

**TO:** Mayor Peter Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**   
Karen MacTavish, Director, Parks and Recreation Services

**DATE:** July 9, 2002

**SUBJECT:** Development of Boating Restrictions on HRM Urban Lakes

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**INFORMATION REPORT**

**ORIGIN**

Requests from Councillors for boating restrictions and requests arising from the By-Law Rationalization process regarding the two existing lake by-laws in HRM: City of Dartmouth By-Law L-100-Lakes and City of Halifax Ordinance 158-Lakes.

**BACKGROUND**

In recent years, HRM has received complaints from the public regarding boating on urban and near urban lakes. Increasing demand for lake access by individuals using recreational motorized water craft, combined with a surge in popularity of new types of motorized craft (i.e. jet skis) has resulted in greater usage of these boats on lakes throughout HRM. Subsequently, there has been an increase in concerns expressed by HRM citizens who use and reside close to waterways regarding the impact of motorized water craft on safety, noise levels, shoreline property, and the environment. In addition, it has been brought to our attention by the Canadian Coast Guard that existing lake by-laws (see above) are not enforceable as they are beyond HRM's jurisdiction to enact and enforce. As a result, there is a requirement to clearly define boating regulations and restrictions on HRM lakes, beginning with four of the most frequently used urban lakes in the region - Lake MicMac, Lake Banook, Kearney Lake, and Sandy Lake.

Boating RestrictionsDISCUSSION

The municipality does not have the right to pass by-laws restricting boating activity as this issue falls under federal jurisdiction. Instead, there is a process in place whereby municipalities can apply for regulations to be enacted by the federal government. The procedure for making a formal application to establish these regulations, overseen by the Canadian Coast Guard and the Department of Fisheries and Oceans, is extensive and rigidly defined. It includes a minimum requirement to conduct public consultation and post signage explaining regulatory intentions for one full boating season prior to implementing the resulting regulations in the following boating season. Overall, the process takes approximately one year to complete and must be done separately for each individual lake or waterway.

Following is some of the pertinent information from the Coast Guard's Boating Restrictions guidelines:

Steps to making a formal application and implementing restrictions

1. Contact the provincial department responsible for managing boating restriction applications on behalf of the federal government and advise them of the intention to proceed with a boating restriction application (this step has been completed);
2. Fulfill provincial requirements by developing a Consultation Plan;
3. Public consultation - must be done over a full boating season and include: advertising through local newspapers, cable television, radio, household leaflets, etc; identification and advising in writing of all key stakeholders that should be consulted including private homes, clubs, organizations, individuals who regularly access lakes, provincial government departments where conflicting issues may be a factor, Aboriginal Communities, etc. In addition, signage explaining the proposed restrictions and including a contact name and/or phone number and/or e-mail address should be posted at boat ramps and other access points;
4. Submission of application in late August/September to local Coast Guard office for review and discussion of options. The application must include a full issue identification and the results of the public consultation (step three above);
5. Review by the Coast Guard's Office of Boating Safety;
6. Recommendation to the Minister;
7. Recommendation to Cabinet committee.
8. Approval and publication in Canada Gazette #1 with an opportunity for public to comment.
9. Approval and publication in Canada Gazette #2 where it becomes official legislation.
10. Authorization to post signs explaining restrictions and regulations.
11. Ongoing monitoring and provincial and/or municipal enforcement.

**Boating Restrictions****Information Required in Application Packages**

A separate application is required for each individual lake and must consist of the following information:

1. A completed application form;
2. An application workbook completed primarily through public and stakeholder consultation (Note: this workbook includes a detailed demonstration of the safety and environmental concerns which justify the need for boating restrictions; definitions and explanations of the issues and what is causing them; a clear statement of the problems establishing the need for restrictions; a scan of current lake users and how they are contributing to the issues and problems; an examination and listing of possible alternatives to implementing restrictions; a summary of costs to individuals or groups who will be affected by the new restrictions; a summary of costs for communications, training and enforcement of the restrictions; analysis and recommendations for specific types of restrictions and/or approaches; and a safety plan outlining promotion, monitoring, enforcement, and sanctions related to the restrictions.
3. A map on paper no larger than legal size showing the location of the waterway with public access points marked.
4. A copy of a motion in Council which requests a boating restriction.
5. Written indication of police approval and acceptance of enforcement responsibilities.
6. Written acceptance of responsibility for signage by the applicant municipality.

**Possible Types of Boating Restrictions**

1. All boats are prohibited.
2. Motor boats are prohibited
3. Motor boats, other than battery-powered ones are prohibited
4. Controlled access waters with a limit on the power of the motor boat.
5. Motor boats subject to a maximum speed.
6. Water skiing is prohibited.
7. Permit is required to hold a special event (i.e. regatta or boat race).

**Next Steps**

Currently, Parks and Recreation staff are engaging in issue identification, collecting information, and reviewing the steps required to enact boating restrictions on four lakes within HRM (Lake MicMac, Lake Banook, Kearney Lake, and Sandy Lake). Because of the complex nature of the process described above, staff will embark on the development of applications for these lakes with an aim to have the restrictions / regulations in place for the 2004 boating season.

Lakes Banook and MicMac will be the first priority in the process because their usage varies significantly (i.e. paddling clubs, swimming beaches, motor boats, etc), there is a large volume and close proximity of residents living around the lakes, and the only public access boat launch on HRM owned land is on this lake system.

**Boating Restrictions****Time Line**

- Summer / Early Fall 2002 - issue identification, development of public consultation tools and methods, development of Public Consultation Plan;
- Fall 2002 - Public consultation sessions for Lakes Banook and MicMac;
- Winter 2003 - Public consultation sessions for Kearney and Sandy Lakes;
- Summer 2003 - Tabulation of public consultation results, additional consultation (if necessary), additional signage (Banook / MicMac / Kearney / Sandy), and finalization of application
- August / September 2003 - Application submitted to Coast Guard for the four identified lakes;
- Summer 2004 - Restrictions / regulations implemented

**BUDGET IMPLICATIONS**

- Cost of public consultation process and signage (to be determined);
- Costs for communications, training and enforcement of the restrictions (to be determined);
- Staff resources from Parks and Recreation, Police, and Planning and Development will be required to carry out the public consultation process.

**FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

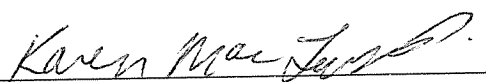
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**ATTACHMENTS**

None

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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