

Feb. 10<sup>th</sup> 2014

City of Burlington  
426 Brant St.,  
Burlington, Ont., L7R 3Z6

Attention Mr. Doug Pladsen, Recreation Planner

**RE: LaSalle Park Marina Wave Break Study Environmental Assessment**

This letter outlines several concerns and inquiries regarding the LaSalle Park Marina Wave Break Study Environmental Assessment (EA). Having been contacted by several coalition/petition groups (such as the Trumpeter Swan Coalition), I find that my questions are only a fraction of the multitude of concerns raised by citizens regarding this EA project.

To provide context, my father (Heinz Muller) and I first attended the Public Information Centre of **May 15<sup>th</sup> 2012**. At that time we both provided written comment, in addition to an email sent to you on the May 30<sup>th</sup> 2012. We have yet to receive answers to the questions outlined in either submission.

The most pressing point concerning this project is my impression that the City of Burlington allows itself to be used as a vehicle for the promotion of a project expending public funds solely for the convenience of members of the LaSalle Park Marina Association (LPMA). One of the original causes identified for this project concerned the insurance coverage of LPMA members' boats.<sup>1</sup> As a taxpayer who derives **no** benefit from the expansion of the marina, I expect a justification as to why the City of Burlington is now using public funds to promote private interests. On this note, I turn to the PIC Panels presented on May 15<sup>th</sup> 2012:

- 1) Under your alternative solutions you failed to include a "do nothing" or "null" alternative, which is typically included in the evaluation of alternatives.<sup>2</sup>
  - **Why was no "null alternative" included in the presentation panels?**
  - **Did the City of Burlington consider the alternative of LPMA members taking out greater insurance (or insurance from another insurance company)?**
  
- 2) I have read the "Summary of Frequently Asked Questions" for both months of June and August and notice that majority of my comments and questions have remained unanswered and/or have not been included in either

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<sup>1</sup> As outlined under Report PR-33-13 titled Environmental Assessment for a Permanent Wave Break at LaSalle Park Marina Update

<sup>2</sup> Terms Commonly used in Ontario Environmental Assessments, Province of Ontario, 2014

document. The exclusion of my comments renders the City of Burlington's democratic approach quite fallacious. If you host a Public Information Center to receive the public's opinion, my suggestion is to not "pick and choose" those most beneficial for the project's progression, but to include *all* opinions.

- a) **Why were my comments and questions not included in the appropriate documents?**
  - b) **Why have I not received answers to my questions?**
- 2) The questions and comments included in the "Summary of Frequently Asked Questions" documents are rife with the assumption that this project will proceed. Similar to my previous point, I am under the impression that the City of Burlington has filtered out the most scrutinizing comments concerning the Wave Break Study. This project has gained exposure through several local media outlets, and even petitions. Additionally, I have spoken to members of my community who hold views similar to my own, and who have submitted their questions/comments. However, your "summary" of questions and comments depicts an unbalanced, biased picture. Such a filtration of interests renders this EA misleading, and for this reason I believe that these documents do not reflect the opinions of several interest groups.
- a) **Has the City of Burlington included all comments and questions into the appropriate EA documents?**
- 3) **Why did the City of Burlington only hold two Public Information Centers for a project that is graded as a Schedule C Environmental Assessment?** An environmental project described as including "...new facilities and major expansions to existing facilities with potential for adverse environmental impacts"<sup>3</sup> ought to have a greater number of public information forums.
- 4) Under section 4.3, the preferred alternative is said to have the longest in-water construction period of all three alternatives, and that the "...infilling required to create the footprint of the breakwater has potential for contamination resulting from re-suspension of fine sediment during construction."<sup>4</sup>
- a) **If current fish species were to decrease due to this project, what steps would the City of Burlington take to reintroduce these species?**
- 5) Under the section titled "Comments Received", on July 2013 an individual stated that oxygen concentrations should be surveyed at a variety of depths of water, and throughout the year. The same commenter continues by suggesting that gill net surveys be undertaken in order to identify the fish

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<sup>3</sup> LaSalle Park Marina Breakwater Class Environmental Assessment, ESR 2013

<sup>4</sup> Ibid

species within the EA project area. I am appalled at the answer provided; the City of Burlington responds by stating, "Gill net surveys and oxygen level assessments were not necessary to distinguish a difference in the potential for impact on fish habitat."<sup>5</sup> **This is an answer that does not suffice.** Additionally, another comment highlights that the **Environmental Assessment did not include a list of fish species within the report.** The City of Burlington's reply was that the list would be included in the EA's Appendix A. The appendix includes a list of fish species provided by the Department of Fisheries and Oceans. However, these are fish species that have been identified in **2008 and 2010.** Since the City of Burlington is willing to provide immense financial support for the marina, I would expect that the City be as charitable towards environmental surveys, as this is an *Environmental Assessment.* With the price tag of this project, I expect at least to be presented with relevant and *updated* information.

- a) **Why were no new surveys conducted to identify fish species, and oxygen levels throughout the year?**
  - b) **Why is there no information concerning the life stage activities of currently inhabiting fish species, such as migration, feeding, and spawning cycles?**
- 6) Following from the comment above, many pertinent concerns regarding the Trumpeter Swans have been raised by coalition/petition groups. My overall impression of this project is that it is one lacking in appropriate environmental expertise. Majority of the public's concerns/questions have been replied with "fluff" and at times indifferent responses. This is a project of immense proportions with grand environmental consequences.
- a) **Why is this project not graded as a higher Schedule Class EA project?**
- 7) This EA's website page now includes the document titled "Recreational Boating Feasibility and Capacity Study."
- a) **Why has this study been added to this EA's website?**
  - b) **What influence does it have over the EA?**
  - c) **What is this study's relevance?**

My concern is that the objective of this EA is being skewed; the Recreational Boating Feasibility and Capacity Study presents an artificial demand for more boating capacity within the area. The study's conclusion that the "need for additional slips is increasing" does not provide a justification for this EA Wave Break Study.<sup>6</sup> These are two separate issues. **Why should the City of Burlington, home to the protected Trumpeter Swan, become the marina for neighboring municipalities?** In this instance the City of Burlington would be sacrificing its ecological asset for the demands of *other* municipalities. Let the other municipalities address their needs, and the City

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<sup>5</sup> Ibid

<sup>6</sup> Recreation Boating Feasibility Study, 2013

of Burlington address its own – including to keep our environment in health, and intact. I wish to add that if this EA project were to bend to the artificial demands presented in the Recreational Boating Study, then a great influx of traffic to the community would result. The area of Aldershot wishes to remain a quiet, residential area, rather than a pass-through for boaters. **How would the City of Burlington address the potential increase of traffic?** Furthermore, the inequity of this EA would be serving the demands of private interest to individuals who do not pay our (City of Burlington) municipal taxes. **How does the City of Burlington aim to address this inequity?**

a) **With the increase of traffic and visitors, what will the City of Burlington do to improve security and safety at the marina, and neighboring properties?**

8) The LaSalle Park Marina Breakwater Class Environmental Assessment document never provides an estimated ***total cost of construction***. Rather, the document quotes an estimated maintenance cost, and *estimated cost per meter of construction*. **Why was the total cost of construction not fully disclosed for each alternative?**

9) The “preferred alternative” is the fixed breakwater, even though this alternative has the highest capital cost, and greatest impact to the community during construction.<sup>7</sup> Appendix B identifies that during construction “approximately 3-4 trucks per day over approximately 2.5 months” will be traveling through the area. Furthermore, the construction period for a fixed breakwater is approximated to be 3 months. The City of Burlington’s history regarding estimations is deplorable, especially when considering the Burlington Pier venture, which originally was supposed to be completed by late 2006 with a budget of \$6.1 million, and ended up costing the city under \$15 million by the end of 2011. With this in mind,

a) **How will the City of Burlington ensure a time limit to the construction?**

b) **How will the City of Burlington ensure that the costs of Design, Construction, and Maintenance won’t increase over time?**

i. **If the costs of Design, Construction and Maintenance increase, who will pay for the additional increase of cost?**

c) **What are the plans to reduce environmental impact during the construction?**

10) **Regarding the preferred alternative, what are the estimated total costs for the following:**

a) **Design**

b) **Construction**

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<sup>7</sup> Ibid

c) **Maintenance**

11) **What is the total estimation of public money (Federal, Provincial and Municipal) to be spent for the following costs:**

- a) **Design**
- b) **Construction**
- c) **Maintenance**

12) **What is the LPMA's total monetary contribution to the following costs:**

- a) **Design**
- b) **Construction**
- c) **Maintenance**

The information regarding this Environmental Assessment project is insufficient, leaving many issues and questions unanswered. Having read this Environmental Assessment, it is a City of Burlington document that at best provides a superficial level of environmental expertise, partnered with minimal ecological consideration. There are many valid concerns that have not been adequately addressed (environmental, cost-related, lack of public engagement, lack of transparency, misleading information). I find it disturbing that the City of Burlington has used public funding for such private interests, especially without providing sufficient justification. Lastly, this EA document is a travesty to the project's environmental consequences. This EA project must either stop, or be halted until expert, satisfactory responses have been provided to the taxpayers of this municipality.

I have provided my former questions and inquiries below which have not yet been addressed. I expect to receive answers to **all** questions outlined in this document (both old and new).

Awaiting your response,

Julia and Heinz Muller

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Burlington, ON  
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**Original Questions and Comments - Unaddressed**  
**Sent on: May 30<sup>th</sup> 2012**

1. Purpose of Project:
  - a. What would the scenario be if nothing were to change?
2. Environmental Impact:
  - a. How will the wave breakers provide nesting and roosting habitat for birds in the "larger-waves-scenario"? Has there been any consideration given to the fact that waves could damage nests? Are there plans to provide safe habitat (trees, shrubbery) or other cover for birds?
  - b. In regards to fish habitat, have you evaluated the consequences of potential fuel spills by the motor-boaters on the proposed fish habitat? Are there any implemented fees or fines for spilling fuel?
  - c. What are the environmental consequences of the project **during its construction phase**?
3. Cost:
  - a. What are the costs for the study? Who commissioned the study, and in turn, who funds the study?
  - b. What are the estimated costs for the three wave breaker options presented at the PIC? The meager information provided was that the costs would be "lowest, moderate, and highest" for the three options. No numerical value was attributed to any of these options; this type of information is simply unacceptable.
  - c. Who will pay for this project and its associated maintenance costs? Consultants, warden and city employees at the PIC provided differing - and conflicting - answers on this topic.
4. LPMA membership:
  - a. How many members does the LPMA have?
  - b. How many reside within Burlington, how many within the Halton region?
  - c. Which, if any, of the City Council Members has an LPMA membership?
  - d. What is the City's position on the marina expansion proposed by the LPMA?
  - e. Where can citizens view the terms of the joint venture agreement between the City and the LPMA and/or the Burlington Sailing and Boating Club?