



DATE: January 13, 2011

Memorandum

TO: Bruce Webb *BW*
Water Development and
Control Assessment Officer
Environmental Assessment
and Licensing Branch
Manitoba Conservation
123 Main Street, Suite 160
Winnipeg, Manitoba R3C 1A5

FROM: William Weaver, M.Sc.
Environmental Review Officer
Manitoba Water Stewardship
200 Saulteaux Crescent, Box 14
Winnipeg, Manitoba R3J 3W3

TELEPHONE: 945-6395
FACSIMILE: 945-7419

CC: Laureen Janusz
Wendy Ralley
James Stibbard
Rob Matthews
Geoff Reimer

SUBJECT: *ENVIRONMENT ACT* PROPOSAL FILE: 5493.00
TIM HORTON CHILDREN'S FOUNDATION
YOUTH LEADERSHIP CAMP - SYLVIA LAKE

Manitoba Water Stewardship has reviewed the referenced file, forwarded for comment on November 25, 2010.

- Manitoba Water Stewardship recommends an Environment Act Licence to include the following requirements:
 - The Licencee shall, prior to the commencement of construction, submit an application for a Water Rights Licence to Construct Water Control Works, pursuant to The Water Rights Act, 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, telephone: (204) 467-4450.

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- **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, sleughs, potholes, marshes, bogs and fens.**
 - **A proponent shall establish and maintain an undisturbed native vegetation area with at least a 15-metre width.**
- **In order to protect riparian areas, establish and maintain an undisturbed native vegetation area, comprising the Crown reserve, pursuant to The Crown Lands Act, located upslope from the ordinary high water mark and adjacent to surface waters:**
 - **A 30-metre undisturbed native vegetation area is required for lands located adjacent to Sylvia Lake;**
 - **The combined alteration—including new and existing structures—within this undisturbed native vegetation area is limited to a maximum of 25 % of the shoreline length (for example: 25 metres per 100 metres of 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**

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Statement or an activity is reviewed by the Department of Fisheries and Oceans Canada.

- **The Licencee shall submit an application for a Crown land general permit and/or Crown land lease to the provincial Crown Lands and Property Agency, prior to the commencement of construction.**
 - **Note: The proponent needs to be advised that the Crown land application process may require at least several months of time before an approval may be issued.**

- **The Licencee shall develop an emergency response plan, including the following:**
 - **procedures to report the emergency use of the dry hydrant and mitigation measures for potential effects (if fire water travels into the lake) to the aquatic ecosystem.**

 - **contingency measures for the possible failure of a wastewater treatment facility that includes hauling wastewater in a timely matter after a failure.**
 - **Note: Section 7.4.3.2 of the Proposal notes that that the wastewater treatment facility will be a source of nutrients. All measures should be conducted to ensure that nutrients from the facility do not enter surface waters.**

- **The Licencee shall contact Manitoba Water Stewardship's Regional Fisheries Manager, prior to testing the dry hydrant.**

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- **Note:** The Proposal indicates that the dry hydrant will be constructed in accordance with the Department of Fisheries and Oceans Canada's Intake End of Pipe Screen Guidelines.

- The Licencee shall develop an in-depth pre-project assessment of fish utilization/presence, particularly along the east shore. An additional assessment shall be developed once the project works are complete to verify the predicted project effect of "no significant adverse aquatic effects."

- **Note:** In terms of the fishery, Manitoba Water Stewardship would anticipate there would be some immediate/local effect with the alteration to the littoral zone and riparian area. Given the size of the footprint, Manitoba Water Stewardship would not anticipate that the development of this proposed project would affect the fishery.

- The Licencee shall submit an application for a Water Rights Licence to use groundwater to supply the proposed development with potable water, prior to the commencement of construction.
 - A contact person is Mr. Rob Matthews, P. Geo., Manager, Water Use Licensing Section, telephone: (204) 945-6118.

- The Licencee shall submit an Environmental Protection Plan to Manitoba Water Stewardship for review and approval, prior to the commencement of construction.
 - **Note:** The Proposal mentions that an Environmental Protection Plan will be developed.

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- **The Licencee shall develop a decommissioning plan, including the identification of responsible parties and projected costs.**

 - **The Licencee shall develop and implement a water quality monitoring program. The water quality monitoring program shall be submitted to Manitoba Water Stewardship for review and approval, prior to the commencement of construction. Water sample test results shall be conducted by a laboratory accredited by the Canadian Association for Laboratory Accreditation Inc. (CALA; Internet address = <http://www.cala.ca>). The Licencee shall submit the water sample test results to Manitoba Water Stewardship.**

 - **The Licencee's semi-public water systems that have a distribution network shall implement secondary disinfection (in-line chlorination), if the distribution network extends for at least 100 metres in either direction.**
 - **Note: The Proposal specifies that the water treatment system will consist of proprietary media filter, a series of cartridge filters down to 1 micron size, ozone disinfection at the treatment facility and point of entry UV inactivation at each building.**
 - **A contact person is:**
 - **Mr. James Stibbard, P.Eng., Approvals Engineer, Office of Drinking Water, Manitoba Water Stewardship, telephone: (204) 945-5949**

 - **Manitoba Water Stewardship submits the following concerns:**
 - **Manitoba Water Stewardship's concerns with this proposal include the following:**
-

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- the alteration of pristine near shore aquatic and riparian habitats;
 - all development will contribute nutrients to Sylvia Lake, the Winnipeg River, and Lake Winnipeg;
 - currently road access into Sylvia Lake does not exist; and,
 - the potential for development to continue along the shoreline of Sylvia Lake after road access is established.
- This proposed development is located within the Seven Sisters Water Power Licence and the Winnipeg River Water Power Reserve; the proposed development is subject to The Water Power Act and Regulations thereunder.
- For water power purposes there are two types of uses for the land:
 - temporary or compatible with the risks associated with flooding:
 - An example of compatible use would be a dock.
 - For compatible or temporary uses of the land, a general permit is required and an application shall be submitted to the provincial Crown Lands and Property Agency.
 - permanent:

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- **An example of permanent use would be the associated structures such as cabins.**

- **For permanent uses of the land, a Crown land lease is required and an application shall be submitted to the provincial Crown Lands and Property Agency.**

- **For permanent use of the land the water power licence and/or water power reserve must first be withdrawn. To withdraw a reserve/licence, the proponent must submit a survey, delineating a suitable parcel of land.**
 - **Manitoba Water Stewardship will only recommend the withdrawal of the reserve/licence for lands that are protected against the 100 year flood on Sylvia Lake and against 50 years of potential erosion.**

 - **Once the licence/reserve is withdrawn by Ministerial Order, the lands can then be dealt with under The Crown Lands Act and a lease can be issued.**

- **In Section 6.1.6.1, the proponent's findings of water chemistry are consistent with historic data taken from upstream sites on the Winnipeg River. Respecting chlorophyll-a, however, it should be noted that water samples were collected in November 2009 and late September 2010, a time of year when chlorophyll-a would be low and when recreational**

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activities are unlikely. Provincial historical data indicated that chlorophyll-a concentrations in mid to late summer, when recreation is likely to occur, are evidence that algal blooms occur in the Winnipeg River.

- As noted by the Proposal, the Winnipeg River provides year round and seasonal habitat for a number of large and small bodied fish species, including lake sturgeon and potentially carmine shiner and chestnut lamprey. The proposed development area is dominated vertical bedrock outcrops (650 m) along the north shore and gradual sloping aquatic vegetated areas along the east shore (250 m). While the consultants did not conduct field investigations for fish presence and utilization in the area of the proposed camp; consultants did identify the north shore as important habitat for migration and overwintering purposes and the east shore as important habitat for spawning, nursery and forage. Utilization of the east shore by various life stages of small and large bodied fish species is supported by sampling that was conducted in 2003. Northern pike, yellow perch and white sucker (adult and juvenile stages), smallmouth bass, spottail shiner, mottled sculpin and johnny darter were caught in this area. Depending on how unique the sand substrate and aquatic vegetation is in this area, given the general predominance of bedrock, this type of habitat may be more important than recognized. There is also the possibility that ammocoete lamprey may utilize the limited sandy areas.

- It is unclear whether the proposed water treatment plant that will remove groundwater from a near-shore well will be chlorinated or otherwise treated. No back-flush water should be directed to Sylvia Lake, nor any water treated with chlorine or other disinfectant.

- In regards to lake sturgeon, this area between Slave Falls to Seven Sisters is located in Management Unit 6 within Designatable Unit 5. Designatable Unit 5 covers the Winnipeg River and English River populations. According to the Recovery Potential Assessment of Lake Sturgeon – Winnipeg River-English river Populations (Designatable Unit 5) document (attached), the protection and maintenance of the functional attributes, of current spawning, egg rearing, summer feeding and overwinter habitat,

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and the connecting migration routes, is critical for the long-term survival and recovery of sturgeon in this Designatable Unit. Manitoba Water Stewardship is in the process of updating its Lake Sturgeon Management Plan; this planning document will guide future management of sturgeon in Manitoba.

- Overfishing and hydroelectric dams and impoundments are recognized as the most significant threat to the long term survival and recovery of lake sturgeon within Designatable Unit 5 with all other threats (agricultural, urban development, industrial) being deemed unimportant. Manitoba Water Stewardship's Regional Fisheries Manager has reviewed the Recovery Potential Assessment of Lake Sturgeon – Winnipeg River-English river Populations (designatable unit 5) document and Table 4 (threats and possible mitigation) and there does not appear to be any direct threats listed in the Table that are applicable to this proposed development that have not been addressed.

- In terms of project specific impacts, potential fisheries concerns are related to construction works such as blasting and alteration of the near shore aquatic habitat and riparian area, establishing beach, docks and dry hydrant. The Proposal indicates the proponent will adhere to the Department of Fisheries and Oceans Canada's Operational Statements and/or the works will be reviewed by the Department of Fisheries and Oceans Canada. For example the total surface area for the proposed docks is 460 m², this is greater than the Department of Fisheries and Oceans Canada's Operational Statement total surface area limit of 50 m². Although these are a floating type, to be removed each fall, the concern is typically with shading effects and fish disturbance from the use of the docks. This project work will require review by the Department of Fisheries and Oceans Canada.

- The proponents indicate only 18% of the property shoreline will be altered but both the swimming area and the beach are part of the plan and there is very limited sand substrate available at the proposed site. The report lacks plans specific to the creation of the beach and potential removal of aquatic vegetation other than to make note of the Department

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of Fisheries and Oceans Canada's Operational Statement pertaining to aquatic vegetation removal. The area near the water's edge appears to be mature forest which according to figure 4-11 will be converted to beach area. If the intention is to replace with sod as well as import sand for the area immediately adjacent to the water, depending on how close the grassed area is to the shoreline, the application of fertilizers and pesticides may not be allowed. It is recommended that the applicants try to retain as much native vegetation as possible reducing the overall footprint to the riparian and near shore habitat.

- In addition to limited alteration within the riparian zone, the Proposal does not indicate the width of riparian area adjacent to the lake. It would appear from Figure 4-1 that some of the internal roads, the pavilion and some of the yurts are within the Crown reserve.
- **Manitoba Water Stewardship submits the following comments:**
 - Manitoba Water Stewardship does not object to this proposal, at this time.
 - Manitoba Water Stewardship recommends establishing a moratorium on any future proposals for development along Sylvia Lake, at least until broader level planning identifies the degree to which development should take place and perhaps even the locations (concentrating development to areas already impacted).
 - Regarding the Proposal's Section 7.4.5 – Aquatic Flora and Fauna:
 - Summary statement at the end of this section is incorrect (referencing "wildlife").
 - Regarding the Proposal's Appendix F:

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- Field work was conducted over two field days to compile the assessment and direct fish sampling was not conducted. The remainder of the work was conducted via a desktop analysis. As a result, there are some species record errors in Table 4.

- The Proposal notes that there are no aquatic species at risk listed under Manitoba legislation. Although true, this is misleading because Manitoba does not list aquatic species under provincial legislation. Aquatic species at risk would be listed under federal legislation.

- 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 proponent needs to be informed of the following for information purposes:
 - Erosion and sediment control measures should be implemented until all of the sites have stabilized.

- 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

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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.**

- This collaborative effort between the proponent and Manitoba to develop a camp in the pristine Manitoba wilderness provides an excellent opportunity to set an example of minimal impacts to the aquatic environment. This includes a requirement for the use of environmentally-friendly products only. Manitoba is supportive of the Lake Friendly Products Campaign which promotes the use of products that are Ecologo™ certified. These products are the best environmental choice to minimize impacts to the environment, particularly products that will end up in the wastewater stream such as paper products and cleaning products. This proposed development is also consistent with *Manitoba’s Sustainable Development Procurement Guidelines* developed in 2002.

William Weaver, M.Sc.

Attachment: Lake Sturgeon Recovery Potential Assessment by the Department of Fisheries and Oceans Canada.

Webb, Bruce (CON)

From: Sitchon, Myra (CHT)
Sent: January-12-11 2:33 PM *BW*
To: Webb, Bruce (CON)
Subject: RE: Re: Tim Hortons Children's Foundation Youth Leadership Camp - Sylvia Lake

Hi Bruce,

Sorry about that, I just got back into the office.

I reviewed the file again and noticed that a heritage resources impact assessment (HRIA) has been completed by Stantec for this project and we are just waiting for their report regarding the extent of heritage resources in their study. An HRIA will not be necessary to determine the extent of heritage resources since it has been completed. However, we do need to review the consultant's report in order to provide clearance for this project to proceed. I have spoken with the consultant and he will be dropping off the report but had indicated that there were no heritage resources found because the degree of erosion in the area. I can formally confirm this once I review the report. I'll keep you posted. Regardless should any heritage resources be encountered during the development, then the proponent must contact our office to determine an appropriate mitigation strategy.

If you have any further questions, please feel free to contact me at any time.

Thanks,

Myra

Myra L. Sitchon,

Impact Evaluation Archaeologist,

Archaeological Assessment Services Unit,

Historic Resources Branch

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Manitoba



Culture, Heritage and Tourism

From: Webb, Bruce (CON)
Sent: January-12-11 2:20 PM
To: Sitchon, Myra (CHT)
Subject: FW: Re: Tim Hortons Children's Foundation Youth Leadership Camp - Sylvia Lake

Do you still have comments coming?

Bruce.

From: Webb, Bruce (CON)
Sent: December-24-10 12:06 PM
To: Sitchon, Myra (CHT)
Subject: RE: Re: Tim Hortons Children's Foundation Youth Leadership Camp - Sylvia Lake

Thanks!

Bruce.

From: Sitchon, Myra (CHT)
Sent: December-24-10 12:03 PM
To: Webb, Bruce (CON)
Subject: Re: Tim Hortons Children's Foundation Youth Leadership Camp - Sylvia Lake

Bruce,
I have reviewed the project against our records for areas of concern and have determined that there is the potential for development to impact heritage resources. I will be sending a memo when I return from the holidays on January 10th, 2011 for your records outlining the details.
If you have any further questions please feel free to contact me.
Cheers,
Myra

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Infrastructure and Transportation

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January 7, 2011

Bruce Webb *BW*
Water Development and Control Assessment Officer
Land Use Approvals
Manitoba Conservation
123 Main St., Suite 160, Winnipeg, MB R3C 1A5

RE: Tim Horton Children's Foundation Youth Leadership Camp – Sylvia Lake

Dear Mr. Webb:

We have reviewed the above mentioned project requested in your letter on December 1, 2010 and we have no objection regarding the proposed development. However, we would like to raise the following comments for consideration:

1. A permit will be required for the access connection to PR 307 from Manitoba Infrastructure and Transportation (MIT) and for any construction above, on, or below ground level, including the placement of signs, within 38.1 m (125 ft) from the edge of the highway right-of-way.
2. A Traffic Impact Study will be required for the proposed development from MIT by a qualified transportation engineer who would identify the impact of the traffic generated by this development would have on the intersection with PR 307. There may be a need for on-highway improvements to safely accommodate the traffic generated by the new development. The cost of the Traffic Impact Study and any required on-highway improvements would be the responsibility of the developer. The contact person is Mr. Heinz Lausmann.

If additional information or clarifications on these requirements are needed, the applicant can contact Mr. Murray Chomoboy, Regional Planning Technologist at telephone number 204-346-6287 or Mr. Heinz Lausmann, Senior Highway Planning Engineer at telephone number 204-945-2664.

Thank you very much for providing us the opportunity to review the proposal.

Yours truly,

Kimber Osiowy, P.Eng.
Manager of Environmental Services

Cc: Murray Chomoboy
Heinz Lausmann