



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PARKS, FACILITIES, RECREATION & CULTURE

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Heidi Baillargeon	Report Date: January 21, 2023
Author's Phone: 519 736-5712 ext. 2128	Date to Council: February 21, 2023
Author's E-mail: hbaillargeon@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Appendix A - Shoreline Improvements and Ministry Approval Update for KNYPE March 13 2023.docx

1. RECOMMENDATION:

It is recommended that:

1. Council **APPROVE** a sole source to an upset limit of \$100,000 including a \$25,000 contingency to hire Landmark Engineers Inc. for the preparation of construction tender package, to apply for all necessary permits and ministry approvals required to carry out and construct shoreline work and other required ministry approvals in and related works in accordance with their proposal submitted under Appendix C;
2. Council **DELEGATE** authority to the Chief Administrative Officer and Clerk to negotiate, sign and execute an agreement with Landmark Engineers Inc. or any such agreement, declarations or approvals required for the implementation of the Shoreline Project, satisfactory in financial content to the Chief Financial Officer, and in technical content to the Director of Parks, Facilities, Recreation and Culture;
3. The Chief Administrative Officer and Director of Parks, Facilities, Recreation and Culture **BE AUTHORIZED** to apply to the 2023 Infrastructure Canada Disaster Mitigation and Adaptation Fund (DMAF) for the King's Navy Yard Park Extension project located at 290, 296 and 306 Dalhousie;
4. Council **DESIGNATE** the \$3,060,000 in funding identified in 2025 in the recommended 2023 5 year capital budget for the Kings Navy Yard Extension project (PAR-003-23) as placeholder funding for the Town's matching portion of the grant submission;

5. Council **DELEGATE** authority to the Chief Administrative Officer and the Director of Parks, Facilities, Recreation and Culture to approve the project scope and deliverables to maximize use of the grant;
6. Council **APPROVE** the following recommendations upon written confirmation of the Town being awarded the grant funding;
 - a) The Chief Administrative Officer and Clerk **BE AUTHORIZED** to sign and execute any agreements, declarations or approvals required resulting from receiving funding under the Infrastructure Canada Disaster Mitigation and Adaptation Fund grant, satisfactory in financial content to the Chief Financial Officer, and in technical content to the Director of Parks Facilities Recreation and Culture;
 - b) Council **DELEGATE** authority to the Chief Administrative Officer to award and issue purchase orders and or sign and execute any agreements as may be required for the necessary services to execute the scope of work for the grant projects, provided they are within approved funding;
 - c) Should the matching Town funding be required in 2024, Council **DIRECTS** Administration to pull forward the 2025 funding to 2024 as follows:
 - \$581,400 – Parks Development Charges (0124);
 - \$1,518,600 – General Lifecycle (0400);
 - \$310,000 – Parks Reserve – (1010);
 - \$650,000 – Parkland Dedication Reserve (2005) and further;
 - d) The Town’s matching funding be deemed as **APPROVED** for immediate use.

2. **BACKGROUND:**

Please see Appendix A - and B for two previous reports to Council and background information regarding the property at 290, 296 and 306 Dalhousie Street also known as Kings Navy Yard Park Expansion or the former *Duffy’s* property.

Administration is working with consultants and engineers in order to finalize and execute the required ministry approvals for the former *Duffy’s* property in order to move the project forward and open it as parkland for the Town.

3. **DISCUSSION:**

For clarification purposes there two separate Ministry approval processes required at the KNYP expansion lands located at 290, 296 and 306 Dalhousie street. These two Ministry approvals are identified below:

1. Phase 2 Environmental Site Assessment and Record of Site Condition, Conceptual Site Model and Certification of Property Use being filed with the Ministry of the

Environment Conservation and Parks (MECP). This work is being executed by Golder and Associates and is not anticipated to be resolved until 2024. This approval will provide direction on what the Town requires in order to satisfy the Ministry we have completed all their requirements prior to opening up this land as a public park.

2. Department of Oceans and Fisheries approval, and ERCA approval for work related to stabilization of the shoreline. This work has yet to be completed and Administration is recommending Landmark Engineering Inc. be contracted to aid the Town in obtaining the necessary ministry approvals given their recent experience with the property just south of the Duffy's site and their history with the site project. Capital budget funding in the amount \$150,000 has been recommended in the 2023 capital budget for this work identified as project (PAS-003-23).

Phase 2 Environmental Site Assessment and Record of Site Condition, Conceptual Site Model and Certification of Property Use – Ministry of the Environment Conservation and Parks Approval (MECP)

The most current schedule for Phase 2 Environmental Site Assessment and Record of Site Condition, Conceptual Site Model and Certification of Property Use outlined in the table below extends into 2024 based on required approvals from the MECP which the Town does not have control over. The Town recently re-filed with the Ministry after receiving comments back from the MECP 16-week review period. The schedule noted above is the proposed timeline as of January 23, 2023 and could be subject to change pending further review and comments.

The following schedule is in place as advised by Golder Associates our consultant:

Item	Task	Revised Schedule (As of Dec 20, 2022)	Revised Schedule (As of Jan 23, 2023)
A	Submit Risk Assessment (RA) to MECP	Received Dec. 23, 2021	Received Dec. 23, 2021
B	1 st MECP Review Period (allow up to 16 weeks)	Received May 9, 2022	Received May 9, 2022
C	Field Program: Borehole Drilling and Collection of additional Soil Samples for Lateral Delineation (as per CO-12) (final data received Oct. 31, 2022)	Oct. 31, 2022	Oct. 31, 2022
1	Update RA and PH Two CSM (Based o MECP Comments) (in progress)	Jan. 13, 2023	Feb. 24, 2023
2	Consultation with MECP on Significant Issues (concluded as of Dec. 20, 2022)	Dec. 20, 2022	Dec. 20, 2022
3	Re-submit RA (3 rd Submission) (respond to MECP comments)	Jan. 20, 2023	Mar. 03, 2023
4	2 nd MECP Review Period (allow up to 16 weeks)	Sept. 22, 2023	Nov. 03, 2023
5	Prepare Updated Phase One ESA report (pending MECP comments on RA)	May 26, 2023	July 7, 2023
6	Re-Submit RA (3 rd Submission) (respond to MECP comments)	Jun 2, 2023	Jul 14, 2023
7	3 rd MECP Review Period (allow up to 16 weeks)	Sep 22, 2023	Nov 3, 2023
8	Final RA Submission (respond to MECP comments)	Oct 13, 2023	Nov 24, 2023
9	MECP Review Period and Acceptance of RA (allow up to 4 weeks)	Oct 20, 2023	Dec 01, 2023

10	Prepare Final RA Submission (respond to MECP comments)	Nov 3, 2023	Dec 15, 2023
11	Final Phase Two ESA report (pending MECP comments on RA)	Nov 3, 2023	Dec 15, 2023
12	MECP Review Period and Acceptance of RA (allow up to 4 weeks)	Dec 1, 2023	Jan 12, 2024
13	Certificate of Property Use (CPU) (allow up to 4 weeks, assumes Golder is working with MECP District Engineer)	Dec 29, 2023	Feb 9, 2024
14	Posting to Environmental registry (EBR) with 6 week public review period	Feb 9, 2024	Mar 22, 2024
15	File RSC with MECP (anticipate mid-February 2024)	Feb 16, 2024	Mar 29, 2024

In consultation with Golder Associates, Administration was advised that although we cannot open the site up to the public without final approvals from the ministry we can work on preparing the site for use so that when approvals are granted there will be no further delay. The first step in preparing the site for public use is to address the shoreline and utility services for the site.

Shoreline Work – DFO, ERCA Ministry Approvals

Administration is seeking Council approval to hire Landmark Engineers Inc. to complete a tender drawing package and all required ministry approvals for shoreline improvements at Kings Navy Yard Park Extension located at 290, 296 and 306 Dalhousie Street as per the attached scope of work and proposal outlined in **APPENDIX C**. This will position the Town to be shovel ready allowing the Town to complete the work regardless of whether the grant is awarded or not.

Landmark Engineers Inc. are the engineers of record for the Municipal Class EA for 290, 296 and 306 Dalhousie street carried out in 2019 and have the most recent background knowledge and expertise required for the project after having just completed similar scope of work for AMICO on lands directly abutting Town lands to the south. The design and engineering for the shoreline on Town property requires a similar treatment to work performed for AMICO where design details can be directly translated for the Town's portion of shoreline stabilization.

Grant Application

Administration is requesting approval from Council to apply for the 2023 Infrastructure Canada Disaster Mitigation and Adaptation Fund (DMAF) grant in order to fund the shoreline and park improvements at Kings Navy Yard Park Extension located at 290, 296 and 306 Dalhousie Street. The grant provides the Town opportunity not only to fund the shoreline improvements but also to finish park improvements such as, grading, walkways, railings paving and or implementing other park amenities as indicated in the EA in order to make it an accessible park space ready for public use when the required ministry approvals are granted.

New DMAF applications are open from January 16, 2023 until July 19, 2023.

As outlined in the *Government of Canada Adaptation Action Plan (GOCAAP)*, the federal plan to implement the National Adaptation Strategy's goals, objectives and proposed targets, the Government of Canada will invest up to an additional \$489.1 million over 10

years through the DMAF to help communities increase their resiliency against the effects of climate change.

More than \$1 billion in funding is available in the current DMAF application intake to further improve the resilience of communities that are impacted by natural disasters triggered by climate change.

This funding will support projects that include new construction of public infrastructure or the modification or reinforcement of existing public infrastructure that help communities withstand natural disasters and climate-related risks.

Municipalities, local governments, provinces or territories, public sector bodies, Indigenous organizations, not-for-profit, and for-profit organizations in partnership with other eligible applicants outside the private sector, can apply for funding. Projects must have a minimum of \$1 million in total eligible costs to be considered eligible.

4. RISK ANALYSIS:

The Town is in the process of completing the Phase 2 Environmental Site Assessment, which includes Record of Site Condition, Conceptual Site Model and Certification of Property Use in accordance with MECP requirements. Other regulated approvals including DFO approval for any shoreline work and ERCA approval, are also required prior to construction commencement. Failure to comply with regulated approvals as outlined in the Class Environmental Assessment will open the Town up to substantial financial and liability risks. As such, the Town will need to balance the required Ministry approvals with the timelines outlined in the grant process.

In order to reduce risks Administration is recommending we stay the course and follow the approvals and Ministry regulated requirements as advised by our team of consultants and engineers.

Should Council not approve Administrations request to apply for grant funding this will present negatively as a missed opportunity and thus transferring the burden of funding for the project in full to the community through taxation.

5. FINANCIAL MATTERS:

The \$150,000 in funding for the work to be completed by Landmark Engineering is outlined in the capital budget for 2023. This work is required in order for the construction to be able to start and is not recommended to be included in the grant as no work submitted as part of the grant can be started prior to confirmation of grant funding otherwise the costs are no longer deemed eligible. Given submissions to the grant can be received up until July 19, 2023 and this work is planned to be completed summer 2023 to include it would adversely impact those timelines which are foundational to being in a position to start construction.

The maximum federal contribution from all sources of the total eligible expenditures for a given project is based on asset ownership and is determined as follows:

- Up to 50% for provinces;

- Up to 40% for municipalities and not-for profit organizations in provinces;
- Up to 75% for territories;
- Up to 100% for Indigenous Recipients, provinces, territories and municipalities for which projects primarily benefit Indigenous communities or Indigenous populations; and
- Up to 25% for for-profit private sector organizations.

The Town's matching funding for the project in the amount of \$3,060,000 is identified in 2025 in the recommended capital budget. It is recommended these funds be deemed as placeholder funding such that no changes to reallocate those funds to other uses can be done unless brought forward to Council in a report requesting the change.

Should the grant be awarded the funding may be needed sooner than 2025. As such Administration has included a recommendation which would pull those funds forward to 2024 and approve for immediate use should this occur.

Should the project be tendered and come in above approved funding, inclusive of any grant and Town funding, a report will come back to Council for direction and approval.

Should Council not approve funding for this project no further work will commence for this project.

6. **CONSULTATIONS:**

Deputy CAO
 Town Treasurer and Chief Financial Officer
 Manager of Parks Development
 Office of the CAO
 Landmark Engineers Inc.

7. **CONCLUSION:**

In conclusion, the property identified as King's Navy Yard Park Extension located at 290,296 and 306 Dalhousie formerly know as *Duffy's* is owned by the Town and requires substantial amount of work before it can safely be opened up as a public park and green space. Administration recommends Council pre-commit and approve funds necessary to execute additional required ministry approvals, shoreline and base infrastructure work in order to make the site safe so that when MECP approvals are granted we can safely open the site up for public use.

The Infrastructure Canada Disaster Mitigation Adaptation Fund provides an opportunity to complete a substantial portion of the park improvements needed for Kings Navy Yard Park Extension that would otherwise need to be absorbed through taxation. Administration recommends applying for DMAF funding in order to help offset cost required to execute this work.



Heidi Baillargeon
Director of Parks, Facilities, Recreation and Culture

Report Approval Details

Document Title:	Shoreline Improvements and Ministry Approval Update for KNYPE.docx
Attachments:	- APPENDIX A - Kings Navy Yard Park Extension Update 2021.pdf - APPENDIX B -Kings Navy Yard Park Extension- Phase 1 Shorewall Improvements.pdf - APPENDIX C Scope of Service KNYP Shoreline 2023.pdf
Final Approval Date:	Mar 7, 2023

This report and all of its attachments were approved and signed as outlined below:



Tracy Prince



Valerie Critchley



Kevin Fox