

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Tim Horton Children's Foundation Inc.
NAME OF DEVELOPMENT: Tim Horton Children's Foundation Youth Leadership Camp
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Recreation – Multi-purpose resorts
CLIENT FILE NO.: 5493.00

OVERVIEW:

The Proposal was received on November 10, 2010. It was dated October 13, 2010. The advertisement of the proposal was as follows:

“A proposal has been received from the Tim Horton Children's Foundation Inc. for the construction and operation of a youth leadership camp on Sylvia Lake in Whiteshell Provincial Park. The camp would be situated on a 17.19 ha lease area in SE 3-14-12E, which is south of Pinawa and on the south side of the Winnipeg River. The camp would be accessed from Provincial Road 307. It is anticipated that the camp would host up to 3,800 youth annually with a maximum occupancy at a time of 256 participants, and would be staffed by an equivalent of 55 full time employees. Year round facilities would include a main lodge, three bunkhouses, gathering hall, maintenance building, staff residence and wellness centre. Seasonal facilities would include 22 yurts for three season sleeping accommodation, washroom/shower complexes and pavilions. Supporting infrastructure would include internal roads, a water treatment and distribution system, a wastewater collection and treatment system, and a fire protection system. The facility would also include an outdoor challenge area and a beach area with docks, canoe and kayak racks and storage sheds. Collateral facilities outside of the lease area would include a 3.65 km access road from PR 307 and a hydro line. Construction of the project is projected to commence in the winter of 2011 and be completed by the fall of 2012, with camp program operation commencing in the summer of 2013.”

The Proposal was advertised in the Beausejour Clipper on Monday, November 29, 2010, the Pinawa Paper on Tuesday, November 30, 2010, the Lac du Bonnet Leader on Friday, December 2, 2010, and the Winnipeg Free Press on Saturday, December 3, 2010. It was placed in the Main, Millennium Public Library (Winnipeg), Eco-Network and Brokenhead River Regional Library (Beausejour) public registries and in the RM of Whitemouth and LGD of Pinawa offices as public registry locations. An electronic public registry was also established on the Environmental Assessment and Licensing Branch website. The Proposal was distributed to TAC members on November 25, 2010. The closing date for comments from members of the public and TAC members was January 5, 2011.

COMMENTS FROM THE PUBLIC:**Rural Municipality of Whitemouth**

The RM of Whitemouth wishes to respond to the above Environmental Act licence proposal. It is our understanding that water and wastewater services are to be provided by plants onsite. It is the intention of the RM to propose what we feel is a green option to providing these services.

The RM of Whitemouth has water and low pressure sewer systems in close proximity to the site of the proposed camp. The water treatment plant was commissioned in September of 2010 and provides water that meets drinking water standards. The low pressure sewer system is located in Seven Sisters and outlying areas and this system along with the lagoon was completed in 2008.

The RM of Whitemouth feels that the possibility of connecting the proposed camp to these two systems would benefit the environment, the camp and the RM of Whitemouth. This proposal could also open up availability of these services to residences in the Whiteshell Provincial Park.

Disposition:

This information was provided to the proponent for consideration.

Allan Cassidy

I am writing this letter in support of the camp being situated on Sylvia Lake in the Whiteshell Park just south of Pinawa.

The camp will assist in the much needed economic development of the area. Eastern Manitoba needs new jobs and economic activity. The Camp will provide these much needed jobs. As to Pinawa, some individuals may move to town and commute to the Camp.

The Camp will not have a major impact on the environment. The Camp WILL NOT affect cross country skiers or hikers or campers. No one skies on Sylvia and no one camps there. The skiing is north of town. Skiers would have to travel half an hour by road to ski Sylvia as the water does not freeze between town and Sylvia. The picture in the paper last year showing skiers out there is a farce. I have lived here since 1989 and no one skies there. They all use the trails north of Pinawa.

Tim Horton's Camp will provide youth leadership to help those less fortunate to have a better life. Tim Horton has shown from other camps they are responsible caring corporate citizens who want to make a positive change to peoples' lives.

Manitobans are fortunate that the company wishes to put the camp at Sylvia Lake.

Jeff Simpson

Certain areas stand out as needing at a minimum mitigation. Noise, was discussed in the public meeting and it was to be at a minimum. Blasting, will certainly not qualify as a minimal noise to the shoreline residents. I am sure most residents are not familiar with this aspect of the proposal. Can this not be minimized or restricted?

It also appears that the belt transects performed by Stantec did not extend far enough for them to see the eagles nest on that shoreline. A buffer zone area seemed not to be considered when they performed there survey.

Disposition:

Additional information was requested to address these comments.

Blair Skinner, Mayor of Pinawa

A resident of Pinawa has asked me to raise a concern on his behalf with regards to the Tim Horton Children's Foundation EIA. The concern is noise from blasting activities. The EIA discusses impact on fish habitats but does not discuss noise impact on the community of Pinawa.

I presume that commercial blasters would take steps to mitigate the noise impact but the EIA does not address this issue.

Disposition:

Additional information was requested to address these comments.

Michael Attas

I would like to comment on some aspects of the Stantec environmental impact assessment report for the Tim Horton proposal to build a camp in the Whiteshell Park on the shores of Sylvia Lake. Specifically, Section 5 on Public Consultation raises concerns with me regarding both process and interpretation of inputs.

Section 5.1 mentions the main public consultation for Pinawa residents, namely the Town Hall Meeting led by Pinawa's Mayor on 2010 April 20. This meeting was highly structured so that questions from the audience were required to conform to pre-assigned categories. Questions directed to Manitoba Conservation staff were not answered, especially regarding the process. In fact, many attendees left with the distinct impression that Manitoba Conservation was a co-proponent for this project, which brings into question the objectivity of the consultation and of the assessment process itself. In particular, questions regarding changes to the Park Use regulations were not addressed at that meeting. For example, as far as I can tell from the material presented, the category of Extensive Recreation Zone does not permit construction of permanent structures.

Appendix A of the report, containing the public consultation materials, was summarized in Section 5.1. To me, the clear message of the comments in the hundred-odd comment forms returned was that almost half the respondents desired a change of location. In other words, while the comments were both for and against the project, many of them suggested that the principle of a youth camp was excellent but the location was poor. The

thirteen letters at the end of Appendix A were written by citizens concerned enough to provide more detailed comments and suggestions. They were *unanimous* in opposing the location. The responses (by the Minister of Conservation) to those letters indicated the comments would be "included along with the comments received at the public information sessions, as part of the review process before making a final decision." I see no evidence in the report that either the proponent or Manitoba Conservation have even considered an alternate location.

The executive summary of the Stantec report mentions the "positive socio-economic effects associated with Project construction and operation" of the camp. These are described in more detail in the body of the report. *All* of the positives are at least equally valid if the camp is built in another Eastern Manitoba location. In fact, there are many benefits to locating the camp just outside the Whiteshell Provincial Park, in a wilderness area closer to Pinawa such as the north shore of Natalie Lake or just upstream. The numerous advantages of a location outside the Park have been described by other thoughtful respondents. My point here is that I do not see an assessment of alternate locations in the report, so I doubt that one has been conducted. In other words, the assessment process has not taken this specific public input, which is one of the most frequent requests, into account.

Please let me know how this response from me regarding public consultation and camp location, and other comments received at this stage in the environmental impact process, will affect the progress of this project, if at all. What is the next stage? How can respondents feel they have a voice that is being listened to? How can we be confident that the Government of Manitoba is being objective in its consideration of this project?

Disposition:

Additional information was requested regarding alternative locations considered for the project.

C. Hugh Arklie

It is hard to know where to begin with the farce known as the THCF Youth Leadership Camp Project in Manitoba. So just for fun, let's start at the end. Stantec calls the end "Closure". Usually it is called a "disclaimer". Curiously, Stantec describes the report as "for the sole benefit of Tim Horton's Children Foundation". Does that mean that I should not have read it? Or does it mean, as I suspect, that Tim paid the fee to a hireling and gets to call the shots. After all, they paid for the tune.

The relationship between Tim and Stantec is quite obvious from the many conclusions reached in the report. They usually go something like this:

"No significant effects on yadda, yadda, yadda are anticipated from yadda, yadda, yadda."

Of course, the real start of this debacle at Sylvia Lake is found at Mediation Lake where elected officials, civil servants and Tim kept the people in the dark for 8 months while secret negotiations contemplated a THCF Camp at Mediation. This was discovered by a nearby resident who informed CJOB. Within a very short time people who had used

Mediation as a canoe route told Tim what to expect, a eutrophic lake with an inhospitable landscape. Gordon Jones, a former Parks director, knew this from research that was 30 years old. He told me so. You know, none of us who were right about Mediation ever got a thank you.

In the meantime, Stan Struthers oversaw the construction of a useless road where there was once only a canoe portage route. Today it is gated. Thanks for that Stan.

Poor process always yields poor results. The Parks Branch has perfected poor process. This has its roots in The Provincial Parks Act of 1993 wherein Section 11 calls for a “management plan” for all parks. Somebody please let Stantec know that neither the “Whiteshell Provincial National Park Master” Plan of 1983, nor a 1991 “Review” satisfies the Act. These documents all predate the Act which uses the future tense when referring to the need to “develop” a “management plan”.

Much of what Tim is going to get away with at Sylvia is a function of government reluctance to engage with the people who own the parks. (Another example is the construction of a new road and an overpass in Birds Hill Park while the so-called public engagement on a new “management plan” is incomplete.) Perhaps this is why Tim gets the ear of government for 2 years, while the public gets 32 days over the Christmas holidays to respond.

I have read the document which was produced by a non-arms-length consultant for Tim, even if the “Closure” prohibits me. What follows are simply comments taken in chronological order from the document.

Transmittal Letter

Garry Fraser’s last paragraph is presumptuous. It does not matter whether he sees no impediment to the licensing of his project. That is not his call, and the statement betrays the overall **attitude of entitlement** amply demonstrated by Tim from Mediation to Sylvia.

Environmental Act Proposal Form

Tim applied for a Class 2 Development. At first glance this is correct. However, when the context is considered **this project should be elevated to Class 3**. This is allowed by Section 11(8)(c). The rationale is that Tim is essentially expropriating over 17 hectares of rare, undeveloped waterfront land in Manitoba’s most treasured provincial park.

In any case, and for the same reason, **this proposal must be sent to public hearings** as allowed by Section 11(10). Public hearings are rare for Class 2 Developments, but so is this land.

Executive Summary

The Sylvia site was “selected with assistance from Manitoba Conservation”. In the Winnipeg Free Press of February 18, 2010 I accused **Conservation of being an agent for Tim**. I rest my case.

Tim says that in addition to serving youth, “the Project will serve as a community resource to foster volunteerism and community service in the local region, as well as welcoming community groups, colleges and universities with an interest in supporting or benefitting from the Project’s core purpose through research, placement or training opportunities.” Nice thoughts, but there is no elaboration in following pages. **Please explain with examples.**

Construction is “anticipated to begin in January, 2011”. **Is that before or after you read this letter?**

According to Tim, the loss of access to 17 hectares of public parkland is inconsequential since few people commented that it was a concern. Firstly, I doubt that most participants actually contemplated their explicit exclusion and, secondly, it is supremely **ignorant of an EIA to assume that human absence from a special piece of waterfront land is somehow problematic!**

Study Team

It is noted that **neither a landscape architect nor a social scientist were included on the research team**. This is worrisome from a design standpoint and explains the poor treatment of social impact assessment.

1.1 Project Overview

Throughout the report pains are taken to establish that the project will have “no significant effects” on anything whatsoever. Yet, 3,800 people will use the site every year, not including staff and visitors. **Over 4,000 people coming and going will have a significant effect on something.**

It is **unconscionable that the road to be built by provincial taxpayers and the hydro line to be built by Manitoba Hydro ratepayers will escape an environmental assessment**. Go figure.

2.1 Tim Horton Children’s Foundation

I note that, including the Kananaskis site, none of the other THCF camps are in provincial parks. What do the other jurisdictions understand that we do not? **Are just Manitoba’s parks available for privatization?**

3.1 Provincial

There is no provincial parks legislative authority to involve since successive and sundry ministries and directors have steadfastly refused to obey Section 11 of The Provincial Parks Act.

3.2 Federal

A federal CEAA “trigger” includes the Law List. If a federal act could be invoked, that is a “trigger”. It is up to the feds to pull it, not Stantec. **The four federal acts in this section could most certainly be “triggers”**. Look it up.

4.1 Project Summary

I would like to know if the “beach” will have foreign sand delivered. If so, the EIA should be clear.

4.1.1 Project Site Location

The project site is gratuitously described as “approximately 22 km west of the Park’s only Wilderness Zone”. This is really Stantec-speak and **an attempt to diminish the true wilderness values of the project site in the context of government bureaucratise.**

4.1.2 Site Selection

I have already commented on the incestuous relationships at work.

Boating and swimming eh? **Got insurance?**

4.1.4 Collateral Developments

It is hilarious that the road and hydro line will be built on the same right-of-way. This is exactly what the province will not do on the east side of Lake Winnipeg. Hilarious, but irrelevant.

4.2.2 Wastewater Treatment Systems

4.2.3 Potable Water Systems

I know bugger-all about your systems, but this process does not allow me the time to learn about them.

5.1 Public Information and Outreach

I would really like a letter from Ron Joyce thanking me in the role I played in preventing the wastage of money at Mediation Lake. Maybe a coffee coupon?

It is dishonest to paint the rate of disagreement with this project as insignificant without quoting numbers. The website is not readable, so this claim cannot be verified. Also, my letter of disagreement dated March 2, 2010 is not on the website and you made no mention of the negative press, including letters to the editor. Shame on you. **This is where you needed the social scientist.**

6.1.6 Surface Water

Leave the large beaver flood alone! Your experts should know that this identifies the beaver as a “Keystone” species in the area upon which many other species depend.

6.2.1.1 Species at Risk

I quote: “A pre-construction survey to save plant species was not possible due to timing considerations”. This is unprofessional. **Don’t just pretend to do an EIA, do it.**

6.4 Socioeconomic Environment

This is boilerplate. Is the fee charged by the pound?

6.4.5 Zoning

6.4.6 Land Ownership

These sections, amazingly, confirm that Winnipeg River waterfront has largely been consumed by cottages. **So go ahead, confiscate even more.**

7.3.6 Aquatic Flora and Fauna

Despite “blasting” there will be no “aquatic faunal effects”. **If you need a bridge at this project I have one for sale.**

7.3.7.3 Nuisance

Relying on Porcupine Island to mitigate noise and light pollution is folly. The island is low-lying and does not include the growing footprint of Pinawa. **There will be permanent nuisance.**

7.3.8 Resource Use and Recreation

There are precious few cliff-jumping opportunities in Manitoba that are easily accessible. You have the temerity to remove access to the site near the Project? Read my lips: **I will jump that cliff as soon as the camp opens.** Sue me.

And then there is the ubiquitous conclusion “No significant adverse effects, yadda, yadda, yadda”. Some corporate suit says that people can’t jump the cliff any more, as people have done for decades, and that is not significant?

7.4.4 Terrestrial Flora and Fauna

“Camp operations are anticipated to accrue positive benefits to local terrestrial flora by increasing regeneration areas through the tree planting programs undertaken as part of the Camp curriculum.” Let me get this straight. **You are**

going to cut down a pile of trees for a road, a hydro line and a camp, but now you want brownie points for planting more? Chutzpah!

“Outdoor lights . . . may have both positive and negative effects on wildlife”. No. They will have only negative effects. In case you hadn’t noticed critters do not need electricity to thrive. They need to be left alone.

At what point did the scientists preparing this report default to creative writers?

7.4.5 Aquatic Flora and Fauna

Where is the “Environmental Protection Plan of Operations”? **Why is it not part of this submission? Send me a copy.**

7.4.6.2 Municipal / Park Services

“The Camp will contribute positive, value-added services to the Park and surrounding regions through tree planting and other enhancement activities”. I have already commented on the tree planting. What are the other (multiple) enhancement activities? **Please explain, with examples.**

7.7.2 Operation Phase

I understand that many of the campers will be flown to Winnipeg. **Let’s do a GHG calculation on that.**

8.0 Cumulative Effects

Of course there will be adverse cumulative effects! **We are losing significant waterfront to a private operator. This is a classic cumulative effect**, and to call it “not significant” is foolish and arrogant. Tim has effectively expropriated 17 hectares of our finest park while the politicians and bureaucrats watch.

And what about the cumulative effect of adding yet another camp for kids in the park where several already exist?

Wendell Barry said “A conservation effort that concentrates only on the extremes of industrial abuse tends to suggest that the only abuses are the extreme ones when, in fact, the Earth is probably suffering more from many small abuses than from a few large ones”.

Tim’s Camp is a small abuse that should be expunged before it happens.

Final Comment

Throughout this letter there are several questions and comments. **I fully expect the proponent to respond to each and every one.** If I can read through the tome produced

by Stantec for a price, Tim can read this letter and respond. If I sense that the politicians or civil service are suppressing this letter I will take other action.

Disposition:

Additional information was requested to address several of these comments.

Manitoba Wildlands

INTRODUCTION

Manitoba Wildlands is writing to provide comments on the Environmental Impact Assessment (EA) prepared by Stantec for the Tim Horton Children's Foundation (THCF) regarding the proposed Youth Leadership Camp (YLC) slated for development near Sylvia Lake inside Whiteshell Provincial Park.

Please accept these as our comments for inclusion in the public registry file number 5493.00.

We cite all outside sources in footnotes. We refer directly to the EA sections or appendices and italicize any quotes from the EA.

MANAGEMENT PLAN REQUIRED UNDER THE PARKS ACT

No other THCF-YLC in Canada is located inside a Provincial Park. If approved this proposal will restrict or block public access to 17 hectares of public parkland. Whiteshell Provincial Park is classified natural park¹ and the camp site is located within a resource management land use category (LUC).²

Manitoba is bound by its commitments to continue to work towards adequate representation of enduring features in protected areas for each of its natural regions. As this commitment has not yet been met for this natural region, Manitoba has a responsibility not only to maintain, but also to increase the total area of lands and waters in the province formally protected from development activities. It should be noted that while some new protected lands have been designated in this natural region, the region is also losing options for replacement of representation that result, while a steady increase in new development decisions is being made.

Section 11 of Manitoba's *Provincial Parks Act*³, requires: "...a management plan for each provincial park that ... deals with resource protection, use, development and any other matter the minister considers appropriate." The Whiteshell Park Management Plan

¹ *Provincial Parks Act, Provincial Parks Designation Regulation* (MR 37/97)
<http://web2.gov.mb.ca/laws/regs/pdf/p020-037.97.pdf>

² *Whiteshell Provincial Park Overview*, Government of Manitoba: Conservation
http://www.gov.mb.ca/conservation/parks/pdf/public/whiteshell_overview.pdf

³ *Provincial Parks Act*, Manitoba Government
<http://web2.gov.mb.ca/laws/statutes/ccsm/p020e.php?ccsm=p20>

published in 1983, does not meet *Provincial Park Act* requirements. The plan predates the 1993 act and the twenty-eight year-old plan has never been updated in spite of a requirement that: "[a] general update of the Master Plan will be undertaken every ten years."⁴

Furthermore the 1983 plan "... recognizes that most of the intensively used areas in Whiteshell have been developed to maximum levels."⁵ So if park developments were nearing maximum capacity in 1983, why are we further developing this protected land?

Manitoba Conservation joint Open Houses with the Tim Horton's Foundation regarding this development emphasized the 1983 Park Plan for the Whiteshell Park. So Manitoba Conservation will need to be clear whether this proposal under the Environment Act is required to be compatible with the 1983 plan or/and the 1993 Parks Act.

Manitoba Wildlands submits that before this or any new developments are considered for Whiteshell Park, an updated management plan, as required under the *Provincial Parks Act* needs to be created.

CONSULTATION

"Public Consultation plays an important role in establishing and managing Manitoba's provincial parks and heritage rivers," states the Parks and Natural Areas website.⁶ The website, however, does not explain if or how the comments submitted are made public? Or how the comments are incorporated into the planning process? What are the current public consultation standards/methodology regarding park development and planning? There appears to be no public standard as to how the department goes about these steps required under the Act. We would advise Manitoba Conservation to provide a public guide as to the steps required for decisions regarding a development inside all Manitoba Parks and Protected Areas immediately.

Manitoba Wildlands submits that the comments received regarding the THCF-YLC originally proposed location at Meditation Lake should be included in *Appendix A: Public Consultation Materials*. The Meditation Lake public comments are not available online. Is the information from the first meetings regarding Meditation Lake presently available in Public Registry at 123 Main St., Winnipeg?

Section 5.1 of the EA claims that: "[o]f the 118 respondents, the majority of respondents agreed with the Project in principle (i.e., establishing a Youth Camp in Manitoba), with over half of those respondents supportive of the Sylvia Lake location. Less than half of the respondents disagreed with the Project. A minority of respondents indicated a neutral position on the Project, or did not state a position."

⁴ *Whiteshell Park Management Plan* (1983), Manitoba Government: Conservation
http://www.gov.mb.ca/conservation/parks/pdf/planning/whiteshell_master_plan.pdf

⁵ *Ibid.*

⁶ *Public Consultations*, Manitoba Government: Parks and Natural Areas.
<http://www.gov.mb.ca/conservation/parks/consult/public.html>

It is unclear how the proponent categorized comments in order to determine support for the project, but a cursory Manitoba Wildlands review does not comport with these findings. Granted many comments were supportive of the idea of a children's camp, however many of the same comments also suggested moving the camp to another location. (Some suggested moving outside of the Park altogether, some suggested moving to a more developed area of the Park, and others suggested a different lake or at minimum a different area of Sylvia Lake for water safety reasons.) This raises issues as to the credibility of the report. Manitoba Wildlands would like to know if the public comments in their entirety are available through the PR at 123 Main St., Winnipeg?

ABORIGINAL CONSULTATION

Section 5.3 of the EA states *"Manitoba Conservation advises that they contacted the following First Nations (FNs) with known interests in the North Whiteshell area with information about this proposal: Sagkeeng FN, Brokenhead FN, Lake St. Martin FN, Lake Manitoba FN, Whitedog FN, Fairford FN and Black River FN. Manitoba Conservation advises that no written responses were received from contacted FNs."*

If no responses were received, were any attempts made to follow up with these FN communities? The crown has a legal duty to consult with FN, and such lazy and sloppy efforts calls into question the honour of the crown. A more thorough consultation should have been performed. We note that the EA does not state if there were other forms of response from these communities.

It is long overdue that proponents for developments – in Manitoba Parks in this case – realize they are not the Crown! An initial letter to potentially affected First Nations simply is not consultation. Was an assessment done by Manitoba Conservation with respect to the usual spectrum of consultation required? Did Manitoba Conservation notify the proponent and its consultants about the steps the department would take, and or advise the proponent as to which steps to take with regard to the potential impacts on Aboriginal Peoples from this development? Manitoba Wildlands would suggest that all information with respect to these questions be placed in the public registry.

ARCHEOLOGY

Appendix G: Heritage Technical Report outlines the investigation undertaken in regards to archaeologically significant areas. A review of previously found heritage resources data revealed four previously recorded finds either within or adjacent to the proposed camp. Based on this it is likely that more heritage resources within the proposed area that have not yet been discovered. Section 6.0 of *Appendix G* concludes: *"[g]iven that the majority of the camp development is more than 100 m from either the shoreline or the riverbank, there is a Low potential for significant heritage resources to be impacted."*

This is, however, conflicting because the scale of Figure 3-1 in *Appendix G* indicates that of the four finds: EaKx-64 is more than 100 m from the shoreline, both EaKx-63 and EaKx-7 are approximately 100m from the shoreline, with only EaKx-12 being less than 100 m of the shoreline. This seems to indicate that there may be finds more than 100m from shoreline, contrary to conclusions cited above. Manitoba Wildlands requests a better explanation of this seeming contradiction.

Where heritage sites have been located in the past indicates a high likelihood of as many as 40 sites based on archaeological predictive modelling standards.

ENVIRONMENTAL PROTECTION PLAN

In numerous locations the EA refers to an Environmental Protection Plan (EPP) to be submitted supplementary to the EA in periodic pieces at periodic points during construction and operation of the proposed development. This EPP is really 'the meat on the bones' of the submitted EA: *"...which will outline mitigation activities and beneficial management practices (BMPs) to be conducted during construction and operation phases of the Project life cycle in order to minimize Project-related environmental impacts. Environmental inspection and monitoring activities will be outlined within the EPP."*

Why is the EPP not part of the EA submission? It appears the proponent is trying to submit an incomplete EA, which will be filled out a later date without an opportunity for public representations as required under the *Environment Act*.⁷ Will the EPP be placed in the public registry? Will there be opportunities for the public to comment on the EPP as it is filed section by section?

Manitoba Wildlands recommends that Manitoba Conservation make sure the EPP is public before licensing and that a comment period be put in place, as it should have been part of the EA. In particular clarity is required as to future practice for reporting under the Act in relation to the operation of the camp under its potential licence.

DFO REVIEW - OPERATIONAL STATEMENT

Section 7.11 of the EA states: *"[a]s the required work activities are not covered by an applicable Operational Statement, a project-specific review by DFO will be sought prior to Project Construction. Any project-specific mitigation measures required by DFO will be detailed in Environment Construction Activities."*

Adding, *"...no significant adverse aquatic effects due to instream trenching and riparian vegetation removal are anticipated during project construction."*

There is a very wide contradiction in Section 7. If The Department of Fisheries and Ocean permit is required then where is the information and results of DFO review? Perhaps the proponent does not understand that these steps are best taken in advance of public review, and decisions under the *Environment Act*. As a good corporate citizen and inline with the company's CSR policies Tim Horton's knows better than to file a proposal with various stray elements missing. Otherwise it may be evident that the Foundation does not operate at the level that its parent corporation claims to operate.

⁷ *Environment Act*, Manitoba Government

<http://web2.gov.mb.ca/laws/statutes/ccsm/e125e.php?ccsm=e125>

Certainly it appears from the EA content that the company, the foundation, and perhaps their consultants do not understand that avoiding federal responsibilities when applying for an environmental licence causes a lot of questions to be asked.

Manitoba Wildlands suggests that ALL the elements of the EA be provided, including for public review, before any licensing decision. This would include: EPP, and federal assessment re water, adequate consultation information, and any other missing reports or notes.

SAND & GRAVEL

Manitoba Wildlands would like an indication if any sand or gravel from a different location will be used for construction of the beach and/or road into the camp? If any other sand or gravel is going to be used, we would like an indication of where this sand or gravel is coming from? In particular we would like to know if sand or gravel is coming from any other crown lands?

EXCAVATION & BLASTING

Section 4.4.4 of the EA states that excavation activities, and in particular rock blasting will be conducted.

"The shockwaves and vibrations generated by blasting can damage internal fish organs, fish eggs or larvae and result in fish kills. ... A blasting plan will be developed in accordance with DFO requirements prior to construction and submitted to DFO for review and approval."

Manitoba Wildlands submits blasting plan should be part of the EA, and should not be solely submitted to DFO for approval.

What about the impacts of rock blasting will have on birds and other species?

We also submit that adequate notification to local residents of when and where blasting will take place, should be a condition of any license granted. It seems noise issues were ignored.

Section 4.6 of the EA claims, *"it is possible to almost fully restore the environment to its original state."* How is this to be achieved if substantial rock blasting takes place?

All of the impacts of blasting have not been adequately considered.

NUISANCE

The proponent claims that noise, light and traffic nuisance will not extend beyond the Construction project (Section 7.3.7.3 of the EA). Yet, 3,800 people will use the site every year, not including staff and visitors. Why make such a claim? There were public concerns regarding lights and noise voiced in the open house and in the media. Surely this requires more assessment. What are the expected impacts on the town of Pinawa? How will notification be handled?

DECOMMISSIONING

Section 4.6 of the EA states: "*[t]here are no plans to decommission the Project along a specified schedule. ...the camp facilities should have a lifespan of 50 years or more and the camp would remain active as long as it is economically viable.*" What does economically viable mean for a charitable summer camp?

Decommissioning costs should be written in as term of the license, if granted. Or in the alternate will the proponent be required to contribute to a trust or reserve fund to cover the costs of decommissioning? If this is not done how can Manitobans be assured that the proponent will bear the cost of decommissioning this proposed site? It is good the proponent is considering decommissioning in its application, but a plan needs to be created. We would remind that this is a site inside a Manitoba Park. All uses should be part of the plan for this park with decommissioning plans, timelines for each site, etc. Again the proponent or its consultants appear to be providing EA content that causes more questions to be asked.

SOCIO-ECONOMIC IMPACTS

Much of the EA focuses on the social and economic benefits that the THCF-YLC will have on the local communities, but these economic considerations should not be given much weight when considering whether to license this proposal. This is an environmental assessment, not an economic assessment. The purpose and intent of Manitoba's *Environment Act* is to consider the environmental impact of proposed developments. These potential environmental impacts of the project then should be primarily considered when deciding whether to license this proposal, and what terms to attach to the license.

SOCIAL BENEFITS CLAIMED

The Tim Horton's Foundation Manitoba representative claimed in interviews and discussions, and in the media that Manitoba children will benefit from this camp. He also confirmed that Aboriginal children from Manitoba would benefit from the camp. Comments were made in the presence of Manitoba Wildlands staff that most campers would be leadership graduates from Tim Horton's camps around the US. During peak operation of the camp (end of June to beginning of September) primarily non-Manitoban children will benefit. Manitoba Wildlands believes the proponent needs to be clear about whether and when Manitoba children, including Aboriginal children will be able to use this camp?

WASTEWATER TREATMENT

Manitoba Wildlands submits that quarterly water quality reports of wastewater treatment should be a condition of the license, if granted. We also submit that these quarterly reports should be included in the public registry, and made publicly accessible.

It is worth noting that towns in Manitoba are required to submit quarterly water quality reports, so a camp that will host 3,800 people per year should comply with the same standards.

SPECIES

The species reports in the EA do not seem adequate.

Section 6.2.1.1. of the EA states that "*[a] pre-construction survey for rare plant species was not possible due to timing considerations.*" Manitoba Wildlands does not accept this answer; the survey for rare plant species should have been done before the EA was filed.

Additionally, field investigations lasting only a couple of days can only provide so much information, as different species may appear at different time of the year. While the EA did refer to data from the Manitoba Conservation Data Centre, this could have been more thorough. Data exists on Whiteshell Park and there are extensive Manitoba Government species data set for the East Side of Lake Winnipeg. These and other data could have been accessed through the Conservation Data Centre, Government Departments, previous environmental studies in the area, and from local and indigenous knowledge.

The "*wildlife surveys focused on birds, with a reconnaissance level of investigation for other wildlife species.*" (EA Appendix E: Section 3.1). Manitoba Wildlands does not accept this. If a wildlife study is not performed for all species types, how are we to know what the potential impacts are on the wildlife in the proposed development area? Once again this EA creates more questions than answers.

Even though no bald eagles were observed during the few days of wildlife study, it is well-known local knowledge that bald eagles frequent area where the camp is proposed. What mitigation activities, if any, will be undertaken to protect bald eagles.

Section 6.2.3 states "*[t]here were no observations of bald eagles or their nests, which was a concern raised by a minority of respondents to the Public Communications Program.*" By this logic a majority of respondents has to name a species for that species to be relevant for the effects of assessment.

As the EA notes Section 6.2.4 notes: "*[t]he beaver flood provides a breeding area for a diversity of amphibian species (e.g., toads, frogs, salamanders).*" Will this beaver flood be disturbed?

Section 6.24.1 of the EA claims: "*[t]he northern leopard frog is the only amphibian species found within the region that is listed as special concern by SARA (Schedule 1) and COSEWIC.*" Yet there is not further description in the EA of what mitigating efforts will be undertaken. What mitigation activities, if any, will be undertaken to protect northern leopard frogs?

Manitoba Wildlands submits that mitigation activities that protect species need to be made part of the license, if granted.

Manitoba Wildlands rejects the species information in the EA product for the proponent. This first analysis is likely to form the baseline upon which future analyses will be compared to. It is vital therefore that the species surveys be as complete as possible. The 'social license' and charitable goods for this project should be based on conservation biology, and ecological thinking - both of which are lacking in the EA as outlined above.

CONCLUSION

Manitoba Wildlands expected a more complete EA from the Time Horton's Foundation.

Disposition:

Comments concerning park planning were forwarded to the Parks and Natural Areas Branch for consideration. Comments concerning aboriginal consultation are discussed further in the TAC Comments on the project. Additional information was requested to address several of the comments, and several other comments can be addressed as licence conditions.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE (TAC)

Manitoba Conservation – Sustainable Resource and Policy Management Branch

The Sustainable Resource and Policy Management Branch and the Land Programs Branch recommend that a construction staging plan and diagram be completed. The plan can outline areas for clearing and excavation and identify temporary storage, lay down areas, waste container and sanitary facility locations. The plan will ensure that waste is stored in compliance with *the Onsite Waste Water Management Systems Regulations* as well as *Storage and Handling of Petroleum Products* requirements. The plan can identify areas that need to be cleared for parking lots and recreation and use these areas for temporary storage of construction materials.

A staging plan will also reduce the footprint of clearing hopefully maintaining some of the forest aesthetic sought by the Tim's Horton's Children's Foundation and could be useful as a component of the Environmental Protection Plan.

In addition to our previous comments we offer the following:

- When comparing figures 4-12 and 4-13, the “possible blasting area” overlaps with the “no blasting zone”. This is located on the East H2 habitat shoreline around the water treatment plant.
- A frequently expressed concern from the public consultation is that the location has rapidly flowing water. There is mention of a response in the Site Selection section 5.1 but there is not much detail (mentions a report but no findings, just that they think they can handle it) nor is the solution clarified. This will likely continue to be a concern if not further discussed.
- Section 6.4.14 describes the Aboriginal communities in the area, but nothing further. Have these communities been notified of the development? If not, there should be justification of why they are mentioned and nothing further has taken place, as in, not considered affected by the development or not in close proximity. This discussion could be placed in section 7.3.7 (*Note: Section 7.3.6 is missing*).

Disposition:

Additional information was requested to address the final three comments. The other comments can be addressed through licence conditions.

Manitoba Conservation – Aboriginal Relations Branch

A review of the Environment Act Proposal for the *Tim Horton Children's Foundation Youth Leadership Camp – Sylvia Lake* has been done by the Aboriginal Relations Branch at Manitoba Conservation. We have some questions regarding this project, and feel that they should be addressed by the lead branch issuing this licence.

The project area for this proposal falls entirely within provincial crown lands, therefore the likelihood of infringing upon the ability to exercise treaty and Aboriginal rights is significantly increased. The proponent has stated that both Manitoba Conservation and the Tim Horton Children's Foundation (THCF) have identified a number of First Nation communities that may have interests in this area, including Sagkeeng First Nation, Brokenhead First Nation, Lake St. Martin First Nation, Lake Manitoba First Nation, Whitedog First Nation, Fairford First Nation, and Black River First Nation. Further, the proposal indicates that correspondence has been sent to these communities, and Manitoba Conservation and THCF are awaiting replies. Though this initial communication is a positive first step, it is not the equivalent of consultation.

As Manitoba Conservation is aware, if a thorough, adequate consultation process is not completed by the Government of Manitoba prior to project approvals being granted, the possibility of a successful legal challenge from First Nation and Aboriginal communities is significantly increased. The claim could be based on unjustified infringement(s) of a Treaty or Aboriginal right.

We assume that we do not know all of the aboriginal that are beyond the assertions already made, therefore, information gathering and consultation processes are required to bring these issues forward by the people who may be affected by this initiative.

The Government of Manitoba has a duty to consult in a meaningful way with First Nation communities, Metis communities, and other aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or aboriginal right. *As such, we recommend that the lead branch working on this case complete an Aboriginal Consultation Assessment form to determine if consultation is required* (a copy is attached).

Disposition:

The Eastern Region of Manitoba Conservation has completed a consultation assessment and initiated contact with potentially affected First Nations to determine their interest in consultation. The status of these activities will be reviewed prior to an Environment Act licensing decision.

Manitoba Conservation – Parks and Natural Areas Branch

Licence Specific Comments

6.2.1.1 Species At Risk

This section states that “A pre-construction survey for rare plant species was not possible due to timing considerations. A botanical survey to determine the presence of any such species will be completed as early as possible in the Spring, so that any localized areas needing protection can be identified and the potential for foot traffic to impact the Site can be mitigated”. Construction and development of the site has a much greater potential to negatively impact rare species than foot traffic either during construction or during operation of the camp. The time-line presented in the proposal precludes the ability to conduct any rare species surveys prior to clearing etc and thus precludes the ability to mitigate for the presence of rare species. A rare species survey of the site should be conducted prior to the initiation of any construction activities including clearing in order to mitigate for any and all impacts to rare species. As per **Appendix D: Vegetation Technical Report**, general vegetation surveys were conducted in Mid August and late September. At this time not all the plants observed on site were identifiable to the species level as evidenced by the species list provided. Of particular concern this table refers to unidentified violet and unidentified sedge species being observed. Two of the rare species potentially occurring on site are the Dog Violet (S3) and Emory’s sedge (S2). Due to the inability to accurately identify the species found, it is not known if these specimens were the rare species or commonly found species. As such the Branch requests a rare plant species search be conducted between mid-May and mid-June (the most appropriate time as determined by the CDC) and the clearing, excavation, and construction works not commence until after such a time that all appropriate mitigation measures have been determined and conducted.

7.0 Environmental Effects and Mitigation

Very few confirmed mitigation measures to reduce negative environmental impacts have been presented in this proposal. It has been stated that an Environmental Protection Plan that includes all proposed mitigation measures is to be submitted at a later date. As this proposed project is within a provincial park, Parks and Natural Areas must ensure that the mitigation measures being proposed are appropriate and sufficient. Parks and Natural Areas Branch requests that the following condition be put into the Environment Act Licence: No work is to commence prior to the Environmental Protection Plan being submitted and approved.

4.1.3 Site Plan

Parks and Natural Areas Branch has not yet issued a lease to the proponent. As a condition of the lease the proponent must obtain a Site Plan Permit from Parks and Natural Areas Branch prior to commencing any work on site. To obtain a permit the proponent must submit a final site plan to Jeff Colpitts, Manager of Park Districts Parks and Natural Areas Branch, Manitoba Conservation at:

200 Saulteaux Crescent
Winnipeg, Mb. R3J 3W3
Ph. (204) 945-4406
Fax. (204) 945-0012

e-mail : Jeff.Colpitts@gov.mb.ca

Other Comments on the Environment Act Licence Proposal

There are several aspects of this proposed project that Parks and Natural Areas Branch will be working directly with the proponent to ensure that the proposed development is designed to be suitable and appropriate for a provincial park and to help mitigate potential negative environmental impacts. These aspects will be managed and mitigated for through the Parks lease process.

Page 4.22 Table 4-4 – Revegetation and Landscaping

All disturbed areas are to be revegetated using native species typical to the area. A landscaping and planting plan is to be submitted to Parks and Natural Areas Branch for approval through the lease process. This is to include a list of species to be planted, and the location of where they are being planted. In areas that are going to be converted into grass (e.g. soccer field, outdoor challenge area) Kentucky blue grass is considered to be a suitable species. This plan must also incorporate in detail what is being proposed to FireSmart the site (see below for comments referring to FireSmart).

Section 4.4.3 Clearing Requirements

Parks and Natural Areas Branch agrees that FireSmart principles should be applied to the site. However, the FireSmart principles presented in the proposal as they pertain to zone one fuel reduction requirements have been misinterpreted. This misinterpretation will result in the removal of a lot more vegetation than is necessary or appropriate for the location and diminish the wilderness experience of the proposed camp that the proponent is looking for.

The proposal states “*A buffer of at least 10 m will be cleared from established buildings, where possible, in accordance with the Manitoba Conservation Firesmart Program....Selective tree thinning will be conducted in areas beyond the 10 m Firesmart buffer and where the buffer was not possible to establish. Tree-thinning activities will focus on flammable trees including pine, spruce and juniper shrubs and will retain less flammable trees such as aspen, poplar and birch, where possible.*” FireSmart principles do not state that a buffer must be completely cleared within 10m of structures. It is important to note that all vegetation does not have to be removed and grass planted. There are many fire proof species of plants and shrubs that will not support fire and will burn with low intensity. Low-growing plants with thick succulent leaves tend to resist fire and provide greater protection for buildings. The main objective of fuel management in this zone is to create an environment that will not support fire of any kind. Pruning, thinning, species conversion and removal of dead and downed trees in this zone is of course important. It is also important to apply these fuel-management guidelines with discretion (soil erosion, blow downs). Beyond 10 m within priority zone 2 (10 – 30 m from structures) the goal of vegetation management is to create an environment that will not support high-intensity crown fires. This is accomplished through fuel reduction rather than fuel removal. Thinning of deciduous stands or the removal of deciduous trees from mixed stands is discouraged.

Through the lease process Parks and Natural Areas Branch will work with the proponent and Jeff Erwin, Fire Prevention Officer - Wildland Urban Interface Specialist, with the Office of the Fire Commissioner, to determine an appropriate clearing and revegetation program to ensure that the site adheres to FireSmart principles, that wildlife habitat in close proximity to the proposed development is maintained, and that the feeling of being in the wilderness is maintained.

6.3 Aquatic Environment

Significant alterations to the shoreline along the east side of the camp are referred to in the proposal but not written about in detail. In general, proposed alterations include the removal of a significant amount of shore line vegetation, the removal of a significant amount of aquatic vegetation just offshore, and the development of a beach including the addition of sand. As stated in the proposal *“the required work activities are not covered by an applicable Operational Statement, a project-specific review by DFO will be sought prior to Project Construction. Any project-specific mitigation measures required by DFO will be detailed in an Environmental Protection Plan for Construction Activities.”*

Parks and Natural Areas Branch is to be provided with the details of the proposed instream and shoreline works associated with the proposed project as well as DFOs report and recommendations on this proposed project.

The proposed location of the major shoreline alterations is referred to as the ‘east shore’. In the proposal the east shore has been categorized as having a silty-clay material sediment, highly vegetated riparian zone, healthy aquatic vegetation, with negligible current. DFO has categorized this shoreline as H2 habitat which provides potential spawning habitat for small bodied fish species and nursery, rearing and feeding habitat for small and large bodied fish species. DFO considers the east shoreline to be Important Fish Habitat. This area is also susceptible to spring flooding and has been determined to be susceptible to disturbance (**Appendix F**).

Section **7.3.6** refers to possible mitigation measures along the shoreline being implementation of erosion control measures and retention of riparian vegetation to the extent possible. Parks and Natural Areas Branch submits that the proposed actions in Section 6.3 and generally shown Figure 4-11 are in contradiction to these mitigation measures. Figure 4-11 shows complete removal of all shoreline vegetation within ~15 m of the water line, with grass being planted in place of natural vegetation. Based upon these findings as reported in the proposal and EIS, Parks and Natural Areas Branch feels that the proposed extensive clearing of riparian and aquatic vegetation and the construction of a beach to be inappropriate due to the cumulative effects of these alterations on shoreline stability and fish habitat. The loss of vegetation in an area determined to be susceptible to flooding and disturbance with clay-loam soils will result in a large amount of erosion, even with negligible currents. Through the review of the proponent’s landscaping plan as well as the results of DFOs review, Parks and Natural Areas Branch will work with the proponent through the lease process to develop an appropriate and suitable shoreline alteration strategy.

Disposition:

These comments can be addressed as licence conditions.

Manitoba Conservation – Wildlife and Ecosystem Protection Branch

Birds:

Due to the nature of this site (mixed woods, with low lying areas, combined with a rocky shoreline area), we can expect that it supports a rich complement of associated avian species.

Initial construction period (vegetation clearing, grubbing, etc.) should not occur during the spring breeding season; also, if any eagle/osprey nests are identified subsequent to starting work, staff should be notified immediately to determine subsequent mitigative actions. A buffer should be left to preserve riparian habitats wherever possible.

Big Game Species, Furbearers and Other Mammals

As with avian species, the major impacts to many furbearers and small mammal species will be local, associated with disruption of residents during rearing of young and food caching, as well as loss of winter nesting/den sites and established food caches. The initial construction activities should be timed to avoid disruption as much as possible.

While white-tailed deer, wolves and other mid-sized carnivores occur in this area and in similar habitats in the region. It is expected these species would avoid the site in response to initial construction activities. Again, construction activities should be scheduled to avoid the spring period when young-of-the year are being born.

Staff and participants in the camp should be aware that human /wildlife encounters may occur and that educational programs such as “Bear Smart” be utilized and promoted.

Species at risk:

SAR surveys need to focus on habitats that those species require, determine how extensive & where these habitats exist, survey for those species in their preferred habitats, and then make recommendations on areas to avoid based on those surveys.

The observation of a Barred Owl suggests that the area has mature deep-woods forests - probably associated with riparian swamps & forest. This is the same sort of habitat also favored by the Olive-sided Flycatcher - a SAR that they never considered. Two other SAR that should have been considered in the inventories & avoidance of suitable habitat for these should be considered in construction are the Whip-poor-will & Canada Warbler.

Additional surveys should be completed prior to start of construction and if any are identified staff should be notified immediately to determine subsequent mitigative actions.

Habitat Mitigation:

Sensitive habitat features should be avoided and minimized throughout the construction process.

Unavoidable and permanent impacts on habitat should be mitigated through in-kind off-site mitigation. The Wildlife & Ecosystem Protection Branch has a mitigation program that would facilitate off site mitigation. The proponent can contact the Branch for details on the program.

Disposition:

These comments were provided to the proponent's consultant for information. Most of the comments can be addressed as licence conditions.

Manitoba Conservation – Environmental Services Branch

It is recommended that the proponent provide more information on:

1. the sizing, design, and operation of the wastewater treatment system and disposal/treatment field, including information with respect to dosing frequency and cycles;
2. winter operation of the field to prevent freezing due to reduced wastewater flows;
3. anticipated volumes of sludge generated and the disposal method of the phosphorus rich sludge (due to the addition of alum);
4. the sand identified for the pressurized sand treatment mound (which does not achieve the ASTM C-33 standard identified in Figure 4-8 or the provincial specified sand requirements); and
5. the ability of local waste disposal grounds to dispose of solid waste generated.

Disposition:

Additional information was requested to address these comments.

Manitoba Conservation – Environmental Operations

1. Re: Proposed Wastewater Management System
 - We request the proponent to comment on the potential for freezing of the treatment mound during winter operation, and whether any preventative measures and/or contingency plans are proposed.
 - We request verification that the wastewater management system includes a component for the interception/collection of greases that will be generated by the commercial kitchen operation.
 - The proposal indicates that precipitated phosphorus and septage will be pumped out by a licenced wastewater hauler. We recommend that the proponent provides verification of an agreement with the owner/operator of the receiving facility and that the facility has adequate capacity to accept the wastes.

2. Re: Proposed Solid Waste Management System

- The proposal indicates that construction waste will be managed in accordance with the *Waste Disposal Grounds Regulation*. We note that construction waste management should also adhere to Manitoba Conservation *Guideline 2002-01E: Guideline for Construction and Demolition Waste Management*.
- The proposal indicates that solid waste will be transported to the nearest licenced landfill capable of receiving such wastes. We recommend that the proponent provides verification of an agreement with the owner/operator of the receiving facility and that the facility has adequate capacity to accept the wastes.

Disposition:

Additional information was requested to address these comments.

Manitoba Water Stewardship

Manitoba Water Stewardship has reviewed the referenced file, forwarded for comment on November 25, 2010.

- Manitoba Water Stewardship recommends an *Environment Act* Licence to include the following requirements:
 - The Licencee shall, prior to the commencement of construction, submit an application for a Water Rights Licence to Construct Water Control Works, pursuant to *The Water Rights Act*, including the submission of an engineered drainage plan, prepared by a Professional Engineer, registered to practice in the Province of Manitoba.
 - A contact person is Mr. Geoff Reimer C.E.T., Senior Water Resource Officer, Water Control Works and Drainage Licensing, Manitoba Water Stewardship, telephone: (204) 467-4450.
 - The Licencee shall comply with Manitoba Water Stewardship's Wetland Policy:
 - The net loss of semi-permanent or permanent wetlands shall not occur. Wetlands are defined as areas that are periodically or permanently inundated by surface or ground water long enough to develop special characteristics including persistent water, low-oxygen soils, and vegetation adapted to wetland conditions. These include but are not limited to swamps, sloughs, potholes, marshes, bogs and fens.
 - A proponent shall establish and maintain an undisturbed native vegetation area with at least a 15-metre width.
 - In order to protect riparian areas, establish and maintain an undisturbed native vegetation area, comprising the Crown reserve, pursuant to *The*

Crown Lands Act, located upslope from the ordinary high water mark and adjacent to surface waters:

- A 30-metre undisturbed native vegetation area is required for lands located adjacent to Sylvia Lake;
 - The combined alteration—including new and existing structures—within this undisturbed native vegetation area is limited to a maximum of 25 % of the shoreline length (for example: 25 metres per 100 metres of shoreline length) of each lot for a boat house, path, dock, etc.; and,
 - Alteration within this undisturbed native vegetation area—including a dock and/or the removal of near shore or stream aquatic habitat—shall not occur unless an activity conforms to a Department of Fisheries and Oceans Canada Operational Statement or an activity is reviewed by the Department of Fisheries and Oceans Canada.
- The Licencee shall submit an application for a Crown land general permit and/or Crown land lease to the provincial Crown Lands and Property Agency, prior to the commencement of construction.
 - Note: The proponent needs to be advised that the Crown land application process may require at least several months of time before an approval may be issued.
- The Licencee shall develop an emergency response plan, including the following:
 - procedures to report the emergency use of the dry hydrant and mitigation measures for potential effects (if fire water travels into the lake) to the aquatic ecosystem.
 - contingency measures for the possible failure of a wastewater treatment facility that includes hauling wastewater in a timely matter after a failure.
 - Note: Section 7.4.3.2 of the Proposal notes that that the wastewater treatment facility will be a source of nutrients. All measures should be conducted to ensure that nutrients from the facility do not enter surface waters.
- The Licencee shall contact Manitoba Water Stewardship’s Regional Fisheries Manager, prior to testing the dry hydrant.

- Note: The Proposal indicates that the dry hydrant will be constructed in accordance with the Department of Fisheries and Oceans Canada's Intake End of Pipe Screen Guidelines.
- The Licencee shall develop an in-depth pre-project assessment of fish utilization/presence, particularly along the east shore. An additional assessment shall be developed once the project works are complete to verify the predicted project effect of "no significant adverse aquatic effects."
 - Note: In terms of the fishery, Manitoba Water Stewardship would anticipate there would be some immediate/local effect with the alteration to the littoral zone and riparian area. Given the size of the footprint, Manitoba Water Stewardship would not anticipate that the development of this proposed project would affect the fishery.
- The Licencee shall submit an application for a Water Rights Licence to use groundwater to supply the proposed development with potable water, prior to the commencement of construction.
 - A contact person is Mr. Rob Matthews, P. Geo., Manager, Water Use Licensing Section, telephone: (204) 945-6118.
- The Licencee shall submit an Environmental Protection Plan to Manitoba Water Stewardship for review and approval, prior to the commencement of construction.
 - Note: The Proposal mentions that an Environmental Protection Plan will be developed.
- The Licencee shall develop a decommissioning plan, including the identification of responsible parties and projected costs.
- The Licencee shall develop and implement a water quality monitoring program. The water quality monitoring program shall be submitted to Manitoba Water Stewardship for review and approval, prior to the commencement of construction. Water sample test results shall be conducted by a laboratory accredited by the Canadian Association for Laboratory Accreditation Inc. (CALA; Internet address = <http://www.cala.ca>). The Licencee shall submit the water sample test results to Manitoba Water Stewardship.
- The Licencee's semi-public water systems that have a distribution network shall implement secondary disinfection (in-line chlorination), if the distribution network extends for at least 100 metres in either direction.
 - Note: The Proposal specifies that the water treatment system will consist of proprietary media filter, a series of cartridge filters down to

1 micron size, ozone disinfection at the treatment facility and point of entry UV inactivation at each building.

- A contact person is:
 - Mr. James Stibbard, P.Eng., Approvals Engineer, Office of Drinking Water, Manitoba Water Stewardship, telephone: (204) 945-5949
- Manitoba Water Stewardship submits the following concerns:
 - Manitoba Water Stewardship's concerns with this proposal include the following:
 - the alteration of pristine near shore aquatic and riparian habitats;
 - all development will contribute nutrients to Sylvia Lake, the Winnipeg River, and Lake Winnipeg;
 - currently road access into Sylvia Lake does not exist; and,
 - the potential for development to continue along the shoreline of Sylvia Lake after road access is established.
 - This proposed development is located within the Seven Sisters Water Power Licence and the Winnipeg River Water Power Reserve; the proposed development is subject to *The Water Power Act* and Regulations thereunder.
 - For water power purposes there are two types of uses for the land:
 - temporary or compatible with the risks associated with flooding:
 - An example of compatible use would be a dock.
 - For compatible or temporary uses of the land, a general permit is required and an application shall be submitted to the provincial Crown Lands and Property Agency.
 - permanent:
 - An example of permanent use would be the associated structures such as cabins.
 - For permanent uses of the land, a Crown land lease is required and an application shall be submitted to the provincial Crown Lands and Property Agency.
 - For permanent use of the land the water power licence and/or water power reserve must first be withdrawn. To withdraw a reserve/licence, the proponent must submit a survey, delineating a suitable parcel of land.
 - Manitoba Water Stewardship will only recommend the withdrawal of the reserve/licence for lands that are protected

against the 100 year flood on Sylvia Lake and against 50 years of potential erosion.

- Once the licence/reserve is withdrawn by Ministerial Order, the lands can then be dealt with under *The Crown Lands Act* and a lease can be issued.
- In Section 6.1.6.1, the proponent's findings of water chemistry are consistent with historic data taken from upstream sites on the Winnipeg River. Respecting chlorophyll-a, however, it should be noted that water samples were collected in November 2009 and late September 2010, a time of year when chlorophyll-a would be low and when recreational activities are unlikely. Provincial historical data indicated that chlorophyll-a concentrations in mid to late summer, when recreation is likely to occur, are evidence that algal blooms occur in the Winnipeg River.
- As noted by the Proposal, the Winnipeg River provides year round and seasonal habitat for a number of large and small bodied fish species, including lake sturgeon and potentially carmine shiner and chestnut lamprey. The proposed development area is dominated vertical bedrock outcrops (650 m) along the north shore and gradual sloping aquatic vegetated areas along the east shore (250 m). While the consultants did not conduct field investigations for fish presence and utilization in the area of the proposed camp; consultants did identify the north shore as important habitat for migration and overwintering purposes and the east shore as important habitat for spawning, nursery and forage. Utilization of the east shore by various life stages of small and large bodied fish species is supported by sampling that was conducted in 2003. Northern pike, yellow perch and white sucker (adult and juvenile stages), smallmouth bass, spottail shiner, mottled sculpin and johnny darter were caught in this area. Depending on how unique the sand substrate and aquatic vegetation is in this area, given the general predominance of bedrock, this type of habitat may be more important than recognized. There is also the possibility that ammocoete lamprey may utilize the limited sandy areas.
- It is unclear whether the proposed water treatment plant that will remove groundwater from a near-shore well will be chlorinated or otherwise treated. No back-flush water should be directed to Sylvia Lake, nor any water treated with chlorine or other disinfectant.
- In regards to lake sturgeon, this area between Slave Falls to Seven Sisters is located in Management Unit 6 within Designatable Unit 5. Designatable Unit 5 covers the Winnipeg River and English River populations. According to the Recovery Potential Assessment of Lake Sturgeon – Winnipeg River-English river Populations (Designatable Unit 5) document (attached), the protection and maintenance of the functional attributes, of current spawning, egg rearing, summer feeding and overwinter habitat, and the connecting migration routes, is critical for the long-term survival and recovery of sturgeon in this Designatable Unit. Manitoba Water Stewardship is in the process of updating

its Lake Sturgeon Management Plan; this planning document will guide future management of sturgeon in Manitoba.

- Overfishing and hydroelectric dams and impoundments are recognized as the most significant threat to the long term survival and recovery of lake sturgeon within Designatable Unit 5 with all other threats (agricultural, urban development, industrial) being deemed unimportant. Manitoba Water Stewardship's Regional Fisheries Manager has reviewed the Recovery Potential Assessment of Lake Sturgeon – Winnipeg River-English river Populations (designatable unit 5) document and Table 4 (threats and possible mitigation) and there does not appear to be any direct threats listed in the Table that are applicable to this proposed development that have not been addressed.
 - In terms of project specific impacts, potential fisheries concerns are related to construction works such as blasting and alteration of the near shore aquatic habitat and riparian area, establishing beach, docks and dry hydrant. The Proposal indicates the proponent will adhere to the Department of Fisheries and Oceans Canada's Operational Statements and/or the works will be reviewed by the Department of Fisheries and Oceans Canada. For example the total surface area for the proposed docks is 460 m², this is greater than the Department of Fisheries and Oceans Canada's Operational Statement total surface area limit of 50 m². Although these are a floating type, to be removed each fall, the concern is typically with shading effects and fish disturbance from the use of the docks. This project work will require review by the Department of Fisheries and Oceans Canada.
 - The proponents indicate only 18% of the property shoreline will be altered but both the swimming area and the beach are part of the plan and there is very limited sand substrate available at the proposed site. The report lacks plans specific to the creation of the beach and potential removal of aquatic vegetation other than to make note of the Department of Fisheries and Oceans Canada's Operational Statement pertaining to aquatic vegetation removal. The area near the water's edge appears to be mature forest which according to figure 4-11 will be converted to beach area. If the intention is to replace with sod as well as import sand for the area immediately adjacent to the water, depending on how close the grassed area is to the shoreline, the application of fertilizers and pesticides may not be allowed. It is recommended that the applicants try to retain as much native vegetation as possible reducing the overall footprint to the riparian and near shore habitat.
 - In addition to limited alteration within the riparian zone, the Proposal does not indicate the width of riparian area adjacent to the lake. It would appear from Figure 4-1 that some of the internal roads, the pavilion and some of the yurts are within the Crown reserve.
- Manitoba Water Stewardship submits the following comments:

- Manitoba Water Stewardship does not object to this proposal, at this time.
- Manitoba Water Stewardship recommends establishing a moratorium on any future proposals for development along Sylvia Lake, at least until broader level planning identifies the degree to which development should take place and perhaps even the locations (concentrating development to areas already impacted).
- Regarding the Proposal's Section 7.4.5 – Aquatic Flora and Fauna:
 - Summary statement at the end of this section is incorrect (referencing “wildlife”).
- Regarding the Proposal's Appendix F:
 - Field work was conducted over two field days to compile the assessment and direct fish sampling was not conducted. The remainder of the work was conducted via a desktop analysis. As a result, there are some species record errors in Table 4.
 - The Proposal notes that there are no aquatic species at risk listed under Manitoba legislation. Although true, this is misleading because Manitoba does not list aquatic species under provincial legislation. Aquatic species at risk would be listed under federal legislation.
- The Manitoba Department of Water Stewardship is mandated to ensure the sustainable development of Manitoba's water resources. Manitoba Water Stewardship is committed to the goals of: protecting aquatic ecosystem health; ensuring drinking water is safe and clean for human health; managing water-related risks for human security; and stewarding the societal and economic values of our waterways, lakes and wetlands; for the best water for all life and lasting prosperity. Manitoba Water Stewardship achieves these goals, in part, through administering legislation, including *The Water Protection Act*, *The Water Rights Act*, and *The Water Power Act*.
- The proponent needs to be informed of the following for information purposes:
 - Erosion and sediment control measures should be implemented until all of the sites have stabilized.
- The Manitoba Department of Water Stewardship's recent policy direction recommending Public Reserves to protect water is founded, in part, on the 135 recommendations in the Lake Winnipeg Stewardship Board's (December 2006) report titled, “Reducing Nutrient Loading to Lake Winnipeg and its Watershed, Our Collective Responsibility and Commitment to Action.” All 135 recommendations were accepted in principle by the Minister of the

Manitoba Department of Water Stewardship, on behalf of the Government of Manitoba.

- Maintaining an undisturbed native vegetation area immediately adjacent to the shoreline of lakes, rivers, creeks, and streams helps stabilize banks, provides aquatic and wildlife habitat and protects water quality through filtering overland runoff. The width of an undisturbed native vegetation area should be the widest width possible and practical. In conjunction with other best management practices such as eliminating fertilizer use adjacent to surface waters, and the proper management and disposal of waste water, maintaining an undisturbed native vegetation adjacent to waterbodies is important to help prevent degradation of water quality.
- This collaborative effort between the proponent and Manitoba to develop a camp in the pristine Manitoba wilderness provides an excellent opportunity to set an example of minimal impacts to the aquatic environment. This includes a requirement for the use of environmentally-friendly products only. Manitoba is supportive of the Lake Friendly Products Campaign which promotes the use of products that are Ecologo™ certified. These products are the best environmental choice to minimize impacts to the environment, particularly products that will end up in the wastewater stream such as paper products and cleaning products. This proposed development is also consistent with *Manitoba's Sustainable Development Procurement Guidelines* developed in 2002.

Disposition:

These comments were provided to the proponent's consultant for information. Several of the comments can be addressed through licence conditions.

Manitoba Culture, Heritage and Tourism - Historic Resources Branch

A heritage resources impact assessment (HRIA) has been completed by Stantec for this project and we are just waiting for their report regarding the extent of heritage resources in their study. An HRIA will not be necessary to determine the extent of heritage resources since it has been completed. However, we do need to review the consultant's report in order to provide clearance for this project to proceed. I have spoken with the consultant and he will be dropping off the report but had indicated that there were no heritage resources found because the degree of erosion in the area. I can formally confirm this once I review the report. I'll keep you posted.

Regardless should any heritage resources be encountered during the development, then the proponent must contact our office to determine an appropriate mitigation strategy. If you have any further questions, please feel free to contact me at any time.

Disposition:

This information can be addressed as a licence condition.

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch

We have reviewed the above mentioned project requested in your letter on December 1, 2010 and we have no objection regarding the proposed development. However, we would like to raise the following comments for consideration:

1. A permit will be required for the access connection to PR 307 from Manitoba Infrastructure and Transportation (MIT) and for any construction above, on or below ground level, including the placement of signs, within 38.1 m (125 ft) from the edge of the highway right-of-way.
2. A Traffic Impact Study will be required for the proposed development from MIT by a qualified transportation engineer who would identify the impact of the traffic generated by this development would have on the intersection with PR 307. There may be a need for on-highway improvements to safely accommodate the traffic generated by the new development. The cost of the Traffic Impact Study and any required on-highway improvements would be the responsibility of the developer. The contact person is Mr. Heinz Lausmann.

If additional information or clarification on these requirements are needed, the applicant can contact Mr. Murray Chornoboy, Regional Planning Technologist at telephone number 204-346-6287 or Mr. Heinz Lausmann, Senior Highway Planning Engineer at telephone number 204-945-2664.

Disposition:

This information was provided to the proponent's consultant.

Canadian Environmental Assessment Agency

I have completed a survey of federal departments with respect to determining interest in the project noted above. I can confirm that the project information that was provided has been shared with all federal departments with a potential interest. I am enclosing copies of the relevant responses for your file. Based on the responses to the survey the application of the *Canadian Environmental Assessment Act* (the Act) by a federal authority is uncertain for this project.

Fisheries and Oceans Canada (DFO) has indicated that they need additional information in order to determine whether or not the Act will be triggered. Once that information has been reviewed by DFO, a determination will be made on whether the Act applies. I will notify you of DFO's determination once it has been made.

Transport Canada (TC) advises that they also require additional information in order to determine whether or not the Act will be triggered. This information should be provided in the form of a completed application for approval under the *Navigable Waters Protection Act* (NWPA). The application must be submitted to TC's Navigable Waters Protection Program (NWPP) for review (see attached application form and application guide). The address for the NWPP is

Navigable Waters Protection Program
 Transport Canada
 1100-9700 Jasper Avenue
 Edmonton, AB T5J 4E6

Environment Canada (EC) and Health Canada have confirmed that they can provide specialist advice on request. Contact information is contained in the attached copies of their responses to the Agency's survey.

Disposition:

This information was provided directly to the proponent by CEAA. DFO indicated an interest in participating in the provincial assessment process.

Fisheries and Oceans Canada (DFO)

More information is requested as follows:

1. The blasting plan. Is there any in-water blasting planned at all?
2. Aquatic vegetation removal. What is the extent (in area) of the aquatic vegetation removal, what method(s) will they use (i.e. by hand, by machine, chemical, in conjunction with dredging), how often will they have to remove aquatic vegetation (i.e. annual)?
3. Beach development. Will sand be added to the beach area? If so, how much and where?
4. Riparian vegetation removal. What is the extent (in area) of the riparian vegetation removal?
5. Will any of the borrow areas impact fish habitat?
6. How close to shore will the well be drilled?
7. What are the mitigation plans for the in-water trenching of the water intake line? Will there be isolation of the work site?
8. There was a Town Hall meeting in Pinawa in April 2010 but the details are not in Appendix A. What concerns were expressed at that meeting?
9. It says the access road will not be included in the scope. When will the proposal of the road be available for review?
10. When will the Environmental Protection Plan be available? Before or after the EA?
11. Was any sampling done in the east beach area to determine fish use of the site?
12. How much shallow, well-vegetated in-water habitat (similar to the east shore site) is available in Sylvia Lake?

Disposition:

This request for information was forwarded to the proponent and consultant for response.

ADDITIONAL INFORMATION:

Additional information was requested on January 21, 2011 to address public and most TAC comments. The DFO request for additional information was forwarded on January 26, 2011. The requested additional information, dated March 10, 2011, was received on March 14, 2011. The information is attached to this summary.

The additional information satisfactorily addresses the requested items.

PUBLIC HEARING:

One request for a public hearing was received for this proposal. A public hearing is not recommended due to the limited interest in a hearing.

RECOMMENDATION:

All comments received on the Proposal have been addressed through additional information, by providing information to the proponent's consultants, or can be addressed through licence requirements. Therefore, 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.

It is further recommended that enforcement of the Licence be retained by the Environmental Assessment and Licensing Branch until construction of the facilities is completed. Enforcement of the licence then should be assigned to the Eastern Region.

Prepared by:

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Environmental Assessment and Licensing - Land Use Section

January 27, 2010 Updated March 24, 2011

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