


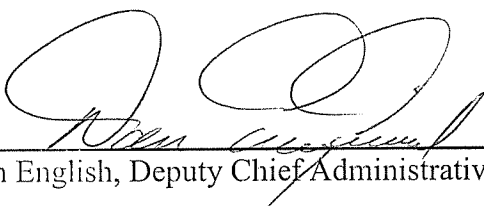
10.1.8

Halifax Regional Council
September 23, 2003

TO: His Worship Mayor Peter Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

DATE: September 18, 2003

SUBJECT: Proposed Boating Restrictions for Lakes Banook, Mic Mac, and Kearney

ORIGIN

July 16, 2002 Information Report entitled "Development of Boating Restrictions on HRM Urban Lakes", regarding the federal process by which municipal units may request enactment of federal restrictions on boating.

RECOMMENDATIONS

It is hereby recommended that Halifax Regional Council:

- 1) endorse the Halifax Regional Municipality's application to the Office of Boating Safety, Canadian Coast Guard, requesting that federal Boating Restrictions, as articulated in this report, be enacted for **Lake Banook**, Dartmouth, effective 2004;

(Recommendations Continued on Following Page)

- 2) endorse the Halifax Regional Municipality's application to the Office of Boating Safety, Canadian Coast Guard, requesting that federal Boating Restrictions, as articulated in this report, be enacted for **Lake Mic Mac**, Dartmouth, effective 2004;
- 3) endorse the Halifax Regional Municipality's application to the Office of Boating Safety, Canadian Coast Guard, requesting that federal Boating Restrictions, as articulated in this report, be enacted for **Kearney Lake**, Halifax, effective 2004;
- 4) express support for the Provincial application for a province wide speed restriction within 30 m of the shoreline on inland waterways to the Office of Boating Safety, Canadian Coast Guard, as articulated in this report;
- 5) endorse Halifax Regional Municipality's responsibility for signage, which is required to advise boaters of federal boating restrictions, as articulated in this report, on Lakes Banook, Mic Mac, and Kearney, once enacted via the federal process;
- 6) direct staff to enforce the boating restrictions for Lakes Banook, Mic Mac, and Kearney and the Province's Universal Shoreline Speed Limit restriction once enacted.
- 7) direct staff to further monitor boater behavior through communication with other agencies, other inland waterways, before additional waterways are proposed for consideration under the federal Boating Restriction process.

BACKGROUND

The Canadian Coast Guard had advised HRM staff that the elements of existing lakes by-laws (i.e., L-100, Dartmouth and Ordinance 158, Halifax, mentioned above) pertaining to motorized watercraft are not enforceable as they do not fall within municipal jurisdiction. The Coast Guard further advised that a federal process is in place which allows municipal units or Provinces to apply for boating regulations and restrictions in relation to specific definable bodies of water. Applicants are otherwise encouraged to pursue other non-regulatory means (e.g., education, voluntary codes of conduct) by which on-water boating behaviour is modified.

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 (e.g., personal water craft [PWCs] or "jet skis") has resulted in increased frequency of use of these boat types on lakes throughout HRM. Subsequently, HRM citizens, who use and reside close to waterways, have increasingly expressed concerns regarding the impact of high-speed, motorized water craft on public safety, noise levels, shoreline property, shoreline wildlife, and the environment.

Pre-amalgamation by-laws still exist, pertaining to Lakes Banook, Mic Mac, and lakes within the former City of Halifax. These by-laws were aimed at regulating motorized watercraft, winter use, special events, and swimming and diving. Federal Boating Regulations are only intended to regulate motorized watercraft. A decision was made to address the un-enforceable motorized regulations contained in the existing by-laws and to deal with the remaining elements of the by-laws through a separate process.

Over the past year staff have been shepherding Micmac, Banook and Kearney Lakes through the federal process. Other lakes were considered for application in this round , however the presence of paddling clubs using these lakes, existing lake specific by-laws, limited resources and the inability to restrict personal watercraft (jet-ski) under the federal regulations helped staff concentrate their efforts to a more manageable three lakes. This process will culminate with an application to the Canadian Coast Guard to have proposed restrictions enacted on each lake, and anticipated to be in-force in the 2004 boating season. It will be the responsibility of HRM's HRP to enforce such restrictions as is currently the case under contract for lake patrol.

The following table illustrates the comparison between existing, un-enforceable by-laws, and the proposed restrictions gathered through public consultation pertaining to motorized water craft use. Other by-law issues regarding shoreline use, special events and winter access will be dealt with under a separate by-law rationalization process to be presented to Council at a future time:

**Comparative Restrictions
Current By-Laws vs Proposed Federally-Endorsed Restrictions**

Lakes	Restrictions under Current By-Laws	Proposed Restrictions
<p>Lake Banook Dartmouth</p>	<p>Every person driving or operating a watercraft, or vehicle on any lake in the City shall drive or operate the same in a careful and prudent manner having regard to all the circumstances</p> <p>(1) No one shall operate a craft propelled by motor in excess of ten kilometres per hour on Lake Banook other than where it is used by a patrol officer in the execution of his duties or for the enforcement of this by-law.</p> <p>Subsection (1) above shall not apply if such person is participating in or aiding in the operation of a Special Event, participating in an emergency operation or assisting in the instruction or safety of persons using canoes or shells.</p>	<p>Maximum speed limit 10 km/h Over entire lake</p> <p>(exemptions currently exist under the Federal Regulations exempting enforcement and rescue personnel and craft.)</p> <p>(exemptions currently exist under the Federal Regulations exempting safety boats for paddlers and special events)</p>

<p>Lake MicMac Dartmouth</p>	<p>Every person driving or operating a watercraft, or vehicle on any lake in the City shall drive or operate the same in a careful and prudent manner having regard to all the circumstances.</p>	<p>Maximum speed limit of 10 km/h</p> <p>Within 30 metres of shoreline, around the two south-westerly islands, and mouth of bridge underpass (at confluence of Lakes Mic Mac and Banook);</p> <p>Within 50 metres of public boat launch at Braemar Dr.;</p> <p>Over north-end (i.e., 25%) of lake surrounding the 5 northern-most islands, including mouth of Shubenacadie Canal.</p> <p>Maximum speed limit of 90 km/h</p> <p>On remainder of lake, excepting areas identified above.</p>
<p>Kearney Lake Halifax</p>	<p>No person shall use a power boat on any lake except Kearney Lake.</p> <p>Power boats on Kearney Lake within the City of Halifax shall not have motors stronger than 10 horsepower.</p> <p>A power boat having a greater than 10 horsepower motor may be launched or stored on that part of Kearney Lake within the City of Halifax and may be operated on that part of the lake for the sole purpose of traveling between the point of launching or storage to the City boundary or visa versa, provided that:</p> <p>(a) the person operating the power boat utilizes the most direct route between the point of launching or storage and the City boundary; and</p> <p>(b) the power boat is not operated at a speed greater than 10 km per hour</p>	<p>Maximum speed limit of 10 km/h</p> <p>Within 30 metres of shoreline;</p> <p>At the mouth of the narrows and beyond at the southeast (i.e., toward Halifax) end of the lake.</p>

DISCUSSION

1.0 Jurisdictional Responsibilities

1.1 Federal Jurisdiction and Process

As explained in the Background Section of this report, the municipality does not have the legal right to enact restrictions on boating activity. This authority falls to the federal government under the Boating Restriction Regulations authorized by the Canada Shipping Act. Amendments to the Boating Restriction Regulations are proposed to a Cabinet committee by the Minister of Fisheries and Oceans, on the advice of the Canadian Coast Guard, which acts as administrator. A federal process permits municipalities to apply for restrictions, through the Province (see 1.2 below) to be enacted by the federal government.

The procedure for making a formal application to establish these regulations, as overseen by the Canadian Coast Guard, is extensive and rigidly defined. It includes a minimum requirement to conduct public consultation, undertake to enforce the proposed restrictions, and post signs explaining regulatory intentions. These signs must be posted for a significant portion of one boating season prior to implementing the resulting restrictions in the subsequent boating season. Overall, the process takes approximately one year to complete and must be done separately for each lake or waterway. In this case, three applications and associated processes have been necessary. This process has been, to date, facilitated by an ad-hoc committee composed of HRM staff in cooperation with a representative of the Coast Guard's Office of Boating Safety.

The federal government also has other legislative, regulatory, and enforcement tools available with which to help protect the public's safety as well as preserve navigable waters for boating. These include: Navigable Waters Protection Act (NWPA) and International Collision Regulations. Boater and public safety enforcement is furthermore conducted under authority of the Canada Criminal Code and the Small Vessel Regulations of the Canada Shipping Act. These acts already supercede and re-enforce key elements of the existing by-laws pertaining to use of motorized and non-motorized watercraft.

1.2 Provincial Interest - Universal Shoreline Speed Limit

Through agreements with most provinces, applications for federal Boating Restrictions are managed by a provincial department. In the case of Nova Scotia, it is the Department of Justice. The proposed restrictions must first be accepted by the Province before the

federal government will consider the proposed restrictions.

The Province of Nova Scotia is itself an applicant in this process. The Province is currently pursuing a "Universal Shoreline Speed Limit". If approved by the federal government, this restriction will apply to all inland waterways and will restrict motorized water craft from exceeding 10km/h within 30 metres of shore. If successful, Nova Scotia will join Ontario, Manitoba, Saskatchewan, and Alberta who have similar legislation. If Nova Scotia becomes covered by this universal restriction, the HRM may then apply to extend the shoreline speed limit to a greater distance from shore, should Council decide this is necessary.

1.3 Enforcement Responsibilities

Further to the municipality's responsibility to satisfy the federal process by which restrictions are placed on motorized watercraft operating on designated waterways, the municipality shares responsibility over enforcement on water bodies within its borders. Enforcement is conducted under a variety of legal authorities such as the Canada Criminal Code, the Small Vessel Regulations of the Canada Shipping Act, Aids to Navigation Act, and the Nova Scotia Liquor Control Act.

If approved, the proposed restrictions on the three designated lakes discussed in this report will be enforced primarily by the Halifax Regional Police either directly or in cooperation with the subcontracted service of Lake Patrol. Other water bodies are patrolled from time-to-time, jointly, by the Coast Guard (among other federal departments) and the Halifax Regional Police or RCMP, depending on responsibility for the respective geographic region.

No additional enforcement effort is proposed for the 2004 boating season in light of the proposed restrictions as those restrictions are predominantly those that had been in place in current by-laws. Thus, between the contracted service of Lakes Patrol and direct support by the Halifax Regional Police's water patrol fleet, the three lakes - in addition to spot patrols in cooperation with the Coast Guard on other water bodies - will be enforced sufficiently to a level consistent with past practice. Further HRP monitoring of enforcement needs will continue and will be re-assessed should Council deem additional restrictions on other water bodies be necessary.

2.0 Public Consultation & Other Lakes-Related Issues

Several public consultation sessions had been held as a requirement of the federal application

process. In addition, the municipality has been receiving written, verbal, and internet-based responses to the proposed restrictions. The comments received during the public consultation meetings were used to draft the newly proposed restrictions. The public was assured that these other issues would be brought to Council as part of the overall process.

Staff have segregated public feedback into three categories; Issues related to the Federal application for Boating Restrictions, Issues Related to the Existing Lakes By-Laws, and Issues Beyond Scope of Federal Application and Existing By-Laws. These are summarized below. Further detail about specific comments may be viewed in Attachment -4-.

2.1 Primary Issues Related to the Federal Application for Boating Restrictions:

2.1.1 Ban vs. No Ban of Motorized Water Craft

Public: General consensus through public consultation suggested that motorized water craft should *not* be banned from lakes, but that greater enforcement is needed and speed restrictions should be defined and proposed in the application to the Federal government.

HRM: Staff have not proposed any ban on motorized watercraft from any of the three lakes (i.e., Banook, Mic Mac, and Kearney) as part of the proposed restrictions. Lakes Patrol and Halifax Regional Police (HRP) will continue to monitor boating behaviour and shall respond to complaints as they arise.

2.1.2 Public Safety

Public: The primary concern should be to ensure the personal safety of all categories of lake users (e.g., swimmers, paddlers, rowers, sailors, motor boat users, PWC users).

HRM: Staff have attempted to balance the needs of a variety of lakes users and to propose restrictions that help redress safety concerns respective to the three lakes. There will be further opportunities to redress issues of safety when the current Lakes By-laws are reviewed.

2.1.3 Jurisdictional Responsibilities

Public: A clear distinction needs to be made among those issues and suggestions that are related to:

- a) the federal applications process;
- b) existing Lakes By-Laws;

c) issues of an operational nature.

HRM: Staff had used the above view-points to draft the proposed restrictions related to the federal process. All comments, however, will be subsumed within each of the three federal applications (i.e., one for each lake) to the Canadian Coast Guard. These public comments will be considered by the federal authorities with the objective of seeking a balanced approach to the restrictions before approval for such restrictions are granted. Issues related to operational matters are advanced to those municipal departments responsible for appropriate action, enforcement and or policy.

2.2 Primary Issues Related to the Existing Lakes By-Laws

2.2.1 Strengthen By-Laws

Public: The existing by-laws reflect four main categories of regulation:

- a) boat speeds;
- b) winter use;
- c) special events;
- d) swimming and diving.

On the whole, respondents indicated that the categories existent in the current by-laws are acceptable, but there were suggestions made in anticipation of strengthening the by-law/s.

HRM: Staff will propose to Regional Council, at a subsequent session, a new HRM by-law relating to issues other than boating restrictions. This will be undertaken under auspices of the HRM By-Law Rationalization Working Group process.

2.2.2 Current By-Laws Un-Enforceable

Public: Portions of the current by-laws (i.e., L-100 and Ord. 158) relating to boating restrictions are superceded by federal jurisdiction and are thus unenforceable.

HRM: It is thus necessary to make the appropriate application for federal regulations pertaining to motorized watercraft while ensuring the concerns regarding shoreline use, special events and winter use reflect the wishes of the public and Council. The amendment and reformulation of the existing by-laws will proceed through the By-Law Rationalization Working Group process prior to appearing before Council.

2.3 Other Issues Beyond Scope of Federal Application and Existing By-Laws

2.3.1 Restrictions on Coastal Waters

Public: More pleasure craft and higher on-water speeds are alleged to pose greater threats to property and public safety on salt water bodies such as Shad Bay, Terence Bay, Prospect Bay, and Sambro Harbour. Public requests have been received to have boating restrictions applied to these coastal waterways.

HRM: Consistent with staff's recommendation no.7, it is recommended that "staff monitor boater behaviour and enforce the impending boating restrictions for Lakes Banook, Mic Mac, and Kearney, and under the Province's Universal Shoreline Speed Limit restriction, other inland waterway shorelines, before additional waterways are processed under the federal Boating Restriction process." There are further protections as discussed in the Discussion Section, 1.1 Federal Jurisdiction, that intend to protect the public. This protection is enforceable by Coast Guard, Halifax Regional Police, and the Royal Canadian Mounted Police, namely in cases where public safety and property are threatened and where alcohol consumption and boating are combined.

2.3.2 Maintain Lake Accesses

Public: Every effort should be made to maintain and increase access to HRM lakes as multi-use recreational resources for HRM residents. A lack of public boat launches results in a concentration of users which can crowd the lake.

HRM: Staff will consider this issue as a broader need to be brought back to Council when plans are more concrete with respect to lake-associated parkland development and lake access via ramps.

2.3.3 Restrictions on Other Lakes

Public: Other in-land waterways over which restrictive boating regulations have been requested by members of public include: Sandy Lake, Porter's Lake, Lake Loon, Lake Echo, and Lake William.

HRM: Consistent with staff's recommendation no.7, it is recommended that "staff monitor boater behaviour and enforce the impending boating restrictions for Lakes Banook, Mic Mac, and Kearney, and under the Province's Universal Shoreline Speed Limit restriction, other inland waterway shorelines, before additional waterways are processed under the federal Boating Restriction process."

2.3.4 More Ramps Requested

Public: There appears to be a lack of abundance of access points to lakes (e.g., ramps) prompting requests for more boat ramps by the boating community.

HRM: It is HRM staff's intent to undertake a review of lake-related parkland, part of which will be to assess lake access for boating purposes.

2.3.5 Boat Ramp At Lake Mic Mac

Public: The public boat ramp on Braemar Drive, at Lake Mic Mac was identified as being an awkward place to maneuver boat trailers. Thus, the orientation of the ramp poses a potential threat to traffic and pedestrian safety due to the need to cross both lanes of traffic at the site in order to park in the public parking lot across the street.

HRM: Furthermore, as part of pending sewer upgrades, a new pumping station at Red Bridge Pond may further restrict access to the parking lot, thus exacerbating the problem. Real Property Planning staff and Engineering staff are working together to determine the potential to reconfigure the pumping facility parking area or to relocate the boat launch.

2.3.6 Restrictions to Personal Watercraft (PWCs)

Public: Over-excessive noise, high speeds, and shallow drafts of personal water craft (PWC) have spawned public concerns for swimmer and other boater (e.g., canoes) safety. Some suggestions have intimated an all-out ban on such machines.

HRM: Under current federal regulations, municipalities cannot currently make application to ban specific types of water craft. A Public Bill, S-10, "An Act Concerning Personal Watercraft in Navigable Waters", has been introduced in the Senate by Senator Spivak in 2001. It has undergone first and second Senate reading and may continue through the legislative process. If enacted, the new law would permit a local authority (e.g., municipality) to request the Minister of Fisheries and Oceans to forbid or place restrictions on PWCs in designated waterways. Staff will continue to monitor Bill S-10's progress through the Parliamentary legislative process in anticipation of reviewing further boating restrictions for other waterways in subsequent boating seasons, pending Council approval.

BUDGET IMPLICATIONS

For fiscal 2003/04, signage costs are estimated at \$5,000 to be borne by the Municipality. No budget increases are proposed for enforcement.

To date, approximately \$2,000 have been spent on direct costs to carry the three lakes through the federal process. These costs include:

- Cost of signage for advertising proposed restrictions;
- Costs for the public consultation process and communication (e.g., newspaper ads) of the restrictions;

Not Included: Time spent by staff resources from Real Property & Asset Management, Recreation Tourism Culture, Halifax Regional Police, and Planning & Development.

ALTERNATIVES

- A. Council may choose not to endorse the proposed regulations for each or all of the three lakes. This is not recommended as this would negate the efforts over the past to have such restrictions balanced against public uses of the lakes and implemented for enforcement. The federal process requires Council's endorsement to approve the municipality's request for restrictions on designated bodies of water.
- B. Council may choose to expand the regulation process and regime to other water bodies (including coastal waters). This is not recommended until at least one boating season has expired offering time for personnel (i.e., HRM staff, municipal and federal enforcement officials, and other federal and provincial officials) to monitor the effects of the Provincially-sponsored Universal Shoreline Speed Limit restrictions anticipated to come into effect in 2004 across all inland waterways in Nova Scotia. Should Council wish to pursue further regulations a dedicated co-ordinator should be assigned to carry through the 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.

ATTACHMENTS

- A Maps - Waterways and Locations of Proposed Boating Restrictions
- B Signs - Content and Locations of Proposed Boating Restrictions
- C Feedback - Public Consultation
- D Federal Process as Summarized in Council Information Report - July 16, 2002

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.

Report Prepared by: Rudy Vodicka, Coordinator, Real Property Policy, 490-5582
Peter Bigelow, Manager, Parks & Open Spaces, 490-6047
Paul Johnston, Service Delivery Coordinator, 490-5623

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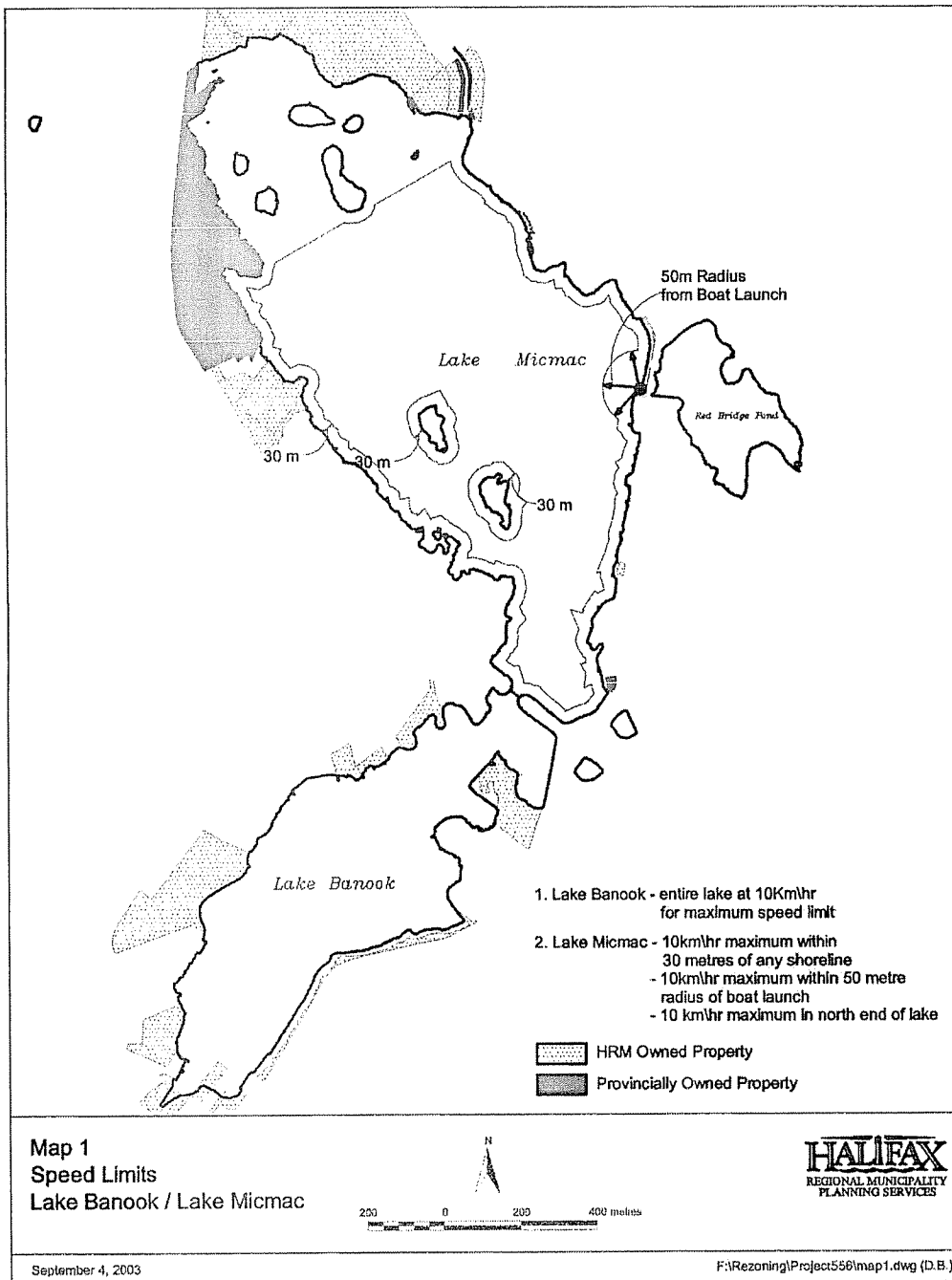


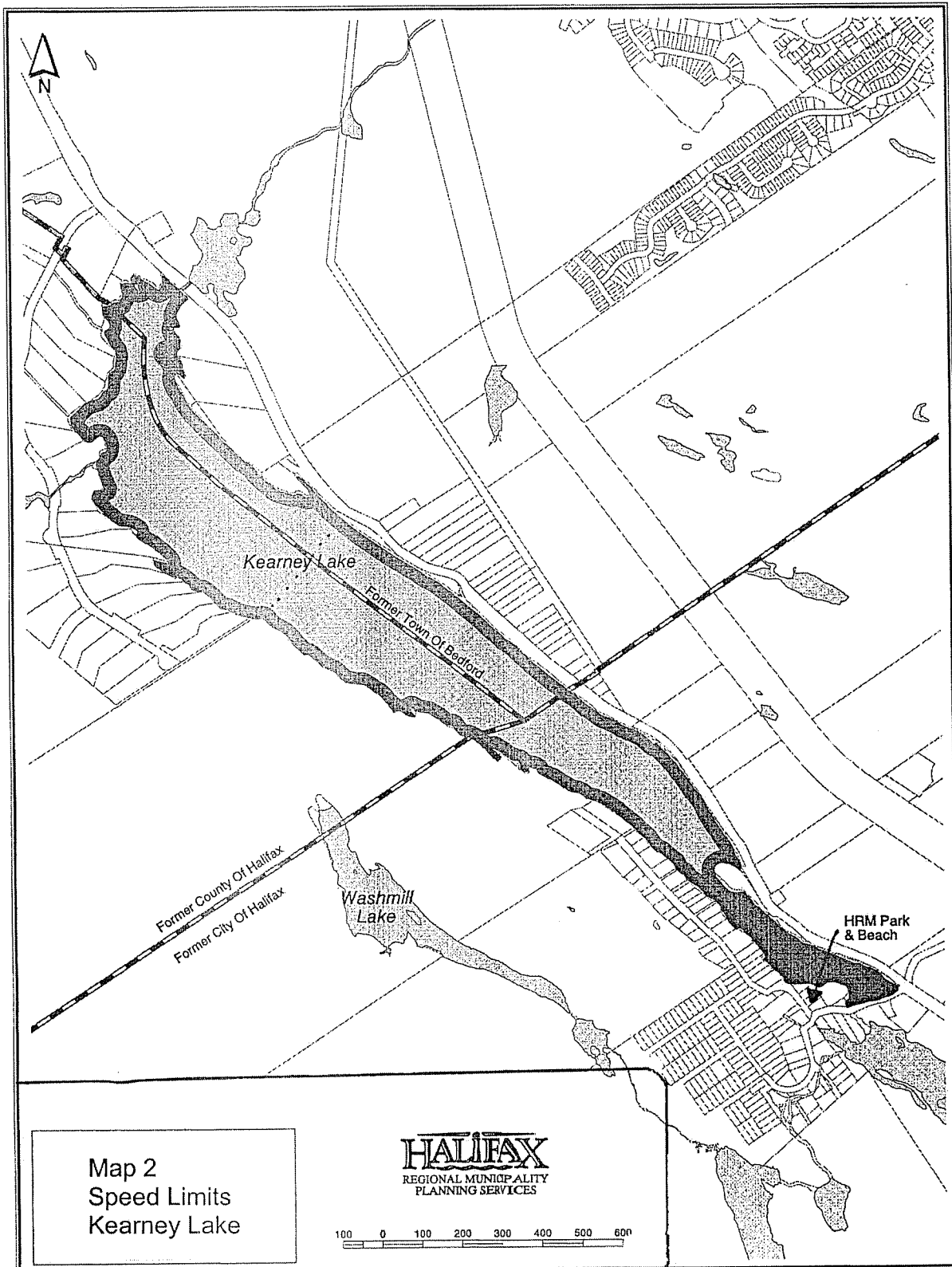
Report Approved by: _____
Mike Labrecque, Director, Real Property & Asset Management, 490-4851

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ATTACHMENT - A -
Maps - Waterways and Locations of Proposed Boating Restrictions





ATTACHMENT - B -
Signs - Content and Locations of Proposed Boating Restrictions

PUBLIC NOTICE

**Federal Application
Proposed Lake-Use Regulations
for Motorized Watercraft**

LAKE BANOOK

Dartmouth

1.0 Maximum speed limit of 10 km/h:

1.1 on entire lake.

The Halifax Regional Municipality (HRM) has applied to the Canadian Coast Guard, Office of Boating Safety, to implement and enforce federal regulations under authority of the Canada Shipping Act, Boating Restriction Regulations.

If approved, the following *proposed regulations* would apply to **all motorized watercraft, effective spring, 2004:**

To submit **written comments** or for further **information:**

Halifax Regional Municipality
c/o Ann Wambolt, 490-4096
or see HRM's website at
www.region.halifax.ns.ca/lakes

HRM Logo

PUBLIC NOTICE

Federal Application Proposed Lake-Use Regulations for Motorized Watercraft

LAKE MICMAC Dartmouth

1.0 Maximum speed limit of 10 km/h:

- 1.1 within 30 metres of shoreline, around the 2 southwesterly islands, and mouth of bridge underpass (at confluence of Lakes Mic Mac and Banook);
- 1.2 within 50 metres of public boat launch at Braemar Dr.;
- 1.3 over north-end (i.e., 25%) of lake surrounding the 5 northern-most islands, including mouth of Shubenacadie Canal.

2.0 Maximum speed limit of 90 km/h:

- 2.1 on remainder of lake, excepting areas identified above.

The Halifax Regional Municipality (HRM) has applied to the Canadian Coast Guard, Office of Boating Safety, to implement and enforce federal regulations under authority of the Canada Shipping Act, Boating Restriction Regulations.

If approved, the following *proposed* regulations would apply to **all motorized watercraft, effective spring, 2004:**

To submit **written comments** or for further **information:**

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www.region.halifax.ns.ca/lakes

HRM Logo

PUBLIC NOTICE

Federal Application Proposed Lake-Use Regulations for Motorized Watercraft

KEARNEY LAKE

Halifax

1.0 Maximum speed limit of 10 km/h:

- 1.1 within 30 metres of shoreline;
- 1.2 at the mouth of the narrows (and beyond) at the southeast (i.e., toward Halifax) end of the lake.

The Halifax Regional Municipality (HRM) has applied to the Canadian Coast Guard, Office of Boating Safety, to implement and enforce federal regulations under authority of the Canada Shipping Act, Boating Restriction Regulations.

If approved, the following *proposed* regulations would apply to **all motorized watercraft, effective spring, 2004:**

To submit **written comments** or for further **information:**

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c/o Ann Wambolt, 490-4096
or see HRM's website at
www.region.halifax.ns.ca/lakes

HRM Logo

SIGN LOCATIONS

Lake Banook

- 1 Bridge support, column, or abutment between lakes Banook & MicMac;
- 2 Seawall, Prince Albert Rd.;
- 3 Public beach at Graham's Grove Park;
- 4 Public beach at Senobe Aquatic Club, Nowlan St.;
- 5 Public beach at Paddling Judges' Tower, Oakwood House, Banook Ave.;
- 6 Public beach at Birch Cove Park, Crichton Ave.;

Lake MicMac

- 7 Bridge support, column, or abutment between lakes Banook & MicMac;
- 8 Boat Ramp at Braemar Dr;
- 9 Public beach at north end of lake, former Mossman Property;
- 10 Dock inside mouth of Shubenacadie Canal, Wamback Rd;
- 11 At shoreline along Shubie Trail where trail visibly skirts Lake Mic Mac (The Shubie Trail connects Shubie Park and McCulloch Development, extension of Micmac Blvd.)

Kearney Lake

- 12 Public beach, Hamshaw Dr.;
- 13 Former public boat launch, Hamshaw Dr.;
- 14 Along Kearney Lake Road (2 signs, one at northwest end, one at southeast end);
- 15 Boat club, Saskatoon Ave.;
- 16 At point of land that defines the narrows where speed limit is proposed.

ATTACHMENT - C -

Feedback - Public Consultation Process

HRM LAKES BY-LAW COMMITTEE Water Craft Usage on Kearney Lake Consultation Summary September 2003

The following is a summary of public input received on the issue of water craft usage on Kearney Lake. This information is based on discussion from two public meetings, sixteen e-mail messages specific to the lake received from the public in response to information posted on the HRM web site, five feedback sheets received from residents who use the lake, and various other sources (i.e. phone calls, other meetings, etc). Because the request for feedback was initiated by the process of reviewing existing by-laws and applying to the Canadian Coast Guard for boating restrictions, the report is divided into two parts: (1) primary issues related to the Federal application for boating restrictions and (2) primary issues outside of the scope of the Federal application.

(1) Primary Issues related to the Federal Application for Boating Restrictions

Because the federal application process is focused on speed limits, limit on motor power, banning of motor boats, and special event usage the following is a summary of the written comments received that deal specifically with these categories:

- Control of Jet ski is required;
- I'm not in favour of completely banning Sea-Doos;
- Sea-Doos should have to use the wider middle area of the lake;
- Keep Sea-Doos away from swimmers (i.e. along the shoreline);
- A big concern is swimmers who swim distances in the lake being endangered by jet ski
- Some onus has to be placed on swimmers as well. They should stay in the supervised beach area;
- Boats usually stay away from the swim area and residences and respect the speed limit;
- Most power boat users are responsible;
- I have no issues regarding boat usage - the fact that access is limited means problems can be tracked and addressed;
- The lake is too narrow for motorized water craft;
- The lake is narrow and many people swim there. Combined with boaters, this creates a dangerous situation;
- I foresee tremendous problems for swimmers given the increase in boating on the lake;
- Increased danger in power boats and swimmers being together;
- Everyone can co-exist in the present environment safely;
- Amend the 10 horsepower regulation;
- Ban boats with more than 10 horsepower;
- I don't think any motorized vehicle of more than 10 horsepower needs to be operated on the lake;
- Due to the topography of the lake and increased usage, there should be no motor craft above 10

- horsepower allowed;
- Paddlers should be respected;
- All users should keep away from the canoe club area;
- Increased recreational PWC use is a concern;
- No boat should be allowed to exceed 10 km/hr anywhere on the lake;
- Should be a 10km/h speed limit within 30 metres of the entire shoreline;
- Should be a 10km/h speed limit within 30 metres of the shoreline for Sea-Doos from June 1 to October 1;
- At the eastern narrow near the public beach, speed by all craft should be limited (no wake zone);
- Along the shoreline within fifteen metres, there should be a slow speed zone (no wake);
- I enjoy the safety of the lake with no heavily powered (10 horsepower or more) water craft. I would like either a continuation of the current rules (no speed in excess of 10 km/hr in the south portion) or a wider ban excluding all water craft above 10 km/hr or 10 horsepower;
- Make one side of the lake a set distance from shoreline out of bounds to power boats;
- Need a speed limit on the entire lake;
- 10 km/hr speed limit should be increased;
- I don't think the entire lake should be regulated. There should be no speed limit;
- I do not think we need additional regulations. There is room on the lake for everybody to safely enjoy their leisure activities;
- Enforce the rules based on the old City limits and leave the upper two-thirds of the lake unregulated;
- The old rules are working fine with a speed limit on the lower third of the lake;
- Most residents seem happy with the status quo;
- I would like to keep the current by-law as it seems to meet everyone's needs. There is ample swimming room in the bottom third of the lake.

Based on the feedback received, the following themes emerged that are **specific to the application to the federal government**:

- Motorized boats should not be banned from the lake but specific speed restrictions in defined areas (i.e. in swimming and paddling areas) should be put forward in the application to the Federal government.
- Every effort should be made to maintain the lake as a multi-use recreational resource for all HRM residents;
- The primary concern should be ensuring the safety of all different categories of lake users (i.e. swimmers, rowers, paddlers, sailors, motor boat users, PWC users, etc);
- A clear distinction needs to be made among those issues and suggestions that are related to the federal applications process and those that are operational in nature.

(2) Primary issues outside of the scope of the Federal Application and existing By-Law

Significant feedback was received on topics related to lake usage but not specific to the Federal Application. As most of these issues are operational in nature, they will be forwarded to the appropriate staff for review and follow-up, if necessary. Rather than an exhaustive listing of the many comments received on these topics, a summary of the key points grouped by main theme areas is as follows (note - these issue areas are

listed from the most to the least frequently mentioned during consultation):

- **Enforcement / Lake Patrol** - There were several concerns raised about lack of proper enforcement and requests for more frequent and consistent lake patrol presence. Some suggested that existing rules are not being enforced at all.
- **Public Lake Access** - Because there is no public boat launch on Kearney Lake, most did not see access by non-residents as a driving force behind issues related to power boats. Some lake area residents perceive access by non-resident swimmers and jet ski users as an issue, especially in terms of safety issues caused by lake users parking along the Kearney Lake Road. However, the majority of respondents feel that, with proper rules and enforcement in place, all residents should have access to the lake.
- **Swimming / Public Beach** - Issues related to swimming in the lake include swimmers becoming better informed about the rules of the lake, boaters being more aware of the presence of swimmers, restricting swimming only to the supervised beach area, and expanding the public beach and/or developing an additional supervised beach to meet the demand of swimmers using the lake.
- **Signage and Marking** - Several respondents had suggestions regarding signage around the lakes. The feedback on this topic included a desire for more prevalent and consistent signage; concern with the ability to mark the 30 metres shoreline limit, setting up a buoyed channel to the middle of the lake to ensure safety, and developing clear signage to inform swimmers to wear bright colours if swimming beyond the public beach area.
- **Other Concerns** - Other issues raised more than once during consultation were: issues with noise pollution, water pollution, threats to lake ecology, use of Sea Planes, managing the potential impact of population growth around the lake, and implementing a speed limit reduction / parking ban on Kearney Lake Road.

**HRM LAKES BY-LAW COMMITTEE
Water Craft Usage on Kearney Lake
Consultation Process Summary
September 2003**

The consultation process regarding water craft usage on Kearney Lake has consisted of the following activities:

- Receipt of sixteen e-mail messages specific to Kearney Lake from the public in response to information posted on the HRM web site;
- Receipt of five feedback sheets received from residents who use Kearney Lake;
- Two public meetings with a total of approximately fifty participants;
- One Information Report to a regular session of HRM Council;
- Several phone calls from residents to HRM staff in response to a posted information number;
- Public Notices outlining the recommended restrictions posted at various locations around Kearney Lake;
- All meetings notices, meeting results, and other information were directly mailed to all those individuals who reside on plots abutting the lake.

HRM LAKES BY-LAW COMMITTEE
Water Craft Usage on Lake MicMac and Lake Banook
Consultation Summary
September 2003

The following is a summary of public input received on the issue of water craft usage on Lakes Banook and MicMac. This information is based on discussion from two public meetings, nineteen e-mail messages specific to the two lakes received from the public in response to information posted on the HRM web site, thirteen feedback sheets received from residents who use the lakes, eight Asset Map forms received from organizations that use the two lakes, and various other sources (i.e. phone calls, other meetings, etc). Because the request for feedback was initiated by the process of reviewing existing by-laws and applying to the Canadian Coast Guard for boating restrictions, the report is divided into three parts: (1) primary issues related to the Federal application for boating restrictions; (2) primary issues related to the existing City of Dartmouth Lakes By-Law; and (3) primary issues outside of the scope of the Federal application and existing By-Law.

(1) Primary Issues related to the Federal Application for Boating Restrictions

Because the federal application process is focused on speed limits, limit on motor power, banning of motor boats, and special event usage the following is a summary of the written comments received that deal specifically with these categories:

- Extend the current 10 km/hr on speed limit on Lake Banook to Lake MicMac;
- Restrictions on speed in Banook should also apply to MicMac;
- No motorized craft should be allowed on Banook;
- Need a speed limit on Banook;
- Power boats should stay off paddlers course;
- Banook sees a high usage by paddlers/rowers and PWC endanger children and boats if extreme caution is not used - speed must be kept low
- Paddlers don't recognize that MicMac is multi-use;
- The lakes should remain multi-use as the lakes belong to all residents - need to ensure that power boats can still be used;
- I disagree with increased fines, speed limit on MicMac, and limits to size and horsepower of motors;
- Motor boats should be allowed on both lakes with reduced speed;
- Motor boats belong on MicMac and paddlers on Banook;
- Banook should be open for only physical activities (i.e. paddling, rowing, swimming) - keep motor boats off Banook.
- On MicMac, most of the lake should have a controlled speed zone and other areas may require a "no motorized craft" zoning;
- Power boats should be prohibited or controlled on MicMac;
- Speed is a concern on MicMac due to shallows, small size, and high usage;
- Sea-Doos use excessive speed on MicMac;
- Control over personal water craft (PWC) concerning speed and proximity to shore is needed;
- Speed limits within a specified distance of shore line would reduce shore line damage and protect swimmers;

- PWC which do not stick to rules endanger swimmers, paddlers and sailors;
- Some PWC (jet skis) never seem to follow the rules;
- PWC come too close to shore where loons nest;
- Restrict access by motorized craft to the northern third of MicMac;
- There should be a limit on size, horsepower, etc of motorboats;
- Place jet ski in a different category;
- I find it difficult to believe that a distinction cannot be made between power boats and PWC.
- The existing speed rules are what people are used to and allow multiple uses;
- The existing by-law is best as it allows for multiple use for all residents;
- The current speed limit on Banook and under the bridge works well;
- I like that a number of large public events are held - it draws people to the lake.

Based on the feedback received, the following themes emerged that are **specific to the application to the federal government**:

- Motorized boats should not be banned from the lakes but specific speed restrictions in defined areas of the lakes should be put forward in the application to the Federal government.
- Every effort should be made to maintain access to the lakes as multi-use resources for HRM residents;
- The primary concern should be ensuring the safety of all different categories of lake users (i.e. swimmers, rowers, paddlers, sailors, motor boat users, PWC users, etc);
- A clear distinction needs to be made among those issues and suggestions that are related to the federal applications process and/or those that apply to the existing Lakes By-law and/or those that are operational in nature.

(2) Primary Issues related to the Existing City of Dartmouth Lakes By-Law

The existing by-law covers three main areas: speed of boats on Banook, winter usage, special events, and swimming/diving. For the most part, respondents indicate that the categories in the existing City of Dartmouth lakes by-law (By-Law L-100) are acceptable. Because responses related to speed restrictions are included in the previous section of this document, some of the suggestions related to others areas of the existing by-law were as follows:

- Increase fines for violators (maximum \$5000);
- There should be no motorized craft allowed on the ice in winter;
- ATV use guidelines are needed for winter;
- Snowmobiles or motorcycles should not be allowed on the frozen lake at any time;
- A review of lake usage in winter should be done;
- Separate By-Laws should be developed for Banook and MicMac as usage patterns on the two lakes vary significantly;
- Separate Banook and MicMac;
- Strongly disagree with having the same rules for both lakes;
- Separate By-Laws could be developed for Summer and Winter usage to provide more detail on allowable activities in each season;
- Separate Summer and Winter;
- Is there a limitation on distance from shore required for mooring buoys? If there is such a limitation,

- it should be included in the By-Law for MicMac;
- There is inconsistency in the By-law and what is posted on the lakes.

(3) Primary issues outside of the scope of the Federal Application and existing By-Law

Significant feedback was received on topics related to lake usage but not specific to the Federal Application and/or the existing By-Law. As most of these issues are operational in nature, they will be forwarded to the appropriate staff for review and follow-up, if necessary. Rather than an exhaustive listing of the many comments received on these topics, a summary of the key points grouped by main theme areas is as follows (note - these issue areas are listed from the most to the least frequently mentioned during consultation):

- **Boat Launches** - Much feedback was received regarding the existing HRM-owned boat launch at Lake MicMac. Frequent suggestions on this topic included removing the launch to restrict power boat access to the lakes; removing or moving the launch to a different location on the lake as the current location is widely viewed as unsafe; better maintenance and/or improvements (i.e. parking and storage) at the existing site; and installing boat launches on other lakes in the municipality to divert some of the traffic from MicMac and Banook by encouraging power boat usage in other areas. Other suggestions related to the boat launch include restricting hours of usage at the launch and installing a “user pay” system. There were strong opinions that the public right to use the lakes via a public boat launch (or launches) should be preserved and/or enhanced.
- **Enforcement / Lake Patrol** - Many respondents indicated that the hours of operation and mandate of the lake patrol should be re-examined to ensure that the patrol is on duty during peak usage dates and times. There were several requests for a more frequent and consistent presence on Lake MicMac by the lake patrol. The possibility of stricter enforcement of fines for violations and periodic checks for proof of insurance conducted by the patrol were also mentioned;
- **Signage and Marking** - Several respondents had suggestions regarding signage around the lakes. The feedback on this topic included a desire for more prevalent and consistent signage on the waterway/bridge and at the public boat launch stating rules for each of the two lakes; more safety marking of rocks, shoals, shallows and other safety hazards on Lake MicMac; and ensuring that the content and messaging of any new regulations or By-laws are consistent with the information and rules posted on signage at the boat launch and other areas of the lake. Other suggestions on this topic included erecting a message board at the boat launch with listings of rules and information on upcoming events and adding a rider to all signs stating that lake users must have and carry proof of liability insurance
- **Non Traditional Service Providers** - The concerns expressed in this area centre on the increased usage of the lakes, especially MicMac, by “non-traditional” service providers (i.e. Dragonfly outfitters). Essentially, most respondents felt that independent businesses and their customers need to be educated regarding waterway safety, operating water craft in high traffic areas, and how to use the lakes safely in conjunction with other users. Suggestions to achieve this goal included education sessions, signage, and brochures. In relation to this topic, some issues were expressed about increased usage of Lake MicMac by “traditional” users of Lake Banook - i.e. paddlers and rowers.

- Environmental Concerns - There was a variety of feedback received related to environmental concerns which included: the need for more care in fueling motorized craft, more attention to habitat protection, creation of a conservation area and no wake zone in the northern portion of MicMac, enforcement of regulations regarding litter and pollution, and regular water quality testing.
- Other Concerns - Other issues raised more than once during consultation were: issues with the noise levels created by PWC disrupting home owners; development of clear rules for swimming and diving; the creation of mooring or “quiet use” areas on the lakes; and better management of water levels.

**HRM LAKES BY-LAW COMMITTEE
Water Craft Usage on Lake MicMac and Lake Banook
Consultation Process Summary
September 2003**

The consultation process regarding water craft usage on Lake MicMac and Lake Banook has consisted of the following activities to date:

- Nineteen e-mail messages specific to Lakes Banook and MicMac received from the public in response to information posted on the HRM web site;
- Thirteen feedback sheets received from residents who use Lakes Banook and MicMac;
- Eight Asset Map forms received from organizations that use Lakes Banook and MicMac;
- Two public meetings with a total of approximately eighty participants;
- Two information sessions with the Dartmouth Lakes Advisory Board;
- One Information Report to a regular session of HRM Council;
- One presentation to the Harbour East Community Council;
- Several phone calls from residents to HRM staff in response to a posted information number;
- Public Notices outlining the recommended restrictions posted at various locations around Lakes Banook and MicMac;
- All meetings notices, meeting results, and other information were directly mailed to all those individuals who reside on plots abutting the lakes.

A T T A C H M E N T - F -

Federal Process as Summarized in Council Information Report - July 16, 2002

Excerpt from Halifax Regional Council

July 16, 2002

SUBJECT: Development of Boating Restrictions on HRM Urban Lakes

The 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.

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.

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