

LOWER THAMES VALLEY
CONSERVATION AUTHORITY

DRAFT Dock Policy

Lower Thames River

2022



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1. Background

There is a long history of ice jams on the Thames River; and in parallel, efforts have been made for more than four decades to investigate ice problems and potential solutions for mitigating them. The Lower Thames Valley Conservation Authority (LTVCA) is often asked to make decisions regarding whether or not docks are permitted on the Thames River. The LTVCA has found that even robust docks suffer damage from flooding and ice push/jam events. A detailed approach has been lacking for the LTVCA to make informed decisions regarding proposed docks in the Thames River. An Ice Guideline was produced to assist the LTVCA in decision-making with respect to permitting for docks on the Thames River in the area of Chatham and immediately downstream of Chatham. The guideline and a supporting technical document was prepared by Mr. George Comfort, P. Eng., an experienced and qualified ice engineer.

Both the Technical Background Report and the Ice Guideline document can be found here: <https://www.lowerthames-conservation.on.ca/planning-and-regs/regulations/> and are also found in Appendix 'B' and 'C' of this document.

In order to implement the Guideline that is supported by the Technical Background Report, a Thames River Dock Policy is required.

2. Types of Docks and Area of Jurisdiction

- The policy is intended to be applicable to “recreational” docks. For the purposes of this document, a recreational dock is a structure for mooring watercraft located immediately in front of existing public, residential or commercial properties.
- The Dock Policy’s area of jurisdiction extends from the mouth of the Thames River up to Communication Road, which is near the eastern boundary for the community of Chatham (refer to Appendix ‘A’). Furthermore, the Dock Policy’s area of jurisdiction is limited to the lower Thames River, and it excludes the tributaries (i.e., various creeks and canals upstream of Lighthouse Cove) that feed into the river. Additionally, this policy addresses docks within the canaled area of the community of Lighthouse Cove.
- From Communication Road east, to the easterly limits of the LTVCA’s jurisdiction in the Community of Delaware, non-removable permanent dock works are not permitted due to the hydraulic profile of the river through this reach. Any structure would be subject to extreme forces during flood and ice jam situations.

3. Policy Applicability

The following policies apply to in-water and shoreline works and related activities. Proponents of projects must ensure that the policies applicable to a particular type of work are considered when submitting an application.

4. Dock Policy

A. GENERAL

A.1. All dock construction shall be subject to / meet the requirements described in ‘Ice Guideline for Docks in Lower Thames River – Final Approved Report, George Comfort, P. Eng., G. Comfort Ice Engineering Ltd., October 21, 2021’.

A.2. Construction of in-water and shoreline works and related activities may only proceed once a permit is issued, and the work must conform to the conditions as stated in the approved permit/clearance letter.

A.3. It is the applicant's responsibility to ensure that the proposed work meets the requirements of all other federal and provincial agencies and the municipality (including any applicable permits).

A.4. No structures (e.g. sheds, boathouses, gazebos, etc.) shall be permitted on the dock.

A.5. Where the river or waterbody bed is defined in ownership, permission will only be granted with written consent of the landowner.

A.6. All applications for in-water and shoreline works require detailed plans or sketches showing the location and nature of the work. Photos or digital images illustrating the location of the proposed work and condition of the site may also be required along with a plan showing the orientation of the photos.

A.7. Structures, works, facilities and activities must not interfere with, or pose a hazard to navigation, or create a public safety hazard, and must not interfere with water flow and currents.

A.8. Flotation devices for floating docks shall be enclosed and contained, where applicable, to prevent the escape or breakup of the flotation material into the water.

A.9. Only one dock per lot is allowed per property unless it is a water access only property.

A.10. Species at Risk (SARO) and their habitats will be protected.

A.11. Dock / structures are intended (and will be reviewed / permitted) solely for the purpose of vessel access.

A.12. Any other ancillary structures (houseboats, gazebos, sheds, storage areas, party platforms, etc.) floating or otherwise, are to be treated as any other form of 'development' and as such, our standard flood/erosion/shoreline/watercourse/wetland setbacks will apply.

B. SPECIFIC POLICIES BASED ON LOCATION OF DOCK (REFER TO APPENDIX 'A' – POLICY LOCATION MAP)

B.1. Development of non-removable permanent docks will be permitted within the area bounded by Communication Road and the beginning of the easterly limits of the municipal diking (approx. 2.55 km upstream of the Prairie Siding Bridge).

B.2. Non-removable permanent docks or major abutment works shall not be permitted within the diked portion of the lower Thames River.

B.3. Non-removable permanent docks shall not be permitted within the upstream portion of the Thames River (upstream of Communication Road).

B.4. Non-removable permanent dock work shall not be permitted in the Thames River downstream of the diking through the Community of Lighthouse Cove (upstream of river mouth at Lake St. Clair).

B.5. Removable docks shall be permitted in the Thames River.

C. CONSTRUCTION REQUIREMENTS / RECOMMENDATIONS

C.1. Generally, cantilevered, floating, and docks supported on legs, posts or pipes are recommended.

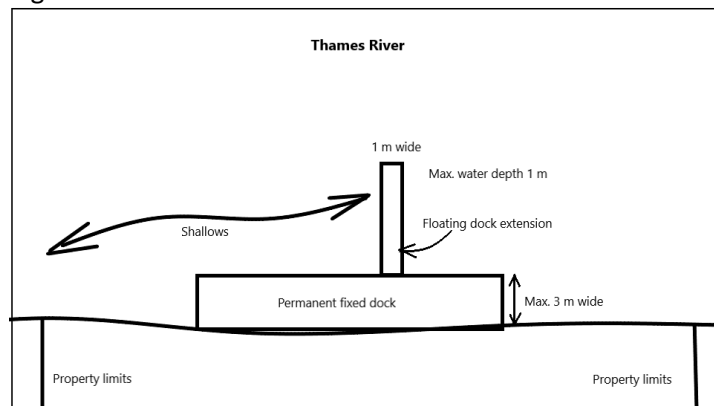
C.2. Crib style docks and docks consisting of solid in-water structures will not be permitted.

C.3. Structures to secure docks to the shore shall be installed above the upper navigation (water) level.

C.4. Non-removable permanent docks shall not extend into the river greater than a length of 3 metres.

C.5. In the case of very shallow water, an extension consisting of a floating dock no wider than 1 m may be granted up to a water depth of 1 m (3 ft.) (refer to Figure 1.) to allow for sufficient depth for boat mooring, if in the opinion of the Authority this structure will not impact natural hazards i.e. ice movement or ice jamming. All appropriate lighting on the extension must be undertaken, as per Federal requirements, so that the extension does not pose a hazard to other users of the river.

Figure 1.



C.6. Sediment and erosion control measures are required to prevent the entry of sediments into the water and to control turbidity levels.

C.7. Mitigation measures, such as the installation of silt fencing, etc., will be implemented to ensure all in-water and shoreline works have minimal impacts on fish and wildlife habitats.

C.8. All activities including maintenance procedures shall be controlled to prevent the entry of petroleum products, debris, rubble, concrete or other deleterious substances into the water.

C.9. In-water and shoreline works must be located a minimum distance away from the side lot lines of neighbouring properties, as projected into the water from the shoreline as defined by Federal authorities (Transport Canada). Any proposed dock must be situated 5 m or more from the adjacent property boundaries and property line extensions (taken from <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2021-170/page-1.html#h-1308703>).

C.10. Treated wood that meets provincial and federal guidelines will be allowed, provided the wood is pre-treated and dry. Creosote preservative and wood treated with creosote will not be approved. Treated wood will not be allowed where it has contact with the water.

D. MAINTENANCE AND REPAIR

D.1. Regular maintenance and repair that does not alter an existing structure or involve an addition will be allowed without a permit. All other major structural repairs and renovations such as repairs to beams, joists, stringers, posts and piles will require a permit, and where possible, have a net positive impact on the environment.

E. TIMING OF WORK

E.1. To protect warm water fish spawning activity, no in-water work will be permitted during spawning periods, the dates to be defined by Provincial and Federal authorities.

E.2. The installation of floating docks and other structures will be permitted during the mid-March to June 30th period provided they can be floated in and secured to their anchors without causing harmful disturbance to fish spawning activity or habitat. No other work or heavy equipment is allowed on the bed during this period.

E.3. Previously approved structures such as floating docks that are removed annually may be replaced in the same location during the fish spawning period as long as there is no disturbance of the bed.

F. LIGHTHOUSE COVE CANALS

The following policy shall be in effect for canals within the Community of Lighthouse Cove in addition to the above noted policies:

F.1. No dock shall extend further than 3 m into a canal from the existing top-of-bank.

F.2. Where the canal is defined in ownership, permission will only be granted with written permission of the landowner.

F.3. All closed in structures must meet existing setback requirements from the top of bank of the canal system.

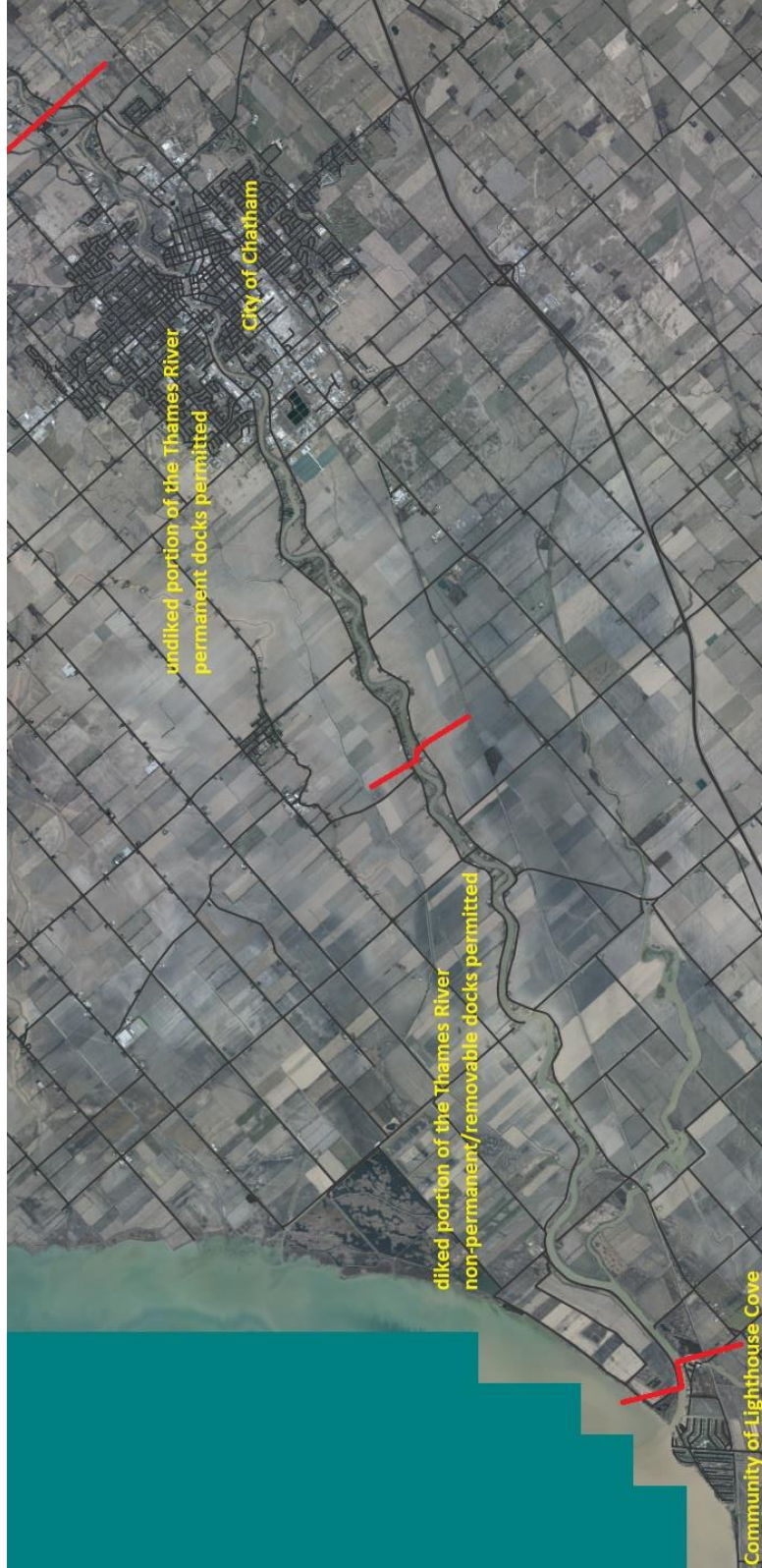
F.4. Dock boxes, up to a maximum dimension of 28" x 75" by 48" in height, can be permitted provided they are secured to the dock.

G. ENVIRONMENTALLY SENSITIVE AREAS WHERE NEW / REPLACEMENT DOCKS WILL NOT BE PERMITTED

G.1. Where access to the dock is through a Provincially Significant Wetland (PSW), a local wetland, an Area of Natural or Scientific Interest (ANSI), Environmentally Sensitive Area (ESA) or other environmentally sensitive area in the absence of a favourable Environmental Impact Study / Development Assessment Report or site visit with qualified LTVCA staff (to determine appropriate siting of the dock and access path).

Appendix 'A'

POLICY LOCATION MAP



Appendix 'B'

Ice Guideline for Docks in Lower Thames River – Final Approved Report,
George Comfort, P. Eng., G. Comfort Ice Engineering Ltd.,
October 21, 2021 (separate document)

Appendix 'C'

Ice Guideline for Docks in the Lower Thames River Technical Background: Final Approved Report,
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