



PORT COLBORNE

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December 15, 2022

Kelly Tonellato
Senior Environmental Officer, Provincial Officer #799
Niagara District Office
Ontario Ministry of Environment, Conservation and Parks
301 St. Paul Street, Floor 9 Suite 15
St. Catharines, ON L2R 7R4

Dear Mrs. Tonellato

Re: Violation Notice 1-1VTUJB; Response to MECP Correspondence Nickel Beach, Port Colborne

Attached please find the response from LCA Environmental Consultants that addresses the violation and provide the requested details regarding the items identified within the Violation Notice received August 12, 2022 and the email correspondence dated November 7, 2022.

We thank you for providing us the time to address the violation notice relating to Nickel Beach with our new Council, and would ask you to please consider our comments below.

Council understands and acknowledges that the Ministry of Environment, Conservation and Parks (“MECP”) has changed position regarding parking on Nickel beach. Notwithstanding that this practice has been in place for over 100 years, Council understands the impetus for the change and has expressed their appreciation for the on-going support and cooperation of the MECP over the years.

It is very important to the City that the importance of lake access to our community and the broader surrounding communities be conveyed to the MECP. Nickel Beach serves as one of the main tourism and economic cornerstones of the City. While in name we are a “city” we have just over 20,000 residents with household incomes below the Provincial average. For many in the city, Nickel Beach is a refuge, their place to get

away. Not only is access to the beach part of the City's culture and identity, it is in fact mandated and supported by provincial policy.

As indicated above, the City respects the environmental regulatory provisions at play – that the same time, the City has an obligation to ensure that any change of use to off beach parking follows an appropriate process that has regard proper planning and provincial policy, and for public health and safety.

Given the historical support and cooperation of the MECP, Council is very concerned with timing of what appears to be an immediate directive of MECP. In light of the long-standing practice of parking on the beach and MECPs knowledge of what Nickel Beach means to the City, we would have expected the MECP to present a more conciliatory process and related timeline. The lack of off-beach parking options in proximity to the beach is of primary concern, and will take time to develop.

The City is committed to working with the Ministry to remove vehicles from the beach and introduce enhanced measures to protect the Fowler Toad. Council has asked staff to request MECP consider a public, cooperative process to achieve the mutual objective of moving parking off the beach.

This process will need to involve consideration of access to land for parking, current use land and previous land use, environmental features, engineering, construction and grant opportunities.

By way of update, as of December 12, 2022:

- Vale has now identified that the City may be able to use the main part of their parking lot near the beach. We highlight that this decision is still under review by Vale and would require the City to engineer and build a second entrance to that lot. In the event Vale can provide access to the lot and a new entrance can be built it is estimated 60 cars could move off the beach.
- Unfortunately, Vale has not expressed support to utilize the brush area along Lake Road adjacent to their plant and tailing pond. This severely limits our parking options. We have looked at parking on Lake Road; however, the road has no pedestrian sidewalks and, due to size, basically becomes one way when cars park on it. This creates a pedestrian safety issue that is compounded by Vale's concern that the road remained barrier free to allow for emergency vehicles should they be required.
- Vale has expressed a willingness to investigate an access coming from Reuter Road. In this acknowledgement they identified the need to investigate multiple considerations first including historical usage, indigenous connection, and environmental consideration to name a few. This option will take time to evaluate the various extraneous considerations.

The proposed enhanced measures to protect the Fowler Toad and associated habitat during the transition period would include but not be limited to deploying:

- beach mats to bridge over the sand between the road entering Nickel Beach to the hard packed sand area that runs along the lake
- rope fencing to contain vehicles to compacted sand areas

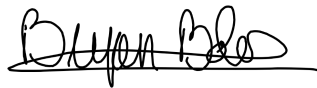
Should the MECP suggest other protective measures to deploy in the interim, we will work with the MECP to evaluate the suggested measures

We would appreciate your careful consideration of Councils' concern regarding the timing of changes at Nickel Beach and the opportunity for our teams to publicly co-operate in facilitating change in Beach operation, with the fundamental understanding that vehicles will be removed from the beach as we transition to off beach parking opportunities.

Sincerely,



Scott Luey
Chief Administrative Officer



Bryan Boles
Director, Corporate Services / Treasurer

