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Response of the TSRG, Oakvillegreen, BurlingtonGreen and MiltonGreen to the City of Burlington and consultants for the LaSalle Park Marina Association's comments on our submission on the ESR

Summary:

Below we have addressed, point by point, the City's and the consultant's response to us, however, we would like to provide a quick summary of our concerns.

First, we note we agree with the concerns about this project expressed by Conservation Halton and other agencies as recorded in Appendix E of the ESR and as mentioned in our submission in the ESR and in this document. We note that Trumpeter Swans, a significant and fragile species, were not mentioned in the Vision 2012 document that began this development plan for LaSalle Harbour.

Overall, we do not believe enough consideration has been given to the importance of LaSalle Park as an over-wintering ground for this species that was brought back from the brink of extinction or to the rarity of suitable over-wintering habitat anywhere in the Province and throughout the species traditional range in this area given the large scale loss of marshland and shoreline development. As noted on Page 105 of Appendix E in *Species Assessment For The Trumpeter Swans In Wyoming*, “The most serious threat to Trumpeter Swans is the loss of undisturbed breeding and (especially) wintering habitat to expanding human populations. Urban expansion, rural residential development, and recreation often preferentially occur in and adjacent to environment preferred by swans; namely, large, clean, calm, and productive water bodies. The long-term viability of all three populations likely depends primarily on enhancement of existing, restoration of former, and creation of new wintering grounds (Pacific Flyway Council 1992, 2002). Protection and enhancement of breeding habitat is also important, but probably not as important as focusing on winter habitat. Suitable breeding sites are relatively abundant and well distributed. In contrast, suitable wintering grounds are rather scarce and concentrated to just a few areas, especially during extreme cold periods when open water is rare and undisturbed open water, with adequate food and flat and open surroundings, is even rarer.”

LaSalle Park is CRITICAL over-wintering ground for this species and is deserving of protection. The Trumpeter Swans cannot simply “be moved” elsewhere.

We do not believe enough work has been done to guarantee that the ongoing impact of the building a permanent 400 metre long wave break and marina expansion will not have a negative impact on the 200+ Trumpeter Swans that over-winter there.

- a) In particular, there has not been enough study on how reduced wave action may affect ice formation in the harbour with the concern being that Trumpeters cannot withstand long periods of ice.
- b) The potential mitigation measures proposed for keeping the water open — bubblers or aerators or manual breaking of the ice — are not credible.
- c) We do not believe the issue of how reduced wave action may impact sedimentation and nutrient loading with regard to aquatic plants and waterfowl health has been adequately studied.
- d) We believe more study is required to determine the space requirements for the Trumpeter Swans and the other waterfowl that over-winter in the harbour.
- e) Construction cannot take place when the Trumpeter’s are in the harbour but there has been no commitment from the proponents to ensure this.
- f) We believe more study is needed to determine adequate flight space given that Trumpeters require 100 metre radius and must lift off and land with the wind.
- g) As no thorough business case has yet been presented and made public for this project we are concerned that the LPMA does not have the financial ability to put any mitigation measures in place that would address our concerns.

1. Comment from TSRG

As several different scenarios for timing of construction have been put forth, please clarify when you expect construction to begin and end.

Project Team Response

Construction timing will be confirmed during detailed design through ongoing discussions with key stakeholders including the Trumpeter Swan Restoration Group (TSRG), LPMA and permitting agencies. As noted in the report there are a number of things that will influence construction timing including the boating season, fish spawning timing windows and the Trumpeter Swans wintering season. It is the desire of LPMA and the City to work with key stakeholders to try to find a manageable time for construction.

Our Response To The Project Team

Construction cannot be ongoing when the Trumpeter Swans are in the harbour. Trumpeter Swans are easily disturbed especially by activity within their flight path. Construction activity may cause them to disrupt their normal behaviour that will affect their subsequent breeding success. Additionally, it may cause the swans to leave the area and they may not be able to find another suitable winter refuge leading to the death of the swans.

2. Comment from TSRG

Please explain to us why you think “staging” will protect the swans.

Project Team Response

The staging of construction may be one way to avoid construction related disruption during key time periods. As noted above, it is the desire of LPMA and the City to work with key stakeholders to try to find a manageable time for construction.

Our Response To The Project Team

Construction cannot be ongoing when Trumpeter Swans are in the harbour. See response above.

3. Comment from TSRG

On Page 33 the report suggest impacts of construction “would be mitigated by delivering the majority of construction materials using a self-unloader (barge) to the breakwater site.” Please provide the evidence on which you have based this assessment.

Project Team Response

As noted in the ESR, the bulk of the stone required for the breakwater core would be transported by a self-unloading ship. The ship would travel to the site, remaining on the outside of the future breakwater, and would unload the stone into the water. Depending on the size of the ships used, this could require approximately 6 loads. Unloading of each ship can be completed in less than a day and if necessary could be completed during the boating season with minimal impact on the marina operation although noise and possible dust impacts would occur. Reshaping of each load into the core would be done with equipment based on the breakwater or a small barge operating adjacent to the breakwater.

This approach reduced the truck and boat traffic associated with the transport of the core material.

Trucks are required to bring the armour stone and riprap for the sides and for the cap of the breakwater. As noted in the ESR, we anticipate approximately 300 truckloads of material that would need to be transported by barge from the pier to the breakwater for placement. This activity is anticipated to take approximately 3 to 4 months to complete. It will have a greater potential to impact marina operation.

We understand that construction noise and activity has the potential to disturb swans, other wildlife, boaters and others who use the area. As noted, it is the desire of LPMA and the City to minimize construction disruption and stakeholders to try to find a manageable time for construction.

Our Response To The Project Team

Construction cannot be ongoing when Trumpeter Swans are in the harbour. See response above.

4. Comment from TSRG

On Page 51 of the report, it says: “The breakwater construction would be well removed from shore and will only occur during the day when the swans are typically in shallower water which will help to minimize construction disturbance.” Please provide the evidence that this will “minimize disturbance”.

Project Team Response

This statement is not intended to suggest that there will be no disruption, just that distance will help to minimize the extent of disruption that occurs.

Our Response To The Project Team

Trumpeter Swans are easily disturbed especially by activity with their flight path. Construction cannot be ongoing when Trumpeter Swans are in the harbour.

5. Comment from TSRG

How will it be decided if unwashed or pre-washed material is to be used? Is there a difference in cost? If so, was the estimated cost of construction based on unwashed or Prewashed material?

Project Team Response

During detailed design consideration will be given to the difference in cost and availability of washed and unwashed stone.

Our Response To The Project Team

These costs must be included in your business case for the expanded marina and permanent wavebreak. Since you have not yet developed a comprehensive business case, as noted during the City of Burlington Community Services meeting of October 23rd 2013, we believe this application is premature.

6. Comment from TSRG

Has the effect of sedimentation on the aquatic life in the Bay been studied and if aquatic life is affected, what impact would that have on Trumpeter Swans and other waterfowl that overwinter in LaSalle Park and depend on water plants as a food source?

Project Team Response

The construction of the breakwater will not add sediment to the area. There is some potential to disturb existing sediments however any disturbance during placement of material would be short-lived and confined to the near bottom layer. This is Documented in the ESR.

As noted in section 3.2.2 of the ESR, sediment transport in the area where the proposed breakwater is located is very low and based on the information in past sediment studies in the area it is not anticipated that the proposed breakwater will result in sedimentation issues.

Our Response To The Project Team

Did past sedimentation studies take into account the impact of a proposed break wall? If not, how are they relevant and will you be carrying out sedimentation studies that will take into account reduced wave action in the harbour?

7. Comment from TSRG

Please explain what a silt curtain is, how it would be deployed, what it is made of and what the possibilities are that Trumpeter Swans or other wildlife could get caught in it.

Project Team Response

A silt curtain is essentially a filter that would be installed in the water column to prevent the movement of mobilized sediment during construction. A silt curtain is a Filter fabric attached to a floating system. The floating system is anchored with cables to the bottom, usually to concrete blocks. The floats extend only 10 to 20 cm above water. The filter fabric normally, but not always, extends to the bottom of the lake. It may need to surround the area where the stone is dumped. It is a temporary installation. It is commonly used and it is unlikely that wildlife would get caught in the silt curtain.

Our Response To The Project Team

We have no objection to properly installed and removed silt curtains, however we note from Page 228 of Appendix E to the ESR that CH also has concerns about whether a silt curtain is “a truly feasible approach to preventing siltation”. Also, has the cost of the placement, use and removal of the silt curtain been factored into the cost of the permanent breakwater?

8. Comment from TSRG

The current preferred alternative does not provide a radius of a minimum of 100m for take-offs and landings. A radius of 100m is required.

Project Team Response

Based on the information we have reviewed it is clear that there is a need for a minimum of 100metres for take-off and landing.

· Boreal songbird initiative website “at least 100 meters (328feet) of unobstructed runway for takeoff.” http://www.borealbirds.org/birdguide/bd0413_species.shtml

· Wyoming Game and Fish department report - “An adult Trumpeter requires approximately 110feet(34m) without a head wind to take off and gain six feet elevation”

<http://www.swansociety.org/docs/Swan%20Habitat%20Construction%20and%20Management%20Prescriptions-WGFD%20Nov2004.pdf>

· Travskey and Beauvais, 2004 – “open flight lanes of at least 100m are needed for take off and landing”

In August 2012 we also exchanged emails with Kyna who we understood is part of the TSRG confirming the need for at least 100m of space for takeoff and landing. To date we have found limited reference to the need for a 100metre radius. Please provide any additional information if available.

Our Response To The Project Team

Your modeling of the 100 m of take-off and landing space presupposes the Trumpeter Swans will take flight from near the shoreline. In fact, the Trumpeters may be anywhere in the harbour when they take flight. On our November 19th visit to LaSalle Park we witnessed an unleashed dog running along the pier scaring the Trumpeter’s into flight. Such incidents could happen at any time with Trumpeter’s at any place in the harbour. If they don’t have 100 m of flight path from wherever they are, they can’t take flight. Furthermore, they need to take off and land with the wind, thus a linear path of 100 metres is not adequate. We refer you again to what we said in our submission: “As far as we can tell in all correspondence between TSRG and the Wye Marsh staff and the City of Burlington and Dillon, both TSRG and Wye Marsh mention the need for a RADIUS of 100 m, but all notes back from the City and Dillon mention only providing a linear 100 metres for take off and landings. (See Sara Street, executive director of Wye Marsh on Page 219 of Appendix E.)

9. Comment from TSRG

Have you studied the impacts of the concentrated fecal matter from wintering waterfowl on plant and algae growth and the waterfowl and if so, could you provide us with any expert advice you’ve received? If you have not studied these impacts, could you please seek expert advice on them and share the results?

Project Team Response

Wind and wave patterns were studied through this project. The proposed breakwater will be open at both ends allowing for water circulation. The low crested section of the proposed breakwater will also assist in water circulation.

There has been no site-specific study to date related to the impact associated with the fecal matter of wintering birds on water quality. The construction of a fixed breakwater is

not expected to change the concentration of wintering waterfowl that currently utilize LaSalle Park. Therefore, it is not expected that there will be a change in fecal matter from these species pre- and post-construction.

Our Response To The Project Team

The construction of the breakwall is not likely to change the concentration of wintering waterfowl but its entire purpose is to change the wave action in the harbour, lessening it. This may affect the flushing action of the waves in the harbour and may result in higher fecal counts in the harbour's water. Clearly we are not the only group concerned about this. On Page 215 of Appendix E of the ESR General RAP Fisheries noted:

“Be cautious of the potential for a sheltered area to increase blue-green algae blooms or Cylindrocapsa growth. Blue-green algae and aquatic vegetation tends to get caught up at shoreline, etc.” Conservation Halton noted on Page 205 of the same document: “Need to consider: algae growth; increased sedimentation (see our concern #6) of the area once closed in; potential for excessive plant growth with an enclosed area and resulting boating safety (see our concern #11). In meeting notes from Page 243 of Appendix E Milo (a consultant?) was reported to note that

“Even if we were to model circulation and find that retention time is increased by a specific factor, we have no way of knowing what that means in terms of water quality or vegetation growth.” We say if you cannot predict the impacts then you must employ the precautionary principle.

10. Comment from TSRG

Please provide the evidence for “somewhat better water quality”. Have you considered the nutrient load deposited by swans, geese and other waterfowl that will now be trapped by “impeded water flow”? What impact will this have on plant and algae growth?

Project Team Response

It is anticipated that the breakwater will help to isolate the water in this area from nutrient and silt sources that have the potential to affect the larger harbour. It is possible that the sheltering nature of the breakwater may change the diversity of aquatic plants, however, as indicated in the ESR, it should be noted that over more than 30 years of operation, LPMA has never reported conditions of nuisance vegetation communities and we do not anticipate the need for their removal. Should this be required, a plan will be developed to address this.

Our Response To The Project Team

This response confuses us. You seem to have argued in past answers that there should not be any change to silt/sediment with the construction of the breakwall and now you state there may be. Please explain how the construction of a breakwall may affect silt and sediment during and after construction. Furthermore, you state: “it should be noted that over more than 30 years of operation, LPMA has never reported conditions of nuisance vegetation communities and we do not anticipate the need for their removal.” Basing future conditions on past experience when you are planning to create a massive and irreversible change to the harbour environment is reckless. Your plan must be able to project the effect it will have on aquatic vegetation based on the changes that will occur.

And it is not good enough to say, “Should (removal of aquatic plants) be required, a plan will be developed to address this.” We have provided an example of where a break wall was constructed that caused an overabundance of aquatic vegetation to occur. We suggest this is a likely scenario and we would like to see a plan to address it formulated now with its potential impacts on the Trumpeter Swans.

11. Comment from TSRG

What impact might the cutting of vegetation have on the harbour’s service as fish and bird habitat?

Project Team Response

Most of the marina is located in deep water and it is not anticipated that there would be a need to remove vegetation for marina operations. It is noted that LPMA has never had to remove plant growth in the time it has been operating.

Our Response To The Project Team

See our response above.

12. Comment from TSRG

Have you done any modeling to indicate what impact the permanent wavebreak may have on length of time the harbour may freeze over and if so could you please share it?

Project Team Response

Wind and wave modeling has been completed and is included in the ESR. There has been no modeling completed related to ice formation.

Our Response To The Project Team

The issue of ice formation, making the harbour unusable for the Trumpeter Swans poses one of the greatest threats to this over-wintering species of conservation concern and is the issue most likely to threaten their survival and their future breeding success. You must conduct a study that explores the expected impact of the wave modification’s potential affect on ice formation in LaSalle Harbour and its impact on the Trumpeter Swans and other waterfowl who over-winter at LaSalle and report back.

13. Comment from TSRG

Please describe how mechanical breaking of the ice would occur and with what equipment. What is the expected impact of this activity with its accompanying noise and movement expected to have on the swans? What would the cost of this equipment be? Who would pay for it?

How many aerators would be needed to keep the water between the marina and shore open? What would their cost be? How much backup equipment would you need in case of equipment failure? Who would be responsible for keeping the ice open — the marina? The City? What impact would their placement have on the ecology of the harbour? How much habitat would they displace?

Project Team Response

The type of system needed to manage ice and its design will be determined during detailed design. LPMA and the City will be happy to provide the options that are available to the TSRG at that time. As noted in the ESR, LPMA would be responsible for maintenance of the breakwater and all associated equipment which would include any system for ice management.

Our Response To The Project Team

In the document you've cited in Appendix E, Species Assessment For The Trumpeter Swan In Wyoming on page 101 it states that: "Preferred winter habitat . . . water freezing only intermittently for no longer than 2 consecutive days." The LaSalle Harbour has been known to freeze for longer periods than that and the swans have been able to endure it by going into a kind torpor but they cannot withstand long periods of the water being frozen. The breakwall is intended to stop the wave action that keeps the harbour open. The potential of the harbour freezing poses a major threat to the survival of the Trumpeter Swans and we believe the ESR has not adequately addressed this issue or studied the potential impact of the wavebreak on ice formation. As well, we reject the idea that bubblers or any other type of ice management system will be adequate to the task of keeping the massive area of harbour open that is required for the Trumpeter Swans and all the other overwintering waterfowl. See further comments on this below.

14. Comment from TSRG

Please provide examples of where bubbling systems have been employed and their effectiveness and reliability. Please provide a business case that includes the costs of installation and ongoing maintenance. Please see our further concerns in our comments in the next section below.

Project Team Response

The need for deicing/bubbling system will be completed during detailed design process. An example of a commercially available system can be viewed at <http://acadianpond.ca/deicing-systems-canada.html>

Our Response To The Project Team

As no business case has yet been submitted for this project, we have no certainty that LPMA would be capable of paying for and maintaining such a system. Furthermore, we looked through the website you suggested and can see no examples of such a deicing system being employed on the scale such a system would have to be employed in LaSalle Harbour. In fact we can find no evidence of such a system being successfully employed on as large a scale as it would need to be at LaSalle Park in our research. In doing our own research, we have become convinced that using a deicing system in LaSalle Harbour is not a viable alternative because of its cost, ineffectiveness, complexity and level of risk. Suggesting that the harbour could be kept open by the "manual breaking" of ice is simply ridiculous. We are deeply concerned that a permanent break wall will cause the harbour to freeze for longer periods than the Trumpeter Swans can tolerate jeopardizing their survival.

15. Comment from TSRG

The report says: “LPMA would be responsible for the capital and maintenance costs of the bubbling system, if installed.” Please provide us with the financial statements to show that LPMA has the where withal to do so.

Project Team Response

LMPA has had a longstanding agreement with the City of Burlington for the operation of the marina and provides its audited financial statements to the City as required by that agreement. There has never been an operational subsidy of the marina.

Our Response To The Project Team

As stated in our earlier response, our research has led us to conclude that a bubbler system would not be an effective solution and the swans will be endangered by the harbour freezing over for long periods.

16. Comment from TSRG

The report says “LPMA will observe ice formation in the area over the winter up until the time of construction to better understand current conditions.” This is not acceptable to us. This requires a proper scientific, independent study and evaluation by qualified individuals with modeling done to forecast freeze conditions over a multi-year time frame.

Project Team Response

Ongoing observation of the ice in the area will provide data to assist in developing operational parameters for a bubbling system. The formation of ice over a multi-year period cannot be predicted.

Our Response To The Project Team

See our response about the “bubbling system” above. We do not believe the formation of ice with the building of a permanent wavebreak cannot be predicted. We believe the ESR is inadequate in addressing this important issue.

17. Comment from TSRG

The EA does not evaluate what impact reduced wave action might have on accumulation of waterfowl fecal matter near shore and its impact on water conditions and plant growth. Please undertake this evaluation.

Project Team Response

There has been no specific study to date related to reduced wave action and concentrations of waterfowl fecal matter. However it is noted that the wintering birds (which represent the greatest concentration) are located at the LaSalle Park during the period of time where there is no plant or algae growth.

Our Response To The Project Team

We believe concentration of fecal matter is an important concern both for its potential impact on waterfowl health and on its potential impact on plant growth. The ESR is

inadequate in addressing this important issue.

18. Comment from TSRG

There can be no encroachment of docks into the Area of the harbour currently utilized by the swans. Accurate research about the space requirements for over - wintering Trumpeter Swans needs to be under taken and reported back to us and other concerned agencies.

Project Team Response

At a meeting with Bev and Ray Kingdon on October 29th, 2012 it was suggested that a 20ft. by 20ft. area was a reasonable amount of space per swan. As noted in the ESR, based on the location of the facilities and an assumption of about 200 swans there is approximately 115m² of space per swan. This equates to an area 10m by 11m or 32ft. by 36ft. We note that this space at shallow depths (i.e. between the shore and the 1m contour line). There is significantly more space if the area beyond the 1 metre contour line is considered. We recognize that the swans share the space with others but based on the information available we feel that this approximation indicates that there is sufficient space. No other agencies have expressed concern regarding space availability for swans.

Our Response To The Project Team

Bev emphasized at the meeting with the consultant's that she couldn't find any research to suggest how much winter space the swans need. She explained they need personal space within the family plus family group space. She emphasized that the maybe 20 sq. feet of personal space per swan was a "guestimate". We believe this issue needs to be studied and more expertise provided before an appropriate space determination can be made.

19. Comment from TSRG

Given that the RAP gives priority to restoring fish and wildlife habitat please explain why destroying aquatic habitat and negatively impacting Trumpeter Swans is deemed acceptable?

Project Team Response

Section 6.2 of the ESR identifies how this project addresses the RAP fish and wildlife goals as well as the MNR Fisheries Management Plan goals.

Our Response To The Project Team

We do not believe this fixed wavebreak and expanded marina should have been ranked first under "improvement to Habitat" in the ESR. Conservation Halton also the noted the same saying: "Staff do not agree with this Alternative being ranked #1 in improvement habitat." They cited long term sedimentation, water quality and vegetation growth patterns have not being modeled for this alternative as part of their concerns." CH also noted: it is staff opinion that if the proposed fixed stone breakwater is going to result in a HADD, then it is difficult to make the case that the structure is improving fish habitat, as typically true fish habitat improvement projects would not require any significant compensation measures." We agree with Conservation Halton and add that from the

onset of this plan as laid out in Vision 2012 where Trumpeter Swans were not even mentioned, due attention to the potential impact of this project has not been given to this significant and fragile species.

20. Comment from TSRG

Aside from cormorants, what are considered “undesirable species”? Please define “environmental controls”.

Project Team Response

Undesirable species that occur within Hamilton Harbour generally include cormorants, as stated in the report. Environmental controls that may be used to dissuade habitation of the breakwater would be done in consultation with waterfowl biologists from Environment Canada and may include keeping the crest of the breakwater free of vegetation and encouraging the colonization of desired species.

Our Response To The Project Team

We have provided you with a vivid example of the problems Orillia ran into with “nuisance” species once a permanent break wall was built. We encourage you to regard it as a cautionary tale.

21. Comment from TSRG

If gulls become a problem on the break wall or harbour area, how will they be dealt with?

Project Team Response

Gulls are often a concern on all waterfronts. One of the target species for nesting habitat on the crest of the breakwater includes Herring Gulls. Environment Canada waterfowl biologists will be engaged during detailed design to effectively attract desired species and dissuade colonization of undesirable species.

Our Response To The Project Team

See comment above.

22. Comment from TSRG

“During the operational phase, it is expected that the community will enjoy improved aesthetics as the docks may no longer be stored on the pier, and could remain in place during the winter.” Please provide us with the evidence for this assertion.

Project Team Response

This statement is based on comment received at the PIC as well as an indication from LPMA and the City that there would be more opportunity for the community to use and value the pier in the winter if it was not used for dock storage.

Our Response To The Project Team

We believe public consultation on this project was inadequate to judge whether the community will find “improved aesthetics”. We do not believe you made enough efforts to reach out to the birding community, photographers and other passive park users. We

note a photographer circulated a petition against this project that garnered 625 signatures. Where is this input noted? Of course most people who came out to the meeting on this project were in favour of it because the LPMA was able to get the word out to its members so attendance at the meeting was mostly the LPMA membership. If you wanted to ascertain what the general public's opinion on the project might be, and give them a similar voice to that afforded to the special interest group, you could have polled park-users or handed out notices of the public meeting there or asked community groups to distribute information about the meeting to their membership. In talking to the community we have found few people who are aware of the proposed marina expansion and wave break. Such a major project with such high costs and so many potentially negative impacts requires more thorough community consultation. Community consultation has been inadequate.

23. Comment from TSRG

The ESR Report goes on to say: "The breakwater itself will change the visual landscape." Why do you assume this change will be welcome?

Project Team Response

It is a factual statement that the proposed breakwater will change the visual landscape. A fixed breakwater is preferred for the criterion "Potential operational impact on park users and/or neighbourhood" which considers the benefits to the community associated with improved visual aesthetic and ability to use the pier as well as the visual impact of the breakwater itself.

Our Response To The Project Team

See our response above. We also note that the pier is mostly a parking lot that is in fact being expanded resulting in the removal some of the few trees that currently exist (including one that is the home of an owl). The only thing that is beautiful about the pier is that you can see a great, uninterrupted expanse of lake from it, filled in the winter with the largest and most majestic bird in the Province. As a photographer told me, that's what so many thousands of visitors come to enjoy — and that's what we stand to lose with the marina project.

24. Comment from TSRG

What impacts will the building of a permanent wave break and docks have on the people who are not boaters, not only during the construction period but afterward?

Project Team Response

During construction there is potential for those who visit the waterfront to experience nuisance impacts such as dust and noise. This construction related impacts are temporary in nature. It is agreed that the proposed breakwater will change the view for those visiting the pier and shoreline.

Our Response To The Project Team

See our response above. Many more people use LaSalle Park to do photography, bird watch, to passively recreate than to boat. As noted earlier, an online petition against the

building of a permanent wavebreak by a local photographer garnered 625 signatures. Thousands of people visit LaSalle Park just to visit the Trumpeter Swans. If the construction of a permanent wavebreak negatively impacts LaSalle Harbour as an over-wintering area for Trumpeter Swans it will negatively impact all those who visit the park to enjoy them. In your presentation on the May 15 2012 public meeting on this project there is only one line referring to Trumpeter Swans: “Trumpeter swans are also known to utilize the shoreline as habitat.” The public hasn’t been given adequate information on the possible impacts of this project to the Trumpeter Swans and neither has the City of Burlington’s Council. In fact, Trumpeter Swans were not mentioned at all in the LPMA’s Vision 2012 document. Consultation for this project and communication about it with the public and with member’s of City Council has been inadequate.

25. Comment from TSRG

Will the public pier continue to be used for boat storage over the winter? With an increased number of slips being proposed for the marina, will there be an increase of boats being stored on the pier? If so, how much public space is this expected to take up?

Project Team Response

There are no plans to increase winter storage. Currently approximately 80 boats are stored by the Burlington Bay Sailing Club. The remaining boats are and will continue to be stored elsewhere. No additional public space will be used for boat storage.

Our Response To The Project Team

No comment.

26. Comment from TSRG

Please clarify what is the current boating season and what is expected to be an extended boating season.

Project Team Response

For the purpose of modeling wind and waves a typical boating season (May 15 to September 30) and an extended boating season (May 1 to October15) were used. The LaSalle Park Marina is typically open from mid-April to mid to end of October. The opening and closing dates of the marina are dictated by the Joint Venture Agreement between LPMA and the City of Burlington and the City’s lease with the Hamilton Port Authority.

Our Response To The Project Team

The extended boating season must not impinge on the Trumpeter Swans.

27. Comment from TSRG

Will the marina welcome PWC? As well there was discussion of allowing storage of PWC and kayaks. Is this still being considered, where would this take place and how much public space would be forfeited?

Project Team Response

No public space will be used for storage. If storage is offered it will be inside the marina. As noted this is fully an off-shore project. We note that PWC using the LaSalle Park Marina are required to follow LPMA's protocols. These include things like no discharging of oil, no pollution, no harassment of wildlife. Those violating LPMA protocols are asked to leave the marina. There are no regulations for PWC that launch from the public ramp.

Our Response To The Project Team

The City should create protocols for those using the public ramp, post them and enforce them.

28. Comment from TSRG

If another 121 slips are added, what is the expected input of pollution expected to have on the ecology of the Harbour at LaSalle Park?

Project Team Response

As noted in the ESR, the LaSalle Park Marina has won 5 Anchor Awards and a Built Environmental award for accessibility. The Marina is proud of its environmental protection achievements and is committed to continuing to promote environmental stewardship to its members. It is noted that all boats have contained sewage and Wastewater systems and owners have signed permits requiring them to follow LPMA protocols for noise, fuel waste etc. No fuel is sold, or will be sold at the Marina.

Our Response To The Project Team

We appreciate the Marina has done its best to limit pollution from its operations, however, people make mistakes and increasing the number of slips, increases the chances of contaminants entering the harbour.

29. Comment from TSRG

Is the marina planning to expand to 320 permanent and 20 floating boat slips or not?

Project Team Response

LPMA is interested in adding additional slips at the marina and through Vision 2012, have put forward a rationale for 320 permanent slips and 20 transient slips.

Our Response To The Project Team

We are concerned the space required for these additional slips impinges on the area required for Trumpeter Swans and the other over-wintering waterfowl. On Page 52 of the ESR it states: "With an assumed wintering population of 200 swans, this provides approximately 115 m² of space per swan. For comparison, information from the Wye Marsh Wildlife Centre indicates that a family of four to six swans are able to rest comfortably at their location within an open water area of approximately 55-60 m². The breakwater is located in deeper water and will not encroach on this open shallow water area. The floating docks (as conceptually shown in Figure 21) and the walkway connecting the dock infrastructure to the shore may result in some minimal encroachment

into shallower waters depending on their final configuration. Overall, the extent of impact on the swans as a result of the dock infrastructure is expected to be minimal as there is still significant space for feeding and resting. If necessary to enhance available area, consideration will be given to moving the floating docks that encroach into the shallow water to a deeper area over the winter.” Your assumptions for space requirements are wrong for a number of reasons. First, you assume the Trumpeters have the space to themselves, however, they share the space with Mute Swans and numerous other waterfowl that also over-winter in LaSalle Park and have their own space requirements. Second, as you indicate Wye Marsh Wildlife Centre was commenting on space required for swans to “rest comfortably”, however, Trumpeters use the winter months to compete for mates and there is much displaying, chasing and feather pulling that goes on that requires a significant amount of space, plus families with cygnets in tow need adequate buffers safely away from the displaying young males. There can be no encroachment into the space required by Trumpeter Swans.

30. Comment from TSRG

Will docks remain in place over the winter or not? And if they do not, will some continue to be stored on the pier and if so, how many?

Project Team Response

The section of the ESR you have quoted refers to Alternative 2 (a floating wavebreak). With the fixed wavebreak LPMA intends to keep the docks in the water in the winter.

Our Response To The Project Team

We are concerned that this further reduces habitat for the Trumpeter Swans and the many other waterfowl that use the harbour and that leaving the docks in place will be another obstacle for the swans when they try to take flight.

31. Comment from TSRG

Please explain in plain language what this statement from Page 12 of the EA means: “It is noted that while LPMA is interested in adding additional slips to expand the existing marina, other related changes are limited to a reconfiguration of the existing parking facilities.”

Project Team Response

This statement is intended to clarify that LPMA proposes to add additional slips but no other facility expansions (e.g. clubhouse) are anticipated. This is entirely an off-Shore project.

Our Response To The Project Team

We have recently received the new parking lot plans and it appears that it is not a reconfiguration of existing parking spots but an addition of parking spaces (see attached). We see there will be habitat loss. We note that additional parking will cause the loss of existing mature trees including one with a nice hole that is being used by an owl and which had drawn significant interest from bird watchers and photographers. We note there also will be green space loss to the north end of the existing parking lot. We are

concerned that while the marina expansion and break wall project has yet to be approved a parking lot expansion is already in the works.

32. Comment from TSRG

If permanent docks are installed, how will they be installed and how much harbour habitat will be destroyed by their installation?

Project Team Response

The walkways will be anchored with relatively small footprints on the bottom. The finger docks are entirely floating. No significant impact on habitat is anticipated.

Our Response To The Project Team

No comment.

33. Comment from TSRG

Will any boats/water craft remain in the water at the marina over the winter? If not, what is the date when all boats will be removed from the marina?

Project Team Response

No boats/watercraft will remain in the water over the winter. Typically LPMA removes boats from the Marina in mid-October and no later than November 1st. This represents the current timing for boat removal and will continue with the proposed breakwater. The opening and closing dates of the marina are dictated by the Joint Venture Agreement between LPMA and the City of Burlington and the City's lease with the Hamilton Port Authority.

Our Response To The Project Team

No comment.

34. Comment from TSRG

Why was the Trumpeter Swan Restoration Group never included in the Agency Consultation meetings for Vision 2012 or in Wave Break stakeholder meetings?

Will the TSRG be considered a "Key Stakeholder" and included in consultations if this project moves forward into the "detailed design phase"?

We are deeply disappointed that the TSRG did not hear back from either the City or the consultants after they brought their concerns about the project to their attention.

Project Team Response

The Agency consultation group consisted of government and related agencies only. The TSRG is considered a key stakeholder in this project and as such the project team met with Bev Kingdon on three occasions during this project. We believe that through this ongoing dialogue we have responded to the concerns raised by the TSRG.

LPMA and the City are committed to continuing to work with the TSRG during detailed

design. As noted on the LaSalle Park Marina Facebook page, LPMA is looking forward to working with the TSRG to achieve a win-win situation for all.

Our Response To The Project Team

We understand that there may be rules about how “stakeholders” are defined in development processes, however, it is important to recognize that because the Trumpeter Swan was extirpated from the Province for 96 years, and because of significant cutbacks to agencies like MNR and Conservation Halton, the experts on Trumpeter Swans in this province are the citizen scientists like Bev Kingdon who has been working with Trumpeter Swans and collecting data on them for 30 years. It is also important to acknowledge that, aside from the work of the TSRG and their colleagues, there is little expertise on this species in this Province, therefore it makes it difficult for you to say with any certainty that the changes this project may cause to the LaSalle Park habitat will not negatively impact the Trumpeters. This is a project of massive scale involving the dumping of almost 10,000 tonnes of fill into the harbour. Once it is done, it cannot be undone. We believe the precautionary principle must be heeded. Furthermore, you met with the TSRG at Ms. Kingdon’s initiation. What you refer to as “ongoing dialogue”, and we perceive as inadequate public consultation, has not satisfied our concerns about the potential negative impact this project may have on the critical over-wintering habitat of ¼ of Ontario’s Trumpeter Swan population.

35. Comment from TSRG

Releasing the ESR over the summer seems timed to limit opportunity for community consultation rather than facilitate it.

Project Team Response

The City recognized that the summer could be a challenging time for people due to vacation schedules and as such extended the review period from the required 30-day public review period to a 45 day public review period.

Our Response To The Project Team

Whether the time for a response was 30 days or 45 the point is you chose to release the ESR, which we were originally told would be ready by April 2013, in July of 2013, during the summer – the most difficult time of year, with the possible exception of Christmas/New Year’s — for citizens to respond. We reiterate our comment that releasing the ESR over the summer seems timed to limit opportunity for community consultation rather than facilitate it.

36. Comment from TSRG

Since this marina expansion project is being sold as an opportunity to improve fish habitat, why are you not including the cost of “aquatic habitat features”? If the costs of aquatic habitat features are not included, they will not be built.

Project Team Response

Starting with Vision 2012, LPMA has always emphasized that habitat enhancement element of this project. LPMA and the City are committed to building fish habitat as part

of the proposed breakwater. The extent of habitat features and associated cost will be confirmed throughout the detailed design and permitting process with applicable agencies.

Our Response To The Project Team

We contend that you cannot put a thorough business case together unless you have estimates of the cost for the key features of this plan including the fish habitat. The business case should come at the beginning of the project not the middle or end.

37. Comment from TSRG

Please confirm that the actual cost of building the breakwater is a minimum of \$9.2 million if it is built to include fish habitat.

Project Team Response

Based on the estimation of length (approximately 400 m) and cost of the aquatic shelf (approximately \$3000/m) provided in the ESR, the inclusion of a fish habitat shelf along the full length of the breakwater would be approximately \$9.2 M. During detailed design, through discussions with agencies and key stakeholders the extent of habitat shelf will be confirmed and more accurate costing provided.

Our Response To The Project Team

If you know the approximate costs it should be included and citizens should be apprised of it in your public communications on the issue. In the LPMA's Vision 2012 document that launched this initiative, the cost of the project was estimated to be between \$7 to 7.6 million dollars. We note the new estimate of \$9.2 million is a significant increase and the project hasn't gotten off the ground yet. The business case for this project needs to be completed and accurate estimates of costs disseminated to City Council and the public.

38. Comment from TSRG

Please clarify whether the City of Burlington will be contributing funds for this project.

Project Team Response

LPMA has developed a business case for the proposed breakwater and the addition of slips at the Marina. The business case clearly shows that no City ratepayer money will go into capital or operating requirements.

LPMA is committed to a bio-diverse safe harbour project. They are a not for profit Volunteer organization that offers a lower cost service making recreational boating affordable to average Canadians. Boating is by no means the purview of the wealthy nor should it be. This proposed project works towards a true win for the community, wildlife and boating community.

It is noted that projects such as these are often built with federal/provincial funding support. Pickering harbour and Trenton harbour are two recent examples.

The City of Burlington does not have any funding budgeted for the design and

construction of this project.

Our Response To The Project Team

As John Birch president of the LaSalle Park Marina Association made clear during the City of Burlington Council meeting on October 23rd 2013, under questioning from Councillor John Taylor and with additional input from Mayor Rick Goldring, no business case exists for this project. We have been asking, as did Burlington Council on the 23rd, for a thorough, detailed business case. Please provide one.

Also, we note that the reason Birch appeared before Council on the 23rd was specifically to ask Council for money, for \$160,000 to fund half the expected cost of a detailed design study for this project, to be paid back by the LPMA only if the project goes ahead to completion. Furthermore, the LPMA asked Council to pay for any cost that resulted from additional work that may be required by the Ministry of the Environment as the result of two requests to the MoE for a Part II Order. The City of Burlington has already used taxpayer money to fund half of the cost of the Environmental Studies report — about \$150,000. It appears there is a deliberate strategy of the part on the LPMA to indebt the City into this project so that they will feel responsible to see it goes ahead, whether it is in the best interests of the community overall or not. As well, the LPMA is expecting to build the project through taxpayer-funded government grants even though, as mentioned by Councillor Taylor at the meeting on the 23rd, that no Provincial or Federal grants are available. We note from your answer that the assurances have changed from no taxpayer money will be used for this project to “no City ratepayer money will go into capital or operating requirements.” This is disingenuous and leads citizens to think you have not been, and will not be, putting your hands into their wallets when this has clearly been and will be the case if this project goes ahead.