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From: Weaver, William (WSD)

Sent: July-27-10 10:40 AM

To: Brown, Marc (MLG)

Cc: Litke, Debra (MLG); +WPG139 - Provincial Planning Services (IAF); Janusz, Laureen R (WSD); Leclair, Cassie (WSD)

Subject: Whitemouth-Reynolds Planning District Development Plan By-Law No 27-10

Manitoba Water Stewardship has reviewed the referenced file, forwarded for comment on June 23, 2010.

- Manitoba Water Stewardship submits the following recommendations:
 - Amend Section 2.1.3 to include the following:
 - Residential Development Policies:
 - Lots which have an area less than 2 ha (4.94) acres are located in Nutrient Management Zone N5 pursuant to the *Nutrient Management Regulation* under *The Water Protection Act*. The application of fertilizer containing 1% or more phosphorus by weight is restricted as noted in the regulation. Under the *Nutrient Management Regulation* (MR. 62/2008), no person shall apply a substance containing nitrogen or phosphorus to land within the Nutrient Buffer Zone.
 - Amend Section 4.3 to include the following:
 - All proposed developments adjacent to waterways and water bodies or having the potential to impact waterways and water bodies shall be forwarded to Manitoba Water Stewardship (Water Quality Management Section and Fisheries Branch) and the Department of Fisheries and Oceans Canada for review.
 - In order to protect riparian areas, recommends the establishment and maintenance of an undisturbed native vegetation area, via a Public Reserve, located upslope from the ordinary high water mark and adjacent to all waterbodies and waterways connected to the provincial surface water network:
 - A 15-metre undisturbed native vegetation area is recommended for lands located adjacent to first and/or second order drains;
 - A 30-metre undisturbed native vegetation area is recommended for lands located adjacent to third and/or higher order drains and/or waterbodies;

- Permanent development is prohibited within the 30-metre Crown Reserve, located adjacent to all surface waters, pursuant to *The Crown Lands Act*.
 - The combined alteration (new plus any 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 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 Statement or an activity is reviewed by the Department of Fisheries and Oceans Canada.
- Manitoba Water Stewardship submits the following comments:
 - 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 Water Rights Act* requires a person to obtain a valid licence to control water or construct, establish or maintain any "water control works." "Water control works" are defined as any dyke, dam, surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert borehole or contrivance for carrying or conducting water, that temporarily or permanently alters or may alter the flow or level of water, including but not limited to water in a water body, by any means, including drainage, OR changes or may change the location or direction of flow of water, including but not limited to water in a water body, by any means, including drainage. If a proposal advocates any of the aforementioned activities, a person is required to submit an application for a Water Rights Licence to Construct Water Control Works. An application may be obtained from Manitoba Water Stewardship at the following telephone number 1-800-214-6497.
 - 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 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.
 - There should be no net loss of semi-permanent or permanent sloughs, wetlands, potholes or other similar bodies of water in the sub-watershed within which drainage is occurring.

- Removal of vegetation and soil should be kept to a minimum during the construction and the placement of culverts. Surface drainage should be constructed as shallow depressions and removal of vegetation and soil should be minimized during construction. Erosion control methodologies should be used on both sides of culverts according to the Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat.

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