

# Healthy Waterfront Properties

## Permits and Fish Habitat



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# Types of MNR Permits

**MNR issues permits under the following Acts:**

- ❑ **Public Lands Act (PLA)**
  - Shore land work
  - Roads & Buildings on Crown
- ❑ **Lakes and Rivers Improvement Act**
  - Dams
  - Channelizations, diversions
  - Bridges & some culverts.
- ❑ ***Endangered Species Act (ESA).***
  - As determined by the District Species at Risk Biologist. When a project may impact a threatened or endangered species or its habitat.

Other Legislation that applies to work permit review:

- ❑ Environmental Assessment Act
- ❑ Fisheries Act –Department of Fisheries and Oceans,
- ❑ Navigable Waters Protection Act – Transport Canada
- ❑ Planning Act



## **Legislative Framework**

### **Public Lands Act Ontario Regulation 453/96**

- ❑ No Person Shall:
  - a) Construct a building (on Crown land)
  - b) Construct a trail, water crossing or road (on Crown land)
  - c) Dredge shore lands
  - d) Fill shore lands
  - e) Remove aquatic vegetation from shore lands
  - f) Construct or place a combination of structures occupying more than 15 square metres (160 sq/ft)

Unless acting under the authority of the terms and conditions of a work permit or instrument granted under the act authorizing the activity.

**“Shore lands”** are defined as lands covered or seasonally inundated by the water of a lake, river, stream or pond and may include private, municipal or Crown lands.

# Legislative Framework

## Lakes & Rivers Improvement Act

Two Phase Approval Process:

### 1. Location Approval:

Subject to ecological review.

### 2. Engineering Approval:

After location approval has been issued, the plans & specification drawings must be stamped by the clients engineer and submitted for final approval by MNR engineering branch.

Note: Small scale projects, such as culvert replacements may not require engineered plans.

LRIA APPROVAL REQUIREMENTS			
Project Type	Land Ownership		
	Crown	Municipal	Private
BRIDGES			
Drainage Area < 5 square kilometres	R	NR	NR
Drainage Area > 5 square kilometres	R	NR	R
CULVERTS			
Length < 20 metres & drainage area < 5 sq. km.	R	NR	NR
Length < 20 metres & drainage area > 5 sq. km.	R	NR	R
Length > 20 metres	R	R	R
OTHER			
Dams, Channelizations, Diversions, By-Pass Ponds, In-Stream Ponds.	R	R	R
Agricultural Drains (maintenance & new installations).	NR	NR	NR
Trenching for Heat Loop Installations, Water Intakes, Service Cables for Private Residences	NR	NR	NR
Trenching into a Lake or River for Commercial or Industrial Cables or Pipelines (where excavation is required).	R	R	R

# Legislative Framework

## Endangered Species Act Ontario (2007)



Under the *Endangered Species Act*, it is illegal to harm, harass and/or kill any member of an Endangered or Threatened species, as posted on the Species at Risk in Ontario List.

Applies to ALL land in Ontario.

Applies to all forms of development (not just considered through MNR work permit review).

Link to list (or Google "Endangered Species Ontario"):  
<http://www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/276722.html>



### Examples of Species at Risk in Muskoka:

- ❑ Eastern Massasauga RattleSnake
- ❑ Eastern Foxsnake
- ❑ Hog-nosed Snake
- ❑ Ribbonsnake
- ❑ Blanding's Turtle
- ❑ Spotted Turtle
- ❑ Bobolink
- ❑ Englemann's Quillwort
- ❑ 5 Lined Skink

# **Who do I call for a Work Permit?**

**MNR is first point of contact.**

**Ministry of Natural Resources  
Bracebridge Area Office  
1350 High Falls Road  
Bracebridge, ON. P1L1W9  
Tel: (705) 645-8747 Fax: (705) 645-8372**

**Bracebridge Lands & Waters Program Staff:**

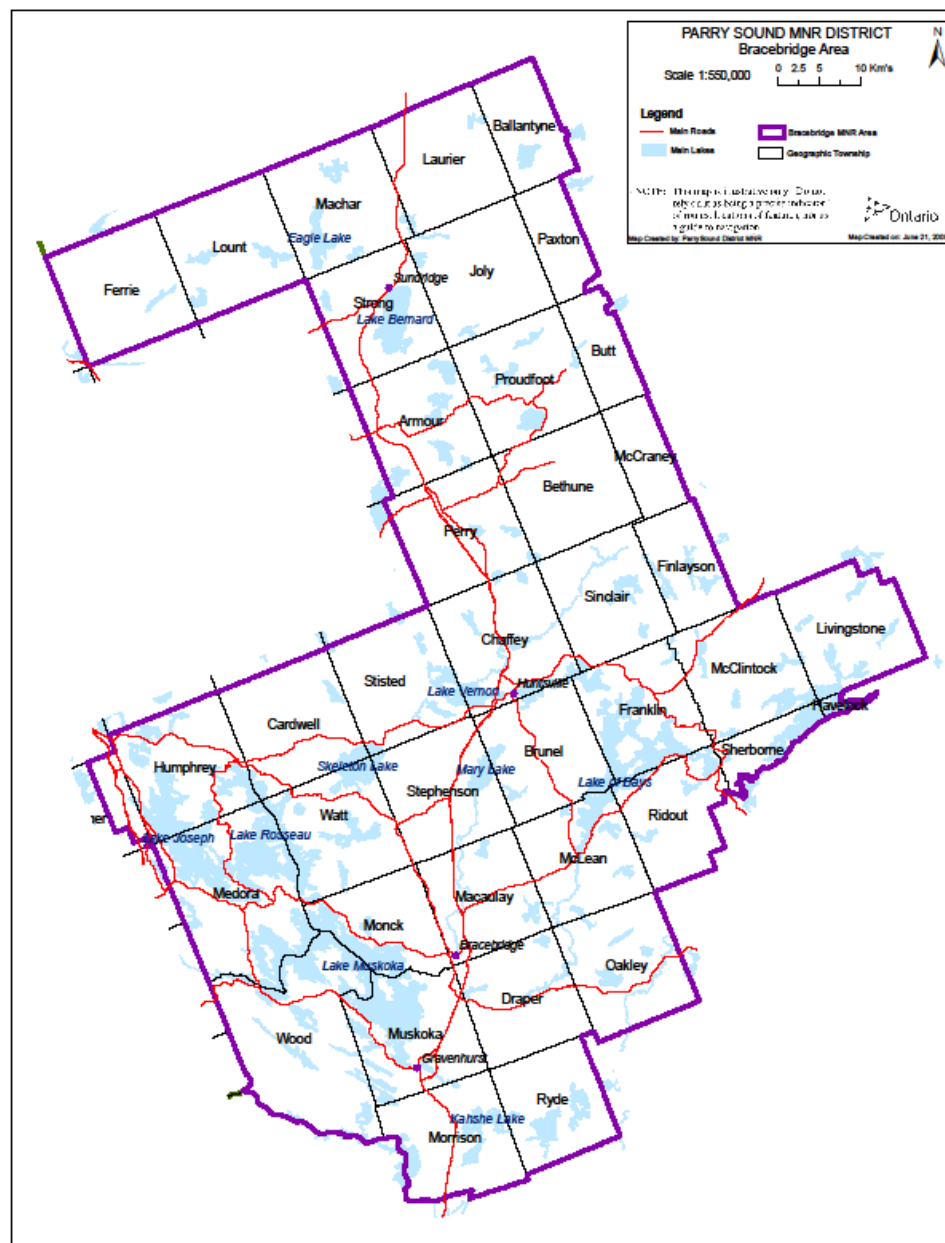
- ❑ Ariel Zwicker  
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(705) 646-5510  
[ariel.zwicker@ontario.ca](mailto:ariel.zwicker@ontario.ca)
- ❑ Gord Martin  
Resource Management Technician  
(705) 646-5515  
[gord.martin@ontario.ca](mailto:gord.martin@ontario.ca)

**Other agencies with approval requirements:**

- ❑ Department of Fisheries and Oceans  
Canada (DFO)
  - MNR refers all in water work permit applications to DFO.
- ❑ Conservation Authority (none in Halliburton County or Muskoka)
- ❑ Municipality
  - Building permits (docks and boat houses)
  - Bylaws (site alteration, zoning)
  - Official Plan
  - Ownership (shore Rd Allowances)
- ❑ Ministry of Environment (MOE)
  - Permit to take water
  - Herbicide removal of aquatics
  - Large scale dredging

## Bracebridge Office Management Area Includes:

- ❑ Algonquin Highlands
  - Sherborne
  - Havelock
  - Livingstone
  - McClintock
- ❑ Seguin
  - Humphrey
- ❑ Gravenhurst
- ❑ Bracebridge
- ❑ Huntsville
- ❑ Lake of Bays
- ❑ Muskoka Lakes
- ❑ Kearney
- ❑ Perry
- ❑ Armour
- ❑ Strong
- ❑ Joly
- ❑ Machar
- ❑ Unincorporated
  - Laurier
  - Ballantyne
  - Paxton



## **TIMING WINDOWS**

**Fisheries can suffer severe losses if work in water is conducted during a critical phase of their life cycle (spawning and incubation).**

**To eliminate impacts to fish, MNR will apply a Timing Restriction for the work authorized under the Work Permit.**

**This means no in water work can occur during spawning and incubation periods for fish.**

**April 1 – July 15 Restriction for**

❑ **Spring spawners:**

- pike,
- muskie,
- bass,
- walleye
- Suckers

**October 1 – July 15 Restriction for**

❑ **Fall spawners:**

- lake trout,
- whitefish

**Cold water rivers & streams:**

**October 1 – July 15 restriction.**

# Do I Need a Permit?

**A Work Permit is NOT required for the following:**

- ❑ boatlifts and marine railways hand laid (no dredging)
- ❑ Docks: on posts, piles or stilts, floating, or cantilevered over the water
- ❑ crib docks where the crib or combination of cribs (i.e. footprint on lake bottom) occupies less than 15 sq m (160 sq ft), and clean rocks from dry land are used
- ❑ removal of old docks and boathouses (crib rock left untouched)
- ❑ minor or routine repairs to existing structures
- ❑ municipal and private water crossings enclosing less than 20 m of stream length and draining an area less than 5 sq km
- ❑ residential water intakes or heat loops

## Do I Need a Permit?

**YES - MNR work permit is Required for any of the following:**

- dredging boat channels and swimming areas
- aquatic vegetation removal
- removal or displacement of logs, rocks and boulders within a waterbody (on shore lands).
- Filling (shoreline stabilization, retaining walls, etc)
- Creating a pea gravel beach below the ordinary high water mark

# Do I Need a Permit?

**MNR work permit is Required for any of the following:**

- Water crossings draining an area greater than 5 sq km and enclosing more than 20 m of stream
- Stream diversions and constructing channels, dams and ponds
- Commercial/industrial water intakes and heat loops
- structures (ie. docks/boathouses) where the crib or combination of cribs (footprint on lake bottom) occupies an area greater than 15 sq m (160 sq ft) this can include solid concrete, wood and steel docks.



## Does This Dock Need a Permit?

3 Cribs each measuring 8ft x 8ft

**Yes**

Area = 192 square feet (18.7 square metres)

### Minimum Standards:

Cribs must be a minimum of 6 feet off shore

Cribs must be spaced a minimum of 6ft apart from all cribs.

Crib to decking ratio shall not exceed 50%

Crib rock must be clean and obtained from above the HWM.

No Pressure treated wood in water

Check with local municipalities for setback from side lot lines.

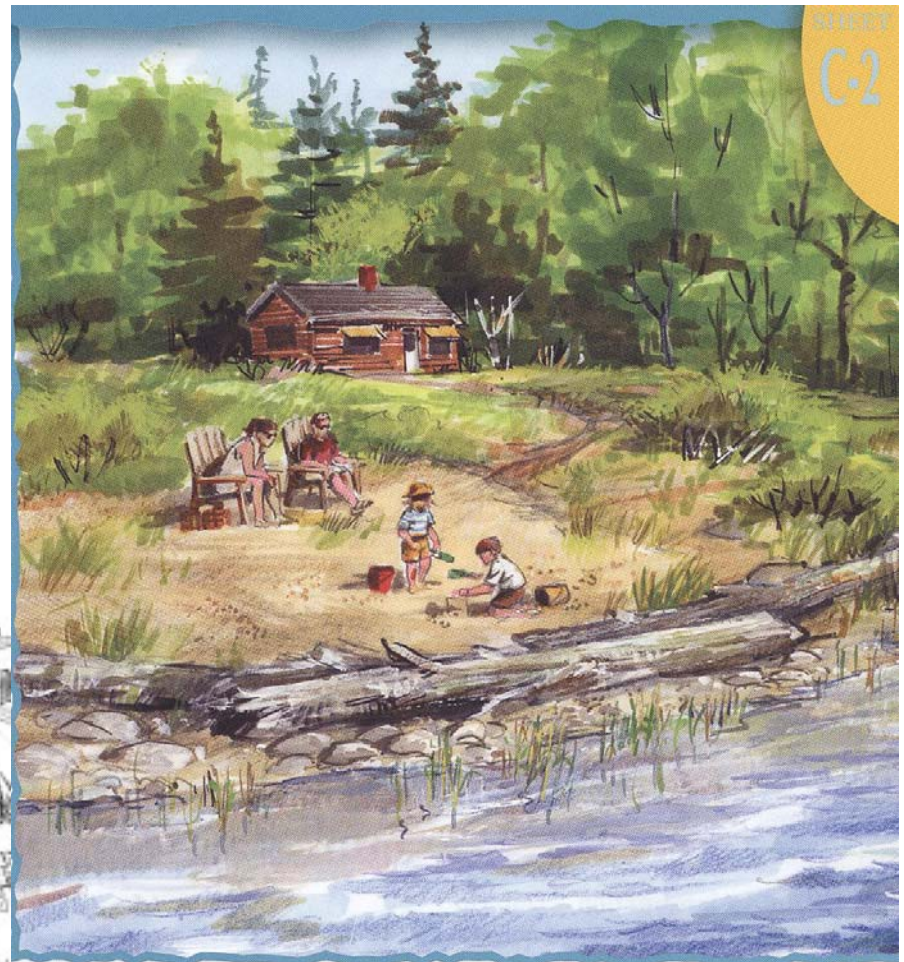
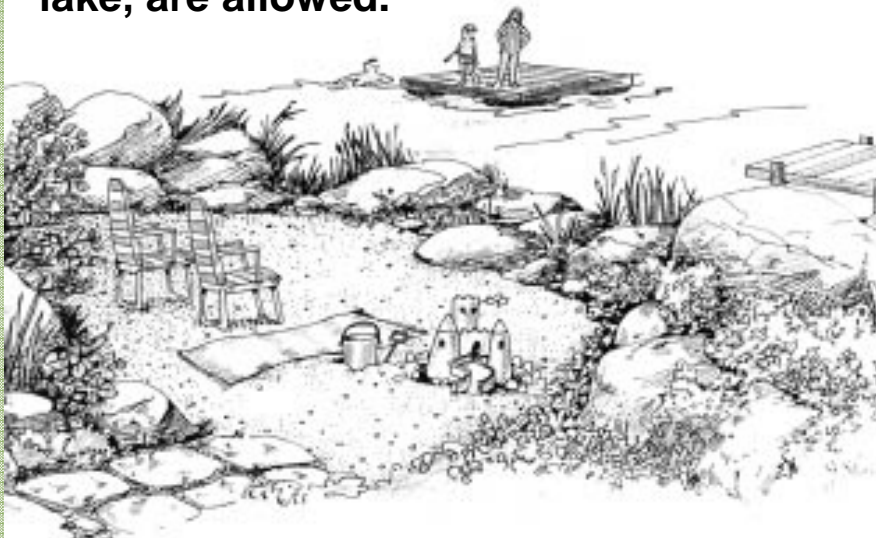
Must follow MNR timing window for installation.

# What if my Client Wants a Beach?

**If individuals want a beach, than they should buy a property with an existing natural beach.**

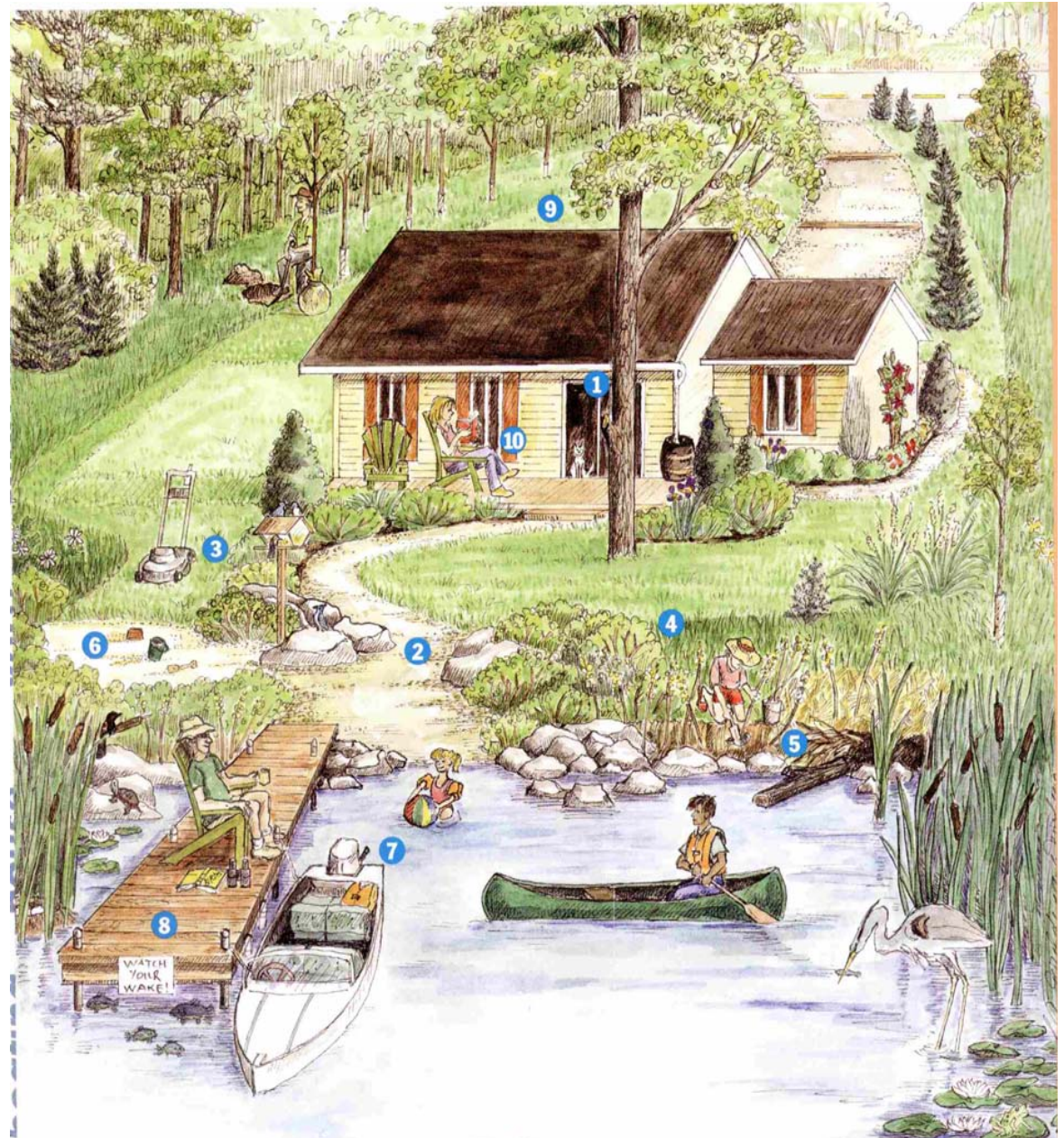
Beaches are NOT approved!

**New:** Only upland beaches, located entirely above the high water mark, with a buffer to prevent runoff into the lake, are allowed.

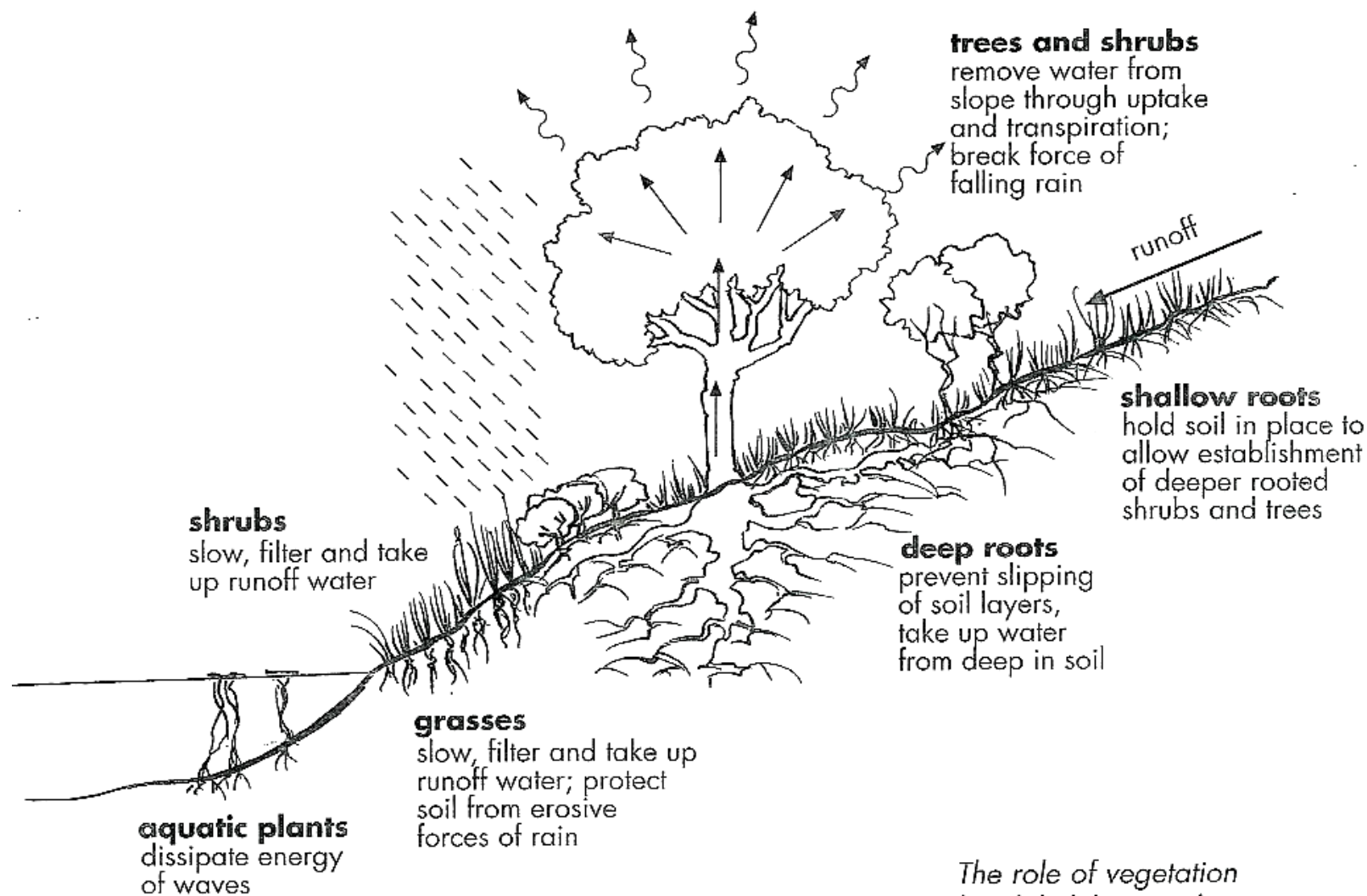


## Best Practices

1. **Prune Trees:** don't remove them.
2. **Replace solid surfaces with porous materials** to absorb run off.
3. **Leave grass 3 inches high** so grass doesn't dry out.
4. **Leave a vegetation buffer along the shoreline.** Plant native trees/shrubs to reduce run off/erosion.
5. **Don't "armour your shoreline,** use natural materials and vegetation for erosion control.
6. **Create dry land beach** above the HWM.
7. **Use an electric motor, or 4 stroke motor** that exceeds EPA guidelines.
8. **Docking:** use steel piles, or floating to minimize impact to fish habitat.
9. **Properly maintain your septic system.**
10. **Use biodegradable and natural cleaning products** without phosphates or harsh chemicals.

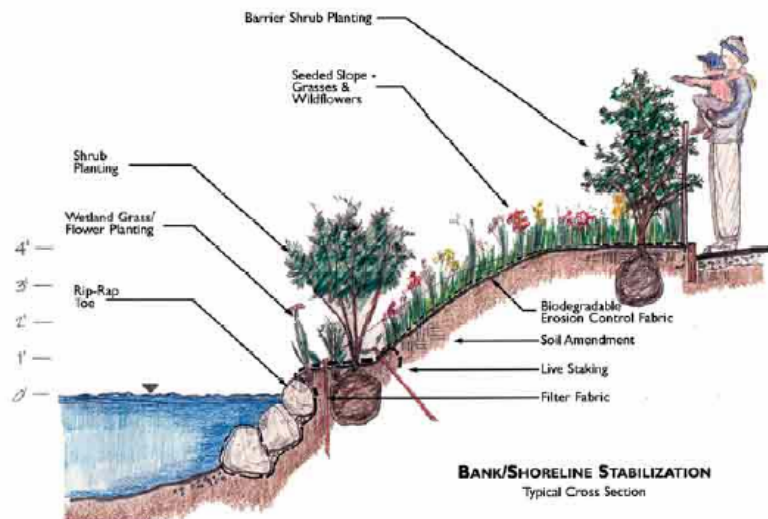


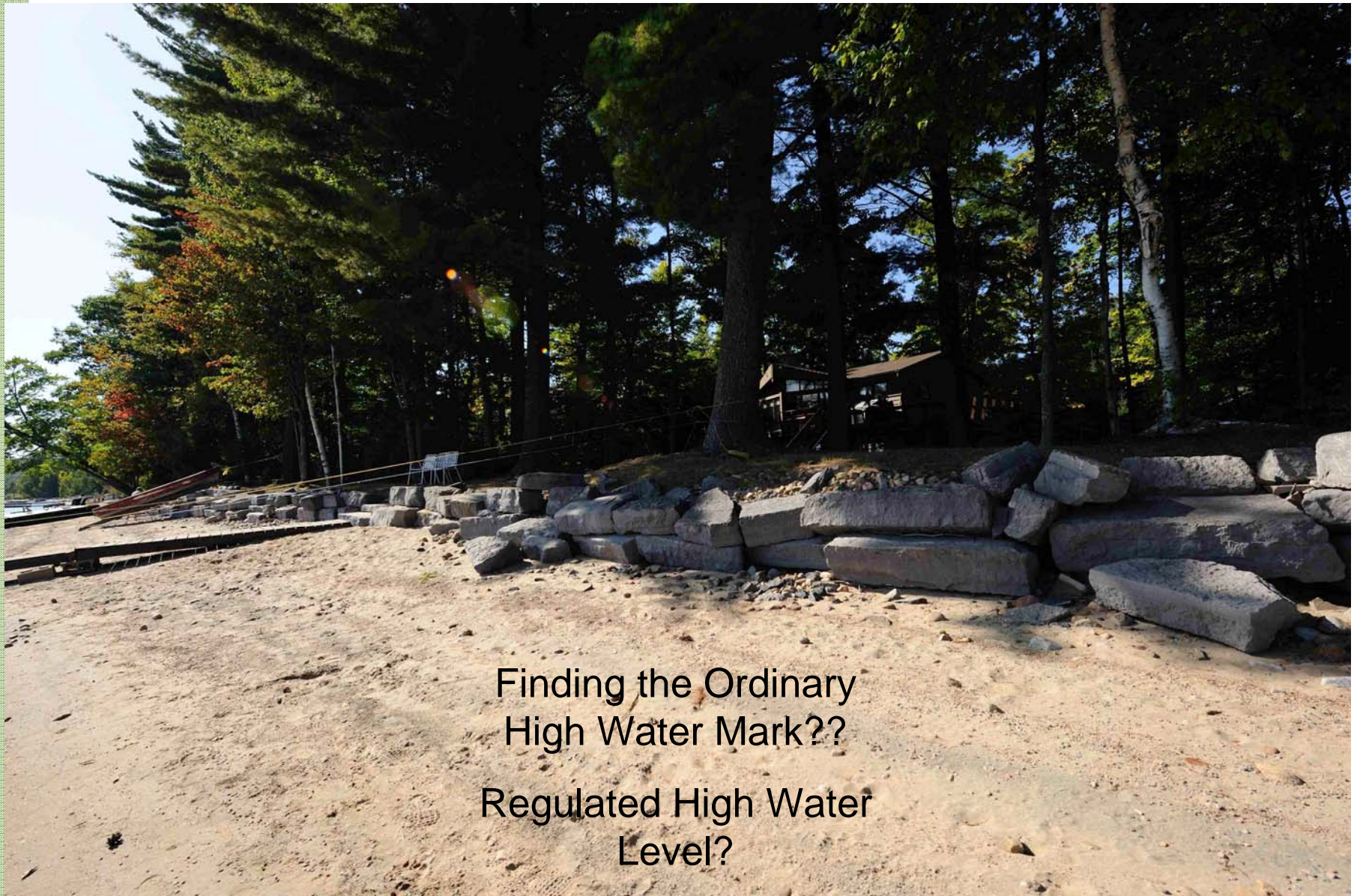
# Natural Erosion Prevention



*The role of vegetation  
in minimizing erosion  
on a shoreline*

# Let's Keep It Nature Friendly!!



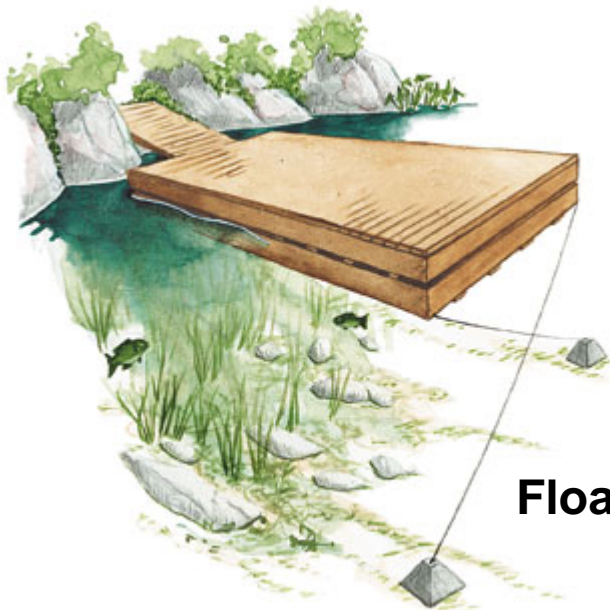


Finding the Ordinary  
High Water Mark??

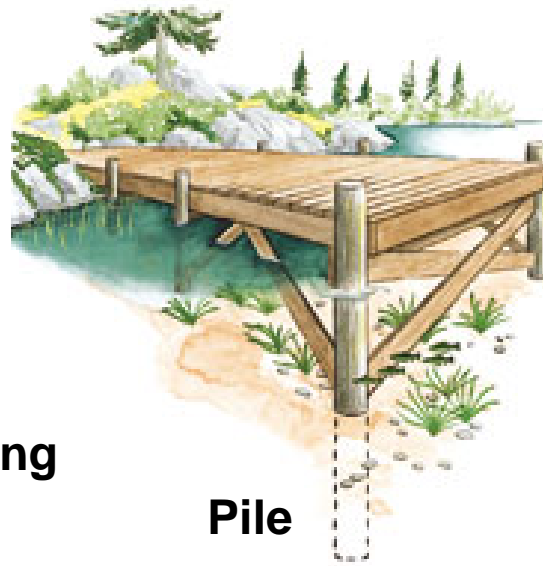
Regulated High Water  
Level?

# Excellent Shore Protection





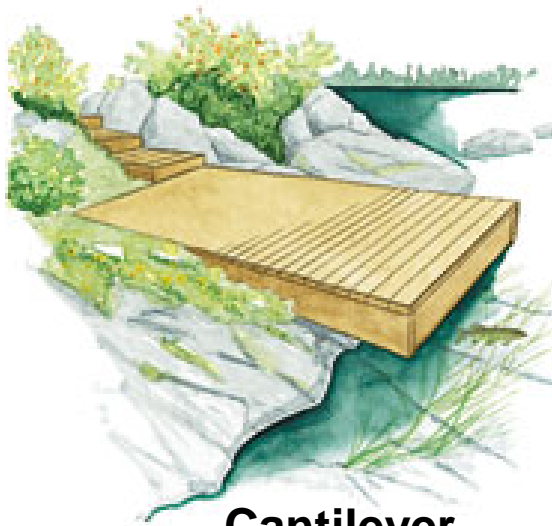
**Floating**



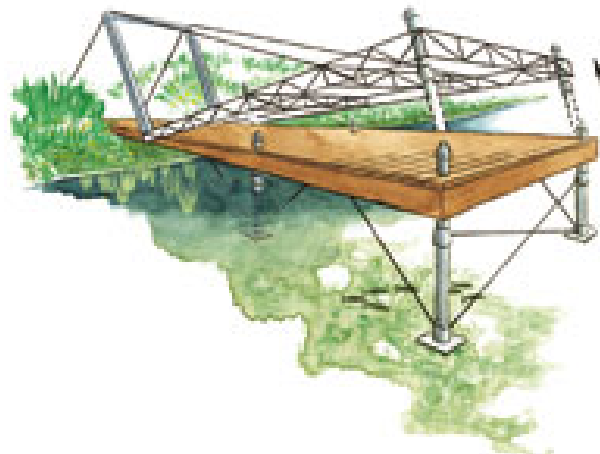
**Pile**



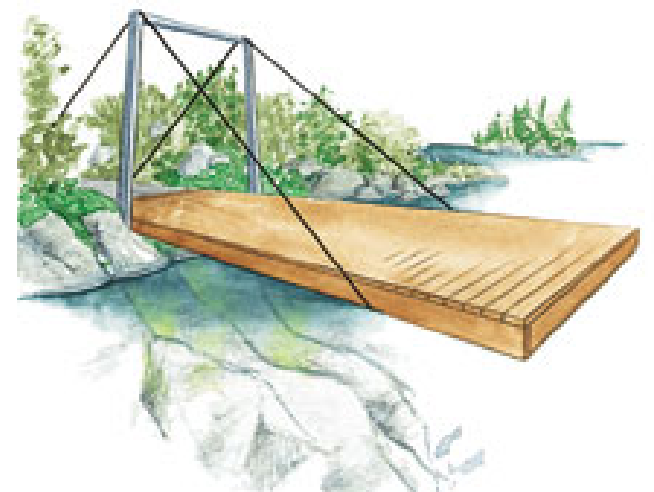
**Pipe**



**Cantilever**



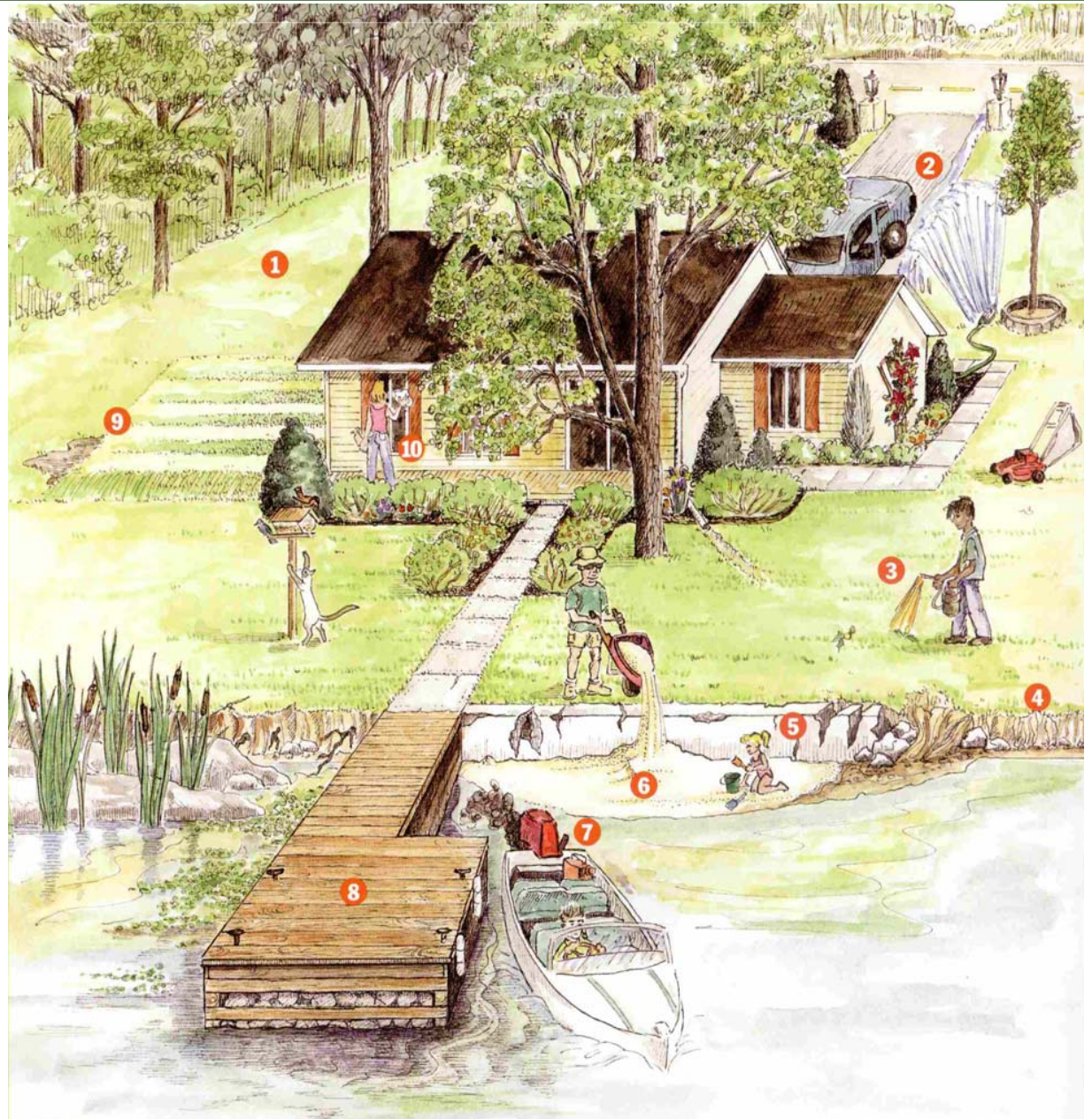
**Lift (pipe)**



**Suspension**

## Poor Practice

1. Cleared lot, no buffer of vegetation.
2. Solid surfaces accelerate erosion, allow pollutants and silt to transport into lake.
3. Chemical fertilizers and pesticides runoff and degrade water quality.
4. Lawn to the waters edge is susceptible to erosion, slumping and does not filter runoff.
5. Hardened shorelines deflect erosion downstream, eliminates natural filtering and degrades habitat.
6. Artificial beaches: Sand washes away & deposits elsewhere, clogs water lines, may create navigation hazards, and destroy fish habitat.
7. 2 stroke engines dumps 25-40% of fuel into water and air.
8. Cribs occupy habitat and alter currents.
9. Malfunctioning septic seeps phosphorous and bacteria into waterways.
10. Household chemicals impact water quality.



# Infilling of Shorelands



Filling of shore lands is only approved when shoreline stabilization  
Is required in eroding areas.

Filling to “reclaim” land or to create recreation areas is NOT approved.

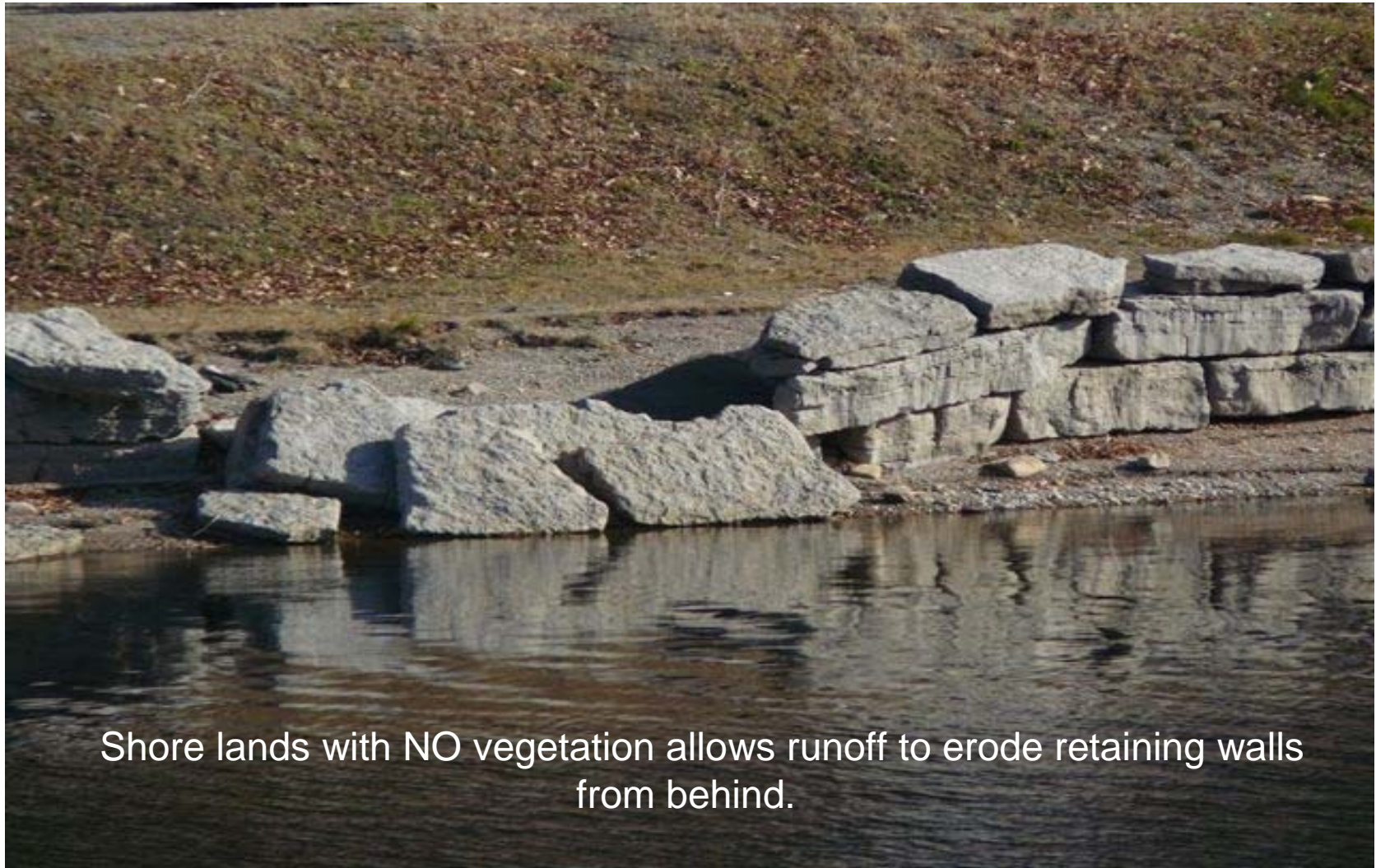


**Poor Practice – Too much Filling  
Alters currents, causing sediment deposits.  
Could have been done with piles.**



- **Unstable slope (too Steep)**
- **Vertical Slopes create sterile environments**
- **Not enough vegetation to minimize erosion from surficial run off.**
- **Concrete will have erosion from behind, then crumble with wave**





Shore lands with NO vegetation allows runoff to erode retaining walls from behind.

## Best Management Practices???





**Shoreline restoration with a stable slope!**

03/30/2011

# Driveway Over Crown Land



Yes – work permit process applies!

# Land Tenure Considerations

## Public Lands Act – Free Use Policy

### □ Two-Storey Boathouses

- Regulating types of structures located on Crown land, including the Crown lakebed.
- Structures that are not a “Free Use” under the Policy require authorization through:
  - Land Use Permit (only as interim Tenure)
  - Crown Lease – issued for 20 year period
  - Crown Patent/fee simple – must meet following eligibility criteria for purchase:
    - » Must own to original High Water Elevation (no SRA in between)
    - » Structure must be entirely between projected side lot lines
    - » Must be within organized municipality
    - » MNR does not wish to retain the property.

### □ Commercial Marinas

- Crown Lease - Docks
- Purchase or Lease of Filled lands
  - ❖ Filled lands are unauthorized occupation of Crown lakebed
  - ❖ If filling was conducted without a work permit and discovered within 2 years of the date of the offence, MNR will require the filled shorelands to be removed and restored through court order.

### □ Non-residential Intake Pipes

- Easements

\* NOTE: Waterlot surveys are required for all Lease, purchase, easements of/over Crown Lakebed. Surveys are at clients expense.

## Two-Storey Boathouse Program

### **Free Use:**

- ❑ Single storey structure, located in front of owners upland property, and used strictly for boat docking and boat storage only.

### **NOT Free Use:**

#### **Authorization Required – Lease**

(purchase may be an option if site is eligible)

- ❑ Structures with more than 1 storey in height (*regardless of the use of the upper storey*).
  - *Covered portion of second storey requires tenure (includes covered decks)*
- ❑ Any structure with living accommodations (bed rooms, bath rooms, kitchens, exercise room, single storey water cottages)
- ❑ Structures not directly fronting owners upland property.



## Two-Storey Boathouse Program



*PLA Subsection 26(1) & 27(1) make it an offence to take possession of, or to place any material or thing on public lands without lawful authority or written consent.*

### New Boathouse Applications:

- ❑ Submit ownership, site plan, & architectural details.
- ❑ MNR reviews to determine extent of Crown lakebed occupation.
- ❑ MNR issues “Notice of Public Lands Act Requirements Letter”.
- ❑ Client Submits Notification Form (once roof is constructed).
- ❑ Interim tenure Issued – Land Use Permit (annual fee 6%)
- ❑ Waterlot Survey (prepared at clients expense).
- ❑ Lease or Purchase of Waterlot upon survey registration.