

Licence No.: 2510

Licence Issued: June 6, 2001

**IN ACCORDANCE WITH THE MANITOBA ENVIRONMENT ACT (C.C.S.M. c. E125)
THIS LICENCE IS ISSUED PURSUANT TO SECTION 11(1) TO:**

TERESA FANDYCH AND DOLF FANDYCH "the Licencees"

for the construction and operation of the Development, known as the Heritage Golf Course, being a nine hole par three golf course located on land legally described as R.L.'s 170, 171, 172 and 173 and Pt. Pcl. A, Plan 33494, Parish of St. Andrews and located at Henderson Highway and Highway 202, in the Rural Municipality of St. Clements and in accordance with the Proposal filed under The Environment Act, dated April 10, 2001, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

In this Licence:

"high water level" means a line defined by the normal high water mark determined by plant growth and soil conditions observed at and in the vicinity of land adjacent to a waterway; and

"Riverbank Preserve" means an area of land adjacent to a natural stream wherein development shall not occur.

GENERAL TERMS AND CONDITIONS

This Section of the Licence contains requirements intended to provide guidance to the Licencees 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. The Licencees shall, during construction, ensure that any fuel storage areas established for the construction of the Development are located a minimum distance of 100 meters away from waterbodies including wetlands and ensure the storage areas comply with the requirements of *Manitoba Regulation 97/88R - Storage and Handling of Gasoline and Associated Products*.
2. The Licencees shall ensure that all used petroleum products and other hazardous wastes generated by the machinery used in the construction and operation of the Development are collected and disposed of in accordance with Manitoba Conservation and legislative requirements.
3. The Licencees shall, during the full term of the construction of the Development, cleanup and deposit all debris from the construction site at a Waste Disposal Ground operating under the authority of a permit issued pursuant to *Manitoba Regulation 150/91* respecting *Waste Disposal Grounds* or a Licence issued pursuant to The Environment Act.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Respecting Pre-Construction

4. The Licencees shall, prior to construction, provide a copy of this Licence to the contractor and subcontractor(s) involved in the Development.
5. The Licencees shall provide for a Riverbank Preserve along Gunn's Creek. The Preserve shall be a strip of land a minimum distance of 20 meters in width from the high water level along each bank of Gunn's Creek within the Development area. Existing riverbank vegetation shall not be cleared within the Riverbank Preserve except in the areas as shown on the **Heritage Golf Course Concept Drawing** filed as part of the Environment Act Proposal, dated April 10, 2001. The limits of clearing shall be surveyed and marked prior to construction.

Respecting Construction

6. The Licencees shall, during construction of the water retention pond, line the pond(s) with clay to a minimum depth of 0.5 meters to prevent seepage from the retention pond entering the groundwater aquifer.
7. The Licencees shall dispose sewage generated by the Development by constructing a hookup line to the existing low pressure sewage system in Lockport as shown in the Environment Act Proposal, dated April 10, 2001.
8. The Licencees shall locate a pesticide storage structure(s):
 - a. in an area on the Development property that is not subject to flooding;
 - b. in a dry, well ventilated separate building enclosed by a security fence;
 - c. 100 meters from property zoned residential;
 - d. 100 meters away from single residences; and
 - e. 100 meters away from Gunn's Creek.
9. The Licencees shall construct and maintain the concrete floors and curbs of a pesticide storage structure(s) so as to prevent spilled liquids from leaking into the soil.

Respecting Operation

10. The Licencees shall, prior to operation of the Development, obtain a Water Rights Act Licence for water withdrawal requirements associated with the Development.
11. The Licencees shall, prior to operation of the Development, obtain an annual Pesticide Use Permit pursuant to Manitoba Regulation 94/88R for the storage, handling and application of pesticides in conjunction with the golf course operation.
12. The Licencees shall, during the operation of the Development, prohibit the use any mercury based fungicides or Diazinon on the Development.
13. The Licencees shall, during the operation of the Development, prohibit application of pesticides:
 - a. within 5 meters of the high water level of Gunn's Creek; or
 - b. between 5 and 20 meters of the high water level of Gunn's Creek, other than hand spot spraying.
14. The Licencees shall contain and clean up immediately:
 - a. any on-site pesticide spill;
 - b. waste water generated from any response action due to an on-site release of pesticides; and
 - c. contaminated water resulting from the extinguishing of a fire involving pesticides.
15. The Licencees, subject to obtaining approval from and Environment Officer, shall immediately dispose of any contaminated material in accordance with the approval.

Respecting Alterations to the Development

16. The Licencees 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 Licencees have exceeded or are exceeding or have or are 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 the 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"

Larry Strachan, P. Eng.

Director

Environment Act

Client File No: 4615.00