

Ministry of the Environment  
and Climate Change

Ministère de l'Environnement  
et de l'Action en matière de  
changement climatique



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**JUL 21 2015**

Mr. Doug Pladsen,  
Recreational Planner- Community Development  
City of Burlington  
426 Brant Street, P.O. Box 5013  
Burlington, ON L7R 3Z6

Mr. John Birch  
President  
LaSalle Park Marina Association  
9 Homewood Avenue  
Hamilton, ON L8P 2M1

Dear Messrs. Pladsen and Birch:

Between July 4, 2013 and August 26, 2013 I received three Part II Order requests asking that the City of Burlington and the LaSalle Park Marina Association (Proponents) be required to prepare an individual environmental assessment for the proposed LaSalle Park Marina Breakwater Class Environmental Assessment Project (Project).

I am taking this opportunity to inform you that I have decided that an individual environmental assessment is not required. This decision was made after giving careful consideration to the issues raised in the requests, the Project documentation, the provisions of the Municipal Engineers Association's Municipal Class Environmental Assessment (Class Environmental Assessment), and other relevant matters required to be considered under subsection 16(4) of the Environmental Assessment Act. The reasons for my decision may be found in the attached letter to the requestors.

Despite my not requiring an individual Environmental Assessment be prepared, there are additional measures that can be taken by the Proponents to ensure environmental protection. Therefore, to ensure that the environment is protected, I am imposing the following conditions on the Project:

1. The City of Burlington and the LaSalle Park Marina Association (Proponents) shall form a Stakeholder Advisory Committee for the LaSalle Park Marina Breakwater Class Environmental Assessment (Project). The Stakeholder Advisory Committee will be formed for the purposes of disseminating and exchanging information relevant to the Project, and discussing any issues or concerns raised by Stakeholder Advisory Committee members.

- 1.2 Representatives from the marina and the City shall participate in the Stakeholder Advisory Committee.
  - 1.3 The Proponents shall invite the Part II Order requesters for the Project, including representative(s) of Conservation Halton, the Hamilton Conservation Authority, and the Trumpeter Swan Coalition; as well as representatives from the Ministry of Natural Resources and Forestry, the Hamilton Harbour Remedial Action Plan Stakeholder Group, Environment Canada and Fisheries and Oceans Canada to participate in the Stakeholder Advisory Committee. The Proponents may invite other members of the public and or agencies/ministries that expressed interest in the Project to participate in the Stakeholder Advisory Committee at their discretion.
  - 1.4 The Proponents shall send out invitations for Stakeholder Advisory Committee membership prior to the initiation of detail design for the Project. Notices of Stakeholder Advisory Committee meetings or workshops shall be posted on the City of Burlington's website two weeks prior to the meeting/workshop, and sent to all Stakeholder Advisory Committee members.
  - 1.5 A Terms of Reference shall be established for the Stakeholder Advisory Committee by a third-party Facilitator. The third party facilitator will be selected by the Hamilton Harbour Remedial Action Plan Coordinator in consultation with the Stakeholder Advisory Committee.
  - 1.6 The Stakeholder Advisory Committee shall begin to meet during the detail design stage of the Project and shall continue to meet as required.
  - 1.7 The Proponents shall be responsible for holding a minimum of one Stakeholder Workshop during the detailed design phase of the Project, and shall invite all Stakeholder Advisory Committee members to attend the Workshop. The agenda for the Workshop will be determined in consultation with the Stakeholder Advisory Committee.
  - 1.8 The Proponents shall hire the third-party Facilitator referenced in Condition 1.5 to moderate the Stakeholder Workshop.
2. Prior to construction, the Proponents shall prepare an Aquatic and Terrestrial Environment Monitoring and Mitigation Plan to monitor the Project's effects on the local environment, including effects to aquatic plant growth and water circulation within the Marina, and any impacts fish and bird species in the vicinity of the Marina including the local overwintering Trumpeter Swans; and to propose mitigation where necessary. The Plan shall be prepared in consultation with the Stakeholder Advisory Committee, and submitted to the Stakeholder Advisory Committee for review. Once the Aquatic and Terrestrial Environment Monitoring and Mitigation Plan is completed, it shall be posted on the City of Burlington's website.

2.1 If during the duration of Project monitoring, as determined in the Aquatic and Terrestrial Environment Monitoring and Mitigation Plan, the Project is found to be negatively affecting the aquatic environment and/or overwintering Trumpeter Swans in the vicinity of the Project, the Proponents must immediately notify the Director of the Environmental Approvals Branch to identify what measures the Proponents will apply to mitigate the negative effect(s).

3. Once Conditions 1-2 have been satisfied, the Proponents shall notify the Director of the Environmental Approvals Branch.

With this decision having been made, you may now proceed with implementing the Project, subject to the conditions I have imposed and subject to obtaining any other permits or approvals required. You must implement the Project in the manner it was developed and designed, inclusive of all mitigating measures and environmental and other provisions therein. In accordance with the Class Environmental Assessment, any commitments made to affected agencies or members of the public must be fulfilled and implemented as part of the proposed Project.

Lastly, I would like to ensure that you understand that failure to comply with the Act, the provisions of the Class Environmental Assessment, and failure to implement the Project in the manner described in the planning documents, are contraventions of the Act and may result in prosecution under section 38 of the Act.

Yours sincerely,



Glen Murray  
Minister of the Environment and Climate Change

#### Attachments

c: Karla Kolli, Dillon Consulting Ltd.  
Glenda Dodd  
Mike Jones  
Hamilton Conservation Authority  
Conservation Halton  
EA File No. EA02-03

