



**Parks & Recreation Department**

**TO: Community Services Committee**

**SUBJECT: Environmental Assessment for a Permanent Wave Break at LaSalle Park Marina Update**

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Report Number: PR-33-13

File Number(s): 945-10

Report Date: September 25, 2013

Ward(s) Affected: 1 x 2  3  4  5  6  All

Date to Committee: October 23, 2013

Date to Council: November 4, 2013

**Recommendation:** For information only.

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**Purpose:**

- Address goal or action in strategic plan
- Establish new or revised policy or service standard
- Respond to legislation
- Respond to staff direction
- Address other area of responsibility

The purpose of this report is to provide an update on the Environmental Assessment for a permanent wave break at LaSalle Park Marina.

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**Reference to Strategic Plan:**

- Vibrant Neighbourhoods
- Prosperity
- Excellence in Government
- N/A

**Background:**

LaSalle Park Marina Association:

The LaSalle Park Marina Association (LPMA) is a non-profit community organization that provides a venue for recreational boating at the LaSalle Marina (Marina) through a Joint Venture Agreement (JV Agreement) with the City of Burlington (City). The JV Agreement provides LPMA with the authority to operate the Marina and outlines their responsibilities related to maintenance, operation and capital renewal. The current Marina operation has 219 slips.

Lease of Water Lots:

The City leases the water lots where the Marina is located from the Hamilton Port Authority (HPA) and in-turn, sub-leases the water lots to LPMA. The City has signed a 10-year agreement with HPA that has 3 further 10-year renewal terms.

Wave Break:

A floating wave break is currently being used to protect boats in the Marina from waves and has proven to be insufficient during high winds resulting in damage to boats and infrastructure at the Marina.

As a Joint Venture Organization (JV Organization), assets at the Marina are owned and insured by the City. The most recent wave damage incidents occurred on June 1, 2012 and April 12, 2013. Resulting damage to Marina infrastructure is estimated at \$130,000. Damage to boats was covered under individual boaters' insurance. LPMA informed staff that members have been advised by an insurance company that as a result of repeated incidents of wave damage to boats, insurance coverage may not be available to boaters at the Marina in the future.

Business Case:

LPMA approached the City with a desire to better protect the Marina with a permanent wave break that was outlined in their business case: *Vision 2012 – The Bigger Picture: The Case for a Permanent Rock Island Fish & Wildlife Habitat Wavebreaker at LaSalle Park Marina* (Vision 2012).

LPMA's rationale for the development of a permanent wave break include:

- Providing a safe harbour, reduce wave agitation levels and resulting damage to boats and infrastructure in the Marina
- Improving wildlife habitat
- Increasing the economic benefits of boating to the community
- Developing an enlarged Marina to meet the market needs in boating and to financially support the cost of a permanent wave break

Environmental Assessment Process:

In order to consider any type of initiative in water, an Environmental Assessment (EA) is required. The City co-funded this project as an

EA will determine impacts to the environment of a preferred wave break and as well, provides information that can be included in funding applications.

Pertinent Council Resolutions:

REGULAR MEETING OF COUNCIL NO. 16-10 SEPTEMBER 7, 2010.

Direct the Director of Parks and Recreation to include for consideration in the 2011 capital budget an upset limit of \$150,000 to support the completion of an Environmental Assessment for a permanent wavebreak at LaSalle Park Marina estimated to be \$300,000;

REGULAR MEETING OF COUNCIL NO. 14-11 July 18, 2011.

Approve the use of City funds, up to \$150,000 for the Environmental Assessment (EA) related to a proposed permanent wave break and wild life habitat at LaSalle Park Marina, contingent on matching funds from the LaSalle Park Marina Association.

Direct the Acting Director of Parks and Recreation to report back to Council on the outcomes and preferred options generated by the EA process and subsequent proposed funding model by LPMA.

Since early last year, staff and representatives of the LPMA have been working with a consultant through the EA process for a preferred wave break at the Marina. The EA has been conducted in accordance with the Municipal Engineers Association "*Municipal Class Environmental Assessment*" as a Schedule C project. The EA commenced in February 2012 and included two Public Information Centres (PICs), two meetings with regulatory agencies and individual meetings with agencies and special interest groups where required.

Throughout the EA process a Review Team, consisting of City staff and members of LPMA, met with the consultants to review work and provide input and direction.

The EA evaluated different ways to manage waves at the Marina and concluded that a fixed wave break for an expanded marina (320 slips and 20 transient slips) is the preferred option.

## **Discussion:**

### Environmental Study Report:

An Environmental Study Report (ESR) describing the project was prepared and available for public review and comment from July 11, 2013 through to August 26, 2013. Typically, the public review period is 30 days but in consideration of the summer holiday season, the review period was extended to 45 days.

### Results of Public Review Period:

Numerous comments were received during the public review period. The number and nature of comments are summarized in Table 1 below:

Table 1 - Summary of Comments

Comments Received	Supportive	Not Supportive	Neutral
52	40	7	5

All comments received acknowledgement of receipt along with specific information where required.

### Part II Order:

As part of the EA process, if concerns regarding the project cannot be resolved in discussions with the City and consultant, a person or party may request that the Minister of the Environment (MOE) make an order to comply with Part II of the Environmental Assessment Act. Part II Order (Order) requests must be made in writing to the MOE by the end of the public review period.

Two (2) requests for an Order were received by MOE. Staff, LPMA and the consultant met to discuss a strategy to address the Orders. The consultant will respond to the Orders in early October. MOE staff have a 45-day time period to review and provide a recommendation to the Minister once responses are received. There are no regulated timelines for the Minister to make the final decision on the Orders.

The MOE determines if the EA and any further information provided either does or does not sufficiently address the comments contained in the Orders. If it is determined the comments have been addressed, the project can proceed. If it is determined the comments have not been adequately addressed, an Individual EA must be completed. An Individual EA may take 12 to 18 months to complete at an estimated cost of \$100,000.

Staff will provide an update to Council when the process to deal with the Orders is completed.

Next Steps if Environmental Assessment if Approved:

Upon approval of the EA, the next step in developing a permanent wave break is detailed design and costing. There are a number of items that will need to be discussed prior to moving on to detailed design including staff involvement, discussions with HPA related to the use of water lots, advising the City of Hamilton as the owner of LaSalle Park of this project, timing, tender process and funding.

LPMA approached staff to discuss the availability of City funds to support detailed design. Staff confirmed with LPMA that City funds have not been budgeted for this project. The rationale for this decision is based on the principles of the Joint Venture Policy in which a JV Organization is responsible for funding all capital projects and LPMA's initial commitment to fund this project.

LPMA proposed that the City co-fund detailed design with the following condition: if the wave break is constructed, LPMA will repay the City but if the wave break is not constructed, LPMA would not be required to repay the City. Staff's response to this proposal was that City funding has not been budgeted for this project as JV Organizations are responsible for all costs associated with their operation.

It was suggested that if LPMA wished to appear before Council to speak to this item, then registering as a delegation when staff provides an update on the EA to Council would be appropriate. Staff anticipates that a representative from LPMA will register as a delegation to request financial support from Council for detailed design.

Harbour Feasibility and Capacity Study:

As the EA process has been unfolding, a Harbour Feasibility and Capacity Study (Study) has been launched. The purpose of the Study is to determine current demand for harbour capacity and anticipated demand within Halton and the surrounding area over the next 20 years.

Marina facilities are currently operated by the City, Town of Oakville (Oakville) and Regional Municipality of Halton (Halton) in Burlington and Oakville. These marina facilities are operating either at or close to capacity. Given the anticipated growth within Halton over the next twenty (20) years, there is a perception that the demand for slips will exceed current capacity.

In order to identify the potential need for slips in Halton, the City, Oakville and Halton agreed to co-fund this Study, estimated to cost \$45,000. LPMA agreed to co-fund the City's portion so both LPMA and the City contributed \$7,500 towards the project. Funds budgeted for the EA were used to support this initiative.

Pending the outcome of the Study, the parties involved may consider a second phase that would involve investigating and analyzing potential harbour locations within Halton.

The consultant started work on this project in September with completion anticipated early in the 2014.

Vision 2012:

A number of tasks are currently underway that will impact the wave break project including securing MOE's approval of the ESR, Harbour Feasibility and Capacity Study and sourcing funding opportunities. Once these tasks are addressed, staff will meet with LMPA and complete the assessment of Vision 2012.

**Financial Matters:**

Funding and costs related to the EA and Harbour Feasibility and Capacity Study are outlined below in Table 1.

Table 1 - Current Status of Environmental Assessment Budget

<b>Funding:</b>	
City of Burlington	\$150,000
LMPA	\$150,000
<b>Total Funding:</b>	<b>\$300,000</b>
<b>Expenditures:</b>	
Consultant	\$213,392
Room Rentals, newspaper ads, meeting expenses	\$ 4,207
Harbour Feasibility Study	\$ 13,508
<b>Total Expenditures:</b>	<b>\$231,107</b>
<b>Net Surplus:</b>	<b>\$ 68,893</b>

Additional Costs:

During the review period, the consultant was required to provide additional information in response to comments which is estimated to cost approximately \$8,500.

Staff discussed potential costs to address the Orders with the consultant. The cost estimate ranges from \$12,500 to \$32,500 depending on the need to collect data and run a model for water quality.

There are sufficient funds remaining in the EA budget to cover the additional costs of \$41,000 (\$8,500 + \$32,500).

### Funding for Permanent Wave Break:

Initial estimates for construction of a permanent wave break for an enlarged marina ranges from \$8 - \$12 M. LPMA is responsible for funding the wave break and at this time, has not been able to secure funding. As a JV Organization, LPMA has access to a Joint Venture Loan from the City in addition to seeking other funding sources including Federal and Provincial programs and a private bond issuance.

Over the course of the past year, staff and LPMA have:

- Met with the local MP to discuss the development of a permanent wave break and funding opportunities. No opportunities were identified.
- Contacted the office of the local MPP to provide information on this project and need for funding.
- Contacted PPP Canada to inquire about the status of this project in relation to their criteria. The following response was received: Although eligible, a permanent wave break does not have the critical mass in terms of capital value and opportunity to be delivered in a Public-Private Partnership (P3) project.

Staff and LPMA will continue to explore grant and funding opportunities and as well, will review Vision 2012 as costing and funding information becomes available. This information will better inform Vision 2012 and provide clarity related to the financial viability of this project.

### **Other Resource Impacts**

Staff from various departments have been heavily involved with the project to this point in the process. There will be a continued requirement for significant staff time to work on various components of this project as it moves forward. These components include administering detailed design and costing, consultation with agencies, stakeholders and the general public, obtaining agency permits, managing the construction process, reviewing other infrastructure considerations such as parking, traffic and washrooms, confirming LPMA's business case (Vision 2012) and providing support for funding applications.

### **Environmental Matters:**

Through the EA process, a preferred option has been identified and mitigation strategies discussed. Regulatory agencies have been involved and provided input and feedback related to environmental matters and the EA must be approved by MOE.

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### **Communication Matters:**

As part of the EA process, the City hosted PICs in May 2012 and August 2012 and also met with agency stakeholders on two occasions. Agency stakeholders include: Department of Fisheries and Oceans, Ministry of Natural Resources, Hamilton Port Authority, Conservation Halton, Transport Canada and Hamilton Harbour Remedial Action Plan. Staff and the consultant also met with members of the Ontario Trumpeter

Swan Restoration Group (OTSRG) and Conservation Halton staff to discuss their specific comments.

Staff continue to meet with LPMA and keep the organization up to date on the status of this project.

Area residents received notification of the PICs and completion of the ESR through mailings.

This project is listed under Special Projects on the City's website and contains notices, information and comments from PICs and the ESR report.

Staff will provide further updates to Council as this project evolves.

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**Conclusion:**

Over the past 20 months staff, LMPA and the consultant have worked through the EA process to assess the impacts to the environment of a preferred wave break option. Requests for Orders will be dealt with through the MOE as required.

LPMA has initiated discussions with staff related to the detailed design and costing for a wave break and will appear as a delegation to speak to members of Council regarding the availability of City funding to support this initiative.

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Respectfully submitted,

Original signed by Doug Pladsen

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Community Development Planner  
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**Appendices:**

A.
B.

**Notifications:**  
(after Council decision)

Name	Mailing or E-mail Address
John Birch	<a href="mailto:Sunstone@cogeco.ca">Sunstone@cogeco.ca</a>

**Approvals:**  
\*required

Original signed by  
Chris Glenn

n/a

Original signed  
by Kim Phillips

Original  
signed by Jeff  
Fielding

\*Department  
Head

City Treasurer

General Manager

City Manager

	To be completed by the Clerks Department						
Committee Disposition & Comments							
	01-Approved	02-Not Approved	03-Amended	04-Referred	06-Received & Filed	07-Withdrawn	
Council Disposition & Comments							
	01-Approved	02-Not Approved	03-Amended	04-Referred	06-Received & Filed	07-Withdrawn	