

United Townships of Head, Clara & Maria Council

Request for Decision

Type of Decision									
Meeting Date	Monday, September 12, 2022				Report Date	Wednesday, September 7, 2022			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed
Report #22/09/12/1202- Vessel Operation Restriction Regulation									

Subject: Implementation of a Vessel Operation Restriction on Mackey Creek Waterway

Recommendation: That Council consider public input received in providing direction to staff on proceeding with a final application to implement a Vessel Operation Restrictions Regulation to establish a speed limit on Mackey Creek waterway.

Resolution:

Resolution No.: 22/09/12/1001

Moved by Councillor _____ and seconded by Councillor _____

WHEREAS Council received a request that the Municipality seek a Vessel Operation Restriction to establish a speed limit of 5 km/hr along the waterway from Highway 17 to the corner past property #190 on Jennings Road;

THEREFORE BE IT RESOLVED THAT Council of the United Townships of Head, Clara and Maria does hereby direct staff to work with Transport Canada in requesting that a restriction be implemented on Mackey Creek waterway.

Background/Executive Summary:

In July 2021, Council received a petition from residents on Jennings Road/ Highway 17, asking Council to take the necessary steps, including erecting signage along the waterfront, to mitigate ongoing issues of shoreline erosion on private properties along the waterway. A Vessel Operation Restriction was also requested to establish a speed limit along that waterway. It was signed by ten residents at six different properties. Since that time, signage was erected at all municipal boat launches stating that “no person shall operate a power-driven vessel at a speed in excess of 10 km/h within 30 m of the shore”.

A letter was sent to Council on July 4th, 2022 requesting that “the Municipality to move forward expeditiously in contacting Transport Canada’s Office of Boating Safety to request a Vessel Operation Restriction Regulation to establish a speed limit of 5 km/hr along this stretch of waterway from Hwy 17 to the corner past property #190 Jennings Road”.

On July 21st, 2022, Council passed Resolution No.: 22/01/21/001 directing staff to submit a preliminary application to Transport Canada to have a 5km/hr speed limit implemented on the Mackey Creek waterbody. On August 4th, 2022 Staff received notification from Transport Canada that the preliminary application looked good, and that Council could proceed with filing a formal application. Before doing so, the process of public consultation started. The community was invited to attend a public meeting on Saturday, August 20th, and/or to provide a written submission to the Clerk over a two week period. The minutes of the public meeting and a copy of all written submissions have been enclosed in the council package.

Key objectives of the public consultation process include:

- Reviewing potential solutions;
- Seeking support from the community;
- Educating users of the body of water;
- Assessing whether or not existing legislation or regulations apply; and
- Assessing whether or not any non-regulatory solutions exist for stopping undesirable or prohibited behaviour.

Consultation should help to clearly establish the advantages (benefits) and disadvantages (costs) of the solutions submitted. It can also establish potential impacts of the regulations on businesses, landowners and all other affected parties.

From the consultation process the following potential solutions were provided:

Property owners installing a break wall at their own expense;

Property owners having driftwood at shoreline;

Leaving more natural habitat at the water's edge; and

Dealing with "bad behaviours" under existing legislation.

One member of the public, in attendance of the public consultation meeting, expressed support of the proposed regulation. The other attendees, who spoke at the meeting, did not show support of implementing the restriction. The written responses received, were not in support of implementing the proposed regulation.

Educating users of the body of water is an on-going process, across multiple jurisdictions that will continue now and into the future.

Existing legislation and regulations apply; there are concerns that it is not effective and select few choose not to follow existing regulations.

Non-regulatory solutions have been listed above.

Concerns have been raised by the public that they do not want their tax dollars to pay for the issue of shoreline erosion, which includes that for signage and/or increased costs associated with OPP patrol and response to complaints. At the public meeting it was noted that property owners have paid for their own signage that is on their property. Current signage at municipal boat launches has been paid through the municipal budget. The OPP has said that they do not anticipate additional costs for patrol, unless otherwise requested by Council. The only change from OPP's perspective would be in regulation; and not time or resources allocated to patrol. The municipality is billed on a cost per call basis, and therefore additional calls for service would result in additional costs to the municipality.

Concerns were expressed about the potential long-term effects on the business located in the impacted area, and that the implementation of a speed limit on Mackey Creek may negatively affect the amount of business received.

Concerns were expressed that Council is focusing on shoreline erosion in only one area of the municipality; not as a whole, and whether or not implementing a restriction in one area of the municipality would set a precedent.

Staff is waiting for a reply from Transport Canada concerning the municipality's obligation to consult Indigenous communities; otherwise the public consultation process has been completed. Council needs to consider the input submitted by the public and determine whether or not to proceed with submitting a formal application to Transport Canada to have the speed limit implemented on Mackey Creek. The deadline for submission is September 15th of any given year to be included in next year's boating season.

Financial Considerations/Budget Impact:

As listed above.

Enclosed:

Written submissions to Council – public input on VORR

Approved and Recommended by the Clerk

Crystal Fischer,
Clerk/Treasurer