

## Webb, Bruce (CON)

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**From:** Stephens, Jonathan (CON)  
**Sent:** January-11-11 11:00 AM BW  
**To:** Webb, Bruce (CON)  
**Cc:** Barto, William (CON)  
**Subject:** RE: EA Proposal - Tim Horton Children's Foundation Youth Leadership Camp - Sylvia Lake (File 5493.00)

In addition to our previous comments we offer the following:

- When comparing figures 4-12 and 4-13, the "possible blasting area" overlaps with the "no blasting zone". This is located on the East H2 habitat shoreline around the water treatment plant.
- A frequently expressed concern from the public consultation is that the location has rapidly flowing water. There is mention of a response in the Site Selection section 5.1 but there is not much detail (mentions a report but no findings, just that they think they can handle it) nor is the solution clarified. This will likely continue to be a concern if not further discussed.
- Section 6.4.14 describes the Aboriginal communities in the area, but nothing further. Have these communities been notified of the development? If not, there should be justification of why they are mentioned and nothing further has taken place, as in, not considered affected by the development or not in close proximity. This discussion could be placed in section 7.3.7 (\*Note: Section 7.3.6 is missing\*).

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**From:** Stephens, Jonathan (CON)  
**Sent:** Tuesday, January 04, 2011 10:57 AM  
**To:** Webb, Bruce (CON)  
**Cc:** Barto, William (CON)  
**Subject:** EA Proposal - Tim Horton Children's Foundation Youth Leadership Camp - Sylvia Lake (File 5493.00)

The Sustainable Resource and Policy Management Branch and the Land Programs Branch recommend that a construction staging plan and diagram be completed. The plan can outline areas for clearing and excavation and identify temporary storage, lay down areas, waste container and sanitary facility locations. The plan will ensure that waste is stored in compliance with *the Onsite Waste Water Management Systems Regulations* as well as *Storage and Handling of Petroleum Products* requirements. The plan can identify areas that need to be cleared for parking lots and recreation and use these areas for temporary storage of construction materials.

A staging plan will also reduce the footprint of clearing hopefully maintaining some of the forest aesthetic sought by the Tim's Horton's Children's Foundation and could be useful as a component of the Environmental Protection Plan.

DATE: December 14, 2010

TO: Bruce Webb BW  
Environment Officer  
Environmental Licensing and Assessment  
Manitoba Conservation  
160-123 Main Street.  
Winnipeg, MB R3C 1A5

FROM: Ron Missyabit  
Director  
Aboriginal Relations Branch  
Manitoba Conservation  
Box 26 – 200 Saulteaux Crescent  
Winnipeg, MB R3J 3W3

PHONE NO.: 945-7088

SUBJECT: **ASSESSMENT OF THE EAP FOR FILE 5493.00 Tim Horton Children's Foundation Youth Leadership Camp – Sylvia Lake**

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A review of the Environment Act Proposal for the *Tim Horton Children's Foundation Youth Leadership Camp – Sylvia Lake* has been done by the Aboriginal Relations Branch at Manitoba Conservation. We have some questions regarding this project, and feel that they should be addressed by the lead branch issuing this license.

The project area for this proposal falls entirely within provincial crown lands, therefore the likelihood of infringing upon the ability to exercise treaty and Aboriginal rights is significantly increased. The proponent has stated that both Manitoba Conservation and the Tim Horton Children's Foundation (THCF) have identified a number of First Nation communities that may have interests in this area, including Sagkeeng First Nation, Brokenhead First Nation, Lake St. Martin First Nation, Lake Manitoba First Nation, Whitedog First Nation, Fairford First Nation, and Black River First Nation. Further, the proposal indicates that correspondence has been sent to these communities, and Manitoba Conservation and THCF are awaiting replies. Though this initial communication is a positive first step, it is not the equivalent of consultation.

As Manitoba Conservation is aware, if a thorough, adequate consultation process is not completed by the Government of Manitoba prior to project approvals being granted, the possibility of a successful legal challenge from First Nation and Aboriginal communities is significantly increased. The claim could be based on unjustified infringement(s) of a Treaty or Aboriginal right.

We assume that we do not know all of the aboriginal rights that are beyond the assertions already made, therefore, information gathering and consultation processes are required to bring these issues forward by the people who may be affected by this initiative.

The Government of Manitoba has a duty to consult in a meaningful way with First Nation communities, Métis communities, and other aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or aboriginal. ***As such, we recommend that the lead branch working on this case complete an Aboriginal Consultation Assessment form to determine if consultation is required (a copy is attached).***

Miigwetch,



Ron Missyabit

## **Crown-Aboriginal Consultation Initial Assessment and Record of Conclusion**

### **INTRODUCTION:**

The Government of Manitoba recognizes it has a duty to consult in a meaningful way with First Nations, Métis communities and other Aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of an Aboriginal right or treaty right of that Aboriginal community. This duty arises out of the recognition and affirmation of Aboriginal rights and treaty rights under section 35 of the *Constitution Act*, 1982.

An initial assessment of the proposed law, regulation, decision or action must be conducted to determine if it will require consultation. The department or branch whose Act authorizes the decision or action has the lead role to consult on behalf of Government; with the support of other appropriate departments.

Consultation is required with First Nations, Métis communities and other Aboriginal communities where it appears, or where the government is uncertain as to whether, a proposed Government decision or action might adversely affect the exercise of an Aboriginal or treaty right.

If consultation is warranted, the appropriate level of consultation should be determined, with assistance from Manitoba Justice if necessary. The nature, scope and content of a consultation may vary from situation to situation depending on the particular circumstances. Factors that influence this are strength of the case supporting the existence of the right or title and the seriousness of the potential adverse effect.

**Crown-Aboriginal Consultation  
Initial Assessment and Record of Conclusion**

**[PROJECT NAME]**

**[PROPONENT NAME]**

**[DATE]**

This initial assessment with respect to Crown-Aboriginal consultation regarding [describe Project / Activity by Proponent] was prepared by: [List all participants by their Department, Branch and Person's Name, starting with the Lead Department, if there is a steering committee reference that and its members].

Date assessment completed:

**PROJECT OVERVIEW:**

*What is the nature of the proposed activity?*

*What is the purpose of the proposed activity?*

**CROWN DECISIONS:**

*What Crown decisions are to be made with respect to the proposed activity? By whom? Under what authority (e.g. legislation, policy directive, guidelines, operating procedures, )?*

*What departments / branches or agencies are to be involved and what are their respective roles?*

**PROJECT DETAILS:**

*What are the project's planned timelines and key milestones?*

*When are Crown decisions required? (Are there seasonal or external business restrictions that require consideration?)*

*What is the location or geographic application of the activity?*

*Is there Crown land or Crown resource involved?*

*What is entailed in developing the activity?*

**ABORIGINAL AND TREATY RIGHTS:**

*What, if any, First Nations, Métis communities or other Aboriginal communities could possibly be affected by the proposed activity? In order to address this question, the Crown should consider whether there are: any First Nation reserve lands, recognized or asserted traditional territories or recognized aboriginal communities in the area where the activity will take place or which will be affected by the activity.*

*Will the proposed activity likely change the current land use? What is the potential impact of the activity on the land or natural resources?*

*What are the potential adverse effects of the proposed activity on the exercise of Aboriginal and treaty rights (e.g. hunting, fishing, trapping, gathering)? (A liberal interpretation of rights should be used in assessing effects.)*

*What are the potential adverse effects of the proposed activity with respect to historical / archeological sites, burial grounds, or other areas of Aboriginal interest? (Historic Resources Branch may be able to provide assistance in identifying known sites.)*

*Is there concern regarding the cumulative effects of the proposed activity / initiative in combination with others in the area?*

*Are there existing agreements / consultation protocols with communities that require consideration?*

**(Reminder: If it cannot be determined through an internal initial assessment whether there may be an adverse effect then consultation is necessary)**

**KNOWN ISSUES / CONCERNS:**

*Have any First Nations, Métis Communities or other Aboriginal communities expressed concerns or a desire to be consulted by the Crown in relation to the proposed activity?*

*Did the proponent of the activity (other than government) seek input from First Nations, Métis Communities or other Aboriginal communities?*

*Was the proponent made aware of any concerns / issues by First Nations, Métis Communities or other Aboriginal communities with respect to the exercise of Aboriginal or treaty rights?*

**PROJECT URGENCY:**

*Is the activity in response to an emergency circumstance?*

*Are there other time considerations for the activity?*

**INITIAL ASSESSMENT CONCLUSION (State your assessment based on analysis of answers to above):**

On a general note, it should be stressed that the Crown's duty to consult prior to making Crown decisions that might adversely affect the exercise of Aboriginal and treaty rights is an evolving duty that must be responsive to new information and concerns expressed by First Nations, Métis communities and other Aboriginal communities.

## Webb, Bruce (CON)

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**From:** Elliott, Jessica (CON)  
**Sent:** December-29-10 1:32 PM BW  
**To:** Webb, Bruce (CON)  
**Cc:** Bentham, Barry J (CON); Irwin, John (CON); Richmond, Kelly-Anne (CON); Erwin, Jeff (LIM); Colpitts, Jeff (CON); Nedotiafko, Rob (CON)  
**Subject:** Tim Horton Children's Foundation Youth Leadership Camp - Sylvia Lake (client file 5493.00)

Parks and Natural Areas Branch has reviewed the proposal filed pursuant to the Environment Act for the Tim Horton Children's Foundation Youth Leadership Camp at Sylvia Lake (client file No 5493.00). The Branch has several comments and concerns as noted as follows.

### Licence Specific Comments

#### 6.2.1.1 Species At Risk

This section states that "A pre-construction survey for rare plant species was not possible due to timing considerations. A botanical survey to determine the presence of any such species will be completed as early as possible in the Spring, so that any localized areas needing protection can be identified and the potential for foot traffic to impact the Site can be mitigated". Construction and development of the site has a much greater potential to negatively impact rare species than foot traffic either during construction or during operation of the camp. The time-line presented in the proposal precludes the ability to conduct any rare species surveys prior to clearing etc and thus precludes the ability to mitigate for the presence of rare species. A rare species survey of the site should be conducted prior to the initiation of any construction activities including clearing in order to mitigate for any and all impacts to rare species. As per **Appendix D: Vegetation Technical Report**, general vegetation surveys were conducted in Mid August and late September. At this time not all the plants observed on site were identifiable to the species level as evidenced by the species list provided. Of particular concern this table refers to unidentified violet and unidentified sedge species being observed. Two of the rare species potentially occurring on site are the Dog Violet (S3) and Emory's sedge (S2). Due to the inability to accurately identify the species found, it is not known if these specimens were the rare species or commonly found species. As such the Branch requests a rare plant species search be conducted between mid-May and mid-June (the most appropriate time as determined by the CDC) and the clearing, excavation, and construction works not commence until after such a time that all appropriate mitigation measures have been determined and conducted.

#### 7.0 Environmental Effects and Mitigation

Very few confirmed mitigation measures to reduce negative environmental impacts have been presented in this proposal. It has been stated that an Environmental Protection Plan that includes all proposed mitigation measures is to be submitted at a later date. As this proposed project is within a provincial park, Parks and Natural Areas must ensure that the mitigation measures being proposed are appropriate and sufficient. Parks and Natural Areas Branch requests that the following condition be put into the Environment Act Licence: No work is to commence prior to the Environmental Protection Plan being submitted and approved.

#### 4.1.3 Site Plan

Parks and Natural Areas Branch has not yet issued a lease to the proponent. As a condition of the lease the proponent must obtain a Site Plan Permit from Parks and Natural Areas Branch prior to commencing any work on site. To obtain a permit the proponent must submit a final site plan to Jeff Colpitts, Manager of Park Districts Parks and Natural Areas Branch, Manitoba Conservation at:

200 Saulteaux Crescent  
Winnipeg, Mb. R3J 3W3  
Ph. (204) 945-4406  
Fax. (204) 945-0012  
e-mail : Jeff.Colpitts@gov.mb.ca

### Other Comments on the Environment Act Licence Proposal

There are several aspects of this proposed project that Parks and Natural Areas Branch will be working directly with the proponent to ensure that the proposed development is designed to be suitable and appropriate for a provincial park and to help mitigate potential negative environmental impacts. These aspects will be managed and mitigated for through the Parks lease process.

#### **Page 4.22 Table 4-4 – Revegetation and Landscaping**

All disturbed areas are to be revegetated using native species typical to the area. A landscaping and planting plan is to be submitted to Parks and Natural Areas Branch for approval through the lease process. This is to include a list of species to be planted, and the location of where they are being planted. In areas that are going to be converted into grass (e.g. soccer field, outdoor challenge area) Kentucky blue grass is considered to be a suitable species. This plan must also incorporate in detail what is being proposed to FireSmart the site (see below for comments referring to FireSmart).

#### **Section 4.4.3 Clearing Requirements**

Parks and Natural Areas Branch agrees that FireSmart principles should be applied to the site. However, the FireSmart principles presented in the proposal as they pertain to zone one fuel reduction requirements have been misinterpreted. This misinterpretation will result in the removal of a lot more vegetation than is necessary or appropriate for the location and diminish the wilderness experience of the proposed camp that the proponent is looking for.

The proposal states “A buffer of at least 10 m will be cleared from established buildings, where possible, in accordance with the Manitoba Conservation Firesmart Program....Selective tree thinning will be conducted in areas beyond the 10 m Firesmart buffer and where the buffer was not possible to establish. Tree-thinning activities will focus on flammable trees including pine, spruce and juniper shrubs and will retain less flammable trees such as aspen, poplar and birch, where possible.” FireSmart principles do not state that a buffer must be completely cleared within 10m of structures. It is important to note that all vegetation does not have to be removed and grass planted. There are many fire proof species of plants and shrubs that will not support fire and will burn with low intensity. Low-growing plants with thick succulent leaves tend to resist fire and provide greater protection for buildings. The main objective of fuel management in this zone is to create an environment that will not support fire of any kind. Pruning, thinning, species conversion and removal of dead and downed trees in this zone is of course important. It is also important to apply these fuel-management guidelines with discretion (soil erosion, blow downs). Beyond 10 m within priority zone 2 (10 – 30 m from structures) the goal of vegetation management is to create an environment that will not support high-intensity crown fires. This is accomplished through fuel reduction rather than fuel removal. Thinning of deciduous stands or the removal of deciduous trees from mixed stands is discouraged.

Through the lease process Parks and Natural Areas Branch will work with the proponent and Jeff Erwin, Fire Prevention Officer - Wildland Urban Interface Specialist, with the Office of the Fire Commissioner, to determine an appropriate clearing and revegetation program to ensure that the site adheres to FireSmart principles, that wildlife habitat in close proximity to the proposed development is maintained, and that the feeling of being in the wilderness is maintained.

#### **6.3 Aquatic Environment**

Significant alterations to the shoreline along the east side of the camp are referred to in the proposal but not written about in detail. In general, proposed alterations include the removal of a significant amount of shore line vegetation, the removal of a significant amount of aquatic vegetation just offshore, and the development of a beach including the addition of sand. As stated in the proposal “the required work activities are not covered by an applicable Operational Statement, a project-specific review by DFO will be sought prior to Project Construction. Any project-specific mitigation measures required by DFO will be detailed in an Environmental Protection Plan for Construction Activities.”

Parks and Natural Areas Branch is to be provided with the details of the proposed instream and shoreline works associated with the proposed project as well as DFOs report and recommendations on this proposed project.

The proposed location of the major shoreline alterations is referred to as the 'east shore'. In the proposal the east shore has been categorized as having a silty-clay material sediment, highly vegetated riparian zone, healthy aquatic vegetation, with negligible current. DFO has categorized this shoreline as H2 habitat which provides potential spawning habitat for small bodied fish species and nursery, rearing and feeding habitat for small and large bodied fish species. DFO considers the east shoreline to be Important Fish Habitat. This area is also susceptible to spring flooding and has been determined to be susceptible to disturbance (**Appendix F**).

Section 7.3.6 refers to possible mitigation measures along the shoreline being implementation of erosion control measures and retention of riparian vegetation to the extent possible. Parks and Natural Areas Branch submits that the



proposed actions in Section 6.3 and generally shown Figure 4-11 are in contradiction to these mitigation measures. Figure 4-11 shows complete removal of all shoreline vegetation within ~15 m of the water line, with grass being planted in place of natural vegetation. Based upon these findings as reported in the proposal and EIS, Parks and Natural Areas Branch feels that the proposed extensive clearing of riparian and aquatic vegetation and the construction of a beach to be inappropriate due to the cumulative effects of these alterations on shoreline stability and fish habitat. The loss of vegetation in an area determined to be susceptible to flooding and disturbance with clay-loam soils will result in a large amount of erosion, even with negligible currents. Through the review of the proponent's landscaping plan as well as the results of DFOs review, Parks and Natural Areas Branch will work with the proponent through the lease process to develop an appropriate and suitable shoreline alteration strategy.

Jessica

**Jessica Elliott, M.E.Des.**

Ecological Reserves and Protected Areas Specialist  
Parks and Natural Areas Branch  
Manitoba Conservation  
Box 53, 200 Saulteaux Cres., Winnipeg, MB, R3J 3W3  
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## Webb, Bruce (CON)

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**From:** Moran, Tom (CON)  
**Sent:** January-17-11 10:51 AM BW  
**To:** Webb, Bruce (CON)  
**Cc:** Dubois, Jack (CON); Negrych, Agatha (CON); Leavesley, Kelly (CON); De Smet, Ken (CON)  
**Subject:** Tim Horton's Youth Camp - Sylvan Lake

Bruce:

Here are comments from the Wildlife & Ecosystem Protection Branch regarding the Tim Horton's youth camp development proposal at Sylvia Lake. Thanks for the extension of time to get comments in.

### **Birds:**

Due to the nature of this site (mixed woods, with low lying areas, combined with a rocky shoreline area), we can expect that it supports a rich complement of associated avian species

Initial construction period (vegetation clearing, grubbing, etc.) should not occur during the spring breeding season; also, if any eagle/osprey nests are identified subsequent to starting work, staff should be notified immediately to determine subsequent mitigative actions. A buffer should be left to preserve riparian habitats wherever possible.

### **Big Game Species, Furbearers and Other Mammals**

As with avian species, the major impacts to many furbearers and small mammal species will be local, associated with disruption of residents during rearing of young and food caching, as well as loss of winter nesting/den sites and established food caches. The initial construction activities should be timed to avoid disruption as much as possible.

While white-tailed deer, wolves and other mid-sized carnivores occur in this area and in similar habitats in the region. It is expected these species would avoid the site in response to initial construction activities. Again, construction activities should be scheduled to avoid the spring period when young –of-the year are being born.

Staff and participants in the camp should be aware that human /wildlife encounters may occur and that educational programs such as "Bear Smart" be utilized and promoted.

### **Species at risk:**

SAR surveys need to focus on habitats that those species require, determine how extensive & where these habitats exist, survey for those species in their preferred habitats, and then make recommendations on areas to avoid based on those surveys.

The observation of a Barred Owl suggests that the area has mature deep-woods forests - probably associated with riparian swamps & forest. This is the same sort of habitat also favored by the Olive-sided Flycatcher - a SAR that they never considered. Two other SAR that should have been considered in the inventories & avoidance of suitable habitat for these should be considered in construction are the Whip-poor-will & Canada Warbler.

Additional surveys should be completed prior to start of construction and if any are identified staff should be notified immediately to determine subsequent mitigative actions.

### **Habitat Mitigation:**

Sensitive habitat features should be avoided and minimized throughout the construction process.

Unavoidable and permanent impacts on habitat should be mitigated through in-kind off-site mitigation. The Wildlife & Ecosystem Protection Branch has a mitigation program that would facilitate off site mitigation. The proponent can contact the Branch for details on the program.

Tom Moran  
Wildlife Lands & Mitigation Specialist  
Wildlife & Ecosystem Protection Branch

## Webb, Bruce (CON)

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**From:** Gilbertson, Mike (CON)  
**Sent:** January-05-11 8:48 AM BW  
**To:** Webb, Bruce (CON)  
**Subject:** FW: 5493.00 Tim Horton's Children's Foundation Youth Leadership Camp - Sylvia Lake

**Proponent:** Tim Horton's Children's Foundation  
**Facility:** Youth Leadership Camp at Sylvia Lake, Manitoba  
**File Number:** 5493.00  
**EALB Contact:** Bruce Webb  
**Comments due:** January 5, 2011

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It is recommended that the proponent provide more information on:

1. the sizing, design, and operation of the wastewater treatment system and disposal/treatment field, including information with respect to dosing frequency and cycles;
2. winter operation of the field to prevent freezing due to reduced wastewater flows;
3. anticipated volumes of sludge generated and the disposal method of the phosphorus rich sludge (due to the addition of alum);
4. the sand identified for the pressurized sand treatment mound (which does not achieve the ASTM C-33 standard identified in Figure 4-8 or the provincial specified sand requirements); and
5. the ability of local waste disposal grounds to dispose of solid waste generated.

**Mike Gilbertson**  
Director, Environmental Services  
Manitoba Conservation  
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Winnipeg, MB R3H 0W4  
[mike.gilbertson@gov.mb.ca](mailto:mike.gilbertson@gov.mb.ca)  
Phone: 204-945-7094  
Fax: 204-948-2420

DATE: January 5, 2010

File No. 5493.00

TO: Bruce Webb BW  
Environmental Assessment & Licencing  
Manitoba Conservation  
123 Main Street – Suite 160  
Winnipeg MB R3C 1A5

FROM: Environmental Operations - Eastern  
Manitoba Conservation  
Box 4000  
Lac du Bonnet MB R0E 1A0  
P: (204) 345-1486  
F: (204) 345- 1440

**SUBJECT: Environment Act Proposal – Tim Horton Children’s Foundation Youth Leadership Camp**

Manitoba Conservation, Environmental Operations Branch has reviewed the above Environment Act Proposal and offers the following comments:

1. Re: Proposed Wastewater Management System

- We request the proponent to comment on the potential for freezing of the treatment mound during winter operation, and whether any preventative measures and/or contingency plans are proposed.
- We request verification that the wastewater management system includes a component for the interception/collection of greases that will be generated by the commercial kitchen operation.
- The proposal indicates that precipitated phosphorus and septage will be pumped out by a licenced wastewater hauler. We recommend that the proponent provides verification of an agreement with the owner/operator of the receiving facility and that the facility has adequate capacity to accept the wastes.

2. Re: Proposed Solid Waste Management System

- The proposal indicates that construction waste will be managed in accordance with the *Waste Disposal Grounds Regulation*. We note that construction waste management should also adhere to Manitoba Conservation *Guideline 2002-01E: Guideline for Construction and Demolition Waste Management*.
- The proposal indicates that solid waste will be transported to the nearest licenced landfill capable of receiving such wastes. We recommend that the proponent provides verification of an agreement with the owner/operator of the receiving facility and that the facility has adequate capacity to accept the wastes.