

---

# HALDIMAND COUNTY

## Report CDP-04-2021 Community Partnership Program – Dunnville Thompson Creek Park Ducks Unlimited Canada Operating Agreement Update



For Consideration by Council in Committee on June 22, 2021

---

### OBJECTIVE:

To approve a request from Ducks Unlimited Canada (DUC) to undertake required capital repairs in the wetland at Dunnville Thompson Creek Park, including terminating the existing Lease Agreement and entering into a new Lease Agreement between Haldimand County and DUC to correspond with the anticipated twenty-year lifespan of these repairs.

### RECOMMENDATIONS:

1. THAT Report CDP-04-2021 Community Partnership Program – Dunnville Thompson Creek Park Ducks Unlimited Canada Operating Agreement Update be received;
2. AND THAT the request from Ducks Unlimited Canada to undertake capital repairs in the wetland at Thompson Creek Park, entirely at the expense of Ducks Unlimited Canada, be approved;
3. AND THAT project approval is conditional upon compliance with Community Partnership Program Policy 2011-01 and County installation standards, permits and processes;
4. AND THAT a lease agreement between Haldimand County and Ducks Unlimited Canada to correspond with the anticipated twenty-year lifespan of these repairs, be approved;
5. AND THAT a by-law be presented for enactment, authorizing the Mayor and Clerk to execute the lease agreement.

**Prepared by:** Katrina Schmitz, Manager, Community Development & Partnerships

**Revised & respectfully submitted:** Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

**Approved:** Craig Manley, MCIP, RPP, Chief Administrative Officer

### EXECUTIVE SUMMARY:

In 1998, the former Regional Municipality of Haldimand-Norfolk entered into a thirty-year Lease Agreement with Ducks Unlimited Canada (DUC) for the ongoing management and maintenance of the 45-acre Dunnville Thompson Creek Park (wetland and grassland).

In 2018, Dunnville Horticulture Society (DHS) received approval through Report PED-COM-09-2018 to undertake a revitalization of Thompson Creek Park to create an outdoor classroom and eco-centre.

During the revitalization project, DHS and Haldimand County were approached with an opportunity to enter into a five-year Habitat Conservation Agreement with the City of London, including approximately \$235,000 worth of work on the site. The province allows this type of agreement to be entered into when a proponent removes protected habitat for infrastructure work and cannot find a comparable area to replace that habitat. The City was unable to meet this obligation in its region and turned to DUC—as

its agent for the remediation—to find another suitable location. DUC identified the grassland section of Thompson Creek Park as an ideal location within Ontario’s Carolinian habitat. The proposal required the County to:

- Amend the original 1998 Agreement to include only the wetland portion of Thompson Creek Park, to be managed and maintained by DUC’s Conservation Programs Division; and
- Enter into a new five-year Agreement with the City of London—with DUC’s Restoration and Client Services Division as agent for the City—for the management and maintenance of the grassland portion of the Park.

These amendments were approved through Report CDP-02-2019 and Memorandum CDP-M02-2019.

The current request from DUC’s Conservation Programs Division is to replace a control structure in the wetland (as it is corroded) and complete minor dyke repair work and upgrades to ensure the site meets the 1:100 year storm requirement for regulatory bodies. All costs associated with this project—including detailed design and engineering, regulatory permits and construction—will be the responsibility of DUC.

Staff have reviewed the request and support both the capital work and the request to terminate the existing Lease Agreement and execute a new twenty (20) year Agreement which clearly identifies the legal description of the lands and addresses County risk mitigation standards which were not outlined in the current Lease Agreement.

## **BACKGROUND:**

Haldimand County’s Community Partnership Program (CPP) is intended to encourage and enhance strategic partnerships to the benefit of community stakeholders and the municipality, offering a simple, streamlined and customer-focused approach. The Program is intended to balance the rigor of the review process—necessary to ensure legitimate public interest issues are addressed—with flexibility and respect for the value of the partnership with the proponent.

Ducks Unlimited Canada (DUC) has been a long-time partner with the municipality for the ongoing management and maintenance of Dunnville Thompson Creek Park, including contributing significant financial resources to the viability of this important ecological area.

At this time, the request from DUC is for:

- (i) Approval to undertake the proposed capital maintenance work on Haldimand County property, entirely at DUC’s expense; and
- (ii) Approval to amend the existing Lease Agreement associated with the wetland portion of Dunnville Thompson Creek Park for a term that corresponds with the anticipated lifespan of the above-noted capital improvements.

## **ANALYSIS:**

### **The Project:**

The request from Ducks Unlimited Canada (DUC) to undertake capital maintenance of the wetland area in Thompson Creek Park represents an ongoing more than twenty-year commitment to the Park and its habitat. The details of the work include:

- Developing detailed design drawings showing the proposed replacement of a control structure, which has corroded, in the wetland and completing minor dyke repair work and upgrades to ensure the site meets the 1:100 year storm requirement for regulators;

- Securing all required authorizations and permits (Ministry of Natural Resources and Forestry, Grand River Conservation Authority, Fisheries and Oceans Canada, etc.);
- Ensuring DUC and its contractors retain \$5 million in liability insurance for the project; DUC to provide Certificates of Insurance for this;
- Providing all funding for the project. (There will be no cost to the County for this work.); and
- Undertaking the work during the dry period of the summer.

Staff are supportive of the proposal, as presented, and will work with DUC during the implementation.

### **The Agreement:**

Along with the proposed capital work, DUC has further requested amendment of the existing wetland Lease Agreement to correspond with the anticipated lifespan of the proposed capital investment, estimated to be twenty (20) years.

Legal & Support Services staff provided assistance in developing a new Agreement based upon current corporate lease and risk management standards, which met the objectives of both DUC and Haldimand County, while ensuring the flexibility to accommodate the current—and any possible future Agreements—associated with the grassland area of the Park. Further, the new Agreement requires additional provisos for DUC such as documented inspections, responsibilities for safeguarding the public, its volunteers and employees, insurance requirements that were not specified in the current Agreement, indemnification and that any installations at the termination or expiration of the Agreement become the property of the County. Due to proposed twenty (20) year term, it is also recommended that the Agreement be registered on title as authorized by by-law.

### **Project Review & Community Benefit:**

The proposal and all related documentation were reviewed by County staff and were favourably received as they meet the following CPP priorities and objectives:

- (i) Community Vibrancy and Healthy Community;
- (ii) Corporate Image and Efficient Government;
- (iii) Creates or maintains public infrastructure;
- (iv) Reduces the cost of government services by optimizing partnership resources; and
- (v) Capitalizes on collective energies and expertise of participating groups.

### **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

### **STAKEHOLDER IMPACTS:**

This application was assessed and supported by staff from Facilities Capital & Asset Management, Facilities, Parks, Cemeteries & Forestry Operations and Legal & Support Services.

### **REPORT IMPACTS:**

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. Original Lease Agreement (1998) – Regional Municipality of Haldimand-Norfolk and Ducks Unlimited Canada.
2. 2019 Amended Lease Agreement (wetland) – Haldimand County and Ducks Unlimited Canada.
3. 2019 Habitat Conservation Agreement (grassland) – Haldimand County and City of London.
4. Proposed New Lease Agreement (wetland) – Haldimand County and Ducks Unlimited Canada.
5. Proposed By-law to Enact New Lease Agreement.