REPORT RE: COUNCIL, OCTOBER 16, 2012

REPORT NO: CLK125-2012

SUBJECT: RAKING AND MAINTENANCE OF THE SAND BEACH AT SAUBLE BEACH

RECOMMENDATION: THAT the necessary by-law to amend Policy PW.12.1 Raking and Maintenance of the Sand Beach at Sauble Beach be placed on an upcoming Council agenda for consideration.

BACKGROUND: In light of actions taken in early 2012 to rake the beach, the Town has determined that it is in our best interest to clarify our current beach raking policy. The current policy, adopted on March 15, 2011, seemed to indicate that once the Piping Plover has left the nest and prior to the Plover arriving, the beach would be raked.

In consultation with the Ministry of Natural Resources (MNR) biologists and enforcement, this is not a practice which the Town should continue and as such, a revised policy has been brought forward. The policy takes into consideration what has been happening this year; that is the constant consultation with the MNR in order to protect the Town from violating the provisions in the Endangered Species Act. The 2012 year was successful in that we established open lines of communication and worked diligently to accommodate special events and maintain the sanctity of the Plover habitat. The policy being presented has been approved by our Facilities Coordinator (the MNR first line of contact) and the MNR biologists.

In brief, the policy removes the reference to the Plovers leaving the nest and inserts the consultation with the MNR which would occur at the beginning of each season and would continue throughout the entire season. The policy also includes the grading regulations which would see the Town stay 30 feet from the water’s edge and the dunes. The policy removes the number of times per week and shoulder season grading as it was found that the Town does not always have the manpower to complete the raking schedule set out in the previous policy nor was it feasible in the Plover areas. The policy also includes maintenance as part of the beach considerations as all of the activities considered to be maintenance must be performed with consultation with the MNR.

INTER-DEPARTMENTAL IMPACT: The Public Works, By-Law, Economic Development and Fire Departments are affected by this policy in as much as each of those departments work on, coordinate and access the beach. The Facilities Coordinator and the Clerk’s Department have been the points of contact for the MNR.
BUDGET IMPLICATIONS: Approval of Manager of Financial Services

There are no budget implications with the changing of the policy. Of consideration would be that keeping an unclear policy could lead to violations of the Endangered Species Act which may result in monetary fines.

EXPECTED DATE OF COMPLETION: If Council sees fit, the by-law to adopt the policy can be presented at a future Council meeting. Once the by-law is either passed or defeated, no further Council action would be required.

Respectfully submitted,

[Signature]

Angie Cathrae, Clerk/CEMC

Date: Oct 2, 2012
THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA

BY-LAW NUMBER -2012

Being a By-Law to Amend By-Law Number 44-2009 Being a By-Law to Adopt the Manual Governing the Policies and Procedures for the Corporation of the Town of South Bruce Peninsula (Raking and Maintenance of the Sand Beach at Sauble Beach)

WHEREAS Section 8 of the Municipal Act, 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 11 of the Municipal Act, 2001, c.25, as amended authorizes municipalities to pass by-laws regarding the accountability and transparency of the municipality and its operations;

AND WHEREAS the Council of the Corporation of the Town of South Bruce Peninsula adopted a Municipal Policy Manual and desires to amend said by-law by amending the policy regarding grading and raking of the sand beach at Sauble Beach.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA ENACT AS FOLLOWS:

1. THAT policy PW.12.1 Raking and Maintenance of the Sand Beach at Sauble Beach is attached hereto and shall be amended in the Municipal Policy Manual.

2. THAT all by-laws and policies inconsistent with this by-law are hereby repealed and replaced with this by-law.

3. THAT this by-law shall come into full force and effect upon the final passing thereof.

READ a FIRST and SECOND time this 6th day of November, 2012.

_________________________ MAYOR

_________________________ CLERK

READ a THIRD time and FINALLY PASSED 6th day of November, 2012.

_________________________ MAYOR

_________________________ CLERK
GRADING AND RAKING OF THE SAND BEACH AT SAUBLE BEACH

PURPOSE:

To establish a Council approved policy for grading and raking the sand beach at Sauble Beach.

POLICY:

This policy will apply to all sand beach fronting the Lake Huron shoreline in Sauble Beach under the jurisdiction of the Town of South Bruce Peninsula, with the exception of areas where the Piping Plover, an endangered species, has nested and until such time as the Piping Plover leaves the nesting area.

Prior to May 15 of each year, Town staff will remove large winter debris such as logs, trees and docks from the sand beach. All large debris will be disposed of in an appropriate manner.

An industrial tractor with a rake attachment will then rake the entire beach to remove smaller debris and sticks. All small debris will be disposed of in an appropriate manner.

The areas of storm water outlets will be checked and if required, a grader will re-establish a swale to allow runoff to Lake Huron. This function will occur as required during the summer and fall seasons.

The entire beach will be graded to a smooth surface from the water’s edge to the commencement of the dunes.

During the shoulder seasons (May 15 to June 30 and September 8 to October 15 of each year), the raking will be performed as required and at the discretion of the Public Works Department.

During the months of July and August, the portion of sand beach from Main Street to Fourth Street will be raked at least three (3) times per week due to heavy use.

During the months of July and August, the portion of sand beach from Fourth Street to Fifth Street and the portion north of Sixth Street will be raked at least twice per week.
RAKING AND MAINTENANCE OF THE SAND BEACH AT SAUBLE BEACH

PURPOSE:

To establish a policy for maintaining and raking the sand beach at Sauble Beach which takes into consideration the provisions of the Endangered Species Act, the sensitive eco system and the needs of the tourists and beach visitors.

POLICY:

This policy will apply to all sand beach fronting the Lake Huron shoreline in Sauble Beach under the jurisdiction of the Town of South Bruce Peninsula.

Prior to the first raking and maintenance each year, the Town will consult with the Ministry of Natural Resources. The Town and the MNR will determine an appropriate level of maintenance in areas which are protected by the Endangered Species Act as Piping Plover habitat.

Within the areas determined to be Piping Plover habitat, no raking will take place from such time that the beach is clear of winter snow and ice in order to maintain important habitat features as protected under the Endangered Species Act.

When and where appropriate and where such debris causes concerns for health and safety, Town staff will remove large debris such as logs, trees and docks from the sand beach. All large debris will be disposed of in an appropriate manner. In areas protected by the Endangered Species Act, removal of debris will be performed only in conjunction with consultation with the Ministry of Natural Resources.

Should a pair of Piping Plover establish territory in an area not previously identified as protected habitat, beach raking and maintenance should be discontinued in that area to protect the birds and their habitat.

The areas of storm water outlets will be checked and if required, a grader will re-establish a swale to allow runoff to Lake Huron. This function will occur as required during the summer and fall seasons and will be performed in consultation with the Ministry of Natural Resources.

In areas where permitted, an industrial tractor with a rake attachment will rake the beach to remove smaller debris and sticks. All small debris will be disposed of in an appropriate manner.
RAKING AND MAINTENANCE OF THE SAND BEACH AT SAUBLE BEACH

The beach will be raked from the strand line (30 feet from the water’s edge) to a point not more than 30 feet from the commencement of the dunes in areas not protected by the Endangered Species Act and under the jurisdiction of the Town.

When required, a rototiller will be used to control areas where grasses are growing on the beach surface and to within 30 feet of the dunes. These areas may also be mechanically raked to remove the grasses that have been disturbed. In areas protected by the Endangered Species Act, consultation with the Ministry of Natural Resources will be required. As a general rule, vegetation removal should not occur in the habitat of the Piping Plover by means of rototiller, mechanical device or by hand at any time.

Upon notification from the Ministry of Natural Resources that the Piping Plover have left the beach area, the Town will consult with the Ministry of Natural Resources prior to any raking or maintenance of the beach in order to preserve the habitat areas.

Swales which develop from storm water runoff provide important foraging habitat for Piping Plover and their young. These features should not be modified within the areas identified as Piping Plover habitat. In extenuating circumstances (ie. health and safety concerns), modification may be acceptable if performed outside of the breeding season (April to September) in consultation with the Ministry of Natural Resources.

Maintenance of the beach shall include but not be limited to placement of garbage containers, garbage collection, special event set up and organization, parking and access maintenance.