



May 1, 2020

Via Email: bla.ca.vchair@gmail.com

Attn: Robert Roszell, Bob Lake Association

Re: Letter-Report – Assessment of Boat Launch Process for Claude Brown Road
EcoVue Reference: 20-1997

Dear Robert Roszell,

The Bob Lake Association (the Association) retained EcoVue Consulting Services Inc. (EcoVue) to provide an analysis of a Council decision and various Municipal Planning Reports regarding a boat launch proposal at Claude Brown Road on Bob Lake in the Township of Minden Hills. To this end, this letter-report identifies the next steps to addressing the key issues of concern that have been expressed by municipal staff regarding the proposal. The letter also provides a summary of the approvals process for the proposed launch under public ownership.

1.0 BACKGROUND INFORMATION

The Association has been working with the Planning Department and Council of Minden Hills since 2017 to identify an appropriate location for a public boat launch on Bob Lake. Based on an analysis of several potential options, a proposal to have the boat launch constructed on a municipal road allowance off of Claude Brown Road was prepared by the Association in November 2017 and presented to Council at that time. Planning Reports were prepared by the Planning Department in January 2018 and February 2018 that outlined concerns the Planning Department had with the construction of the boat launch at that location (see Section 2.0 of this letter-report for a discussion of the issues). Council Resolution #18-120 regarding the Boat Launch was adopted following the presentation of these reports, which stated:

“Whereas Council received a delegation from the Bob Lake Association on November 30, 2017 requesting Council’s consideration to construct a boat launch on a Township Road Allowance located on Claude Brown Road;



And further staff have provided two Planning reports, Report 18-008 and 18-017, in response to the Bob Lake Association's proposal, and Council has considered a number of items regarding a proposed boat launch at this location including, but not limited to, proposed costs for the construction of a boat launch at this location, parking/turn around area, insurance provisions, encroachments/legal implications and impact on abutting property owners, environmental concerns, consideration and regard for land use planning and the Planning Act, and traffic safety;

Now therefore be it resolved that Council has determined that the construction of a boat launch on Claude Brown Road is not a feasible option and the township considers this matter related to a boat launch at this location to be at an end;

And further that Council supports continued communications with the Bob Lake Association should other viable options become available for consideration.

Res. #18-120 Moved by: Deputy Murdoch Seconded by: Councillor Neville."

It is our understanding that correspondence between the Association and the Township Planning Department continued to take place following Council Resolution #18-120, which includes a letter from Township staff, dated January 3rd, 2020, reiterating the issues of concern with the proposal, and a letter dated February 25th, 2020, stating the following:

"Further to our continued dialogue regarding the issue of a public boat launch to provide access to Bob Lake, I can confirm that, while sympathetic to the situation, Council has no intention of assuming ownership of a boat launch occupying the unopened road allowance at Claude Brown Road.

Should the Bob Lake Association wish to undertake such a development independently this Council would be happy to afford such a proposal fair consideration based on the merits of the proposal and in accordance with all applicable law."

As the February 25th, 2020 memo does not include a Council resolution or motion, or even the rationale for the position provided, the impact of this letter is unclear. As such, we have proceeded in highlighting how the issues of concern that have been noted thus far can be addressed, as well as the approvals process for the project, if the Municipality were to assume ownership. Recommendations for next steps have been included in Section 4.0 of this letter-report for your consideration.



1.1 Description of the Proposed Boat Launch

The site of the proposed boat launch is at the north end of Bob Lake on Claude Brown Road. The area being proposed for the boat launch contains lands that are currently used as a snow plow turn-around at the terminus of the municipally-maintained section of Claude Brown Road. A large portion of this turn-around area is located on an unopened road allowance, which is situated in a north-south direction and between Beer Lake Road (1.2 kilometres to the north) and Bob Lake. Claude Brown Road is a forced road to the east of the unopened road allowance and a private road to the west of the unopened road allowance.

The proposal for the boat launch as presented is to use the portion of the unopened road allowance south of Claude Brown Road (between the Road and the shoreline of Bob Lake) as the boat launch to the Lake and a portion of the unopened road allowance north of Claude Brown Road for a turning and back up area for vehicles using the boat launch. The subject lands are currently zoned the Shoreline Residential (SR) Zone and designated Waterfront in the Township of Minden Hills Zoning By-Law and Official Plan, respectively. No parking on the site is proposed.

2.0 ANALYSIS OF THE ISSUES OF CONCERN

As noted in Section 1.0 of this letter-report, Council, through way of Resolution #18-120, indicated that they do not believe that the subject lands are an appropriate site for a public boat launch. Though it is challenging to determine all of the issues held by Council (as some may be unrecorded), the following challenges with the boat launch at proposed site were presented in the January and February 2018 Municipal Planning Reports, and through additional correspondences:

1. Proposed Costs for Construction;
2. Parking/Turn Around Area and Traffic Safety;
3. Insurance Provisions;
4. Encroachment/Legal Implications;
5. Impact on Abutting Property Owners;
6. Environmental Concerns; and
7. Consideration and Regard for Land Use Planning and *Planning Act* requirements.



It is our opinion that addressing the above-noted issues of concern and any other issues Council may have is key to gaining Council support, regardless of the ownership of the facility (public vs. private). This Section provides a brief analysis of each of the above-noted challenges identified with the Claude Brown Road location and outlines recommended options for resolving the issues. It should be noted that the final concern, "Land Use Planning and Planning Act Considerations", is addressed in Section 3.0 of this letter-report.

2.1 Proposed Costs for Construction

There is a significant discrepancy between the costs outlined by the municipality and the costs outlined in the Associations proposal. Staff Report #18-008 Planning: Assessment of Claude Brown Road Boat Launch Option, dated January 25, 2018 provides a cost breakdown from the Township's planner. The cost for the boat launch at this location is estimated by the Township to be \$182,680, compared to estimates of \$22,646 and \$28,823 provided by the Association. The cost provided by Township staff includes a number of studies and costs not included in the cost from the Association, as well as a difference in design of the boat launch (i.e., to municipal standards). In comparison, the cost provided by the Association is only for the construction of the ramp according to a private design level.

In the case of municipal projects, preliminary and detailed design is typically completed by the Municipality, who would retain a designer for the project through the procurement process. **It is the opinion of EcoVue, however, that hiring a professional designer to undertake a preliminary design and preliminary cost for a boat launch at this stage would allow EcoVue and the Association to fully identify and communicate realistic cost estimates with the Municipality.** If the intent is for the launch to be owned by the Municipality, this design should be to municipal standards. A preliminary design would also allow the Association to determine if any private property acquisition is required (a cost that the Municipality has included in their estimate at \$65,000 plus a contingency).

It should be noted that neither cost estimates we have received include costs for permits (e.g., DFO permits, if required). There may also be additional costs associated with technical reports, as detailed in Section 4.0 of this letter-report. Should the Association decide to pursue the boat launch at this location, we would suggest the Association undertake a complete review of all applicable costs by securing quotes for the work, so that these figures can be included in the budgeting process. When a professional design is completed, EcoVue would be able to assist in the project costing.

2.2 Traffic Safety and Parking/Turn Around Area

Traffic safety, particularly as it relates to the proposed parking and turn-around area, has been raised as a concern by the Township. This concern is related to additional traffic on Claude Lake Road and the potential for traffic and parking issues in the vicinity of the boat launch, particularly when boats are being launched.

Our Planning Technologist has reviewed the plan as currently designed and used turn-radius software to determine if the current design is sufficient. He prepared the following technical response:

“There is enough space for a truck and boat trailer to turn into the boat launch but it would take multiple manoeuvres to make sure it’s lined up properly. Pulling out of the launch once boat loading/unloading is done would also take multiple manoeuvres and would require the use of the private portion of Claude Brown Road (west of the road allowance) to back into. As [Municipal staff] noted in the report there is no space for boat owners waiting to use the boat launch to pull over/park on the side of Claude Brown road. That means that while loading and unloading occurs, the road would be effectively blocked to all traffic.”

On April 17th, 2020, Bob Lake Association requested further elaboration on the above statement and a further evaluation of the ability to turn right out of the boat launch (without maneuvering). A brief illustration of this is attached (see **Attachment**). To further elaborate on what was said by our technician:

- *“There is enough space for a truck and boat trailer to turn into the boat launch but it would take multiple manoeuvres to make sure it’s lined up properly.”* – This is in reference to the fact that there isn’t enough drive-in length to have the trailer straighten out naturally when pulling into the road allowance north of Claude Brown Road. As such, maneuvering to get the trailer to enter the launch straight-on would be required. We believe this could be addressed by extending the proposed pull up area further north.
- *“Pulling out of the launch once boat loading/unloading is done would also take multiple manoeuvres and would require the use of the private portion of Claude Brown Road (west of the road allowance) to back into”* – This is assuming pulling straight out and backing out onto the private lane to leave. The attached figure details that turning right would be challenging as currently designed, however we recognize a redesign of the launch could address this issue.



- “As [Municipal staff] noted in the report there is no space for boat owners waiting to use the boat launch to pull over/park on the side of Claude Brown road. That means that while loading and unloading occurs, the road would be effectively blocked to all traffic.” – As can be seen through the attached figure, this continues to be the case. However, it is our opinion a comprehensive design of the boat launch and/or appropriate signage could address this issue.

As noted above, we agree with the Associations identification that traffic issues could be mitigated through the proper signage and are of the opinion that a professional design of the launch could address turning/maneuvering issues. We none the less recognize that Council has not yet appeared to agree with these statements. As such, **we suggest that the Association hire a qualified professional now to design the launch in consideration of these issues** (as recommended in Section 2.1). **We further advise that a traffic study with an expert in the field could be undertaken to provide an appropriate assessment of what the traffic risks are and how they can be mitigated.**

To elaborate, a traffic study would identify the amount of existing traffic and indicate how many additional vehicle trips may be associated with the boat launch. The study would also determine if vehicles are able to pass trailers while they are using the boat launch and if upgrades to the road may be required. A traffic expert could also provide advice on where to place signage to limit liability for the municipality. EcoVue works with a number of experts who have completed traffic studies for us in the past and we can assist with the procurement of these experts should the association decide to undertake this work.

2.3 Insurance Provisions and Liability

We agree that it is important to address liability and ensure the potential for accidents and property damage related to the proposed boat launch are minimized. As noted by the Association and municipal staff, it is our understanding that insurance liability associated with traffic can be addressed by taking every precaution needed to avoid safety hazards associated with the site. As such, it is our opinion that **the professional design of the launch configuration and the traffic study recommended in Section 2.2 of this letter-report would address this issue of concern.**

It should further be noted that the final Site Plan design should be undertaken by an engineering firm to ensure that the pavement structure and the launch itself is stable and will not result in property damage/liability issues.

2.4 Encroachment/Legal Implications

The Township and the Association have provided different sizes required for the turn-around area. A legal survey has been presented in Planning Report 18-008 that indicates that the boat launch would not encroach on private property if used in the way being proposed by the Association. A summary review of the area by EcoVue's Planning Technologist indicates that the current design presents some apparent challenges in preventing people from entering private property (i.e., the private road to the west, the private portion of the snow plow turn around, and/or lands on either side of the existing road). **This issue could be resolved through a more detailed design of the site that includes exact dimensions for the boat launch and turn-around area, as recommended in Section 2.1 and 2.2 of this letter-report.** With this information, the Association could confirm with confidence that the boat launch will not encroach on any private property and, thus, eliminate this issue expressed by Council.

In addition to the above, it should be noted that Municipal staff further questioned the legality of:

1. Using a municipal right of way for anything other than a road;
2. Creating a boat launch that can only be accessed via a forced road, particularly if the road is not wide enough to accommodate two trucks with trailers to pass each other, thus necessitating trespassing; and
3. Using the private snow-plow portion of the road for anything other than a road.

With respect to item 1, it is our opinion that the municipal road allowance can be used for anything permitted under the Zoning By-law, as it is owned by the Municipality. As addressed in Section 3.0 of this letter-report, it is our opinion that the boat launch is a permitted public use according to the Zoning By-law. With respect to item 2, it is our opinion that a detailed design, as discussed in Section 2.1 and 2.2 of this letter-report, is required to determine if "pulling off the road" is necessitate by this application. If so, it is our recommendation that the proposal be reviewed by a lawyer with experience in municipal matters, as to the legalities surrounding these issues. Finally, with respect to item 3, there may be some legal issues with using the forced road for anything other than a road. Therefore, **we also recommend that a lawyer with experience in municipal matters also review the proposal to determine whether the boat launch is permissible** from that perspective.



2.5 Impact on Abutting Property Owners

Another concern raised by staff is the potential impact to abutting land owners. It appears that there are a number of properties that may be impacted by the additional traffic using the proposed boat launch. However, there are a number of landscaping options that could be used to mitigate impacts to the abutting property owners. **A landscape architect or designer could design a planting program that may address potential concerns from property owners in the area.**

A traffic study (recommended as part of Section 2.2 of this memo) may also alleviate concerns from abutting property owners. The traffic study will provide an estimate of the expected increase in vehicular traffic resulting from the proposed boat launch. This information could be used to further engage abutting property owners so that they understand fully the impacts of the boat launch. Finally, there may be opportunities for limiting the proposed boat launch use through gates and hours of operation.

In our experience, concerns raised by neighbouring property owners, while perhaps not rooted in planning or technical rationale, can potentially influence the decision of members of Council. Therefore, it is important to give careful considerations to the issues brought forward by members of the public. This could be addressed with further consultation (e.g., hosting a meeting or an open house to inventory concerns and identify appropriate solutions).

2.6 Environmental Concerns

There have been a number of environmental concerns raised by staff and Council related to the proposed boat launch. It is our opinion that such concerns can likely be addressed. Specifically, although Bob Lake is an “at-capacity” lake, the construction of the boat launch, if built correctly, would not adversely impact the health of the lake. One of the significant concerns of Council seems to be the removal of shoreline vegetation to accommodate the proposed boat launch. It is thought that the removal of the vegetation could contribute to increased stormwater runoff, which may result in increased phosphorus discharge.

While phosphorus is a major concern for at-capacity lakes, it is our opinion that a boat launch would result in negligible increases of phosphorus to Bob Lake, subject to proper mitigation. Although an area of the shoreline vegetation will have to be removed, there are a number of options for increasing vegetation adjacent to the boat launch that would improve drainage in the area and limit phosphorus inputs. As such, **EcoVue suggests that a shoreline restoration plan be part of the next steps in this project, as well**

as consultation with the province to address development policies on at-capacity lakes. **A stormwater management and erosion control plan should also be developed** that would address any additional runoff contributed by the boat launch.

2.7 Summary of Issues of Concern

The most pressing issue to be addressed is the legality of the municipality constructing a boat launch at the end of a forced road and potential legal issues associated with trespassing, if it is found through a detailed design that this will occur as a result of the launch. As noted in Section 2.4, it is recommended that this issue be reviewed by a lawyer familiar with the *Municipal Act*. None of the other identified issues associated with a boat launch at this location should be seen as “show stoppers,” as there are ways to mitigate each challenge. Addressing the issues to the satisfaction of Council, however, would require an investment to identify possible mitigation measures.

It should be noted that EcoVue also recommends that consultation be undertaken with Council before proceeding on this project independently to determine if there is an issue that, barring any technical review, would preclude the construction of a boat launch at this location. Specifically, we recommend obtaining confirmation from Council and staff that addressing the issues noted above would result in support for the proposed launch. Obtaining this confirmation will help avoid proceeding with costly technical work that may not result Council’s support.

3.0 APPROVALS PROCESS

Assuming the municipality agrees that the site may be a viable option (i.e., if the issues in Section 2.0 of this letter-report can be addressed to their satisfaction), the process for undertaking the proposed boat launch includes:

1. Approval under the *Environmental Assessment Act*,
2. Approval under the *Planning Act*,
3. Approval under the *Fisheries Act*; and
4. Detailed design process and construction.

Each approval/process is addressed below.

3.1 Environmental Assessment Act

Projects undertaken by municipalities (as public bodies) which alter the “environment” (the definition of the environment is applied in a broad sense, and includes the natural, social, cultural, built and economic environments, etc.) must be supported by an Environmental Assessment under the Environmental Assessment Act (EA Act). As such, as a publicly-owned launch, the municipality must fulfill the requirements set out in the EA Act. Under the EA Act, projects that are routine in nature can follow a Class EA document as established under the EA Act. A Class EA is a document that sets out a standardized planning process for classes or groups of activities. It applies to projects that are carried out routinely and have predictable environmental effects that can be readily managed.

As the Municipality would be proponent for this project, the Municipal Class EA document can be followed to fulfill the requirements of the EA Act. Assuming land expropriation is not required, this project is anticipated to be minor in nature and would cost less than 2.4 million dollars. As such, the proposal would be considered a Schedule A+ under the Municipal Class EA document; Schedule A+ projects are pre-approved under the Municipal Class EA document.

As mentioned in Section 2.4 of this report, **it is recommended that a detailed design of the launch by a qualified professional and consultation with a lawyer be undertaken to determine if expropriation would be necessary.** Should private land need to be expropriated, this may change the Schedule of the project and therefore necessitate a more detailed assessment of alternatives in order to fulfill the requirements of the EA Act.

3.2 Planning Act

All development projects are required to adhere to the Township of Minden Hills Official Plan (TMHOP) and Zoning By-Law (TMHZBL). If a municipal proposal does not conform to these documents, a *Planning Act* approval would be required. To this end, we reviewed these documents to determine if a *Planning Act* application is required for a municipal boat launch at the location. This analysis revealed the following:

3.2.1 TMHZBL Requirements

- Section 4.1.12 of the TMHZBL states that a maximum width of any accessory shoreline structure, including ramps, is 30% of the lot frontage (appr. 6.5 metres) – the proposal appears to meet this criterion;



- Section 5.2, Table 1 indicates that a public use, a single detached dwelling, and accessory structures are permitted in this Zone, with a public use being defined as “*any activity, occupation, business or operation carried on by a Public Authority*” – this indicates the municipal boat launch would be permitted under the existing permitted uses;
- Section 4.28.3 indicates that the public use is permitted on lands subject to the provisions of their specific zone. As per Section 5.2, Table 2, the most relevant of these provisions would be the interior side yard setback of 4.5 metres, a lot coverage of 15% and a landscaped area of at minimum 30% – it is challenging to determine if the proposal meets the lot coverage and landscape area boundaries as we are not in possession of a survey with a proposed design. If these conditions are not met, a minor variance or ZBA will be necessary, depending on the extent of the discrepancy.

Given the above, it is our opinion that:

1. If the zoning provisions noted above can be met, then the municipal boat launch is considered permitted under the existing uses and no *Planning Act* application is required; or
2. If the municipal project cannot meet the zoning provisions, a minor variance would be required, as long as the use meets the intent and purposed of the TMHZBL and TMHOP, is minor in nature, and is desirable and appropriate; otherwise a ZBA would be required.

3.2.1.1 TMHOP REQUIREMENTS

Section 3.2.3.1.1.4 of the TMHOP recognizes “*existing development rights on at-capacity lakes*” meaning that the below discussed policies are not applicable if a *Planning Act* application is not required (as detailed above, this is the case if the public use meets the zoning provisions). However, if the proposal requires a minor variance or a ZBA, the project will need to meet the intent and purpose of the TMHOP policies, including those detailed below:

- Section 3.2.2.1 states what is permitted within the Waterfront designation, which includes open space and conservation uses. Section 3.2.3.8 elaborates on open space and conservation uses, stating they are encouraged throughout the Waterfront designation. A description of these uses does not explicitly detail boat launches but does say “*access areas for hiking, picnicking, cross-country skiing, snowmobiling, angling, or other similar outdoor recreational activities.*” It is our

opinion that the boat launch would be considered an open space use and, therefore, permitted in the Waterfront designation, as long as it meets TMHOP Waterfront development policies (Sections 3.2.2 to 3.2.4).

- Section 3.2.2.1 states that *“Recreational uses shall be compatible with adjacent land uses and, where necessary, such facilities shall be designed in such a manner so as to provide adequate spatial separation, buffering, landscaping and/or fencing to ensure that any adverse effects associated with such uses are minimized.”* This implies that **careful consideration of landscaping and fencing will be required to proceed with the proposal** (e.g., through a landscaping plan).
- Section 3.2.3.8 reiterates the policies applicable to development proposals on Bob Lake and states that *“New development shall not be permitted unless unique or special circumstances allow the development to occur. Prior to the approval of the development proposal within 300 m of the highly sensitive lake trout lake, detailed studies will be required to demonstrate that the physical features, design and siting of the development will not have an adverse impact upon the quality of the lake and related lake trout habitat. The Ministry of the Environment and Ministry of Natural Resources shall be consulted in these circumstances.”* It is our opinion that there are unique circumstances in this case (i.e., the closing of the public launch and the need for a new one). Furthermore, it is our understanding that MNRF was consulted regarding fish habitat. It should be noted, however, that this policy indicates that **a *Planning Act* application for the proposed use would likely necessitate consultation with the province on lake capacity issues** (phosphorus inputs). This work has not yet been undertaken.
- Section 3.2.3.1.1.5 further states that an application for non-residential development on the shoreline of an at-capacity lake (such as Bob Lake) will only be permitted under certain circumstances, including appropriate stormwater management design. This policy indicates that **a stormwater management plan will need to be undertaken** for the proposal to proceed. This was already proposed earlier in this report.
- Section 3.2.3.1.2.2 identifies that **a recreational capacity study could be required** (at the discretion of Council). It is our opinion, however, that the launch does not increase recreation in a way that would necessitate this study, as this is simply to replace a launch that closed recently.

- Section 3.2.3.1.3.1 states that *“council may consider an application for development that involves the creation of a new lot, new medium density, lifestyle or cluster residential units, or any non-residential development, [on an at capacity lake] only if the applicant submits a site evaluation report as described in Section 3.2.3.5.5.”* Finally, Section 3.2.3.5.5 then states that *“Applications for development within the Waterfront designation, which are subject to a Planning Act approval, will be evaluated and based on the submission of a Site Evaluation Report which shall provide the following information:*
 - a) Sufficient information about the nature of the lands, the development proposal, and the natural and physical context of the site within the lake system;*
 - b) Site specific information such as a description of the lands, location, slope and soil characteristics, vegetation, drainage, erosion and flooding characteristics;*
 - c) Description of the surrounding land use and natural features;*
 - d) Environmentally sensitive areas shall be identified and analyzed, including wetlands, fish habitat, and wildlife habitat;*
 - e) Potential impacts of the development should be identified including lake water quality impacts, storm water quality and quantity impacts, erosion, vegetation, habitat, shoreline and visual/aesthetic impacts. In consideration of this criteria Council may require the completion of a Lake Trophic Assessment in accordance with Section 3.2.3.2 prior to the finalization of any planning approval;*
 - f) The Site Evaluation Report shall assess the constraints to development and address how the constraints can be managed or mitigated effectively through the utilization of appropriate development control techniques including site plan control; and,*
 - g) The Township shall require a proponent to enter into a Development Agreement or Site Plan Agreement as a mechanism to implement recommendations of a Site Evaluation Report. The requirement to provide a Site Evaluation Report shall not be applicable to minor variance applications unless requested by staff or Committee.”*

Based on the above, it is our opinion that required *Planning Act* applications would meet the intent and purpose of the TMHOP subject to:

- The preparation of a stormwater management plan and landscaping/fencing plan that address water quality and impacts to neighbours, in the case of a minor variance;
- The preparation of a Site Evaluation Report detailing phosphorous management, stormwater management, environmental impact, neighbour impacts, and potential soil conditions (i.e., a geotechnical report), in the case of a ZBA; and
- Further consultation with the province to ensure the proposal is consistent with their recommendations for at-capacity lakes.

It should be noted that the above interpretation would need to be accepted by the Municipality before proceeding with a *Planning Act* application, as they are the ones who determine whether such an application is “complete”.

3.2.2 Fisheries Act

All lakes are considered fish habitat. Since works that could impact fish habitat will take place as part of the construction of the boat launch, approvals under the *Fisheries Act* (administered by Department of Fisheries and Oceans - DFO) will be required for this project. This process is an applicant driven process. As such, as outlined by the DFO on their website, it is the responsibility of the proponent (the Municipality in this case) to understand the impacts the project may have on fish and fish habitat and to take measures to avoid and mitigate impacts to fish and fish habitat.

For context, here is some standard information that we have received from DFO in the past when inquiring about the *Fisheries Act* process:

“The Fisheries Act requires that projects avoid causing any harmful alteration, disruption or destruction (HADD) of fish and/or fish habitat unless authorized by the Minister of Fisheries and Oceans Canada. The Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada reviews projects to ensure compliance with the Fisheries Act and the Species at Risk Act. Following the measures to protect fish and fish habitat will help you comply with the Act; these measures can be found at <http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/measures-mesures-eng.html>.”



We request that you visit our website at <http://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-001-eng.html> to determine if DFO needs to review your project. If your project is not within fish habitat, is listed under the exempted waterbody types, or falls within the standards and codes of practice, your project will not require DFO review. **If you are unsure about whether your project requires DFO review, you can seek support from a qualified environmental professional familiar with measures to avoid impacts to fish and fish habitat.**

If you are unable to comply with the measures to protect fish and fish habitat, are concerned that the work may result in a HADD, or would like an official DFO response regarding the specifics of your project, we recommend that you submit a Request for Review to DFO before proceeding further.”

We recognize the MNRF undertook a site visit and provided correspondences to the Association stating that there is no confirmed spawning habitat in that area. This may be sufficient to address the *Fisheries Act* requirements; however, it would be necessary to undertake all appropriate mitigation measures (timing windows, erosion and sediment controls, design requirements, etc.). If the Municipality wants confirmation from DFO that this is sufficient, they can submit a request for review, as noted above (appr. 6 months). Alternatively, they can request a site visit from a fisheries biologist prior to construction to address the requirements of the *Fisheries Act*, including providing advice on the fish habitat that exists and recommendations for mitigation measures that would be required during and following construction. Generally, a full “request for review” by DFO would not be required for a project of this scale as mitigation can limit any impacts of construction. However, **this would have to be confirmed by a qualified biologist**. It should be noted that any assessment prepared for fish habitat will help address *Planning Act* policies applicable to the subject lands, should a minor variance or ZBA be required.

3.2.3 Detailed Design Process and Construction Approvals

Detailed design of the boat launch and associated construction will be required. In the case of a municipal project, the Municipality must follow their procurement policy when awarding the contract for the design and building of the ramp, which would include a Request for Proposal (RFP) if the contract is over \$15,000 (Procurement Policy #17-G). An RFP process would involve collecting bids from interested contractors and/or engineers to undertake the work. The Township would then choose the preferred bid and award

the contract for the building of the boat launch. This process would most likely add time/cost to the overall timeline of the project which was not accounted for in the costing developed previously. The Township is required, by way of their procurement policy, to award bids in this way when undertaking a project.

3.3 Summary of Required Approvals

A summary of the processes associated with pursuing a boat launch at Claude Brown Road for each type of project is included in Table 1 below.

Table 1. Summary of Approvals Process for Boat Launch based on Ownership and Design

Process Type	Municipal – Meets all zoning setbacks/provisions	Municipal – Does not meet zoning provisions
Environmental Assessment Act	Pre-approved (subject to no land expropriation)	Pre-approved (subject to no land expropriation)
Planning Act	None required	Minor Variance, at minimum, required
Fisheries Act	Biologist review recommended	Biologist review recommended
Detailed Design	Procurement Process and engineering design	Procurement Process and engineering design

4 ANTICIPATED STUDIES AND NEXT STEPS

As discussed in Section 2.0 and 3.0 of this letter-report, a number of technical studies and some legal consultation have been suggested as part of the next steps. Some of the recommended studies will be required to address the issues of concern noted by Municipal staff, as noted in Section 2.0, while others are needed to address the *Planning Act* applications as discussed in Section 3.0. A complete list of the identified technical studies is included in Table 2 below, with an estimated cost for each. As a reminder, the first step will be to confirm with Council and municipal staff that these technical studies would address their issues of concern.



Table 2. Prospective Technical Study Requirements for Project

Study/Requirement	Address Council Concerns	Planning Act Requirement	Cost/Qualified Professional
Design of Boat Launch	X	X	\$4000/Engineer
Environmental Impact Study and Restoration Plan	X	X	\$4500/Environmental Professional
Landscape Plan	X	X	\$3000/Landscape Architect
Stormwater Management and Erosion Control Plan	X	X	\$7000 (including elevation survey)/Engineer
Traffic Impact Study	X		\$4500/Traffic Specialist
Legality Review	X		\$5000/Lawyer
At-Capacity Lake Review (provincial consultation)	X	X	\$1000/Planner or Environmental Professional
Site Evaluation Report, including Planning Justification and Soils Assessment		ZBA only	\$5000-\$7000/Planner and Geotechnical Consultant
Recreational Capacity Study		Depends on Council decision but unlikely	\$3000/Environmental Professional
TOTALS			\$29,000 to \$39,000

Please keep in mind that the above-noted costs for the recommended technical studies are based on previous experience and should be regarded as *estimates* only. The estimates are exclusive of construction costs, permitting fees, municipal *Planning Act* application fees, or project management fees. Furthermore, **it may be possible to obtain a preliminary assessment from each of the above-noted qualified professionals.** This work could likely be completed for a fraction of the prices noted above and will help determine if there are any “red flags” associated with the site.



5 SUMMARY

It is our opinion that the most pressing issue of concern is the legal liability questions. It is our further opinion that the remaining issues of concern can be mitigated through the recommended detailed design and technical studies as well as a *Planning Act* application (minor variance or ZBA), if the final design cannot meet the zoning provisions. It will be necessary for the project to meet the *EA Act* and the *Fisheries Act*; however, it is our opinion that the proposal may be “pre-approved” under these laws, subject to appropriate design and mitigation. A procurement process will be required for any design or construction work undertaken by the Municipality which costs more than \$15,000.

We would happy to help you or the Municipality obtain the recommended studies and/or undertake the *Planning Act* approvals, when the time comes. As a first step, however, we recommend getting a professional design completed, obtaining some preliminary legal advice, and having an additional meeting with Council and municipal staff to obtain confirmation that completing these assessments would be sufficient to obtain consideration of the proposal. EcoVue would be happy to attend this meeting upon your request.

We trust this letter-report adequately outlines the approval processes for the proposed boat launch. Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully Submitted,

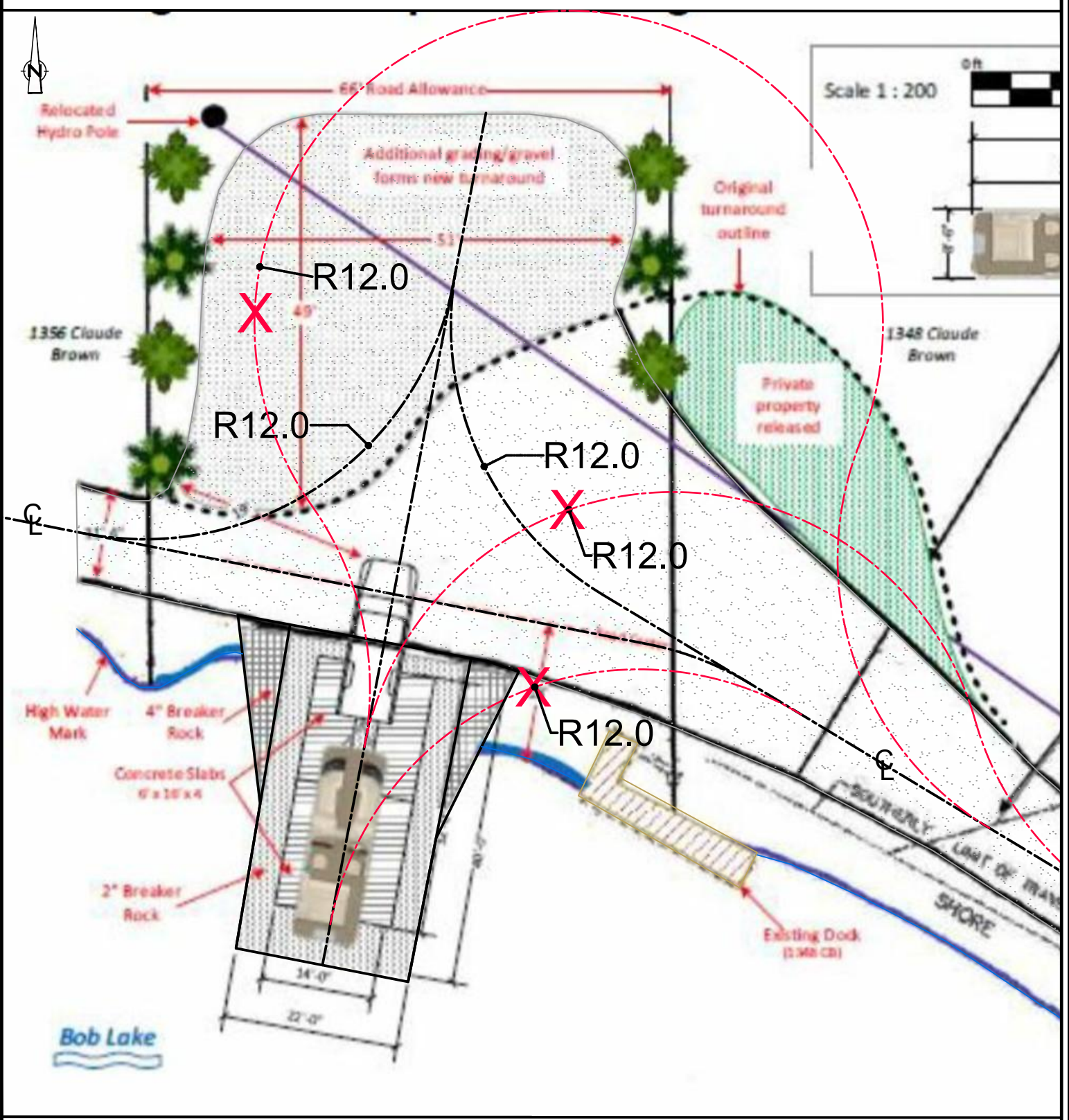
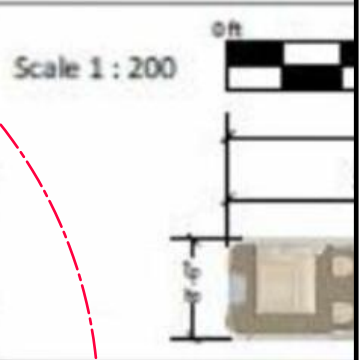
ECOVUE CONSULTING SERVICES INC.

A handwritten signature in blue ink, appearing to read "B. Saunders", is placed above a horizontal line.

Beverly Saunders, B.Sc., M.Sc., EP
Land Use and Environmental Planner

A handwritten signature in blue ink, appearing to read "F. Wilbur", is placed above a horizontal line.

Frances Wilbur, M.E.S, MCIP, RPP
Planner



PROJECT NO: 20-1997

DATE: March 27 2020

HORIZ. SCALE: 1:200

Bob Lake Boat Launch

Boat Loading Turn-Around Analysis