

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Empire Development Co.
PROPOSAL NAME: Beaches Golf Course - Beachside Village
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Recreation
CLIENT FILE NO.: 5554.00

OVERVIEW:

An Environment Act Proposal for the project was received on November 8, 2011. The advertisement of the Proposal read as follows:

“A Proposal has been filed to undertake modifications to Beaches Golf Course located in SW23-18-7 EPM, near Grand Beach Provincial Park. The project involves modification of the existing 9-hole golf course and three phases of the development of a cottage/seasonal campground subdivision that will surround the golf course. Construction is anticipated to begin in Spring of 2012. The target date for opening day is Summer or Fall of 2013.”

The Proposal was distributed to the "Recreation" Technical Advisory Committee (TAC) for review and was advertised in the Winnipeg Free Press on Saturday, January 7, 2012, and in the Selkirk Journal on January 12, 2012. It was placed in the following public registries: Conservation & Environment Library, Manitoba Eco-Network, Millennium Library, and the Red River North Regional Library. Comments were requested by February 6, 2012.

A request for additional information was sent to the Proponent on February 29, 2012. A response was received on March 15, 2012. The request for additional information and the Proponent's response were placed in the public registries.

The Environment Act licence for this project pertains only to the golf course. Inclusion of the subdivision in the Environment Act Proposal and advertisement for the project has caused confusion and has led to TAC and the public providing comments on the golf course and the subdivision. Only the golf course modification has been licensed. Subdivisions are reviewed as part of the subdivision review process by the Planning Area Board, the Rural Municipality, and Manitoba Local Government. It is during this process that issues associated with zoning, by-laws conditional approvals, lot size, and design lay out are dealt with.

COMMENTS FROM THE PUBLIC:

Following is a summary of comments received from the public pertaining to the Proposal. Copies of the original public comments are available in the Public Registries.

- One local resident indicated they would like to see more development in the area
- Seven members of the public indicated they would not like the proposed development to proceed and/or had the following concerns:
 - pollution of Dinner Creek that flows through the proposed development and into Lake Winnipeg at Lester Beach
 - additional sources of nutrients and contaminants contributing to Lake Winnipeg

- groundwater contamination from pesticides, fertilizers, fuel, sewage, and garbage
- wastewater disposal
- shoreline erosion from overcrowding at Lester Beach
- impacts to endangered species
- restriction of current big game hunting practiced on adjacent private land
- trespassing on private land
- loss of a trail used for snowmobiling and all terrain vehicles
- flooding of adjacent lands as a result of the proposal
- impacts to fish spawning in Dinner Creek
- increased traffic accidents on Highway 59 as a result of the proposed access road
- the subdivision will attract bears, raccoons, and skunks.

Disposition:

- Issues related to the subdivision are assessed as part of the subdivision review process and are out of the scope of The Environment Act review.
- The proposal indicates the golf course will continue to use the existing septic tank. Wastewater disposal for the subdivision would be reviewed in the subdivision review process.
- Concerns regarding ground and surface water contamination, and fish were addressed in the licence conditions.
- Legislation exists for the protection of endangered species.
- Concerns regarding drainage will be addressed through the Water Rights Licence issued for the project by the Water Stewardship Branch
- The proponent has been made aware that hunting is commonly practiced on adjacent properties.
- The Development will only take place on land owned by the Proponent
- Shoreline management at Lester Beach is the responsibility of the rural municipality.
- As indicated in the proposal and in the comments from Manitoba Infrastructure and Transportation (MIT) below, impacts of increased traffic as a result of the development are being considered by MIT and the Proponent.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Following is a summary of TAC comments received pertaining to the Proposal. Copies of the original comments from TAC are available in the Public Registries.

Manitoba Conservation and Water Stewardship - Wildlife and Ecosystem Protection Branch

The Wildlife and Ecosystem Protection Branch has no concerns with the proposed subdivision, but provides the following comments:

- The project area is known to have a high population of black bears, and other wildlife species such as wolves and coyotes, that may create conflicts with property owners if attractants are not managed. The project proponent needs to ensure that all property owners are aware of the fact that large and potentially dangerous wildlife species exist in this region. Waste and waste management measures need to be incorporated into the development to prevent attraction or creation of problem wildlife. Pets can be especially vulnerable to depredation by large predatory wildlife.

- As this is a heavily forested portion of Manitoba, it is recommended that the rural municipality or project proponent ensure there is a plan in place to minimize the risk for wildfires.
- The proponent is advised to inform property owners that this region of Manitoba is traditionally used for hunting and trapping. The area to the north of this parcel is Crown land and is regularly used for hunting of bear, game birds, deer, and the trapping of furbearers. Autumn and winter are the most common times for hunting and trapping, however harvesting by First Nation's could occur at any time.
- It is highly recommended that the removal of trees be minimized during the development of this project. The existing tree cover provides valuable habitat for local wildlife, especially migratory birds.

Disposition:

The comments were forwarded to the Proponent for their information.

Manitoba Conservation and Water Stewardship - Parks and Natural Areas Branch

Parks and Natural Areas Branch has reviewed the proposal filed pursuant to the Environment Act for the Empire Development Co. Beaches Golf Course - Beachside Village (file 5554.00) for the proposed golf course upgrades and recreational village development. The Branch has the following comments to offer. The proposed development is adjacent to lands designated under the Backcountry Land Use Category (LUC) in Grand Beach Provincial Park. Lands designated under the Backcountry LUC are protected lands under *The Provincial Parks Act*, legally prohibiting resource development activities or any other activities that may significantly or adversely affect habitat within the park area. As the proposed development does not occur within the park, the Branch does not oppose the development. However, The Branch recommends that the proponent adhere to the *Selkirk and District Development Plan By-law 190-08* and contained "Wildlife and Natural Resources" objectives and policies for preserving and sustaining biological diversity and natural ecosystems in the region. In light of these objectives and policies, the Branch also recommends that the proponent develop a mitigation plan that identifies negative impacts to adjacent park land and park values resulting from development activities (E.g. Public access impacts and trail building/development from adjacent lot owners, fire risk, wildlife associated impacts, soil erosion and sedimentation of water courses, etc.) and future operations (e.g. fertilizer and herbicide applications and leaching/transport to water courses) and how such impacts will be addressed and mitigated for. As the *Selkirk and District Development Plan By-law 190-08* outlines (p. 53), Manitoba Conservation and Water Stewardship representatives can assist the proponent with the identification of impacts and appropriate conservation practices and mitigation measures.

Request for Additional Information:

A letter dated February 29, 2012 was sent to the proponent requesting the identification of negative impacts the proposed Development may have on adjacent park land and park values and a plan for the mitigation of these impacts as described comments from the Parks and Natural Areas Branch.

Proponent's response:

The proposed subdivision is located within the Rural Municipality of Alexander and the Proponent (Empire Development Co.) understands that as such, the subdivision is subject to the Winnipeg River Planning District Development Plan By-Law No. 68/10 in accordance with The Planning Act. The proposed subdivision was approved as resolution #346/10 by the Council of

the Rural Municipality of Alexander on June 22, 2010 subject to ten conditions outlined by the Council. In addition, the Proponent received a letter of conditional approval for the subdivision from the Manitoba Local Government, Community Regional Planning Branch, Beausejour, Manitoba, dated February 8, 2011 (File No. 4600-09-5349). This conditional approval also outlines three requirements and eight conditions regarding this subdivision. The future landuse (subdivision) will be reviewed in the context of the local planning process and will consider impacts on the land and on adjacent park land in that process.

Disposition:

The Proponent's response that a mitigation plan for impacts to the adjacent park land will be developed as part of the local planning process satisfactorily addresses the requirements of the February 29, 2012 request for additional information.

Manitoba Conservation and Water Stewardship - Eastern Region

The submission indicates that onsite domestic wastewater is currently directed to sewage holding tanks and hauled to the local Municipal landfill site, which is assumed to be the Traverse Bay wastewater treatment lagoon. The proponent anticipates that this practice will continue, but has also commissioned a lagoon feasibility study as an alternative to sewage holding tanks. The following comments are submitted with respect to wastewater management for the proposed development:

1. If sewage holding tanks are to provide onsite wastewater management for the proposed development (short-term or long-term), it is recommended that the proponent provide the Environmental Assessment and Licensing Branch with proof of an agreement with the Rural Municipality of Alexander verifying that
 - a) the municipality agrees to accept the wastewater from the proposed development, and
 - b) there is adequate hydraulic and organic capacity at the Traverse Bay facility to accommodate the additional wastewater loading from the proposed development.
2. A review of soil classifications in the vicinity of the proposed developments indicates the presence of nutrient management zone N4. The Nutrient Management Regulation prohibits the siting of wastewater treatment lagoons and certain onsite wastewater management systems within nutrient management zone N4.

Disposition:

The golf course will continue to use the existing wastewater system. Wastewater disposal for the subdivision will be assessed as part of the subdivision review process. The comments regarding *The Nutrient Management Regulation* were forwarded to the Proponent for their information.

Manitoba Conservation and Water Stewardship - Sustainable Resource & Policy Management Branch

- The EAP includes the proposed subdivision of the parcel into multiple cottage and camping lots. This aspect of the proposal is subject to the subdivision review process. It is during this process where issues associated with zoning, by-laws conditional approvals, lot size, design lay out are dealt with through the Planning Area Board, RM and Local Government. Please note there are a number of approvals required in that process that are not included in the EAP process.

- The modification of the existing 9 hole golf course includes the development of two water bodies. Section 3.2.2 makes reference to two existing drainage ditches on the property. The proposed water bodies are identified as storm water retention ponds. The proponent should provide hydrologic details with respect to the proposed water bodies and provide hydrologic information in regards to effects the drainage modification may or may not have to adjacent land and existing drainage patterns. The property immediately to the south has a constructed ditch that appears to end at the proponent property line. Physiography and Drainage in Section 3.1.1 contains no information about the specific drainage characteristics of the property. This proponent should clarify the condition of the natural tributary of Dinner Creek that is identified in Figure 1. The proponent should consider options to restore the tributary to add natural resource values as a part of the property's overall drainage system.
 - Please note Water flow via drainage ditches running through this area appear to end up discharging into Lake Winnipeg. There also appears to be plans to connect and/or develop these ditches into the water retention ponds as part of the golf course development. Nutrient loading (fertilizers) would be a concern with any outflows to Lake Winnipeg given the government's commitment to improving water quality in Lake Winnipeg.
- The construction of the storm retention ponds in association with grass greens and fairways may attract Canada Geese. Canada Geese already occupy grassed areas at Grand Beach Provincial Park during the summer and it is likely that they will find these new storm retention ponds as well. Problems with excessive feces and aggressive behaviour may result . The proponent should consider measures that may reduce goose attraction.
- The management of waste streams generated by the proposal are the responsibility of the proponent and must be addressed in accordance with exiting regulatory requirements.
- The proposed development is immediately adjacent to Grand Beach Provincial Park. The proponent should take advantage of the information in the Bear Smart program to reduce bear-people contact and conflicts and the Fire Smart program to reduce potential of wild fires.
 - It is recommended that bear proof garbage/recycling containers be used and that garbage pickup for the development be done on a regular basis, more than once a week.

Disposition:

The Proponent is required to obtain a Water Rights licence as a regulatory requirement, and as a condition of the Environment Act licence. A drainage plan for the project is being reviewed as part of the Water Rights licensing process. Comments regarding Canada Geese, bears, and waste streams were forwarded to the Proponent for their information.

Manitoba Conservation and Water Stewardship - Water Stewardship Branch

- The Water Stewardship Division requires an Environment Act Licence to include the following:
 - Any self supplied water source may require a permit or licence under *The Water Rights Act* (Note: The proponent does not have a Water Rights Application licence nor application on file).
 - The Licencee is required—by the Nutrient Management Regulation under *The Water Protection Act*—to submit an annual Nutrient Management Plan if a fertilizer, containing nitrogen or phosphorus, is applied to any part of the golf course.
 - The *Nutrient Management Regulation* under *The Water Protection Act* prohibits the application of a fertilizer, containing nitrogen or phosphorus, in Nutrient Management Zone N4. A substantial portion of the land to be used by the golf course is mapped as

Nutrient Management Zone N4. If fertilizer application is planned, the Licencee is required to supply additional soil survey information to support a reclassification of the area prior to fertilization.

- The Licencee is required to maintain nutrient buffer zones (setbacks) from all wetlands, stormwater retention ponds, and drains, as specified in the *Nutrient Management Regulation* under *The Water Protection Act*.
- The Water Stewardship Division submits the following concerns:
 - The proposal did not appear to mention how the proposed campground and cottages (etc.) would receive domestic water. If any form of a central water system provides water to more than 4 services, the proponent must apply for and receive a Permit to Construct or Alter a Semi-public or Public Water System, depending upon the number of services provided and, before the system is operational, also obtain an Operating Licence(s) for the system(s). The local Drinking Water Officer will be informed of the plans for the proposed development to communicate with the proponent and determine whether Permits and Licences will be required.
 - The proponent is requested to provide clarification about the disposal location of liquid domestic waste, such as the Traverse Bay Wastewater Lagoon which is situated at the Traverse Bay Municipal landfill site.
 - Note: Page 10 of the proposal states that “Liquid domestic waste produced on-site is deposited into a septic tank located to the west of the existing golf clubhouse. This waste is removed from the site as required by a licensed waste contractor and disposed of at the local Municipal landfill site. This practice is anticipated to continue into the future.”
- The Water Stewardship Division submits the following comments:
 - The Water Stewardship Division does not object to this proposal, at this time.

Disposition:

The comments were addressed in the licence conditions and forwarded to the Proponent for their information.

Manitoba Conservation and Water Stewardship - Air Quality Section

The proposed project is not expected to have a significant impact in air quality.

Disposition:

No action needed.

Manitoba Local Government - Beausejour

The land is currently designated “Seasonal Recreational Area” pursuant to the Winnipeg River Planning District Development Plan.

A subdivision application was made to the Community Planning office for the first two phases of development, which included 81 bareland condominium lots and common element. This application received conditional approval on February 8, 2011.

Rezoning of the subject lands from OR&I Open Space, Recreational and Institutional Zone to SRG General Seasonal Recreation Zone was required for the condominium areas. The proponent made this application to the RM of Alexander on January 16, 2012.

The proponent must also provide confirmation of a potable water supply and a plan for the provision of wastewater disposal as conditions of subdivision approval.

Community Planning has no concerns with the Environment Act proposal.

Disposition:

The comments were forwarded to the Proponent for their information.

Manitoba Infrastructure and Transportation

- MIT has plans to four lane this section of PTH 59 and anticipate completing a Functional Design Study within the year. The Design Study may identify property requirements affecting this site for additional highway right-of-way.
- No additional/new access will be granted from PTH 59. All new access to this development should be from the municipal road system with no direct access to PTH 59.
- All phases of the development should have adequate setbacks incorporated for noise and dust nuisances considering it will abut a four-lane facility carrying large volumes of traffic.
- Provincial Trunk Highway 59 is a Limited Access Highway under the jurisdiction of the Highway Traffic Board. Under *The Highways Protection Act*, any new, modified or relocated access to this highway (including change in use of a driveway) requires a permit from the Highway Traffic Board. A permit is also required from the Traffic Board to change the use of the land or buildings, or to place/construct any structures (including the alteration of existing buildings) within 38.1 m (125 ft) from the edge of the highway right-of-way. In addition, a permit is required from MIT for any planting placed within 15.2 m (50 ft) from the edge of the highway right-of-way.
- A Traffic Impact Study might be required for the proposed development. The study will be performed by a qualified transportation engineer who would identify the impact of the traffic generated from this development would have on PTH 59. 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.

Disposition:

The comments were forwarded to the Proponent for their information.

Canadian Environmental Assessment Agency (CEAA)

Based on responses from federal departments, application of the *Canadian Environmental Assessment Act* with respect to the project will not be required. Environment Canada prepared a letter of comments indicating concerns regarding migratory birds, species at risk, wetlands, and water quality.

PUBLIC HEARING:

There were no requests for a public hearing. A public hearing is not recommended.

CROWN-ABORIGINAL CONSULTATION

The project is not anticipated to affect the exercise of an aboriginal or treaty right. It involves the modification of an existing golf course, which is owned by the Proponent.

RECOMMENDATION:

The comments received on the Proposal can be addressed as conditions of licensing for the project, or have been forwarded to the Proponent for their information. Therefore, it is recommended that the Development be licensed under The Environment Act subject to the limits, terms, and conditions as described in the attached Environment Act Licence. It is further recommended that enforcement of the Licence be assigned to the Eastern Region prior to construction.

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