

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Pamela and Eric McKay
PROPOSAL NAME: Pelican Lake Shoreline Enhancement
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Water Development and Control
CLIENT FILE NO.: 4050.00

OVERVIEW:

The Proposal was received on July 6, 1995. It was dated July 6, 1995. The advertisement of the proposal was as follows:

“A Proposal has been filed by Pamela and Eric McKay for a shoreline enhancement project on Pelican Lake on their property in NE 6-4-15W. This property is located in the Rural Municipality of Turtle Mountain at the southwest end of the lake. The project would consist of the clearing of some trees and bush and the placement of sand along approximately 425 m of shoreline. It is anticipated that the land will be subdivided for cottage development in the future.”

The Proposal was advertised in the Killarney Guide on Tuesday, July 25, 1995. It was placed in the Main, Centennial, Eco-Network and Western Manitoba Regional Library (Brandon) public registries. It was also distributed to TAC members on July 13, 1995. The closing date for comments from members of the public and TAC members was August 23, 1995.

COMMENTS FROM THE PUBLIC:

Jim Hartry Two projects have been undertaken at the south end of Pelican Lake, but only one has been advertised. The other project, undertaken last fall and this summer, has not been advertised. With a 99 year lease on property at Pleasant Valley, the writer is concerned about the changes which have taken place. There is considerably more land between the writer's property and the lake than there was 12 months ago even when the lake was low. Please send a copy of the proposal for the other project so that concerns may be expressed before any further works are started.

Disposition:

The adjacent project was discussed with Mr. Hartry. A proposal has not been filed for the other project. Discussions are continuing between the Department and the individual responsible for the other project. It is the intention of the Department to assess the other project under The Environment Act once a proposal has been filed. The second proposal will be forwarded to Mr. Hartry once it has been received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Environment - Park-West Region The facility was inspected on July 27,

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1995. Some work has already taken place on this project. There is a potential for impacts on the lake due to the deposit of sand and other materials, as well as weed removal. Someone with expertise in water quality should review this proposal.

Manitoba Environment - Water Quality Management The proponent has not provided a certificate of title which might indicate the ownership of not only the borrow area, but also the area to be filled in. For example, the diagram indicates that the area to be filled in extends considerably beyond the existing shoreline. There is no evidence that this area is actually under the control of the proponent rather than the Crown. Other than the proponents' personal assumptions, evidence is not provided to support assertions that the proposed development will have no impact on fisheries, wildlife, water quality or heritage resources. The diagram indicates that approximately 1450 feet of shoreline habitat will be eliminated by filling in with sand and gravel; it is difficult to understand how this action might not affect fish or water quality. There is no indication that even minimal consultations occurred with staff of Natural Resources, Historic Resources or Manitoba Environment. The stability of the hilltop borrow site and the access to the shoreline cut through the steep wall of the valley is a major concern. What measures will be taken to ensure both short term and long term stability of these areas?

Disposition:

Additional information was requested to address these concerns. This information is discussed in a later section.

Historic Resources No concerns.

Highways and Transportation No concerns.

Mines Branch No concerns.

Community Economic Development The subject property is a 23 acre parcel located along the shoreline of Pelican Lake adjacent to existing cottage and golf course development. The proponent wishes to develop a 60 lot cottage subdivision along with

resort amenities on this parcel - a subdivision application is being prepared for circulation. A drainage channel which is part of the Pelican Lake Enhancement Project is located along the eastern edge of the property. There were plans to develop a marina using the channel as access from canals to Pelican Lake. These plans are not formalized. An overall concept plan is being prepared for the development by a land surveyor in support of the subdivision application. The property is located on lowlands including some swampy areas. Development of roads and cottage lots will have to be mindful of lake levels and flooding potential. Offsite drainage to the lake or channel will need some consideration. Access to the development will be from a municipal road. The subject property is designated agricultural according to the Killarney Area Planning District Development Plan and is classified an Agricultural (General) Zone according to the R. M. of Turtle Mountain Zoning by-law. Amendments to both documents will be needed to allow the development to proceed. Rural Development has no concerns with the proposed development provided

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that it is properly planned and constructed recognizing the site's inherent limitations being located on lowlands.

Medical Officer of Health - Westman Potential concerns during construction include dust and noise levels, gaseous and particulate emissions, hazardous waste disposal, and accidental fuel or chemical spills onto land or water. Will phases 2 and 3 have separate proposals? Appropriate containment and disposal measures should be specified for sewage holding tanks to protect surface water and groundwater. Potential water sources for drinking and other domestic uses should be reviewed. Are 60 lots too congested for this area? Is the beach area public or private? If public, should washroom facilities be provided?

Disposition:

Additional information was requested to address a number of these concerns. This information is discussed in a later section.

Natural Resources Construction of the project should be undertaken in a way that ensures minimal impacts to fisheries and wildlife resources. Consultation between the proponent and regional DNR staff should occur so that potential impacts can be successfully mitigated. The proponent should be advised that the land proposed for the subdivision appears to be low lying and possibly flood prone relative to the 100 year Pelican Lake flood level. Any construction activity must remain clear of the Pelican Lake Diversion Channel right-of-way unless permission is granted by the Water Resources Branch.

Disposition:

Additional information was requested to address some of these concerns, and consultation with DNR staff was requested. The results of the consultation are described in the additional information which is discussed below.

Fisheries and Oceans The proposed addition of extensive sand and gravel fill along the shoreline will disrupt or destroy littoral habitat that supports spawning and nursery habitats for northern pike and other species. Additional information should be provided regarding existing fish habitat within the vicinity of the proposed shoreline modifications. Shoreline disruption may also occur due to repair and maintenance activities needed to restore shoreline following wave action. It is typically difficult to establish a beach where one does not exist naturally. If the outlet channel is to be constructed as part of the proposal, it may be prone to filling in and erosion from wave action. (Note: the outlet channel was constructed by Manitoba Natural Resources approximately four years ago.) No information has been provided concerning the design or location of the structures being considered for boat docking. Docks and wharves can damage fish habitat by disturbing the lake bed or restricting water movement along the shore. DFO recommends that these concerns be addressed prior to licensing this proposal.

Disposition:

Additional information was requested to address these concerns.

Indian and Northern Affairs The department is not a responsible authority for this proposal under the Canadian Environmental Assessment Act. Consequently, the

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department has no legal basis to undertake a formal environmental assessment of the proposal. Further, it appears that the proposal will not adversely affect First Nations or their lands.

PUBLIC HEARING:

As no public concerns were identified concerning this project, a public hearing is not recommended. (The only public concern received involved an adjacent project.)

ADDITIONAL INFORMATION:

Additional information was requested in a letter to the Proponents dated September 11, 1996. Manitoba Natural Resources expressed an interest in arranging a site inspection with the Proponent in the fall of 1995, but an early snowfall made a site visit infeasible. The Proponents contacted Manitoba Environment in early 1996 to discuss the information requirements of the September 11, 1995 letter. After some consultation between Manitoba Environment and the Proponents and between the Proponents and the Regional Fisheries Manager of Manitoba Natural Resources,

additional information was submitted. The attached information dated January 29, 1996 addresses the concerns identified in the preliminary review of the proposal.

DISCUSSION:

Approximately two thirds of the natural shoreline affected by the project was altered before the Proponents became aware of the need for environmental assessment and licensing. Information on natural conditions and post construction conditions at the site is not thoroughly detailed in the additional information. The additional information does clarify the intention of the Proponents to develop a beach along the entire shoreline of the property. The construction of a rock groyne immediately west of the Natural Resources inlet/outlet channel is proposed to limit the longshore transport of sediment into the channel and to compensate for the loss of fish habitat along the natural shoreline. The natural habitat appears to be primarily pike habitat. The proposed replacement habitat will not likely be of benefit to pike.

The additional information does not clarify the Proponents' plans for the outlet channel area. Permission has been obtained from Natural Resources to excavate in the channel near the lake. The Proponents were contacted to clarify the intent of this work. The excavation is proposed to obtain fill material; it is not intended to provide boat access to the east side of the Development.

The present slopes and material size distribution used for the construction which has already occurred could not be confirmed reliably during the winter. A site visit occurred on May 21, 1996 involving the Proponents, Manitoba Environment (Park-West Region and Environmental Approvals), Manitoba Natural Resources (Western Region Fisheries and Regional Engineering) and Department of Fisheries and Oceans staff. Agreement was reached concerning actions which could be undertaken to complete the project and actions needed to stabilize the altered shoreline and the access road along the valley wall.

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Recommendation

It is recommended that the Development be licensed under the Environment Act subject to the limits, terms and conditions as described on the attached Draft Environment Act Licence. A previous version of the draft licence was reviewed by TAC members in March, 1996. The current draft licence has been reviewed by staff taking part in the May 21, 1996 site visit.

Administration of the Licence should be retained by Environmental Approvals until shoreline construction and access road construction is completed. The Licence may then be assigned to the Park-West Region for enforcement.

PREPARED BY:

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June 10, 1996

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