

Environment Act Licence Loi sur l'environnement Licence

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Licence No./Licence n° 2707
Issue Date/Date de délivrance November 1, 2005

**IN ACCORDANCE WITH THE ENVIRONMENT ACT (C.C.S.M. c. E125)
THIS LICENCE IS ISSUED PURSUANT TO SECTION 11(1) TO:**

ROB DENOLF; "the Licencee"

for the construction and operation of the Development, known as the Four Seasons Island Resort Golf Course, being an eighteen hole public golf course located on 132 Government Road at Oak Lake Beach, Oak Lake, Manitoba within the Rural Municipality of Sifton, and in accordance with the Proposal filed under The Environment Act, dated August 8, 2005, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

In this Licence:

"**Director**" means an employee of the department appointed as such by the Minister.

"**Integrated Pest Management Plan**" (IPMP) means a program designed to achieve stated objectives with respect to Pest Management at the Development, and to promote the optimum environmental and physical condition of the landscape, which includes text, drawings or illustrations describing the program.

GENERAL TERMS AND CONDITIONS

This Section of the Licence contains requirements intended to provide guidance to the Licencee in implementing practices to ensure that the environment is maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for present and future Manitobans.

****A COPY OF THE LICENCE MUST BE KEPT ON SITE AT THE DEVELOPMENT AT ALL TIMES****

1. The Licencee shall locate fuel storage and equipment servicing areas established for the construction and operation of the Development a minimum distance of 100 meters from any waterbody, and operate the fuel storage areas in compliance with the requirements of *Manitoba Regulation 188/2001* respecting *Storage and Handling of Petroleum Products and Allied Products*.
2. The Licencee shall, at all times during the construction of the Development, have materials available at the construction sites to contain and recover spills of fuel and other fluids associated with construction machinery.
3. The Licencee shall ensure that non-reusable demolition and construction debris from the Development is disposed of at a waste disposal ground operating under the authority of a permit pursuant to the *Waste Disposal Ground Regulation, MR 150/91*, or a License pursuant to The Environment Act.
4. The Licencee shall, during construction and operation of the Development, report spills of fuels or other contaminants to an Environment Officer in accordance with the requirements of *Manitoba Regulation 439/87* respecting *Environmental Accident Reporting*. Any reportable spills shall be reported immediately to Manitoba Conservation's Accident Reporting Line at 204-944-4888.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Respecting Pre-Construction

5. The Licencee shall, prior to construction, provide a copy of this Licence to the contractor and subcontractor(s) involved in the Development.
6. The Licencee shall, prior to construction, retain a qualified on-site naturalist to conduct an survey of the Development area to determine the presence of any rare and endangered species and species at risk including, but not limited to, Pincushion Cactus, Louisiana Broom-rape, Loggerhead Shrike, Sprague's Pipit, Piping Plover and the Least Bittern. The presence of rare and endangered species or species at risk within the Development area shall be reported immediately to the Biodiversity Conservation Section of the Manitoba Conservation Wildlife and Ecosystem Protection Branch in order to reach an agreement on impact mitigation measures for these species. A report on the results of the survey and proposed mitigation shall be filed with the Director.

7. The Licencee shall, prior to construction start-up, mark nesting sites observed during the inspection to be undertaken in accordance with Clause 6 of this Licence in order to ensure that the areas remain undisturbed during the nesting and brooding season. Construction activities near wetland areas shall not occur between May 1 and July 15 of each construction year
8. The Licencee shall, prior to construction, consult with the Manitoba Conservation Regional Wildlife Biologist to review the design layout to determine if waterfowl management plans can be integrated into the design of the Development.
9. The Licencee shall submit a Drainage Report of the Development to the Director prior to beginning any earthworks to construct the retention ponds identified in the Master Plan for the Development. The Drainage Report shall contain:
 - a) a drainage plan for the Development;
 - b) a detailed profile design for the retention pond(s) based on the soil stratigraphy; and
 - c) capacities, retention times and discharge paths of the retention ponds.

Respecting Construction

10. The Licencee shall, during construction of water retention pond(s), line the pond(s) with clay to a minimum depth of 0.5 meters to prevent seepage from the retention pond entering the groundwater aquifer. The depth of surface drainage channels shall be minimized to prevent seepage into the groundwater.
11. The Licencee shall locate a pesticide storage structure(s):
 - a) in an area on the Development property that is not subject to flooding;
 - b) in a dry, well ventilated separate building enclosed by a security fence;
 - c) 100 meters from property zoned residential;
 - d) 100 meters away from single residences; and
 - e) 100 meters away from waterbodies and wetlands.
12. The Licencee shall construct and maintain the concrete floors and curbs of a pesticide storage structure(s) so as to prevent spilled liquids from leaking into the soil.
13. The Licencee shall, prior to construction of a clubhouse facility wastewater management system associated with the Development, register the clubhouse wastewater management system in accordance with the provisions under the *Onsite Wastewater Management 83/2003*.

Respecting Operation

14. The Licencee shall, during operation, dispose of all sewage and septage from on-site sanitary facilities in accordance with the provisions under the *Onsite Wastewater Management Systems Regulation, MR 83/2003*.
15. The Licencee shall, prior to operation of the Development, obtain a Water Rights Act Licence for water withdrawal requirements associated with the Development.
16. The Licencee shall, prior to operation of the clubhouse facility, contact the Manitoba Office of Drinking Water to obtain approval for the operation a semi-private potable water supply associated with the Development.
17. The Licencee shall submit an Integrated Pest Management Program (IPMP) Report to the Director prior to operation of the Development. The Report shall propose an IPMP for a 5 year period beginning at the opening date of the Development.
18. The Licencee shall, prior to operation of the Development, obtain an annual Pesticide Use Permit pursuant to *Manitoba Regulation 94/88R* for the storage, handling and application of pesticides in conjunction with the golf course operation.
19. The Licencee shall, during the operation of the Development, prohibit the use any mercury based fungicides or Diazinon on the Development.
20. The Licencee shall, during the operation of the Development, prohibit application of pesticides:
 - a) within 10 meters of wetlands and waterbodies adjacent to the Development;
or
 - b) between 10 and 20 meters from wetlands and waterbodies adjacent to the Development, other than hand spot spraying.
21. The Licencee shall contain and clean up immediately:
 - a) any on-site pesticide spill;
 - b) waste water generated from any response action due to an on-site release of pesticides; and
 - c) contaminated water resulting from the extinguishing of a fire involving pesticides.

22. The Licencee, subject to obtaining approval from and Environment Officer, shall immediately dispose of any contaminated material in accordance with the approval.

Respecting Alterations to the Development

23. The Licencee shall obtain approval from the Director for any proposed alteration to the Development before proceeding with the alteration.

REVIEW AND REVOCATION

- A. If, in the opinion of the Director, the Licencee has exceeded or is exceeding or has or is failing to meet the specifications, limits, terms, or conditions set out in this Licence, the Director may, temporarily or permanently, revoke this Licence.
- B. If the construction of the Development has not commenced within three years of the date of this Licence, the Licence is revoked.
- C. If, in the opinion of the Director, new evidence warrants a change in the specifications, limits, terms or conditions of this Licence, the Director may require the filing of a new proposal pursuant to Section 11 of The Environment Act.



Tracey Braun, M.Sc.
Director
Environment Act