

The TLWI response to “All Seasons Resort” Development Proposal

July 31, 2019 Submission to RM of Mervin 499

The proposed area for development includes a relatively large wet land that had been separated from the lake body proper by a narrow but quite elevated ice push. This wet land in the past collected all or most of the runoff from the quarter before allowing it to drain into the lake through a small breach in the ice push close to the southern edge of the property. During the winter of 2017-2018 the property owner, also the developer, first excavated the wet land to remove all organic material and then infilled the excavation with earth sourced from a borrow pit bordering SK-795 on the same quarter.

The owner / developer of the proposed development, when questioned, acknowledged at the July 20 Dexter that the wet land had been drained, excavated and backfilled without regulatory approval or permits. The owner asserted that neither regulatory approval nor permits were required as the land was zoned as agricultural and therefore the he, the farmer could legally alter the wetland at will. The owner/farmer/developer then went further adding emphatically that he would not remove the infill to facilitate restoration of the wet land.

The owner, claiming to be a farmer for purposes of draining, excavating and filling the wetland, now wants to assume the role of the developer of the area of the proposed including the infill. The exact size of the wetland excavated and infilled is unknown as the project was completed without regulatory approval or permits.

Upon questioning the owner acknowledged that before he can proceed with the proposed development the RM of Mervin must first rezone the area from agricultural to residential and recreational area. The owner (owner/farmer/developer) gave the impression that rezoning of the are from agricultural to residential recreational was a routine process.

The owner was questioned as to how the entire quarter was drained now that the wetland had been filled. His answer that a “swale” would collect the runoff from the northern area (the largest portion) of the property and direct through a breach constructed in the ice push. The marina would collect and drain the runoff from the smaller, southern portion of the property and release it to the lake.

The TLWI asks the RM of Mervin to deny the proposed development at All Seasons Resort for the following reasons.

- i) If in fact, owners of property zoned as agricultural, are allowed to modify or alter their property at will, one must assume is only for the purpose of maintaining or enhancing its capacity to produce food. If a property owner wishes to have their property rezoned for uses other than that allowed by its present designation, they are they required to apply to have their property rezoned prior to modifications or alterations prior to performing the alterations or modifications. If the RM of Mervin rezones property after the owner has altered the property for uses other than allowed by the properties previous designated use the RM has effectively ceded its power to determine land to the property owners. During his Dexter presentation the owner never once mentioned the increased capacity of his property to graze sheep, goats or cows.
- ii) The past actions of the owner of draining, excavating and infilling of the wetland have already negatively impacted the ecological health of Turtle Lake. In the late winter and spring of 2018, the TLWI received reports of the drainage, excavation and infill the wetland and with the spring thaw the outflow of silt and debris into the lake. At the time the TLWI passed on this information to those bodies tasked with regulatory and enforcement powers on and around Turtle Lake.
- iii) The TLWI recently has received information that the wetland that was drained, excavated and infilled has, during periods of high water, contained fish. The TLWI will forward this information to SaskWater Security, Saskatchewan Ministry of Environment, Fisheries and Oceans Canada, Sask Agriculture, Agriculture Canada, any and all relevant regulatory and enforcement bodies with jurisdiction on or about Turtle Lake. Should any or all of these regulatory agencies find the information credible litigation is the likely outcome.
- iv) Authorization by the RM of Mervin of the proposed development at All Seasons Resort reward developers who “game the system”. Developers who think rules and regulations are “for others, for the stupid and the gullible, not those with nerve and guile, not those will toss the dice, those who will gamble and take the chance”. The owner clearly decided that opportunity for financial profit trumped the ecological

health of Turtle Lake when he unilaterally drained, excavated and infilled the wet land. Authorization would encourage other developers to adopt the same attitude and practices as the owner of All Seasons Resort. If this were to happen the threat to the ecological health of Turtle Lake would be multiplied many times.

v) No authorization until

(1) RM of Mervin has received and reviewed a geotechnical assessment by a qualified engineer attesting to the capability of the surface and subsurface soil structure to support the proposed development.

(2) The RM of Mervin has received and reviewed detailed topographical study detailing elevations by a signed qualified civil engineer that show the natural water drainage pattern prior to construction and the detailed plan for water drainage during and after construction.

(3) The RM of Mervin has received and reviewed an environmental report from a qualified professional report detailing the flora and fauna that presently live on land or in the water near proposed area of development.

vi) The RM of Mervin has received and reviewed a report from a qualified archeologist detailing the presence or likely presence on native artifacts on or in the area of proposed development

