



Conservation

Climate Change and Environmental Protection Division
Environmental Assessment and Licensing Branch
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5
T 204 945-7100 F 204 945-5229
www.gov.mb.ca/conservation/eal

CLIENT FILE NO.: 5486.00

August 8, 2011

Bob Rettie
Site 6 Box 11 R.R. 1
Okotoks AB T1S 1A1

Dear Mr. Rettie:

Enclosed is **Environment Act Licence No. 2971** dated August 8, 2011 issued in accordance with The Environment Act to **Robert and Margaret Rettie** for the construction and operation of the Development being a boat access channel in SE16-17-7E in the Rural Municipality of St. Clements, in accordance with the Environment Act Proposal dated September 26, 2010, and additional information dated February 14, 2011.

In addition to the enclosed Licence requirements, please be informed that all other applicable federal, provincial and municipal regulations and by-laws must be complied with. A Notice of Alteration must be filed with the Director for approval prior to any alteration to the Development as licensed.

For further information on the administration and application of the Licence, please feel free to contact Bruce Webb, Environmental Engineer at 204-945-7021.

Pursuant to Section 27 of The Environment Act, this licensing decision may be appealed by any person who is affected by the issuance of this Licence to the Minister of Conservation within 30 days of the date of the Licence.

Yours truly,

Tracey Braun, M. Sc.
Director
Environment Act

Enc.

- c: Don Labossiere, Director, Environmental Operations
Public Distribution List (see attached)
Public Registries

NOTE: Confirmation of Receipt of this Licence No. 2971 (*by the Licensee only*) is required by the Director of Environmental Assessment and Licensing. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by August 18, 2011.

On behalf of the Robert and Margaret Rettie

Date

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

Rettie Boat Access Project - File 5486.00 Public Distribution List

	Name	Organization
1	Harold Welch	
2	Jim and Elaine Mandzuik	
3	Paul Dupuis	
4	Phyllis Duha	
5	Nicole Nixon	
6	Bruce Hawley	
7	Dave Crabb	Eastern Beaches Conservation Committee
8	Chris Benson	
9	Carol Roessing	
10	Mary Cundy	
11	Gary Batstone	
12	Rilla Britton	Manitoba Association of Cottage Owners Inc.
13	John and Roxane Anderson	
14	Brian Johnston	
15	Stu McKay	
16	Mo Tipples	
17	C. Hugh Arklie	
18	Wayne Larstone	
19	Jean Speers	
20	Edward A. Speers	
21	Ron Cooke	
22	Ron and Linda Greenwood	
23	Vicki Burns	Foundations in the Lake Winnipeg Watershed Initiative
24	Matthew Thomson	
25	Christopher Thomson	
26	Sheryl Thomson	
27	Marilyn Baker	
28	John P. Crabb	
29	Neil Bingham	
30	Donna J. Crabb	
31	Gary and Pat Dunlop	
32	Judy Williams	Fraser River Coalition, Wreck Beach Preservation Society, Federation of Canadian Naturists
33	Gaile Whelan Enns	Manitoba Wildlands
34	Marc Brunet	
35	Dave Crabb, Chairman	Eastern Beaches Conservation Coalition
36	Dave Crabb	
37	Chris Davis	
38	Liz Speers	
39	Candace Neufeld	
40	Marcel van der Sluis	Federation of Canadian Naturists
41	Mike Eggett	
42	Don Zirbel	Naturist Action Committee
43	Bruce Smith	Lake Winnipeg Foundation
44	Karen Grant	Federation of Canadian Naturists
45	Ross Vickers	Federation of Canadian Naturists
46	Stephane Deschenes	Federation of Canadian Naturists
47	Meredith N. Springer	Naturist Action Committee
48	K. P. Skinner	



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August 8, 2011

To: Public Distribution List (Enclosed)

Re: Rettie Boat Access Project - Environment Act Licence No. 2971 - Client File: 5486.00

Environment Act Licence No. 2971 has been issued for the above noted project, following a lengthy environmental assessment and licensing process. A copy of the Licence is enclosed for your information. This licensing decision has been made recognizing that numerous concerns about the project have not been resolved to the satisfaction of many local residents and other members of the public who identified their concerns about the project during the environmental assessment process. I am taking this opportunity to provide some additional information to you to put the licensing decision in context.

Why the project requires an Environment Act Licence: Projects that require environmental assessment and licensing in Manitoba are listed in the Classes of Development Regulation under the *Environment Act*. The Rettie project requires environmental assessment and licensing because it affects fish habitat and fish mobility, and this is because of the connection of the channel with the Beaconia Marsh. An isolated channel would not require environmental assessment and licensing. Consequently, the channel as constructed during the winter of 2009-2010 did not affect fish habitat at the time of its construction, and would not have affected fish habitat if the plug constructed at the end of the channel remained intact. The plug washed out on several occasions in 2010, but was restored in compliance with Department of Fisheries and Oceans requirements. The channel was flooded from the marsh both through its mouth and overland, but this flooding was accidental and not caused by the deliberate actions of the owner. By leaving the plug in place until an Environment Act Licence has been obtained, we are satisfied from a legal perspective that the owner has made every effort to comply with *Environment Act* requirements.

Land ownership: Concerns about land ownership have been discussed with Crown land managers in Manitoba Conservation. We are satisfied that the large majority of the channel is located on privately owned land. The exception is the area where the channel enters Beaconia Marsh. A General Permit is required to obtain legal access to this land, and this is addressed as a licence condition. It is anticipated that a legal survey may be necessary to define the extent of the land involved.

Scope of project: The owner has indicated that the channel is for his private use. We are aware of previous plans for a residential development on this land parcel, but we are limited to conducting an environmental assessment on a project as currently defined by the proponent. Changes in plans over time are not uncommon in many kinds of developments, and this is accommodated in the *Environment Act* by a process for assessing alterations based on their environmental significance. Although covered in legislation, we have explicitly drawn attention to the need for approval in advance for alterations as a licence condition. Because of the characteristics of the site and the history of this project, if the owner proposed a change in the project for commercial use or for use to service a larger residential development, we would consider the environmental effects to be significant, and the owner would be required to file a new Environment Act Proposal that would be subject to public and technical review in advance.

Other area issues: We are aware of other area land use issues that are in close proximity to the channel, but not related to it. We cannot address issues that are outside of the jurisdiction of the *Environment Act* and outside of conditions that can be applied to a particular licensee.

In deciding how to proceed with the environmental assessment and licensing of the Rettie project, we carefully considered questions of legality and the regulatory instruments that are available to us under the *Environment Act*. We concluded that the best course of action was to provide a long term regulatory instrument for the project in the form of an Environment Act Licence that would address the remaining construction aspects of the project, its use and maintenance, and other regulatory requirements. The enclosed licence fulfills these objectives.

As noted in the covering letter for the licence, the licence may be appealed by any person affected by its issuance within 30 days of the date of the licence. Written appeals may be filed with the Minister of Conservation, and should state the reason(s) for the appeal and any other information pertinent to the appeal.

Should you wish to discuss any of the foregoing information in more detail, please contact Bruce Webb of this Branch by telephone at (204) 945-7021 or by email at bruce.webb@gov.mb.ca

Yours truly,



Tracey Braun, M.Sc.
Director
Environmental Assessment & Licensing Branch

Enclosures: Public distribution list
Environment Act Licence No. 2971

c: D. Labossiere, Director, Environmental Operations
Public Registries

Rettie Boat Access Project - File 5486.00 Public Distribution List

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1	Harold Welch	
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LICENCE

Licence No. / Licence n° 2971

Issue Date / Date de délivrance August 8, 2011

In accordance with The Environment Act (C.C.S.M. c. E125) /
Conformément à la Loi sur l'environnement (C.P.L.M. c. E125)

Pursuant to Section 11(1) / Conformément au Paragraphe 11(1)

THIS LICENCE IS ISSUED TO: / CETTE LICENCE EST DONNÉE À:

ROBERT AND MARGARET RETTIE; "the Licencee"

for the construction and operation of the Development being a boat access channel in SE16-17-7E in the Rural Municipality of St. Clements, in accordance with the Environment Act Proposal dated September 26, 2010, and additional information dated February 14, 2011, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

"**buffer zone**" means a strip of undisturbed land comprised of in-situ vegetation;

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

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

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.

1. In addition to any of the limits, terms and conditions specified in this Licence, the Licencee shall, upon the request of the Director:

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

- a) sample, monitor, analyze or investigate specific areas of concern regarding any segment, component or aspect of pollutant storage, containment, treatment, handling, disposal or emission systems, for such pollutants, ambient quality, aquatic toxicity, leachate characteristics and discharge or emission rates, and for such duration and at such frequencies as may be specified;
 - b) determine the environmental impact associated with the release of any pollutant from the Development; or
 - c) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and analytical procedures being used, bioassay data, flow rate measurements and such other information as may from time to time be requested.
2. The Licencee shall collect and dispose of all used oil products and other regulated hazardous wastes generated by the machinery used in the construction and operation of the Development in accordance with applicable Manitoba Conservation and legislation requirements.
 3. The Licencee shall revegetate soil in areas of the Development exposed by construction with a mixture of native or introduced grasses or legumes. These areas shall be revegetated as quickly as possible following construction to prevent soil erosion and the establishment of noxious weeds.
 4. The Licencee shall maintain shoreland created by the Development to prevent shoreline erosion and the deposition of sediment in waterways.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

5. The Licencee shall contact the Environment Officer responsible for the administration of this Licence not less than two weeks prior to undertaking further construction of the Development. The notification shall include the intended starting date of construction and the name of any contractor responsible for the construction.
6. The Licencee shall, prior to undertaking further construction of the Development, obtain a General Permit from Manitoba Conservation to construct the north end of the channel on Crown Land.
7. The Licencee shall, prior to undertaking further construction of the Development, obtain a Water Rights Licence to construct Water Control Works, pursuant to *The Water Rights Act*.
8. The Licencee shall dispose of non-reusable construction debris and solid waste from the maintenance of the Development at a waste disposal ground operating under the authority of a permit issued under *Manitoba Regulation 150/91*, or any future amendment thereof, respecting *Waste Disposal Grounds* or a licence issued pursuant to The Environment Act.

9. The Licencee shall, during construction, operation and maintenance of the Development, report spills of fuels or other contaminants to an Environment Officer in accordance with the requirements of **Manitoba Regulation 439/87**, or any future amendment thereof, respecting **Environmental Accident Reporting**.
10. The Licencee shall, during construction, operation and maintenance of the Development, establish fuel storage areas in compliance with the requirements of **Manitoba Regulation 188/2001**, or any future amendment thereof, respecting **Storage and Handling of Petroleum Products and Allied Products**. Machinery used in the construction and maintenance of the Development shall not be fueled or serviced adjacent to waterbodies.
11. The Licencee shall, during construction, operation and maintenance of the Development, have materials available at the site of the Development to contain and recover spills of fuel and other fluids associated with construction and maintenance machinery.
12. The Licencee shall not use wood treated with phenol or creosote based preservatives in the construction and maintenance of the Development.
13. The Licencee shall not during construction, operation and maintenance of the Development, remove, destroy or disturb species pursuant to **Manitoba Regulation 25/98**, or any future amendment thereof, respecting **Threatened, Endangered and Extirpated Species**, or species listed in the federal Species at Risk Act.
14. The Licencee shall not, during construction or maintenance of the Development, disturb migratory bird nests.
15. The Licencee shall not undertake construction or maintenance activities in connection with the Development between April 1 and June 30 of any year, or during periods of high precipitation.
16. The Licencee shall maintain a 15 meter buffer zone from the normal water level of Beaconia Marsh. Within this zone, no natural vegetation shall be disturbed, and areas that were previously disturbed shall be revegetated with native vegetation species.
17. The Licencee shall not apply nutrients within 35 m of wetlands or waterbodies, in accordance with the requirements of **Manitoba Regulation 62/2008**, or any future amendment thereof, respecting **Nutrient Management**.
18. The Licencee shall use the Development for personal use only, and shall not permit the use of the Development for the launching or docking of boats not owned by the Licencee.
19. The Licencee shall not undertake maintenance activities on land not owned or legally controlled by the Licencee.

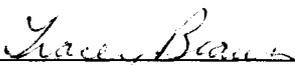
20. The Licencee shall undertake maintenance activities involving the removal of sediment from the channel of the Development in accordance with the Department of Fisheries and Oceans Manitoba Operational Statement on Routine Maintenance Dredging (<http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territories-territoires/mb/os-eo17-eng.htm>).
21. The Licencee shall deposit material excavated during maintenance activities pursuant to Clause 20 of this Licence on the east side of the channel on the top of the berm. Excavated material shall be deposited behind silt fences that shall be maintained until the excavated material has been revegetated to the satisfaction of an Environment Officer.

Respecting Alterations to the Development

22. 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, 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

Client File No.: 5486.00