

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Robert and Margaret Rettie
PROPOSAL NAME: Rettie Boat Access
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Water Development and Control
CLIENT FILE NO.: 5486.00

OVERVIEW:

The Proposal was received on September 22, 2010. It was dated September 16, 2010. The advertisement of the Proposal was as follows:

“An Environment Act Proposal has been filed by Robert and Margaret Rettie for the Rettie Boat Access project in SE 16-17-7E near Beaconsia. The project involves the construction of a canal for private boat access from the Beaconsia Marsh near the north end of the property to a boat launch and docking area near the south end of the property. The canal was constructed during the winter of 2009/2010 and is approximately 500 metres long, 8 metres wide and 2 metres deep; the boat launch and docking facilities as well as the stabilization of disturbed soil remain to be completed.”

The Proposal was advertised in the Selkirk Journal on Thursday, October 21, 2010. It was placed in the Main, Millennium Public Library (Winnipeg), Manitoba Eco-Network and Selkirk-St. Andrews Public Library public registries, as well in the R. M. of St. Clements office and in an electronic registry on the Environmental Assessment and Licensing Branch website. It was distributed to Technical Advisory Committee (TAC) members on October 19, 2010. The closing date for comments from members of the public and TAC members was November 22, 2010.

Construction of the channel was virtually complete when the project was brought to the attention of Manitoba Conservation and Manitoba Water Stewardship in the winter of 2010. The proponent had begun construction in accordance with a letter of advice received from the federal Department of Fisheries and Oceans (DFO) in 2008 and a development permit from the Selkirk and District Planning District. Although Manitoba Conservation had been copied on the DFO letter of advice in 2008, the proponent had not followed up on the need for additional approvals prior to the start of construction. Manitoba Water Stewardship issued a stop work order respecting channel construction once the scope of the project was known. The Environmental Assessment and Licensing Branch of Manitoba Conservation requested the submission of an Environment Act Proposal for the project on March 2, 2010. The proposal that was initially filed was

incomplete. A satisfactory proposal including a vegetation and wildlife assessment prepared by a consultant was filed on September 22, 2010 as noted above.

COMMENTS FROM THE PUBLIC:

Forty eight public comments were received. Full comments and brief dispositions specific to each letter are provided in Appendix A. A more general discussion of the broader issues surrounding the project follows below.

Other Nearby Development: Numerous comments were received regarding other land use issues in the area, particularly respecting Beaconia Beach and its access road. These matters, while near the project area and part of the same ecosystem, are outside of the scope of the proposal.

Land ownership: Many comments indicated that the project was situated on Crown land within Beaconia Marsh. Manitoba Conservation staff has examined land ownership in the project area and accepts the proponent's position that the large majority of the channel was constructed on land owned by the proponent. A General Permit is needed by the proponent for the use of Crown land at the mouth of the channel where the channel connects to Beaconia Marsh.

Changed Scope of Project: Numerous comments noted that the proponent had previously planned a larger development involving cottage lots and canal access to Lake Winnipeg on the property involved, and/or that the proponent had proposed a channel of smaller size in an application to the Department of Fisheries and Oceans (DFO) in January, 2008. With respect to previous plans, the environmental assessment can consider only the project as presently proposed. Alterations to a project (such as a return to a more extensive project in the future) would be addressed by Manitoba Conservation through Section 14 of the Environment Act. Therefore, the proponent would have to notify the department and receive approval in advance of implementing an alteration. In the case of a larger project, the department would consider that the environmental effects would be significant, and a new Environment Act Proposal would be required. This requirement could be included in a licence condition for the project. With respect to a change in the project from that described in the application to DFO, the current description of the project (as constructed) is more accurate, and forms the basis for the assessment of the Environment Act Proposal.

Scope of Project with Respect to the Environment Act: Several comments suggested that the project had been constructed in violation of the Environment Act, since the completed project requires environmental assessment and licensing, and the project was largely constructed without an Environment Act Licence being issued. It is useful to understand the authority provided by the Environment Act as it relates to this matter. Projects requiring environmental assessment and licensing under the Environment Act are listed in Manitoba Regulation 164/88, the Classes of Development Regulation. The current project is a Development pursuant to the regulation because it affects fish habitat and fish mobility when connected to the Beaconia Marsh and via the marsh to Lake Winnipeg.

The clearing of trees and other vegetation on private or public land is not a Development under the Classes of Development, and wetland or shoreline alterations on private or public land are Developments only insofar as they affect fish habitat and fish mobility. DFO's 2008 letter of advice providing approval for the construction of the project required that a plug be left in the channel to prevent its connection to the marsh. With the plug in place, the project was not a Development under the Environment Act. Accordingly, the construction of the isolated channel was not a Development, and did not require environmental assessment and licensing. Environmental assessment and licensing is required prior to the removal of the plug and the consequent connection of the channel to the marsh and lake. The plug was washed out due to wave action and high water levels on several occasions in the summer and fall of 2010, effectively connecting the channel to the marsh and the lake. However, this connection was not undertaken by the proponent, and the proponent took action to restore the plug in compliance with DFO requirements after the washouts.

Restoration of the site: Numerous comments suggested that a licence should be refused for the project and that the site should be restored to its pre-construction condition. Site inspections on several occasions and under different water conditions in the summer and fall of 2010 and the spring of 2011 indicated that preconstruction conditions were impossible to restore, even if legal issues could be resolved. As a result, it was determined that the most beneficial approach to protecting the remaining habitat in the area and re-establishing stability in the project area would be to provide a long term legal instrument to regulate activity in terms of use and maintenance.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Conservation – Sustainable Resource and Policy Management Management Branch

It is noted that the proponent owns the land to the waters edge. The land under the waters of Lake Winnipeg however is owned by the province. Any proposed dredging, work, etc. under the waters of the lake would require the approval of the Province as well as the Department of Fisheries and Oceans.

Disposition:

This comment can be addressed through licence conditions.

Manitoba Conservation - Parks and Natural Areas Branch

No comments.

Manitoba Conservation – Pollution Prevention Branch

significant impact on air quality from the proposal.

No comment. No

Manitoba Water Stewardship – Planning and Coordination Branch

- Manitoba Water Stewardship recommends an *Environment Act* Licence to include the following requirements:
 - The Licencee is required to apply for a general permit—administered by the Crown Lands and Property Agency—to construct a channel on Crown land.
 - Note:
 - This proposed development is located within the Lake Winnipeg Water Power Storage Reserve. The proponent states that approximately 5% of the proposed development is located on Crown land. The proposed development, located on Crown land, is subject to *The Water Power Act* and Regulations.
 - 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 a buffer zone with at least a 15-metre width.
 - The Licencee is required to submit—prior to beginning construction of the proposed development—an application for a Water Rights Licence to Construct Water Control Works, 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, Box 4558, Stonewall, Manitoba R0C 2Z0, telephone: (204) 467-4450, email: geoff.reimer@gov.mb.ca.
 - In order to protect riparian areas, establish and maintain an undisturbed native vegetation area located upslope from the ordinary high water mark and adjacent to all waterbodies and waterways connected to the provincial surface water network and canals:
 - A 15-metre undisturbed native vegetation area is required for lands located adjacent to all canals;

- A 30-metre undisturbed native vegetation area is required for lands located adjacent to all surface waters;
 - Permanent development is prohibited within an undisturbed vegetation area;
 - The proponent needs to verify the existence of a 30-metre Crown Reserve, located adjacent to all surface waters, pursuant to *The Crown Lands Act*.
 - Permanent development is not allowed within the 30-metre Crown Reserve, located adjacent to all surface waters, pursuant to *The Crown Lands Act*.
 - The combined alteration—including new and existing structures—within this undisturbed native vegetation area is limited to a maximum of 25 % of the canal and/or shoreline length (for example: 25 metres per 100 metres of canal and/or 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.

- An *Environment Act* Licence shall clearly identify the responsibility for the long term operation and maintenance of canals, including the following:
 - Dredging;
 - Fish kills;
 - Water quality monitoring and issues; and,
 - Boat velocity restrictions.

- The Licencee shall be required to develop and implement the following water quality monitoring program:
 - Water quality monitoring shall be implemented before and after the removal of the earthen plug, establishing a baseline for water quality.
 - The water quality samples shall be analyzed for the following parameters:
 - Total phosphorus
 - Dissolved phosphorus
 - Total Kjeldahl nitrogen
 - Nitrate/nitrite nitrogen
 - Ammonia
 - Total suspended solids
 - Conductivity
 - pH
 - turbidity

- Sampling sites should include a minimum of three locations within the canal (distal end, mid, and 30 metres inward from the mouth) and outside the canal and minimum of 100 meters from the inlet.
 - Sampling should occur immediately after the plug is released and continue monthly during May, June and September. Biweekly sampling is recommended during July and August when temperatures are at their highest. Water quality samples shall be analyzed for dissolved oxygen during this summer sampling. One sample should also be collected under ice over the winter months.
 - Samples shall be submitted to a laboratory accredited by the Canadian Association for Laboratory Accreditation Inc. A copy of the laboratory test results shall be submitted within a month of sample submission to the Water Quality Management Section of Manitoba Water Stewardship.
 - The proponent shall provide a summary report once the sampling after year three is completed.
 - The Licencee shall implement gravel/cobble substrates to diversify the bottom substrate of the canal.
 - The Licencee shall establish submergent and emergent native aquatic vegetation within the canal and the altered lagoon area.
 - The Licencee shall not conduct in-stream work during the spring and summer (April 1st through June 30th) or precipitation events.
 - The Licencee shall report fish kills to Manitoba Water Stewardship's Fisheries Branch and Water Quality Management Section immediately.
 - The Licencee shall obtain approval from Manitoba Water Stewardship and the Department of Fisheries and Oceans, prior to conducting any dredging.
 - The Licencee shall retain a plug and all associated erosion and sediment control measures until the canal has stabilized.
- Manitoba Water Stewardship submits the following concerns:
 - Manitoba Water Stewardship is concerned that a canal (dead end canal) with only one inlet has been developed without the proponent obtaining a required *Environment Act* Licence.
 - Dead end canals can be particularly detrimental to water quality. A reduced opportunity for flushing, high organic and nutrient loading can contribute to decreased dissolved oxygen resulting in the entrapment/mortality of fish and other aquatic life.

- The adverse environmental implication of canal developments has resulted in a ban in at least one jurisdiction (Government of New South Wales in Australia).
- Additionally, Manitoba Water Stewardship was advised that in Alberta, Saskatchewan, and Ontario, canal developments must achieve strict municipal, provincial, and federal regulatory approval before any construction is allowed.
- Manitoba Water Stewardship requests clarification on the canal opening location. The Department requests clarification on whether a plug is located across the canal opening or in the actual lagoon opening.
- Manitoba Water Stewardship requests background information on the substrate and features of the area that were removed, including aquatic vegetation.
- Canals need a flow through water exchange.
- Canals should not interface with aquifers.
- A rationale for requiring the proponent to conduct water quality monitoring is based on the fact that the development of new channels creates a situation during construction and/or development activities that will contribute nutrients, increase turbidity, and suspended sediments to surface waters. The water quality monitoring results would be compared to background levels in Lake Winnipeg. The variables listed for analyses would be reflective of influences caused by the proposed development.
 - Should the canal development demonstrate—upon analyzing water quality monitoring data—a contribution to nutrient loading for Lake Winnipeg, actions can be taken to reduce or mitigate.
 - For example, mitigating actions could be considered such as the addition of alum or phosloc to the canals to reduce suspended sediments and nutrient loading.
 - Should the drainage system contribute nutrients to the canals, a constructed wetland at the mouth would reduce nutrient loading.
 - Manitoba Water Stewardship does not have data to demonstrate that canals do or do not contribute nutrients to receiving water bodies, such as Lake Winnipeg. The proponent should be required to demonstrate that this development will not impact Lake Winnipeg.
 - Shoreline erosion can be controlled by vegetative buffers, impacts of boat operations can be mitigated by speed, and many others.
 - In the case of monitoring, these requirements are typically used to ensure that the Licencee is operating within the

conditions of the licence or another enforceable requirement.

- Proponents are routinely required to monitor outside of enforceable requirements for some developments, such as wastewater treatment facilities.
- Manitoba Water Stewardship often requires the monitoring of discharge for nutrients, pH, etc., noting that these parameters may not be included in *Environment Act* Licence limits.
- In these cases, the monitoring is not being conducted to ensure that a licensee is operating within the conditions of their licence. Additionally, there are other examples of environmental monitoring that is conducted outside of enforceable requirements, such as the following:
 - Beauford Lake monitoring in the Sandy Lake wastewater lagoon licence and
 - Environmental monitoring for the Flin Flon wastewater treatment plant.
- The proponent needs to eliminate fertilizer and cosmetic pesticide use adjacent to surface waters to help prevent degradation of water quality.
- Manitoba Water Stewardship requests the proponent to provide additional information on the environmental effects and mitigation measures, such as the following:
 - Examination of the reduced/inadequate hydraulic functioning which may reduce water quality through poor flushing and sedimentation;
 - Impacts caused by storm-water and urban runoff;
 - Erosion mitigation once a plug is removed; and,
 - Impacts to the fish and wildlife by possible decrease in dissolved oxygen concentrations due to possible stagnation of water.
- Manitoba Water Stewardship submits the following comments:
 - 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 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.
- Pursuant to the *Nutrient Management Regulation* under *The Water Protection Act*, Lake Winnipeg has been designated as a vulnerable water body. As such a Nutrient Buffer Zone of 30 to 35 metres (35 metres if land is not covered in permanent vegetation) is established from the high water mark or top of the outer most bank of Lake Winnipeg (whichever is further from the water). Under the *Nutrient Management Regulation*, a person shall not apply a substance containing nitrogen or phosphorus to land within the Nutrient Buffer Zone.

Disposition:

The proponent has already been made aware of the requirements for a general permit from the Crown Lands and Property Agency and a Water Rights Licence to Construct Water Control Works from Manitoba Water Stewardship. Buffer and setback distances can be addressed as licence conditions where appropriate. Licence conditions can also be provided to address remaining construction and future maintenance activities. In view of the layout of the project and the effect of successive flooding events from the Beaconia marsh on the project in the summer and fall of 2010, a water quality monitoring program is not appropriate for the project.

Mines Branch

No concerns.

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch

No concerns.

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 provided has been reviewed by all federal departments with a potential interest. Responses from departments surveyed are enclosed for your files. Based on the responses to the federal survey, the application of the *Canadian Environmental Assessment Act* (the Act) will not be required for this project.

Transport Canada (TC) has indicated in its response that TC is not likely to have any environmental assessment responsibilities under the Act for this project. However, TC has advised that the project is subject to provisions of the *Navigable Waters Protection Act* (NWPA). TC requests that the proponent submit an NWPA application to the Navigable Waters Protection Program (NWPP) for review. Attached is a copy of the TC response that includes NWPP contact information.

Fisheries and Oceans Canada (DFO) previously provided advice for this project in a letter of April 23, 2008 and a subsequent letter of February 24, 2010. Should you wish to discuss DFO's advice please contact Todd Schwartz. He can be reached at (204) 983-4231.

Health Canada may be in possession of expertise relevant to the project, if specifically requested. Indian and Northern Affairs Canada, if requested would be able to provide specialist advice to a responsible authority.

Disposition:

Federal comments were also provided directly to the proponent.

ADDITIONAL INFORMATION:

Additional information was requested by e-mail on February 14, 2011 to address comments on the Proposal as noted above. A response was received on the same date.

PUBLIC HEARING:

No requests were received for a public hearing. Accordingly, a public hearing is not recommended.

DISCUSSION:

Construction of the project was initiated prior to the acquisition of several necessary approvals including an Environment Act Licence, so many of the construction related environmental effects of the project have occurred and have not been mitigated. To protect the environment of the project site and adjacent land, it is desirable to provide

direction to the proponent so that mitigation measures can occur. With respect to use of the completed project, there is no fundamental reason why the use of a project that is largely on private land cannot occur once necessary approvals have been obtained and mitigation measures have been implemented. It is likely that use of the project will be limited, as lake and marsh water levels that are beyond the control of the proponent will not allow use of the project under a significant range of water level conditions. Licence conditions are needed to ensure that no activities are undertaken on land not controlled by the proponent to alter natural limits on the use of the project. Specifically, actions to deepen a navigation channel through the marsh and into the lake cannot be undertaken since the proponent does not control these lands.

RECOMMENDATION:

It is recommended that the Development be licensed under The Environment Act subject to the limits, terms and conditions as described on the attached Draft Environment Act Licence. It is further recommended that enforcement of the Licence be retained by the Environmental Assessment and Licensing Branch until construction and site stabilization has been completed. Enforcement may then be assigned to the Central Region.

PREPARED BY:

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January 4, 2011 Updated June 8, 2011
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Appendix A Public Comments

Comments are listed in the order received, and are identified by a number (eg. A1) and the writer's name. Where duplicate comments were received (i.e. form letters), the contents of the letter are referenced to the first such letter received.

A1 Harold Welch

When the channel digging first was published in the Free Press, I wrote to DFO and rec'd some pap about the proponent exceeding guidelines. Having personally on DFO's "No Net Habitat Loss" guidelines when they were first promulgated, and as an aquatic ecologist, I can say that there should be NO disturbance to the vanishing wetlands of Lake Winnipeg's south basin. Not only is it fish habitat, but a gazillion waterfowl use the same area to stage during the fall migration.

I live on Wavey Creek and have frequently seen truckloads of muck, cattails sticking out the top, dredged from properties that become beach front rather than marsh front. This sort of nonsense HAS to stop.

As in "JUST SAY NO".

Disposition:

Most of the project was constructed on privately owned land, and there are no regulatory restrictions on habitat changes on this land unless rare or endangered species are present. The project was constructed in general compliance with Fisheries and Oceans requirements, and as such the project was not considered by DFO to involve the harmful alteration, disruption or destruction of fish habitat. Waterfowl use of the area following completion of the project would not be significantly affected.

A2 Jim and Elaine Mandzuik

As a Resident of Beaconia, Manitoba (more specific Island Beach) and a taxpayer to the RM of St Clements, I would like to present a formal objection to the EAP report submitted by Bob Rettie dated September 16, 2010. The issuance of the permit by the RM of St Clements and the Letter of Advice issued by Department of Fisheries and Oceans (DFO) were issued with no consultation and input from the residents of Beaconia or surrounding area. I want to ensure residents' participation in all development plans and decisions that impact our community's future.

- 1) Contrary to the process outlined in the Environment Act and the Manitoba Community Land Use Planning Guide there was no participation in developing the initial proposal to DFO by Mr. Rettie in April, 2008.**

The vast majority of the residents of Beaconia, Manitoba and Island Beach were not aware of the proposed development that was submitted to DFO. When the excavation and digging of the channel and the building of the berm began, the

residents approached the RM of St Clements, Selkirk & District Planning Board (SDPB), DFO, Conservation, and Water Stewardship to obtain information as to what was happening in the Beaconia Marsh. It appeared that no one was aware of what was transpiring. It was not until residents of Island Beach arranged a meeting with the Manager of SDPB and it was then that we were informed of the channel being built. There was no mention of the berm. The Manager informed us that the Developer (Mr Rettie) had permission from DFO to construct a channel on his property. When asked to see the permit, we were told that it was confidential. However he did tell us that the permit was issued after the excavation was nearly 95% completed and until then the Developer was operating without a permit. But because the Developer was so cooperative they managed to issue the permit within 24 hours based on DFO's April 23, 2008 Letter of Advice. The SDPB took this Letter as approval to proceed with the channel. However in accordance with DFO a letter of advice is not an approval but specifications as to the developer's requirement to proceed with the excavation.

- 2) Contrary to the DFO's Letter of Advice dated April 23, 2008 and the Environment Act (ensure environmental protection and to ensure economic development occurs in an environmentally responsible manner) the channel dug was not in accordance with this Letter and the berm built was not within the Environment Act.**

The Letter of Advice specified the measurements of the channel were to be 700 ft. Long 15 ft. Wide and 5 ft. deep. The actual size of the channel is 2,200 ft. long, 40 ft. wide and the depth depends on water level of the Lake. In another letter from DFO dated April 23, 2008 it clearly states "please note that the creation of a larger channel, in-water dredging or the extension of the proposed channel will require a review by DFO to determine whether the work will result in a HADD (harmful alteration, disruption, or destruction) of fish habitat".

There was no second review appended to the EAP report. The building of the berm was never addressed in this proposal to DFO.

- 3) Contrary to the SDPB permit in which there was a request for a drainage plan and the Water Stewardship drainage proposal in which a water quality specialist reviews the proposal with the aim of ensuring water quality issues are considered.**

Besides excavating a channel, the Developer built a 4 ft. berm to stop flooding of his property. No consideration was given as to the effect of this berm on drainage to the surrounding area such as Island Beach which borders onto this property. As well two separate residents of Island Beach stood and watched as the developer

hammered “piles” into the Marsh. I am assuming these “piles” were put in for the future construction of the boat launch and dock. As the water supply for the surrounding areas comes from underground water sources there was no water study appended to the EAP report to support the construction of the launch and dock.

- 4) Contrary to the Water Protection Act in which it defines the “riparian area” as an area of land on the banks or in the vicinity of a water body, which due to the presence of water supports, or in the absence of human intervention would naturally support, an ecosystem that is distinctly different from that of adjacent upland area would suggest that the Developer has destroyed this area by his excavation of the channel, berm and the proposed launch and dock.**

In reading the Green Space Environment Report appended to the EAP report it would appear that all level of Governments; Federal, Provincial and Municipal have helped destroy the Riparian area along the South Basin of Lake Winnipeg. This may be due to the High Water Mark that was submitted by Mr Rettie with his proposal to the DFO in April 2008. The high water mark map submitted to DFO dated January 16, 2008 would lead one to believe and understand that the water levels in November to January would normally be at the lowest mark. This has led Mr Rettie to believe that his property runs directly into Lake Winnipeg which enabled him to connect the channel to Lake Winnipeg. This also defeats the belief that the marsh land (approx 150 ft) around Lake Winnipeg belongs to the Crown and cannot be touched without proper procedures.

- 5) Contrary to the DFO letter of advice dated April 23, 2008, the mitigation measures incorporated into this letter were never fulfilled.**

The “plug” that was to be of untouched soil so that the newly constructed channel does not connect to the existing bay in Lake Winnipeg until there is re-vegetation within the new channel never served the purpose. By pictures (which are available) the water flowed freely between the channel and the Lake. The sediment fencing was destroyed by the winds and lay strewn through the marsh and the channel. In accordance with the Letter, a track hoe was to be used for the excavation. In reality the Developer used large equipment such as caterpillars, bulldozers and bob cat. The bob cat hauled sand off Island Beach to construct the “plug”. In accordance with the Green Space Environmental Report, the turtles lay their eggs in the sand in this area. There would have been a massive destruction of these eggs as a large area was dug up.

In conclusion, with the mass inconsistencies to the initial proposal to DFO by Mr. Rettie and with the impact of this destruction on the various forms of wildlife in the

Beaconia Marsh, we are requesting that the Riparian area be restored (as close as possible) to its original form. Also that request to build a boat launch and a dock be denied for the same reasons.

Disposition:

There is no requirement for public involvement in the planning of development projects on private land. The project as constructed was not in violation of the Environment Act due to the plug at the inlet; the failure of the plug to isolate the channel from the marsh in the summer and fall of 2010 was not a deliberate violation of the Act. The dimensions of the project as described in the Environment Act Proposal and indicated in related figures accurately describes the project. Crown land location and reserve matters as well as riparian protection requirements can be addressed through information from provincial regulatory agencies and appropriate licence conditions. Mitigation requirements can also be addressed through licence conditions.

A3 Paul Dupuis

In regards to Mr. Rettie and his land development at Beaconia..

I would like to vote in favor of whatever he is trying to do there...It looks like he is doing a good job of it and everything looks nice and tidy..If anything he has made the marsh look better than it was...

I live next door at Island Beach and am happy to see progress and change in our area...I realize that some locals are against this type of progress...Which I don't understand, because change is a good thing..

I hope you grant the person, whom I have not met yet, his much needed permits so he could continue with his work.

Keep up the good work!

A4 Phyllis Duha

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to tell you I am against the proposal. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. My specific concerns are as follows:

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that was followed prior to the channel being dug including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
- There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined.

- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

Due to the above issues I encourage you to protect our water resources and deny any further development and mandate the restoration of Beaconia Marsh to its original state.

Disposition:

The environmental assessment of the project is based on the project description and project scope provided in the Environment Act Proposal. As a substantial amount of construction occurred prior to the filing of the Proposal, the description of the project and its scope in the Proposal is expected to be accurate. Property line location and setback requirements will be confirmed from provincial departments and setbacks can be incorporated where appropriate in licence conditions. Public consultation is not required for projects on private land, and the short portion of the project located on Crown land requires permitting that is being addressed by the proponent and the Crown Lands and Property Agency. Mitigation measures can be addressed as licence conditions.

A5 Nicole Nixon

Marshes are a natural habitat. What was allowed to proceed in Beaconia is unacceptable. Remove the channel and restore the site to it's original state please.

Disposition:

No authority exists for the restoration of pre-project conditions on private land.

A6 Bruce Hawley

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to tell you I am against the proposal. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. My specific concerns are as follows:

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that was followed prior to the channel being dug including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
- There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

Due to the above issues I encourage you to protect our water resources and deny any further development and mandate the restoration of Beaconia Marsh to its original state.

Disposition:

Same letter as A4.

A7 Dave Crabb

I would like you to include this response in your collection for the review of the Rettie file please.

I will send you a link to some pictures I have collected and taken myself. The face of the East Side has changed forever. I can provide high def originals for most of what is on that web link. It is all low res that I have posted for quick and easy viewing. My own lakefront was devastated. I lost many trees, and from 6 to 12 feet of lakefront depth. Huge cliffs, about 12 feet high where we used to almost walk to the beach.

There is a picture of a vertical culvert. We have our community water pumps for Boulder Bay in that culvert and it has been there for over 30 years. It was surrounded by land until last weekend. All the hoses were on land. Now it stands alone on the beach. The rest of the damage speaks for itself. There is not a set of steps, wood, concrete, or steel that survived. All are damaged, destroyed, or missing altogether. Boat houses have disappeared that stood for decades in Lakeshore Heights. Lake shore erosion protection failed at several locations. It is hard to recognize most of the shoreline now.

As for the marsh, the damage is evident. I will send you a link to pictures of the marsh this week and the changes this weekend. The damage to trees and the erosion near the plug are evident. The effects of the canal were serious. We now have a new way for the lake to surge through the marsh creating massive water flows. I mean massive. There was so much water that flowed through the canal, that at least 2 boats, and a huge deck were washed right into the proposed boat launch area. The boats have been recovered. I do not believe that either were seaworthy afterward. The deck remains. It is about 30 feet long, and about 10- 15 feet wide. It is complete with the railings and the legs it stood on. It is sticking up in the air, and wedged into the end of the canal by Beaconia Road. You could not move it as a piece. It will have to be disassembled to remove. I do not know how long the legs are, because I cannot see all of it. You have to picture how these things all made it through the entire 2000 feet of canal and were wedged at the end. It took a huge amount of energy to do this.

Take for example the length of the road to Beaconia Beach. I do not know for sure, but lets say a 1/2 kilometre. There is a little debris all along it as it was entirely submerged. Expected for such a bad storm. The difference is there is only minor debris and the odd piece of wood and some old reeds here and there. With one exception.

Where the canal ends near the road, there is a huge pile of debris on the road, that was

about a foot thick. There are logs, boards, wooden blocks, and reeds and garbage mixed in this pile. It is getting matted down now from travelers visiting the beach. You realize not a day goes by that people do not go out to the beach. There is no where else along the road where there is an accumulation of debris except by the canal. The ditch between the road and the canal is completely filled in. You can walk across to the canal. I cannot because I am injured with a torn calf. Others could. ALL the debris, I mean ALL of the debris is pointed in exactly the same direction like a tornado came through. It is the result of a massive surge of water leaving the canal and shooting across the road into the marsh on the South side of the Beaconia Beach Road, Road 98N.

This is indisputable evidence of massive change to the dynamics of the waterflow and drainage patterns created solely by the canal. There is no marsh growth to slow down or dampen the movement of water. The dense reeds that Rettie removed to create the canal were doing that. Nobody has done any excavating or work on that drainage ditch for years, because it maintained itself, and the marsh stopped debris from filling it in. One look and that is obvious.

Now the ditch is flooding, and it is coming into the canal. The water can barely get by so it is backing up real deep. The fact a beaver, who was right behind me while I was observing all this (4 feet away) was trying to rebuild his home that was destroyed was also sad. It would not matter that he was there if the canal was not creating a problem with drainage unable to find alternate paths through the reeds. Rettie has created a berm to artificially create dry land for his project. This is blocking any natural alternative paths for water. Now, to fix this, we have to dig the ditch or allow the water to go through Rettie's canal unimpeded, and unfiltered. The plug is gone. Washed away. It is impossible to maintain a plug. It will be impossible to re-vegetate the canal with this regular interference from water flows during lake level changes.

This canal is built in the most Southeast corner of Lake Winnipeg. It is the hardest hit place on the lake during the NW winds that bring our serious wind-effect water level variations and damage. That is what floods nearby Patricia Beach repeatedly. He has opened up a whole new avenue to trouble, and has altered so much of the way this whole area has operated for decades with no need for maintenance. It will never stop needing maintenance if the canal remains. A site visit at this time would reinforce what I am saying for the average person. No special education required.

You are probably sorry you asked, but I hope I have painted a picture that you can understand. I am trying to get some pictures of the damage specifically at that location. I get home too late for good pictures. I will try this weekend.

Thank you for asking, because I believe that we understand each other, and I believe that you really do have a concern beyond your Conservation responsibilities. That is what I get from my communications with you.

Relying on that making a difference is like asking for conflict of interest, but we hope that evidence like this is acceptable to consider during the upcoming review. You are likely to see a lot of letters from a lot of people. They are mostly average citizens who really do

care, and I hope that puts some additional weight to our continued position that there is no good coming from the alteration to Beaconia Marsh. It is all downhill from here.

Any boats in the canal would have sunk if they were in there. The local fishermen could not get their boats out in time at Balsam Harbour. They have a concrete boat launch, a pier with a sea wall, a break water beyond the pier and easy access. Still, all but one fishing boat were sunk in the harbour, destroyed on the beach, or destroyed on other beaches on their way to Beaconia when the entire dock was taken by the lake. 7 boats in all. They could not manage the boats in the wind and waves that whipped up so fast. They stood on the shore and watched it all happen. The one boat that did not sink was half submerged still tied to the pier. They managed to float it with pumps and hard work, but look at all the gasoline and oil that was spilled. We do not want this in the marsh. It is not a place for boats to be parked. There is no way to mitigate this problem, and it is unreasonable to suggest that one can. The water went right over the berm, and even a boat parked on the berm would have likely been taken away. One drop of gasoline damages 10,000 gallons of water. What about all the gallons of gas and oil that entered the lake in this last storm alone. Other boats have been sunk from other storms this summer. Lots of pictures to show.

Rettie has none of this infrastructure. There is none of the additional protection from a pier or breakwater. There is absolutely no protection from the wind and water on the West side of the canal. It cannot be done without further destroying the marsh, and altering it further. I do not believe that anything would last if you tried. I have been in this area my entire life of 48 years during the summer. Many of those years all year. I have watched every attempt at boat launches, boat lifts, docks and stairs destroyed in just a few years or less. My own father lost three boats trying. He gave up as many have.

You should have a slightly better picture now, and maybe can take the time to buzz out to Beaconia to see for yourself what I speak of. It is only 45 minutes North of the Perimeter Highway. Take some pals with you. It is unbelievable. I will not rehash most of this in my own submission, but the pollution, the alteration to habitat, the alteration to water-flow, and the constant need to be excavating and maintaining the present drainage should be a major concern. Not just to practicalities, but to the habitat that being severely impacted.

Thank you for reading, and I look forward to further discussions with you.

Disposition:

Additional information was requested concerning maintenance needs.

A8 Chris Benson

My name is Chris Benson and throughout the year I spend a tremendous amount of time enjoying the outdoors, specifically wetlands. I am a part time resident in the area and throughout the year I enjoy visiting the Beaconia and Patricia beaches to bird watch, hike the beach and go canoeing in marsh. The recent development at Beaconia Beach (RETTIE BOAT ACCESS (FILE: 5486.00) is a reason for concern for me. I feel this

development will be detrimental to the wildlife and wetland habitat in the area, including the Pipping Plover which is a species at risk in Manitoba. In their proposal, they mention that they believe the *overall impact to wildlife relative to their land will be minimal*. I would have thought that a third party assessment should have been done to judge the impact, and not just what Bob and Margaret Rettie personally believe will be the impact.

Also, in the last few years the toxic algae blooms in Lake Winnipeg have become a major environmental concern to everyone who enjoys the lake. Wetlands like the ones at Beaconia and Patricia beach help remove nutrient loads in the lake. Destroying wetlands for further development on the lake shore is not the answer!

I also find it very hard to believe that the reason for this channel being built is just for sole use of the Rettie family. Given time I feel this area will be developed further for more cabins and increased boat traffic adding further strain to the wetlands in this area and Lake Winnipeg. Lastly, I am concerned that this area will eventually become closed to public access, and I will no longer be able to go bird watching, canoeing or any of the other activities myself or others enjoy doing in this area.

Disposition:

Wetland and riparian issues were discussed above, and can be addressed through licence conditions to the extent possible. Project scope was also discussed above. Access to public land across other public land is not affected by the project, and public access across private land is not addressable through the Environment Act.

A9 Carol Roessing

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to tell you I am against the proposal. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. My specific concerns are as follows:

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that was followed prior to the channel being dug including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
- There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

Due to the above issues I encourage you to protect our water resources and deny any further development and mandate the restoration of Beaconia Marsh to its original state.

Disposition:

Same letter as A4.

A10 Mary Cundy

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to tell you I am against the proposal. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. My specific concerns are as follows:

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The report is incomplete as "*Appendix 6 - Land Use Designation for Site and Adjoining Land Plan*" is missing
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that was followed prior to the channel being dug including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
- There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

Due to the above issues I encourage you to protect our water resources and deny any further development and mandate the restoration of Beaconia Marsh to its original state.

Disposition:

Similar letter to A4. (Appendix 6 was provided subsequently and consists of a zoning map missing from the Environment Act Proposal. It was posted to the electronic public registry upon receipt.)

A11 Gary Batstone

This letter is to object to the disturbance happening to the Beaconia Marsh on the east side of Lake Winnipeg.

As a permanent resident of the area I visit the Beaconia Marsh and beach frequently each year. I walked the road and beach twice this week and have been appalled happening in the marsh along the lakefront since it began last winter. To any sensible person it is clear that the area is being prepared for future construction other than a dock.

Fall storms make it abundantly clear that a boat channel here will require frequent dredging and clearing of debris. It appears that a complete cottage deck is now lodged in the channel.

My frequent visits to the area this spring made it clear that much larger earth-moving equipment was being used than indicated in the present proposal and that the work continued beyond the stop order from the Department of Fisheries and Oceans. These and other false and misleading statements in the Rettie proposal should cause us all to doubt the builders' intentions and to fear for the wildlife that have lived there. Misleading statements and refusal to share information by the municipal council of St. Clements also cause me to fear for the marsh, the beach and the community.

I appeal to you to protect our water and wildlife resources and refuse further development in the marsh area. Please have the Beaconia Marsh restored to its former condition.

Disposition:

Additional information was requested concerning channel maintenance.

A12 Rilla Britton, Manitoba Association of Cottage Owners

At the Annual General meeting of the Manitoba Association of Cottage Owners held on October 23rd, 2010 a motion was passed that MACO provide a support letter by requesting the government to make corrective measures to restore the environment to its original state in the Beaconia marsh.

MACO feels that following proper procedures and processes is extremely important in protecting our wetlands and assisting with matters in this course of action.

Disposition:

Comments noted.

A13 John and Roxane Anderson

We read "Beach Residents Fight Back Against Marsh Development" in the November 11, 2010 Edition of the Selkirk Record.

After reading the Rettie's proposal found on the Manitoba Conservation website, we are disturbed to learn that the Rettie's have been allowed to make a boat channel cut through Beaconia Marsh.

We do not agree with the Rettie's Environment Assessment Proposal and request Manitoba Conservation stop any further development and mandate the Retties' to return the Marsh to its original state.

This marsh should not be disturbed.

We suggest the Retties' use the local boat launch at Balsam Harbor like other residents.

Let's all enjoy Lake Winnipeg but without harming the marshes and environment.

Disposition:

Comments noted.

A 14 Brian Johnstone

I am writing to voice my concerns regarding the above referenced Environment Assessment Proposal (EAP) Report and project in general. I am against the proposal. I am dumfounded as to why the Department of Fisheries and Oceans (DFO) would have originally agreed to such a proposal. On paper the proposal may appear to have merit but as any long time resident of the area knows such a concept is without merit for several reasons. Additionally, the original request was shortsighted because it did not include the now proposed boat launch and dock.

The proposed boat access channel depends on the mouth of the Beaconia Marsh for lake access. A well-known fact is that the marsh mouth depth varies according to the lake water level as well as the height of the lake deposited shifting sand in the mouth. Often I can paddle a canoe through the marsh mouth but not without touching bottom. Beach walkers, including myself, wade between the eastside lake beach and Beaconia Beach by crossing this shallow mouth. The depth does increase during high water but the increased depth is caused by strong waves and winds moving water south and into the south basin, which often results in a lake state unsuitable for pleasure craft.

In Appendix 1 of the Rettie EAP report, even though DFO stated that "no excavation/dredging will be required in the existing bay" they also stated "at the mouth of the bay, a 3 m (10 ft) by 1.5 m (5 ft) area will be excavated at the shoreline to connect the proposed channel to Lake Winnipeg." Regardless of DFO's contradictory statements, it is foolhardy to think that this excavated/dredged mouth will stay open. The lake will deposit sand and the mouth will revert to its previous state—un-navigable to motorized craft.

Moreover, the Rettie EAP report clearly states on page 11 that he "would require a 10' access through 20' of weeds" but that access magnitude has quadrupled. On page 2 the report states, "The excavating will be done entirely on our property except for the 80' access to the lake." This 80' is in clear contradiction of the DFO statement "no excavation/dredging will be required in the existing bay" and clearly grossly exceeds the 10 ft by 5 ft excavation noted at the mouth. Unquestionably, the proposed project to DFO and the final or constructed project are not one in the same.

As a final statement on the viability of proposed boat access channel using the mouth of the Beaconia Marsh for lake access, I direct you to the Rettie EAP Appendix 4, Green Spaces Environment report. It stated "one could walk" because "the water was just about knee-depth, slightly lower if there was no wind." The Green Spaces Environment report

also stated, "It is worth noting that many Carp were trapped in the lagoon this year when the entrance was plugged." Even though it is well-known that the lake levels have exceeded the 715 ft high level all summer is comes as not surprise to local residents that the mouth access was plugged. From the start, this concept was without merit.

As Manitoba Hydro regulates Lake Winnipeg water levels between 711 and 715 feet, and because the wind effect on the lake also greatly alters the lake levels, a five foot deep access channel, depending on its elevation, could be either dry or overflowing with its berm underwater.

It is no surprise for avid users of the area to find the causeway road to Beaconia Beach impassable as the lake levels greatly vary. As the Green Spaces Environment report noted, "Lake Winnipeg is famous (notorious) for its terrible windstorms...the road along the south side of the lagoon was covered by more than a meter of water..." During such conditions, I question the integrity of the boat channel, especially the berm.

I reiterate that by only using the likes of maps (such as Appendix 6 of the EAP report), this boat launch and channel may appear viable, but upon a more in-depth investigation, it may be determined that such a proposal is without merit. I would like to know where the actual beach shoreline edge was in relation the excavated channel because DFO specifically stated, "the boat access channel will be excavated on land...along the existing tree line and will be above the high water mark." The channel was to be construction along the tree line, where as to me it appears that it has been dug out of the marsh. It is of concern that neither DFO nor the Selkirk & District Planning Area Board permit in the EAP Appendix 9 required Grade Elevations. Obviously, elevations are most critical in this project. Likewise, there was no indication that a survey certificate was required. Any project of this magnitude and scope, notably construction along the property boundary above the high water mark, should require confirmation of that those benchmarks.

For visual overview as well as for confirmation of various concerns and issues, I direct you to the photographs of 16-19 August via the link posted at the East Beach Conservation Coalition (EBCC) website, <http://ebconservation.ca>, which clearly shows numerous problems and violations including the failing plug, failing fencing, and overland flooding to the high water mark.

It is with great concern that the original DFO issued guidelines were not adhered to with respect to the length, width, or depth. In fact, they were grossly exceeded. For example, the 700 ft length more than doubled and became 1,600 ft long. Likewise, the 15 ft wide blossomed and almost doubled to 25 ft.

Furthermore, DFO required that "a plug of untouched soil" be used, but at the site I saw excavation that indicated that beach material was unused as part of the plug. Continuing, DFP stated, "that the 'plug' should be of sufficient size so that it does not blow out during a high wind set-up or rainfall events." It is a well-known fact that the plug did in deed fail and had to be re established.

Additionally, DFO required that the owner "consult a riparian specialist, such as Native

Plant Solutions to help you determine the type of plants best suited for your area." I noticed coniferous planted along the shoreline—the only coniferous trees visible. All other trees in the vicinity are deciduous and the planted evergreen trees look out of place. In fact, the Rettie EAP report states "the area excavated consists of grasses, bushes and small maple trees" but then states "spruce trees, which have been planted." Moreover, the Green Space Environment report that was included in the EAP states, "...the woods are dominated by ash. The woods are primarily deciduous with a small amount of Balsam Fir." Clearly, the owners are planting what they wish and are not heeding the specialists' report nor the DFO requirements.

The increased eastern shoreline height may act as a dike as lakeshore properties drain to the lake.

As indicated by the Green Spaces Environment report, the marsh is a sanctuary, for flora, fauna, amphibians, birds, and reptiles, as well as residents and tourists who choose to observe all that this pristine area has to offer. To quote the Green Space environment report, "The tranquility of the setting, aptly described as 'nature's paradise', was transformed by the construction of the long trench and berm." Nothing more should need to be said. It is of great concern that the owners will to expand on the project by constructing a boat launch and dock which is in direct opposition to the Green Space Environment report statement, "The challenge now is to try to harmonize this intrusion with its surrounding and attempt to mitigate for the environmental changes." I fail to see how the construction a boat launch and dock will harmonize the surrounding and mitigate environmental changes.

Irrefutably, the EAP proposal includes numerous differences in specifications and scope from the original plan submitted to DFO.

I have also been informed that EAP report in question is incomplete for the following reason:

- "Appendix 6 - Land Use Designation for Site and Adjoining Land Plan" was not included
- The required 90' setback from the ordinary high water mark was not adhered to, which has yet to be confirmed
- There has been no drainage plan provided as required by the Selkirk & District Planning Area Board permit.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk & Area District Planning Area Board requirements.

It saddens me that all this destruction and development is allowed to progress, in spite of blatant disregard for the rules and regulations as well as the reality that such a concept is without merit given the nature of the locale.

A more viable option, which is also marsh and community friendly, would have been to

proposal a boat launch on the north side of the property, which could be used during certain times when the lake levels permit safe egress from the marsh. Access to a northern site boat launch could be via a path or private lane/road from the south. As stated in the EAP report, "the north end of the property has a deeper and more direct access to the lake."

The most effective alternative would be to utilize the public pier and boat launch at mile road 100, less than two miles away, to launch and perhaps even store the boat at a berth. This is the option exercised by most residents. Furthermore, there are other public boat launches in the east beaches area such as Sunset Beach, Grand Beach, Belair, Hillside Beach, Victoria Beach, etc.

It is clear that this project has been amiss since its conception. I encourage you to protect the Beaconia Marsh and deny any further development. As the Green Spaces Environment report affirmed, the marsh is a pristine sanctuary for flora, fauna, folks, and families to inhabit and visit. To quote, "The tranquility of the setting, aptly described as 'nature's paradise', was transformed by the construction of the long trench and berm." This region begs to be restored to its original virgin state. It is requesting your. Help save Beaconia Marsh.

Disposition:

Comments noted. Additional information was requested to address drainage and revegetation matters.

A15 Stu McKay

Would you be so kind as to elaborate as to what exactly is the intentions are for the massive destruction of the lands involving Beaconia Marsh?

Please see link below for information on this subject.

<http://www.ebconservation.ca/>

As a lifelong resident of Manitoba and the region, I have great concerns regarding the future health and welfare of our precious wetlands.

I have to then assume that all documents are in order and all permits are in place in order for this destruction and interruption of this pristine wetland to proceed.

As a concerned resident, I once again repeat my question by politely asking you to elaborate as to what is the intended or future use of this site.

Look foreword to your reply.

Disposition:

Comments noted. The proponent has obtained or applied for all necessary approvals for the project. Project scope was discussed above.

A16 Mo Tipples

I am a very concerned cottager who is part of the Grindstone Provincial Park community and also an activist on environmental Water Issues. Our group called Save Our Lake (SOUL) as part of our cottage community, tries hard to educate and inform our cottagers about appropriate environmental stewardship. I am therefore astounded to hear about the Beaconia Beach and Marsh situation on the eastern Lakeshore. I understand that the RM of St Clements has already allowed the construction of a very long and wide channel to be constructed by heavy machinery through the Beaconia Marsh area. Some question also arises about whether or not further development of another housing development will be constructed on the private land behind this lake shore work. I hesitate to call it a cottage development as this is not the norm these days! Where or from whom has advice been solicited for this any of this lake shore destruction? Do Federal and Provincial regulations not have to be adhered to even before work begins?

➤ Given that the Province recently announced and received federal money for the construction and restoration of Wetlands in the Province, the construction/destruction in the Beaconia area is contrary to the Policy of our government. How can this happen?

What sort of example does this set? It has been proved by various studies that Wetlands have an intrinsic value as agents in removing Nutrients from the water as well as being an area of protection for wildlife and fauna. Why therefore are we allowing a wetland, which is also shoreline habitat to be destroyed?

➤ What has happened to Environmental assessments for such projects? Where is the paperwork and instructions from F&O Canada? I know from personal experience at our lot at Grindstone several years ago that NO heavy equipment can be used on the shoreline. I have a letter from F \$ O informing us that **one rock**, which we wanted to move slightly, had to be rolled...no machinery! This was also to be monitored by Conservation if we proceeded. It remains where it was!

Where was Conservation or Water Stewardship in this whole Beaconia destruction episode? I believe they were informed fairly early that it was happening.

➤ My husband and I travelled the SW corner of the S Basin last week to see first hand the damage caused by the Weather Bomb. It was very interesting to see how destructive the power of the wind and subsequent waves could cause so much damage to areas close to the Lake. Any future development on the E shore could be subject to equally as much damage.

The Province has frequently in the last few years been subject to claims for water damage by any number of flood prone cottage and housing areas. Is it wise to add even more potential disaster sites to an already burgeoning problem?

I find this whole matter extremely disturbing. A mixed message is being given out to the public that it is OK to break the regulations if you want and face the consequences after. Perhaps be faced by a meager fine, which with the present topics being discussed would be a drop in the bucket ! Are there some rules for the general public and others for those with connections and deep pockets? Is it OK for the Province to have a new plan for Wetland construction and restoration only to be broken even before work begins?

I urge the Province to think profoundly about what is going on in this situation. If you open the door here it could be followed by a profusion of other similar situations. Regulations will become a joke. Take a firm hand and show strong leadership, please !

Disposition:

These comments have been addressed above.

A17 C. Hugh Arklie

I note that the family which has severely damaged the Beaconia Marsh for the frivolous purpose of seasonal, intermittent, recreational boating is now fully expecting your office to approve ongoing construction. To do so would enable provincial authorities to pursue the same stupid course of action as the federal and municipal authorities who have already bungled this file. Larry, Curly and Moe would be proud.

This exercise should not be an examination of the environmental issues as much as it should be a trial of the public servants who authorized this abomination. I want an apology. Because there can be no "explanation". Any first year Environmental Studies student could do a term paper on the nonsense of squandering marshes. (Aside to the proponent: the destruction of marshes in the Gimli area in no way dooms every other marsh on Lake Winnipeg to the same shabby treatment.)

You know, for several years we have been gnashing our teeth and wringing our hands over the eutrophic state of the lake. Its last line of defence is the marshes that form its shores. If you don't know why, look it up.

Furthermore, we as a province, have been beseeching other jurisdictions uphill from us to help "save our lake". Are you kidding me? What do you imagine their response is when we continue to soil our own shorts?

Approve this and say hello to Larry and Curly.

Disposition:

These comments have been addressed above.

A18 Wayne Larstone

I am a resident of Island Beach, Manitoba and my property abuts the property of Robert and Margaret Rettie SE 16-17E Access in Beaconia. The first statement in the proposal indicates that the intent of Robert and Margaret Rettie was to build a canal for boat access from the Beaconia Marsh “near the north end of the property to a boat launch and docking area near the south end of the property.”

a) flaws in the request to build a boat access.

In their application to the DFO, Robert and Margaret Rettie make **a simple request to build a boat access into their cottage for their personal boat**. The Letter of Advice for this development stipulated that the channel was to be no more than 700 feet in length, five feet deep and fifteen feet wide. To date the channel extends along the shore line of Beaconia Beach from the road known as 98 N and extending well beyond 2500 feet. There is no indication that a channel is being built “**into**” the property. The channel is built “**along**” the shore line. In the request to the DFO there was no mention of a boat launch to the north and a docking area to the south. The DFO Letter of Advice is very clear in stating that any changes in plans needed to be submitted to the DFO before proceeding. From my perspective, this advice has been completely ignored and the Robert and Margaret Rettie have chosen to excavate the riparian vegetation by removing the bull rushes which are nature’s filtering system, the willows whose root system provide a very capable and strong protection for the shore line, and many large trees which have been for many years the nesting area for the bald eagles. It would appear to me that the Letter of Advice from the DFO has been interpreted by Robert and Margaret Rettie as they choose. They seem to have ignored the advice that any changes in their plans were to be sent to the DFO which would allow the DFO time to investigate and then provide any additional advice.

b) ignoring the procedures of the Selkirk and District Planning Board re: permits

The excavation of the marsh shoreline was well under way before it came to the attention of any of the residents in Island Beach, including myself whose property will be changed by this development. When this excavation was reported to the Selkirk and District Planning Board, Robert Rettie immediately went into Selkirk and within a few hours had all the permits required using as a lame excuse that since he was from Alberta he did not know that he needed permits. This display of ignorance of the rules does not sit well with me especially when all the policies and procedures are available on the internet. I was even more shocked when Mayor Strang stated on CBC radio that Mr. Rettie did not know the process since he was from Alberta, and that it seemed only right that he be given the right to build a channel into his property to avoid his boat being vandalised. What is an even greater shock to my intelligence is the speed whereby the Selkirk and District Planning Board issued the necessary permits – overlooking the need for an environmental impact study. By the time the permits were granted, Mr. Rettie had already exceeded the 700 foot restriction on the length of the channel and still a permit was granted which allowed him to extend the excavation to well beyond 2500 feet.

c) excavating below the OHWM and non-compliance with the Fisheries Act

From the description in a DFO publication concerning aquatic vegetation removal, the removal is to be by the use of hands of mechanical means that will assure that there will be a large release of sediments. In the removal of the riparian vegetation along the edge of Beaconia Marsh, Robert and Margaret Rettie used at least three giant land excavators and an equal number of caterpillars to strip away the vegetation of bull rushes, the trees and willows, and to use the earth from the channel to build a “new” berm. With the excavation taking place in the marsh, I am sure that damage and disruption to the aquatic species that would be in hibernation and whose future was not only put at risk but actually destroyed. In the document from the DFO there is a statement that I will quote, **“Under the Fisheries Act no one may carry out work or undertaking that will cause the harmful alteration, disruption or destruction (HADD) of fish habitat unless it has been authorized by the DFO. By following the conditions and measures set out below you will be in compliance with subsection 35(1) of the Fisheries Act.**

To this end, Robert and Margaret Rettie appear to have been excavating below the Ordinary High Water Mark. I see this as a blatant disregard for the legislation that is in place to protect and preserve the health of all aquatic life. In the proposal I see no evidence or indication that there was an attempt or a will to adhere to regulations that are in place for not just Beaconia Beach but for all wetlands and marshes and coastlines in our nation.

d) denied the right to access information on the ruse that this would contravene the Privacy Act

I have had difficulty finding anyone willing to answer so many of my questions around the development under way in the Beaconia Marsh. Any mention of the word “development” has been met with denials and deceit. In the proposal now available from Robert and Margaret Rettie is has been very clear to some in places of political power and responsibility that their intent all along has been “development”. Attached to their proposal is a copy of the original Planning Board’s Permit which states that the channel was just an initial step for a larger plan. It is my understanding that when a parcel of land is to be developed this plan needs to be made public, there are to be hearings, and a property owner like myself whose land abuts that of Robert and Margaret Rettie’s property has the right to suggest and demand variances that would protect my privacy and safety. To develop that parcel of land will require landfill which places my property at risk from flooding. Furthermore, to develop this piece of land with homes and the possibility of at least three channels into the property will require piles being driven into soil that is basically a swamp. The potential of piles being driven into the soil would place the artesian well network beneath that area at risk – and this has every possibility of allowing contaminants to enter the drinking water that comes into my home, that supplies Island Beach, and indeed which also supplies drinking water to the larger community. I have raised my concerns around the potential danger of contaminating the water supply but my concerns seem to have fallen on deaf ears at almost every level. This includes the Water Stewardship, the DFO, the Conservation Department, the Municipality of the RM

of St. Clements. I want answers to my concerns as to who will be responsible for the protection of the drinking water supply in this area.

e) new information and/or information withheld re: the development with a boat launch and dock and potential damage to aquatic life and the environment

In the proposal submitted by Robert and Margaret Rettie that began with a simple request **“to build a boat access into their cottage for their personal boat”** there are attachments revealing the building of a boat launch that will be in the northern portion of the channel and dock built in the southern portion of the channel. Both of these structures are of a size that means there is every possibility that they will jut into the Beaconia Marsh – placing at greater risk the aquatic life of the plants, fishes, and other species. To maintain any degree of stability I am confident that several piles will have to be driven into the marsh and this again contravenes the Fisheries Act. Although Robert and Margaret Rettie maintain that there will be no need to dredge the channel between Beaconia Beach and Island Beach, the truth remains that the channel is a shallow channel and the winds and waves off Lake Winnipeg create sand bars. This will mean that dredging will be a necessity. Dredging would interfere with the beach area of Island Beach where many families use for swimming. I do not believe that this has been fully investigated and I would want reassurance that dredging would never be required – nor that permission to dredge would ever be granted.

f) inaccurate definitions of the vegetation in the marsh and the sand used for the plug

In the proposal there is a map of the marsh where Robert and Margaret Rettie have identified the growth in the northern portion as **grass** and in the southern area near Beaconia Beach as portion identified as **weeds**. Am not a scientist but I believe the grass really are bull rushes and the weeds are reeds. Surely these are essential and natural elements that have the unique task of filtering toxins from the water. In another part of their proposal they identify the area known as Island Beach as a sand bar (which I know the sand from that area was used to build the plug and I have several pictures on the EBCC Website showing the Bobcat in action , and which I believe is in reality Crown Land. When this was reported to Water Stewardship we were told that the sand was inappropriate for the building of the plug. The action taken by Water Stewardship was to issue a stop work order. In the proposal there is no mention of being issued a work order. I wonder if this is another breach in the process where the owners chose to pursue the development without the necessary steps being taken. The RM of St Clements do have a bylaw which states hat it illegal to have an ATV or other vehicles on the beach with fines that could be up to \$1000.00 and the possibility of confiscating the vehicles. I guess it is okay to turn a blind eye on such details! I do know that the soil at the base of the plug came from inland and was later covered with the sand from Island Beach. It has been my understanding that it is illegal to remove sand from beaches – especially when the beach is a coast line. To date I have heard of no action being taken against Robert and Margaret Rettie for this intrusive activity.

g) ownership of the marsh: the proper delineation of the coastal wetland

Robert and Margaret Rettie produced a map that I believe has no legal acceptability to claim the water and the land to be their property. There is a suggestion that possibly 5% of the development of the berm required them to impinge on Crown Land. **This needs to be verified and clarified.** There has been excavation in the existing bay. There has been soil taken from the inner portion of Robert and Margaret's land and this land has been dumped into the Marsh to build the base for the portion of the channel to the plug. I was present and watched this activity and must say that I was appalled. I have been one of the voices seeking a clear and accurate statement around the ownership of the coast line. In Robert and Margaret Rettie's proposal they seem to claim ownership of the land and the water area in the marsh. I expect a decisive and clear statement as to who owns the marsh. Also I expect a clear and decisive statement of what portion of the coast line would fall under the description of "Crown Land" and what portion of the Crown Land has been excavated. The original berm has been more than tampered with and a new berm has been built as part of this development. The newly constructed berm has not stopped the waters during the summer from flowing over it and being trapped inland. In fact the channel and berm that is now in place has trapped the water to the point where the trail from Island Beach to the shore has been under water most of the summer. When the winds were high in the past the water did cover the pathway – but the water soon subsided and one could walk on dry land to the lake. Not so this year! Not so since the channel has been constructed!

h) impact of the excavation on the wildlife and the environment

In the proposal there is a hint that the excavation has damaged the wildlife, the wetlands, the health and well-being of Beaconia Marsh. However, one almost gets the impression from the proposal that the wild life, the vegetation, the aquatic life, and the environment will be enhanced by planting a boat launch and dock on the coast line and into the marsh. During the Spring and Summer months, I have noted that the Bald eagles have lost their nesting trees. There was one goose family as opposed to countless geese in past years. There were no blue herons, no ducks, no egrets and no pelicans. There were some beaver but they have moved inland are now at work cutting down trees to create dams in the ditch near the Road known as 99N. There have been otters too but not in the numbers that were there in the past. The consultant clearly states that this damage is real and has no solid information that would indicate that the Marsh might be able to survive this rape. There is sufficient literature to indicate that such drastic impacts to the marsh can often provide room for invasive species that could in the long term be deleterious to the future health of what was a bountiful, lush, and attractive environment.

I believe that Robert and Margaret Rettie have damaged and destroyed much of the plant and aquatic life in Beaconia Marsh and should be responsible for restoring the Beaconia Marsh as close to it's original state as is humanly possible. Further, I believe I have every right to have my property and water protected from any developmental plans. As well, I believe I have the right to be spared the risks of oil and gasoline spillages in this

environment which is much like my back yard. With a boat launch structure and a very large dock in the plans, one can imagine there will be more than the one personal boat belonging to Robert and Margaret Rettie using the channel in the marsh to moor their boats which means as well that there will be noise factor to contend with. Hopefully all of this can be avoided by disallowing the boat launch and the dock to be built, and by permanently ending any further excavating channels inland.

Disposition:

Comments with respect to the scope of the project are addressed above. Dredging in the channel between Beaconia Beach and Island Beach is not part of the project and this area is not controlled by the proponent. Several of these comments can be addressed through licence conditions.

A19 Jean Speers

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to advise that I am against the proposal.

Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. My specific concerns are as follows:

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which is at substantial risk due to this development.
- There are numerous issues with the process that was followed prior to the channel being dug, including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
- There has been no drainage plan provided as required by the development permit, and the effects of this channel on the water table have yet to be determined.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

Due to the above issues, I encourage you to protect our water resources, deny any further development and mandate the restoration of Beaconia Marsh to its original state.

Disposition:

Same letter as A4.

A20 Edward A. Speers

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to advise that I am against the proposal.

Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. My specific concerns are as follows:

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which is at substantial risk due to this development.
- There are numerous issues with the process that was followed prior to the channel being dug, including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
- There has been no drainage plan provided as required by the development permit, and the effects of this channel on the water table have yet to be determined.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

Due to the above issues, I encourage you to protect our water resources, deny any further development and mandate the restoration of Beaconia Marsh to its original state.

Disposition:

Same letter as A4.

A21 Ron Cooke

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to tell you I am against the proposal. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. My specific concerns are as follows:

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.

- The report is incomplete as "*Appendix 6 - Land Use Designation for Site and Adjoining Land Plan*" is missing
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that was followed prior to the channel being dug including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
- There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

Due to the above issues I encourage you to protect our water resources and deny any further development and mandate the restoration of Beaconia Marsh to its original state.

Disposition:

Same letter as A10.

A22 Ron and Linda Greenwood

We are in favour of the proposal at Beaconia submitted by the Retties.

We have owned lake front property approximately 2 kms. north of the Retties' site for 39 years. We have regularly kayaked into the area of the proposal and know the Beaconia Marsh well.

The marsh is definitely in trouble and in particular, the most northerly area including the Retties' property. When kayaking in this area, we have noticed in the last few years an increasingly pungent odor of rotting vegetation. It is my understanding that this is mainly due to Lake Winnipeg water level regulation. (High water and relatively constant levels are detrimental. Seasonal fluctuation is natural and necessary for marsh regeneration.) Where years ago the marsh was teeming with waterfowl, now other than migrating birds, there are few.

The channel proposed by the Retties will be beneficial to the marsh and will provide fish habitat where there was none.

We are talking about a very small portion of the Beaconia Marsh and the actual excavation is a very small percentage of that.

The vested interests and the credibility of the EBCC has to be considered. The long time locals of the area tell me that the very vocal EBCC was orchestrated by a few cottage owners who want to ensure their vista won't be spoiled sometime down the road.

I have never had any contact with the Retties but I have known the Chairman of the

EBCC for many years. In fact, the first time I met with him was when he and his father were harassing my children and chasing them off the beach. They said they owned the beach. Not. Isn't it ironical that he is now such a vocal advocate for public access?

We trust that the decision in this matter will be based on environmental facts and not on politics. We firmly believe that this is an Environmental Plus.

A23 Vicki Burns, Foundations in the Lake Winnipeg Watershed Initiative

I am writing to express my concerns regarding the above Environment Assessment Proposal Report. I have visited the site of this excavation at the end of April, 2010 so have seen firsthand the location within the existing marsh. I am against the proposal for the following reasons:

- Marshes, in particular coastal wetlands, like the Beaconia Marsh are very important natural tools to filter unwanted nutrients and chemicals from getting into the lake water. When the marsh is disrupted as it has been in the Beaconia situation, that filtering capacity is diminished. The marsh plants that would absorb some of the excess nutrients and chemicals have been destroyed. The water quality will suffer as a result of more phosphorus and nitrogen and other chemical pollutants getting into the lake. As well the aquatic life that thrives in the marsh area has been negatively impacted and this, in turn, affects the balance of the whole aquatic ecosystem.
- The Manitoba government is currently considering the development of a policy related to the preservation and reconstruction of wetlands, in recognition of their tremendous value in filtering unwanted nutrients and chemicals as well their capacity to slow down the runoff of water in times of flooding, spring melt, etc. It seems inconsistent to allow the destruction of the Beaconia marsh at the same time as the province is trying to put a policy in place recognizing and compensating for the value of marsh/wetlands.
- Lake Winnipeg is being considered one of the most eutrophic large lakes in the world. This is not a reputation that we want to have endure. If we are going to restore the health of the lake, we are going to have to ensure much more protection to a number of factors within the natural landscape of the lake's watershed. One of the most visible and important of those factors, is the treatment of the shoreline of the lake. If we cannot even offer protection to the very shoreline of the lake, how can we expect to persuade others hundreds of kilometres away to do the right thing.
- The development of the boat canal in the Beaconia Marsh has generated much publicity and has become symbolic of the old attitude of "dig before you have permission and ask for forgiveness afterwards". This is not the only excavation for creating a boat channel that has occurred around the shores of Lake Winnipeg and other Manitoba lakes. I think that it will be important to stop any further excavation and expect Mr. Rettie to return this marsh, as much as possible, to its previous condition. If this is not the outcome, it makes a mockery of any policies related to shoreline protection and gives others the idea that anything goes.

Thank you for the opportunity to provide comments.

Disposition:

Comments noted.

A24 Matthew Thomson

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to tell you I am against the proposal. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. My specific concerns are as follows:

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that was followed prior to the channel being dug including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
- There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

Due to the above issues I encourage you to protect our water resources and deny any further development and mandate the restoration of Beaconia Marsh to its original state.

Disposition:

Same letter as A4.

A25 Christopher Thomson

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to tell you I am against the proposal. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. My specific concerns are as follows:

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that was followed prior to the channel being dug including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.

- There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

Due to the above issues I encourage you to protect our water resources and deny any further development and mandate the restoration of Beaconia Marsh to its original state.

Disposition:

Same letter as A4.

A26 Sheryl Thomson

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to tell you I am against the proposal. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. My specific concerns are as follows:

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that was followed prior to the channel being dug including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
- There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

Due to the above issues I encourage you to protect our water resources and deny any further development and mandate the restoration of Beaconia Marsh to its original state.

Disposition:

Same letter as A4.

A27 Marilyn Baker

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to tell you I am against the proposal. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. My specific concerns are as follows:

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that was followed prior to the channel being dug including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
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- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

Due to the above issues I encourage you to protect our water resources and deny any further development and mandate the restoration of Beaconia Marsh to its original state.

Disposition:

Same letter as A4.

A28 John P. Crabb

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to tell you I am against the proposal. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. My specific concerns are as follows:

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that was followed prior to the channel being dug including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
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- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

Due to the above issues I encourage you to protect our water resources and deny any further development and mandate the restoration of Beaconia Marsh to its original state.

Disposition:

Same letter as A4.

A29 Neil Bingham

I own property at 12 William Road, about one kilometer north of the proposed Rettie Boat access, on the shores of the lake, that I use as my summer retreat.

I also use Beaconia Beach and the surrounding marsh for recreation and paddling. Over the 30 or more years that I have been at Beaconia, this intercession into the marsh in the worse case I have seen of environmental impact. It is a truly nasty scenario.

I write, therefore, to oppose any further damage and to request that the marsh be returned to its former state.

Disposition:

Comments noted.

A30 Donna J. Crabb

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to tell you I am against the proposal. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. My specific concerns are as follows:

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that was followed prior to the channel being dug including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
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- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

Due to the above issues I encourage you to protect our water resources and deny any further development and mandate the restoration of Beaconia Marsh to its original state.

Disposition:

Same letter as A4.

A31 Gary and Pat Dunlop

We are writing because of our concerns regarding the above Environment Assessment Proposal Report and to tell you we are against the proposal.

Although we are not directly affected because we do not reside in nor do we have a cottage in that area, marshes perform a vital role in the health of our environment and need to be a protected resource. The development of Beaconia Marsh affects this and us as Manitobans.

We are surprised that this has come to be and wasn't stopped by the Province due to the fact that:

- We took part in a session of Water Stewardship last spring in going through information and a questionnaire prior to circulation to the public regarding the importance of wetlands.
- We believe that there is a large variety of wildlife at risk due to this development. The Species at Risk website has indicated that Beaconia is an area inhabited by the Piping Plover (a species at risk). There doesn't appear that any consideration has been given to this.
- Ducks Unlimited Canada, a well respected organization, pamphlet entitled *The Impact of Wetland Loss in Manitoba* is quite clear and encourages Manitobans to support government to:
 - Develop and enforce regulations that are effective and encourage wetland protection and restoration.

Based on all information we have received over the last few years as to the importance of wetlands whether it be from Ducks Unlimited, Water Stewardship or other sources it is quite clear that destruction of wetland impacts Manitoba's quality of life and well-being. Please ensure that our water resources are protected by stopping further development and ensuring the restoration of the area.

Disposition:

Comments noted.

A32 Judy E. Williams

Introduction to Fraser River Coalition

The Fraser River Coalition (FRC), a group of 13 environmental agencies and ENGO's representing over 37,000 British Columbians, has been dedicated to the preservation and enhancement of the Lower Fraser River and its deltaic wetlands since 1974. We fully support the position paper sent to you on November 19, 2010 by the Eastern Beaches Conservation Coalition (EBCC), and urge Conservation and Water Stewardship to order Mr. Rettie to stop any further marsh degradation or so-called amenities/ additions such as docks or launching ramps.

Importance of Marsh and Wetlands to Migratory Birds

Migratory birds do not recognize provincial boundaries and the Fraser River Coalition is as concerned for the welfare of the migratory birds dependent on the Beaconia Marsh for rest, replenishment and safe harbour, so to speak, as they are for the migratory birds dependent upon the Fraser estuary wetlands.

Birth of the EBCC Spring 2010

The Fraser River is one of the world's top five salmon-bearing rivers. The people who work to defend its wetlands and great salmon-spawning gravel bars, are grassroots folks like those of the Eastern Beaches Conservation Coalition. The EBCC executive are to be commended for the vast amount of research and dedication they have expended since Spring 2010 when they banded together to educate others re. the atrocities being committed in pristine cottage country where people come to "recharge" their batteries or to replenish their souls. The EBCC wish to "right" a precedent-setting "wrong" which has been ignored, minimized, swept under the proverbial carpet, or worse ... perhaps by the very personalities from mayors to ministers or by agencies who are charged with protecting Manitoba's precious wetlands and marshes.

Due Public Process Not Followed with Rettie Project!

Certainly, with the Rettie project, due public process was not followed! Species at risk were jeopardized! And, now, the man with deep pockets thinks he can "buy" his permits and regulations *after the fact!* One would hope not in this lifetime! But sometimes, it seems as though money talks and conscience walks...

How does the Rettie Project Factor into Federal Grant to construct and restore Wetlands?

Recently, Manitoba announced that they had received federal monies for the construction and restoration of provincial wetlands. Would not the Rettie project go against provincial policy about not destroying wetlands and shoreline habitat? Why is he being allowed to continue with this outrage?!! And, since he was less than transparent about his actual plans in his first application to fisheries, why would he be transparent about tentative plans to build two more channels into the marsh as has been rumoured?

Fraser River Coalition Background with Wetlands and their Value in Water Purification

To help explain why our Coalition believes it can comment about the value of wetlands, you should know we also works in concert with Nature Vancouver (NV); the Fraser River Estuary Management Plan (FREMP); The Burrard Inlet Environmental Action Plan (BIEAP); the Vancouver International Airport Environmental Committee (VIAEC); Metro Vancouver Parks (MVP); the Boundary Bay Conservation Committee (BBCC), and various provincial, municipal and federal fisheries (DFO), the Ministry of Environment (MOE) and other environmental agencies with regard to preservation of wetlands and fish habitat. We are also committed to preserving the Pacific Migratory Fly-way just as we are committed to helping the good folks in Manitoba defend their biodiverse and immensely-critical marshes such as the Beaconia Marsh.

We may not have Beaconia Marsh and vast Manitoba wetlands out here in the Lower Mainland of BC, but we are blessed with the "lungs and kidneys" of the World's largest Western Hemisphere domed peat bog and its myriad and special biodiversity of wildlife and absorbency. Your Beaconia Marsh is as important a cleansing asset to the eutrophic state of Lake Winnipeg as the bog and greatly-diminished wetlands are to the water quality of the mighty Fraser River estuary and such teeming wildlife areas as Boundary Bay (recognized as a world RAMSAR site) and the Reifel Wildlife Sanctuary. Cities such as Brighton, England, and Arcata, California use marshes strong purification capacities to treat their raw sewage.

Maintaining the Naturist Tradition of Beaconia and Patricia Beaches as Passive Recreation

In addition, through my capacity as the Government Affairs Officer for Canada's official naturist organization, the Federation of Canadian Naturists (FCN), in 1992, I helped maintain the traditional clothing-optional usage of Beaconia Beach by negotiating with Manitoba's prosecuting attorney in my capacity as the Government Affairs Officer for Canada's official naturist organization, and as the only Canadian to sit on the international Naturist Society lobby arm, the Naturist Action Committee (NAC)..

The FCN represents thousands of members across Canada, and over 500,000 naturists world-wide, through our affiliation with the International Naturist Federation (INF). The FCN and the Naturist Action Committee (NAC) on which I sit also successfully assisted the Manitoba Naturist Association (MNA) in their efforts to uphold the nude usage tradition at Beaconia by appealing to the Rural Municipality's Reeve and Council. I tell you this because I think it is important for you to realize that I know the marshes and area between Grand Marais and Beaconia and Patricia Beaches from my visit there in 1992. It is also important to recognize the intrinsic value of marshes on revenue generated by all kinds of passive recreational tourists from nudes to fisherfolk! With the "erosion" of the marshes through development, this important boon to the local economy will be lost. As an example of revenues generated from tourists, Wreck Beach, Vancouver, North America's largest clothing-optional beach, generates millions of dollars annually. Haulover Beach in Miami, Florida generates over half a million tourist dollars annually. I enjoyed meeting and speaking with many of Beaconia's colourful personalities such as dear Edwin Crumpe, the woodcarver. And, I had the pleasure of observing teaming wildlife in that vast and precious marsh that has now been so negatively impacted by Mr. Rettie in a precedent-setting way unless your EAO office takes stern action against the channel that was dug without proper application and without adequate transparency!

No Net Loss of Fisheries and Wildlife Habitat!

No net loss should apply to Mr. Rettie as a developer as much as to anyone else. Even the environmental study done of the area on his behalf, reflects deep concern on the part of the environmental consultant about the danger and damage already done to existing flora and fauna. Should Mr. Rettie be allowed to continue and to not fill in that channel, a dangerous precedent will be set for all other developers who would exploit your wonderful Lake Winnipeg marshes in the name of socio-economic gain. It is specious at best for would-be developers to claim tourist-generated income by building resorts and other developments on, in or near fragile wetlands when the wetlands ambience and attraction for passive recreational opportunities from bird watching to fishing in the long run will prove far more valuable to Manitobans.

Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Rettie's boat access channel is unacceptable.

Concerns regarding the above Environment Assessment Proposal re Rettie's Property.

(In no particular order)

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The report is incomplete as "Appendix 6 - Land Use Designation for Site and Adjoining Land Plan" is missing
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that were followed prior to the channel being dug, including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
- There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.
- If the channel is not returned as closely as possible to its original form through infilling, what is the province and Mr. Rettie prepared to do to ameliorate the current flooding issues to both the causeway and beach with debris such as escaped docks plugging up the marsh.
- What kind of *pre-construction* monitoring or environmental assessment was done by a certified environmental consultant?
- What monitoring will be done as a follow-up to what damage Mr. Rettie has already wrecked?
- What can be done to encourage more turtles to nest there?
- Jet skis (PWC's) and jet boats being allowed into the marsh when it is proven they are deleterious to fish and wildlife, is a terrible intrusion into the marsh and lake. One single PWC in an average life span of 7 years can put as much as 600 gallons of jet fuel into receiving waters. They should be banned from Canadian waterways! It doesn't matter, either, whether they are two- or four-stroke engines.
- I would like to have an explanation from Fisheries as to just how they think the channel is going to encourage new fish species and what their response would be to those species that will no longer use the marsh..
- What preservation plan was followed for the marsh reptiles' safety, particularly for the safety of the two turtle species that have been there for decades?
- Due to the above issues we encourage you to protect our water resources and deny any further development and to mandate the restoration of Beaconia Marsh to its original state.

Conclusion

Our organizations fully support the Eastern Beaches Conservation Coalition position paper in their opposition to the Rettie Channel and boat access. I am proud to have been voted in as an honorary member/consultant of EBCC. I am grateful to the wonderful grassroots activists who are determined to protect Beaconia Marsh and to prevent future cart-before-the-horse developments from moving forward before approval can be obtained under proper regulatory permits!

Disposition:

Comments noted.

A33 Manitoba Wildlands

INTRODUCTION

This project was constructed without an Environment Act license, which demonstrates a lack of communication between levels of governments, and both between and within Manitoba government departments. The proponent, Robert Rettie, received a development permit from the Selkirk and District Planning Area Board (SADPAB) in January of 2008 and a letter of advice from the federal Department of Fisheries and Oceans (DFO) in April 2008. Neither of these steps replace the need for a Manitoba environmental licence. Given the failure of the property owner to fulfill the DFO permit conditions, and the lack of notification and information to neighbours and land owners, we wonder whether Environmental Assessment and Licensing Branch (EALB) was notified of this proposal by either: SADPAB, or DFO. The procedural and regulatory failures with regard to this project highlight the need to have clear, consistent and publicly accessible policies and procedures for any activity or project that triggers the Manitoba Environment Act. In particular there was confusion on the part of the Municipality, the Planning Area Board, and the proponents regarding Manitoba Water Stewardship responsibilities, and Environment Act requirements. The Rettie Boat Access fiasco serves as a case study in how not to make decisions, and how not to co-ordinate decisions across governments and departments. Manitoba Wildlands (MWL) can only hope that these procedural and regulatory problems will never reoccur, moving forward.

ACCESS TO INFORMATION/PUBLIC REGISTRY

Manitoba Wildlands is responding based on the documentation posted online at: <http://www.gov.mb.ca/conservation/eal/registries/5486Rettie/index.html>.

We have not reviewed the paper file at 123 Main. Searching the public registry database (<http://www2.gov.mb.ca/con-cat/Resquery.htm>) for: "Rettie", "Boat Access", and file number "5486" returned no results. Therefore there is no way of knowing what is in the paper registry file, or if a paper file even exists. Starting a public registry file late in a confused licensing process like this one does not fulfill public interest, or standards of fairness or reasonableness.

We could find no information about this proposal on Water Stewardship's webpage, save for a link to the online public registry referenced above. Water Stewardship webpage claims they have a registry for all orders under the *Water Protection Act* at 123 Main, but it is unclear how, when, and where this "registry" is accessed. Certainly it is not online.

It seems the Manitoba Conservation public registry file under the Environment Act was not created until the channel was identified, a stop work order issued significant work and damage had already been done. Documentation between the proponents, Water Stewardship, Manitoba Conservation, EALB and other government authorities should be included in the file. For example, e-mail correspondence has revealed that Rettie submitted his first EIS in April 2010 but was asked to revamp it to adhere to the conditions of the *Environment Act*. This earlier draft and related correspondence should

be in public registry file #5486.-

Presently there is also no public way to determine who has water rights and permits, and how much water they are withdrawing from Manitoba's lakes, rivers and aquifers. This license review highlights the gaps and problems with public information, and decision-making about water use in our province.

PUBLIC LAND VS PRIVATE LANDS AND WATERS

There is no complete scoping of this and further intended project steps in the materials provided by Mr. Rettie. Essentially it was not clear in the beginning what Mr. Rettie intended to build — and still is not clear what he intends to do - and no steps were taken to scope the full project. One result is the tripling of the length and width of the channel — in defiance of DFO permitting. This proposal is not only on private lands. *Mr. Rettie is gaining access to Crown land & water without a lease or paying compensation for use of Crown resources.*

ORDINARY HIGH WATER MARK

Presently there appears to be no way to know where the public and private land/waters starts and stops as there is no clear technical information as to the Ordinary High Water Mark in the south basin. When concerned citizens have to pay for aerial photos themselves to show the location and impact of an unlicensed project, we know there are significant problems as to technical information about Lake Winnipeg's southern basin. This is compounded by the lack of clear historic technical information about the effect of the Manitoba Hydro regulation of water levels in Lake Winnipeg, and resulting effects on the south basin.

GOVERNMENT RESPONSIBILITIES

Our government is responsible to ensure that all laws and public policies are complied with. We also would assume our government does not give away or allow alteration of crown land and resources for no public benefit. There is clearly extensive use of crown or public lands and water by this project — with significant and ongoing environmental effects.

Manitoba Conservation and Water Stewardship responsible for restoration of this site — and a complete renewal of the technical and scientific regarding this project site and adjacent lands and waters.

References to a 'development' permit in the documentation available is not clear. The lack of any reference in planning district information to potential provincial or federal government responsibilities, especially where crown lands and waters may be impacted is a significant omission. See below.

"Through the Selkirk and District Planning Area Board office, development permit applications are processed for the Rural Municipalities of West St. Paul, St. Clements, and St. Andrews, the City of Selkirk and the Village of Dunnottar. This page provides you with information on application requirements and guides you to other offices where permits may also be required, depending on your building needs."

(Source: http://www.selplan.net/index.php?option=com_content&task=view&id=22&Itemid=36)

Shoreline Erosion Development Permit

"Surrounding low-lying areas of the Red River, its tributaries, marshes and delta system, and the south basin of Lake Winnipeg, in our District are highly susceptible to shoreline erosion. As such, when working in low-lying areas, or within 350 feet of these water systems, special consideration is required of development permits. Development can include removing existing trees along a shoreline, placing rip-rap or other material to build up or stabilize a shoreline, replacing existing material with new fill, constructing a building in proximity to a shoreline, etc... For building structures, please refer to the requirements found under the building permits section of this website. For all other shoreline development, please read the information below "

(Source SADPAB: http://www.selplan.net/index.php?option=com_content&task=view&id=35&Itemid=61)

All municipal and planning district information provided to the public across Manitoba needs to be explicit as to potential impacts on crown lands and waters, with access to Manitoba licensing authorities provided. Municipalities do not issue permits regarding crown lands and waters or with potential impacts on crown lands and waters. An initial review by provincial authorities is essential. Municipal authorities should be held responsible in situations such as this unlicensed, highly damaging project.

Department of Fisheries and Oceans public information (below) :

Three step process:

1. Planning Guidance - You can avoid harm to fish and fish habitat and comply with the Fisheries Act by planning your project using the guidance provided below. You will not need to come to Fisheries and Oceans Canada (DFO) for review if you can follow the planning guidance found in an Operational Statement.
2. Project Review- If you are not able to follow the planning guidance provided in Step 1 or it is not applicable to your project, then you will need to submit your project proposal to Fisheries and Oceans Canada for review and assessment. DFO's preference is to avoid harm to fish and fish habitat wherever possible. If the project is considered to be low risk then you may proceed without further authorization. DFO staff will advise you of additional impacts that you will need to work to minimize.
3. Fisheries Act Authorization - If the assessment determines that harm to fish or fish habitat cannot be avoided, then you progress to Step 3 for a Fisheries Act Authorization.

(Source: <http://www.dfo-mpo.gc.ca/habitat/habitat-eng.htm>)

Two things are essential, based on this situation: *Clarity on who in government responds to failure to comply with a DFO permit, and formalized communication between government departments regarding federal responsibility.*

CONSULTATIONS & NOTIFICATION

There was no consultation with the public before Mr. Rettie began work on his project. It also appears there was no application with the Lakeshore Erosion Technical Committee (ETC) as required by Selkirk and Area District Planning requirements. There is no indication in the Environmental Assessment Proposal Report (EAP) filed by the developer that an application was filed. If an application was filed with ETC this documentation should be included in the public registry file.

Manitoba Conservation should have required the proponent to provide all documentation with other levels of government in this proposal filed after the fact.

DFO PERMIT

The 23 April 2008 DFO letter of advice stipulated an understanding that the channel was to be, "...approximately 213m (770ft) long, 5m (15ft) wide, and 1.5m (5ft) deep," with "...a 3m (10ft) by 1.5m (5ft) area ... excavated at the shoreline to connect the proposed channel to Lake Winnipeg."

Furthermore the DFO letter stated:

"[I]f the plans have changed or if the description of your proposal is incomplete you should contact this office to determine if the advice in this letter still applies."

However the September 16, 2010 EAP states: *"[t]he channel will be approximately 1,600 feet long, approximately 25 feet wide and approximately 6 feet deep."*

Additionally in the request to DFO there was no mention of a boat launch to the north and a docking area to the south. The DFO Letter of Advice is very clear in stating that any changes in plans needed to be submitted to the DFO before proceeding. At the very least the developer is in breach of its federal DFO permit. And the developer was going ahead without its Manitoba environmental license. On these two points alone, Manitoba Conservation should not license this project — and should require the developer to pay for restoration.

CROSS GOVERNMENT COMMUNICATION/ RESPONSIBILITIES

The fact that this project was mostly constructed and caused significant environmental effects without an Environment Act license demonstrates a lack of communication between levels of government and between provincial government departments. There should be clear, public policies and procedures that identify all regulatory steps when Manitoba Conservation and Manitoba Water Stewardship responsibilities under Manitoba Acts overlap.

What are the present communication policies/procedures/guidelines/standards between governments and within government regarding projects that likely require licensing under the *Environment Act* and the *Water Protection Act*? Are there any? The lack of a joint public registry, or cross-referenced sources for public regulatory information causes confusion and adds risks to decision making about crown lands and waters. With changes in government department structure, and new legislation in recent years, there has been no regulatory review to make sure that both departments are able to fulfill their policy and

regulatory responsibilities.

TECHNICAL & SCIENTIFIC BASIS

There are numerous technical issues and gaps in the process followed prior to the channel being dug including a stop work order being issued.

These include lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has not been confirmed.

No drainage plan was provided, as required by the Municipal development permit, and the effects of this channel on the water table have not been determined.

The proposal under the Environment Act includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie. At this time it is unclear whether Mr. Rettie's most recent information reflects the actual unlicensed project.

Information about the development of a boat launch and dock and potential damage to aquatic life and other environmental elements appears to be missing at all steps.

Varying and inaccurate definitions of vegetation in the marsh and the 'sand' used for the plug have resulted in increased damage and environmental effects.

The environmental impacts of this extensive excavation on wildlife, fish and fish habitat, shoreline species, and other environmental elements seems to have been ignored, resulting in significant damage, that continues.

The effects of the recent weather bomb on Lake Winnipeg south basin shorelines tells us all that tampering with the aquatic habitat while increasing risk and making decisions in isolation can have systemic multipliers. Now the need for planning, restoration and a new integrated regime for any shoreline decisions are unavoidable.

BIODIVERSITY

The Green Spaces Report appended to the EAP shows the huge diversity of wildlife species, which have been impacted by this development. Identified were: 180 plant species, 19 mammalian species, 83 bird species, 7 amphibian species, 3 reptilian species.

"The tranquility of the setting [Beaconia Lagoon], aptly described as 'nature's paradise', was transformed by the construction of the long trench and berm," concludes the report. Moreover, the fact that the species inventory was conducted between June 19 and August 19, after the damage from the channel construction was already done means that there is no baseline data from which to compare to."

Manitoba Wildlands agrees with this report. No attempt was made by any of the three levels of government to require or provide baseline data before 'decision-making'.

WETLANDS

The Manitoba Water Council was charged by the Manitoba government to host a series of

policy discussion over the course of Summer 2010, related to public policy for preservation and reconstruction of Manitoba wetlands. Our government and the Water Council recognize the value of ecological services from wetlands in filtering unwanted nutrients and chemicals from water, as well their capacity to slow down the runoff of water in times of flooding, spring melt, etc. It seems strange that while we wait for this policy to be finalized and approved our government turns a blind eye to the destruction of the Beaconia marsh and wetland. It should be noted that we are not lacking in policy that pertains to this project. Manitoba's Water Strategy was renewed in 2003, and the Lake Winnipeg Stewardship Board's reports and recommendations, as accepted by the provincial government, are also in place. In short we have policy to safeguard our wetlands and shorelines. Will the government please fulfill these policies? As addressed above, any after-the-fact approval of this channel would contradict Manitoba government policy in the "Manitoba Water Strategy" and the "Lake Winnipeg Stewardship Board Final Report".

LAKE WINNIPEG

Lake Winnipeg is considered the most eutrophic large lake in the world. Protection and renewal of Lake Winnipeg is a public policy goal in Manitoba. Actions hundred, even thousands, of kilometres away affect the lake, yet we seem unwilling to protect even the shoreline, wetlands, and marshes in the south basin of Lake Winnipeg. Manitoba Wildlands has long advocated for the legal protection of more designated marshes in our province, and establishment of more protected areas in the natural regions surrounding the Lake Winnipeg south basin. It should be noted that currently there is a significant gap in regulatory tools to actually protect crown waters from industrial activity.

MANITOBA WATER STRATEGY — RIPARIAN PROTECTION

(<http://www.gov.mb.ca/waterstewardship/waterstrategy/pdf/index.html#Lake%20Winnipeg>)

"The Manitoba government has announced an action plan to begin to achieve the goal of reducing nutrients in the lake to pre- 1970 levels. The plan includes enhanced riparian protection..."

Yet here we are with a channel that is damaging the riparian system of Beaconia Lagoon.

"Further refine land use planning strategies in partnership with local governments to ensure appropriate development occurs in areas of high flood risk."

The Beaconia channel is in an area of high flood risk as evidenced by the August 14-19 2010 storm. Please also view the photos on ebconservation.ca

"Develop and implement a clear, co-ordinated approach among local organizations, all levels of government, First Nations and jurisdictions outside of Manitoba to properly assess and manage drainage issues."

The lack of government coordination underlies the whole problem and current situation

with this project.

"Policy 2.1 - River, lake, and shoreland habitat and the general environmental, subsistence, and economic values of rivers, lakes, and wetlands shall, where possible, be conserved."

"Policy 2.2 - Soil conservation, wetland retention, and the application of appropriate land use practices shall be promoted primarily by the provision of incentives, but with regulation where required, not only as essential elements of water conservation and protection, but also as key measures to reduce siltation impacts, downstream flooding, and non-point source pollution."

"Policy 5.1 - Development on land subject to flooding or other water related hazards shall occur only under planning guidelines which prevent human suffering and property damage, limit public costs and liabilities, and address environmental impacts"

"Policy 5.3 - The negative impacts of changes to water level and flow regimes caused by hydro-electric development projects shall be mitigated to the extent possible."

LAKE WINNIPEG STEWARDSHIP BOARD FINAL REPORT

The Lake Winnipeg Stewardship Board Report made numerous recommendations, including:

"12.1 The Province of Manitoba and municipalities should establish an integrated land and water resource planning process that is environmentally conscientious, and ensures planned and orderly growth with respect to land drainage and sewer and water services."

"12.7 The Province of Manitoba should consider establishing regulations, such as minimum set-back distances from shorelines for new developments, to prevent significant disturbances which would result in increased erosion along lakes and waterways."

***Note:** even forestry riparian standards are 100m or more, but this channel is roughly 30m from the shoreline depending on the water level.

(Forestry link: http://www.vv.mb.ca/conservation/forestry/pdf/practices/riparian_mgmt_final_sept2009.pdf)

CONCLUSION

Clearly the Manitoba government is liable here in that the recommendations accepted by the government, and firming public policy relevant for this project, are simply being ignored.

We understand that Manitoba Conservation EALB was unaware of the existence of the Rettie Boat Access project, and we recognize that certain of the policy issues identified in our submission are outside of the scope of EALB. What is lacking of course is a

Manitoba Water Stewardship review process, or clear combined departmental responsibilities and procedures for a development request of this sort. That said government departments do not operate in a bubble. As the Rettie Boat Access scenario shows, when intra and inter-government communication and policy integration is inadequate it makes the jobs of government employees more difficult, and it the health of Manitoba's ecosystem which primarily suffers.

Manitoba Wildlands urges Manitoba Conservation *not to license this project, and to issue and order for remediation and restoration of the lagoon*. We also urge the department to assemble an internal departmental mechanism so there are no further instances of this sort. In particular a review of the any other municipal requests for permits that could affect crown land and waters is needed immediately. Municipalities do not have jurisdiction over crown lands. So it is clear this situation points to the other risks to crown shorelines, marshes, wetlands and waters.

We have the opportunity to indicate our support for review comments (among many) received by the EALB from:

- Wayne Larstone
- Vikki Burns (Coordinator, Foundations in the Lake Winnipeg Watershed Initiative, Community Foundations of Canada)
- Chris Davis
- David and Candy Crabb

In particular the Eastern Beaches Conservation Coalition members are to be commended for their technical work and advocacy. They clearly understand this motorized watercraft channel should not have happened. Manitoba Wildlands supports their goals and concerns.

Disposition:

As noted in the comments, some of the items raised are outside of the scope of the Environmental Assessment and Licensing Branch. Many of these items involve other authorization processes and the mechanisms used between government departments and levels of government to communicate requirements and concerns. Experience gained is leading to informal adjustments in processes. It is anticipated that these adjustments will become more formally established as they are applied to a range of projects and refined to be less project specific. A number of technical and non-process matters have been previously identified and discussed. It is noted for clarification that Manitoba Water Stewardship took action on the project under the Water Rights Act, and not the Water Protection Act.

A34 Marc Brunet

Having worked with you and many of your staff on the Gull Lake Water Basin Management Board, I am writing to express my grave concern regarding the Environmental Assessment Proposal Report. I am totally against this proposal for the following reasons:

- There was no consultation with the area residents who would be directly affected, a lack of communication between the Selkirk and Area District Planning Department and DFO.
- The plan originally submitted by Mr. Rettie should never have been considered in the first place. He was fully aware that he did not have the necessary permits and approvals but still went ahead with this project even though he did not have confirmation of the property line and the required 90' setback from the ordinary high water mark and no feasibility study (which is unheard of for a project of this magnitude).
- Mr. Rettie did not divulge the full extent of his project and the resulting impact on the wildlife and the environment.

Because of your assistance and encouragement we were able to bring Gull Lake back to its former state and are to this day enjoying swimming, boating and fishing in a beautiful, clear lake that has an ecoli level of 1.

As a resident of Gull Lake who has taken environmental concerns for water and the ecological health of our area seriously for many years now I would like to make the following comments. As you know, I was a founding member of the group that established the aeration system in Gull Lake. We brought in one of the first Municipal Bylaws for private sewage systems to try and save Gull Lake from becoming a dead marsh and sewage pit. It took a lot of work on a continuous basis with many officials from Conservation including you to be successful. We have now finally reached a point where the lake has reached a state of health again.

After decades of work to accomplish all that, I am disappointed that our recently formed Water Stewardship Department, and DFO sit back and allow an illegal canal to destroy over 2000 feet of Beaconia Marsh. We rely on the various government departments to properly manage and oversee project of this magnitude, yet nothing was done to stop this rogue from wilfully destroying a Crown Marsh.

I have serious concerns when no government body is willing to step forward and utilize a single law or regulation to protect the province from this kind of damage. Not a single study or any form of environmental review was conducted and Mr. Rettie was allowed to continue even after being discovered. Is there no policy that has been written to deal with people who want to sidestep the proper procedures? We hear about people not being able to move a rock on the shoreline, and yet this man Rettie digs up 2000 feet of marsh he does not own? What excuse is there for the Provincial Government allowing work to be completed on this?

Farmers cannot dig a cut in their land without a permit. Farmers go through all sorts of hoops even when they are nowhere near water, and this professional land developer runs rampant and we just sit back and let him do what he wants. He does not even live in Manitoba. A quick look on the web shows that he has been developing around water for years. He obviously knows the laws, and how to flaunt them. He suckered Manitoba good!

The years of hard work, cooperation and communication with Conservation, the municipalities and our associations, have paid off for Gull Lake. It was such a shame to witness the horrible blue green explosion on Lake Winnipeg this summer. Clearly we need to do everything we possibly can to support and protect these wetlands and marshes. To allow a 2000 foot canal and to tear up a marsh for Mr. Rettie's two boats, to allow the pollution and destruction of a marsh completely escapes all common sense and logic. There is nothing in Rettie's submission to support the need for this canal.

It is ridiculous to suggest that we let him have a marina in there because we allowed Siglavik and Hillside Marina. Should we not learn from our mistakes?? We did not know as much then as we do now. We did not have the rules and regulations that are now in place. We should know better than to allow anyone to use a weak excuse like that.

It would be totally irresponsible for Conservation to issue any kind of license for something that would result in the wanton destruction of a beautiful marsh. This is obviously a scam. Only the developer will benefit. The buyers will lose, the marsh loses and the community is left with a non-functional eyesore that will plague the area with problems forever, not to mention the negative impact on the health of Lake Winnipeg. The issues we presently face concerning Lake Winnipeg will only be compounded if we allow this project to continue. It is Mr. Rettie's responsibility to repair the damage he has created.

The St. Clements Council publicly supported this travesty – shame on them. They claim they are Lake Friendly, but this proves otherwise. I see development dollars and an ecological disaster not only here, but also at Sunset Beach . What about the developments in the Grand Marais Marsh ? St. Clements is promoting these project and are in fact one of the developers building on a flood plain. The same kind of unstable land that Rettie owns, with dozens of acres of land below flood stage and much further inland than the boat canal. A third of his land was affected by flooding in the last storm in October. It will happen many more times yet.

Please stop these projects and let the marsh be restored by having the perpetrator cover the expenses. Let's protect the wildlife, preserve the lake, preserve the marshes and make Beaconia Beach a place that people will enjoy for decades to come.

Disposition:

Comments noted.

A35 Eastern Beaches Conservation Coalition

Please be advised that this letter constitutes a formal objection to the above referenced Environmental Assessment Proposal Report (EAP). We are asking the licensing be denied for the Rettie Boat Access Proposal 5486, and that Beaconia marsh be restored as close as possible to its original condition. We do not see any way for the proposal to be allowed that will not have severe and long-term effects to Beaconia Marsh and the surrounding area, including direct negative impacts affecting residents in the area, negative impact on the eco-system, risk to drinking water and the health of Lake Winnipeg.

The Eastern Beaches Conservation Coalition (EBCC) was formed in the spring of 2010 by concerned citizens to address the various issues our community has with the development of Beaconia Marsh. The development was approved with no consultation or input from the residents and frequent users of the area, despite due processes in place that state otherwise.

The coalition currently has 49 individual members (and growing) and over a dozen provincial and federal organizations representing thousands of members while it continues to grow. EBCC's mandate is to protect the environment on the east side of Lake Winnipeg; respecting its beauty and natural environment and to ensure appropriate legislation protecting our environment is followed.

The stop work order issued by Manitoba Water Stewardship in March was the result of EBCC and other resident complaints. It was during the Water Stewardship preliminary investigation that the canal was stated as being excavated in the marsh. This invalidates any claims by Rettie that it was excavated on his land. It is our opinion that this changes the entire application of laws and regulations, and means that this is development on Crown Property. Unless the Province is going to take responsibility for this canal development, the methods of construction, and the effects on the environment, and most important the impact on residents, it would appear that a return to its original state is the only possible outcome for Beaconia Marsh.

Rettie has claimed he has grand fathered rights. This cannot not be true. It is not stated on his land title. It is not inherited, and the land has changed hands several times since the only registered survey back in 1913. That survey was done by the Winnipeg & Northern Railway Company. They did not even survey the property, they stated where the property exists. Most financial institutions will not accept a survey almost one hundred years old. Surveys that old are simply not accurate to what presently exists. The shoreline and marsh have definitely changed over that time period. There is no ability to claim settler rights when Rettie purchased the property just 5 years ago. You cannot reclaim what you have lost to the lake. That has been enforced by Manitoba Water Stewardship in many instances.

Furthermore, the EBCC objects to this proposal for the following reasons:

Flawed Approval Process – The initial “Request for Project Review” submitted to the Department of Fisheries and Oceans (DFO) by Mr. Rettie dated January 16, 2008 did not

adhere to the requirement of detailed information required by DFO, including, but not limited to:

- (a) A map or chart with the location of project clearly marked;
- (b) A sketch/drawing of the project, including the side and top view and showing dimensions of work;
- (c) Survey plan or sketch with dimensions indicating location of existing buildings, shoreline structure, property lines, high and low water marks and adjacent properties as well as who owns the property, This should include dates on all maps, sketches and documents including the names of the qualifying reference sources. There are no reference sources cited in the Rettie submission;
- (d) Current photographs of the proposed site, displaying shoreline, shoreline vegetation and bottom sub state (if possible) with date;
- (e) Information regarding fish habitat and or fish species present at proposed site.

Without the above information and with limited information provided by Mr. Rettie, the letter of advice issued by DFO dated April 23, 2008 was done so inappropriately and with no adherence to any procedures as it pertains to the responsibility of the Federal Government regarding the protection of fish habitat and protecting aquatic species at risk and their critical habitat.

Under the Manitoba Environment Act, Section 11(1)(a) “no person shall construct, alter, operate or set into operation any class 2 development unless the person first files a proposal in writing with the department and obtains a valid and subsisting licence from the director for the development”. In the letter of advice dated April 23, 2008 sent by DFO (Ashley Presenger) all government departments including Manitoba Conservation and Water Stewardship were copied. It would appear that someone responsible for implementing the Environment Act took no steps to ensure that Mr. Rettie complied with this Act. In an email from Manitoba Conservation to EBCC dated September 1, 2010, it was claimed Manitoba Conservation had no knowledge of the project until construction was basically complete. Additionally, in a letter from Manitoba Water Stewardship dated March 12, 2010, they claimed no prior knowledge or involvement in approval of this project. Would it not be the responsibility of these departments to follow up on the status of a project that was given a go ahead by DFO in April 2008?

The Selkirk and District Planning Board (SDPB) was not transparent and accountable when they issued a permit dated January 18, 2010 based on the DFO’s letter of advice. By that date the project was basically complete. SDPB never assessed the project relative to the specs in Letter of Advice. Had the Board acted responsibly, they would have seen that the work Mr. Rettie had actually done was in violation of DFO’s letter of advice and no permit should have been issued at this time. As per the Manager of SDPB, the permit was issued within 24 hours because the applicant was very cooperative. Also in a letter from Mayor Strang dated February 22, 2010, he denies knowing Mr. Rettie or having any contact with him. Due to the Coalition’s lack of information regarding this proposal, the name was miss-spelled as REDDIE. We are sure the Mayor would be knowledgeable enough to connect the name to the issues we were pursuing. To issue a permit of this

nature within 24 hours would mean that it was done without the proper procedures of the Municipal Act and Municipal Bylaws of the Rural Municipality of St. Clements. Because both Manitoba Conservation and Water Stewardship clearly stated that they had no prior knowledge, so it was clear that proper procedures were not followed.

As well when residents met with the Manager of SDPB regarding the digging in the marsh, the Manager confirmed that a permit was issued but when asked to see the permit the residents were told that it was confidential and fell under the privacy act. Again viewing of the permit was denied. The EBCC feel that this was a way of circumventing the public awareness through a public notice as well as the requirement to re-zone the property.

The initial proposal by Mr. Rettie to DFO avoided any public participation in developing this proposal as per the requirement by the Manitoba Community Land Use Planning Guide and Public Land Usage Policies.

As the Coalition reviews the procedures that Mr. Rettie followed to obtain approval to construct a canal and destroy Beaconia Marsh, it is evident that the majority of the Provincial, Federal and Municipal acts, bylaws, policies, and procedures were violated.

Rural Municipality of St. Clements Backs Down- Previously, the Rural Municipality of St. Clements had made a lot of public statements supporting Rettie. At the November 9 2010 meeting, they discussed a request by the EBCC for a support letter to restore Beaconia Marsh. It was decided in a motion at that meeting that they would neither support the project, nor would they send a letter of support for the EBCC. This clearly shows how they have at least considered the facts, and admitted they do not have the authority to make decisions over the future of the marsh. At the Town Hall meeting in East Selkirk during the election, Mayor Strang admitted in his election speech there he made a lot of mistakes in how he handled the Beaconia Marsh development. Clearly, this makes a statement that they have backed down, and no longer want to influence the decision of Conservation during the licensing process. We expect they followed through and that Council did not send a letter to promote the developing of the marsh.

Underlying Message in Rettie Submission- If you read the submission report in its entirety, it is clear that there is a very large population of life in the marsh. The person who wrote the submission had to avoid comments about any long-term effects, and has not backed anything with studies or publications. The tone of the submission almost points out in a subtle way how this is not really an appropriate project in our opinion. It points out just how much wildlife will be impacted. How can you disrupt the home of so many life-forms and not have a negative effect? It is simply not realistic to expect all these different species to adapt to such a major disruption to their habitat. Anyone who understands how long it takes for species to adapt knows that there is usually a large number of fatalities and vacancies before any species will learn to adapt to major changes

like this canal imposes on their existence. Anyone in conservation will certainly appreciate the importance of this fact. We should not kill and affect all these species for the sake of 2 boats, or more likely several boats as the property reaches its marina stage of development and the plug is removed for use.

Lack of Consistent Specifications – The boat access canal far superseded what was initially the intent identified in the DFO's letter of advice dated April 23, 2008. The dimensions stated in the proposal were 700 feet long, 15 feet wide and 5 feet deep. The actual size is 2200 feet long, 40 feet wide and more than 6 feet deep. The excavation was to be along the tree line above the Ordinary High Water Mark. The digging was done in the Beaconia Marsh along the South Basin of Lake Winnipeg. The earth removed was to be placed, levelled and reseeded on the tree side of the access. It was not specified that it would be used to create a four-foot high berm to protect the flooding of Mr. Rettie's inland property. The boat canal was to provide access to his cabin (which is the former owner's residential home) which is situated inland. The canal was not dug towards the cabin but directly into Lake Winnipeg.

Now the September 16, 2010 EAP identifies further disturbance to the surrounding environment by proposing a boat launch and dock. The initial proposal for boat access to the cabin was to avoid vandalism and theft of his boat. Why would Mr. Rettie now want a boat launch and dock in the middle of Beaconia Marsh where his boat could be susceptible to vandalism and theft? The canal leaves the boats out of sight behind shoreline vegetation and hundreds of feet away from any building. It is also very close to a public roadway, which gives many more people access to his watercraft just a few feet away. The new elements such as the boat launch and dock should not be allowed in this proposal, when it was only a turnaround in the original proposal. The issue under review is the damage done to Beaconia Marsh, not to be licensing for additional development projects.

In reviewing the EAP we have found similar discrepancies with what Mr. Rettie proposes and what actually transpires. In accordance with the intent and purpose of the Environment Act, we are requesting that Manitoba ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for this and future generations.

Effects on local water flow and aquifer – The new Rettie canal is creating havoc with water flow in the marsh and along the shoreline. The wide opening of the marsh now can accept a much larger volume of water influx during lake level increases from wind effect. The vegetation in the marsh normally restricts these changes naturally, but the large canal has no vegetation in the water, which means there is no resistance to water surging through the marsh. It has resulted in large quantities of debris flowing at high speed through the canal and up over the berm and out the south end of the canal right across the

road. In the last storm a large 30 foot deck and two boats from elsewhere on Lake Winnipeg managed to get sucked into the canal and made it all the way to the end of the canal where they were lodged. This action spilled gas and oil, and means that every storm will cause further damage to the marsh environment in various ways. With a prevailing Northwest wind, the Southeast corner of the lake, where the canal is located, is literally a pressure point for water.

The storm damage has consistently brought debris over the end of the canal, and has already filled in the ditch which has drained along Road 98N (Beaconia Beach Road), causing a backup of water, and is now flooding the fields in behind the tree line, hundreds of feet behind the canal and associated berm. This action has caused major environmental changes, and severely impacts the pollution that this area never used to be exposed to. The water draining from miles around into the marsh has been dramatically altered. Retention of this water, which dramatically increases during inclement weather, is now directly affecting the watershed that is feeding the shallow aquifer. Many residents within the Rettie property and in the surrounding area utilize this shallow artesian aquifer for drinking water. The MAFRI maps on the Provincial Government Website clearly illustrate this shallow gravel aquifer. The effects from development of this canal and any future development on the Rettie property have not been addressed in the submission. This aquifer is supporting human life. There are many permanent and seasonal residents of Beaconia, Island Beach, and other nearby residents directly impacted by the risk to this drinking water. There is no other source of water nearby. This omission is perhaps one of the most important aspects that have been overlooked entirely.

This proposal also does not deal with the effects of drainage in general. It does not address the affects to water levels in the low-lying areas of Island Beach. It does not deal with the restriction that the berm has created by cutting off access to the marsh that the ditch had before. Now the debris and the berm combine to cause the ditch to flow directly into the lake. It is more apparent than ever that we must maintain the natural filters like the Beaconia marsh wetlands to filter the unwanted pollutants coming from inland. These wetlands are largely responsible for stopping pollution from entering Lake Winnipeg.

Every rain and windstorm has caused flooding behind the tree line, a long way from the canal development. There is no mention of the changes or what was normal before. It is known to us that flooding happened without the berm. Now that the artificial dike has been constructed, it is even more evident that flooding takes place, as it lasts much longer. There is no solution mentioned and the effects on sustained water presence are going to cause major changes to the habitat over time. With a dike in the way there is nowhere for the water to go. When you consider that this affects over 2000 feet of shoreline, this is a severe impact on the environment. It is not understood how the scope of the Rettie project will affect wildlife in the long run, which would take more than a few weeks of observing birds and animals and other mentioned life to truly understand all of the real impact.

A majority of the long-term effects on the environment in the marsh and on land remain to be understood. We cannot accept the Rettie submission as a source of fact as to what

will really occur. There are too many water and landform changes to understand the impact. None of this was addressed in the submission to evaluate.

Ongoing Maintenance Issues – There will be maintenance to keeping this canal it will never end. There is damage every time there is a storm, and planting grass will not suffice. Grass is not strong enough to battle the water flows and wave action that occurs during storms. The exposed East side of the canal is eroding further in every storm and the sediment barriers are blown over every time the winds get up. The silt will eventually fill in the canal. The entire West side of the canal is submerged all summer, and provides no protection because the canal is built in the marsh. If the canal was excavated where land was above the Ordinary High Water Mark (OWHM), it would actually have two sides and would have limited protection from water action. Still this would still not properly protect it from surges during lake level increases due to wind action.

Dredging is not allowed so this is not sustainable. It is our understanding that sedimentation is a huge concern, and since the entire berm is made up of marsh bottom, there is nothing but muck there. It is highly vulnerable and subject to rapid deterioration from erosion. Water from the ditch on Road 98 is then pushing through the canal into the marsh and the lake. Where does all the sedimentation go once the plug is removed? This is not addressed in the Rettie Proposal.

It is called a boat canal. The water is not deep enough except during storms to get a boat to Lake Winnipeg. Only canoes and kayaks can actually do that, but even they are bottoming out, and paddles hit the bottom. Powered watercraft are much heavier and need much more depth to be able to operate. If we allow this canal for boat use, we have to expect Mr. Rettie to request work to restore access to the lake in future. We are seeing this condition during a slightly higher than normal water level on the lake, so it will get worse when the wet conditions subside, leaving the marsh inaccessible from the canal. Lake Winnipeg access will be out of the question. Therefore the entire project is unsustainable, as it will not serve its purpose even if it were allowed to remain. We cannot change the laws of nature. We should not alter the marsh just for one person's desire to use a boat or two.

A harbour is nearby, just two kilometres up the lake. Most cottagers cannot find a boat launch within 10 kilometres. It would be wise to utilize a location pre-existing and properly designed for the purpose. Not destroy a marsh for personal convenience or financial gain. That does not follow conservation best practises. We also cannot afford to see Rettie's boats dumping fuel and oil in the marsh when a storm blows up. It takes only minutes, usually less than 20 minutes to take protective measures for watercraft. The lake is unbelievably quick at rising and blowing into a storm. The last storm, all the fishermen lost their boats that were parked in the Balsam Bay Harbour. Rettie would not have had a chance in the marsh. It offers none of the protection the harbour does at Balsam Bay. He would certainly have had his boat damaged by the structure and other boats and debris that blew into his canal. There is no protection from this action. If one drop of gasoline destroys 10,000 gallons of water, what does a 5 or ten-gallon fuel tank do to a marsh? We are supposed to be restoring wetlands, not destroying them. This is mandate that the Provincial Government has been addressing with its wetland education program they

rolled out this summer. They are even advertising it on television. This project defies any of the points made in those programs. No powered craft should be allowed in any marsh.

For a marsh to flourish, you cannot be maintaining it. You have to allow it to operate naturally. That is the action that makes it work so well as a natural filter. That is what maintains the habitat for aquatic birds and reptiles and breeding grounds. Any maintenance by humans is intervention, and will be counter-active to many of the natural processes that would otherwise take place. Even mowing the grass on the berm will be scaring off birds.

Effects on Flora & Fauna – Overall the Environment Assessment Proposal Report, in particular the Green Spaces Environment Report portion, shows the substantial amount and diversity of life present and at risk due to this development, and also whose habitat has already been destroyed, such as the Gray Tree Frog. In fact, the width of the canal (40') plus the width of the berm (60') created a loss of at least 100' of marsh of various depths along the entire eastern shoreline of the marsh, which is valuable hibernating habitat for a variety of reptiles and amphibians due to its mud bottom. The excavation of this canal has already disturbed a substantial number of these types of wildlife as the excavation occurred during their hibernation period and would have been dug up. This 100' wide area also directly affects what the report describes as “one of the real highlights” of the area, being the carex zone, whose plants are described as “large genus of plants found in damp woodlands and bogs and ditches or at water margins”, which very clearly describes the area that has been excavated.

It is also important to note the presence of 2 species listed in Schedule 1 of the federal Species at Risk Act (SARA):

- Common Nighthawk – Threatened Status
- Northern Leopard Frog (West Boreal/Prairie population) – Special Concern Species

Manitoba Conservation has also brought attention to a rare species, known to reside in this marsh in the past, called the Lake Winnipeg Physa Snail. It is losing its habitat due to loss of marsh areas filtering nutrients entering Lake Winnipeg in recent studies found on the Manitoba Government Website.

The report also states that there is a significant amount of waterfowl frequenting the area, yet there are no comparisons to the amount of waterfowl that were present prior to the canal being dug. Many locals have indicated that there has been a decrease in numbers of birds visiting the area since the excavation. The absence of Bald Eagles who previously nested in this area of the marsh is evidence that the bird habitat has been affected. The report states that several duck broods were observed swimming in the canal (trench); however, once boats start to use the canal the ducks will be impacted as well. The sheltered waters of the marsh that birds enjoy is no longer present along the affected area since water from the lake gets blown directly into the canal, funnelling the force of the water up and over the banks of the canal and over the berm, as evidenced by several storms that have occurred since the canal was excavated. As a result of this effect of the water, most of this marsh no longer has sheltered waters suitable for bird nesting, and this

flow of water will have consequences spreading well beyond the area that has been excavated.

The Rettie Submission states that the canal will create new fish habitat, however, it also states that fish have become trapped in the canal and have died as a result. Additionally, boats and personal watercraft are known to destroy eggs and small fish that further provide evidence of a negative impact on the fishery due to this canal. The overall impact on the fishery cannot be determined due to the lack of a complete scope of this project, as potentially there may be multiple users of this canal rather than just Mr. Rettie. The use of power craft will cause a lot of disturbance to the bottom. This will cause further degradation of water quality, and make it impossible to support plant life. It will also stir up and destroy any eggs from fish and reptiles. It will damage where amphibians burrow into the mud. Propellers will also directly cause damage to life. It seems contradictory to be declaring additional habitat when you take a power craft into the picture. That argument only works if it stays the perfect canal with no activity in it. The bottom of the canal is too deep to support life, except for wandering fish and amphibians. This will not last if there are power craft navigating the water.

The re-vegetation of the berm area using conifers as is currently being done is not sustainable, as these shallow-rooted species are prone to being uprooted by strong winds and soil erosion from the lake. The berm itself creates issues with re-vegetation as the elevation along the marsh has been significantly raised. Plants normally growing along the edge of the marsh such as willows and sedges will no longer grow there due to this increase in elevation, thereby creating a dilemma since the un-natural landscape created by the berm leaves no natural plants that are ideally suited to the growing conditions artificially created there.

ECO-Tourism – The Beaconia Marsh has been enjoyed for its eco-tourism even before the term was invented. For decades people have gone to Beaconia Marsh and enjoyed the interaction with nature. They can sit on the beach or on the road and watch the birds and wildlife. Sometimes they will even come to you or go right by you. They are used to an unthreatened existence in the marsh. Beaconia Beach is advertised in provincial and international publications for its rare beauty and ability to enjoy for this reason. It is a unique experience, and should remain so. The Rettie Proposal does not address this issue. If we allow the power craft and the effects of people using the canal to take over the marsh, we lose an international attraction that is free to thousands of people who come here to enjoy a few hours or many days of different times of the year. It is not just the surrounding residents that lose something; it is all the people who have visited the marsh that lose a gem. Beaconia Marsh must remain the unique and irreplaceable place of solace and enjoyment that nature has provided.

In conclusion EBCC encourages you to protect our water resources and the marsh by denying licensing of the Rettie Proposal. We also ask that no further development take place and mandate the restoration of Beaconia Marsh to its original state (or as close as possible) prior to December, 2009 before the excavation of the boat access.

Disposition:

Comments noted. Additional information was requested respecting drainage behind the Development, revegetation and anticipated maintenance requirements. These matters can also be addressed in licence conditions.

A36 Dave Crabb

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to tell you I am against the proposal. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. I wish to see the marsh restored to its original state, or as close as possible.

My specific concerns are as follows:

The project proceeded without due diligence, and that is inexcusable since Mr. Rettie is a professional land developer. He is from out of province, and that is no excuse. To think that a single letter from an Ottawa office is enough to destroy over 2200 feet of marsh, is incomprehensible.

The fact he told numerous neighbours that this was going to be a marina was a laugh. We never thought it would happen with permission from any of our Government departments, especially with Water Stewardship recently formed to prevent these kinds of things and protect our waterways. When we found out he started digging up the marsh, we were horrified, and soon found out that there is no proper means in place to report such a circumstance. There seems to be no policy to deal with someone not following the rules.

It is a farce to see this project going for licensing, when it does not qualify, and has not met the bylaws at a Municipal level, and has not met any of the prerequisites at the Provincial level for any department. These kinds of prematurely executed projects are expected to be dealt with in a penal manner, and reverted to their original state in the mind of the average person. There is no excuse for the failure of policy and foresight to allow a project that would never have been approved in the first place. I certainly hope that this will mean some new policy and procedure that will specifically deal with projects that begin in advance of proper processes being followed.

There are clearly a lot of risks caused by the canal in the Beaconia Marsh. There are concerns about the drinking water supply that have not been even mentioned in the submission or attended to by Conservation or Water Stewardship. This should have been enough to stop the project in its tracks. To think that it continued after complaints finally brought officers of Manitoba out and still nothing stopped Rettie is disturbing. The safety and health of residents, seasonal or full-time should be the number one concern. Clearly they are not the way this has been handled. This is another failure of a key issue to cause a halt to a project. When do people become less important than a developer and his desire to park a boat? That defies logic.

The only positive thing that comes from the submission by Rettie is the inventory of wildlife and vegetation. Clearly the Rettie submission shows the massive number of living things, besides humans, affected by the excavation. There are pictures that many of us have showing the equipment submerged in the canal while excavating. They dug up marsh to create the canal. There is no possible way to suggest that there has not been habitat destroyed. All the reptiles, amphibians and other species were buried in that shoreline that was bulldozed and excavated and buried. How many were impacted? I guess we accept that destruction as the result of the damage to date. There was no submission section dealing with how much damage was caused. There was no inventory and numbers of creatures prior to the excavation. What kind of a submission is this? All we get is bragging rights to the life in the marsh. Not before canal, and not after canal. Just some added habitat for fish that is tantamount to a lie when the canal is too deep to support habitat for fish. Ok, they have a new place to swim, but likely to a fishing line that never would have been there before the canal.

The rest of the submission is hypocritical and some of it completely untrue. The entire DFO letter of advice is now useless, as it was violated on almost every single point. When Rettie proceeded, knowing it exceeded the original limitations was the start of the offence. We know he surveyed, but he removed most of the pegs and marks. He left a few in Island Beach. He knew darn well that he was off base, and in fact, the stop work order by Conservation clearly stated their investigation showed the excavation was in the marsh. Rettie has no right to that marsh. Law prevents it. Any more than I have a right to beach in front of my home. Rettie knows it; we know it and Conservation know it. Lying about the OWHM is another offence, because that intentionally deceives anyone looking at the ridiculous diagram that a grade schooler could have done a neater job of.

The proposal did not provide any study, any database, any reference book or other source to back his claims this canal is OK. If he hired a professional to produce this submission, then either he chose poorly, or there was nothing available to the writer to actually back Rettie's claims. I believe the latter. I do not believe there is any type of study to suggest that this kind of development does not cause major long-term damage, and negative effects on the environment. The additional risks posed by humans utilizing the canal are another matter once the infrastructure is allowed to remain. They will spill gas, oil, and cause additional pollution from waste and other debris that humans invariably leave behind. Is there a washroom for this area? It is about 900 feet from the nearest building, but that is private.

If this canal is allowed to remain, you just created a public boat launch and dock. Nobody is allowed to have a private boat launch and dock. If you build them, they become public. If not, then please show us the law that says so, because every other province this is the case. How can you have something private on public land? Is there a special agreement in place with the Province that we do not know about? That would really make things worse. Yes, another place for people to urinate and defecate and sit and fish all day with no facilities. Balsam Harbour already provides this kind of facility. We do not need another. You should see the vanloads of people that come and spend the whole day doing this. It is disgusting. None of the buildings on Rettie's property are public. They are

private. There is no public facility anywhere in the region. It is clear that the shoreline is public. You cannot obstruct someone from accessing it or passing through. That is the law.

Tell me how this canal is private. It would have to be constructed about 600 feet back to exceed the OWHM and become a private canal. According to RM of St. Clements Bylaws, until you place it above the 722ft mark, it is in flood-prone and hazardous region if it is adjacent to Lake Winnipeg or the Red River. Then it would be on private land. It would not be on the shoreline. Then it would only flood his land, and bring storm debris into his land every time the lake levels rose and flooded. It would not be causing storm surges and flooding the marsh the way it does now that he has completely changed the landscape and the nature of water action in Beaconia Marsh.

Having no licenses, digging up marsh, using equipment in the marsh below water level, digging up Island Beach shoreline, ripping off an oil pan on a bulldozer, and continuing to work after stop work orders all constitute major violations of the environment. I am appalled that none of them have been acted upon. Many failures of the proponent, and many failures of our system to protect the marsh have occurred here. It is only right to reflect and see how badly we were failed by the very systems we expect to take care of our environment. It is time to determine how we go about restoring the marsh despite the size of the project. At no time does size matter anyway. It is about what is right. The size is not the problem of Conservation or any government department. The size is the problem of the proponent Mr. Rettie. Rettie made it and he fixes it.

There is certainly no need for anyone to bow down to Rettie. He needs to understand that the law is the law, and if we change it for him, then we change it for everyone. This is a precedent, and it is public. It is being documented in magazines all over Canada during the summer. If you want copies, then let me know and I will supply them. Conservation is not the only one watching, but they are being watched. This will receive much more coverage yet, as it is one of the most destructive and obvious projects. The aerial pictures including the one in the Winnipeg Free Press have made their way all over Canada. Comments are not nice. Nobody can believe that this was allowed. Maybe it has not, but it is there. Until Conservation does their due diligence, and has it mitigated to the original form that was once gracing our beautiful Beaconia Marsh. You only have to go there, and look at the South side of Road 98N at the tree line, to see the way the shoreline looked before Rettie destroyed it. A haven for nature and nature watchers.

Beaconia Marsh and beach are also in travel guides. This area is known for the ability to sit on the beach or walk the road and have wild birds and animals wander around you. It is a naïve area where the wildlife knows no threat. It is beauty at its finest. Until Rettie, nobody did a thing to hurt their environment. Now the tree with the Eagle nest is gone. The Eagles are gone. They only visit occasionally. They used to be on the beach regularly eating unwanted fish that recreational fishermen used to leave for them. The Osprey is rarely seen there now. It has moved up the shoreline, but will it stay? What about the other birds like the Great Blue Herons? Used to see small flocks going past my place every night. Now only see the odd one. Is this part of the Rettie problem? Where have

they gone? Every year for as long as I remember, and the year he digs up the marsh so many changes? What else has changed? Will we ever know?

We should all feel guilty for allowing it go this far. All the officials ignored the pleas for help. Somehow they did not believe themselves that such a large project was going on. Why was it not stopped dead in its tracks? I expect that the process will reveal the insufficient evidence to allow any part of this canal to remain. It must go. It is a scar that needs to be repaired. It looks ugly from the ground, it looks even worse in the aerial photos. If you need the photos, just ask. I have hundreds.

Nature did not create this, and it will fight the existence of this canal. 4 storms crossed over the top of the man-made berm. All left their scars. They mowed over the trees. They left debris all over it. They blew water right out of the boat launch area and across the road to the South. This is a pressure point. It is the worst possible place for a project like this. Low and level land below the high water mark. Huge pressure along the shoreline from the NW winds that every storm carries. It is natural that the lake will be hitting the SE corner so hard. The marsh dampened the effects. The canal is a hole in the marsh. Nothing restricts the water. It goes like hell through there in a storm. No way that boats can be allowed to remain in there. They will get destroyed, as almost every boat that has been moored in this area has been in past. My own father tried boat hoists, boatlifts, boat ramps and docks. They were all destroyed including the boats in short order. He finally gave up. The ramps are even gone now, and the lake has taken so much land that you cannot find where it was. The bank is over 16 feet high at that property and you cannot find the cut? I live on the lakefront and used to be able to walk to the beach with minimal climbing in 1995 when we bought the land. It is a straight drop of

About 12 feet now. How do you expect a low-lying mud berm to stand up where thousand-year-old packed ground from a glacier will not stand up? That is loose muck from the bottom of the marsh. It would not really matter, because the wrath of Lake Winnipeg in a storm has wrecked anything that people thought would withstand it. None of the lakefront erosion protection structures survived the last storm untouched. All took minor to major damage, and they were all constructed in the last 3 years. Rettie's berm will be gone in a few years. Anything built in it will get destroyed. What the wind and water do not wreck, the ice will.

The water is not deep enough. I can walk all over the place in the marsh opening and way into the lake at less than waist deep. This is high water this year. During the summer and kayaks and canoes have ventured into the marsh, and they are bottoming all over, and hit their paddles on the bottom and on fish while trying to paddle. No way this works for power craft. When the lake goes down, as it always does at the end of the wet cycles, it will be impossible to navigate. Allowing this is a lie to anyone that buys a property from Rettie in his marina development. They cannot bring their boats in there. If they do, they will damage more than their boats. There will be damage to the marsh bottom, to habitat, to all sorts of wildlife.

Bottom line is this is a ridiculous and unsustainable development. You cannot keep it in one piece, it is too shallow, and it is not worth licensing this for two boats vs the pages of wildlife and species identified in Rettie's submission. To use things like Siglavic as a reason to allow this is indignant. Siglavic should not have happened. Neither should have

Hillside Marina. During the last two storms, these developments were completely flooded with thousands of dollars damage to the resident's homes, never mind their destroyed docks etc. How do we account for this? Who cleans it up? What about the dredging they do regularly. Certainly in Hillside Marina. Locals inform me this is regular, and almost seasonal. That is wrong. Clearly it was not meant to be. Marinas in Lake of the Woods are not dredged. If you want that, go there. Do not try and make Lake Winnipeg a Marina development. If we can do it Beaconia Marsh, nowhere on Lake Winnipeg is sacred. To hell with the lake. Did anyone concern themselves with that? Allowing pollution to bypass the marsh is directly adding to the health woes of the lake. This summer was the worst yet for Blue-Green algae. How does it get better if we do not stop these kinds of projects?

All year we have been listening to ads, to funding, to fundraising, and are hearing from government and independent bodies how sick the lake is. Beaconia Marsh is a major output of drainage. We need that marsh functioning, and it is not with the canal. The canal is a shortcut for drainage every storm. I have gone to observe and taken pictures. Do you have any idea how ugly a collection of pictures from the project looks? Allow me to show you if you do not believe. I can do so on a moments notice.

Finally, the project is going under scrutiny. I still think it is not fair that Rettie had many months to assemble his disappointing lack of information. As defenders of our neighbourhood and its residents, we have only a short month to figure it out, contact all the people, and try to inform them they can do something now. After all these months it seemed nobody cared, we get a few days to respond. That seems very unfair. Even at that, Conservation is at least doing something about it. To me, it is like a funeral for a friend. We are hearing the Eulogy. I am hoping that the review will see through the "muck" of Rettie's, and see fit to restore the marsh. Realize that Lake Winnipeg is bent on destroying this canal, and it will never be the idyllic functional place that Rettie dreams of. If it was worth it, then someone would have done this many decades ago. It took an Alberta man to try and make something where it cannot exist. It is clear he has no knowledge of Lake Winnipeg. No knowledge of the history and the recreational value of the area to residents and to thousands of visitors. He has no appreciation of the importance of all the different species to the ecosystem.

I hope that Beaconia Marsh is completely restored so it can heal, and once again become a beautiful part of our community with no noise, except the wildlife. With no pollution, except the surprises those storms bring. With nobody violating the marsh, but instead enjoying it for its beauty as it is. Not some unnatural human mess.

Disposition:

Comments noted.

A37 Chris Davis

I am writing to voice my concerns regarding the above Environment Assessment Proposal and formally notify you of my opposition to the proposal. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. I am a seasonal resident in the immediate area, as well as frequent kayaker in the marsh under review. My specific concerns are as follows

The Environmental Assessment submitted by Mr. Rettie is very weak on content. In fact there is no reference to any type of reports or scientific literature and no mention of the relevant bylaws. There is no legally acceptable map of the project to verify that the project was placed in the upland (Mr. Rettie's property) vs. the coastal wetland, the Ordinary High Water Mark, and the Crown setback from a navigable waterway. The proper delineation and verification of the coastal wetland and legal property demarcations is a key issue that has not been addressed by any level of regulatory and/or enforcement authority. The map that Mr. Rettie provided to DFO is critical as it was instrumental in misleading the regulatory authorities. I am not saying that this was intentional but rather that it was Mr. Rettie's responsibility to provide the correct information to these agencies.

Please note the following attachments are to be considered Appendices to this letter and form part of this letter:

- RETTIE APPENDIX A - 1 - March 5, 2010 South Basin Community Members
- RETTIE APPENDIX A - 2 - May 28 - Rettie Perspective Must Be Heard
- RETTIE APPENDIX A - 3 - Delayed EAP
- RETTIE APPENDIX A - 4 - Mortgage Documents
- RETTIE APPENDIX A- 5 - Beaconia Beach Swapped to Private Ownership by Council, Canal Excavation in Marsh, and Potable Water Issues EBCC
- RETTIE APPENDIX A - 6 - Land Title Documents

I have a number of issues with the assessment in general but here is a summary of my main concerns.

1. In the executive Mr. Rettie indicates that only 5% of the project will take place on crown land. This needs to be independently verified.
2. In the Introduction Mr. Rettie states that he received approval for the project from DFO in April 2008, however he fails to acknowledge in the assessment that the project varied significantly from what was initially proposed. The original plans called for a channel 700ft long, 15ft wide and 5ft deep, while what was constructed was 129% longer, 67% wider, and 20% deeper. The letter from DFO clearly states that if the plans change relative to the proposal that the proponent should contact DFO and that failure to implement the proposal as described could lead to corrective action. Based on this I do not think Mr. Rettie can use DFO as a scapegoat for moving ahead with the project.

3. The letter from DFO indicates that Mr. Rettie stated in his proposal that no exaction would occur in the existing bay. This should be independently verified.
4. Although it appears a most of the recommendation for mitigation from DFO were ignored or poorly implemented, there are two DFO recommendations that stand out as requiring further investigation: namely that excavated material was disposed of above the high water mark and not in the marsh, and that all machinery worked above the high water level.
5. Under the heading “Description of Existing Environment in the Project Area”, Mr. Rettie states that the area excavated consists of grasses, bushes, and small maple trees, but he omits that wetland vegetation was excavated. If DFO had known that wetlands vegetation was being excavated they may not have seen the project as creating fish habitat.
6. Under the heading “Description of Environmental Effects of the Proposed Development”, Mr. Rettie states that less than 1% of his land will be used for the project and that the overall impact to wildlife will be minimal. However, there is no attempt made anywhere in the assessment to assess the impact that project will have on the environment. Although the tremendous biodiversity of the area was highlighted in the report provided by Green Spaces Environmental Consulting there was no attempt to indicate how the project would affect biodiversity. Furthermore, although biodiversity is important there are numerous other ecosystem functions and services provided by coastal wetlands that may have been negatively affected.
7. In the conclusion, Mr. Rettie indicates that the channel will benefit wildlife and not be detrimental to birds and waterfowl based on the numbers that have been observed in the channel. This is invalid considering these observations were made after the project was constructed. Perhaps the diversity and numbers of birds and waterfowl were greater before the project was constructed. There is no defensible way Mr. Rettie can suggest that the project is beneficial. In fact his own consultant states on page 22 of the biological inventory that “*The tranquility of the setting, aptly described as “nature’s paradise”, was **transformed** by the construction of the long trench and berm.*” and that “*The challenge now is to try to harmonize this **intrusion** with its surroundings and attempt to mitigate for the **environmental changes**. This report provides a basis to build on so that over time, and with ingenuity, much can be accomplished which will benefit plants and wildlife and help counter the **damage done to the natural environment.**”* Through these statements Mr. Rettie’s consultant clearly acknowledges that the project has had negative impacts on the environment yet Mr. Rettie claims that the project will be beneficial. In fact, the biological inventory shows that Mr. Rettie’s project directly affected a fairly pristine environment with tremendous biodiversity.

8. One aspect not mentioned anywhere is the fact that these types of disturbances can often provide a foot hold for invasive species that could have tremendous negative impacts on the entire area in the future
9. There was no consultation with the public or with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.
10. Mr. Rettie did not abide by the Manitoba Environment Act, Section 11(1)(a) which states “*no person shall construct, alter, operate or set into operation any class 2 development unless the person first files a proposal in writing with the department and obtains a valid and subsisting licence from the director for the development*”.
11. Conflict-of-interest and possibly even collusion was, in my opinion, clearly displayed between the Rettie’s, the Mayor of the RM of St. Clement’s (RM), and the Selkirk and District Area Planning Board (SDAPB). Under *The Planning Act*, the Board is responsible for the adoption, administration, and enforcement of the Development Plan by-law for the entire district, and the administration and enforcement of the zoning by-law(s), any secondary plan(s), the building by-law(s), and any other by-law(s) of its member municipalities and/or district. The Mayor of the RM is an appointed member of the SDAPB Board (per http://www.selplan.net/index.php?option=com_content&task=view&id=12&Itemid=27). Attached are PDF copies of two - of many - communications released by the RM in regards to the Rettie development project. The following two attachments form part of my opposition submission.
 - RETTIE APPENDIX A - 1 - March 5, 2010 South Basin Community Members
 - RETTIE APPENDIX A - 2 - May 28 - Rettie Perspective Must Be Heard
12. Manitoba Conservation requested on March 2, 2010 that Mr. Rettie file an *Environment Act Proposal* for the channel project. The Rettie’s filed materials on April 14, but the material was incomplete. Mr. Rettie finally filed an EAP on September 16, 2010. Rettie’s submission on September 16, 2010 was still incomplete as it did not include *Appendix 6*”. Conservation was not aware of this omission until advised by a 3rd party. *Appendix 6* was not posted to <http://www.gov.mb.ca/conservation/eal/registries/5486Rettie/index.html> until November 5th, 2010. No explanation has been provided by Conservation as to why extensions and omissions were permitted. The provenance and accuracy of the contents of Rettie’s *Appendix 6* is contentious as there are at least two – if not three – separate occupied dwellings on the property and Rettie’s mortgage application declared the property as “farmland”. In the meantime Mr. Rettie continued work on the canal including, but not limited to, bulldozing acres of sand from the public beach commonly known as Island Beach. The following two attachments form part of my opposition submission:
 - RETTIE APPENDIX A - 3 - Delayed EAP

- RETTIE APPENDIX A - 4 - Mortgage Documents
13. Attached is a letter release by the Eastern Beaches Conservation Coalition on April 19, 2010. This letter was submitted to all relevant regulatory and enforcement authorities, agencies, and departments. It would appear that no investigation – independently or coordinated - was initiated or conducted by any of the relevant regulatory and enforcement authorities, agencies, and departments to ensure compliance with the Acts, Regulations, and By-Laws they are mandated to enforce. This attachment forms part of my opposition submission:
- RETTIE APPENDIX A- 5 - Beaconia Beach Swapped to Private Ownership by Council, Canal Excavation in Marsh, and Potable Water Issues EBCC
14. The Land Title documents submitted by Rettie as part of their *Appendix 5* appear to have been edited and/or altered. It is also unknown why multiple titles have been included as Title 2126059 is the only legal title that encompasses the shoreline. Furthermore, the only legal survey for Title 2126059, WLTO Plan 2045, was completed by The Winnipeg & Northern Railway Company and registered with Land Titles on April 13, 1913. Plan 2045 is not available electronically and is a 10-foot long scroll containing a railroad right-of-way plan running from approximately Scantebury to Grand Marais. As such, no legal survey of the property has been registered with Land Titles since 1913, even though the property has changed ownership at least twice since that time. Title 2126059 is so old there isn't even any utility easement. Plan WLTO 2045 does not notate any dimensions, demarcations, or shorelines, but solely indicates the where the property is located on a township grid. Attached is a PDF that included a "*Certified True Extract From Land Titles Data Storage System on 2010/03/08*" of Title 2126059 which you will find is different than the Title 2126059 submitted by Rettie as part of their EAP submission. This attachment forms part of my opposition submission
- RETTIE APPENDIX A - 6 - Land Title Documents

I am in possession of several thousand photographs, taken from both the air and from the ground, of the channel project development under consideration. Electronic copies will be provided upon your written request. I am willing to meet with Conservation, upon request, to provide details regarding the location focus and significance of individual pictures.

(Attachments included with this letter are provided in Appendix B.)

Disposition:

Comments noted. Land ownership matters are addressed in the general discussion of public concerns elsewhere in this project summary.

A38 Liz Speers

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to tell you that I am against the proposal. Marshes perform a vital role in the health of our environment and are to be a protected resource. The development of Beaconia Marsh affects the environment and the wildlife in the area. I live in the area and frequent the Beaconia marsh by kayak and by foot to enjoy the abundant wildlife and flora. I feel that I have specific local knowledge about the area to support the many existing reasons that the channel in Beaconia marsh should not be permitted. My specific concerns are as follows:

-Mr. Rettie states that he wants the channel so that he can safely moor his watercraft in a sheltered area. If he has ever actually spent any time in the area on his boat, he would know that it is not even possible to get a boat (other than a kayak or canoe) into the marsh from Lake Winnipeg. The entrance from the lake into the Beaconia marsh is only about 2 feet deep. Appendix 4, pg 3, of Mr. Rettie's EAP report also states that the water at the entrance into the marsh is "just about knee-depth". When I kayak into the marsh, my paddle hits the bottom and I often feel carp bumping against the bottom of my kayak. Mr. Rettie would have to dredge the entrance into Beaconia marsh if he intends to bring his watercraft into his channel, an action not allowed by Fisheries and Oceans. There is a safe place to moor personal watercraft at Balsam Harbour, about 1.5 km's north. The locals, including my husband and I, safely moor motor boats there.

-The lake is very dynamic and the southern end, in particular, is affected when a north wind occurs and there is a significant shift in water volume from the northern basin to the southern basin of the 430 km long lake.. This shift in water volume and wave action changes the sand, rock and sediment deposits on the southern portion of the lake on a daily basis. It also changes the water levels by several feet daily. The natural berm and the entrance to the marsh change frequently as deposits shift and move. This makes the marsh inaccessible to boat traffic. Since Mr. Rettie has dug his channel, the natural berm has had much more sand, shells and rocks deposited on it, extending into and blocking clear passage into the opening of his channel. The water action has also removed most of the plug that was put in. The storm and resulting changes in the shoreline that is referred to on pg 3 of appendix 4 is not an unusual occurrence; it is the normal dynamic state of this area which I have personally witnessed since I have been frequenting the marsh area for the last 10 years. It is also common for the Beaconia Beach road to be washed out from high water levels.

-The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie. Example 1 - He now says the channel will be/is 1600 ft long, which is more than 2 times longer than what was proposed to DFO. It is now a 25 foot wide channel; 10 feet wider than what was proposed (see appendix 1 pg 1). Example 2 - The channel was to have been dug above the high water mark along the tree line. It was dug in the aquatic marsh well away from the tree line.

-The map that was supplied with the proposal to Fisheries and Oceans shows general land use areas only and does not clearly represent the land and water areas affected by the channel. The map also does not show high water marks and marsh areas.

-Work on the channel began in November 2009 (as also supported by Mr. Rettie's letter emailed to Cottage Association Presidents by Lloyd Talbot on May 28/10). The permit from Selkirk and District Planning area board (appendix 9) is dated January 18th, 2010. This was issued well after the work was done and well after local residents had asked for answers from the RM, Selkirk and District Planning, DFO and Conservation. The permit was not obtained before the work was started. The permit was issued after concerned locals could not get information and answers about the extensive work occurring in the marsh. The permit was issued after the East Beaches Coalition was formed in an effort to protect the marsh from the damage that frustrated locals were witnessing. Mr. Rettie now states that work started in December 2009 (pg 2 EAP) and in his letter to Cottage Association Presidents he admits to the actual work starting in November 2009, 2 months before a permit was issued to do the work.

-There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined. Mr. Rettie states on pg 2 of the EAP report that water will eventually drain towards the lake through a natural ditch on the south end of his property. He also states that he "hopes to lessen the flooding effect with the berm" (pg 3). The ditch currently has a series of six separate beaver dams on it, many are recent builds by the beavers since the October 26th storm this year. Drainage and flooding in the area is affected by several natural phenomena. Any man-made changes to drainage should entail a proper study and plan taking into account the natural variations that occur in the area due to the wildlife and to the changing shoreline from water effects and the changing water levels of Lake Winnipeg.

-Mr. Rettie was to install and maintain the sediment fencing. The sediment fencing did not stay in place to do its intended job of reducing the sediment from seeping into the channel and preventing erosion. It has not been regularly inspected or maintained and is currently a hazard to birds and fish in the area. Much of the fence has been floating in the water with the posts uplifted (from natural water action) for at least one month. I am concerned about birds, fish and turtles getting tangled in the fencing that is both floating in the water and laying flat on the ground in many parts.

-The plug that was put in place has not done what it was intended to do. It did not prevent sediment from entering the lake and it did not keep the lake water from entering the property during high water. A natural plug of untouched soil was not left. It was not of sufficient size to not blow out during high wind set-up or rain. Most of the plug blew out.

-Fisheries and Oceans advised that aquatic vegetation should not be removed. The proposal that Mr. Rettie submitted to them said that the entire access would be done along the tree line and above the high water mark. The digging was mostly done in marsh grasses. The high water mark, where the lake naturally leaves washed up lake debris, is

much further back than the area that the channel was dug. This is also apparent in the photos submitted with the EAP report.

-Many of the spruce trees and much of the sod that was planted are standing in the normal high water level and are dead or dying. Marsh grasses and cattails grow in this area, not sod, and not coniferous trees.

-The report is incomplete as "*Appendix 6 - Land Use Designation for Site and Adjoining Land Plan*" is missing.

-There are numerous issues with the process that was followed prior to the channel being dug including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.

- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

-The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development. This report best sums up what I have experienced as making the Beaconia marsh special and worthy of protection. On pg 22 of the report, it states that this area provides a window on the great diversity of flora and fauna occurring in the East Beaches portion of southern Lake Winnipeg. It is referred to as relatively pristine natural area and as nature's paradise. Of special note is the carex zone referred to on pg 6, appendix 4, or damp meadows found between the marsh and the woods. This area should be protected, not dug up and manipulated to reduce normal temporary flooding.

Due to the above issues, I encourage you to protect our water resources and this important natural ecosystem and deny any further development to the Beaconia Marsh area. I wish that you could mandate the restoration of Beaconia Marsh to its original state, but I don't believe this is possible. The damage has been extensive and the area has been forever transformed. It is my hope that this area can be protected from future damage and all available efforts to help counter the damage done to the natural environment can be utilized and that some benefit can actually come from this terrible situation.

Disposition:

Comments noted. Additional information was requested to address several comments.

A39 Candace Neufeld

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to tell you I am against the proposal. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. My specific concerns are as follows:

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that was followed prior to the channel being dug including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
- There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

I support the group known as the EBCC and feel lucky that they are there to protect the marsh and make sure that wrongs committed in the marsh are corrected. The marsh should never have been excavated or damaged in any way.

Due to the above issues I encourage you to protect our water resources and deny any further development and mandate the restoration of Beaconia Marsh to its original state.

Disposition:

Similar letter to A4.

A40 Marcel van der Sluis (Federation of Canadian Naturists)

I am writing to express my strong support for the November 19, 2010 report presented to you by the Eastern Beaches Conservation Coalition (EBCC), as well as by FCN and NAC member, naturist and environmentalist, Judy Williams, and to implore you to order Mr. Rettie to put to a stop to the Beaconia marsh degradation.

We have been following closely the events surrounding Beaconia Beach as far back as 1982 when Judy Williams reported to us on her site visits and in-person negotiations to maintain traditional clothing-optional usage of the beach. Beaconia is an ecological treasure and an important part of the limited, but important, collection of clothing-optional/naturist beaches in Canada.

I would like to reiterate and summarize the concerns that Ms. Williams has brought to us and that we strongly support:

1. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Rettie's boat access channel is unacceptable.

2. The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
3. The report is incomplete as "Appendix 6 - Land Use Designation for Site and Adjoining Land Plan" is missing
4. The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
5. There are numerous issues with the lack of process prior to the channel being dug, including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
6. There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined.
7. There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.
8. If the channel is not returned as closely as possible to its original form through infilling, what is the province and Mr. Rettie prepared to do to ameliorate the current flooding issues to both the causeway and beach with debris such as escaped docks plugging up the marsh.
9. What kind of pre-construction monitoring or environmental assessment was done by a certified environmental consultant?
10. What monitoring will be done as a follow-up to what damage Mr. Rettie has already wrecked? What can be done to encourage more turtles to nest there?
11. Jet skis (PWC's) and jet boats being allowed into the marsh when it is proven they are deleterious to fish and wildlife, is a terrible intrusion into the marsh and lake. One single PWC in an average life span of 7 years can put as much as 600 gallons of fuel into receiving waters. They should be banned from Canadian waterways! It doesn't matter, either, whether they are two- or four-stroke engines.
12. Just why does Fisheries think the channel is going to encourage new fish species and what is their response to those indigenous species who have now abandoned the marsh?.
13. What preservation plan was followed for the marsh reptiles' safety, particularly for the safety of the two turtle species that have been there for decades?
14. Due to the above issues we encourage you to protect your water resources and deny any further development and to mandate the restoration of Beaconia Marsh to its original state.

I fully support the Federation of Canadian Naturists, the Naturist Action Committee, and

the Eastern Beaches Conservation Coalition's opposition to the Rettie Channel and boat access.

Disposition:

Comments noted. Specific concerns similar to A4 and A32.

A41 Mike Eggett

I am writing to voice my concerns regarding the above Environment Assessment Proposal Report and to tell you I am against the proposal. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Beaconia Marsh affects me. My specific concerns are as follows:

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The report is incomplete as "*Appendix 6 - Land Use Designation for Site and Adjoining Land Plan*" is missing
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that was followed prior to the channel being dug including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
- There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.

Due to the above issues I encourage you to protect our water resources and deny any further development and mandate the restoration of Beaconia Marsh to its original state.

Disposition:

Same letter as A10.

A42 Don Zirbel, Naturist Action Committee

As a naturist and Board member of the Naturist Action Committee (NAC), the political lobby arm of The Naturist Society, I am concerned with the environmental integrity of the bio-diverse marsh area surrounding Beaconia Beach, Manitoba. I therefore fully support the position paper sent to you on November 19, 2010 by the Eastern Beaches Conservation Coalition (EBCC), as well as by NAC member, naturist and environmentalist, Judy Williams, and urge Conservation and Water Stewardship to order Mr. Rettie to stop any further marsh degradation or so-called amenities and additions such as docks or launching ramps.

Marshes control air and water quality, flooding, and serve as debris traps. The causeway to Beaconia Island is severely compromised by flooding exacerbated by the length of the channel dug by developer, Robert Rettie. It is more than double the length that he initially indicated to Fisheries he would be digging. As documented on the EBCC website (and in their position paper to you), there are too many unanswered questions as well as a lack of due public process for the Rettie development to continue. Additionally, as an example to other would-be developers, Mr. Rettie should be made to return the marsh as much as possible, to its natural state, in order for the marsh grasses to begin to re-establish.

If the Rettie development is allowed to continue, it will set a precedent for all other would-be developers who wish to re-charge the area's socio-economic "batteries" at the expense of the bio-diverse and passive recreational nature of the area.

In addition, through my membership on NAC, I call your attention to our efforts to safeguard Beaconia Beach and its beautiful marshland in 1992 when NAC member, Judy Williams, represented us through on-site visits and in-person negotiations with your provincial Prosecuting "Attorney to maintain traditional clothing-optional usage of the beach.

By so doing, the Naturist Action Committee (NAC) also successfully assisted the Manitoba Naturist Association (MNA) and the FCN in their efforts to uphold the nude usage tradition at Beaconia in 1992 by appealing to the Rural Municipality's Reeve and Council. It is important for you to realize that our representative, Judy Williams, is very familiar with the area between Grand Marais and Beaconia and Patricia Beaches.

It is also essential to recognize the intrinsic value of marshes to revenue generated by all kinds of passive recreational tourists from nudes to fisher-folk! With the "erosion" of the marshes through development, this important boon to the local economy will be lost. As an example of revenues generated from naturist tourists, Wreck Beach, Vancouver, North America's largest clothing-optional beach, generates millions of dollars annually. Haulover Beach in Miami, Florida generates over half a million tourist dollars annually.

While there, Ms. Williams had the opportunity first-hand observe teaming wildlife in that vast and precious marsh, which has now been negatively compromised by Mr. Rettie in a precedent-setting way, unless your EAO office takes stern action against the channel that was dug without proper application and without adequate transparency.

Concerns regarding the above Environment Assessment Proposal re: Rettie's Property (In no particular order):

- Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Rettie's boat access channel is unacceptable.

- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The report is incomplete, as "Appendix 6 - Land Use Designation for Site and Adjoining Land Plan" is missing.
- The proposal includes the Green Spaces Environment Report, showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that were followed prior to the channel being dug, including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
- There has been no drainage plan provided as required by the development permit, and the effects of this channel on the water table have yet to be determined.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee, as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.
- If the channel is not returned as closely as possible to its original form through infilling, what is the province and Mr. Rettie prepared to do to ameliorate the current flooding issues to both the causeway and beach with debris such as escaped docks plugging up the marsh?
- What type of pre-construction monitoring or environmental assessment was done by a certified environmental consultant?
- What monitoring will be done as a follow-up to the environmental damage which Mr. Rettie has already caused?
- What can be done to encourage more turtles to nest there?
- The practice of allowing jet skis (PWC's) and jet boats into the marsh, when it is proven they are deleterious to fish and wildlife, is a terrible intrusion into the marsh and lake. One single PWC in an average life span of 7 years can put as much as 600 gallons of jet fuel into the receiving waters, regardless of whether they are two- or four-stroke engines. They should be banned from Canadian waterways!
- Why and how does Fisheries think the channel is going to encourage new fish species, and what is their response to those species who have now abandoned the marsh?

- What preservation plan was developed and followed for the marsh reptiles' safety, particularly for the safety of the two turtle species that have been there for decades?

In consideration of the above issues, we encourage you to protect your water resources and deny any further development and to mandate the restoration of Beaconia Marsh to its original state.

Conclusion

The Naturist Action Committee fully supports the Eastern Beaches Conservation Coalition position paper in their opposition to the Rettie Channel and boat access. We are grateful to the wonderful grassroots activists determined to protect Beaconia Marsh, and to prevent future ill-conceived developments from moving forward before approval can be obtained under proper regulatory permits.

Disposition:

Comments noted. Similar concerns to A32.

A43 Bruce Smith, Lake Winnipeg Foundation

The Lake Winnipeg Foundation is committed to maintaining and restoring wetlands and shorelines surrounding Lake Winnipeg.

Every year we see projects in the wetlands and along the shore that seem to just happen without any public input. This project is very different in that a group of local residents has spoken out. We have followed the development of this project with much interest throughout the spring and summer. It appears from the many news reports and from information that was circulated to the public that this project highlights gaps in the project approval process.

The Lake Winnipeg Foundation has recently joined with a group of other environmental organizations to request that the Provincial Government place a temporary halt on all new developments affecting wetlands and shorelines until it can develop a rational, consistent policy to ensure the development is done responsibly and sustainably.

We suggest that this project should remain on hold until the policy is defined.

Disposition:

Putting a hold on the project pending the development of a provincial policy on wetland and shoreline development would unduly delay the implementation of mitigation measures necessary to stabilize the project area.

A44 Karen Grant, Federation of Canadian Naturists

As a naturist and President of the Federation of Canadian Naturists (FCN), I hereby support the position paper sent to you on November 19, 2010 by the Eastern Beaches Conservation Coalition (EBCC), as well as by FCN and NAC member, naturist and environmentalist, Judy Williams. I urge Conservation and Water Stewardship to order Mr. Rettie to stop any further marsh degradation or the addition of so-called amenities such as docks or launching ramps.

Ms. Williams has kept the Federation apprised of this situation since 1982. I completely support her tireless efforts to aid in the preservation of precious wetlands that are home to so many species of migratory birds. I am also in complete support of her work to preserve the traditional clothing-optional status of Beaconia Beach.

Please note the concerns that Ms. Williams has brought to the board of the FCN, and that I support. As well, she has advised us of the grave damage to a sensitive and necessary ecological area that this "project" can incur:

- Marshes perform a vital role in the health of our environment and are to be a protected resource; therefore the development of Rettie's boat access channel is unacceptable.
- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The report is incomplete as "Appendix 6 - Land Use Designation for Site and Adjoining Land Plan" is missing.
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife, which is at substantial risk due to this development.
- There are numerous issues with the process that were followed prior to the channel being dug, including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
- There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.
- If the channel is not returned as closely as possible to its original form through infilling, what is the province and Mr. Rettie prepared to do to ameliorate the current flooding issues to both the causeway and beach with debris such as escaped docks plugging up the marsh.
- What kinds of pre-construction monitoring or environmental assessment did a certified environmental consultant do?
- What monitoring will be done as a follow-up to what damage Mr. Rettie has already wrecked?
- What can be done to encourage more turtles to nest there?
- Jet skis (PWC's) and jet boats being allowed into the marsh when it is proven they are deleterious to fish and wildlife, is a terrible intrusion into the marsh and lake. One

single PWC in an average life span of 7 years can put as much as 600 gallons of jet fuel into receiving waters. They should be banned from Canadian waterways! It doesn't matter, either, whether they are two- or four-stroke engines.

- Just why does Fisheries think the channel is going to encourage new fish species and what is their response to those species who have now abandoned the marsh?
- What preservation plan was followed for the marsh reptiles' safety, particularly for the safety of the two turtle species that have been there for decades?

Due to the above issues we encourage you to protect your water resources and deny any further development and to mandate the restoration of Beaconia Marsh to its original state.

As President of the Federation of Canadian Naturists, I am in strong support of the Naturist Action Committee, and the Eastern Beaches Conservation Coalition position paper in their opposition to the Rettie Channel and boat access.

Disposition:

Similar letter to A32.

A45 Ross Vickers, Federation of Canadian Naturists

As a naturist and Board member of the Federation of Canadian Naturists (FCN), I am concerned with the environmental integrity of the biodiverse marsh area surrounding Beaconia Beach, Manitoba. I therefore fully support the position paper sent to you on November 19, 2010 by the Eastern Beaches Conservation Coalition (EBCC), as well as by FCN and NAC member, naturist and environmentalist, Judy Williams, and urge Conservation and Water Stewardship to order Mr. Rettie to stop any further marsh degradation or so-called amenities/ additions such as docks or launching ramps.

Marshes control air and water quality, flooding, and serve as debris traps. The causeway to Beaconia Island is severely compromised by flooding exacerbated by the length of the channel dug by developer, Robert Rettie. It is more than double the length that he indicated to Fisheries he would be digging, initially. As documented on the EBCC website and in their position paper to you, there are too many unanswered questions and *lack of due public process* for the Rettie development to continue. In addition, as an example to other would-be developers, Mr. Rettie should be made to return the marsh as much as possible, to its natural state, in order for the marsh grasses to begin to re-establish.

If the Rettie development is allowed to continue, it will set a precedent for all other potential developers who wish to re-charge the area's socio-economic "batteries" at the expense of the bio-diverse and passive recreational nature of the area.

In addition, through my membership on FCN, I call your attention to our efforts to safeguard Beaconia Beach and its beautiful marshland in 1992 when FCN member, Judy Williams, represented us through on-site visits and in-person negotiations with your provincial Prosecuting "Attorney to maintain traditional clothing-optional usage of the beach.

By so doing, the Federation of Canadian Naturists also successfully assisted the Manitoba Naturist Association (MNA) and the NAC in their efforts to uphold the nude usage tradition at Beaconia in 1992 by appealing to the Rural Municipality of St. Clements Reeve and Council. It is important for you to realize that our representative, Judy Williams, knows the area between Grand Marais and Beaconia and Patricia Beaches very well.

It is also important to recognize the intrinsic value of marshes to revenue generated by all kinds of passive recreational tourists from nudes to fisher-folk! With the "erosion" of the marshes through development, this important boon to the local economy will be lost. As an example of revenues generated from naturist tourists, Wreck Beach, Vancouver, North America's largest clothing-optional beach, generates millions of dollars annually. Hanlans Point in Toronto does as well, and Haulover Beach in Miami, Florida generates over half a million tourist dollars annually.

While there, Ms. Williams had the opportunity first-hand observe teaming wildlife in that vast and precious marsh that has now been negatively compromised by Mr. Rettie in a precedent-setting way unless your EAO office takes stern action against the channel that was dug without proper application and without adequate transparency!

Concerns regarding the above Environment Assessment Proposal re Rettie's Property.

(To reiterate the EBCC's concerns, in no particular order):

- Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Rettie's boat access channel is unacceptable.
- The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
- The report is incomplete as "Appendix 6 - Land Use Designation for Site and Adjoining Land Plan" is missing
- The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
- There are numerous issues with the process that were followed prior to the channel being dug, including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
- There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined.
- There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.
- If the channel is not returned as closely as possible to its original form through infilling, what is the province and Mr. Rettie prepared to do to ameliorate the current flooding issues to both the causeway and beach with debris such as escaped docks plugging up the marsh.
- What kind of *pre-construction* monitoring or environmental assessment was done by a certified environmental consultant?
- What monitoring will be done as a follow-up to what damage Mr. Rettie has already wrecked?

- What can be done to encourage more turtles to nest there?
- Jet skis (PWC's) and jet boats being allowed into the marsh when it is proven they are deleterious to fish and wildlife, is a terrible intrusion into the marsh and lake. One single PWC in an average life span of 7 years can put as much as 600 gallons of jet fuel into receiving waters. They should be banned from Canadian waterways! It doesn't matter, either, whether they are two- or four-stroke engines.
- Just why does Fisheries think the channel is going to encourage new fish species and what is their response to those species who have now abandoned the marsh?.
- What preservation plan was followed for the marsh reptiles' safety, particularly for the safety of the two turtle species that have been there for decades?
- Due to the above issues we encourage you to protect your water resources and deny any further development and to mandate the restoration of Beaconia Marsh to its original state.

Conclusion

The Federation of Canadian Naturists and Naturist Action Committee fully supports the Eastern Beaches Conservation Coalition position paper in their opposition to the Rettie Channel and boat access. We are grateful to the wonderful grassroots activists determined to protect Beaconia Marsh and to prevent future cart-before-the-horse developments from moving forward before approval can be obtained under proper regulatory permits!

Disposition:

Similar letter to A32.

A46 Stéphane Deschenes, Federation of Canadian Naturists

I am writing to express my strong support for the November 19, 2010 report presented by the Eastern Beaches Conservation Coalition (EBCC), as well as by FCN and NAC member, naturist and environmentalist, Judy Williams, and to implore you to order Mr. Rettie to put to a stop to the Beaconia marsh degradation.

We have been following closely the events surrounding Beaconia Beach as far back as 1982 when Judy Williams reported to us on her site visits and in-person negotiations to maintain traditional clothing-optional usage of the beach. Beaconia is an ecological treasure and an important part of the limited, but important, collection of clothing-optional/naturist beaches in Canada.

I would like to reiterate and summarize the concerns that Ms. Williams has brought to us and that we strongly support:

1. Because marshes perform a vital role in the health of our environment and are to be a protected resource, the development of Rettie's boat access channel is unacceptable.

2. The proposal includes numerous differences in specifications and scope from the original plan submitted by Mr. Rettie.
3. The report is incomplete as "Appendix 6 - Land Use Designation for Site and Adjoining Land Plan" is missing
4. The proposal includes the Green Spaces Environment Report showing the huge diversity of wildlife which are at substantial risk due to this development.
5. There are numerous issues with the process that were followed prior to the channel being dug, including lack of confirmation of the property line and the required 90' setback from the ordinary high water mark, which has also yet to be confirmed.
6. There has been no drainage plan provided as required by the development permit and the effects of this channel on the water table have yet to be determined.
7. There was no consultation with the public nor with the Lakeshore Erosion Technical Committee as required by Selkirk and Area District Planning requirements. There has also been no complete scope on this and further development provided by Mr. Rettie.
8. If the channel is not returned as closely as possible to its original form through infilling, what is the province and Mr. Rettie prepared to do to ameliorate the current flooding issues to both the causeway and beach with debris such as escaped docks plugging up the marsh.
9. What kind of pre-construction monitoring or environmental assessment was done by a certified environmental consultant?
10. What monitoring will be done as a follow-up to what damage Mr. Rettie has already wrecked? What can be done to encourage more turtles to nest there?
11. Jet skis (PWC's) and jet boats being allowed into the marsh when it is proven they are deleterious to fish and wildlife, is a terrible intrusion into the marsh and lake. One single PWC in an average life span of 7 years can put as much as 600 gallons of jet fuel into receiving waters. They should be banned from Canadian waterways! It doesn't matter, either, whether they are two- or four-stroke engines.
12. Just why does Fisheries think the channel is going to encourage new fish species and what is their response to those species who have now abandoned the marsh?.
13. What preservation plan was followed for the marsh reptiles' safety, particularly for the safety of the two turtle species that have been there for decades?
14. Due to the above issues we encourage you to protect your water resources and deny any further development and to mandate the restoration of Beaconia Marsh to its original state.

I fully support the Federation of Canadian Naturists, the Naturist Action Committee, and the Eastern Beaches Conservation Coalition's opposition to the Rettie Channel and boat access.

Disposition:

Similar letter to A32.

A47 Meredith N. Springer, Naturist Action Committee

I am a naturist and board member of the Naturist Action Committee (NAC), the lobbying arm of The Naturist Society. I wish to preserve the environmental integrity and biodiversity of the marsh area adjacent to Beaconia Beach, Manitoba. I enthusiastically endorse the position paper sent to you on November 19, 2010 by the Eastern Beaches Conservation Coalition and by NAC board member and environmentalist Judy Williams and ask Conservation and Water Stewardship to order Mr. Rettie to stop any further marsh degradation by construction of docks, launch ramps, or other unnatural structures.

If the Rettie development is allowed to continue it will be the entering wedge for other developers at the expense of the biodiverse nature of the area. In addition, as a member of NAC, I wish to call your attention to the efforts of our NAC board member Judy Williams to preserve Beaconia Beach and its marshland in 1992, when she negotiated in person with you Provincial Prosecuting Attorney to maintain traditional clothing-optional use of the beach. By doing so NAC successfully assisted the Manitoba Naturist Association and the Federation of Canadian Naturists in upholding traditional nude usage at Beaconia in 1992 by appealing to the Rural Municipality's Reeve and Council.

The Naturist Action Committee and I strongly support the Eastern Beaches Conservation Coalition's position paper in its opposition to the Rettie Channel and boat access.

Disposition:

Comments noted.

A48 K.P. Skinner

- The marshes at the south end of the lake seem to be primary filters as the seiches ebb and flow through the south basin.
- The lake nutrient burden is in increasingly worse condition. Therefore, marsh dredging that has been allowed in the past has not been appropriate.
- The lake will fill in the canal as has been noted in other dredged areas in a very short time and this travesty will have to be repeated many times over the next few years until the Retties run out of patience or money to continue dredging.
- If this project is actually for the Retties' own use why cannot the lake access be at the north end of the marshfront property instead of the south.

- Let the rest of the canal be restored and let the vegetation grow back.
- Minimize the damage.

Disposition:

Comments noted.

Appendix B

Attachments to Letter A37