

NICKEL BEACH UPDATE

City Council Meeting: April 25, 2023



PORT COLBORNE

Introduction

Values & Stakeholders

- The City values responsibility – **we make tomorrow better**
- We focus on **sustainability** (new Strategic Plan)
- **Vale** as a key stakeholder (owner of the beach)
- There are very few beaches where cars are allowed on the sand
- Continued work with relevant **authorities**

Laws & Regulations

- Impacts under the *Endangered Species Act* (2007) are likely and authorization is required for the proposed activity
 - Section 9 **prohibits the killing, harming and harassing of species at risk**
 - Section 10 prohibits **damage to species at risk habitat**
- If vehicles drive on the Fowler's Toad habitat during the active season, toads that are moving between the shoreline and the dune habitat could be killed, harmed or harassed

Endangered Species Act, 2007. S.O. 2007, c.6

Species At Risk

1. To identify species at risk based on the best available scientific information, including information obtained from community knowledge and aboriginal traditional knowledge.
2. To protect species that are at risk and their habitats, and to promote the recovery of species that are at risk.
3. To promote stewardship activities to assist in the protection and recovery of species that are at risk. 2007, c. 6, s. 1.

Ministry Oversight

- The Ministry of Environment, Conservation and Parks (MECP) handles species at risk provincially.
- Examples of designated species at risk in Ontario include:
 - Barn Owl
 - Chimney Swift
 - American Eel
 - Gray Fox
 - Fowler's Toad
 - Spotted Turtle

Fowler's Toad

Fowler in Ontario, Canada & USA

- Fowler's Toad only exists along Lake Erie, within a half a kilometre of the shoreline
- It is not found anywhere else in Canada
- It requires several different habitats throughout its lifecycle
- In **Ontario**
 - 2008: Listed as **threatened**
 - 2010: Listed as **endangered**
- In **Canada**
 - 2003: Listed as **threatened**
 - 2012: Listed as **endangered**
- In **USA**
 - Currently listed as **least concerned**

Automatic Legal Protection

- Threatened and endangered species automatically receive legal protection once listed
- The Fowler's Toad and its habitat are protected:
 - Prohibition in Section 9 – protects the **species**
 - Prohibition in Section 10 – protects the **habitat** of the species



Nickel Beach

Fowler's Toad at Nickel Beach

- The documented presence of Fowler's Toad at Nickel Beach means that the species and associated habitat are protected
- Any alteration or impact needs to be completed through a permit or agreement with MECP
- Provincial legislation applies to privately owned lands

Fowler's Toad Recovery Strategy

- A Fowler's Toad Recovery Strategy has been produced to guide the protection of the species.
- Recovery of a species at risk is a process by which the decline of an endangered, threatened or extirpated species is stopped or reversed, and threats are removed or reduced to improve the potential for a species' persistence in the wild.

Nickel Beach

Sensitive Areas Map 1



Sensitive Areas Map 2



Communication with the Ministry



July 25, 2017

- Proposed beach maintenance
- *Endangered Species Act, 2007*

COVID



Sept. 17, 2020

- Annual municipal beach activities for 2020



Aug. 12, 2022

- MECP Violation Notice
 - Grading occurred on May 5/6 instead of May 1
 - Western Fence Replacement
 - Gravel
 - On-beach parking



Sept. 9, 2022

- City's response
 - Safeguards
 - May 1 not an "all-in" date
 - Health and safety
 - Not toad habitat

Ministry of Natural Resources

Ministry of Environment, Conservation and Parks (MECP)



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Local MECP rep removed from file

Communication with the Ministry



Sept. 28, 2022

- MECP looking for steps to restore habitat
 - Western fence
 - Gravel
 - On-beach parking



Oct. 20, 2022

- City's response
 - Western fence (health and safety)
 - Gravel (rehabilitation area)
 - Enhanced training and beach manual



Dec. 13/15, 2022

- City's response
 - Western fence (health and safety)
 - Gravel (will remove and rehabilitate)
 - Possible parking information gathering form
 - Dune restoration request (similar to 2022 activity)



Dec. 15, 2022

- City's response
 - Response to MECP acknowledging the City will work towards off-beach parking

Ministry of Environment, Conservation and Parks (MECP)



Communication with the Ministry



Jan. 18, 2023

- MECP response
 - Looking for alternative to western fence
 - Approved to restore gravel area
 - On-beach authorization required



Jan. 31, 2023

- City formally communicates amenities location



Feb. 28, 2023

- City shares Council Report with MECP



Today

Storm took the fence away.
It will not be replaced.

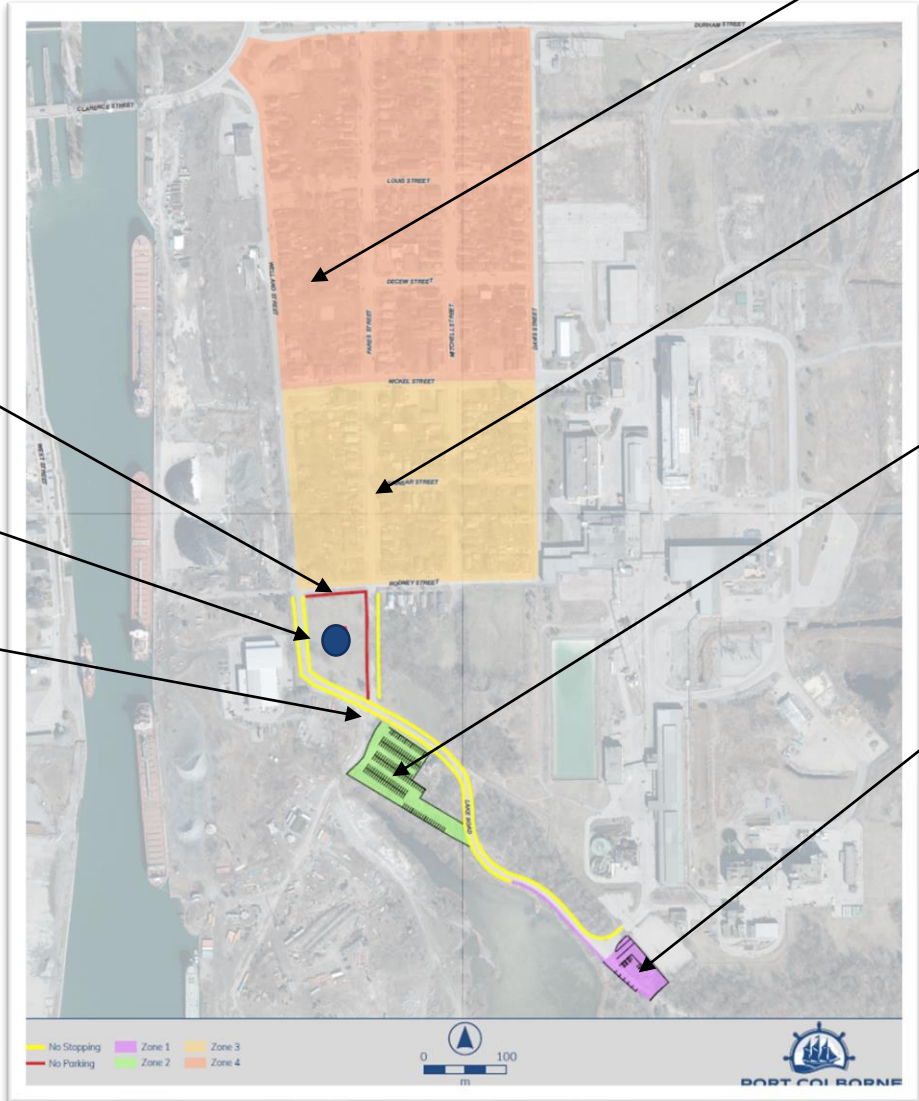
Ministry of Environment, Conservation and Parks (MECP)

Parking Zones

No Parking on Road

Zone 2B (in discussion with Vale)

No Stopping on Road



Zone 4

Zone 3

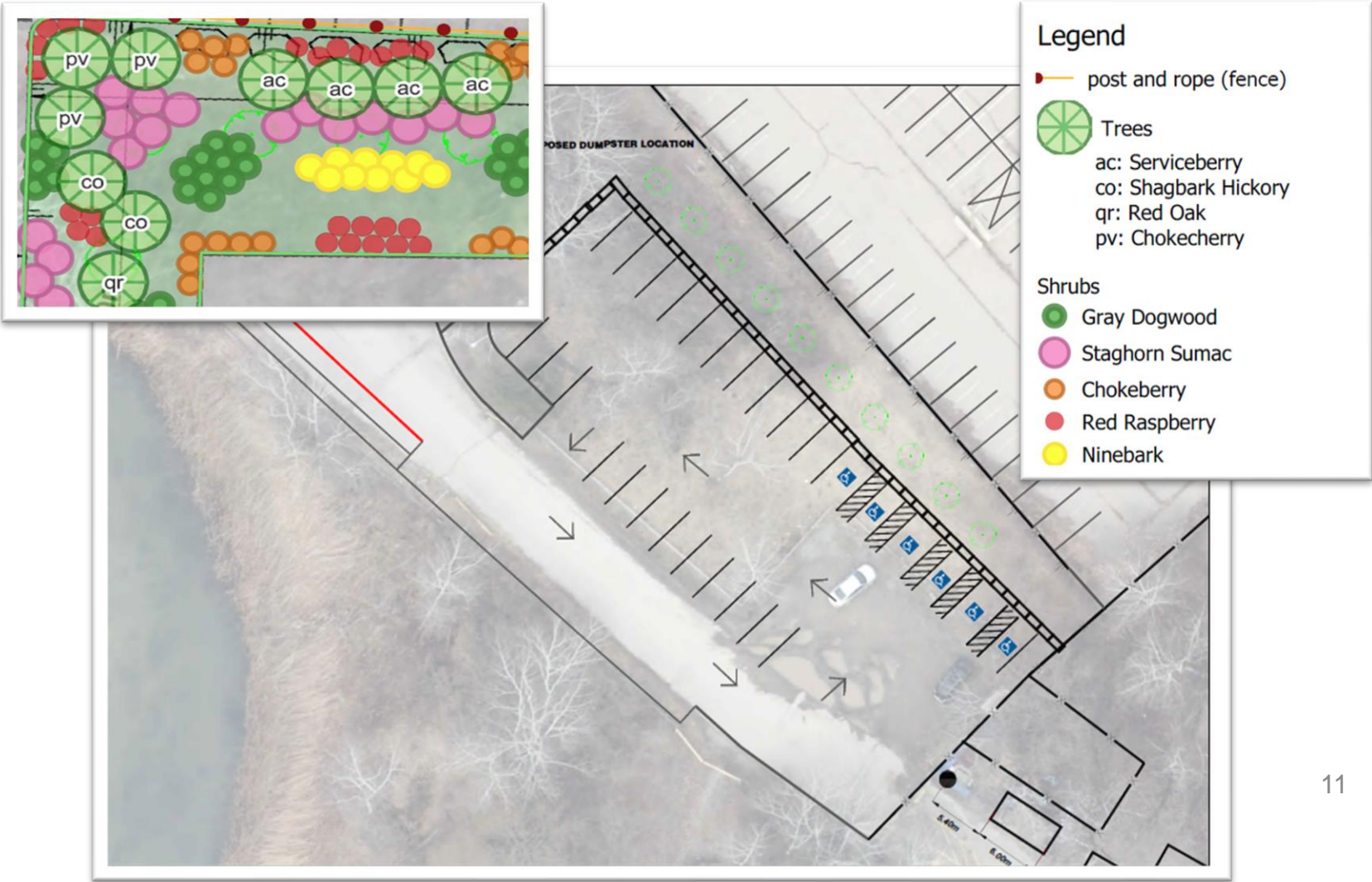
Zone 2A

Zone 1

Zone 1

Layout

- Originally this area included the upper Vale parking lot. That is no longer possible.
- Plan for the entrance area include:
 - Planting with native trees and shrubs
 - Paved area (something users have asked for repeatedly over the years)



Zone 2A

Layout

- Goal is to have two entrance/exits
 - Second entrance/exit might come later
- Planning for tree planting around the perimeter of the property
- As identified in Report 2023-32 the City has reached out to the homeowner directly beside Zone 2A

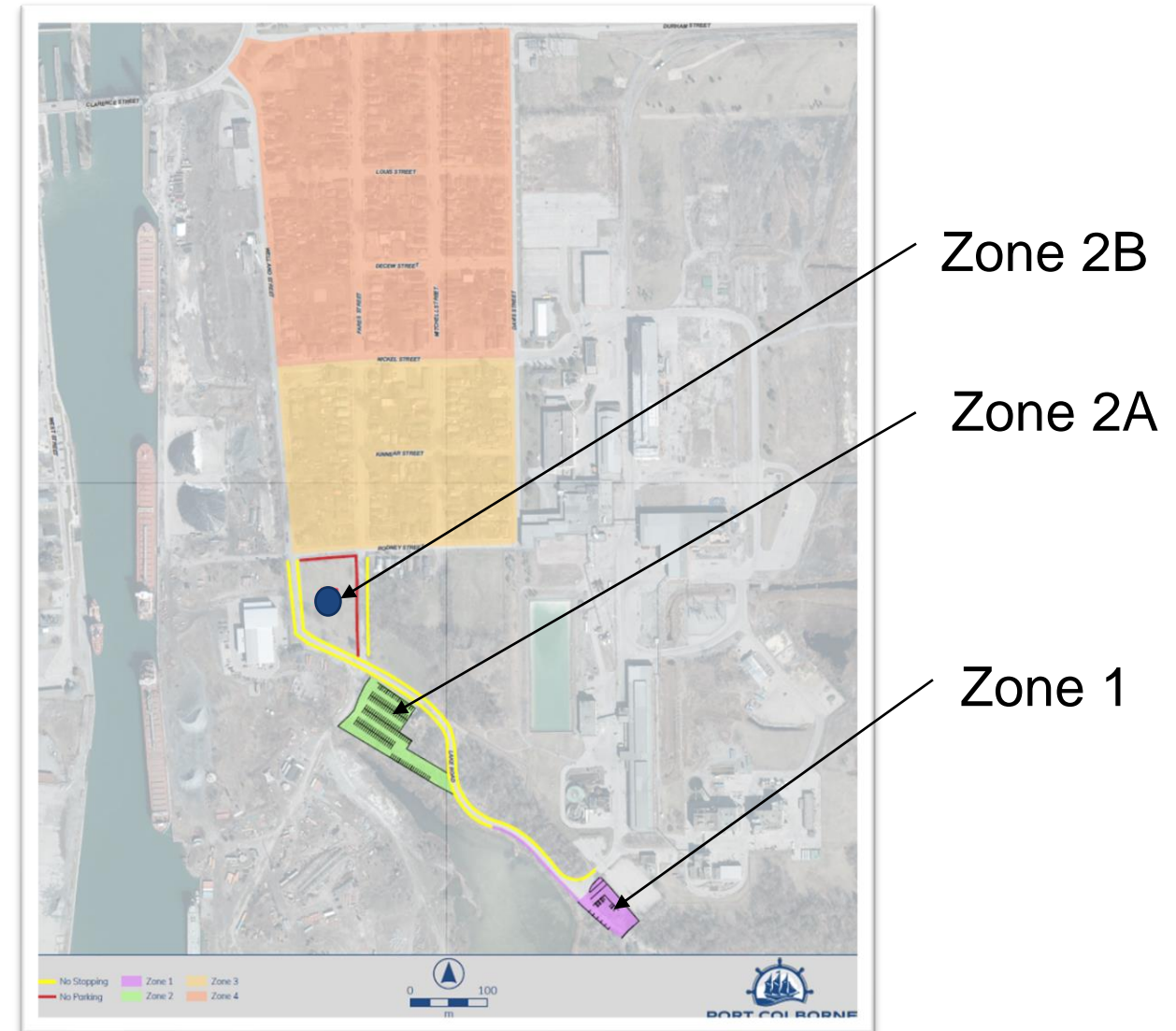


Parking Zones 1 and 2A/B

Zones 1 and 2A/B

Hours of Operation

- Victoria Day weekend to end of September
 - 7 am to 9 pm
 - Closed with fines outside of these hours
- All other Times
 - To follow Park Bylaws of dawn to dusk



Bylaw adjustments to come May 9

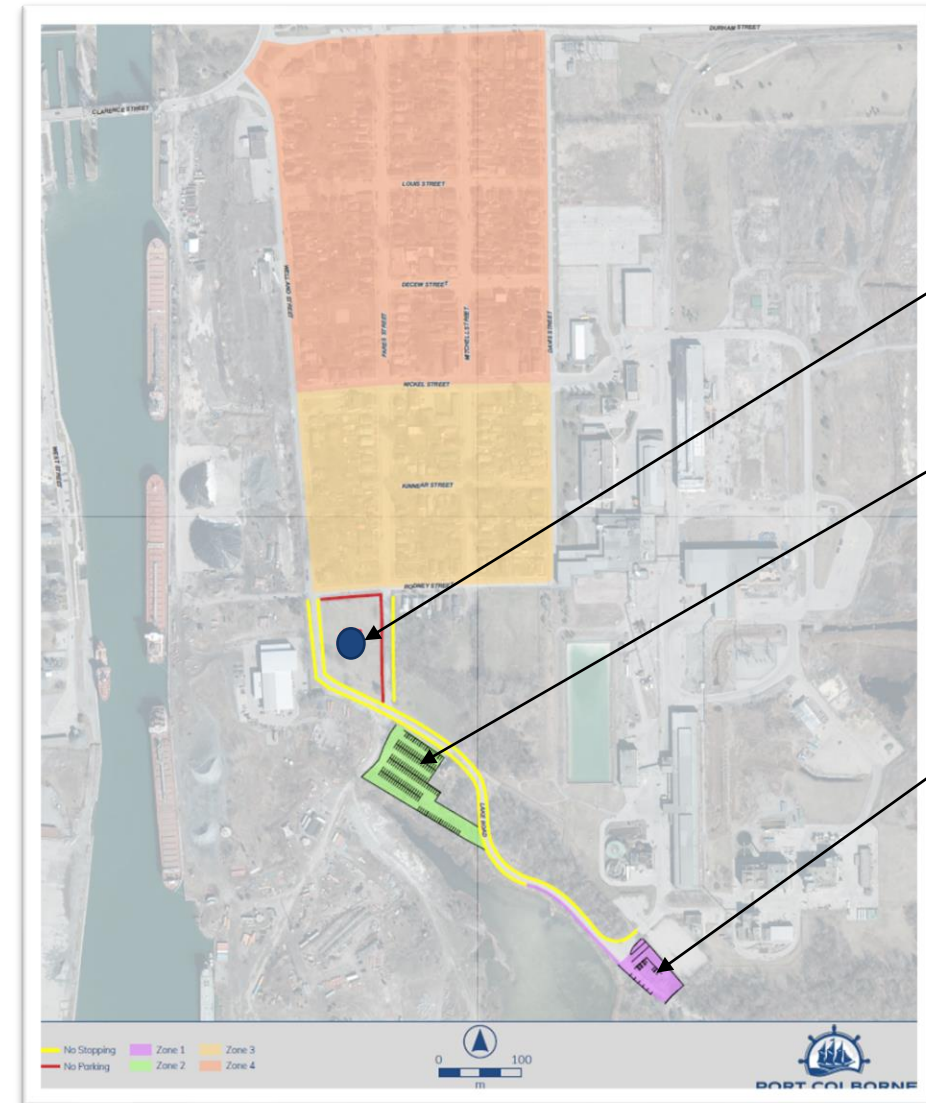
Parking Zones 1 and 2A/B

Zones 1 and 2A/B

Pricing

- Victoria Day weekend to end of September
 - **Zone 1**
 - Monday to Thursday \$40 plus HST
 - Friday to Sunday and Holidays \$50 plus HST
 - Accessible spots to be charged Zone 2A/B rates
 - **Zone 2A/B**
 - Monday to Thursday \$20 plus HST
 - Friday to Sunday and Holidays \$30 plus HST
 - Free with PORTicipate Pass
- All other times recommended as free

Note: Fines to be proposed for infractions



Zone 2B

Zone 2A

Zone 1

Bylaw adjustments to come May 9

Parking No Parking and No Stopping

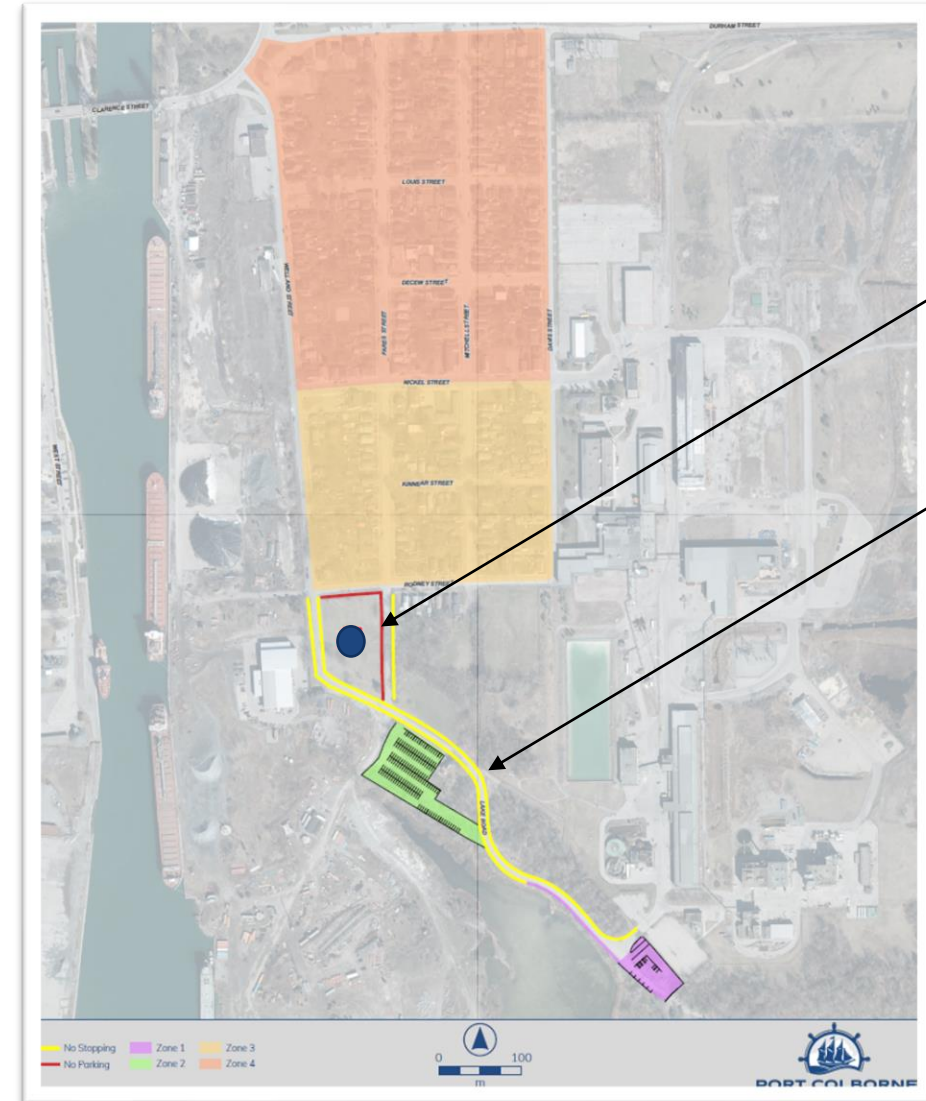
No Parking on Road

- **Kiss and Ride**
 - Area to drop off and pick-up
 - Goal: Limit vehicle access on the road going into the beach for health and safety reasons

No Stopping on Road

- **No stopping**
 - No parking or stopping on the road
 - Goal: Keep roads open for emergency vehicles for both Nickel Beach and Vale

Note: Fines to be proposed for infractions



No Parking on Road

No Stopping on Road

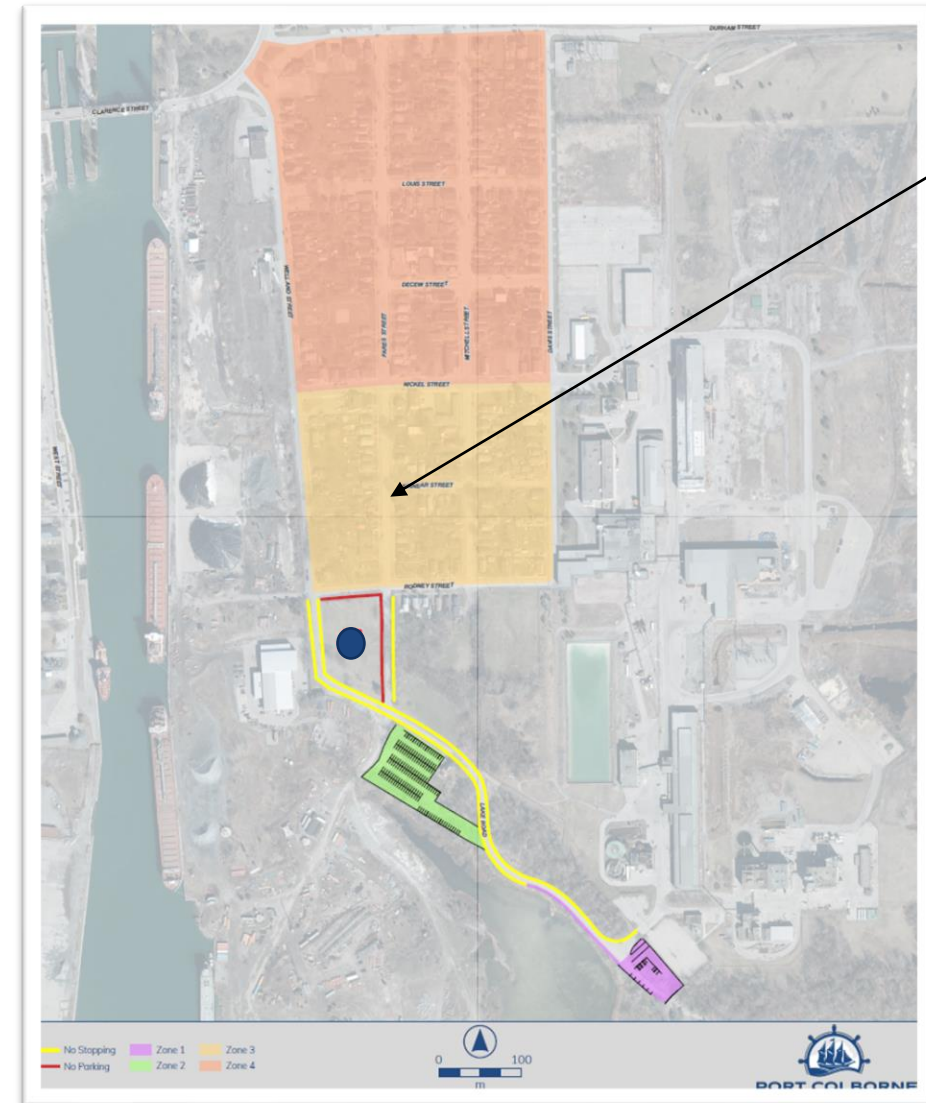
Parking Zone 3

Hours

- Same hours as Zone 1 and Zone 2 A/B
- Same fines as Zone 1 and Zone 2 A/B

Pricing

- Free with PORTicipate Pass
- Zone 2 A/B parking pricing to apply Victoria Day weekend to end of September, otherwise free parking
- Residents in the area hosting events with multiple guests can receive a temporary permit through Customer Service
- Hourly option not recommended
 - The goal with establishing Zone 3 is to limit non-local traffic into the subdivision
 - Hourly parking could provide incentive for short term stays and increase traffic



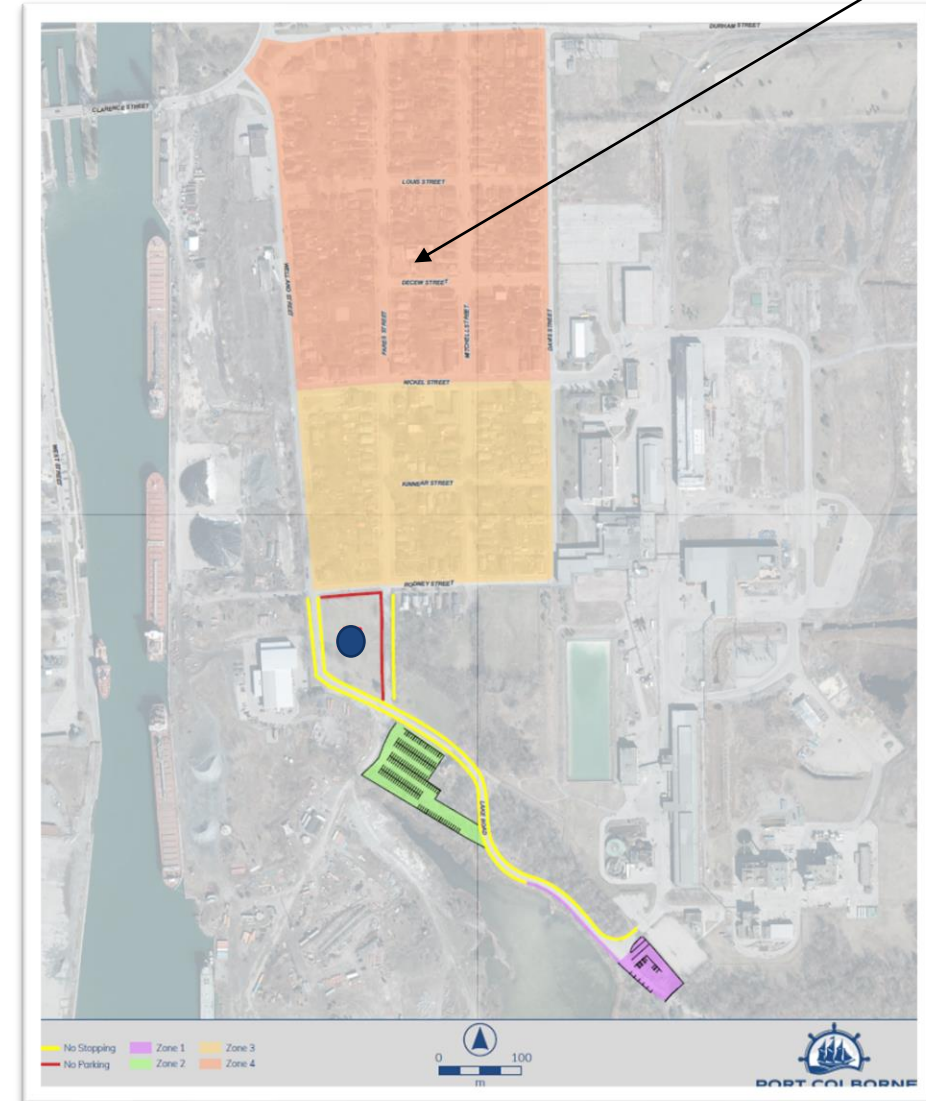
Zone 3

Parking Zone 4

Zone 4

Proposed approach

- Update parking bylaw to include the same rules as Zone 3
 - Signage would not be installed leaving the area unenforceable
- Should parking from Nickel Beach move into Zone 4 signage would be installed and Zone 4 would be treated the same as Zone 3
- Alternative option for residents in the area who may be hosting events with multiple guests



Bylaw adjustments to come May 9

Parking Lot Budget

Report 2023-32

- Council Approved \$1.3 million from the infrastructure reserve
- Goal for parking revenue to repay the infrastructure reserve

Update

- New estimate approximately \$800,000, largest factors include
 - Impact of not building upper Vale
 - Impact of not having to asphalt Zone 2A
- The City continues to review grant funding opportunities

Beach Operations

Transportation

- Unsolicited offer (test basis)
- Cost approximately \$70,000
 - 2 drivers (in six seater golf carts) when open
 - Friday to Sunday – Victoria Day weekend to end of September
 - Monday to Thursday – Last Day of school to Labour Day weekend
- Assist visitors between parking lots and the front of the beach
 - No access to go on the beach presently – staff are looking at an IGF with the MECF
- Fund through Beach Reserve established to fund +/- from beach operations

Reducing items visitors need to carry

- A limited number of beach chairs will be available for rent at a cost of \$5 per chair
- Take a toy, leave a toy bins

Beach Hours

- From Victoria Day weekend to the end of September the beach gate will be locked 9pm to 7am.

Parking Spots

- Zone 1 and Zone 2 A/B will provide just over 200 spots in 2023, we limited capacity to 200 in 2022

Beach Finances



Nickel Beach
For the Twelve Months Ending December 31, 2022

	YTD Dec ACTUAL	2022 BUDGET	VARIANCE	VAR %
Revenue				
Lease Income	\$6,080.59	\$4,500.00	\$1,580.59	35.12%
Fees	362,537.14	405,000.00	(42,462.86)	(10.48%)
Total Revenue	368,617.73	409,500.00	(40,882.27)	(9.98%)
Expense				
Salaries and Wages - Part Time	13,269.63	17,800.00	(4,530.37)	(25.45%)
Salaries and Wages - Students	93,207.14	107,800.00	(14,592.86)	(13.54%)
Employee Benefits	11,127.52	25,100.00	(13,972.48)	(55.67%)
Cleaning Supplies	842.52	3,500.00	(2,657.48)	(75.93%)
Comm and Public Relations	4,504.44	5,000.00	(495.56)	(9.91%)
Contract Services	94,036.95	98,500.00	(4,463.05)	(4.53%)
Office Supplies		1,500.00	(1,500.00)	(100.00%)
Program Supplies	569.65	1,200.00	(630.35)	(52.53%)
Protective & Uniform Clothing	726.90	1,300.00	(573.10)	(44.08%)
R&M - Grounds	3,971.12	5,500.00	(1,528.88)	(27.80%)
Staff Training & Development		2,000.00	(2,000.00)	(100.00%)
SME - Consultants	24,658.50		24,658.50	0.00%
Subscriptions and Publications		16,000.00	(16,000.00)	(100.00%)
Telephone/Internet	431.53	1,300.00	(868.47)	(66.81%)
Total Expense	247,345.90	286,500.00	(39,154.10)	(13.67%)
Surplus/(Deficit) Before Allocation	121,271.83	123,000.00	(1,728.17)	(1.41%)
Allocation:SSE	119,737.10	122,250.00	(2,512.90)	(2.06%)
Surplus/(Deficit) After Allocations	1,534.73	750.00	784.73	104.63%
Transfer to/ (from) Reserves	1,534.73	750.00	784.73	104.63%
Total Transfers	1,534.73	750.00	784.73	104.63%

- Last year the beach transferred \$1,535 to the beach reserve.
- Changes to fees
 - Make HST in addition, instead of included
 - The absence of the biologist consultant would have seen a transfer of \$68,656 (\$1,535 + \$24,659 + \$42,463)
- Models show that with approximately 250 parking spots the budgeted revenue can be achieved assuming 52% use
- Lot construction as proposed should result in 250 parking spots
- Staff have been turning away vehicles in the past
- Should a negative operating balance arise in 2023, the beach reserve currently sits at \$198,165.

Next Steps

Operational Initiatives

- Update Vale lease agreement to incorporate parking lots
- Complete parking lots
 - Goal remains the Victoria Day weekend
 - Staff will continue to update Council as the projects proceed
- Set-up amenities (washrooms)
- Install video security

Communications & Engagement Initiatives

- Update required bylaws with Council May 9
- Deploy robust marketing strategy
- Signage strategy for parking and beach operations
- Establish stakeholder group to support the dune restoration
- Research IGF for golf carts on the beach to transport visitors
- Hired biologist to study Fowler's Toad at Nickel Beach

Thank you!



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