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Council-In-Committee Meeting – June 11, 2024

Subject: Request to Review Boating Restrictions for Port Dover Beach
Report Number: OPS-24-022
Division: Operations
Department: Administration
Ward: Ward 6
Purpose: For Decision

Recommendation(s):

That Operations Staff Report 24-022 Request to Review Boating Restrictions for Port Dover Beach be received as information; and

That staff be authorized to take the necessary steps to review and if supported by stakeholders, make a formal application to remove the Vessel Operation Restriction Regulation Schedule 1 designation for the Port Dover Beach; and

Further that in consultation with Transport Canada replace the Schedule 1 designation with a Schedule 2 designation for the Port Dover beach.

Executive Summary:

Operations staff have been approached by a few Port Dover residents to review the designated boating restricted area at the Port Dover Beach. The designated area falls under the Vessel Operation Restriction Regulations (VORR) within the Canada Shipping Act.

The residents' reasons to review the limits of the restricted area are 2-fold. They are concerned for the safety of the swimmers and wish to open the beach front area for boaters to anchor and access the beach and local community amenities, such as dining and retail establishments.

Discussion:

In 1989 the former City of Nanticoke took the necessary steps to establish boating restrictions along the shoreline of the public beach area in Port Dover.

In 2004 CSD staff report 04-38 "Boating Restrictions for Port Dover Beach Area" was presented to Council for approval to re-establish an expanded area due to increased

and inherent safety problems of boaters and bathers sharing a confined space with the following recommendations:

“That staff be authorized immediately to take the necessary steps to make a formal application for enhanced Boating Restriction Regulations off the shoreline of the Port Dover public beach area and,

That the actual location and placement of the buoys to mark the restricted area be finalized in consultation with the public, Norfolk County OPP, Port Dover Board of Trade and the Canadian Coast Guard.”

A Schedule 1 restriction is “Waters on Which All Vessels Are Prohibited”, which means no vessels, at all.

A Schedule 2 restriction is “Waters on Which Power-driven Vessels and Vessels Driven by Electrical Propulsion Are Prohibited.”

If Council were to approve staff moving forward with the process, staff will need to complete the application process to remove the Schedule 1 restrictions. If the direction is to remove restrictions of Schedule 1 and replace them with a Schedule 2 staff will need to complete the same process as when the restrictions were put in place. This process has many steps and would not be in place for 2024. In discussions with a representative of Transport Canada the earliest changes would be in place would be in 2026.

Step 1 – Preliminary assessment of the problem

- Transport Canada will determine
 - if regulatory invention is necessary by looking at the whole problem
 - The potential impacts and challenges of a regulatory process

Step 2 – Preparing and submitting a formal request

- Essential components must include
 - Sources and causes of problem
 - Exploring, testing and evaluating various options for resolving problems
 - Public consultation
 - Summary of regulatory impacts (cost-benefit analysis)
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NOTE: Application must be received by Transport Canada no later than August 15th annually

Step 3 – Review of application by Transport Canada

Step 4 – Preparing a Regulatory Impact Analysis Statement

Step 5 – Publication in the Canada Gazette

Step 6 – Putting the Schedule 2 restrictions in place / removal of Schedule 1 restriction in place

Financial Services Comments:

The resources required at this stage of the process to further pursue the designation change for the Port Dover beach from Schedule 1 to Schedule 2 are expected to be minimal and can be accommodated within existing budget allocations.

Interdepartmental Implications:

N/A

Consultation(s):

Operations staff had consultations with representatives from Transport Canada, local Port Dover residents, and Port Dover beach owners.

Strategic Plan Linkage:

This report aligns with the 2022-2026 Council Strategic Priority Choose an item.

Explanation:

Conclusion:

Operations staff have been approached by a few local Port Dover residents looking to remove the Schedule 1 restrictions and have the Port Dover beach area fall under a Schedule 2 restriction. This would allow the size of the swim area to change and make the beach area more accessible to boaters and safer for swimmers.

If Council provides direction, Operations staff will submit a preliminary assessment and then make a formal application to Transport Canada.

Attachment(s):

- CSD Staff Report 04-38
- Map of current location / proposed area

Approval:

Approved By:
Al Meneses, CAO

Reviewed By:
Bill Cridland, OPS GM