winter recreation facilities and legal issues associated with additional recreation opportunities.
- Economic Opportunities: One of the recurring themes in this round of public involvement was the rural/urban divide about the benefits Floodway Expansion would generate. Rural residents felt that all the Project benefits were directed at Winnipeg and "nothing was in it

for them". Meanwhile, Winnipeg residents seemed to remain complacent about the prospect of another major flood hitting the region.

To address this concern, MFEA is committed to having all elements of the Floodway Expansion Project considered from a rural perspective and strive to maximize rural economic development opportunities. Nearly all of the changes to the Project design described in Section 3.5 below respond to concerns raised by rural stakeholders.

Some rural communities south of Winnipeg will enjoy an increased level of flood security as a result of the Floodway Expansion – particularly in the event of a repeat of 1997 flood levels. Nevertheless, MFEA will encourage Canada and Manitoba to consider investments in rural flood protection infrastructure – particularly north of Winnipeg.

MFEA will also work with Canada and Manitoba in the coming months to secure the remainder of the funding to ensure the rapid completion of the Project and facilitate various opportunities that may be associated with the Project (e.g., training, water stewardship, economic development, recreation).

MFEA will engage industry, labour, Aboriginal training and government agencies to maximize employment training partnerships associated with the Project. MFEA will invite Canada to consider the floodway as part of its national plan for workplace skill development.

MFEA will consider other opportunities associated with the project, including:

- development of a 3-D virtual reality floodway to demonstrate the Project's benefits, assist the engineering design and help prepare for flood emergencies;
 - develop an interpretive centre for the Floodway that features flood history, educational and historic material and multi-media presentations;
 - formally document and archive the Project's development, public consultation and construction phases for historic and educational purposes; and
 - beautify the Floodway's Inlet and Outlet Control Structures.
- **Mitigation:** Residents wanted confirmation that MFEA had a responsibility to mitigate any Project impacts. Groundwater effects, erosion concerns, local water levels and drainage issues were identified as top priorities by the public. Municipalities also identified land acquisition and traffic disruption from bridge replacement as important concerns.

MFEA will work with existing lease holders to ensure any effects associated with Floodway Expansion are minimized and mitigated. This includes the Springhill Ski facility and agricultural producers engaged in haying on the Floodway right-of-way.

MFEA will, wherever possible, work toward engineering solutions to impacts associated with Floodway Expansion. Section 3.5 below identifies changes in Project design that are being implemented to mitigate some concerns raised by the public.

3.4 PIP INFLUENCE ON THE FLOODWAY EXPANSION PROJECT AND EIA

The key issues, concerns and perspectives raised in the Floodway Expansion Public Involvement Programs have been considered by MFEA and the EA Study Team and where appropriate, incorporated into Project design and the EIA. The following are notable changes to Floodway Expansion design and EIA that have been influenced by input received through the public involvement program.

- Floodway deepening: The extent of floodway deepening was reduced from an initial maximum of 1.8 m (6 ft). The depth will generally not increase but selected reaches of the channel may be deepened by up to 0.6 m (2 ft), subject to final design. This change addresses the most frequently concern raised in Round One of the PIP – that deepening of the Floodway Channel would lower water levels and contaminate wells on both sides of the Floodway Channel.
- Groundwater mitigation fund: MFEA will set aside a reserve fund to mitigate effects to groundwater associated with the Floodway Expansion Project, including unanticipated effects to groundwater. Stakeholders will be involved in developing protocols for implementation of the fund. This is intended to address concerns raised about unforeseen and unanticipated effects of the Project on groundwater.
- Drainage: Improvements were made to the design of agricultural drainage drop structures that are being replaced so they could accommodate increased flows and future growth of the local drainage system. This change partially addresses requests to increase the capacity of the floodway drainage infrastructure to accommodate current and future agricultural drainage into the floodway.
- Highway 15: MFEA is working with **Manitoba Transportation and Government Services** to determine the feasibility of twinning Highway 15 so it can accommodate increased traffic flows. Preliminary design of the twinning has been completed. This addresses the request to have this highway twinned in conjunction with the Highway 15 bridge replacement over the Floodway channel.
- Land acquisition: Land acquisition requirements for disposal piles of excavated materials from the Floodway Channel were reduced from over 1000 acres to a maximum of 500 acres and may be reduced further, subject to final design. This addressed a concern raised by several municipalities that their property tax land base would be reduced if floodway lands were expanded. Floodway lands are provincial lands and not subject to property tax.
- Recreation opportunities: As part of the Project planning process, MFEA will undertake discussions with municipalities about proposed Floodway recreation projects that would be located in their area. This change partially addresses concerns that these Projects could create additional demands for emergency services and contribute to nuisance, vandalism and crime.
- Springhill Ski Facility: Springhill Ski Facility will not be required to relocate or close its operation during Floodway Expansion construction or operation. Construction schedules will be adjusted to accommodate the seasonal use of the facility. This addresses a concern raised by the operators of the facility.
- Re-use of excavated earth: In response to requests from the public, MFEA will initiate a process to facilitate access to the excavated earth from the Floodway Channel. This process will be launched and advertised near the start of construction. Use of excavated earth will be guided by the following priorities and principles:

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- PTH 101 construction;
 - other Manitoba public works priorities;
 - rural flood protection measures; and
 - minimal cost and no delay of floodway construction.
- Involvement in design: In response to local concerns, MFEA is working closely with local municipalities and residents:
 - in developing detailed plans to raise the West Dyke; and
 - in determining the best approach to Floodway drainage structures in the RM of Taché, and Cook's Creek Conservation District.
 - Additional analysis: MFEA, its engineering consultants and/or the EA Study Team undertook additional analysis and studies in the following areas to assess issues and concerns raised during the public involvement process:
 - Implications on downstream water levels during a severe flood event of choke point in the Red River near Lower Fort Garry.
 - Potential for surface water intrusion into ground water when floodway is operating during a flood event, with particular emphasis on the area from Birds Hill to Lockport
 - Effects of sediment during construction and operation of the Project on Red River water quality and the need for dredging.
 - Effects of Floodway Expansion widening on Birds Hill aquifer and measures to minimize influence on groundwater
 - Nature of **ice jams** downstream of the Floodway outlet and effects on downstream ice jams of Floodway Expansion water levels and flows. An independent study of the impact of the floodway on ice jams north of Winnipeg is being conducted. Results will be available to the public before the end of summer, 2004.
 - Analysis of where uncertainty of physical effects of Floodway Expansion project could affect conclusions in the Environmental Assessment. This analysis included examination of the implications of Winnipeg flood protection works not being in place.
 - Perception of unequal flood protection: This concern was noted for consideration in the EIA, (i.e., consideration of the impact of Floodway Expansion on the perception of people outside of Winnipeg that they are being unequally treated with respect to flood protection). In response to this concern, MFEA will encourage Canada and Manitoba to consider investments in rural flood protection – particularly north of Winnipeg.
 - Future Communication: Development of a 3-D virtual reality floodway to demonstrate the Project's benefits, assist the detailed engineering design and help prepare for flood emergencies.

Most issues and concerns relating to the Existing Floodway, flood management and broadening the scope of the EIA were beyond the scope of the Floodway Expansion Project EIA as set out in the EIS Guidelines. Accordingly, these out-of-scope issues could only be responded to in very limited way by MFEA and the EA Study Team.

3.5 FUTURE STEPS IN PUBLIC CONSULTATION AND INVOLVEMENT

A third newsletter is planned for distribution to relevant areas in the Project Flood Study Region this summer to highlight the results of the public consultation and involvement program and improvements that have been made to the Project as a result of these consultations.

A further opportunity for public consultation and involvement will occur soon after the EIS is submitted. This Fourth Round, expected to occur in September 2004, will focus on reviewing the results of the EIA, including proposed mitigation measures. Input received will be reflected in any supplementary EIS material filed in the late fall of 2004.

MFEA will initiate discussions with Manitoba Aboriginal communities and peoples regarding potential effects on Aboriginal land, employment training, and business development opportunities, along with various other Project elements.

MFEA will maintain an ongoing public involvement program at least to the end of the Floodway Expansion's construction phase. This will include regular meetings with municipalities and stakeholders, youth outreach, direct communication, advertising, ongoing toll-free phone access for rural residents and an expanded website.

MFEA will continue to distribute regular newsletters and progress reports beyond the environmental licensing process and undertake additional public opinion research as the Project evolves.

MFEA will distribute regular updates and progress reports via direct mail to stakeholders and interested residents at least six times each year.