

STAFF REPORT: Office of the Chief Administrative Officer



REPORT TO: Council
MEETING DATE: July 11, 2011
REPORT NO.: CAO.11.01
SUBJECT: Ministry of Natural Resources Work on Shoreland Permit Application – Berczi Revised Submission
PREPARED BY: Reg Russwurm, Acting CAO & Director of Engineering and Public Works

A. Recommendations

THAT Council receive Staff Report CAO.11.01 Ministry of Natural Resources Work on Shoreland Permit Application – Berczi Revised Submission; and

THAT Council provide direction to Staff as to comments to include in The Blue Mountains response to the Application for a Work Permit on Shorelands in front of Lot 2, Plan 346 and Lot 20, Plan 931, The Blue Mountains.

B. Background

The Clerk provided a Report to Council at the April 11, 2011 Council Meeting regarding the above noted Application requesting direction from Council as to comments to be provided to the Ministry in response to the Application (Attachment #1).

The following is the relevant section of the April 11, 2011 Minutes:

D.2 Ministry of Natural Resources Work on Shoreland Permit Application - Berczi, A.11.06

Councillor Gamble spoke regarding the Report noting he has difficulty accepting the proposal as it relates to land beyond the property line and has an impact on both the lakefront and the neighbourhood.

Councillor Martin then spoke noting he will not support an intrusion into the environment that is not necessary and further noted the Conservation Authority has been discouraging this type of development.

Mayor Anderson then spoke expressing concern with the proposal and noted the water levels dropped last year and will likely drop again this year. Ellen noted this type of development will destroy the fish habitat and referenced the work of the South Georgian Bay Coastal Initiative.

The Applicant, through his consultant Darryl Robins Consulting, has submitted a revised application that deletes the proposed raised seasonal boardwalk structures, including the platforms and wooden posts in the existing breakwall area from the application. A future seasonal wooden ramping structure is proposed to provide safe access over the existing rocky revetment to the channel area (Attachment #4).

The Applicant has removed the request for dredging of a mooring area south of the breakwall, but is still proposing to dredge a straight channel to accommodate small recreational vessel access to Georgian Bay along with some boulder/cobble relocation.

Staff remain concerned of the impact on the shoreline environment due to the dredging works proposed and are seeking Council direction to be included in the Town's comments to the Ministry of Natural Resources. It should be noted that Town Staff lack ecological expertise and will rely on the Ministry of Natural Resources to give professional opinion on this application in that regard. A further concern to Town Staff is that the shoreline modification will create a visual impact. The breakwalls of course are not part of the natural state of the shoreline, however they are now in place and generally accepted.

Council's comments can address the concern over the ecological disturbance and the visual impact to the current shoreline appearance.

C. The Blue Mountains' Strategic Plan

"Preserving and enhancing natural and environmental features and cultural heritage of the community."

D. Environmental Impacts

Possible ecological impact on fishery habitat from dredging work.

E. Financial Impact

None

F. Attached

- Attachment #1 - Report A.11.06 Ministry of Natural Resources Work on Shoreland Permit Application - Berczi
- Attachment #2 – The Blue Mountains correspondence to Ministry of Natural Resources dated April 15, 2011
- Attachment #3 - Email dated April 15, 2011 from Ministry of Natural Resources identifying terms and conditions that will accompany a work permit in the Thornbury area.

Attachment #4 - Darryl Robins Consulting correspondence with revised work proposed

Respectfully submitted,

Reg Russwurm
Acting CAO and
Director of Engineering and Public Works
Office: 519-599-3131 Ext 234
Fax: 519-599-3664
russwurm@thebluemountains.ca

Or. Apr 11, 2011 Council agenda
Attachment #1

STAFF REPORT: ADMINISTRATION



REPORT TO: Council
MEETING DATE: March 14, 2011
REPORT NO.: A.11.06
SUBJECT: Ministry of Natural Resources
Work on Shoreland Permit
Application - Berczi
PREPARED BY: Corrina Giles, Clerk

A. Recommendations

THAT Council receive Staff Report A.11.06, "Ministry of Natural Resources Work on Shoreland Permit Application - Berczi" and provide direction to the Clerk regarding comments to be provided to the Ministry on the subject Application.

B. Background

Corporate Policy POL.COR.07.04, Delegation by Council of Powers and Duties, as revised, includes the following delegated approval:

Review and comment on Ministry of Natural Resources Work on Shoreland Permit Applications be delegated to the Clerk or designate (Deputy Clerk), such Applications to be presented to Council for review and consideration where concerns with the Application are noted by Staff.

Ministry of Natural Resources Work on Shoreland Permit Applications are circulated to municipalities and other agencies for comment. Final approval of such Applications is the domain of the Ministry of Natural Resources.

The Town received an Application for a Work on Shoreland Permit for works in Nottawasaga Bay fronting on Lot 2, Plan 346 and Lot 20, Plan 931, civic address 133 Lake Drive, the subject property shown on Attachment 1.

The Applicant proposes to remove a portion of existing rock breakwall, dredge a boat channel and a mooring slip and clean up a portion of the beach area. The Applicant also proposes a 45 metre long, raised dock boardwalk on steel posts extending to the mooring area. These shoreline works are shown on Attachments 2a and 2b.

There is a section in the Ministry of Natural Resources Work on Shoreland Permit Application where adjacent landowners may indicate approval or conditional approval with their signature and notes applied to the Application, or they may choose not to sign the Application.

In this case, the adjacent landowner to the east indicated no objection to the proposed works, subject to no access to Nottawasaga Bay on or across her property related to the proposed works.

The adjacent landowner to the west indicated no objection to removal of a portion of breakwall or dredging or clean-up of the beach area. However, concerns were noted with visual impairment and physical encroachment on public lands, as well as limited ability to access and use public lands following installation of a 45 metre long platform.

The landowner further noted he would like to see alternative design options to minimize impacts. Concerns with work during the months of July and August were also noted regarding quality of life impact during the summer months.

It should be noted the proposed dock boardwalk would require a Building Permit if it exceeds 10 square metres in area.

The proposed shoreline works raised concerns with the Clerk and are now presented to Council for review and consideration in accordance with the Delegation Policy. Draft sample comments to the Ministry are shown on Attachment 3 for Council's consideration and any direction provided by Council in this matter will be included in the comment section regarding this Application.

C. The Blue Mountains' Strategic Plan

"Preserving and enhancing natural and environmental features and cultural heritage of the community."

D. Environmental Impacts

Possible ecological impact on fishery habitat from debris lodging along the raised dock walkway extending metres into Nottawasaga Bay and/or damage or destruction of the raised dock walkway as a result of ice or wave action.

Aesthetic and recreational impact from a raised dock walkway extending metres into Nottawasaga Bay in an area of existing and historic cottage and residential development.

E. Financial Impact

None

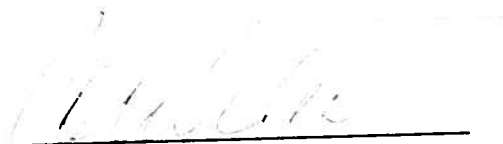
F. Attached

Attachment 1, property fronting the proposed shoreline works.

Attachments 2a and 2b, Application excerpts detailing the proposed shoreline works.

Attachment 3, sample Work on Shoreland Permit Application comments to the Ministry of Natural Resources.

Respectfully submitted,

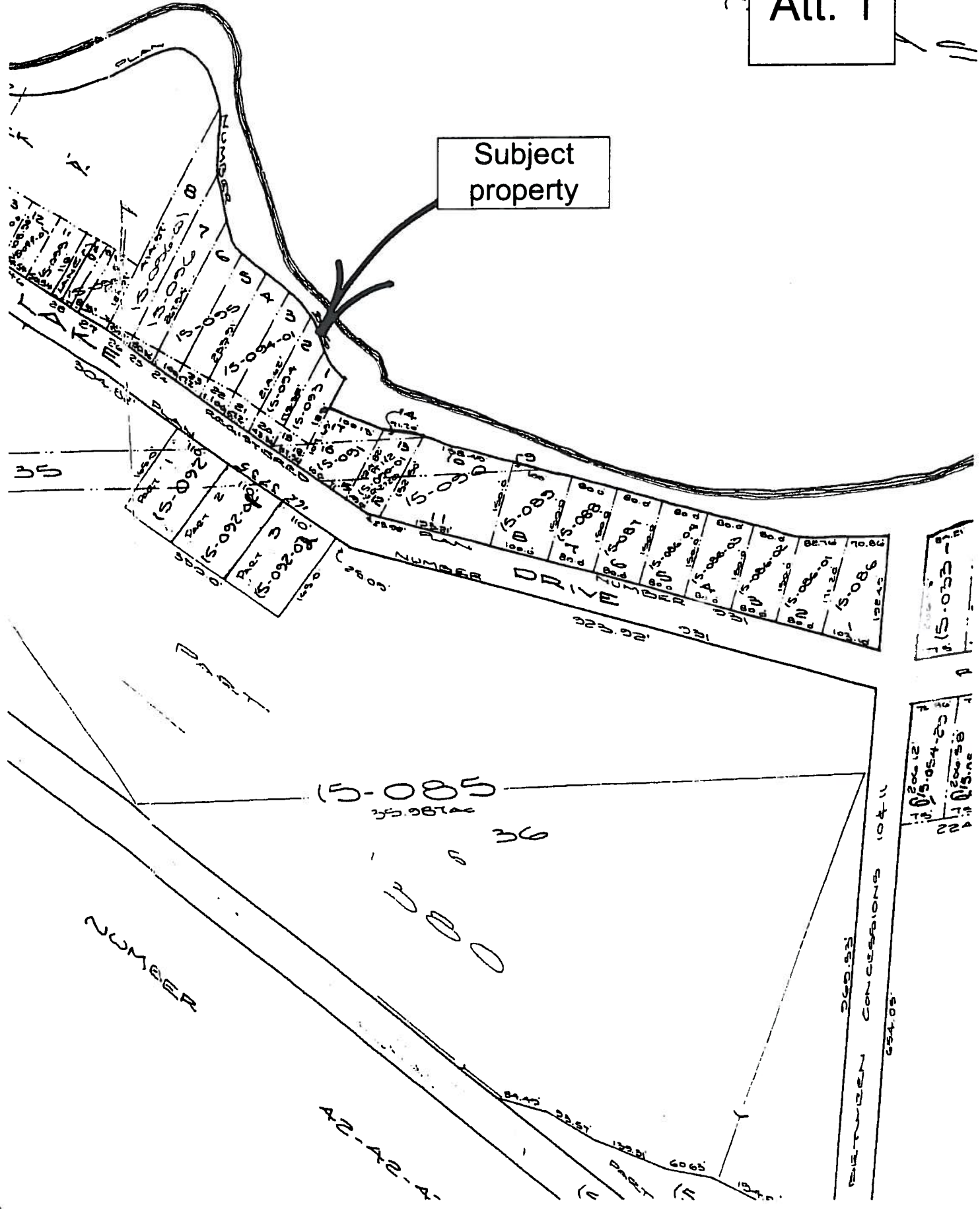


Corrina Giles, Clerk
519 599 3131 ext 232
1 888 258 6867
cgiles@thebluemountains.ca

Att. 1

North

Subject property



15-086

15-087
15-088
15-089
15-090

BETWEEN CONCESSIONS 104.11

15-085
35.987ac

36

NUMBER

A2-A2-A

Grey County Web Mapping

Att. 2a

Proposed Lateral
Extension (Typ.)

Relocate Large Boulder
Substrata (In-Water) -
Do Not Excavate
Cobble Directly over it

Proposed Elevated
Wooden Platform on
10" dia. Embedded
Wood Pier Posts

Approximate Profile Line
See Fig. 1009001.2

Turbidity Curtain (Typ.)

Proposed Elevated
Wooden Platform on
10" dia. Embedded
Wood Pier Posts

Remove
Existing Rock
Revetment

Bottom of Side Slope (Typ.)

Max. 7.6m (25') Dredging Allowance
channel side slopes

Minimum Min. 4.8m (15')
Disturbed Section of

Extent of Dredging for Boat Channel
Establish 2:1 Side Slopes to desired
Dredged Depth (Approx. 4' Finished
174.8m IGLD 1985)

Only remove accumulated substrates/
this area to restore beach. No removal
native soil conditions. Apply small (50
dia.) cobble/stone treatment in this area
encountered.

Approx. 80th Pole Line
Mark - Stake On Site

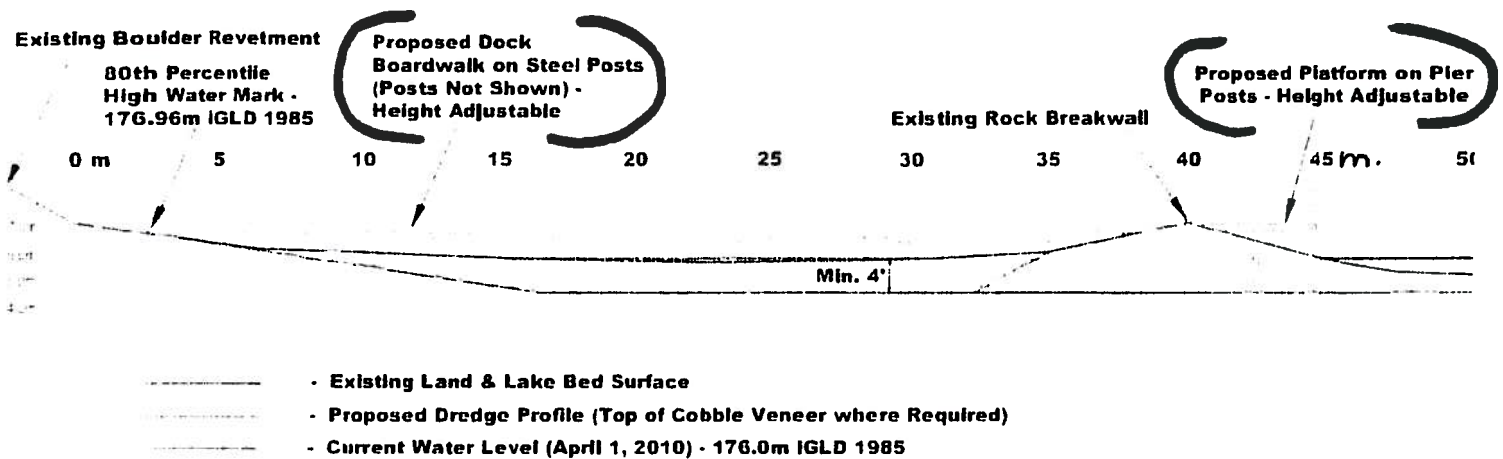
Proposed Access Ramp
Over Revetment

Existing Boulder
Revetment and
Platform

Snake Drive
Over Bercel

Snake Dr

Att. 2b



Note: Proposed Docking Boardwalk and Platform are to be seasonally removed to accommodate fall, winter and spring storms.

Notes:

All works shall comply with the following as applicable:

1. Fish Habitat and Fluctuating Water Levels on the Great Lakes
<http://www.dfo-mpo.gc.ca/regions/central/pub/factsheets-feuilletsinfos-orv/2-eng.htm>
2. Fish Habitat and Shoreline Stabilization Fact sheet
<http://www.dfo-mpo.gc.ca/regions/central/pub/factsheets-feuilletsinfos-orv/index-eng.htm>
3. The Dock Primer
<http://www.dfo-mpo.gc.ca/regions/central/pub/dock-quals-orv/index-eng.htm>
4. The Shoreline Primer
<http://www.dfo-mpo.gc.ca/regions/central/pub/shore-rivages-orv/index-eng.htm>
5. Operational Statements
<http://www.dfo-mpo.gc.ca/regions/central/habitat/os-oo/provinces-territoires-territoires-orv/index-eng.htm>
6. Fish Habitat and Dredging: Best Practices During Low Water Periods
7. Fish Habitat and Determining the High Water Marks on Lakes
8. Navigable Waters Protection website -
<http://canadagazette.gc.ca/rp-pr/p1/2009/2009-05-09/html/notice-avis-eng.html#d103>

**Attachment – MNR Work Permit Application
Peter Berczi, 133 Lake Drive
Lot 2, Plan 346, and Lot 20, Plan 931**

Att. 3

1. The equipment for this project shall access the project through the proponent's property or via the Bay (barge).
2. The equipment will be stored on the proponent's property during construction or within the property's side property line extensions (barge only)
3. No trees shall be cut on lands other than private lands owned by the applicant and if trees are damaged on adjacent lands as a result of the proposed works, the applicant shall replace such trees with similar nursery stock trees.
4. Entrance to the site will require a mud mat and any tracked equipment shall be off-loaded on private property to limit damage to existing road surfaces. Load limits will be posted from March 1 to some time in May.
5. If dredged material is to be removed from the site, the applicant shall ensure trucks are not draining water onto public streets as they leave the site. Load limits will be posted from March 1 to some time in May.
6. Work time shall be as noted in the Town Noise By-law.
7. It should be noted that the adjoining land owner to the east has indicated no objection subject to construction in accordance with the site plan, subject to no access on or over her property.
8. It should be noted that the adjacent land owner to the west has indicated no objection to the dredging or clean up of beach, however, concern is noted with the visual impairment and physical encroachment of a 45 metre long platform on steel posts. Concern is further noted with substantial works being completed in the summer months of July and August. The landowner has indicated he would prefer to see alternative design options that will minimize impact.
9. The raised dock boardwalk will require a Town Building Permit if it exceeds ten (10) square metres in area.
10. Town Officials are not qualified to comment on the short or long term impact on habitat or water quality following the removal of the existing rock breakwall, dredging of the boat channel and the clean up of the beachfront. The Town will rely on the Ministry of Natural Resources to consider this matter.
11. Upon issuance of any Permit by the Ministry of Natural Resources, the Ministry shall cause the said Permit to be posted fronting the street, visible to passersby for the duration of the work.

Corrina Giles, Town Clerk

Date



Town of The Blue Mountains

26 Bridge Street East
Box 310
THORNBURY, ON N0H 2P0
www.thebluemountains.ca

OFFICE OF: REG RUSSWURM, MBA, P.Eng.
Director of Engineering & Public Works
Email: russ-wurm@thebluemountains.ca
Phone: 519-599-3131 Ext 260

April 15, 2011

SENT VIA EMAIL

Stew Andrew, Lands and Water Technician
Ministry of Natural Resources
1450 7th Ave. East,
Owen Sound, ON N4K 2Z1

Dear Mr. Andrew:

Re: MNR Shoreland Permit Application, Berczi
133 Lake Drive, Town of The Blue Mountains
Our File: C476

A Staff Report regarding the above noted Shoreland Permit Application was before Town of The Blue Mountains Council on April 11, 2011. Council discussed this Application and the following motion was passed:

Moved by: R.J. Gamble Seconded by: Michael Martin

THAT Council receive Staff Report A.11.06 "Ministry of Natural Resources Work on Shoreland Permit Application – Berczi", and;

THAT Council does not support the Shoreland Permit Application of Peter Berczi for the property at 133 Lake Drive, The Blue Mountains, Carried.

Of concern to Council is that a formal process regarding Shoreland Permit Applications has not been established by the Ministry of Natural Resources and that First Nations, Department of Fisheries and Oceans and the Grey Sauble Conservation Authority are not assured circulation to receive comments on all Shoreland Permit Applications.

During the discussion, Mayor Anderson referenced her involvement as a Director with the Great Lakes and St. Lawrence Cities Initiative, being a binational coalition of Mayors and other local officials that work actively with federal, state, and provincial governments to advance the protection and restoration of the Great Lakes and the St. Lawrence River. This Application is of concern to Mayor Anderson because of the large proposed platform and the dredging.

Reg Russwurm

From: Andrew, Stew (MNR) [stew.andrew@ontario.ca]
Sent: April-15-11 3:37 PM
To: Reg Russwurm
Subject: MNR WORK PERMIT TERMS & CONDITIONS

Hi Russ here is a copy of the terms and conditions that will accompany a work permit for a client in the Thornbury area. Data will be added to the underlined areas as appropriate. If there were any Species at Risk concerns they would also be noted with in this schedule.

Stew Andrew
Lands & Waters Technician
Owen Sound Area Office

519-371-5221

SCHEDULE "D"

1. The permittee and any person acting on their behalf shall undertake the work in accordance with this Work Permit which includes the Terms, Conditions, Notes and approved Application and Sketch.
2. The permittee shall not allow Deleterious Substances, as defined in the Federal Fisheries Act, to be deposited or allowed to enter any waterbody or watercourse as a result of his or her activities.
3. If required changes to the plans must be applied for in writing. Implementation shall not occur until written approval is given by the Ministry of Natural Resources (MNR).
4. All dredged material must be disposed of by one of the following methods:
 - Hauled away in accordance with local municipal bylaws or
 - Deposited above the high water mark and stabilized to prevent re-entry into the water according to the local Conservation Authority Requirements or
 - In the absence of a Conservation Authority, stabilized above the high water mark to prevent re-entry into the water, subject to existing municipal bylaws and ownership of the land.
5. Only to provide small craft access, large boulders may be sidecast into adjacent water of similar or greater depth. Boulders are not to be used to create groynes, reefs or other such structures in the water.
6. Machinery used in the water shall have no oil or fuel leaks.
7. Refuelling, cleaning and servicing of any machinery being used is to be done away from the water to prevent deleterious substances from entering the water.
8. The permittee is responsible for the reporting of any spill of any material harmful to the environment (e.g.: fuel, oils, toxic fluids, etc.) immediately to the Ministry of the Environment Spills Action Center (1-800-268-6060). This service operates 24 hours a day 365 days a year (Part 9, Chapter 144, Environmental Protection Act. RES. 1990).
9. The permittee is responsible for the determination of contaminants within the dredged material. Any dredged material that is identified as contaminated shall be disposed of according to the Ministry of the Environment's Guidelines.
10. It is the responsibility of the permittee to establish boundaries on adjoining private lands. This is to be completed prior to the start of operations.

11. The permittee shall ensure measures are taken to minimize turbidity and siltation both during and after construction. Silt curtains should be floating on the surface and weighted to touch the bed and they should be installed **prior** to heavy machinery entering the water. Work shall stop if the silt curtains are not properly maintained during construction. MNR reserves the right to request additional siltation control measures at any time throughout the duration of the permit.
12. The Ministry of Natural Resources retains the right to request that the proposed or ongoing operations be altered and/or stopped immediately should they be considered in violation of the Terms and Conditions of this Permit or detrimental in any way to fisheries, public safety or other concerns.
13. The permittee is responsible to obtain all other permits or authorizations from the appropriate governing agencies.

NOTES

- A. Failure to comply with this Work Permit and its Terms and Conditions, including the approved Sketch, is considered a violation under the Public Lands Act, and/or the Federal Fisheries Act, and their respective Regulations. Failure to comply may result in charges being laid and/or a Court Order or a Minister's Warrant or Order being issued for the removal of the improvements and restoration of the site and/or other penalties.
- B. Direction regarding fish habitat protection has been provided by the Department of Fisheries and Oceans in their letter dated _____ previously sent to the permittee.
- C. This permit shall not be construed to represent approval or consideration of the proposal by any other government authority or agency that has jurisdiction in this matter.
- D. Commencement of this project will confirm that the permittee and contractor have reviewed the Terms, Conditions and Notes contained in this Work Permit and the permittee understands and agrees to any changes that may have been made to the original application and or sketch. (If there are any questions, please do not hesitate to contact Stew Andrew at the MNR Owen Sound Area Office [519-371-5221] prior to the start of the project).
- E. **In the Town of the Blue Mountains**, a copy of Work Permit No: _____ shall be posted fronting the permittee's street, visible to passersby, for the duration of the work.

Stew Andrew
Lands & Waters Technician
Owen Sound Area Office

M09007

June 20, 2011

Mr. Stew Andrew
Ministry of Natural Resources
Owen Sound Area Office
1450 – 7th Avenue East
Owen Sound, Ontario
N4K 2Z1

Sent Via E-mail

Re: Berczi Shoreline Works Permit Application Resubmittal
133 Lake Drive
Town of the Blue Mountains, ON

Dear Mr. Andrew,

We are in receipt of the correspondence from the Town of the Blue Mountains dated April 15, 2011 to your attention in regards to the shoreline work permit application for Mr. Peter Berczi.

With specific reference to this project, the writer on behalf of the proponent wishes to provide a brief summary of the consultations with regards to this project:

- On April 19, 2010, the writer issued a pre-consultation e-mail to the Department of Fisheries and Oceans (DFO), Grey Sauble Conservation Authority (GSCA), and the Ontario Ministry of Natural Resources (MNR). The e-mail was directed to the representatives of these agencies who are the official contacts for such and the e-mail included a description of the project, draft application forms, photos of the site, and a plan with profile for the proposed works superimposed on existing site conditions.
- On September 24, 2010, the DFO issued a letter of advice (DFO File No. BU-10-0806) for the project's construction to continue (with the same project details as later provided to the Municipality and the MNR). Please see attached copy of DFO letter.
- No response was received from the GSCA; however, this is normal practice as the proposed permanent works are below the 80th Percentile High Water Mark and the correspondence was submitted to them as a notification of proposed works adjacent to their jurisdictional area.
- On October 27, 2010, the writer issued an explanatory letter to the Town and to the adjoining neighbours of the subject property requesting their execution and return of the standard MNR comment forms. The writer subsequently provided a response to the Town's concerns on December 16, 2010, confirming that the work and equipment to accomplish such would be contained within the side property limit extensions and that access to the work area would only be from the proponent's property.
- After encouraging Town staff to advise of the issues over the period of mid-December, 2010 to April 11, 2011, the writer was informed by coincidence on the same day that the matter was to appear before Council, but no specifics of the concerning issues were provided.
- As per MNR standard procedure this project file had not yet been forwarded to the First Nations for their review by the April 11, 2011 Council Meeting, as the total scope of work

had not yet been confirmed with all agencies and thus the First Nations would not have had a complete file to comment on.

- We are not in receipt of nor have we been consulted in regards to the "further Staff Report" alluded to in Paragraph 1 of Page 2 of the April 15, 2011 correspondence from the Town.

In order to cooperate with the Town and to expedite this application, the proponent is deleting the proposed raised seasonal boardwalk structures, including the platforms and wooden posts in the existing breakwall area from the application. A future access ramp over the existing revetment is shown; however, this is to be a seasonal wooden ramping structure to provide safe access over the existing rocky revetment to the channel area. The proponent has also deleted the request for the dredging of a mooring area south of the breakwall. The dredging proposed currently is a straight channel to accommodate small recreational vessel access to Georgian Bay along with some sporadic boulder/cobble relocation as shown north of the existing breakwall. The revised works are detailed on Fig No.'s M09007-01 & M09007-P attached.

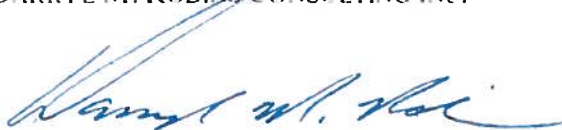
We have taken the liberty of circulating this letter and attached information to the relevant parties noted in the Town's April correspondence and to those agency representatives originally involved with the application. If any party has any concern with this letter, please provide notification to the writer as soon as possible.

By way of copy of this letter, we respectfully request that Council and Staff acknowledge Mr. Berczi's voluntary cooperation with regards to the Town's concerns and execute/return the Town comment sheet so that Mr. Berczi has some chance of securing a Contractor and completing the revised works before the regulatory in-water work season concludes on September 30th.

We would be pleased to further discuss the project details with any party. If you should have any questions or concerns with the above, please do not hesitate to contact the undersigned at the office shown.

Yours truly,

DARRYL M. ROBINS CONSULTING INC.



Darryl M. Robins, P.Eng.
President
Civil - Environmental Engineer
Designated Consulting Engineer

DMR/br

cc.: Mayor and Council, Town of the Blue Mountains, Ontario
cgiles@thebluemountains.ca

Mr. Reg Russwurm, Acting CAO, Town of the Blue Mountains, Ontario
russwurm@thebluemountains.ca

Ms. Jody Willis, Fisheries & Oceans Canada
jody.willis@dfo-mpo.gc.ca

Mr. Andrew Sorenson, Grey Sauble Conservation Authority
a.sorenson@greysauble.on.ca

Mr. Peter Berczi, Proponent
Peter.Berczi@rci.rogers.com

M09007
VIA E-MAIL
09/24/10
Dne



Fisheries and Oceans
Canada

Southern District Office
Ontario Great Lakes Area
P.O. Box 85080
3027 Harvester Road, Suite 304
Burlington, ON L7R 4K3

Pêches et Océans
Canada

Bureau de district sud
Secteur de l'Ontario et des Grands Lac
C.P. 85080
3027, chemin Harvester, suite 304
Burlington, ON L7R 4K3

September 24, 2010

Our file Notre référence
BU-10-0806

Peter Berczi
1438 Cooper Court
Oakville, Ontario
L6M 2Y8

Dear Mr. Berczi:

Subject: Proposal not likely to result in impacts to fish and fish habitat

Fisheries and Oceans Canada – Fish Habitat Management Program (DFO) received your proposal to create a flow through in an existing breakwall, dredge, and install a dock and boat launch at Georgian Bay, 133 Lake Drive, Thornbury, Ontario. To expedite future correspondence or inquiries, please refer to your referral title and file numbers when you contact us.

Referral File No.: 10-HCAA-CA4-00806
Habitat File No.: BU-10-0806
Referral Title: **Breakwall Removal, Dredge, Dock, Nottawasaga Bay, Georgian Bay, Town of the Blue Mountains**

Your proposal has been reviewed to determine whether it is likely to result in impacts to fish and fish habitat which are prohibited by the habitat protection provisions of the *Fisheries Act* or those prohibitions of the *Species at Risk Act* that apply to aquatic species.*

It is our understanding that your proposal consists of:

- Dredging of a boat channel to Georgian Bay that is approximately 200 feet long, 25 feet wide (5-7 ft wide bottom and 2X10 ft wide side slopes), four feet deep, with side slopes at a minimum 2:1 slope
- Dredging of a swim basin, adjacent to the boat launch, with side slopes at a minimum 2:1 slope
- Where rock is encountered, sides will be stepped ✓
- The lake bottom will be excavated, then covered with coarse material to stabilize the boat channel and swim basin bottom
- A minimum of 15 feet of shoreline frontage will remain undisturbed. ✓

as outlined in the following plans:



- Request for Review under the Fish Habitat Protection Provisions of the Fisheries Act, submitted by Mr. Darryl Robins on behalf of Peter Berczi on April 19, 2010.
- The attached drawing titled 'Site Plan For Shoreworks, 133 Lake Drive, Thornbury, Ontario, Mr. Peter Berczi', dated August 16, 2010.
- Drawing titled 'Shoreline Work Approvals Profile', 133 Lake Drive, Thornbury, Ontario, Mr. Peter Berczi', dated September 17, 2010.
- Drawing titled 'Site Plan For Shoreworks, 133 Lake Drive, Thornbury, Ontario, Mr. Peter Berczi', dated September 17, 2010.

The existing shoreline consists mainly of varying sizes of rocks and clay with no aquatic vegetation.

With the low water trends in Lake Huron/Georgian Bay, proposals to dredge for private boat access are increasing. DFO is concerned over the potential impacts to fish and fish habitat associated with dredging in areas where fine sediments, such as clay, are found beneath the top layer(s) of shale, sand, boulder, gravel or cobble. Wave action can result in the suspension of exposed clay and other fine sediments in the water column. The suspended material can aggravate the gills of fish and smother fish eggs and fish habitat, as they move through the water column.

During this boating season, DFO will be undergoing a review of the impacts associated with dredging in areas of the Lake Huron/Georgian Bay. Effectiveness of measures to cap the clays and fine sediments will also be assessed. Based on this review, a position and decision making process may be developed and communicated to the public.

Provided that your plans are implemented as described DFO has concluded that your proposal is not likely to result in impacts to fish and fish habitat.

You will not need to obtain a formal approval from DFO in order to proceed with your proposal.

Please notify this office at least 10 days before starting the work. A copy of this letter should be kept on site while the work is in progress.

If the plans have changed or if the description of your proposal is incomplete you should contact this office.

Please be advised that any impacts to fish and fish habitat which result from a failure to implement this proposal as described or incorporate the additional mitigation measures included in this letter could lead to corrective action such as enforcement.

Canada

This letter of advice does not allow the deposit of deleterious substance into waters frequented by fish nor does it release you from the responsibility to obtain any federal, provincial, or municipal approvals that may be needed.

Prior to work being initiated on site, a pre-construction meeting should occur to ensure that the proponent, consultant, and contractor understand the plan and the mitigation. If clarification is required please contact the undersigned.

If you have any questions concerning the above, or if my understanding of the proposal is either incorrect, incomplete, or if there are changes to the proposed works or undertakings, please contact me directly by telephone at (905) 639-6491 by FAX at (905) 639-3549, or by email at jody.willis@dfp-mpo.gc.ca.

Yours sincerely,

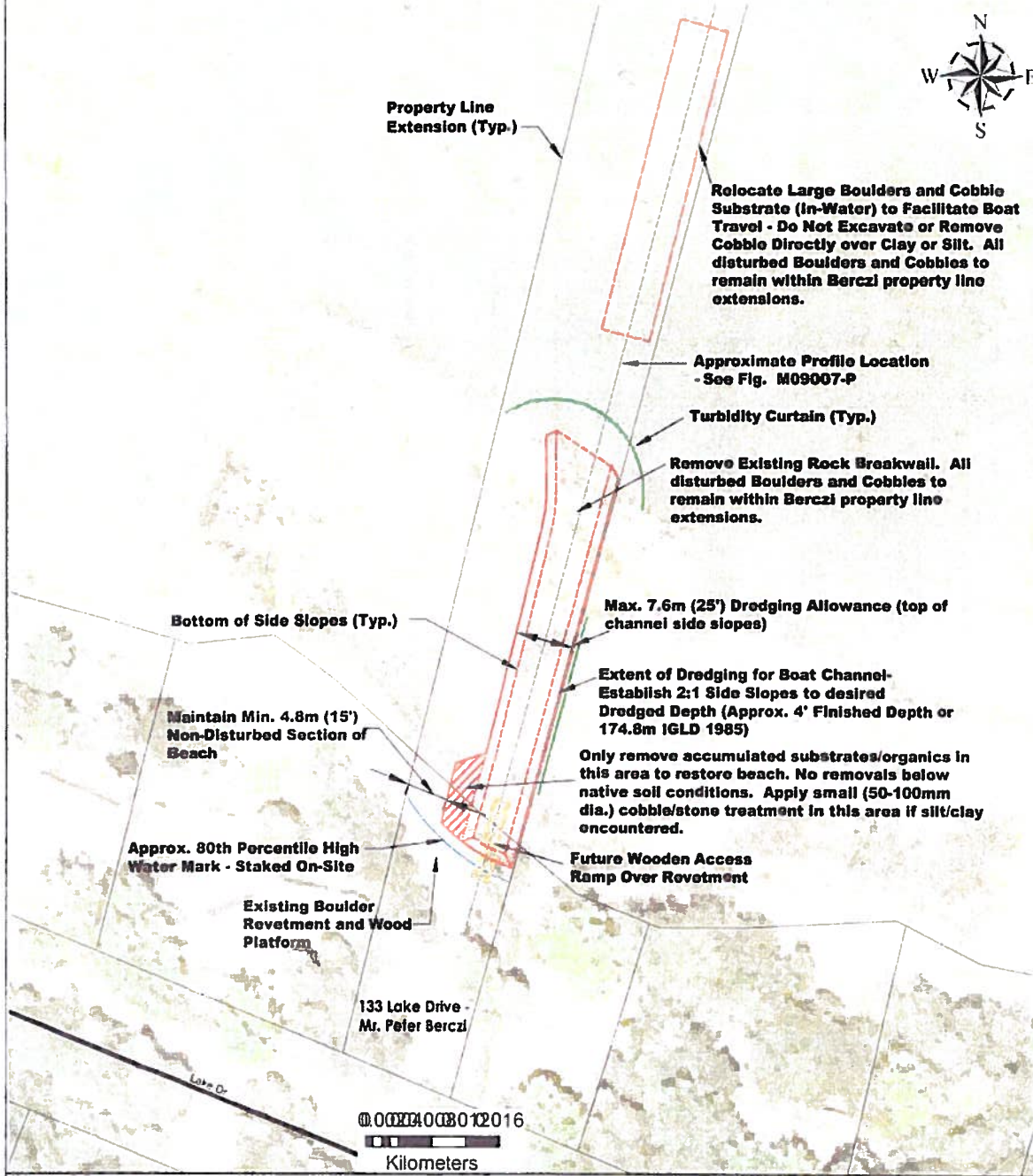


Jody Willis
Fish Habitat Biologist
Ontario - Great Lakes Area

c.c.: Stew Andrew, Ontario Ministry of Natural Resources, Owen Sound
John Bittorf, Grey Sauble Conservation, Owen Sound
Darryl M. Robins Consulting Inc., Miller Lake

Canada

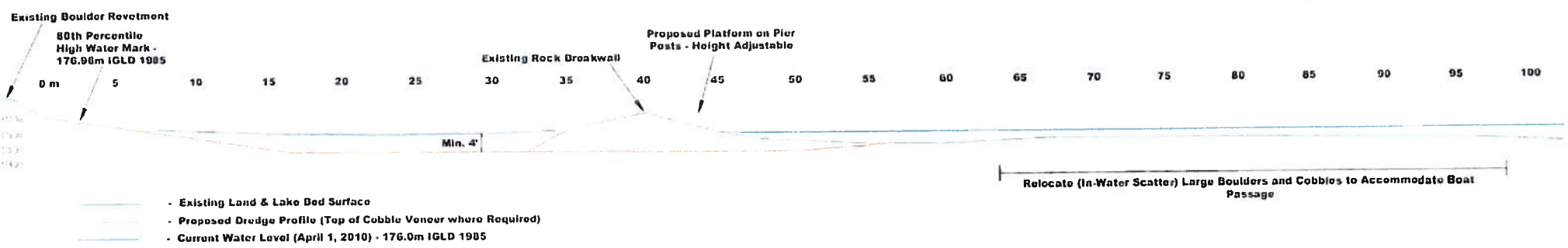
Grey County Web Mapping



NOTES: (See additional notes on Fig. No. M09007-P)

- 1 Only conduct work operations during the approved in-water timing guidelines (July 1 - September 30) for the area
- 2 Contractor is responsible to inform Owner's agent and/or all associated agencies of actual timing of construction start-up and completion
- 3 Conduct all work in accordance with work permits and letters of advice from all agencies
- 4 Do not impact neighbouring properties or shorefronts. Perform work within extensions of the side property lines of the Owner's property. The Contractor is responsible for an accurate layout of the property's dimensions
- 5 In-water construction work in exposed areas should only be completed on calm days or when water surface is still
- 6 If an opportunity exists to implement a "plug" method for dredging then the Contractor should take advantage of such
- 7 Contractor to place 100mm-200mm dia. cobble veneer in areas where dredging has exposed clay or silt to minimize erosion potential
- 8 Removed boulders to be removed from site or placed on existing breakwall at Owner's discretion

REVISED MAY 26, 2011	BOARDWALK REMOVAL		
SEPT. 17, 2010	AS PER DFO COMMENTS		
PROJECT TITLE SITE PLAN FOR SHOREWORKS			
PROJECT LOCATION 133 LAKE DRIVE THORNBUARY, ONTARIO			
CLIENT NAME MR. PETER BERCDI			
DARRYL M. ROBINS CONSULTING INC. 4844 Highway No. 5 Miller Lake, Ontario Phone / Fax: 519 755-7094 Email: drobins@aristelecom.net			
DESIGN: DMR	DRAWN BY: DMR	CHECKED BY: DMR	
DATE: APR 12 2010	SCALE: 1:500	PROJECT NO: M09007	FIGURE NO: M09007-01



Note: Proposed Docking Boardwalk and Platform are to be seasonally removed to accommodate fall, winter and spring storm wave conditions (basin boardwalk docking platform may remain during low water level periods).

Notes

- All works shall comply with the following as applicable:
1. Fish Habitat and Fluctuating Water Levels on the Great Lakes
<http://www.dfo-mpo.gc.ca/lrmp/central/pub/factbooks/factbookforonla-eng.htm>
 2. Fish Habitat and Shoreline Stabilization Fact sheet
<http://www.dfo-mpo.gc.ca/lrmp/central/pub/factbooks/factbookforonla-eng.htm>
 3. The Dock Primer
<http://www.dfo-mpo.gc.ca/lrmp/central/pub/dock-primer-eng.htm>
 4. The Shoreline Primer
<http://www.dfo-mpo.gc.ca/lrmp/central/pub/shore-primer-eng.htm>
 5. Operational Statements
<http://www.dfo-mpo.gc.ca/lrmp/central/pub/operational-statements-eng.htm>
 6. Fish Habitat and Dredging - Best Practices During Low Water Periods
 7. Fish Habitat and Determining the High Water Marks on Lakes
 8. Navigable Waters Protection Website
<http://canadagazette.gc.ca/ptp/p1/2009/2009-05-09/html/notific-avis-eng.htm#d110>

REVISED	BOARDWALK REMOVAL		
MAY 26, 2011			
SEPT. 17, 2010	AS PER DFO COMMENTS		
PROJECT	SHORELINE WORK APPROVALS PROFILE		
PROJECT LOCATION	133 LAKE DRIVE, THORNBURY, ONTARIO		
CLIENT NAME	MR. PETER BERCZI		
	DARRYL M. ROBINS CONSULTING INC.		
	4844 Highway No. 6 Mills Lake, Ontario, N0H 1Z0 Phone / Fax: 519-705-7094 Email: drobins@amtelecom.net		
Design:	Drawn by:	Checked by:	
DMR	LAS	DMR	
Date:	Scale:	Project No:	Figure No:
04/12/10	1:250	M09007	M09007-P

Corrina Giles

From: Darryl Robins [drobins@amtelecom.net]
Sent: June 20, 2011 9:17 AM
To: stew.andrew@ontario.ca
Cc: Corrina Giles; Reg Russwurm; jody.willis@dfo-gc.ca; a.sorenson@greysable.on.ca; Peter.Berczi@rci.rogers.com
Subject: Berczi Shoreline Work Application M09007
Attachments: June 20 Site Plan & Profile.PDF; Berczi DFO Letter of Advice.pdf; Letter Stew Andrew June 20, 2011.PDF

Stew:

Please find attached the following:

- Letter of resubmittal for Berczi application including background and description of changes;
- Copy of DFO Letter of Advice dated September 24, 2010; and
- Revised Site Plan & Profile for Proposed Works

As discussed, the proponent wishes to cooperate with the Town of the Blue Mountains and thus the elevated seasonal platforms and boardwalk structures have been removed from the application along with the dredging of a mooring basin, which should remedy the concerns of the Town of the Blue Mountains in that regard.

Hopefully we can receive suitable comments from the Town of the Blue Mountains as soon as possible so that the proponent has the opportunity to secure a work permit and a contractor prior to the close of the in-water working season (September 30th).

Any questions or concerns can be forwarded to the undersigned.

Thanks and regards,

Darryl M. Robins, P.Eng.
Civil – Environmental Engineer
Designated Consulting Engineer

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