



Harbour Advisory Committee Public Session Two Minutes

Tuesday March 31, 2015

7:00 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 Dan Reynard
Councillor Sharon Smith
Karen Brown, CAO
Charlotte Caron, Manager of Property & Planning
Kerri Holder, Administrative Assistant

At 7:02 p.m., Karen welcomed everyone to the session. Once again the meeting ground rules were reviewed, followed by introduction of the Harbour Safety Committee members and City support staff. The history back from 1999 to now was detailed, including why we are here today. It was explained that there have been a lot of conversations with Transport Canada in this process and in learning about the rules and regulations, it was thought that it would best for everyone to bring in Wayne Atkins, Senior Boating Safety Officer, to host the information session. It was noted that Wayne is a neutral and independent consultant here to provide guidance on Kenora's waterway issues, and to talk about what is in place, what the options are and answer questions.

The session was then turned over to Wayne. Once again Wayne began giving his background, experience and current position with Transport Canada. He explained that he is here because the City of Kenora did not know how to deal with the Cameron Narrows situation as there are a lot of regulations and "what if s" to consider. He went on to explain he will talk about the enforceable regulations to consider, boating safety education and to provide the opportunity for feedback on the situation. Wayne assured the group that he is not here to put in a speed restriction but that there is a lengthy process to have that happen. It takes a long time to do a VORR (Vessel Operation Restriction Regulation), which says what boats can and cannot do and how fast they can go. It is a regulation under the Canada Shipping Act, 2001. Kenora is listed in the Act with its three VORRs under Schedule 5 and one in Schedule 6 which

are for speed restrictions.

Wayne then explained the Universal Shoreline Restriction (USR) regulation or the 10/30 Rule. All waters of Ontario have this speed restriction. It exists in Cameron Narrows and the entire body of water of Lake of the Woods. It has not been pushed by the OPP Marine Unit which is common in the Province of Ontario and the Country. With the USR, there is a loop hole in that the hardest thing for an officer to prove is the distance. In comparison, the easiest tool for enforcement agencies is to enforce the careless operation of a vessel charge.

The USR is for all bodies of Ontario unless there is already a VORR in place which is a schedule of restrictions. The exemptions of the rules were explained as: for water skiing, rivers less than 100 meters wide and in buoys channels or canals. It was explained that for that exemption, the name of the body of water has to have the word canal or channel in it. In the Canada Shipping Act, canal or channel must have the definition, the interpretation or the word channel or canal because when you look further into the regulations, for example in the Collision Regulations, there are narrow canal rules which lay out other regulations to follow. Example of boats passing in a canal was illustrated. It was agreed that there are no canals here, although there are channels. Cameron Narrows does not have the word canal or channel to be exempt from the USR. It was noted that this is the area of concern here. The open discussion began next. The following are the transcribed questions and comments (indicated by Q or A) and answers, responses or information (indicated by A):

Q: Why does the regulation state buoyed canal instead of just canal? I tried to find the definition for buoyed canal, but I couldn't find one.

A: There isn't one. You have to find the interpretation of buoyed, then for a canal. It has to be labeled on the chart. There are a lot of items in the regulations that you won't find interpretations or definitions of. Look at the Collision Regulations Rule 19. Those are the rules that exist right now.

Q: Question about two points of land, could that be an island and main land or main land and main land, or island to island?

A: It is just two points of land. In the earlier session, it was asked what is the definition of shoreline? A shoreline is where water meets land. The best way to explain it is, if I say swim to shore, you will swim to shore whether it's an island or not. With high water, it is still shore. A break wall or rock bed is also considered shore.

Q: Is there a distance that would be considered a narrows? What constitutes a narrows?

A: No. For all bodies of water, the 10/30 Rule applies. Remember what the exemptions are: being towed perpendicular to the shoreline, rivers less than 100 meters wide, a canal or buoyed channel. This does not include the buoyed Cameron Narrows. A lot of people think as soon as you put buoys out there, you can go as fast as you want. The way Transport Canada works, within the Canada Shipping Act, it has to have

the word channel.

A: There is no such thing as a "No Wake" law in Canada, it does not exist. It's not chargeable, it means nothing. The reason behind it is that anything that moves forward cutting the water, including a mallard duck, is creating a wake and a wash. In the United States there is a "No Wake" law. In teaching a course in the United States recently, I asked how they enforce the "No Wake". It was explained that it's based on the boater's attitude. There is no measurement for wake, there is no special gauge, radar gun or measuring stick.

Q: What about in the case where the buoy is less than 30 meters from shoreline? Does the 10/30 Rule apply?

A: There are aids to navigation in a body of water where you have to follow the aid to navigation and it's not in a channel. If it forms you into 30 meters from shore, and you are going faster than 10 kilometers an hour, you are speeding. If it had the word channel in its name, like Keewatin Channel, and it was buoyed, then you can go as fast as you want because it's a buoyed channel. Read the words on the charts and it can't be by what the locals call it. If you are 30 meters from shore and you are speeding, and there are certain areas where there is a bottle neck that the OPP have measured so they know the distance, it becomes a speed trap. If they sit there and they know it's only 60 meters between shores, they can prove the distance. Now they are not going to run out and start doing that. That is a rule that's always been there and should not be a surprise to an experienced boater. That was a rule in when it was called BRR, Boating Restriction Regulations.

Q: In the Second Channel, there is a red buoy close to shoreline, is it okay to speed through there?

A: If it is a buoyed channel, charted as a channel, then yes you can. That is perfect example of an exemption of the USR because it is charted as Second Channel.

Q: Is there any definition for a gap, referring to Devil's Gap?

A: No, Devil's Gap is just another body of water with a charted name called Devil's Gap. Even though it is buoyed, it is not a channel or canal. Buoys show safe navigation but theoretically, if you are 30 meters from shore, you are supposed to be doing 10 kilometers an hour. It applies to every body of water in Ontario.

Q: Is there a difference between crown land versus reserve?

A: No, water is water. The only time when land comes in to play when you are dealing with water is, where there is bed rights and when you touch shore. A pontoon boat can pull up on your shore and drop the anchor, fire up the bbq and crank up the stereo. There's nothing that can be done do about it because the land under the water is not owned. Every Canadian has the free right to freely navigate in Canada. Unless you can prove on your deed to the officers, that you have bed rights, then you have to live with boats anchoring. I can sit there all day and

paddle in front of your cottage. You can't do anything about it until I touch your land. Then you have to be careful, because I could say I think I am in distress. That would be Section 132 of the Canada Shipping Act, 2001. You cannot interfere with a distress. The operator of the vessel determines distress, not the land owner or anyone else.

Q: Is it a legal requirement to have a chart on board?

A: No, the OPP cannot write a ticket for not having charts.

Q: How would I know if it is charted as a channel, if I don't have to have a map on board? You won't know and when you see the two buoys that are side by side, a green and a red, looks like a buoyed channel? How would you know if you are on a buoyed channel without a chart because you say I have to read it off the map to see that is says channel? I know ignorance to the law doesn't count.

A: An example. When a boat is pulled over and the officer says you know there's a VORR here that's 8 km hour. The boater may say he didn't see sign and doesn't have to carry charts, it's not law. The officer says absolutely right, but on the charts all the VORRs are listed. When this goes to court, that's all the officer had to say. It's like you don't have to carry the Ontario Drivers handbook with you but you should know the rules of the road.

Q: If they wanted you to use charted channel, shouldn't they not have said in the regulations charted channel instead of buoyed channel? Because the buoy is what throws everybody off. I get that they are for navigation.

A: They are aids to navigation. The buoyed channel is only your exemption to speed. I would probably not come up here and go boating on Lake of the Woods without a chart. I would go buy a set because local knowledge is the best. Also that comes down to the officer's discretion. If you can say I didn't know, I thought this was a buoyed channel, but it's not, it's a narrows or it's the gap. That's always their discretion. That is the only way you will know, it is on charts and on some topographical maps too. Cameron Narrows is a narrows on a topographic map.

Q: Back to Cameron Narrows, because of the distance being less than 30 meters, are you saying we shouldn't have speed buoys before exiting and entering that Narrows?

Going from the short experience we had last summer, having speed buoys and the boats did slow down, it was a pleasure to go through. Our son and his wife kayak around Coney Island all the time. Before this summer and before they put those buoys in, once when they got to the narrows he was run up on rocks and another time, or at least two or three times, he was almost swamped because of boats going at a speed on step. Can we have speed buoys in there, regardless of the fact that it's only that wide.

A: That's why we are here because we just can't wave the magic wand and say it's now a speed restriction. This is all part of the process and

this is the feedback the City of Kenora is looking at. A speed buoy is a white buoy. It has a blaze orange line, blaze orange circle and it will have a number in it, then a blaze orange line. That is what an official speed restriction buoy looks like. That is what we do not want to do. Who here lives on Cameron Narrows? Who here owns a boat? Who here goes through Cameron Narrows up on plane? Who here likes to have their personal boat smashed up on rocks? Who here likes to watch their neighbour's boats get smashed up on the rocks? The point is that's why we are having this public consultation. It's so no one can just walk in and put a VORR in place.

Q: Are channel markers on land considered buoys? We have a number of areas marking the entrance to channels.

A: Buoys float and those on land are called day beacons.

Q: There are a few more issues to think about. If you take a 14 foot boat or a 12 foot boat that has a 10 horse motor on it and he's up on plane at 10 kilometers an hour. If you get a 17 foot and you are up to about a 70 horse motor or a 21 foot which is a 140 horse motor, and if you are going 10 kilometers an hour, the nose of your boat is way up in the air and you can't see what's in front of you. I think we all know there have been a few boats that have gone over. Now let's take a 40 footer and if that boat is going 10 kilometers an hour, there is a wake there like you won't believe.

C: I own a 40 footer and at 10 kilometers an hour, 6 miles an hour, the wake might be 6 inches. At 14 miles an hour, I can leave a 4 foot wave. Anybody who races by my dock and I see their 2 to 3 foot wake, I think they don't want to see my 4 foot wake go by their house. It is frustrating for someone who has lived in a place for seventeen years and. My concern actually is the safety of my children and my family who swim off our dock. I have seen people go through at 60 to 70 miles an hour with other boats in very close to the area. The danger is somebody is going to get killed.

C: That's up to the police.

C: If I understand correctly, you can go 70 miles an hour through Cameron Narrows, if you are in the centre.

A: Yes

C: You can do 70 miles an hour through there and if there happens to be another boat close by, you can still do it. If you crash into them or hurt them, then the police will nail you for a number of offences. The sad part is somebody will have to get hit, injured or killed before they are going to get charged otherwise, 50, 60, 70, 80 miles an hour is legal. I have seen boats crash in the middle of the night, on the Needle Point, which is the other side of Cameron Narrows, and I think the police have hauled off two or three boat from there. My point is that if 30 or 40 boats are doing 60 or 70 miles an hour past your place, you would probably worry about the safety of your family.

Q: A lot of it comes from common sense. If you are up on step and not

going 70 miles an hour, but if you have your boat on step you are creating the least wake, the smallest wake.

A: First, a vessel is going slow plowing through the water, you can't see over it. Rule 5 Collision Regulations says you must maintain a constant watch and a constant look out at all times with all available means. You are responsible.

Second, a Vessel Operation Restriction Regulation (VORR) is a blanket restriction just for those reasons. If a personal watercraft is up on plane zipping along, there will be little wake. Also when a 40 footer is up on plane, there is a lot of tonnage pushing water. We couldn't come up with a law or regulation that defines each individual boat size. That's like saying for everybody that owns a vehicle that are less than \$100,000, you have to wear seat belts and anybody that drives a Rolls Royce or Jaguars you are exempt of that. It's like defining mandatory PFD wearage. The fatality rate is with vessels that are 6 meters and less. Fatalities on a 40 footer are fewer, maybe one in the whole country, but boaters in both have to wear a PFD. VORRs are a blanket rule, where everybody has to pay so that's why we don't want a VORR. This is all about education and you have to get together and start doing the communication to tell people to slow down. Legally, the OPP can ticket you although now you know the little loop holes.

Q: Is it legal to have lights on buoys? When we come into town last year, when it was calm and dark, and all the lights from the buildings were reflecting on the lake, you could not see those white buoys.

A: According to aids to navigation, not all buoys have to be lit, but metal reflective tape should be used.

C: I am not arguing there should be buoys there. I am just making a real point, that you cannot see them on a calm night.

A: These are the points we have to look at. It costs more money to put out a buoy that has illumination. The lit buoys have to meet the navigational regulations, which means it has to have so many flashes per second and other stipulations.

A: One of the things we need to do here is to define what our issue is and what can be done. There are three reasons to have a VORR application: safety, environment, public interest. Environment means let's say you have a small inland lake that is the sole water source for the community. You can as a community get a VORR saying there's no combustible engines that have gas or diesel allowed out on the lake. That would be an example of an environmental application. It cannot be because a boat has swamped a mallard duck nest, that's not a hard core environmental problem. Public interest example would be there is a lake in British Columbia that the Olympic team uses a lot. The community brought in a VORR, under public interest with a petition and done the proper way, that only human powered vessels, like paddle boats, could be in there. Public Interest doesn't mean because the public got together and they are mad at somebody. The issue here is a combination of two issues, public safety and respecting the water way, and spreading the word on the narrows because someone is going to get

hurt. That is why we are here. The City is not proceeding with a VORR application. This is all new to them too.

Now back to the buoys that they put out, it was a bandaid that fell off. They had a situation where your neighbours, people from this community, approached Council and said this is a problem. It is a problem when others are smashing people's stuff up, one of these days you are going to get caught. Then it's a civil matter, which means you will get sued. It doesn't matter who you are, how old you are, what size boat, someone is going to get caught. The idea here is to do public training so you spread the word not to do this and tell people to slow down. You don't want a VORR. I have cases in southern Ontario right now, where because a VORR was put in place in the 1970s and times changed, they are having problems. They have to do the same process to get rid of a VORR, the same public consultations and lengthy process. The last VORR application that I did took 2 1/2 years from the time they began doing it. This is a very lengthy process where some municipalities actually hire someone to do this.

Q: Is there a VORR in place anywhere in City limits, is Portage Bay in Keewatin one?

A: Yes, you have three of them. Laurensons Creek, Golf Course Bay and Keewatin Portage Bay and those are speed restrictions. We do know that the signs are incorrect in Golf Course Bay and the City is starting to fix that up right now.

Q: Is a signage the same regardless of whether on land or in water?

A: Yes. The sign would just be square with a red circle with a black number (speed limit) and to be done properly it would have a Transport Canada symbol on it. You can have some with Parks Canada, which are for canals.

Q: Is there any numbers on people who have actually been hurt, killed or drown in Cameron Narrows?

A: On record we have two incidents. A boat ran up on another boat which was 7 or 8 years ago and a boat that has gone up on the rocks in 2013. There have been no fatalities, no reported near misses but this afternoon we did hear of some other incidents that had happened but were unreported. For a VORR application, the City, who is the applicant, has to produce quantitative and historical information. They have to back up the application.

C: I have fixed up almost every smashed up boat in this town for the last 30 years and there are next to no accidents in town. They are all out of town or most of them.

A: It is common sense and you have concerned citizens that live on a body of water. As a community have to work together to sort this out.

Q: Why is there no body here from the Lake of the Woods Control Board? They are the ones that created the problem last year. That is

the big problem. We didn't have a problem until the water was high.

Q: I am just wondering how far the authority extends for the City because we are looking at Cameron Narrows and there are plenty of places on the lake with similar issues, like the Gap as well. We have talked about a couple of other places as well, but we are not talking about doing anything about it in those places. Does the city have the ability to apply for a VORR anywhere on the lake?

A: As long as it's under the City's jurisdiction.

C: The Municipality can just look within city limits. Then would it be the Province or Federal government for any other places on the lake?

A: Parks Canada can apply for a VORR if a body of water or an area is on a chart or map labelled as Parks Canada, they can do a VORR. Transport Canada however cannot apply for a VORR. It's usually the local municipality and it must be a local government to apply for a VORR. There are other communities that aren't municipal governments, such as first nations communities, that can do a VORR application.

Q: I have another safety issue that does not have to do with Cameron Narrows. It has to do with airplanes. We have nearly been killed at least three times in the last two years, primarily from where the airplane comes from. One day an airplane came from the south side over Coney Island and landed just beside Bush Island. We were coming from the other direction into town, the sun was in our eyes, and we never saw him. It was so close that he tipped his airplane, I shifted in our boat and I think we missed by about a foot. Another situation is they came in over Lakewood School, landed in between Bush Island and the old hospital, and again we were coming up beside and we didn't see him until he gets there. My understanding is that these airplanes were supposed to land in the stretch outside of town bay. I am wondering, the onus certainly can't be all on us. We watch for airplanes when going to town and we are scared to death of getting hit by one. Why would they be landing that close to town? I have reported the one incident to the OPP by phone and the officer responded saying there's nothing they can do. I said I am reporting because it as a safety issue. I was pretty upset about it because it was a very close call. Is there anything I can do?

A: I am Transport Canada Marine not aviation, so when a float plane is coming in and getting close to the surface, it then comes under the Canada Shipping Act, Collision Regulations, Rule 18. This is the pecking order of boats, which does include float planes. It starts with vessel not under command, vessel restricting ability to maneuver, and just keeps going down the list, then sail boat, power boat and last but not least is aircraft. The definition of vessel in the Canada Shipping Act covers everything from a float plane to a raft. With that, I would have just called the police and it would be helpful for the police to have tail numbers. As soon as float planes come in or start lifting off the water surface at a certain period or distance, they come under the Canada Shipping Act.

C: It does not become a vessel until it's on the water because of it's restricted maneuverability. It is actually treated more like a sail boat for the right of way.

A: This is one we may have to take back to clarify however in the Canada Shipping Act, a vessel means a boat, ship or aircraft designed, used or capable of being used solely or partially for navigation in, on, through or immediately above the water without regard to method or lack of propulsion and includes such a vessel that is under construction, and does not include a floating object of a prescribed class. A float plane immediately above the water is a vessel.

Q: Can we request that the planes stay out of town bay? On the chart that we have, the landing strip is shown as from past the old hospital straight down Safety Bay.

A: We will have to get back to you on the details of where the float planes are to or not to land. The recording of the near miss is certainly important and the officers can speak with the detachment Commander about the protocol for that to ensure that we are getting reports.

Q: Are there any regulations about the density of boats? The area of Cameron Narrows has a lot of traffic in the summer only and the rest of the lake is unpopular for the most part. Is there anything that would apply to that area to slow the traffic down that isn't a VORR?

A: Not within Transport Canada regulations. We can't say you are only allowed to have 10 boats there.

C: You can race in town right in the harbour front and with no worries at all, right?

A: Yes, that is the catch with the 10/30 Rule and this is always in play. We hope that everybody respects the Rule instead of doing the application for a VORR.

Q: There is a buoy in Cameron Narrows, so we can go at any speed in the Narrows?

A: No, it is less than 30 meters which means you have to stay in the centre to go faster than 10 kilometers an hour. The distinction there is that it is not a buoy channel or canal. It is the narrows. The exemption is not applicable.

Q: We have three VORRs in place in Kenora now, so what's wrong with putting in another one? Is there a problem with putting another VORR in from Cameron Narrows to Kenora Bay to Bush Island on the north side to the sand bar on the south side? Don't people want that?

C: No, not at all.

C: It is so dangerous, last year I came through the sand bar and a bass boat came over the sand bar at 70 miles an hour going towards Safeway. The weeds were high and he didn't see me. I had to crank my motor and I only have a 40 horse on a 16 foot boat. I almost threw myself out of the boat to get away from him.

C: That can happen anywhere on the lake.

C: It's a concentration of people in Kenora Bay. Even if you did put a VORR in at 10 miles an hour on entering on either side of Bush Island and Cameron Narrows, it would bring traffic down. I know nobody has gotten hurt yet. It is going to happen because during the summer it is crazy. You can't get to Safeway without running a gauntlet of boats coming from Cameron Narrows and going to the old hospital on the other side of Bush Island. They are doing 50-60 miles an hour with these bass boats and you are trying to putt along in a 14 foot boat with other people trying to get to Safeway. It's just a matter of time.

C: Cameron Narrows to Husky the Musky is just a small body of water. If you drop it down to 10 miles an hour coming into that spot, it's going to relieve a lot of pressure off the people.

A: Are there float planes in there?

C: Yes, taxi-ing as vessels.

A: So they are taxi-ing and not powering up and taking off in there.

Q: No, they can land just outside of there.

A: That would be the first dead stop for the Treasury Board if the float plane guys said that's where they take off from because of the definition of vessel coming into play.

Q: With the 10/30 Rule and the Narrows and the channel, when does careless operation come into play? When somebody gets hit?

A: Every incident has it's own characteristics and every area is different. There are so many defining rules of careless operation. Each case is taken by the case and details of it.

Q: If you going by Coney Beach or Norman Beach, and you see a boat going fast just off shore then would careless operation apply?

A: If we see a boat by the beach, and there is obvious unsafe activity, we are pretty quick to react to that. It doesn't necessarily mean we're going to go give them a ticket, but we are definitely going to stop them and educate them. We don't have to see the unsafe activity. If somebody waves us over to say that a boat just did something unsafe, again we don't always just go over and give them a ticket. That is not always the answer, sometimes we can talk to them or tell them to go to a different area. Usually we try to educate them first. We are not going to leave them if they are still doing something unsafe.

A: The enforcement training manual, which is used when I teach marine officers the regulations, provides some examples of behavior that could be careless under Section 1007 of Small Vessel Regulations but not are limited to the following: 1) operate a vessel at high speed in circular or crisscross patterns for extended periods of time in the same location; 2) jumping the waves or the wake of another vessel unreasonably close to the vessel or to cause the engine rpm to peek and make unusual and excessive noise; 3) weaving through congested traffic; 4) swerving at the last possible moment to avoid collisions; 5) operating a vessel at a speed higher than it is necessary to maintain steerage and near swimmers. I read those out to you as some examples, not the rules,

just examples.

Q: We are talking about congestion being a major source of the problem. It's just sheer logic that if you slow down to 10 kilometers an hour, boats can't get in and out of the area. You have more congestion and that is what we saw in Cameron Narrows last year. We were watching it all day and there were 5 or 10 times the amount of boaters. It was a lot more dangerous, with a lot more boats.

A: What that because the buoys were in?

Q: Yes.

A: What happened was it was a bandaid. It confused people, which is one of the main reasons we worked together and had them removed. People were up on plane, saw the buoys and slowed down, then they thought they were past the buoys and sped up again. Actually we had three people here this afternoon, one person lived here by the buoy, one person lived here at this buoy and the one person in centre. The person that had the property in the centre, was happy because by the time everything happened by her place, all the boats were going slow. The people at the end properties saw total chaos. That was poor placement of buoys. The City is going to discuss with people, if they do that, it is still on the back burner, if they go with the information buoys, then they will place that out. Just so you know, the OPP cannot lay charges under an information buoy. An Information Buoy are all called special buoys. They are always a white buoy, with a blaze orange band at the top, then blaze orange box, then blaze orange band at the bottom band. An information buoy can have anything on it like the information signs on the side of the highway. It can have a gas pump, or a fork, knife and spoon. It could say slow or swim area. 9 times out of 10, you see that buoy and it says "slow", what is the first thing you do as a boater?

C: Run it over.

A: Under the Criminal Code, you are not allowed to tie to a buoy, fix to a buoy, move a buoy or anything like that, unless it's a mooring buoy.

If it says slow, boaters will automatically slow down. Now you know the loop hole, you know you can't be charged. We are suggesting that the City go with information buoys with "slow" on them and set the buoys out so there is not the effect where everybody's coming down and going back up again in a short stretch. I don't think you want me to come back and start working on a VORR process. The last thing we want to do as a government and where I work, is legislate. I would rather educate. That is the easiest way. Education is part of the process so that two years down the road, when everyone is still flying through Cameron Narrows, the City will have enough documentation to go the Treasury Board with the VORR application saying we've tried information buoys, bringing in a neutral Transport Canada representative to answer questions, we have police reports, we've had accidents, etc.

Q: Do we need to have actual accidents happen for this?

A: I don't want any. This is going to sound awful, but for a VORR they help. It's like a bad intersection in your town, usually after there are a couple major accidents or fatalities then they put up the red lights.

Think of it that way.

Q: The other thing to consider here is the boating season is six months and about four to six weeks of that, beginning of July to mid-August, is where it is actually congested. Maybe it makes sense to slow down at that time period, but not the rest of the boating season when you are the only ones going through Cameron Narrows.

A: I realize that and this is why we are doing this. We want everybody's input.

C: I am hearing both sides, you have the people on Cameron Narrows. I am not convinced they are concerned about safety, they are concerned about their property. If you are talking kayaks or paddle boarders, as kids we were told to stay on the shoreline. Now you have paddle boarders out in the middle of the stretch by Coney Island and they are everywhere. They are hard to pick out, and they are out there with zero lights, at dusk, with dark coloured kayaks. It's a combination of everybody. The ones at Cameron Narrows think everyone else is wrong. That's the part I am confused about.

C: There was no problem until last year when the water was high. I lost my dock. Everyone lost their dock. Others have lost their docks outside of Cameron Narrows.

Q: The idea of the Kenora Bay thing is more than just Kenora Bay. Norman Bay is also a constricted area and at the narrows, which is approximately 200 feet across leaving zero footage for anybody to go up on step anywhere in that location. One of the things I am interested in is the information type of buoy. I have had boats and airplanes within 10 feet of my dock. One of my major concerns is it is all sand from Norman Beach to right through past my point. That area there has always seen some major storms with 3 ½ foot waves coming in. I know we have those issues, but now since boat traffic has increased in that area we still have a lot of people that insist on powering up their boats at the property next door and into the bay, throwing out a 3 ½ foot wake, which comes into shore. This has swamped my 17 foot boat once and it didn't go down because I caught it on time, I was there when it occurred. Last year due to the high water and mostly the wake issues, I sustained \$23,000 damage to my seawall and dock losses of \$10,000. Where do I as a common resident to get help with damage on my property? I can't prove that the green boat or the one with the Manitoba licence was the cause of it. We put up a sign on our property saying "No Wake Please". A huge sign at our own expense and we had a lot of boaters coming by from that area that slowed down. They listened. We are all Kenora residents here and there may be some Manitoba residents here, no offence gentleman or ladies, but you don't have a stake in Kenora other than maybe going out to your camp, way out the lake. You are a tax payer, yes, and I am a tax payer. I just want something to happen to protect my property because you know I am just retired and I don't have the money for the repairs.

A: Unfortunately, with that situation there is nothing within the Act that can help you with the wake or wash.

Q: How do I get a buoy like that? Do I have to go to the town of Kenora or can I buy one?

A: Yes, you can buy one. It's called Private Buoy Regulations. Write that down - Private Buoy Regulations.

Q: What about with the officers here, what are you guys going to do to me when I put that buoy out, approximately 100 feet from shore? Is it reasonable for met to put it 100 feet from shore?

A: Nothing. The way it is explained is that type of buoy is under the Private Buoy Regulations and that is available on-line. As long as you follow the regulations, with the shape, size, colour, reflective needs, etc., anybody can buy one of these buoy and put it in the water with whatever message you want on it.

Q: Is there any risk or liability for putting one out there?

A: Not if you follow the Private Buoy Regulations. The Private Buoy Regulations is posted on the Kenora.ca Portal. If you go to the Kenora.ca portal, click on the water button which takes you to a page. The page will have this regulation and a number of links to information we have talked about today.

Private Buoy Regulations is probably the easiest regulations of them all, it's publication PT14799 E or F for English or French. If you follow this, you will have no problems. Just remember it is not enforceable, it's a courtesy thing.

C: My sign was not enforceable but people listened.

A: Follow the regulations. You will have to put in on two sides in bold letters PRIV, your name and a phone number. The only reason we want your name and phone number, is in case it breaks loose and they find it on the lake. That's the only reason. You cannot put out a circle one, which is a control buoy, nor a "keep out" buoy. A "keep out" buoy is a white buoy, with a blaze orange band, diamond with an "x" through it, then blaze orange band. It means keep out, no boats, nothing is allowed. You are not allowed to put out this buoy under Private Buoy Regulations. You can put in the information buoy. About liability, never put out red and green buoys, because now you are directing traffic. If somebody runs into your buoy, whether there is a light on it or not, the OPP may charge for careless. If someone moves your buoy or takes it, that's a Criminal Code charge. It is still considered a navigational aid.

Q: Here's a suggestion. We do have a number of areas that are existing for a few years that have speed limits. I know there are some comments that Wayne made saying you don't want to do that, because it so hard to get out, but I think it would be helpful if we surveyed people. If the City found some method of asking people how it is working now in those areas, is it a problem, is it a concern, or does it work well. Are people abiding by it most, if not, all of the time. My experience of using those three areas is that everybody abides by it, do go slow, and didn't see it as a problem unless they are in a hurry to get home and don't like to wait. It hasn't been a problem in my personal experience in those areas it has worked well in 20 or 30 odd years that it's been in place and really

having a couple of other places where it's been highly congested and busy, whether it's for two months of the year or three weeks or whatever it is, that having the speed limits for safety purposes would be very important. Let's ask the City to find out from people whether in fact having these speed limits have caused problems.

C: We live in Portage Bay in Keewatin and probably 95% of the boats coming in there do slow and it has worked. The other 5% you can't do anything about and most are wave runners. The big boats that go in there are really good. It has worked over there.

Q: My question is to the police, would you spend more time in that area of the narrows, particularly the long weekend in May and the first of July, to make people more aware that it is actually 30 meters and they should be slowing down.

A: I don't know about the police sitting there. We talked about this earlier at the first consultation we had. However, I am going to get the City of Kenora some of those signs for the USR to reproduce. They can be posted, published in the newspapers, put at marinas, in your shops, where the float plane are tying up, landing or picking up your supplies and people, and where there are other boaters up.

C: We have a tremendous number of Manitoba summer residents and our son emailed and called a couple of times this week, wanting to be sure that we came to this. He would like to be here and would like to request that when you have a session like this that you have it in the summer so that the summer residents can attend.

A: It is because of my schedule, this was the only break I had to travel up here. We were discussing this over many phone teleconferences with the City of Kenora and there were many emails and "what ifs" that it made sense for me to come up now to provide education.

There was so much information being brought to the Committee, we wanted to make sure we were sharing that same information with the public. We wanted to do that before the lake opened up and to make sure we got the local crowd. Some of the businesses we have out on the lake, probably can't come out to a July meeting, they are too busy then. It is important for us to speak to all the individuals that could be impacted by this. We are planning more meetings in the summer.

Q: Can you send out a questionnaire in the utility bills and that way everybody in the City of Kenora who owned property would get it. I know you can't hit every boater this way but it takes in every property owner in the City.

A: That is a great idea and one of the ways we could do it. At this point, we are just gathering information. We are not really entering into public consultation phases yet. Once we are there, we are going to try to make thoughtful decisions about the best way to gather input. That is a great option for us to consider for sure.

C: In the guidelines, a survey is not considered as part of the

consultation and when you look at the list of people who need to be included who are stakeholders, it is huge.

A: Yes we went through that list and invited everybody we could. We sent post cards, an email to LOWDPOA members, and posted on social media. We wanted to make sure everybody that was on that list was informed. We tried to send out as much as we could.

C: The communication on that was good. I never received so many emails.

A: Thank you for the feedback.

Q: Even if everyone was unanimous in agreement and we really want this VORR, if you or the Federal Government thought it made no sense, you or they could say sorry no VORR.

A: Yes. Let's say the City wanted to proceed with the application and I help them with the check list. We do step one, and I review it and there may be something I want to know more about. Then we do step two and so on. I have to get that whole package together before September 15 of every given year to submit to my VORR manager in Ottawa, who deals with all the VORR applications for the whole country. Next the manager will review the applications from about September 15 until about February. It may be before the Treasury Board and the first person that looks at it may want more information. It will be sent back to me and then back to the City. That's why a VORR application can take up to three years. Plus, then it has to be gazetted in the official newspaper. When it goes to gazette one or gazette two or three, there's a response period. Citizens can pick up a gazette and respond, whether you are from Manitoba or Alberta, by writing a letter asking for more information on that VORR. For example, you own a sewage company in Kenora and didn't know about this and want a say. That will come back to the City and they will have to show that registered letters and emails were sent, etc. The process can be stalled and the City hopefully has everything documented to continue.

C: This is more of a follow up on the comments of marketing, you go to the LOWDPOA, KBI, or anywhere you see boaters, and hit them up with some of this information saying slow down and here's why. Here's what you can do, here's what you can't do.

A: Yes, I mentioned this earlier this afternoon, there's a program called the Boating Class Contribution Program and it's within Transport Canada. It's this little pocket of money, a little grant. If you have a cottage association and you want to promote safe boating in your community, you can draft up an application to get money to make up these signs, to do flyers, to put up at gas stations, float plane docks, marinas and where everybody is. You can do that as a community or an organization as education. The link will be on the Kenora website.

Q: How far through Cameron Narrows is it, 70 meters straight through? After you go through, do you still have to go slow?

C: With the USR, you still have to stay in the centre.

Q: Isn't there going to be a big wake when you take off and go down at

the 70 meter spot?

A: You don't need to slow down as of yet. If the City puts an information buoy in, and they talked about stretching it out because they know people are probably going to slow down.

Q: If you put these information buoys out, they are not legal?

A: They are legal.

C: They are legal but they don't make me slow down legally.

A: That's right they are not enforceable.

C: Now you get people that are voluntarily slow down, and now they are abiding by their law and they don't have to slow down.

A: Yes because they are courteous.

Q: Now is the guy who slows down in front of me responsible?

A: Stand on vessel, give way vessel. You have to always avoid collision at all costs. You run up on his back, you will be charged because of stand on and give way vessels.

Q: A question for police officers, do we have any information on how many accidents there have been in the areas that are already under a VORR?

A: There have been no investigations in Golf Course Bay and there have been two investigations in Cameron Narrows over 13 years. We take into consideration that a lot go unreported. There's a lot that we haven't seen or heard about that haven't been reported. The two that were reported, that's 7-8 years ago when a boat drove up on the back of another one. That wasn't contributed to Cameron Narrows, that was just complete driver error. The other, on the Coney Island side on the rocks, was from two years ago at night.

C: I actually reported on both of them to the police. I have been there, I have seen it. Once I saw an 8 foot by 20 foot dock in the middle of Cameron Narrows at 2 in the morning and I called the police. Unfortunately the marine unit wasn't out a 2 in the morning. I got in my boat and moved this floating dock with no lights on it, and tied it to my dock for the night. There were boats still going through the narrows and passing it for 10 or 15 feet and no one stopped. I got up and went and did because somebody was going to hit it.

C: We are talking about two different things. Cameron Narrows is a main thorough fare and the other places where these VORRs are, are dead ends, Golf Course Bay and Portage Bay. There has to be some sort of distinction about what we are talking about here.

A: Yes. For example, on the Rideau Canal, there is one portion of the Rideau Canal where there is a marina with no break water or natural protection from the wake or wash from any boat traffic. The VORR starts at the marina and ends after the marina. There's just a little tiny VORR there. If you read it in the regulations, it actually says in the vicinity of the marina, that's how it is written in the regulations. Yes we are talking about a lot of different bodies of water in the area but right now the biggest concern that drew the attention is Cameron Narrows.

Q: For the Committee, this is the boating capital of Canada. If you start regulating Kenora, people will just start going boating in Dryden or elsewhere. We need the Manitobans and the tourists in Kenora. With the signs you will hear that they are not going to Kenora, they do not want to slow down. We need to take businesses in to consideration too.

A: This is not just an Ontario law. It is for Manitoba and New Foundland, all of Canada. We are very fortunate in Canada because if you deal with people in the US, first of all you have US Coast Guard, and second, each state has their own rules. You are not

introducing new legislation with your visitors or your boaters that are coming to your area. The City is concerned about the education of the boaters that are visiting your area. This is coming down to education. It could be a deterrent, but these are not new regulations. To be honest with you, now I don't want everybody to run out and start buying information buoys. You have a legitimate case where you have a bottle neck. Everybody has big investment, but if you filled the waterways with a whole bunch of information buoys, it will be confusing and distracting. We have been legislated and regulated so much. We don't want to scare people away. What we are talking about here is what drew the attention of Council is a community concerned about certain body of water.

C: It boils down to that we weren't here two years ago because the water was low. The problem was mother nature, not the buoys.

A: That came out this afternoon. You aren't the first ones to say that and that's why we are taking Minutes of all of this. The City is weighing the pros and cons and the ifs and the what ifs of everything that is happening. That's why they had me come in because I am just going to tell you the truth, I have nothing to win or lose. You don't want to over legislate the water, however it's not new legislation and not just for Ontario.

Q: You said you are a neutral party and it's not a win or loss, but sounds like you have also suggested that these information buoys be placed which sounds like you have a come up with a solution.

A: I am pushing for education.

C: We haven't had a clearly defined problem stated yet. It is not really neutral to say the buoys are just education, because they are also influencing how people boat in the water and they are a hazard and a congestion. They caused a lot of confusion last year. The buoys caused danger.

A: They did and the City knows that they were done wrong. I am not saying they are going to put them back in. It is something we have talked about. Part of education could also be information buoys. The City hasn't confirmed that they are going to do the information buoys.

A: Just to be clear, the City and the Harbor Safety Advisory Committee have not made any decisions. We are just getting all this information and sharing it with the public. There is no decision as to buoys or no buoys. Even if the Committee recommended the information buoys, that decision would still to go back to Council.

Q: When do you want to make that decision for this season?

A: We will be meeting tomorrow to debrief after this and then talk about next steps. I don't have the answer, we haven't had that discussion.

C: I was at afternoon session and it did come up a number of times how some people felt unsafe, so there is a concern that putting these information buoys is just going to create the same situation. It might be helpful just to show of hands of people that felt unsafe with buoys last summer. My concern is it that if we do what we are doing, it will be total confusion and it will be the same thing. The City will become liable for creating this situation.

C: Last year it seemed very much like the information buoys were strong armed in by Council without any consultation. We found that it caused problems and identified it. How can we be sure that this is not going to happen again. We have a Committee but we pretty much have the same Council that didn't consult people and just threw them in.

A: You don't have to consult for informational markers according to the regulations. We are going over and above by doing that now and planning to do it several more times.

C: There is liability still and we have talked about it a few times.

A: That's a fair question and is something the Committee will look at.

Q: We have a small island just outside of the narrows, we are not in the narrows but right outside. We did get increased wake and wash in front of our island all summer when the buoys went up because people were slowing down and speeding up right there. That being said, we lost our dock. Those buoys created a hazard. The times I did go to town, people were racing to get into line. You would have to get into line to putt your way through the narrows. The time I went to town and came back there were boats coming all around me trying to get in line. I thought it created more of a hazard. You have 16 foot with a 30 horse motor, people are zooming around that boat to get in front of it so they didn't have to wait. It became more of a hazard.

A: That is why we are here, we want everybody's feedback because this is what the City has to look at.

C: I just live around corner and the same thing happened last year in high water. Every time these boats would come out of the narrows and speed up, I had wakes like you wouldn't believe. It is common sense, it's education, and you have to use your head.

C: My concern would be if we could extend the buoys to a point, now we are going to create a wake that they are getting it. My biggest concern was that we were going to take all of Kenora Bay and put it into a 10 km speed limit which I was very concerned about for business wise, it would be very tough for people to get around.

A: That can't happen until the City goes through the whole process. This afternoon I actually had a couple of people in the crowd that thought

Wayne Atkins from TC was coming in to give a speed restriction but no it doesn't work that way. There is a lot of consultation.

C: I do live on the lake outside of the Keewatin Bay VORR and waves come in there at 3 feet.

C: Waves come in where ever you are on the lake.

A: Boating is risky, if you think about it. Go back to the mallard duck. You will have wake and wash. Bring in the education side and maybe start the rumour net with slow down in the Cameron Narrows. Whatever you have to do to, it goes back to looking after your neighbour's boats.

Q: I have been boating for about 40 or 50 years and going through Cameron Narrows a few times day in the summer, and I never felt unsafe in Cameron Narrows. I don't know if it is a matter of slowing down, most people I see are going from point A to point B at their optimum cruising speed, not making a big wake around many boaters. I can't see regulating to a few. Slowing boats down creates a bottle neck and leaving from town going out through a narrows to the bigger lake. We need to keep traffic moving like the round-a-bout.

C: I was hit in Cameron Narrows, maybe 25 years ago. It was by a boat going very slowly, a boating coming from Coney Island and he didn't see me.

Q: I want to clarify a few things because you have been saying let's get the information out there to go slow through the Cameron Narrows. It has been my understanding that it is wide enough that we don't have to go slow through it so why has that decision been made?

A: It hasn't been made, these are just suggestions. I am saying this because it's the sales pitch. To you who are going fast, there's not a problem. The crowd that was here earlier today says there's a safety concern. The problem becomes half the people are going slow and half are going fast. That's when you get the bottle neck and congestion and that becomes a safety issue.

C: It will, it was. Who is slowing down, who is not. There needs to be a rule or not. It causes confusion.

A: Okay for example, I am driving in from Winnipeg on this stretch of highway to Kenora and all of a sudden for some reason all the brake lights come on. Was someone turning or an animal ran across the road, there was a string of traffic and then all the brakes went on. I don't know but I slow down. Think of that.

Q: Does the average person know what an information buoy is?

A: I bet I can pull out a boating exam right now and 90% of people will fail on buoys.

C: And I bet 90% of the buoys wouldn't be on this lake.

A: That is incorrect. This is one of the lakes that you can find buoys that you can't find in the rest of the Province. When I came here for my first time to visit about 10 years ago, I had my camera out to take pictures of

the buoys I hadn't seen before in real life.

Q: I just want to point out, if we get to the point where people want a VORR, that 10 kilometers per hour is walking speed. So from Cameron Narrows all the way into town to the harbourfront, would be quite a deterrent for people to actually come into Kenora. I wouldn't want to do that in a boat every time.

C: That is already the case for Laurensons Creek.

C: I do it all the time in my boat. It takes about three minutes from Cameron point to downtown doing under 10 kilometers. People need three minutes of their life to travel there.

A: The longest route from Old St. Jos to Cameron Narrows at 9 kilometers an hour would take 8.08 minutes. At 60 kilometers an hour, it would take 1.21 minutes. A difference of 6.87 minutes.

Q: This is more for the Committee, how many people don't go into Keewatin, because they have to idle all the way in that channel? They don't go to buy gas at Two Bears Marina, they don't use their liquor store, they go into Kenora. Now put a VORR in Kenora and how many people will just go to the reserve, just stay outside of the City limits and not even bother coming into the City because they have to idle all the way through? It is a consideration.

A: Good question. We have talked about consulting with the business owners in Keewatin to find out if they saw a difference when the VORR went in. We will get feedback on that for sure.

C: The buoys created a major problem and if people slowed down, you are just pushing the problem on to somebody else. There is nothing you can do, it's mother nature, the water is going to go down. Why push it on to his island because she doesn't like it. The next thing you know, they will be going slow by Wolf Island.

C: You are talking wake, my issue is safety. You and other people are talking wake. I understand it is a problem, the gentleman here says there is no regulation regarding wake. We can't solve that with anything we do here or the City does, but safety is an issue.

C: Regardless of what side you are on, whether you want the buoys or don't want the buoys, we don't want people going super fast and being dangerous. The only wise thing that has come out of it, is education at KBI, education at other places, and for us to say be courteous. Putting buoys in as education is not going to be beneficial.

C: It seems like this problem came from last year's high water, and that was a wake issue. I agree, it is an informational discussion. Get out there and let people know that this is a problem and move on from there.

C: The police officers have heard it loud and clear. If they saw somebody was doing 70 kilometers an hour, they will probably do

something about it anyway.

A: If somebody is doing 70 miles an hour, and it's October and no one is around, he's probably going to go through. If we catch him, we will talk about slowing down through there. In the middle of the summer when they do it, they will get stopped. We will follow them back to the harbourfront and talk with them and see where it goes from there. We may not give them a ticket, but we'll deal them. We do this all the time and there are a few repeat offenders. We could sit there for a day, on a Saturday in August, and in our opinion it could be perfectly safe, whether boats are going 5 miles an hour or 30 miles an hour, we can't define safe speed. There has been a few times where we have seen a boat go through there at an unreasonable speed and we talk to him.

A: There's an organization called Safe Quiet Lakes. If you are really interested on marine education, with a community, google it and read about some of the work they have done. The same situation, there was for and against. Not only was it about VORRs, wakes, wash, docks and speed, it was also about cottage owners working with the wake boat operators and everybody. It was the same environment, the same atmosphere but they got together and got some money to make a newsletter and all that kind of stuff. They are all working together. It's called Safe Quiet Lakes Association and it gives you the idea of working with your summer population which is different from the normal residents. It all comes down to education.

Q: I would like to know if you are targeting bass fisherman or KBI? Because 99% of people who drive a bass boat are experienced, so if they go 70 miles an hour, for three or four weekends out of the summer, are they in the wrong? When we leave the harbour, we leave through Keewatin Channel. We do not go through Devil's Gap or through Cameron Narrows.

C: The fishing tournament guys have been asking the bass boats to respect safe speed limits in the bay. Those responsible boaters have and there are no problems there.

A: Who knew about the USR before you started reading on it because of what happened here in Kenora? Only a few people knew. It has always been there, all of those years. It just goes back to the fact that it is hard for the OPP to prove distance and it is something that is hardly enforced in the Country, but it has always been there. That is why they always go to the careless charge because it is easier. The whole thing isn't speed, it is about wake and wash. It is about working as a community with certain areas, where people are having a problem with wake and wash.

C: Wake and wash is all over the lake. You want us to respect people in Kenora but as soon as you get out, my dock gets swamped all the time. Do I complain, no I build a better dock. If you live on a lake, you get used to it.

A: Kenora asked me to come up to do these public sessions. I don't

have the answer and I am going on the experience I had with other associations where the information buoys worked perfect. They solved the problem.

C: That may not do it here.

A: You are right, it may not. And it may and it may not, or it may cause collisions.

Q: How much is one life to lose? If we lose somebody else on the lake because of not putting a VORR or whatever type of risk is out there. We have to mitigate that risk. How much investment does an individual have to lose, before he is considered a risk? I can sustain my livelihood but I cannot afford to keep rebuilding. How much is one life worth?

C: There are no fatalities listed there. Ever. There's fatalities on this lake and other lakes every year, it all comes down to people who don't know what they are doing with their boating are doing it carelessly. There's laws in place to do it. We need to get together and bond together and try to educate the people that are coming in that aren't very good at boating and say let's be respectful in this bay. We don't need to go 60 miles an hour or we don't need to swamp each other. Let's be respectful.

C: There has been a fatality in the Kenora area on the lake. It was a lady was out on her boat and she got run over top of and was killed.

C: There was one out in front of Birchwood Terrace, a lady ran over our neighbour`s friend and she just drove away.

C: I don`t think we should wait for a death to occur, let`s mitigate the risk in advance of that.

Q: Just wondering how people got on that Committee or how does one go about getting on that Committee?

A: We advertised for it in the fall when it was first formed and then we advertised for it again around the election. A decision was made by council based on the applications received. The meetings are open to public though and they are posted online.

C: It seems like you listened to a few among the majority. When you ran in those buoys last year it that ticked a lot of people off, more than people who were for them. I saw a person sitting in that narrows, yelling at people to slow down. I came back and he was still there. Who is creating the hazard – this person in a boat yelling at everyone.

C: Until the buoys were there, nobody knew the City was going to go there so nobody could complain. They just asked for them.

A: I can assure you at this time no decision has been made. Will there buoys on the water this summer, I can't tell you. That discussion will have to happen later. We got a lot of feedback on the buoys. It wasn't all negative, it wasn't all positive. There was a mix. Now we are trying to correct that, to make sure to talk to all the right people. We used the

consultation list for the VORR simply because we wanted to try to get all the right people in the room, not because we are consulting, just that is the process we are going to go through. Hopefully we are doing a better job moving forward.

In conclusion Karen clarified that Wayne referred to this as a consultation session, however the City is viewing this as simply an education session. It was explained that we are trying to get the message out and to make sure people understand what is in place now. Karen noted that there were a lot of people who didn't know about the 10/30 Rule and that was one of the reasons to have this session before the lake opened up. There will be more information sessions this summer as well.

The session ended at 9:04 p.m.