

MUNICIPALITY OF KILLARNEY – TURTLE MOUNTAIN
POLICY & PROCEDURES MANUAL

<i>Section</i>	Municipal Property	<i>Classification</i>	Policy
<i>Subject</i>	Lakeshore Public Reserve	<i>Pages</i>	2
<i>Authority</i>	Council	<i>Effective Date</i>	June 14, 2004
<i>Approved (date and resolution number)</i>	June 14, 2004 - #102 Revised January 27 th , 2021 - #2021 0041	<i>Index Number</i>	PROP-01

PURPOSE

The purpose of this policy is to ensure that improvements done to Lakeshore Public Reserve is done in a controlled manner that is beneficial to the Municipality of Killarney-Turtle Mountain, Killarney Lake and the property owners adjacent to the Public Reserve.

1. POLICY STATEMENT

The Municipality of Killarney Turtle-Mountain is committed to establishing a policy for the use and improvement of the public reserve property.

2. INFORMATION REQUIRED TO SUBMIT

- Owners of property adjacent to the public reserve that wish to do improvements are required to submit the following information in a written application.
- Your name, mailing address, telephone number.
- Rationale for project.
- A detailed description of the work site including a map, survey plan or sketch with dimensions indicating the location of existing buildings, shoreline structures, property lines and the average annual high-water level.
- Cross-sectional (side view) drawing (with dimensions) of proposed structures, indicating the current water level and average annual high-water level, original unstable slope and proposed slope.
- Any sediment and erosion control plan for construction.
- Plan view (top down) drawing of shoreline to be stabilized showing length (m) of shoreline to be stabilized, existing shoreline and proposed works.
- Proposed start and completion date.
- List of other agencies contacted.
- A signed "Letter of Assurance for Projects near water" accepting full responsibility to insure all work meets any applicable legislation, by-laws, codes, standards acts and regulations. Including *The Fisheries Act & The Species at Risk Act*.

3. AUTHORITY LEVEL

- If the shoreline stabilization work includes construction of structures, placement or removal of materials above the high-water-water mark and is on public reserve.
- The first contact should be The Municipality of Killarney Turtle-Mountain Planning Department
- Council has legal control of the public reserve and the authority to approve, place conditions on approval or not allow improvements on the public reserve.
- No work on the public reserve to take place before approval of Council and the submission of a signed and dated Letter of Acknowledgement for Projects near Water.
- This Approval becomes null and void if work or construction authorized is not completed within twenty four (24) Months.
- If the shoreline stabilization work includes construction of structures, placement or removal of materials below the high-water-water mark. Approval from Fisheries and Oceans Canada-Habitat Management and Manitoba Conservation must be obtained prior to application being processed by the Municipality.



Letter of Assurance for Projects near Water

The ***Fisheries Act*** requires that projects avoid causing any harmful alteration, disruption, or destruction of fish and/or fish habitat unless authorized by the Minister of Fisheries and Oceans Canada. The Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada reviews projects to ensure compliance with the ***Fisheries Act*** and the ***Species at Risk Act***. Following the measures to protect fish and fish habitat will help you comply with the *Act*;

We request that you visit their website to determine if DFO needs to review your project. If your project is not in one of the listed exempted waterbody types nor does it fall within the standards and codes of practice, we recommend that you submit a Request for Review to DFO before proceeding further. If you are unsure about whether your project requires DFO review, you can seek support from a qualified environmental professional familiar with measures to avoid impacts to fish and fish habitat. It is the proponent's responsibility to meet all requirements of federal, provincial and municipal agencies."

Additionally, if a project is taking place in or near water, the proponent is responsible for:

- understanding the impacts your project will likely have on fish and fish habitat;
- taking measures to avoid and mitigate impacts to fish and fish habitat;
- requesting an authorization from the Minister and abiding by the conditions of your authorization when it is not possible to avoid and mitigate project impacts on fish and fish habitat; and
- ensuring compliance with all statutory instruments, including federal and provincial legislations.

By signing this document, the applicant acknowledges that:

All statements and representations contained in this application and the plans and specifications are correct, accurate and adhere to any applicable legislation, by-laws, Codes, Standards Acts and Regulations

Any changes from the plans and specifications or scope of project as specified in the Application shall void the approval.

Applicant: _____

Date: _____