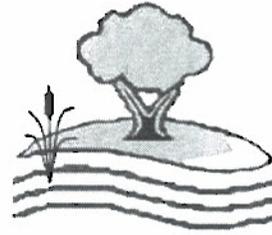


# EBCC

Eastern Beaches Conservation Coalition  
Box 95 Beaconsia, MB R0E 0B0  
Email [ebcc@live.ca](mailto:ebcc@live.ca)  
Website [www.EBconservation.ca](http://www.EBconservation.ca)



A37  
Appendix B

## Without Prejudice

April 19, 2010

**To: Stakeholders per Appendix "A"**

**Re: Beaconsia Beach swapped to private ownership by Council,  
Canal Excavation within Beaconsia Marsh,  
Access and impact upon potable water, aquifers, and artesian wells.**

The Eastern Beaches Conservation Coalition (EBCC) strives to preserve the public beaches, wildlife, and wetlands on the lower Eastern side of Lake Winnipeg through advocacy, lobbying, and education. The EBCC was formed as a grass roots response to the lack of transparency, due process, and public accountability to various constituents. These constituents consist of local permanent residents, seasonal residents, beach enthusiasts, nature lovers, conservationists, and other concerned stakeholders – all of whom are citizens and taxpayers. The EBCC is registered with the Province of Manitoba.

We wish to advise you of the facts involving the trade of Beaconsia Beach to private ownership, the multiple issues surrounding the excavation of Beaconsia Marsh without due transparent process and adherence to applicable *Acts, Regulations, Bylaws, and Letters of Advice*, and issues surrounding the access and impact upon potable water in the immediate area such as aquifers and artesian wells.

The EBCC has been investigating this complex situation for some time now via public records, Land Title records and related instruments, *Access to Information* requests, and review of relevant legislation and bylaws. The results indicate what appears to be an orchestrated plan to subvert applicable legislative authority and procedural processes crossing the jurisdiction of several stakeholders. Without prejudice to any party, the EBCC respectfully and urgently calls upon the applicable legislative and regulatory authorities to immediately and fully investigate the contraventions outlined hereafter.

## **Beaconia Beach Traded to Private Ownership**

As many stakeholders are aware, Beaconia Beach is frequented by a widely diverse spectrum of people and has been enjoyed by generations of local residents, seasonal residents, and day-trippers. It is a sanctuary for an extensive diversity of wildlife – it is one of only nine bird migratory routes in Manitoba that topped over 1000 birds using this migratory route per <http://tinyurl.com/y6b7fxn>. Beaconia Beach is also a known nesting habitat for the endangered piping plover <http://tinyurl.com/y4sd9x8>.

Public records prove that the entrance areas of the beach (parking lots and immediately adjacent fields extending to the eastern shoreline) were traded by the RM of St. Clements to the Sopko family of Grand Marais on October 14, 2008 (see section 18.1 at <http://tinyurl.com/y24gpdz>). The traded areas of the beach are parcels A, B, C, and D in the lower left corner of <http://tinyurl.com/ycdqex5>.

We encourage you to view <http://tinyurl.com/ykr4enu> for a timeline overview and further explanation. Note that the land swap only concerns parcels A, B, C, and D of the beach – however these parcels are the only non-water avenues of access to the beach so for all intents and purposes this is a de-facto transfer of a public beach to private ownership without public consultation or input.

Of greater concern is that almost a year after Council conducted the beach land swap, the RM – not the Sopko family - requested the discharge of a caveat that essentially prohibited all non-park development on the beach property. Caveat is at <http://tinyurl.com/y8nh4e4> and Province's response to caveat discharge request is at <http://tinyurl.com/y83bzqm>

It is unknown if the RM disclosed to the Province the fact that the RM had already swapped the land to a new owner almost a year prior to when the caveat discharge request was made by the RM.

Please see <http://tinyurl.com/y4l9mpd> for the RM's position on the land swap and response of the EBCC. A compilation of the Land Title records is available at <http://tinyurl.com/y3r2vt2>.

The EBCC respectfully and urgently requests that the Minister's letter of July 29, 2009 <http://tinyurl.com/y83bzqm> be immediately revoked and/or rescinded. The EBCC respectfully requests that the Province invoke clause 2 (c) of the caveat <http://tinyurl.com/y8nh4e4>.

## **Excavation of Beaconia Beach Marsh**

The EBCC wishes to bring to your attention the existence of a 1500-foot long canal that has been dug through the sensitive riparian marsh at the northernmost extent of the Netley-Libau Marsh immediately adjacent to Beaconia Beach. The marsh and its riparian zones are extremely diverse, fragile, and important ecosystems which multiple levels of governments have acknowledged as vital to the overall health of Lake Winnipeg via funding of extensive studies and conservation schemes.

Please see <http://www.flickr.com/photos/48368441@N02/> for pictures of the excavation and resulting extensive environmental damage to the marsh. The scope is breathtaking.

Robert and Margaret Rettie of Okotoks, AB commenced excavation of the canal in December 2009. The Retties are of the opinion that their property extends into the marsh itself – an opinion reiterated to the EBCC several times by Lloyd Talbot, manager of the Selkirk & District Planning Area Board (SDPAB).

Mr. Talbot provided the EBCC with a map showing the path of the excavated canal in red, and coastal shoreline property lines in yellow <http://tinyurl.com/ycdqex5>. Mr Talbot stated during his presentation to 60 attendees at the EBCC Meeting of March 6, 2010 <http://tinyurl.com/y4zyp86> that it is also the opinion of the SDPAB that Mr. Retties property extends into the marsh. Should Mr. Rettie decide to subdivide or re-zone then the title would change and the water rights would become Public Preserve. Until such time, Mr. Rettie owns the property and can do whatever he decides.

In response to questions from attendees, Mr. Talbot acknowledged that no permit had been issued for the canal excavation by the SDPAB until members of the EBCC brought that omission to the SDPAB's attention. Mr. Talbot stated the SDPAB issued a permit within a matter of hours of being advised of this omission. The justification for the permit being issued with such haste and without any environmental impact review, public notice, or regulatory compliance review was that the applicant – the Retties – had their own timeline to complete the canal excavation prior to ice break up.

Mr. Talbot stated there "is no requirement for a permit to be displayed" in response to questions asking why the permit was not displayed in a visible place on the edge of the Rettie property. Mr. Talbot advised the attendees that the SDPAB would not release a copy of the permit – which EBCC believes to be public record – "due to privacy issues".

Finally, Mr. Talbot stated numerous times that since no "development" is occurring nor has a development application been made, the Retties are not subject to section 3.8 of the Zoning Bylaws of the RM <http://tinyurl.com/y26fgvo>.

The EBCC notes that the existing legal survey of title 2126059 (the Rettie property) is contained in Plan 2045. Plan 2045 is not available electronically and is a 10-foot long scroll containing a railroad right-of-way plan running from approximately Scanterbury to Grand Marais completed by the *Winnipeg & Northern Railway Company* in 1913. 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 a hydro easement. A compilation of Land Title records is available at <http://tinyurl.com/y3r2vt2>.

All documentation and correspondence surrounding the canal excavation infers the canal excavation took place on land owned by the Retties. It is astonishing that a map of unknown provenance with a coastal property line simply drawn on it <http://tinyurl.com/ycdqex5> has been accepted as legally valid by multiple governmental authorities. Neither the Retties nor SDPAB has divulged any documentation revealing exactly what criteria was used to determine the coastline property boundary. As such, the accuracy of Rettie's stated coastal property line is unverified.

Per the definitions found within The Province of Manitoba "The Planning Act, Provincial Land Use Policies Regulation" <http://tinyurl.com/y2k4kwg>:

- **"Ordinary high water mark"** means the level at which the water in a water body or waterway has been held for a period sufficient to leave a mark on the vegetation and/or soil along the bank; the line identified in a plan of survey as "O.H.W.M." or "Ordinary High Water Mark", or the line on a plan of survey delineating the bed of a water body or waterway;

The EBCC believes Rettie's stated coastline boundaries do not correspond to the OHWM applicable to this section of Lake Winnipeg, thus the canal excavation and environmental damage occurred on property belonging to the Crown. Reviews of LiDAR (Light Detection And Ranging) maps available at <http://tinyurl.com/y3ennm9> strongly indicate the coastline boundaries utilized to justify the canal excavation are likely at 712 feet above sea level (ASL) or lower. The causeway road, at 718 ASL, is itself frequently under water during ordinary periods of high water <http://tinyurl.com/y4ytyrw>. Because of the shallow slope of the marsh, a water level difference of only one foot ASL results in a vastly different placement of the coastal shoreline. The EBCC is of the opinion that the "true" OHWM of 716 ASL places the true coastal shoreline several hundred feet east of the boundary as provided by the SDAPB <http://tinyurl.com/ycdqex5>.

Furthermore, Mr Talbot advised the EBCC that the property is "grand fathered" and exempt from any Crown setback – despite the fact the property changed hands in 1974 and again in 2005. Mr. Talbot also advised the EBCC that the application and enforcement of RM bylaws was solely at the discretion of the RM.

In the opinion of the EBCC the mitigation measures contained in the *Letter of Advice* issued by the Department of Fisheries and Oceans (DFO) <http://tinyurl.com/y7nxuyh> have been ignored in their entirety. Indeed, it is the opinion of the EBCC that the information provided to the DFO in order to obtain the *Letter of Advice* does not correspond to what has occurred in reality – the most blatant example being the fact the length of the canal is 1500 feet rather than the 700 feet as proposed.

A preliminary investigation conducted by Water Stewardship at the request of the EBCC resulted in a stop work order <http://tinyurl.com/y56zka3> and indicates no further works are to be undertaken without the proper regulatory considerations and approvals in place. Despite the stop work order, heavy equipment was observed continuing work in the marsh for the next week until a piece of equipment broke down.

Please see <http://tinyurl.com/y4evy2a> and <http://tinyurl.com/y6q82jb> for more in-depth overviews of the canal excavation impact on the environment including the revelation of structural pilings being placed in the marsh, drainage and runoff issues, and local potable water quality impact.

The EBCC respectfully and urgently requests that the applicable regulatory and legislative authorities conduct a full investigation to determine the true coastal shoreline boundary of the property in question. The resolution of this key issue will determine if the excavation of the canal has contravened any applicable legislation and by-laws, environmental assessment requirements, and licensing requirements under the authority of - but not limited to - *The Environment Act* and *The Water Rights Act*. Remedial and enforcement action is obligated to follow should contravention be determined.

## **Access and Impact Upon Potable Water, Aquifers, and Artesian Wells**

Potable drinking water is life – without it there can be no life. There is an artesian well on the extreme south edge of the Rettie property that has been utilized for generations by local residents. The closest other public potable artesian well is in Lac du Bonnet.

Previous owners of the Rettie property allowed unrestricted access to the artesian well. They even built a shed. The sign on the shed placed by the previous owner, and retained over the past five years the Retties have owned the property, mentions no access restrictions beyond a donation request for maintenance <http://tinyurl.com/y5qccx7>.

At the first General Meeting of the EBCC <http://tinyurl.com/y4zyp86>, the attendees made it clear they wished to retain public, unrestricted and uncompensated access to the artesian well on the Rettie property. Many stakeholders have contacted the RM privately to make this concern known individually. It is therefore unclear why the lawyer for the RM questions whether any residents have approached the RM regarding well access <http://tinyurl.com/y2ev5jn>. While the Retties have owned the property and artesian well for five years, they recently stated they will only allow continued public use of the artesian well if liability and safety issues are borne by the RM – and retain the right to terminate access for any reason <http://tinyurl.com/y3m7172>.

The water table in the immediate area feeding the artesian aquifer is extremely shallow. Two residents of immediately adjacent Island Beach have already notified the EBCC that their private wells have gone murky and cloudy whereas the water was perfectly clear prior to the usage of heavy equipment to excavate the channel over a period of three months. The pounding of the pilings into the marsh rattled cupboards and satellite dishes 0.5 kilometres away. One can only speculate the impact this has made on the near-surface aquifers feeding the artesian well as well as nearby private wells.

The EBCC respectfully and urgently requests that a water quality review be conducted, a study conducted to determine the impact of the canal excavation process on the pre-existing water table and aquifers, and that the historically unrestricted and uncompensated access to the aquifer on the Rettie property be retained in perpetuity – be it by written agreement or subdivision of the Rettie property.

## **Conduct of the RM of St. Clements**

The EBCC has high concerns regarding the transparency of the process. We invite you to view letters publicly distributed by the RM.

<http://tinyurl.com/ydf6t3g>  
<http://tinyurl.com/y2ckv4p>

<http://tinyurl.com/y4u3afw>  
<http://tinyurl.com/y4l9mpd>

Besides the obvious contradictions of facts as presented in the course of the RM's letters, the stated and inferred meanings of the RM's letters is interpreted by the EBCC as threatening, intimidating, possibly slanderous, and may possibly be an abuse of office.

The Mayor of the RM stated during a noon hour interview with CBC Radio Winnipeg on Friday, March 26 that the canal was excavated so Rettie's boat would not be vandalized. Common sense states that development of this vast scale and cost would not merit approval "just in case" Mr. Rettie's currently non-existent boat may be vandalized at some unknown time in the future. During the same interview the Mayor utilized the word "tinkering" in reference to seeking full approval from applicable legislative and regulatory authorities for the canal excavation.

In conclusion, the EBCC wishes to work in a co-operative and collaborative spirit with all stakeholders to ensure that the issues and concerns documented in this letter are resolved in a clear and transparent manner. Perhaps a Town Hall Forum attended by all stakeholders may be the best avenue. The EBCC welcome the opportunity to meet with any and all stakeholders to provide further explanation, context, and evidence.

Sincerely,  
Executive of the Eastern Beaches Conservation Coalition

Chair	Dave Crabb
Vice-Chair	Chris Davis
Treasurer	John Bartlett
Secretary	Elaine Mandzuik
Director	Wayne Larstone
Director	Dale Nelson
Director	Jim Mandzuik
Director	Judy Williams

Website: [www.EBconservation.ca](http://www.EBconservation.ca)  
Email: [ebcc@live.ca](mailto:ebcc@live.ca)

Flickr: <http://www.flickr.com/photos/48368441@N02/>  
YouTube: <http://www.youtube.com/user/EBCONSERVATION>

## Appendix "A" - Stakeholders

### Conservation

Honourable Bill Blaikie, Minister of Conservation  
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Larry Maguire, Conservation and Water Stewardship Critic  
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Bruce Webb - Water Development & Control Assessment Officer  
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Tracey Braun. – Director, Environmental Assessment and Licensing Branch  
[tracey.braun@gov.mb.ca](mailto:tracey.braun@gov.mb.ca)

Cory Switzer - Manitoba Trustee, Western Canada Water Environment Association – Manitoba Conservation  
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Wayne Leeman – Director, Survey Services Branch  
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Manitoba Piping Plover Stewardship Program  
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### Water Stewardship

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[minwsd@leg.gov.mb.ca](mailto:minwsd@leg.gov.mb.ca)

Don Norquay, Deputy Minister of Water Stewardship  
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Larry Maguire, Conservation and Water Stewardship Critic  
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Dwight Williamson - Assistant Deputy Minister, Ecological Services Division, Manitoba Water Stewardship  
[Dwight.Williamson@gov.mb.ca](mailto:Dwight.Williamson@gov.mb.ca)

Geoff Reimer - Senior Water Resources Office  
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## **Department of Fisheries and Oceans**

Robert Lambe- Regional Director General, Central and Arctic Region  
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And c/o [meghan.hawksworth@dfo-mpo.gc.ca](mailto:meghan.hawksworth@dfo-mpo.gc.ca)

Ashley Presenger – Fish Habitat Biologist, Winnipeg Office  
[Ashley.Presenger@dfo-mpo.gc.ca](mailto:Ashley.Presenger@dfo-mpo.gc.ca)

## **Political and Legislative Stakeholders**

Honourable Greg Selinger, Premier  
[premier@leg.gov.mb.ca](mailto:premier@leg.gov.mb.ca)

Gregory Dewar, MLA for Selkirk  
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James Bezan – Member of Parliament, Selkirk - Interlake  
[Bezan.J@parl.gc.ca](mailto:Bezan.J@parl.gc.ca)

Honourable Eric Robinson, Minister of Aboriginal and Northern Affairs  
[minna@leg.gov.mb.ca](mailto:minna@leg.gov.mb.ca)

Honourable Ron Lemieux, Minister of Local Government  
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Linda McFadyen – Deputy Minister of Local Government  
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Stuart Briese - Intergovernmental Affairs Critic  
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Jonathon Lyon – Chief of Staff, Official Opposition  
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Hugh McFayden - Leader of the Official Opposition  
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## **Selkirk & District Planning Area Board**

Lloyd Talbot – Manager  
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Ryan Nickel – Acting Senior Development Officer  
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## **Association Of Manitoba Municipalities**

Joe Masi – Executive Director  
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Doug Dobrowolski - Vice President - Rural Association of Manitoba Municipalities  
C/O Joe Masi, Association of Manitoba Municipalities

## **Canadian Water Resources Association – Manitoba Branch Executive**

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Dave Brown - President, National Director  
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Shawn Clark - Dept. of Civil Engineering, University of Manitoba  
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David Fuchs - Acres Manitoba Limited  
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Ninel Gonzalez – MB Dept. of Transportation & Gov. Services  
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Bill Girling - Manitoba Hydro  
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Sharon Gurney - Manitoba Water Stewardship  
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Bob Laidler - Oak Hammock Marsh Interpretive Centre  
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Eastern Beaches Conservation Coalition  
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Bruce Webb - Manitoba Conservation  
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### **The Lake Winnipeg Stewardship Board**

Sharon Gurney - Manitoba Water Stewardship  
[Sharon.Gurney@gov.mb.ca](mailto:Sharon.Gurney@gov.mb.ca)

Bill Barlow, Chair  
[wilbar@mts.net](mailto:wilbar@mts.net)

Doug Dobrowolski - Vice President - Rural Association of Manitoba Municipalities  
C/O Joe Masi, Association of Manitoba Municipalities

Don Flaten - Faculty of Agricultural and Food Sciences, University of Manitoba.  
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Paul Gregory - CEO of Interlake Forage Seeds  
[paul@interlakeforageseeds.com](mailto:paul@interlakeforageseeds.com)

Al Kristofferson - Managing Director, Lake Winnipeg Research Consortium  
[coordinator@lakewinnipegresearch.org](mailto:coordinator@lakewinnipegresearch.org)

Dwight Williamson - Assistant Deputy Minister, Ecological Services Division  
Manitoba Water Stewardship  
[Dwight.Williamson@gov.mb.ca](mailto:Dwight.Williamson@gov.mb.ca)

### **Media**

Bartley Kives – Winnipeg Free Press  
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## **Related Stakeholders**

Barry Robinson - Staff Lawyer, Ecojustice  
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Bird Studies Canada - Prairie & Parkland Marsh Monitoring Program  
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John Williams – Director, Canadian Wildlife Federation, Manitoba Region  
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Marilena Kowalchuk - Riparian Program Coordinator, Manitoba Habitat Heritage Corporation  
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Brian Ilnicki - Executive Director, Land Stewardship Centre of Canada  
[brian@landstewardship.org](mailto:brian@landstewardship.org)

The Nature Conservancy of Canada – Manitoba Office  
[manitoba@natureconservancy.ca](mailto:manitoba@natureconservancy.ca)

**MORTGAGE Form 11.4**

District of WINNIPEG  Mortgage  Encumbrance  Mortgage of Mortgage/Encumbrance

ESTATE AFFECTED  Freehold  Leasehold

1. MORTGAGOR/GRANTOR OF ENCUMBRANCE (Encumbrancee) include address and postal code  
 ROBERT JAMES RETTIE and MARGARET MARILYN RETTIE of Box 11, Site 6, R.R.#2  
 Okotoks, Alberta T1S 1B2 as joint tenants

COVENANTOR (if any) include address and postal code

REDQUEST DEVELOPMENTS LTD. Box 11, Site 6 R.R.#2, Okotoks AB T1S 1B2 see schedule

2. LAND DESCRIPTION

Parcel One: SP Lot 14, Plan 15531 WLTO excepting thereout all mines and minerals in SW 1/4 Section 15-17-7 EPM  
 NIL ALL CT. 2126052 90

Parcel Two: All that portion of SW 1/4 15-17-7 EPM taken for Rly Right-of-Way, Plan 2045 WLTO  
 NIL ALL CT. 2126054 90

Parcel Three: All that portion of SE 1/4 18-17-7 EPM taken for Rly Right-of-Way, Plan 2045 WLTO  
 NIL ALL CT. 2126058 90

Parcel Four: All that portion of South-East Quarter of Section Sixteen in the Seventeenth Township and Seventh Range East of the Principal Meridian in Manitoba lying to the South-West of the South-Western limit of the land taken for the right-of-way of the Canadian Northern Railway, as said Right-of-Way is shown on a plan filed in the Winnipeg Land Titles Office as No. 2045.  
 NIL ALL CT. 2126059 90

TITLE NUMBER(S) 1799389, 1140528, 1140524 and C75926

MORTGAGE/ENCUMBRANCE NUMBER(S)

see schedule

3. MORTGAGEE/ENCUMBRANCER include address and postal code

FARM CREDIT CANADA, Suite 1200, 10250-101 Street, Edmonton, Alberta T5J 3P4  
 OK 90

see schedule

4. NAME AND ADDRESS OF MORTGAGEE/ENCUMBRANCER FOR SERVICE include postal code

SAME AS ABOVE

see schedule

5. TERMS

The following terms are incorporated herein:

(a) Standard Charge Mortgage Terms filed as Number 2624177 name Farm Credit Canada

(b) The terms attached hereto as schedule (a)

In this instrument, unless otherwise specified, "herein" means this instrument, all schedules to this instrument and the terms referred to in Box 5.

Where there is insufficient space in this form for all signatures, one or more Mortgagors may sign the schedule identified in Box 7 and attached hereto and/or one or more Covenantors may sign the schedule identified in Box 9 and attached hereto, and such signature or signatures shall bind and obligate the person or persons so signing to the terms herein in the same manner as if such person or persons had signed this form.

6. PAYMENT PROVISIONS

(a) Principal Amount \$ 225,000.00 (b) Interest Rate 18 % per annum (c) Calculation half-yearly not in advance see schedule

(d) Interest Adjustment Date	Y	M	D	(e) Payment Date and Period	(f) First Payment Date	Y	M	D
	2005	10	01	monthly		2005	11	01

(g) Last Payment Date 2010 10 01 (h) Amount of Each Payment Dollars \$ 1,366.84

(i) Balance Due Date 2010 10 01 (j) Guarantee Mortgage

Additional Provisions

see schedule

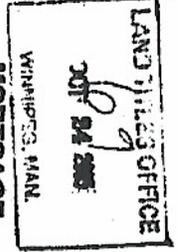
MAR 08 2011

The District Registrar hereby certifies that this is a true copy of a record maintained in the public records of the Property Registry of Manitoba

The Mortgage Act provides that the Mortgagor can obtain free of charge, from the Registrar, a statement of the debts secured by this mortgage once every twelve months, for as needed for pay off or sale.

LTO USE ONLY

FEES CHECKED <input checked="" type="checkbox"/>	REFUND AMOUNT
Certificate of Registration	
Registered this date <u>Oct 24/05</u>	
as No. <u>3207153</u>	
I certify that the within instrument was registered in the <u>WPG</u> Land Titles Office and entered on	
Title No. <u>2126052, 2126058, 2126054, 2126059</u>	
<u>[Signature]</u> For District Registrar	



3207153

ALL CT 2126052 90  
 ALL CT 2126054 90  
 ALL CT 2126058 90  
 ALL CT 2126059 90

IMPORTANT NOTICE: BY VALUE OF SECTION 194 OF THE REAL PROPERTY ACT, ANY INSTRUMENT SET OUT IN THIS DOCUMENT AND SIGNED BY THE PARTY MAKING THE STATEMENT HAS THE SAME EFFECT AND VALIDITY AS A DEED, AFFIDAVIT, AFFIRMATION OR STATUTORY DECLARATION GIVEN PURSUANT TO THE HOMEMASTERS ACT.  
 NOTE: SIGNATURE INCLUDES FULL NAME AND ADDRESS (WHERE APPLICABLE) OF THE PERSON(S) (WHETHER INDIVIDUAL) OR CORPORATION.  
 NOTE: SIGNATURE INCLUDES FULL NAME AND ADDRESS (WHERE APPLICABLE) OF THE PERSON(S) (WHETHER INDIVIDUAL) OR CORPORATION.

**7. SIGNATURE OF MORTGAGOR/ENCUMBRANCEE** see schedule

- Strike out inappropriate information(s) and initial*
- I am/entitled to be an/the owner of the Land/Mortgage/Encumbrance of the land. ✓
  - As security for performance of all my obligations herein, I hereby mortgage/encumber to the Mortgage/Encumbrance my interest in the Land/Mortgage/Encumbrance of the land. ✓
  - I promise to pay the principal amount and interest and all other charges and money hereby secured and to be bound by all the terms herein. ✓
  - I acknowledge receipt of a copy of this instrument and all of the terms herein. ✓
  - I am of the full age of majority. ✓
  - The registration of this instrument does not contravene the provisions of The Farm Lands Ownership Act because:
    - the within land is not farm land as defined in The Farm Lands Ownership Act. ✓
    - the interest in the farm land is being mortgaged/encumbered pursuant to a bona fide debt obligation. ✓
    - other (specify section of The Farm Lands Ownership Act) \_\_\_\_\_

7. My co-mortgagor is my spouse or common-law partner and has Homestead rights in the within land. ✓

8. The person executing this instrument is my spouse or common-law partner and has Homestead rights in the within land. *Property is contiguous*

9. \_\_\_\_\_

10. *[Signature]*  
 Witness Name Signature  
 ROBERT JAMES RETTIE  
*[Signature]*  
 Witness Name Signature  
 MARGARET MARILYN RETTIE  
*[Signature]*  
 Witness Name Signature  
 \_\_\_\_\_  
 Witness Name Signature

DATE		
Y	M	D
05	10	17
05	10	17

attach affidavit of subscribing witness if the witness is other than an officer as defined in subsection 7.2(4) of The Real Property Act.  
 Charles A. Dixon  
 Barrister & Solicitor  
 61 Riverside Gate, Okotoks AB T1S 1B2

**8. TYPE OF PROPERTY**  Residential  Farm  Commercial

**9. SIGNATURE OF COVENANTOR** see schedule

I acknowledge receipt of a copy of this instrument and all of the terms herein and I agree to perform my obligations herein.

*[Signature]*  
 Witness Name Signature  
 ROBERT JAMES RETTIE  
*[Signature]*  
 Witness Name Signature  
 MARGARET MARILYN RETTIE  
*[Signature]*  
 Witness Name Signature

DATE		
Y	M	D
05	10	17
05	10	17

**10/11. HOMEMASTERS ACT CONSENT TO DISPOSITION AND ACKNOWLEDGEMENT**

Note: For consent by widow(er) or surviving common-law partner, see section 22 of The Homesteads Act.

I, the spouse or common-law partner of the Mortgage/Encumbrancee, consent to the disposition of the homestead interest of the Mortgage/Encumbrancee and acknowledge that:

- I am the husband or common-law partner to acquire homestead rights in the property; or
- A new husband or common-law partner of the Mortgage/Encumbrancee acquired homestead rights in the property but those rights have been released or terminated in accordance with The Homesteads Act.

2. I am aware that The Homesteads Act gives me a life estate in the homestead and that I have the right to prevent the disposition of the homestead by withholding my consent.

3. I am aware that the effect of my consent is to give up my life estate in the homestead to the extent necessary to give effect to this disposition.

4. I execute this consent apart from my spouse or common-law partner freely and voluntarily without any compulsion on the part of my spouse or common-law partner.

Name of Spouse or Common-Law Partner \_\_\_\_\_ Signature of Spouse or Common-Law Partner \_\_\_\_\_

\_\_\_\_\_  
 Signature of Witness

DATE		
Y	M	D

A Notary Public in and for the Province of Manitoba  
 A Commissioner for Oaths in and for the Province of Manitoba  
 My commission expires: \_\_\_\_\_  
 Or other person authorized to take affidavits under The Manitoba Evidence Act (Specify) \_\_\_\_\_

**12. INSTRUMENT PREPARED BY** *include address and postal code*  
 J. David George & Associates  
 108 Regent Avenue East  
 WINNIPEG MB R2C 0C1

**13. ENCUMBRANCES, LIENS AND INTERESTS** - The within document is subject to Instrument number(s)  
 NIL ✓

**14. INSTRUMENT PRESENTED FOR REGISTRATION BY** *include address, postal code, contact person and phone number*  
 J. David George & Associates - Attn: David George  
 108 Regent Avenue East, Winnipeg, Manitoba, R2C 0C1 Phone: 982-7500

## Webb, Bruce (CON)

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**From:** kiffd@mymts.net on behalf of Chris D [kiffd@mts.net]  
**Sent:** December-15-10 8:34 PM  
**To:** Webb, Bruce (CON)  
**Cc:** John Bartlett @ home  
**Subject:** RE: File 5486.00 - Rettie Boat Access - engineered survey map discovered  
**Attachments:** Hadfiled Subdivision Plan - Jan 1999.pdf; GR\_Beconia\_100225b.pdf

Good Day, Bruce

Please find attached the survey mentioned below. Also attached is a map provided to the EBCC by Lloyd Talbot of SDAPB earlier this year.

Please contact John Bartlett at [jonbart-41@hotmail.com](mailto:jonbart-41@hotmail.com) should you require any further information or clarification as I am away until the New Year.

-----Original Message-----

**From:** Webb, Bruce (CON) [<mailto:Bruce.Webb@gov.mb.ca>]  
**Sent:** December 15, 2010 10:49 AM  
**To:** Chris D  
**Subject:** RE: File 5486.00 - Rettie Boat Access - engineered survey map discovered

No problem – due to the volume of material received on this project and due to other projects that I'm working on, I'm making slow progress on reviewing and consolidating the comments I have received. Please feel free to send me additional material that you have pertaining to the project once you have returned.

I should note that I'm required to review the project as presented by the proponent, regardless of whatever previous plans for the property were made by the present or previous owners. Plans can change over time depending on the circumstances. We address future changes by requiring that significant alterations be approved in advance – this happens with many kinds of projects that we issue licences for.

Bruce.

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**From:** kiffd@mymts.net [<mailto:kiffd@mymts.net>] **On Behalf Of** Chris D  
**Sent:** December-06-10 9:06 PM  
**To:** Webb, Bruce (CON)  
**Subject:** File 5486.00 - Rettie Boat Access - engineered survey map discovered

Good Day, Bruce

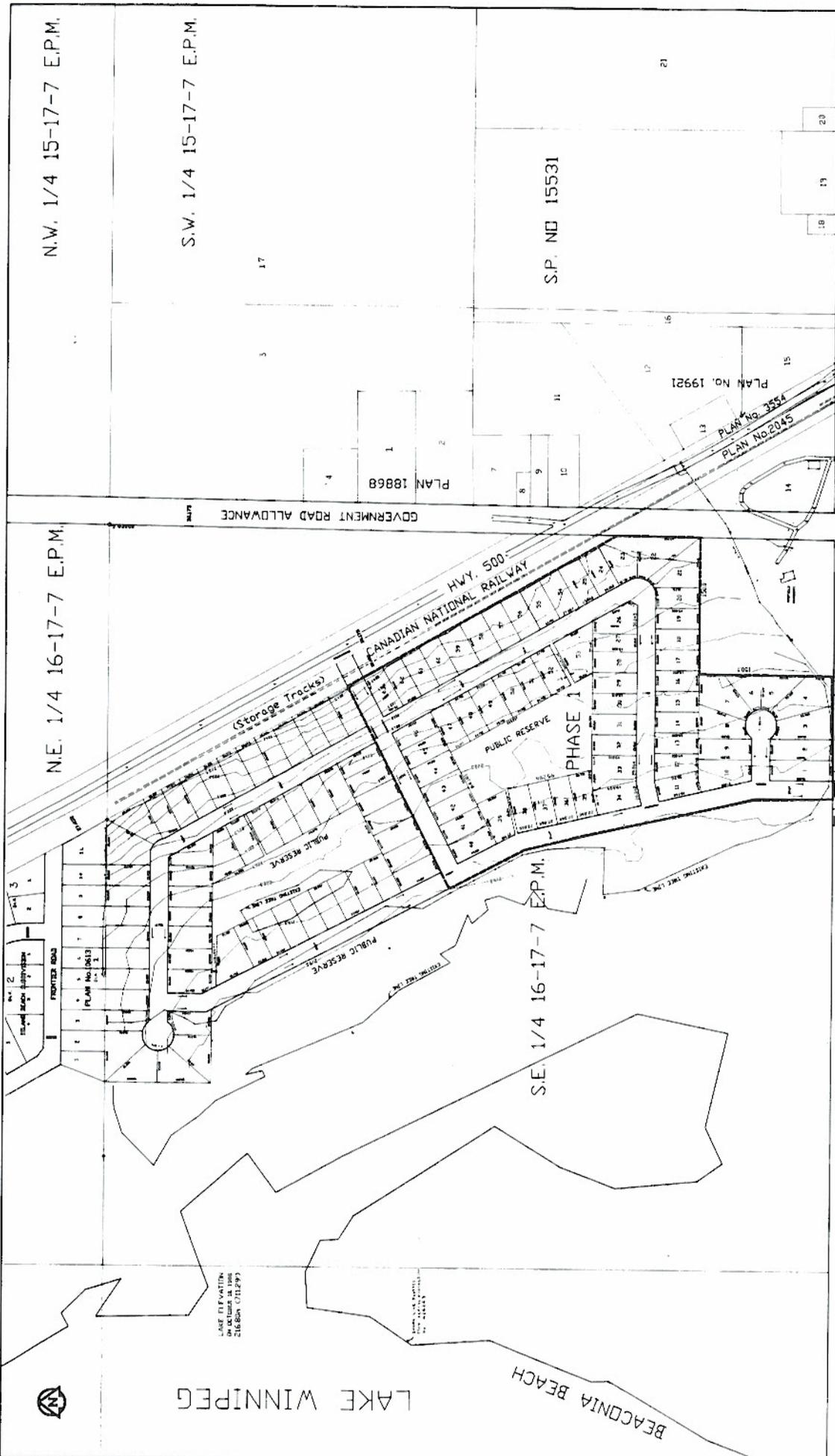
Digging through old cartons in a rural basement has resulted in the discovery of an an engineered, fully surveyed map of the proponent's property. The map was commissioned by the previous owner of the property. It was produced in January 1989 and based on surveys conducted in the fall of 1988. It includes elevations, property boundaries, drainage flows etc. Everything you would expected of a subdivision plan fully surveyed and completed by a Registered Professional Engineer in the Province of Manitoba. It is interesting to note the contrasts and discrepancies between this map and the map submitted by Lloyd Talbot of SDAPB.

I am aware that the submission deadline was Nov 22. However, it is also a matter of record that several lengthy extensions were granted to the proponent - and even then their "final" submission was incomplete due to the omission of appendix 6.

Please advise if an amendment/addition to my submission will be granted and included as part of this EAP process.

I look forward to your response as soon as possible. Please note I am out of the country December 8-11 and December 15-28.

Regards  
Chris Davis



N.W. 1/4 15-17-7 E.P.M.  
 S.W. 1/4 15-17-7 E.P.M.  
 N.E. 1/4 16-17-7 E.P.M.  
 S.E. 1/4 16-17-7 E.P.M.  
 GOVERNMENT ROAD ALLOWANCE

PLAN OF SUBDIVISION  
 BEACONIA BEACH RESORT  
 AGREEMENT DRAWING  
 PROPOSED SUBDIVISION  
 PHASE 1  
 R.M. of ST. CLEMENTS  
 BEACONIA, MANITOBA

	DESIGNED BY	LGC	CHECKED BY	LGC
	SCALE	AS SHOWN	DATE	JAN 24/89
NOTES		1. (SEE 11) 2. ALL PROPOSED ELEVATIONS ARE IN METERS ABOVE SEA LEVEL UNLESS OTHERWISE SPECIFIED. 3. ALL PROPOSED ELEVATIONS ARE IN METERS ABOVE SEA LEVEL UNLESS OTHERWISE SPECIFIED.		
LAKE WINNIPEG BEACONIA BEACH		REVISIONS NO. DATE BY		

ENGINEER'S SEAL  
 G. ST. CLEMENTS  
 REG. PROFESSIONAL ENGINEER  
 NO. 12345  
 MANITOBA  
 PLAN No. 2045  
 PLAN No. 19921  
 PLAN No. 18868  
 N.W. 1/4 10-17-7 E.P.M.  
 GOVERNMENT ROAD ALLOWANCE

LAKE WINNIPEG  
 BEACONIA BEACH  
 DRAWING  
 01

