



Harbour Advisory Committee Public Session One Minutes

Tuesday March 31, 2015

1:30 p.m.

KRC Rotary Room

PRESENT: Wayne Atkins, Transport Canada
Robert Bulman
Dave Murray
Mike Barclay, OPP Marine Unit
Jeff Evans, OPP Marine Unit
Councillor Sharon Smith
Karen Brown, CAO
Charlotte Caron, Manager of Property & Planning
Bruce Graham, Health & Safety Officer
Kerri Holder, Administrative Assistant

The session began at 1:32 p.m. with Karen welcoming everyone to the session and Rules of Order were outlined. A brief introduction of the Harbour Safety Committee members and City resource staff was given. Karen explained the history of waterway concerns leading up to the session today. In 1999 the Town of Kenora considered a speed limit from Safety Bay through to Cameron Narrows. It was not pursued at that time. Last year residents in Cameron Narrows made a deputation to Council asking for a speed restriction in the Narrows. The City put up the information buoys and set up the Harbour Safety Committee. The Committee was designed to determine what is best for the community, residents and lake users. As the Committee worked through the process it was found that there was a lot to learn about the waterway rules and regulations, what is in place now and what options are available for the City. In consultation with Transport Canada, it was decided that the City would bring in Transport Canada to provide the correct information and answer questions. It is important for the public to be given the same information that the Committee was learning about.

The session was then turned over to Wayne Atkins, Transport Canada Boating Safety Officer. Wayne gave details about his background and experiences with marine laws and boating. He became involved with the issue in Kenora after many emails and phone calls. He noted his independence and neutrality and that he was here to answer questions. The information provided is what the Committee will make its decisions on and help to keep the issue from escalating.

Wayne began with why we are here discussing the area of Cameron Narrows and the need to determine what rules and regulations apply to that area. He noted that Cameron Narrows is a small body of water, where all sizes of boats go up on plane. The size of boat is related to the effect of the wake and wash left behind. Boaters are responsible for their wake and wash however there is no law to govern wake or wash in Canada. It is a civil matter. The group was surveyed to see how many people had seen a buoy with "No Wake" and many raised their hands. "No Wake" means nothing in Canada and is not a chargeable offence. To illustrate wake and wash, Wayne referred to the flow of water off a duck as it swims through the water. He further explained that if a person posts a sign with "No Wake", they can be charged for misleading navigation or for an improper sign. This falls under the Canada Shipping Act.

It was indicated that the problem here is high speed boats going through Cameron Narrows. It was suggested that when the Committee provides an answer or solution to the issue, the information provided today will provide the backup to that decision. It is hoped that the information session help to keep the issue from becoming a bigger. There was discussion on determining how fast is fast. It was suggested that fast is the speed at which the operator is unable to maintain control of their vessel and strikes another vessel sending people to the hospital. This can happen at any speed, fast or slow.

Next the steps of a VORR were discussed. VORR is a Vessel Operation Restriction Regulations. Vessel means every watercraft used for or capable of being used as transportation on the water. The Canada Shipping Act, in the Collision Regulations, under Rule 18, determines the order of responsibilities between vessels, which does include float planes. Float plane was noted as the last in the pecking order below the power-driven vessel. Other vessels are fully described in the Collision Regulations also.

VORR is a lengthy process initiating an act of parliament. It involves consultation with many stakeholder groups, including industry, private business, and First Nations. It was explained that this is not something that is voted on by Council and will just happen overnight. A VORR application can take up to three years. The application has to go through many steps to become legislation. Wayne assured the group he was not there to put up the buoys. He then continued on to explain why. There is a law within the regulations called the Universal Shoreline Restriction. (USR) or the 10/30 Rule. The Universal Shoreline Restriction (USR) applies to all bodies of water in Ontario. It states that if you are within 30 meters from shore or closer, you must travel at 10 kilometers per hour or less. The OPP know this rule, it has always been in the regulations. There are some exceptions to this rule and they were described. Wayne explained where the 30 meters came from. It is the length of a water ski tow rope and this distance permits the skier to take

off from shore because the prop of the boat will be 30 meters from shore. This is one exception to the USR. Another exception is for canals or buoyed channels. The dictionary definition says a channel is a body of water between two points of land. The definition of channel for Transport Canada purposes is that is it named on topographical maps or navigation charts as a channel. Examples given were the Keewatin Channel or Rideau Canal. If waterways that are named as channel or canal have navigational buoys, there is no speed restriction. A third exemption is if there is an existing VORR in place then the terms of that VORR apply. It was noted that Kenora has three VORRs in place with speed restrictions: Golf Course Bay, Portage Bay and Keewatin Bay, and Portage Bay, and Laurensons Creek. The existing VORRs can be found in the Canada Shipping Act, 2001, Vessel Operation Restriction Regulations. Schedule 5 Part 3 and Schedule 6 Part 2, Ontario, and Wayne suggested those interested in reading more should refer to these Schedules. The OPP can charge for exceeding the speed limit stated in the VORR in these areas and the fine amount for the Provincial Offences Notice Part 1 was quoted as \$240.00. Wayne went on to say this is what we want to avoid. The preference is to educate before we legislate and this had been discussed with Council and the OPP Marine Unit Officers. It was explained that this public information session is step one of education about the 10/30 Rule and safe boating. He encouraged the community to come together on a solution and start slowing down when travelling through Cameron Narrows. Boaters can be held responsible for wake and wash. Wayne encouraged that is it time to spread the word about boating safety and slowing down and this will help to avoid having to go through the VORR process to enact legislation in this area. Going through this process is the last thing a community wants to go through. Wayne shared examples of other communities that have similar waterway issues, such as St. Lawrence Seaway or Honey Harbour and how spreading the word about slowing down worked. Wayne also quoted results of a court case where the boater was found responsible for a child being thrown from a dock because of the wake and wash. The point was that all boaters need to slow down.

Next the floor was opened for questions and/or comments from those in attendance. The following are the transcribed questions or comments (indicated by Q and C) and answers, responses or information (indicated by A):

C: About the wake and wash being a civil matter. Usually there is a charge, there's a conviction and settlement of an incident.

A: Usually there is an investigation and the outcome depends on the severity of what happened, for example your canoe is thrown up on to the rocks or worst case there is an injury or fatality. Nobody is around. The OPP are called and depending on what evidence turns up from the investigation, there may be a charge laid as careless operation or unsafe operation, if the responsible boat can be found. Outside of that the private citizen would need to pursue the wake and wash caused. It is difficult for the OPP to come by and see that the canoe is on the rocks

and there is no idea which boat could have caused the wake and wash to put it there. There is nothing in the Canada Shipping Act that says if you create a wake and wash, the OPP can just issue a ticket. The OPP cannot write a ticket for this because there is no way to measure it.

C: The reality is unless you have filmed this to show whom is responsible, there is no charge.

A: When it goes to investigation, all the tools the OPP use to do the investigation is what helps them, like any other crime. There is nothing a federal boating officer has to give the City or OPP saying charge this person for wake and wash. There is no control over wake and wash, it turns into a civil matter.

Q: You film it, you film a guy doing it, you see the damage it caused, you file a statement of claim, it's not a police matter at all?

A: I would still go to the police, then you have a report to back it up. There had been other incidents where the police have contacted the offender saying he should speak to the other about his dock. That's what I mean when it goes into a civil matter and think about the wake. Also think about the wake and wash of a duck in this.

Q: There's no law for wake and wash, but doesn't the 10/30 Rule cover for that?

A: Good question. Because there is no law to cover wake and wash, it is what we call a blanket regulation. A personal watercraft up on plane, hardly has any wake or wash, but a 40 foot boat up on plane, has enormous wake and wash. This is the thinking behind the regulation. The 10/30 Rule is a way of trying to control the wake and wash along the shoreline. We know that boats make waves, we know that boats rock other boats. That is the reason behind the 10/30 Rule and if everybody followed it and didn't drive close to shore, then the USR would work and the OPP wouldn't have to lay any charges.

Q: How do you get a narrows to become a channel? Is it a case of change the name?

A: I would contact the hydrographic services and work from there.

Q: In order for the 10/30 Rule to be enforced in front of the homes in Cameron Narrows and in other narrows, does a camera have to be set up? Or should residents set up a camera?

A: No, the OPP have to catch the boater speeding, just like on the 401 or Hwy 17.

Q: So even on video, it would not hold?

A: Be careful with the video, there is the Privacy Act to consider.

Q: What is the recourse in a narrow channel or narrows like that? How can it be proven it is a huge problem, with the wakes?

A: You can't. That's why I do these consultations, so everyone is in the know. When I asked the question about is there a problem about high speed in the narrows, some hands went up and some hands didn't. Hopefully the hands that did go up are listening. Because out of those, if

one person gets caught and goes to court, ends up paying, they will think maybe I should have slowed down through the narrows.

Q: That's a policing situation then?

A: It could be yes, however we can't expect the OPP to sit there all day at the narrows by your dock. My job is to train marine officers on the interpretation of law. The best way they explain it is to relate it to a subdivision where residents phone the police and complain that everybody is speeding through the subdivision and their kids are there. Then the police set up in the subdivision and the people that live in the subdivision are the ones speeding. It's usually the people that know the rules.

A: Are there any United States (US) citizens here today? In the US, they have a "No Wake" law. I was teaching marine law to a community in the United States and asked how they determine wake and wash as I would like to pass it on to Canada. The answer was it is based on attitude check because it is impossible to measure wake and wash without technical tools. Usually when you see a buoy that says "No Wake", it is more of a gentlemen/lady handshake thing, it's a courtesy thing to slow down. Think of it this way, would you want your boat smashed up on the rocks or floats rocking in the wake while trying to load up? I would not. You need to come together as a community on this.

Q: What is being recommended for Cameron Narrows as opposed to every other narrows that is 30 meters from shore? What recommendation is being made for that narrows?

A: After sitting down with the OPP Marine Officers, going through the interpretation of narrows and channel, and reviewing the regulations and the Act, they are very clear on the rule. It can be enforced. Are they going to sit there all summer, probably not. They have to patrol, that is their job. If they catch you speeding through the narrows, not buoyed channel – it's a narrows, then you could be served a Provincial Offence Notice Part 1.

C: Are you singling out that narrows as opposed to every other narrows that is within 30 meters of shore?

A: No, it's the whole lake. The rule applies to all waters of Ontario. It has always been enforceable.

C: What is recommended for that narrows?

A: It is recommended to slow down.

C: I can name probably off the top of my head 500 places where this applies, are you singling it out to that narrows or do you want that to be enforced throughout all of the Lake of the Woods.

A: I want it enforced throughout the Lake of the Woods.

C: That means that every five minutes would have to slow down to 10 kilometers per hour.

A: Okay.

C: That's not okay for tourism, that's not okay for the area.

A: You shouldn't be within 30 meters of shore speeding up and down anyways.

C: There's not many places where there isn't 30 meters.

A: That regulation has always been there.

C: Yes I understand the regulation. I have been directly involved with this for years. I was with the OPP for forty years and I was in charge of looking after marine policing. At that time, we had to decide whether to enforce or to not enforce it. You have to make that decision, you know that it's speeding if you are 10 kilometers per hour within 30 meters of shore in any of the narrows of the lake, it doesn't mean you charge at Mathews Island and you charge at south west end of Coney Island, and you charge in a hundred other areas. But if somebody is driving too fast, say in an erratic manner or passing someone near the Cameron Narrows, I would prefer to go with careless operation of a vessel because you can explain why they are going that speed they are going, not just the speeding. To us has been the better option, because otherwise people can hardly move around on Lake of the Woods without slowing down, every narrows you get to you have to slow down, and that's not practical. It may be the law, but it is not practical.

A: You are right, it's the discretion as an officer whether to lay the charge or not, and also with their discretion as an officer, they can give a reminder to slow down.

C: Yes I was not taking a stand on anything, my point is that I always like that fact that, the officer could use his discretion on whether or not to lay a charge of careless operation of a vessel by the manner in which the vessel being operated, not so much concreting on the speed of the vessel.

A: Okay, the careless charge is more money than the speeding charge.

C: Yes it is, and in my opinion, it's well deserved if the action goes along with the ticket. Because if they're operating where you are coming through the Cameron Narrows and there's boating slowing down there, then you slow down behind them, you don't zigzag past between them. It's not about the speed. It's about the careless operation. If there's nobody around, then I am going through there just up on plane, in a normal sized boat and at 30 kilometers an hour, I don't feel that that's a problem. It doesn't create as much of a wake as being half on step.

A: That's right. The main reason behind this is that it wasn't necessarily the speed. This whole thing is based on damage. In VORRs there is also unsafe operation which is even a larger fine of \$500. The officer has all kinds of tools, he can choose to not enforce the speeding charge and just go with careless operation. Cameron Narrows, if we want to narrow it down, is based on damage and ruining people's property. It could go to a civil matter and we discussed that. You are absolutely right, if you are zigging and zagging, and you are up on plane, and other boats are going nice and slow because they respect people's properties and people's boats, you could receive a careless operation \$300 plus surcharges and unsafe operation \$500 plus all the surcharges. They have more than just the speed charge. Right now it is not the speed, it is the wake and wash

and how do we control the wake and wash.

Q: I have a 16 foot boat which means I don't slow down because then I am not throwing a huge wake. I am throwing more when I'm slower.

A: Unfortunately yes, but if you are 30 meters from shore you have to do 10 kilometers an hour.

C: But you said earlier it's only for 19 foot and longer, that's how I interpreted that.

A: No I didn't say that. We know as a boater that little boats up on plane creates less wake and wash up on plane compared to a 40 foot boat up on plane. That's why it's called a blanket regulation and it's called vessel – Vessel Operation Restriction Regulation. If you own a 14 foot aluminum boat and you are within 30 meters of shoreline, you are supposed to do, according to the Law, 10 kilometers an hour.

Q: How wide is Cameron Narrows?

A: We measured this morning and it was 67 meters at the high water mark.

C: Last year in high water, it was really obvious that it was affecting at the people's shoreline. It was a good call last year, and so that 10 meter hole is pretty small to be passing boats through there. It's a restriction, but there's still a hole there.

A: Yes there's a window there.

C: 30 meters from shore isn't very far. This room is 50 feet long probably, so it's only twice the length of this room.

A: Yes, the length of a ski rope. That's where they got it from.

Q: As a representative of Cameron Narrows Stakeholders Committee, I just wanted to clarify that it wasn't just property damage, it was safety as well. What we see out front of us is a danger. It's not just property damage, I just wanted to make that clear.

A: When you say safety, safety with you on your property and docks, or are doing an assessment of vessels passing each other?

C: Yes, those passing each other.

A: Well that's hard to do, because if you see two boats passing and they are up on plane, they could have 4 meters in between.

C: But they are going fast and it is just dangerous.

C: How fast is fast?

C: No faster than cars passing on the highways.

C: And further apart

C: But with cars passing on the highway, you have two vehicles passing. This way you have five boats coming at each other sometimes and on long weekends.

A: If you look at the track record of Cameron Narrows, we have had one boat run up on a slow boat, 7 or 8 years ago. We had one boat go up on the rocks in 2013. There have been no other reports of near misses, no fatalities, and no one was run over by a boat. I don't want anybody to go out and start doing this now. There have been no complaints of people getting thrown out of a boat either. Nothing has been reported. Now going back to the whole VORR application process, when the City

decides to do it and I start doing the paper work that gets presented to the Treasury Board to make the law that is one of the things they're going to want to see in Ottawa. They will want to see quantitative and historical information. Not just because, nothing personal, a committee or a person says so. You are asking for a law. The problem with driving up on plane, is the other boat coming at me. Collision Regulations only work if both people know the Collision Regulations.

Q: I understand that getting a VORR will take some period of time, if you ever get it at all. In the meantime, would it be feasible to simply remind people of the 10/30 Rule? If the City was to put up a couple of signs saying caution travelling with 30 meters of the shoreline, 90% of people would say okay and slow down.

A: Yes, we actually have signs that I can give the City, and that is the education part.

Q: I would like to clarify – to me the most dangerous place on the lake is the Gap in the channel there. It is buoyed and so we can go at any speed through there, right?

A: The USR is in play which means the 10/30 Rule.

Q: Didn't you say that because it is a buoyed channel, it didn't apply?

A: It's not a labelled channel. It is just a body of water. Remember that when you look those exemptions, the word channel, not narrows, not gap, only channel. For Devil's Gap, the USR comes into play.

Q: Following up in terms of the education because I live right on the point and have a seawall. First, those white buoys had a dramatic effect on amount of wash that we had last year.

A: So People were slowing down, that's the courtesy thing.

C: Yes. My concern is that there is not going to be anything out there to keep them informed. Second, my dock broke in half on the night of the fireworks when there were 1,000 boats in the harbour with two places to go out, one by Bush Island, the other by Cameron Narrows. When they leave the fireworks, you would be appalled. They are going four and five boats side by side at full speed. That's what happened, with high water plus the wash, the dock broke in half.

A: That is part of that quantitative information.

C: I see it all the time. I have also seen accidents that haven't been reported. One in particular, with a small boat and two young fellows that hit the seawall. One ended up on my lawn and the other was a little dazed. I wanted to call the police, but they took off so fast. I could only assume there was some kind of substance involved.

A: You can have all the laws in Canada but people are just people and may not obey the law.

C: When the police boat actually has a presence out there, the minute boaters see that police boat, they just slow right down.

A: That's why the OPP do it.

C: Sure wish they would do it when the fireworks are on in the bay.

A: These are things you can talk about later on and now the officers are

aware of it, they can come up with a plan. That's why we are doing this, it's education.

Q: Did the OPP know about the two guys who went up on the shore?

A: No and they can't do anything unless you tell them about these incidents. That would be quantitative and historical information.

C: I just would hate to see the education with the buoys that was done last summer be lost.

A: On buoys, City Council has the right to place information buoys as long as they follow the direction of the Private Buoy Regulations. It's right in the regulations, that's also under the Canada Shipping Act, 2001, it's called Private Buoy Regulations. You just have to be sure to use the right one, not the one with the circle. That's a control buoy, which is supposed to have a number in them like 10 or 15. The City can put out an information buoy that says "slow". Now you all know it's not enforceable. By the way it is a buoy, so you can't tie up to it, you can't move it, can't touch it, can't sink it and you can't shoot it.

Q: Can it be lit?

A: No, it doesn't have to be lit, not according to the regulations. To have a lit buoy costs a lot of money and now you are getting into aids to navigation. It is best just to follow the direction in the regulations and use reflective tape. If the City decides to put the information buoys out and where ever they decided to put them is totally legal. It's called Private Buoys Regulations.

Q: Having a VORR is not the answer in that Narrows. We have one in Laurensens Creek and it means nothing. People are still speeding and driving reckless, we need a presence of the police down there to enforce it.

A: Now the OPP know they can enforce it 100%.

Q: I have travelled that Narrows several times a day last year, and I will say that last year was more chaotic than it has ever been. Some people slowed down, some people slowed down half and did more damage than if they went full speed.

A: Okay, yes so placement of the buoys made them slow down. Now boats came off step off plowed into the water.

C: Exactly. The issue was high water. That's what the issue was, high water and the damage of property. That is not the only place on Lake of the Woods that had damage. Everyone that owns a dock had damage last year, no matter where you were. The high water was the issue, not the speed of the boats. I have a 15 year old daughter who is learning to drive. I would not even let her drive through there last year. I was scared she would get plowed over because it was not safe. It was less safe last year than it's ever been.

A: That is the local knowledge. You have to spread the word. You are from here, you know how to navigate the narrows. With this situation and all of Lake of the Woods, the USR is in play. The OPP can enforce it

and it is their decision whether to enforce it or provide education or issue other charges such as careless operation of a vessel. You have to consider it's your property and your neighbour's property.

C: I live right at the narrows and generations have lived there. Last summer, was the best summer because it had slowed down in the channel. So for all of us, even though we had property damage, we think it is a safety issue first.

A: Safety as in you are watching the boats or friends and family on your docks?

A: We no longer swim there, it is more difficult to cut into that channel, we are boaters, we were sailors, and we have done boating all our lives. It is very difficult to cut into that channel. We have neighbours on Coney Island who sometimes have to wait 10 minutes in order to get over to the Coney Island docks to get to the main land, and that is not good. Some of them are transporting babies, twins, three year olds, four year olds, five year olds. So people should know to slow down, they are trying to get in and across the channel. It is a safety issue and I think people have to realize they have to slow down in narrows areas.

A: Hopefully the people that need to slow down are sitting in this room and hear your story.

Q: Is speed limit an option or are we talking about etiquette of the 10/30 Rule?

A: Everything, and that is what we are trying to lay down.

Q: Does Transport Canada entertain applications for speed limits now within municipalities?

A: We always have been.

C: MNR used to entertain the applications once a year and have them gazetted, provided the applications came from a municipality and the OPP were supporting it.

A: Back in the 70s - 80s, the MNR did it on behalf of Transport Canada but it was still a Transport Canada file.

Q: Speed limits are up for discussion here today? Why not set a speed limit as the people are suggesting had worked last year from Cameron's point to the hospital point, and all through that bay?

A: That is the point about this education consultation because some people want it and some don't. I just can't have a City Council meeting today and put in a speed limit the next day. This is about an open forum to ask questions, where even City is learning. That's why the City has called and that's why I am here, to answer questions. It's my job to provide information on the regulations and rules.

Q: From last summer, where the buoys were placed, one resident had the wave action and the other had the nice calm waters. You have one narrow spot, and technically, boats only have to go that speed for that one narrow spot, so it is a really tough one to call.

A: You are absolutely right. If you do see the buoys come out this

summer, the City will work with the Marine Unit on placement. They knew the buoys were causing a problem because they were positioned too close. The problem is they are not enforceable. They tried to do something nice and it backfired. It sort of worked for some and not for others. It is trial and error, the City made a mistake and lessons have been learned.

Q: My concern is as soon as you restrict one area, and push the wake zone to either side of it, making the area bigger, it keeps going out, and the area keeps growing larger, it can be a problem further.

A: You are right, be careful what you ask for. With the VORR application, Ottawa will place the restriction sign at two places and everybody will be wish they would have slowed down. The process takes a long time because we will sit down and do maps, talk to marine officers who have patrolled for 15-20 years. The last thing I want to do is put a VORR in here. I don't want to legislate, I want to educate. There is no VORR application as of yet but if there is, we will have to determine wake and wash and boats coming off step. We will go on the experience of marine guys, local industry, float plane people, everyone will have a say in the process for total transparency.

Q: I understand everybody's situation and happen to agree with the previous comment. I have been on the lake for years and going through that narrows. Last year was the first year that I felt uncomfortable going through there, because one person is going fast, one person slowing down, it was chaos. It was like road rage for three minutes. It is in the best interest for the OPP officer to go after the aggressive driver as opposed to create a situation that will cause hundreds of aggressive drivers in one zone. I understand wake and the damage being caused. Putting everybody in the same boat, everybody slow down, everybody go 9 or 10 kilometers in this one spot and then accelerate up and then decelerate. Everybody is mad, thinking you didn't slow down, I did slow down.

A: Yes we have talked about the USR in that area and we talked about the funneling and it would possibly create a dangerous situation. The best tool may be the careless operation of a vessel over the USR, because it is easy for an enforcement officer.

Q: I spent life boating on Lake of the Woods since 10 years old driving a 9.9 going through Cameron Narrows. I would absolutely back up what is being said here from a boaters perspective, last summer was very scary through there. I agree that we do need to do something for the property protection and the safety but it's not the small pleasure crafts that are the problem. It is the big cabin cruisers that are going through at full tilt. How do we differentiate between 28 foot cabin cruiser and a 14 foot sport boat?

A: We can't. It goes back to the tools that the OPP have. Now Big boats that swamp little boats can be held liable for that. It's all fine until one person doesn't know what he is doing. As long as everyone knows the Collision Regulations. The boat on the right has the right of way. For

example, as a responsible boater you are up on plane, and you have a visitor in a boat that is up on plane that doesn't know what a Collision Regulation is and both boats are supposed to go right, but he starts cutting left. That's the problem, not everybody knows how to boat the proper way.

Q: What is the difference between Cameron Narrows and Devils Gap?

A: Nothing for Transport Canada.

A: The real difference for the City is the Devil's Gap is outside of City limits. The City not discussing anything that is outside of City limits. You can still talk about the Devil's Gap here, but it's outside of the jurisdiction so the City won't be looking at a limit there.

Q: Are we talking a safety issue or property issues?

A: That's why we are here, we are trying to bring this out. So far I have heard property, safety, seasonal high water, heavy marine traffic.

C: There's places on Lake of the Woods you may not get 30 meters away, there are 14,000 islands. Safety, there's things that happen all over the place, if there are people around, something's going to happen.

A: Absolutely. Now these other bodies of water where you say there's no way you can be 30 meters from shore, by the law, you are supposed to slow down. For comparison, a guy was on the 401 at 3:00 o'clock in the morning and he was speeding at 135 kilometers per hour. The speed limit on the 401 is 100 kilometers per hour. He is stopped by the police and the officer says slow down. He never charged him, but the speed limit on the 401 is 100 and how fast was he going - 135. It's the same thing, the OPP aren't going to sit at every gap and every narrows and measure 30 meters. That's what you need to understand. Let's say there was a collision in one of the bodies of water and the OPP investigate. It's a worst case scenario with a fatality where they have to call the underwater search and recovery unit. They start an investigation and there are a couple of witnesses, people camping. The story goes both boats were up on plane, they were just flying and then an awful smack was heard. Then everybody thought - we should have slowed down. If the police officers were sitting there in the evening, they would have pulled them over. The laws are there and the regulation is there. Theoretically, if no one is around, you are up on step, you are up on step. But legally by the book, if the OPP catch you and they know that body of water is only so many meters wide, they have every right within the law to charge you.

Q: Is this discussion not about what is inside the red line? From the casino, to the end of Coney, across to Keewatin?

A: You are correct, our discussion is specific to municipal boundaries.

Q: Who is responsible for the signage?

A: Within the City, the City.

C: The City is not doing a good job.

A: Well then the City has to fix it.

Q: There's 9 k sign in Golf Course Bay, I thought it was 10 k. It's the wrong sign, can't I just blow it off then?

A: It's just like speeding on the highway, either slow down or you can get a ticket.

Q: The signage is all wrong, if it's 10 k why does it say 9 k?

A: Thank you for bringing that up. The City is actually aware of the signage error and the Property and Planning Department is in the process of ordering the correct signage in accordance with Provincial legislation.

Q: Part of the issue is local knowledge. The green buoy is sitting, marking a rock. If that rock were gone, it would allow more navigation. Would it be a suggestion to remove the rock? Can you blow it up?

A: Now you're talking dredging. No you can't blow it up.

C: Why can't you blow it up?

A: You can't lay a charge underwater. You would cause damage for fish, turtles and there is other stuff you can kill with the eruption.

C: I have been listening to what you have been saying, and it seems you are opting for the option of education and trying to get people to be respectful and polite. Can you share with us your experience how you may have accomplished that in other communities? How to train the boaters with signage etc?

A: There are quite a few. I had a situation between cottagers and wake board boats that were doing all the problems. It was two years brewing, worse than the Kenora situation. When I finally got them together, at first you could divide the room. Once I got the two sides talking, then they started to talk, and we had a show and tell, where the wake boats guys realized the problem. That was education. If you can educate everybody that visits and just tell people to slow down. If you do the information buoys, and they are in the right place, the OPP cannot lay charges if you go fast. Information buoys are not enforceable. If you are too close to shore and go fast, and the OPP can prove your distance, they can lay charges. They can choose careless, yes. If you been told to slow down and you go flying through there again, they have Section 15 of Vessel Operation Restriction Regulation, unsafe operation, which is \$500, a Part 1. Or they can decide to go to court on a Part 3. In this situation, the City did something to try to make it better. They tried to put a band-aid on it. It sort of worked, the placement was wrong and they were the wrong buoys. They realized it, they called us, we fixed it, it was taken care of. They are concerned with the public and want people to slow down. They don't necessarily want to go with a VORR. This is a major boating community. I want you to read something. When you get home, I want you to google Safe Quiet Lakes Association.

Q: The town said that this part is what they want, and do they have any jurisdiction of enforcing anything?

A: What do you mean this is what they want.

Q: Well this as a proposal, this is for Cameron Narrows?

A: It is important to understand that this is just an education session. It is really the intent of the Harbour Safety Committee to look at what is best for Kenora, our residents and our lake users. There has been no decision. It has been requested to look at Cameron Narrows.

C: The Lake of the Woods is classified as an international navigable waterway because it borders the United States. So does this have to be a process with part of Minnesota too for changes with lake navigation?

A: The Lake of the Woods is charted waterway as are the Great Lakes. No, absolutely do not have to involve Minnesota. This is Canada, with Canadian laws, rules, and regulations. The only time the rules do not mix or where the rules do not separate, are the Collision Regulations which are defined under the IMO and any other regulations that pertains to speed. If you go to the US, they have a speed restriction, and ironically they have the same signs as us. You are driving in Florida and you see a big red circle that says 5, it's not 5 kilometers, it's 5 miles an hour. When the police officer in the United States pulls over a Canadian boat, you carry Canadian equipment, you are in a Canadian boat. Whatever happens on the American side, that's American. What happens on our side, our rules and regulations apply. It's our process. Yes it is an international waterway, but as soon as you cross that imaginary line, Canadian rules and processes apply.

C: I have boating on Lake of the Woods since I was 12 years old and I am 63 years old now. I used that channel, not so regularly anymore but I do on occasion and I went through there last year to investigate how buoys were set up. I agree with some of the people's comments here on the placement of the buoys and I understand that has been rectified. However the one thing that I did notice is the boats that were going fast, I mean full out, were practicing the "no eye contact: rule. The boats that were going slow and trying to adhere to what appeared to be the rule, were smiling and waving, and enjoying their little ride through the bay. The point that I want to make is that is for those people that are for more speed because of less wake, I want people to understand, and I am sure that the officers and ex-officers that are present here today that have investigated boating accidents will agree, that a fast moving boat colliding with a fast moving boat is a catastrophe. It's a mess. A slow moving boat colliding with slow moving boat, is a scratch in paint. Because of the increase boating traffic that we are experiencing here and inviting people with our new logo and the boat, that we should be respecting their safety and I am not disrespecting the people whose shoreline and boats are being damaged because of the wake, it's more about the safety. I agree with the ex-officer over in the corner that it's hard to enforce the speed rules, because you have to have radar devices and qualify all of those things, but there is boating action on behalf of the boat operator that make them a target. It's not about a \$500 fine, it's about losing somebody in a bad accident.

A: The careless charge is probably is the one that is used the most by enforcement officers in the Province. The catch with the USR is that the first thing that the officer is going to have to say in court or answer, is

how can you prove the distance. If everybody starts talking in the community to slow down and working within the community to spread the word, this is education information.

C: With the increase of people living in this community in the summer, the community grows by huge numbers and a lot those people aren't from here and they are the ones that really need the education. We are all going to know about this, because we will all read this in the newspaper.

A: Yes. I am going to send the City some of the those USR signs and people that are flying for outfitters, people that own marinas, people that are using small vessels to deliver supplies or pump out septic stations, those of you who are here full time, are going to share the information. Committees are going to talk about it and you are going look at Safe Quiet Lakes, which is a really good source as a community because they worked wonders in about three years. There's also an organization in Transport Canada, it's called the Boaters Class Contribution Program. I will send you a link for that and you can put it on the Kenora Portal. You can get together as a committee or an organization and you can be given funds for a safe boating project education idea. There is information available to educate and promote safety within your community.

A: You can have an isolated VORR. For example, on the Rideau Canal system there's a VORR that's put in a spot just for a marina. The marina has no break water, it has nothing to protect for the wake and wash. The reason they put it in there, is because it is a small marina and they want people to slow down because all the boats were being smashed. So the VORR was put in place. That could be something that could come into play here but we are trying to do provide education first.

Q: Education is the best tool you can use, you can put in all the laws that you can think of, but some aren't going to obey them anyway. The majority of the public will obey. Just get the word out enough, the people that obey the laws will obey the slow speed. The police aren't going to be there 24 hours per day, they can't, they have a whole lake to look after.

A: 9 times out of 10 when boaters see information buoys, they will automatically slow down. This is courtesy. They can have all the laws in the world, you can put up all the all buoys with the big circle with the big number 9 in it or whatever the speed limit restriction is, and if boaters can get away with it because they know the police aren't watching, they will. A lot of people who drive boats don't know what the buoyed signs mean until they come across an OPP to tell them what the circle means. Our approach on this is totally education and the City of Kenora Council wants your feedback on this.

Q: You said you will send signs back to the City, will that be for the information buoy?

A: No it's going to be in reference to USR. The City can make copies of it to post. It has to be a mirrored image, verbatim, and has to be in

French and English.

Q: Is there a plan to put these reduced speed buoys back in the Narrows or slow?

A: It's not going to be a reduced speed buoy, it's an information buoy. Let's make sure we have the proper terminology – information buoy.

A: Just to verify that a decision has not been made yet. That is one of the reasons the Harbour Safety Advisory Committee is meeting and we wanted to make sure we had an information session first. Because we were learning so much we wanted to make sure that we were sharing that information with the public. That decision has not been made.

A: I am just bringing to your attention, in case you see the sign and then it's not a surprise.

C: Okay, you see the buoys, there's no enforcement around, but there is enforcement if the officers see you as hazardous and operating under the 10/30 Rule. Now the thought process then is for tourists to come in, they would see these buoys and recognize that this is a slow down area. They will want to slow down if they know it was a slow down area.

A: That's right, but really it's not a law as we discussed. It's about courtesy.

Q: Now Devil's Gap is a location like this. At the north end of Devil's Gap, it says to slow down. If it's not enforceable and is for information, recognizing it is out of the City limits, would we not want to let the tourists know that is a slow down area too or are we just fine will all the carnage outside of City limits?

A: I am not here for Devil's Gap but will be working with another agency on that later.

C: We want it safe all the way out the lake, right. It's all part of it. As far as putting an information buoy out on the Lake of the Woods, the town would have jurisdiction to make application for a private buoy in federal waters. Right?

A: Sure, anybody can. That's why it is called the Private Buoy Regulations.

C: But recognize that the two locations go hand in hand as far as safety goes.

A: The City is only concerned with their jurisdiction. They are trying to deal with something within their boundaries.

A: I am going to throw this at you, this is all about the information buoy, how most boaters would follow it. Is there a law in Canada that says you have to wear your PFD when you are waterskiing?

Q: Yes. It has to be a law.

A: No, it's not a law. With that said, do you think we tell young teenagers that our out waterskiing that they don't have to wear the pfd. They automatically put it on. See what I am getting at here, it's common sense. If the City decides to put out information buoys, the people that visit will slow down. I don't want this to happen, but if they put out "No Wake" buoys, which doesn't exist in Canada, every American visitor will

come right down to nothing because it is a chargeable offence in the United States.

Q: Thanks you are doing a great job. Are there any other information buoys that you are looking at putting out within the City limits or are you just focusing on Cameron Narrows?

A: We are focusing on this request. However there was a request received previously for Norman Bay area as well. For now we are looking at Cameron Narrows.

Q: What else can go on these information buoys, besides "slow"?

A: In reference to what? Usually in navigation, an information buoy is always a white buoy, with a blaze orange band at the top, a blaze orange box, then another blaze orange band at the bottom, all using reflective tape. In the box you can have: slow, swim, gas pump, camp ground, sewage pump, or anything you would find on a sign on the side of the highway that gives information. If you put the word "slow", it looks official, and everybody will start to slow down.

C: A recommendation to the Committee, it would be a real good idea to put one of the information buoys with "slow" right out in front of the MS Kenora, right in the middle of Safety Bay, that's in the town limits. It will encourage people to come off step maybe a little slower or slow down when coming towards the government docks, slow down sooner, just not come in there and cut it just before getting to the docks. It would help, it's not going to hurt.

A: This is why we are here, to get this feedback. My recommendation would be before you place any buoys, to have an OPP go out in the OPP boat, and come up on step and have their GPS on, and do measurements of where boats will see the buoys.

C: I would suggest a booth at the property owner's show in May to spread the word about slowing down.

C: As the President of LOWDPOA, I have received many emails from cottage owners who can't be here in the winter time and actually sent message about why we are having a meeting now. We have gone out of our way to say that we are going to have additional meetings so that we can meet the summer cottagers and we can have the same type of conversation. The annual meeting is May 4 and we have 600 or 700 people there so this topic will be talked about. We do hope to have a summer meeting that we can talk about some this too. That's a major component of this whole exercise.

A: To clear it up, the reason you are having the meeting now is because of my schedule. I also had many emails and phone calls and thought it would best to come up as the City is learning too. This is all brand new, it's old, but it's new. The City is gathering the information and taking the Minutes at these sessions. The boat shows or the cottage shows could be where the education all starts. Education starts with the local people.

C: Victoria Beach, Manitoba, is going through the same issues, with speeding boats. It has divided the people. Those who were good friends, now don't like each, other all over this boating issue. I hope we never get to that, it is important.

A: Safe Quiet Lakes, I want you to look that up tonight. That's exactly what happened and when they started to talk and work together, things started to unfold. Later on they got funding from the contribution program and now these upset cottagers are attending the wake board shows to provide education.

Q: Can you identify what area we are talking about. Are talking about Cameron Narrows and points on either side of that or are we talking about the entire Kenora Safety Bay? I think that would make a big difference, our boating season is 20 weeks long, but it is only busy for four weeks and that where the bulk of this safety issue is, that July to August time frame. As one of 20 weeks user of the boating season, it would certainly be inconvenient to me to have to be running in September from Kenora harbourfront all the way to Cameron Narrows at less than 10 kilometers an hour. That's from my side of it, that's what I am concerned about.

A: Right now the Committee hasn't had that discussion. There is recognition that, if we are just doing Cameron Narrows, and we heard a lot of it today, where do we put those buoys and at what point can you safely come up and down of step. The City may need to extend it to the Safety Bay area. That conversation has not happened at this time, we are still trying to figure out what is going on. No decision has been made at this time.

A: Just so you know at the Transport Canada side, the City of Kenora has not approach me for an application. There is no talk about a VORR application whatsoever. They are learning too.

C: So the decision has not made to put in a buoy yet?

A: No even to put in an information buoy. I would suggest the Committee is going to meet after these public sessions, there will be some conversation and that will be part of that discussion. That will be communicated out once the decision has been made. There has absolutely been no decision on a VORR application and how far that VORR would extend. That hasn't occurred at all. Really what Kenora wants to do, as Wayne suggested, is to educate first and if we can do that, then that is the solution.

Q: I can see this as being a very divisive thing, I would not like it to be decided by pressure votes. You actually need to get the citizens of Kenora together, to vote in a plebiscite, a vote where everybody gets a say, not just the pressure groups.

A: The City cannot commit to that.

Q: Could you spell VORR, and what explain exactly what it is?

A: V O R R - Vessel Operation Restriction Regulation. The old regulation

was a BRR, Boating Restriction Regulation. They had to change that because the boating regulation at the time only referred to boats so they had to change it to vessels. Look up the definition of vessel in the Canada Shipping Act. That's how float planes come into play because they are actually a vessel when they reach a certain altitude upon landing or coming off the water.

C: The whole process that Wayne is talking about is education and common sense. We want to go with education and common sense approach first. If these signs in certain places works for everybody. A really good point was made about in September. June, July, and August are busy and after September long weekend it dies down. The greatest thing about learning this is that there have been a lot of mistakes made by a lot of communities over a lot of years and we have the option to grow on some of that information and knowledge that has been found and go to some of those websites, and use the information and common sense to bring this in. Everybody loves boating, nobody likes restrictions. We have a great opportunity to make this work without restrictions.

In conclusion, it was shared that on the kenora.ca Portal all the links that Wayne mentioned will be posted. A page has been already set up to communications on this topic. On the Portal, click on the "Public Information Session" water button and all the information from the sessions will be there, including the links.

Karen thanked everyone for attending and the session ended at 3:11 p.m.