

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. CAO-2012-0014

FOR CONSIDERATION OF
COUNCIL
OF AUGUST 20, 2012

SUBJECT: BLACK RIVER DREDGING REQUEST

RECOMMENDATION:

- I. THAT REPORT NO. CAO-2012-0014 BE RECEIVED; AND
- II. THAT UNTIL SUCH TIME AS THE DEPARTMENT OF FISHERIES AND OCEANS – SMALL CRAFT HARBOURS COASTAL ACCESS STUDY IS UNDERTAKEN, COUNCIL DEFER ANY DECISIONS PERTAINING TO THE DREDGING OF THE MOUTH OF THE BLACK RIVER; AND
- III. THAT THE CHIEF ADMINISTRATIVE OFFICER BE TASKED WITH PURSUING ANY OPPORTUNITIES AVAILABLE TO ADVANCE THE UNDERTAKING OF THE SMALL CRAFT HARBOURS COASTAL ACCESS STUDY

BACKGROUND:

Under whose jurisdiction is the Mossington Wharf (Black River)?

The Mossington Wharf is under the jurisdiction of the Federal Department of Fisheries and Oceans – Small Craft Harbours. The limits of the Mossington Wharf Small Craft Harbours property are identified on Schedule "1" attached.

Has the Town previously undertaken dredging projects?

Yes. At the request of the Ravenshoe Canals Association the Town coordinated dredging in the Bruce Avenue/Canal Street area. The works were funded via a local improvement on a frontage rate basis. The waterways that were dredged were privately owned blocks on a registered plan of subdivision.

In 2002 the Town dredged the area at the mouth of the Black River in proximity to the Mossington Wharf. The works were approximately \$45,000 and were funded by the Georgina Hydro reserve \$45,000.

Are there other areas in the Town where dredging has taken place?

Yes, there are numerous locations within the Town limits where dredging operations have been undertaken and funded privately, by associations or by commercial operators.

What are the comments/concerns that have been registered in association with the request to dredge the mouth of the Black River?

The comments/concerns that have been registered are as follows:

- Due to sand build-up at the mouth of the Black River, dredging along a portion of the Mossington Wharf is urgently required to provide safe passage for watercraft
- Increasing the channel flow will reduce nuisance flooding on the river
- Littoral drift from Lake Simcoe causes consistent deposition of sand at the mouth of the river
- The water levels in the river affect property value
- The loss in assessment, if water access properties are devalued, will outweigh the savings of not doing the dredging
- The Coast Guard, Ministry of Natural Resources and Police need to access the river to do rescues and enforce the law
- Stream habitat restoration will be promoted through channel excavation
- Maintaining safe navigation of Lake Simcoe waterways is important
- Current water depths are inadequate for the navigation of the lake/river
- The dredging needs to take place to accommodate the tourism economy
- A stone breakwall should be put in place
- Safety concern when boaters approach the mouth and do not know how shallow the area is in late summer
- Currently dragging boat through the shallow water to get in and out of the river, if nothing is done only kayaks will pass
- Speed signs need to be installed to enforce speed of jet skis, snowmobiles etc.
- Boaters on Lake Simcoe need a safe haven in inclement weather
- Even when the lake water levels are at their lowest, the river has in the past had adequate water level for navigation
- The water levels along the northern half of the Mossington Wharf are less than 2 feet deep and sail boats cannot moor along the wharf any longer
- The Briars has noted that they can no longer safely navigate the river with the Lady Simcoe and that guests register their disappointment
- Members of the Briars Community Association have expressed their concerns re the effect the lack of dredging has on economic development, enjoyment of property, property values and tourism
- The Downtown Sutton Merchants support the dredging for economic development reasons
- The Georgina Chamber of Commerce feel the situation has an impact on tourism and economic wellbeing
- The Peninsula Resort feels that the inability to navigate the Black River into Lake Simcoe has a detrimental effect on their patronage
- The Jackson's Point BIA feel the dredging supports fostering a healthy local economy
- Bonnie Boats supports the dredging – rationale not supplied

- A petition with approximately 200 signatures was submitted to the Town in the winter of 2012 noting that dredging is required to ensure safe passage for watercraft and to restore lake access and navigability

ANALYSIS:

Is the overall lake level affecting the ability to navigate?

In order to determine if overall lake level is affecting the ability to navigate at the mouth of the Black River, staff obtained lake level data from the Lake Simcoe Region Conservation Authority. The data shows that the average lake level for Lake Simcoe has increased from 2004 to 2010. See Schedule "2" attached.

Is the maintenance of the navigable water in the area of the mouth of the Black River and the Mossington Wharf, the responsibility of the Town of Georgina?

No. Navigable waters are under the jurisdiction of the Federal government. Further, the property as outlined in Schedule "1" is specifically under the jurisdiction of the Department of Fisheries and Oceans – Small Craft Harbours. Transport Canada also plays a role in the administration of waterways.

There is no legal requirement for the federal government to maintain water depth.

In the past Small Craft Harbours (SCH) owned and maintained many properties across the country. Some were commercial fishing harbours, some were recreational harbours. In 1995 federal policy changed and SCH were directed to begin divestiture of the recreational harbours. In 2004, monies were provided to SCH to facilitate the divestitures. The Town of Georgina was approached to take over the Mossington Wharf but the Town did not wish to pursue the transaction.

Of the 400 previously SCH owned recreational harbours, approximately 100 remain in federal jurisdiction. These 100 harbours are administered with a limited budget.

In 2009 the Town approached SCH to undertake a Coastal Process Study which would determine whether the Mossington Wharf is contributing to the siltation deposit. SCH committed to the study. The study was scheduled for the summer of 2011 but unforeseen storm damage in other areas became a higher funding priority and the study could not move forward. Recent discussions with SCH staff have confirmed that the study is still on the SCH docket and will be undertaken as soon as the funds are available. The SCH budget is reviewed for priorities on a quarterly basis. SCH staff cannot commit to the timing of the study. It could potentially still be undertaken in 2012. SCH staff are of the opinion, and Town staff concur, that the study should be undertaken prior to any consideration of dredging.

Do navigational hazards at the mouth of the river present a liability for the Town?

No. Navigation of waters is under the jurisdiction of the Canada Shipping Act, the Navigable Waters Protection Act, the Inland Water Protection Act and Transport Canada Vessel Operation Restriction Regulations.

With reference to any navigational hazards at the mouth of the Black River, the Canadian Hydrographic Service, via marine radio, notifies mariners of the depths at the Black River entrance and advises the use of caution in the area. The marine charts as published by the Canadian Hydrographic Service identify the submerged piles at the mouth of the river and the shallow depth.

The red navigational buoy at the mouth of the river and any illumination on the wharf are the responsibility of Transport Canada. In recent discussions with SCH they have committed to working with Transport Canada to address both. It should be noted that SCH have no record of the wharf having illumination in the past and that there is no legal requirement for the wharf to be equipped with illumination. When illumination is installed it is as a result of a recommendation to address a navigational hazard versus being legally required.

Is there a requirement to provide "safe harbour" and if so under whose jurisdiction does this fall?

Staff await interpretation from the federal government on this matter.

What is the estimated expenditure to undertake the dredging?

\$80,000

If the dredging is undertaken at what point in the future would it need to be done again?

This answer is unknown. The SCH Coastal Process Study is key to answering such questions.

Does approving the current request to dredge create a long term solution?

No. Dredging at this point in time would be an interim solution. The SCH Coastal Process Study is integral to determining a long term solution.

Do other municipalities participate in dredging operations?

Many municipalities in the province participate in dredging operations as follows:

Township of the Archipelago

Has dredged a number of times at Pointe au Baril in an area that serves mainly ratepayers

Cost is borne by the ratepayers in the service area of the north part of the municipality

The Township took over the wharf from SCH a number of years ago as they felt it was being neglected

Township of Brock

Has dredged the Beaver River mouth

The Township has ownership of parts of the harbour

The dredging was done to improve navigation and access to businesses and to improve winter flow conditions

Township of Pelee

Municipality owns marina inside a SCH commercial fishing harbour

The Town have an agreement with Oceans and Fisheries who share in cost of maintenance

Township of Ramara

Has undertaken minor dredging of small watercourses to maintain positive drainage

The works were mainly on municipal drains and were done to protect upstream roads and access from damage due to backwater

Township of Tay

Have taken over SCH wharfs and undertaken substantive repairs in 2011 but no dredging

Town of Essex

Lease and operate a SCH harbour on Lake Erie

Undertake dredging as needed, costs are shared with federal government

Town of Lakeshore

Has 4 areas where rivers flow into Lake St. Clair

The main issue is silt and deadheads flowing downstream

They have partnered with the Conservation Authority to dredge due to flooding issues – shared funding

Many marinas in the Town have made requests for municipal support to dredge, to date the requests have been denied

Town of Oakville

The Town has harbours at Oakville Creek and Bronte Creek and both experience a lot of siltation

They dredge every 4-5-7 years with a budget of \$3-4m

The siltation is a result of upstream activity (runoff from agricultural lands, development and storm water)

The cost of the dredging is debentured and recovered via boat slip fees

Recently boating associations have presented the argument that the harbours are for more than just boaters and that there is an economic development component

Council have agreed to undertake a study to assess the latest techniques available, the contributing sources, the flooding and backwater effect etc.

Town of Port Hope

Have recently undertaken the Port Hope Sediment Management and Dredging Strategy

Town of Saugeen Shores

Lease the SCH Harbour in Port Elgin

- The Town operates the 276 slip facility
- The Town dredges when necessary and the costs are recovered in the harbour operation revenues, there is no impact on the taxpayers

The mouth of the Saugeen River and Lake Huron – Southampton

- Dredged in 1999 and 2000
- Small Craft Harbours funded 50%, balance from tax levy
- Saugeen River is a popular recreationally travelled waterway

Town of Wasaga Beach

The mouth of the Nottawasaga River filled up near the end of the 2010 summer season

The Town approached the Nottawasaga Valley Conservation Authority and the Ministry of Natural Resources to request dredging, both denied the request and the Town undertook the work

The total cost was \$72,000 and the invoice was forwarded to MNR but to date has not been paid

Municipality of Clarington

Own a boat launch on Lake Ontario in the vicinity of the mouth of the Bowmanville Creek

Have been requested by privately owned marinas in the area of the mouth to dredge as sail boats cannot navigate into the marinas

Have denied request as the municipality does not agree that tax dollars should fund private enterprise needs

Municipality of Leamington

Have a large marina facility that requires dredging every 2-3 years

It is a former SCH facility and in the past the funding was shared

It is now a MNR facility and the Town leases the water lot from the province

The Town expects that moving forward they may be responsible for all costs

City of Mississauga

The City dredges at the mouth of the Credit River which is one of the City's top attractions

The City owns public land at mouth of Credit River and operates a small marina

There is a restaurant operated on the City land, dredging is required to access the restaurant

Is there an economic development rationale that supports the dredging request?

Clearly water and Lake Simcoe are a key focus for Georgina as water is a common thread through many of our communities and should be a part of any long term economic development strategy. There is potential for the Black River to be a part of long term strategies but until such time as the strategy is formulated staff cannot say where the limited Economic Development dollars should be directed.

Are there property value implications if the dredging is not undertaken?

Sales of similar properties ultimately drive the assessment value of a property and losing access or use of the river could eventually effect market values and potentially provide an argument for an a assessment appeal. This however is difficult to definitely ascertain.

The properties along the Black River are assigned with Property Code 313, Single Family Detached – on water. MPAC analyzes property sales based on waterfront properties in the area and applies the Current Value Assessment Method, which is used by most assessment jurisdictions in North America. In addition to sales they look at the key features of every property and may consider up to 200 factors when assessing a property. Five major factors that affect the value of a property, including recreational waterfront property, are:

- location;
- lot dimensions;
- living area;
- age of the property, adjusted for any major renovations or additions; and
- quality of construction.

As a result of the coding noted above, the valuation of the properties along the Black River are 20% higher in assessment value than other surrounding properties in the area which are not on water.

Does the Lake Simcoe Region Conservation Authority require the dredging to be undertaken?

The Authority would not object to dredging at the mouth of the Black River if the need is validated and any implications properly assessed. The Authority would assist the Town with obtaining the necessary approvals from the Department of Fisheries and Oceans.

The dredging would increase fish habitat by increasing the habitat area. If the area to be dredged is identified as *significant* habitat (probably unlikely), efforts may be required to provide like-habitat. The Authority can assist in the determination of the habitat.

The dredging would likely not result in improved river flow as the lake creates a back water effect which results in the deposition of sediment at the mouth. This is a natural phenomenon where rivers discharge into large bodies of water. It is likely that the mouth will fill in again over time.

The Authority is not aware of any municipally supported dredging of natural waterways for boat access – the works on Lake Simcoe have been driven by marinas or to resolve drainage issues.

The Black River, below the dam in Sutton, is presently the discharge for the Sutton Water Pollution Control Plant which allows for mixing and effluent discharge into Lake Simcoe – any dredging should consider whether it would impair effluent discharge to the lake.

Do the York Regional Police require the dredging to be undertaken?

The York Regional Police have confirmed that they do not need access via the mouth of the river to undertake rescues and enforce the law as the road network and the launch at King Street provide sufficient access.

What are the opportunities to fund the dredging if it was pursued?

The opportunities for funding are as follows:

- The general tax levy
- A local improvement
- A special area charge
- A reserve fund
- A Small Craft Harbours grant
- The 2012 Lake Simcoe Clean Up Fund (LSCUF)
Dredging was not eligible in the last 4 years
The only way to know if dredging would be eligible would be to seek the guidance of Environment Canada once funding guidelines are established which to date has not occurred
- The Great Lakes Guardian Community Fund
Recently announced
Grant applications meeting the fund's criteria will be awarded grants in the order they are received
The deadline for submission is October 12, 2012 by 5:00 pm

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Qualifying applicants:

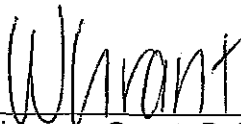
- community-based organizations
- agricultural and land-owner focused organizations
- environmental and conservation organizations
- academic institutions
- conservation authorities
- municipalities

A municipality must collaborate with a community based organization to apply

RECOMMENDATION:

- I. That until such time as the Department of Fisheries and Oceans – Small Craft Harbours Coastal Access study is undertaken, Council defer any decisions pertaining to the dredging of the mouth of the Black River; and
- II. That the Chief Administrative Officer be tasked with pursuing any opportunities available to advance the undertaking of the Small Craft Harbours Coastal Access Study.

Respectfully submitted by:

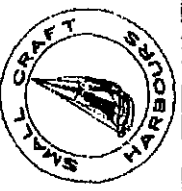


Winanne Grant, B.A., AMCT, CEMC
Chief Administrative Officer

WG/sl

DEPARTMENT OF ENVIRONMENT
 MINISTRY OF NATURAL RESOURCES
 AND FORESTRY

SMALL CRAFT HARBOURS
 CENTRAL AND ARCTIC REGION



NOTES:
 PLAN COPIED FROM PLAN OF
 SURVEY OF WATER LOT BEING
 PART OF THE BED OF LAKE
 SIMCOE AT THE REAR OF LOT 4,
 CONCESSION 5, TOWNSHIP OF
 BRIMLEY-COUNTY OF YORK-
 PROVINCE OF ONTARIO, DATED
 JUNE 11, 1957, AND SURVEY
 PLAN FROM PLAN & DESCRIPTION
 (PUBLIC WORKS), DATED
 SEPT. 25, 1975. DRAWN BY A.P.H.

SMALL CRAFT HARBOURS
 PROPERTY OUTLINED IN RED

REVISIONS:
 09/22/94 - J.V.S.

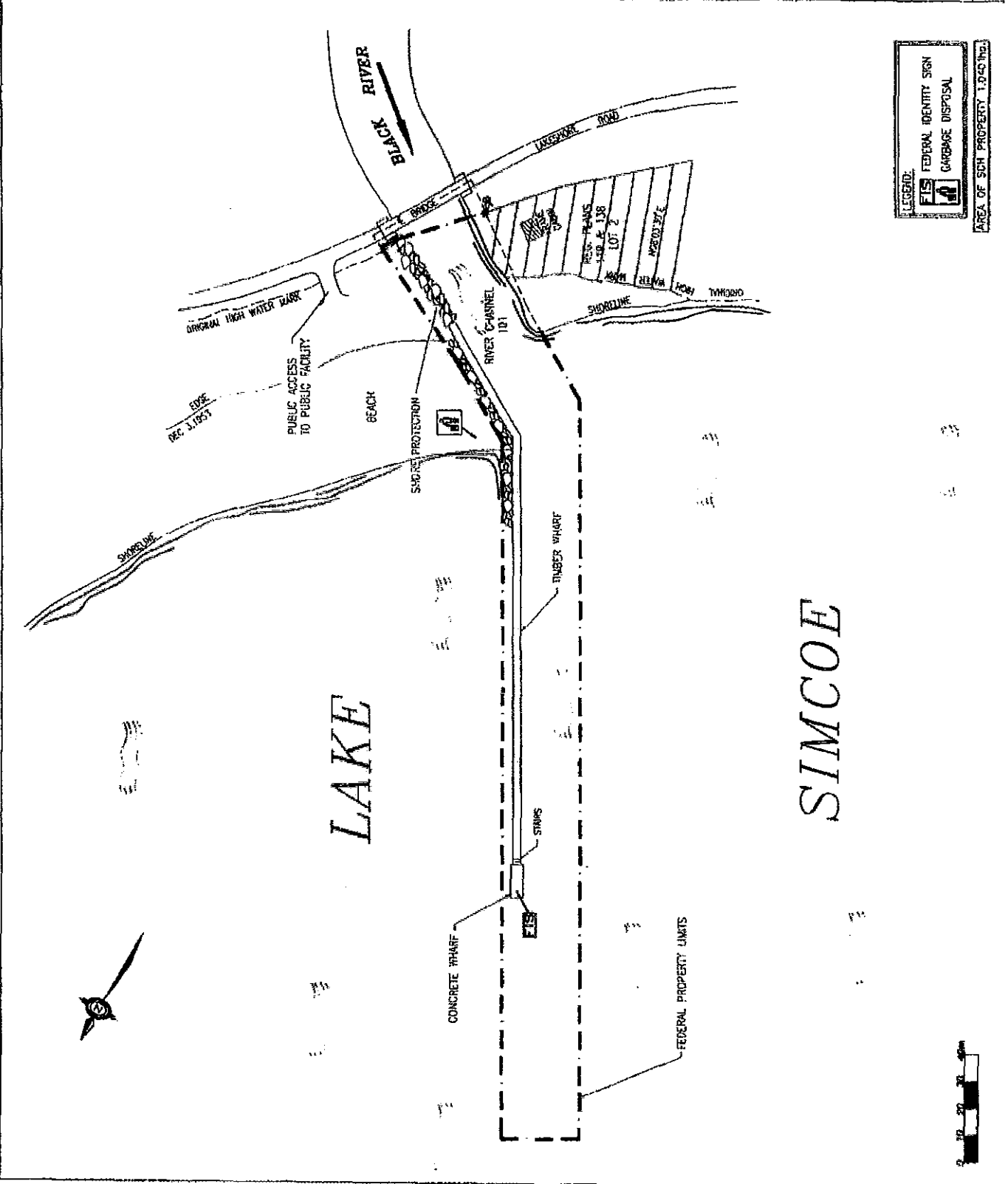
SCALE: 1:2000
 PROJECT:

DESCRIPTION:
 COMPLETED PROPERTY
 PLAN

DRAWN: J.M.S.
 DATE: 02/08/93

APPROVED: C.T.B./A.M.J.
 LOCATION:
 BLACK RIVER
 (MOSSINGTON)

DRAWING NO.: 4330-P1A
 LOCATION CODE: 5330



LEGEND:
 FEDERAL IDENTITY SIGN
 GARBAGE DISPOSAL
 AREA OF SCH PROPERTY 1:000 (1:1)

SIMCOE

AVERAGE LAKE SIMCOE LAKE LEVELS FROM 2004 - 2010

