



Conservation and Water Stewardship
Environmental Stewardship Division
Environmental Approvals Branch
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5
T 204 945-8321 F 204 945-5229
www.gov.mb.ca/conservation/eal

CLIENT FILE NO.: 5700.00

April 20, 2015

Bill Pollock
SOM' Beach Ltd.
338 Country Club Boulevard
Winnipeg MB R3K 1X6

Dear Mr. Pollock:

Enclosed is **Environment Act Licence No. 3137** dated April 20, 2015 issued to **SOM' Beach Ltd.** for the construction and operation of the Development being a marina in NE 6-26-8W on Moosehorn Bay in Lake Manitoba in the Municipality of West Interlake, in accordance with the Environment Act Proposal dated February 19, 2014.

In addition to the enclosed Licence requirements, please be informed that all other applicable federal, provincial and municipal regulations and by-laws must be complied with. A Notice of Alteration must be filed with the Director for approval prior to any alteration to the Development as licensed.

For further information on the administration and application of the Licence, please feel free to contact Mike Baert, Environment Officer, at 204-782-9104.

Pursuant to Section 27 of *The Environment Act*, this licensing decision may be appealed by any person who is affected by the issuance of this Licence to the Minister of Conservation and Water Stewardship within 30 days of the date of the Licence.

Yours truly,

“original signed by”

Tracey Braun, M.Sc.
Director
Environment Act

c: Don Labossiere, Environmental Compliance and Enforcement Branch
Donna Smiley, Mike Baert, Environmental Compliance and Enforcement Branch (**email**)
Public Registries

NOTE: Confirmation of Receipt of this Licence No. 3137 (*by the Licensee only*) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by May 4, 2015.

On behalf of SOM' Beach Ltd.

Date

****A COPY OF THE LICENCE MUST BE KEPT ON SITE AT THE DEVELOPMENT AT ALL TIMES****

LICENCE

Licence No. / Licence n° 3137

Issue Date / Date de délivrance April 20, 2015

In accordance with *The Environment Act* (C.C.S.M. c. E125) /
Conformément à la *Loi sur l'environnement* (C.P.L.M. c. E125)

Pursuant to Section 11(1) / Conformément au Paragraphe 11(1)

THIS LICENCE IS ISSUED TO: / CETTE LICENCE EST DONNÉE À:

SOM' BEACH LTD.;
"the Licencee"

for the construction and operation of the Development being a marina in NE 6-26-8W on Moosehorn Bay in Lake Manitoba in the Municipality of West Interlake, in accordance with the Environment Act Proposal dated February 19, 2014, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

"buffer zone" means a strip of undisturbed land comprised of in-situ vegetation;

"Director" means an employee so designated pursuant to *The Environment Act*; and

"Environment Officer" means an employee so designated pursuant to *The Environment Act*.

GENERAL TERMS AND CONDITIONS

This Section of the Licence contains requirements intended to provide guidance to the Licencee in implementing practices to ensure that the environment is maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for present and future Manitobans.

1. In addition to any of the limits, terms and conditions specified in this Licence, the Licencee shall, upon the request of the Director:

- a) sample, monitor, analyze or investigate specific areas of concern regarding any segment, component or aspect of pollutant storage, containment, treatment, handling, disposal or emission systems, for such pollutants, ambient quality, aquatic toxicity, leachate characteristics and discharge or emission rates, and for such duration and at such frequencies as may be specified;
 - b) determine the environmental impact associated with the release of any pollutant from the Development;
 - c) conduct specific investigations in response to the data gathered during environmental monitoring programs; or
 - d) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and analytical procedures being used, bioassay data, flow rate measurements and such other information as may from time to time be requested.
2. The Licencee shall submit all information required to be provided to the Director or Environment Officer under this Licence, in writing, in such form (including number of copies) and of such content as may be required by the Director or Environment Officer, and each submission shall be clearly labeled with the Licence Number and Client File Number associated with this Licence.
 3. The Licencee shall collect and dispose of all used oil products and other regulated hazardous wastes generated by the machinery used in the construction and operation of the Development in accordance with applicable Manitoba Conservation and Water Stewardship and legislation requirements.
 4. The Licencee shall revegetate soil in areas of the Development exposed by construction with a mixture of native or introduced grasses or legumes. These areas shall be revegetated as quickly as possible following construction to prevent soil erosion and the establishment of noxious weeds.
 5. The Licencee shall maintain shoreland created by the Development as necessary to prevent shoreline erosion and the deposition of sediment in waterways.
 6. The Licencee shall, before, during and after construction of the Development, implement appropriate measures to prevent the erosion or deposition of sediment into waterbodies. Construction adjacent to waterbodies shall not occur during high rainfall events.
 7. The Licencee shall not use wood treated with phenol or creosote based preservatives in the construction and maintenance of the Development.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Respecting Construction

8. The Licencee shall notify the assigned Environment Officer not less than two weeks prior to beginning construction of the Development. The notification shall include the intended starting date of construction and the name of the contractor responsible for the construction.
9. The Licencee shall dispose of non-reusable construction debris and solid waste from the Development at a waste disposal ground operating under the authority of a permit issued pursuant to *Manitoba Regulation 150/91* respecting *Waste Disposal Grounds*, or any future amendment thereof, or a licence issued pursuant to *The Environment Act*.
10. The Licencee shall, during construction and operation of the Development, report spills of fuels or other contaminants to an Environment Officer in accordance with the requirements of *Manitoba Regulation 439/87* respecting *Environmental Accident Reporting*, or any future amendment thereof.
11. The Licencee shall locate fuel storage and equipment servicing areas established for the construction and operation of the Development a minimum distance of 100 metres from any waterbody, and shall comply with the requirements of *Manitoba Regulation 188/2001* respecting *Storage and Handling of Petroleum Products and Allied Products*, or any future amendment thereof.
12. The Licencee shall, during construction of the Development, operate, maintain and store all materials and equipment in a manner that prevents any deleterious substances (fuel, oil, grease, hydraulic fluids, coolant, paint, uncured concrete and concrete wash water, etc.) from entering Lake Manitoba, and have an emergency spill kit for in water use available on site during construction.
13. The Licencee shall not remove, destroy or disturb species pursuant to *Manitoba Regulation 25/98* respecting *Threatened, Endangered and Extirpated Species*, or any future amendment thereof, or species listed in the federal Species at Risk Act.
14. The Licencee, during construction of the Development, shall not disturb migratory bird nests.
15. The Licencee shall, prior to construction of the Development if local drainage patterns are affected by the Development, obtain a Water Rights Licence to construct Water Control Works, pursuant to *The Water Rights Act*.
16. The Licencee shall not construct the connection of the Development to Lake Manitoba or conduct in-water maintenance of the Development during the period April 1 to June 30 of any year, or during periods of runoff.
17. The Licencee shall not construct any permanent structures associated with the Development below a flood protection elevation of 249.60 metres above sea level.

Respecting Operation

18. The Licencee shall not use chemical dust suppressant materials on roads within 100 metres of Lake Manitoba.
19. The Licencee shall maintain a 15 meter buffer zone from the normal water level adjacent to all surface waters, including Lake Manitoba and all channels within the Development.
20. The Licencee shall not apply pesticides within the buffer zone.
21. The Licencee shall be responsible for the operational maintenance of the Development, including but not limited to, setting boat velocity restrictions and managing water quality issues.

Respecting Alterations to the Development

22. The Licencee shall obtain approval from the Director for any proposed alteration to the Development before proceeding with the alteration.

REVIEW AND REVOCATION

- A. If, in the opinion of the Director, the Licencee has exceeded or is exceeding or has or is failing to meet the specifications, limits, terms, or conditions set out in this Licence, the Director may, temporarily or permanently, revoke this Licence.
- B. If construction of the development has not commenced within three years of the date of this Licence, the Licence is revoked.
- C. If, in the opinion of the Director, new evidence warrants a change in the specifications, limits, terms, or conditions of this Licence, the Director may require the filing of a new proposal pursuant to Section 11 of *The Environment Act*.

“original signed by”

Tracey Braun, M.Sc.
Director
Environment Act