



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: August 22, 2023
Author's Phone: 519 7365712 ext. 2128	Date to Council: September 11, 2023
Author's E-mail: hbaillargeon@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Update on the Status of Kings Navy Yard Park Extension Lands August 2023

1. RECOMMENDATION:

It is recommended that:

1. The report entitled Update on the Status of Kings Navy Yard Park Extension Lands August 2023 **BE RECEIVED for information.**

2. BACKGROUND:

Please see Appendix A – for the last report to Council on March 13, 2023 titled *Shoreline Improvements - Ministry Approval Update for King's Navy Yard Park Extension (Duffy's) / Grant Application Approval for Infrastructure Canada Disaster Mitigation Fund* in regards to the Kings Navy Yard Park Extension lands also known as former Duff's property located at 290, 296 and 306 Dalhousie Street in Amherstburg.

Administration continues to working with a team of consultants and engineers in order to finalize and execute the required ministry approvals for the former *Duffy's* property. A drawing and tender package is being prepared by Landmark Engineering for the shoreline stabilization work as per direction from Council on March 13, 2023.

3. DISCUSSION:

On July 19, 2023, Town Administration submitted an application for the Disaster Mitigation and Adaptation grant funding for this project. In reviewing the requirements of the grant and criteria Amherstburg would have to meet in order to qualify for funding coupled with the high volume of competing submissions and other applications that might

be better suited to fitting the criteria required, Administration is not confident we will be successful at obtaining this funding. At this time, it is unknown when we will hear back on the status of the submission.

As mentioned Administration is moving forward with the project as per Council's direction on March 13 2023, working with Landmark Engineering on the design drawings and a tender package for this work. There have been several meetings with the consultant regarding the design and integration of this work in its relation to the southern most portion of Kings Navy Yard Park. There are some larger evergreen trees that are half dead or nearing the end of their life on the southern end of the park that will need to be removed in order to integrate the shore wall and railings, however new trees will be planted within the expansion lands.

Landmark filled an application for approval with the Department of Fisheries and Oceans (DFO) and an onsite meeting was conducted between Town staff, the consultants and DFO this July to discuss the site and planned works. It is expected that we will hear back from the DFO in the coming weeks with directions on how we can proceed, with the planned approach being to tender this work as soon as possible so that the work can be done concurrently with waiting for the required MECP approvals.

With respect to the Ministry of the Environment Conservation and Parks MECP approvals the Town received correspondence on July 11, 2023 stating that:

"The Directors 168 EPA has issued a Notice of Circumstance regarding our review of your risk assessment for this site. The notice concludes that the risk assessment does not comply with a requirement of the Records of Site Condition Regulation (O. Reg. 153/04) and requires that you revise and resubmit it in accordance with the instructions included in Schedule A."

Essentially, MECP has requested additional information with respect to the site before accepting the submitted Risk Assessment. Based on the correspondence back from MECP a change order was issued to our consultant WSP (formerly Golder) in the amount of \$ 10,500 plus HST in order to provide the required updates to the RSC reports (Risk Assessment and Phase One ESA).

The table noted below indicated the revised schedule based on the third submission to MECP:

Item	Task	Revised Schedule (27-Jul-23)	Revised Schedule (23-Aug-23)
a	Re-submit RA (2 nd Submission) (Respond to MECP comments)	16-Mar-23	16-Mar-23
b	2 nd MECP Review Period (allow up to 16 weeks)	<i>Received (11-Jul-23)</i>	<i>Received (11-Jul-23)</i>
1	Re-submit RA (3 rd Submission) (Respond to MECP comments)	25-Aug-23	01-Sep-23
2	Prepare Updated Phase One ESA report (prior to final RA report submission)	15-Dec-23	15-Dec-23
3	Final Phase Two ESA report (prior to final RA report submission)	15-Dec-23	15-Dec-23
4	3 rd MECP Review Period (allow up to 16 weeks)	15-Dec-23	15-Dec-23
5	Final RA Submission (respond to MECP comments)	05-Jan-24	12-Jan-24
6	MECP review Period and Acceptance of RA (allow up to 4 weeks)	12-Jan-24	19-Jan-24
7	Prepare Final RA Submission (respond to final MECP comments)	26-Jan-24	02-Feb-24
8	MECP Review Period and Acceptance of RA (allow up to 4 weeks)	23-Feb-24	01-Mar-24
9	Certificate of Property Use (CPU) (allow up to 4 weeks, assumes WSP is working with MECP District Engineer)	22-Mar-24	29-Mar-24
10	Posting to Environmental Registry (EBR) with 6 week public review period	03-May-24	10-May-24
11	File RSC with MECP (anticipate mid-May 2024)	10-May-24	17-May-24

Based on the revised schedule refiling is anticipated in late August with a review period taking us into May 2024.

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, MNRF, ERCA, 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.

Administration is recommending we stay the course and follow the approvals and Ministry regulated requirements as advised by our team of Consultants and Engineers.

5. **FINANCIAL MATTERS:**

All funding for the work identified to date has been previously approved by Council.

6. CONSULTATIONS:

CAO
Deputy CAO
Manager of Parks

7. CONCLUSION:

Administration has prepared this report for information at the request of Council as per the August 13, 2023 council meeting.



Heidi Baillargeon
Director of Parks, Facilities, Recreation, Culture and Tourism

Report Approval Details

Document Title:	Update on the Status of Kings Navy Yard Park Extension Lands .docx
Attachments:	- Appendix A - Shoreline Improvements and Ministry Approval Update for KNYPE March 13 2023.docx
Final Approval Date:	Aug 30, 2023

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

No Signature - Task assigned to Tracy Prince was completed by delegate Yufang Du

Tracy Prince



Valerie Critchley



Kevin Fox