

United Townships of Head, Clara & Maria Council

Request for Decision

Type of Decision									
Meeting Date	Thursday, July 21, 2022				Report Date	Monday, July 18, 2022			
Decision Required	X	Yes		No	Priority		High	X	Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed
Report #22/07/21/601- Vessel Operation Restriction Regulation									

Subject: Request to Implement a Vessel Operation Restriction on Mackey Creek Waterway

Recommendation: Council to provide direction to staff on implementing a Vessel Operation Restrictions Regulation to establish a speed limit on Mackey Creek waterway.

Resolution:

Resolution No.: 22/07/21/001

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”.

According to the Local Authorities Guide - Operation Restriction Regulations provided by Transport Canada the following information applies:

As a local authority, the municipality can ask the federal government to restrict any pleasure craft on all bodies of water in Canada. Only a local authority can apply for a vessel restriction. Local community and citizen groups’ must seek the support of a local authority to address waterway concerns or conflicts.

Vessels may be restricted to work towards enhancing safety, protecting the environment and/or protecting the public interest.

As a local authority, a Vessel Operation Restriction Regulation should be used as a last resort for solving problems.

If Council wishes to proceed with a Vessel Operation Restriction, a preliminary assessment of the issue needs to be completed in which Transport Canada will determine if regulator intervention is

necessary and the potential impacts and challenges of the regulatory process.

If the preliminary application meets the criteria of Transport Canada, a formal request will then be required, which includes information on the source and cause of the problem(s), evaluation of various options for resolving the problem, public consultation and a cost-benefit analysis.

A formal application may be submitted at any time during the year; however, to be considered and potentially put in place for the following year's boating season, Transport Canada must receive the application no later than August 15th.

Due to the short time line required to have the application submitted, staff have concerns that the entire application process may not meet the required deadline. A clear answer was not provided as to how much time Transport Canada requires to review and approve a preliminary application.

The Vessel Operation Restriction Regulation Guide has been included for a full overview of the application requirements and process.

Financial Considerations/Budget Impact:

There is no cost for the application, however in correspondence with Transport Canada, it was noted that through the process of requesting the restriction implementation, the municipality will need a letter from local police (OPP) stating that they agree to enforce the proposed area, which may result in associated costs if another officer is required for manpower or additional equipment is required for the area, etc.

Other costs will include signage, public education and staff time in completing the applications.

Enclosed:

Vessel Operation Restriction Regulation Guide
Letter to Council – E. Villeneuve

Approved and Recommended by the Clerk

Crystal Fischer,
Clerk/Treasurer