

Honourable Bill Blaikie
Minister of Conservation
Room 330 Legislative Building
450 Broadway
Winnipeg, Manitoba R3C 0V8

Bruce Webb
Environmental Assessment & Licensing Branch
Manitoba Conservation
123 Main Street, Suite 160
Winnipeg, MB R3C 1A5

Re: Tim Horton Children's Foundation Youth Leadership Camp in Whiteshell Provincial Park at Sylvia Lake (FILE: 5493.00)

INTRODUCTION

Manitoba Wildlands is writing to provide comments on the Environmental Impact Assessment (EA) prepared by Stantec for the Tim Horton Children's Foundation (THCF) regarding the proposed Youth Leadership Camp (YLC) slated for development near Sylvia Lake inside Whiteshell Provincial Park.

Please accept these as our comments for inclusion in the public registry file number 5493.00.

We cite all outside sources in footnotes. We refer directly to the EA sections or appendices and italicize any quotes from the EA.

MANAGEMENT PLAN REQUIRED UNDER THE PARKS ACT

No other THCF-YLC in Canada is located inside a Provincial Park. If approved this proposal will restrict or block public access to 17 hectares of public parkland. Whiteshell Provincial Park is classified natural park¹ and the camp site is located within a resource management land use category (LUC).²

Manitoba is bound by its commitments to continue to work towards adequate representation of enduring features in protected areas for each of its natural regions. As this commitment has not yet been met for this natural region, Manitoba has a responsibility not only to maintain, but also to increase the total area of lands and waters

¹ *Provincial Parks Act, Provincial Parks Designation Regulation (MR 37/97)*
<http://web2.gov.mb.ca/laws/regs/pdf/p020-037.97.pdf>

² *Whiteshell Provincial Park Overview*, Government of Manitoba: Conservation
http://www.gov.mb.ca/conservation/parks/pdf/public/whiteshell_overview.pdf

in the province formally protected from development activities. It should be noted that while some new protected lands have been designated in this natural region, the region is also losing options for replacement of representation that result, while a steady increase in new development decisions is being made.

Section 11 of Manitoba's *Provincial Parks Act*³, requires: "...a management plan for each provincial park that ... deals with resource protection, use, development and any other matter the minister considers appropriate." The Whiteshell Park Management Plan published in 1983, does not meet *Provincial Park Act* requirements. The plan predates the 1993 act and the twenty-eight year-old plan has never been updated in spite of a requirement that: "[a] general update of the Master Plan will be undertaken every ten years."⁴

Furthermore the 1983 plan "... recognizes that most of the intensively used areas in Whiteshell have been developed to maximum levels."⁵ So if park developments were nearing maximum capacity in 1983, why are we further developing this protected land?

Manitoba Conservation joint Open Houses with the Tim Horton's Foundation regarding this development emphasized the 1983 Park Plan for the Whiteshell Park. So Manitoba Conservation will need to be clear whether this proposal under the Environment Act is required to be compatible with the 1983 plan or/and the 1993 Parks Act.

Manitoba Wildlands submits that before this or any new developments are considered for Whiteshell Park, an updated management plan, as required under the *Provincial Parks Act* needs to be created.

CONSULTATION

"Public Consultation plays an important role in establishing and managing Manitoba's provincial parks and heritage rivers," states the Parks and Natural Areas website.⁶ The website, however, does not explain if or how the comments submitted are made public? Or how the comments are incorporated into the planning process? What are the current public consultation standards/methodology regarding park development and planning? There appears to be no public standard as to how the department goes about these steps required under the Act. We would advise Manitoba Conservation to provide a public

³ *Provincial Parks Act*, Manitoba Government

<http://web2.gov.mb.ca/laws/statutes/ccsm/p020e.php?ccsm=p20>

⁴ *Whiteshell Park Management Plan* (1983), Manitoba Government: Conservation
http://www.gov.mb.ca/conservation/parks/pdf/planning/whiteshell_master_plan.pdf

⁵ *Ibid.*

⁶ *Public Consultations*, Manitoba Government: Parks and Natural Areas.

<http://www.gov.mb.ca/conservation/parks/consult/public.html>

guide as to the steps required for decisions regarding a development inside all Manitoba Parks and Protected Areas immediately.

Manitoba Wildlands submits that the comments received regarding the THCF-YLC originally proposed location at Meditation Lake should be included in *Appendix A: Public Consultation Materials*. The Meditation Lake public comments are not available online. Is the information from the first meetings regarding Meditation Lake presently available in Public Registry at 123 Main St., Winnipeg?

Section 5.1 of the EA claims that: "*[o]f the 118 respondents, the majority of respondents agreed with the Project in principle (i.e., establishing a Youth Camp in Manitoba), with over half of those respondents supportive of the Sylvia Lake location. Less than half of the respondents disagreed with the Project. A minority of respondents indicated a neutral position on the Project, or did not state a position.*"

It is unclear how the proponent categorized comments in order to determine support for the project, but a cursory Manitoba Wildlands review does not comport with these findings. Granted many comments were supportive of the idea of a children's camp, however many of the same comments also suggested moving the camp to another location. (Some suggested moving outside of the Park altogether, some suggested moving to a more developed area of the Park, and others suggested a different lake or at minimum a different area of Sylvia Lake for water safety reasons.) This raises issues as to the credibility of the report. Manitoba Wildlands would like to know if the public comments in their entirety are available through the PR at 123 Main St., Winnipeg?

ABORIGINAL CONSULTATION

Section 5.3 of the EA states "*Manitoba Conservation advises that they contacted the following First Nations (FNs) with known interests in the North Whiteshell area with information about this proposal: Sagkeeng FN, Brokenhead FN, Lake St. Martin FN, Lake Manitoba FN, Whitedog FN, Fairford FN and Black River FN. Manitoba Conservation advises that no written responses were received from contacted FNs.*"

If no responses were received, were any attempts made to follow up with these FN communities? The crown has a legal duty to consult with FN, and such lazy and sloppy efforts calls into question the honour of the crown. A more thorough consultation should have been performed. We note that the EA does not state if there were other forms of response from these communities.

It is long overdue that proponents for developments – in Manitoba Parks in this case – realize they are not the Crown! An initial letter to potentially affected First Nations simply is not consultation. Was an assessment done by Manitoba Conservation with respect to the usual spectrum of consultation required? Did Manitoba Conservation notify the proponent and its consultants about the steps the department would take, and or

advise the proponent as to which steps to take with regard to the potential impacts on Aboriginal Peoples from this development? Manitoba Wildlands would suggest that all information with respect to these questions be placed in the public registry.

ARCHEOLOGY

Appendix G: Heritage Technical Report outlines the investigation undertaken in regards to archaeologically significant areas. A review of previously found heritage resources data revealed four previously recorded finds either within or adjacent to the proposed camp. Based on this it is likely that more heritage resources within the proposed area that have not yet been discovered. Section 6.0 of *Appendix G* concludes: "[g]iven that the majority of the camp development is more than 100 m from either the shoreline or the riverbank, there is a Low potential for significant heritage resources to be impacted."

This is, however, conflicting because the scale of Figure 3-1 in *Appendix G* indicates that of the four finds: EaKx-64 is more than 100 m from the shoreline, both EaKx-63 and EaKx-7 are approximately 100m from the shoreline, with only EaKx-12 being less than 100 m of the shoreline. This seems to indicate that there may be finds more than 100m from shoreline, contrary to conclusions cited above. Manitoba Wildlands requests a better explanation of this seeming contradiction.

Where heritage sites have been located in the past indicates a high likelihood of as many as 40 sites based on archaeological predictive modelling standards.

ENVIRONMENTAL PROTECTION PLAN

In numerous locations the EA refers to an Environmental Protection Plan (EPP) to be submitted supplementary to the EA in periodic pieces at periodic points during construction and operation of the proposed development. This EPP is really 'the meat on the bones' of the submitted EA: "...which will outline mitigation activities and beneficial management practices (BMPs) to be conducted during construction and operation phases of the Project life cycle in order to minimize Project-related environmental impacts. Environmental inspection and monitoring activities will be outlined within the EPP."

Why is the EPP not part of the EA submission? It appears the proponent is trying to submit an incomplete EA, which will be filled out a later date without an opportunity for public representations as required under the *Environment Act*.⁷ Will the EPP be placed in the public registry? Will there be opportunities for the public to comment on the EPP as it is filed section by section?

Manitoba Wildlands recommends that Manitoba Conservation make sure the EPP is public before licensing and that a comment period be put in place, as it should have been

⁷ *Environment Act*, Manitoba Government
<http://web2.gov.mb.ca/laws/statutes/ccsm/e125e.php?ccsm=e125>

part of the EA. In particular clarity is required as to future practice for reporting under the Act in relation to the operation of the camp under its potential licence.

DFO REVIEW - OPERATIONAL STATEMENT

Section 7.11 of the EA states: "*[a]s 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 Environment Construction Activities.*"

Adding, "*...no significant adverse aquatic effects due to instream trenching and riparian vegetation removal are anticipated during project construction.*"

There is a very wide contradiction in Section 7. If The Department of Fisheries and Ocean permit is required then where is the information and results of DFO review? Perhaps the proponent does not understand that these steps are best taken in advance of public review, and decisions under the *Environment Act*. As a good corporate citizen and inline with the company's CSR policies Tim Horton's knows better than to file a proposal with various stray elements missing. Otherwise it may be evident that the Foundation does not operate at the level that its parent corporation claims to operate.

Certainly it appears from the EA content that the company, the foundation, and perhaps their consultants do not understand that avoiding federal responsibilities when applying for an environmental licence causes a lot of questions to be asked.

Manitoba Wildlands suggests that ALL the elements of the EA be provided, including for public review, before any licensing decision. This would include: EPP, and federal assessment re water, adequate consultation information, and any other missing reports or notes.

SAND & GRAVEL

Manitoba Wildlands would like an indication if any sand or gravel from a different location will be used for construction of the beach and/or road into the camp? If any other sand or gravel is going to be used, we would like an indication of where this sand or gravel is coming from? In particular we would like to know if sand or gravel is coming from any other crown lands?

EXCAVATION & BLASTING

Section 4.4.4 of the EA states that excavation activities, and in particular rock blasting will be conducted.

"The shockwaves and vibrations generated by blasting can damage internal fish organs, fish eggs or larvae and result in fish kills. ... A blasting plan will be developed in

accordance with DFO requirements prior to construction and submitted to DFO for review and approval."

Manitoba Wildlands submits blasting plan should be part of the EA, and should not be solely submitted to DFO for approval.

What about the impacts of rock blasting will have on birds and other species?

We also submit that adequate notification to local residents of when and where blasting will take place, should be a condition of any license granted. It seems noise issues were ignored.

Section 4.6 of the EA claims, *"it is possible to almost fully restore the environment to its original state."* How is this to be achieved if substantial rock blasting takes place?

All of the impacts of blasting have not been adequately considered.

NUISANCE

The proponent claims that noise, light and traffic nuisance will not extend beyond the Construction project (Section 7.3.7.3 of the EA). Yet, 3,800 people will use the site every year, not including staff and visitors. Why make such a claim? There were public concerns regarding lights and noise voiced in the open house and in the media. Surely this requires more assessment. What are the expected impacts on the town of Pinawa? How will notification be handled?

DECOMMISSIONING

Section 4.6 of the EA states: *"[t]here are no plans to decommission the Project along a specified schedule. ...the camp facilities should have a lifespan of 50 years or more and the camp would remain active as long as it is economically viable."* What does economically viable mean for a charitable summer camp?

Decommissioning costs should be written in as term of the license, if granted. Or in the alternate will the proponent be required to contribute to a trust or reserve fund to cover the costs of decommissioning? If this is not done how can Manitobans be assured that the proponent will bear the cost of decommissioning this proposed site? It is good the proponent is considering decommissioning in its application, but a plan needs to be created. We would remind that this is a site inside a Manitoba Park. All uses should be part of the plan for this park with decommissioning plans, timelines for each site, etc. Again the proponent or its consultants appear to be providing EA content that causes more questions to be asked.

SOCIO-ECONOMIC IMPACTS

Much of the EA focuses on the social and economic benefits that the THCF-YLC will have on the local communities, but these economic considerations should not be given much weight when considering whether to license this proposal. This is an environmental assessment, not an economic assessment. The purpose and intent of Manitoba's *Environment Act* is to consider the environmental impact of proposed developments. These potential environmental impacts of the project then should be primarily considered when deciding whether to license this proposal, and what terms to attach to the license.

SOCIAL BENEFITS CLAIMED

The Tim Horton's Foundation Manitoba representative claimed in interviews and discussions, and in the media that Manitoba children will benefit from this camp. He also confirmed that Aboriginal children from Manitoba would benefit from the camp. Comments were made in the presence of Manitoba Wildlands staff that most campers would be leadership graduates from Tim Horton's camps around the US. During peak operation of the camp (end of June to beginning of September) primarily non-Manitoban children will benefit. Manitoba Wildlands believes the proponent needs to be clear about whether and when Manitoba children, including Aboriginal children will be able to use this camp?

WASTEWATER TREATMENT

Manitoba Wildlands submits that quarterly water quality reports of wastewater treatment should be a condition of the license, if granted. We also submit that these quarterly reports should be included in the public registry, and made publicly accessible.

It is worth noting that towns in Manitoba are required to submit quarterly water quality reports, so a camp that will host 3,800 people per year should comply with the same standards.

SPECIES

The species reports in the EA do not seem adequate.

Section 6.2.1.1. of the EA states that "*[a] pre-construction survey for rare plant species was not possible due to timing considerations.*" Manitoba Wildlands does not accept this answer; the survey for rare plant species should have been done before the EA was filed.

Additionally, field investigations lasting only a couple of days can only provide so much information, as different species may appear at different time of the year. While the EA did refer to data from the Manitoba Conservation Data Centre, this could have been more thorough. Data exists on Whiteshell Park and there are extensive Manitoba Government species data set for the East Side of Lake Winnipeg. These and other data could have been accessed through the Conservation Data Centre, Government Departments, previous environmental studies in the area, and from local and indigenous knowledge.

The "*wildlife surveys focused on birds, with a reconnaissance level of investigation for other wildlife species.*" (EA Appendix E: Section 3.1). Manitoba Wildlands does not accept this. If a wildlife study is not performed for all species types, how are we to know what the potential impacts are on the wildlife in the proposed development area? Once again this EA creates more questions than answers.

Even though no bald eagles were observed during the few days of wildlife study, it is well-known local knowledge that bald eagles frequent area where the camp is proposed. What mitigation activities, if any, will be undertaken to protect bald eagles.

Section 6.2.3 states "*[t]here were no observations of bald eagles or their nests, which was a concern raised by a minority of respondents to the Public Communications Program.*" By this logic a majority of respondents has to name a species for that species to be relevant for the effects of assessment.

As the EA notes Section 6.2.4 notes: "*[t]he beaver flood provides a breeding area for a diversity of amphibian species (e.g., toads, frogs, salamanders).*" Will this beaver flood be disturbed?

Section 6.24.1 of the EA claims: "*[t]he northern leopard frog is the only amphibian species found within the region that is listed as special concern by SARA (Schedule 1) and COSEWIC.*" Yet there is not further description in the EA of what mitigating efforts will be undertaken. What mitigation activities, if any, will be undertaken to protect northern leopard frogs?

Manitoba Wildlands submits that mitigation activities that protect species need to be made part of the license, if granted.

Manitoba Wildlands rejects the species information in the EA product for the proponent. This first analysis is likely to form the baseline upon which future analyses will be compared to. It is vital therefore that the species surveys be as complete as possible. The 'social license' and charitable goods for this project should be based on conservation biology, and ecological thinking - both of which are lacking in the EA as outlined above.

CONCLUSION

Manitoba Wildlands expected a more complete EA from the Time Horton's Foundation.

Gaile Whelan Enns
Director of Manitoba Wildlands