

Lake Networking Group - Lanark OPP Annual Meeting
September 21, 2018
Tay Valley Township Offices
217 Harper Rd, Perth

0930- Meeting start with Welcome & Introductions

-Moderated by Kevin LaPorte, Kennebec Lake Association
-this annual meeting was initiated by the OPP several years ago as an opportunity to get together to discuss areas of mutual interest

Attending:

OPP - S/Sgt Marty McConnell, Lanark County OPP (attending on behalf of Insp. Derek Needham),
- Sgt Byron Newell, OPP East Region S.A.V.E Team supervisor

Lake Associations - Dalhousie Lake Association
Christie Lake Association
Bobs & Crow Lake Association
Sharbot Lake Property Owners Association
Davern Lake Association
Little Silver & Rainbow Lakes Property Owners Association
Bennett & Fagan Lake Association
Kennebec Lake Association
Mississippi Lake
Big Rideau Lake Association
Silver Lake
Bobs Lake & Althrope Bolingbroke Community Assoc.

The following Questions presented to the OPP officers, and the ensuing discussion (paraphrased here) between the officers and the Lake Association members present:

Question/Discussion Period:

1) Marking Rocks and Shoals. Q: A cottager has been putting a marker out for years to mark a rock and this summer someone hit the rock while driving the boat at night. He would like to discontinue putting out the marker because of liability concerns but wonders if he will be liable if he does not put the marker out and someone hits the rock.

D : Marking rocks and shoals is a personal decision. Transport Canada is the agency that sets the rules and approves markers for obstructions in water. A private individual who takes it upon themselves to set out plastic jugs (as an example) to mark rocks is merely making a reasonable effort to improve public safety. Mississippi and Bob & Crow Lake associations have installed numerous markers and signs working through Transport Canada. Numerous regulations are involved in getting "approved" markers and signs. The installation/requirements of these markers is not an area that the OPP has any jurisdiction over and it was recommended that a lawyer be consulted if advice was needed.

2) OPP media releases.

Q: The Lanark County OPP Detachment provides news releases on a periodic basis with regard to investigations and charges relating to motor vehicle accidents and Highway Traffic Act and Criminal Code violations. In its media releases, the OPP routinely names persons charged in DUI and assault cases (other than sexual assault cases), but not in "domestic" cases. I am uncomfortable with the disclosure of the name of any accused prior to conviction unless the accused consents to the publication of his or her name.

Regrettably, in Canada today, we seem to have two competing presumptions which are relevant to my concern. The first is the unchallenged legal presumption of innocence until proven guilty. The second is the unfortunate media and social media presumption that all allegations of wrongdoing - even anonymous allegations - must be true and should be treated as true whether or not they are proven in court.

Since information as to acquittals is never provided in the OPP media releases, and rarely finds its way into the mainstream media columns or social media commentaries (unless the person charged is a well-known public figure), the mere publication of person's name in relation to a charge prior to conviction can result in unnecessary damage to reputation if a verdict of acquittal is ultimately rendered.

Incidents may be reported without naming or otherwise identifying individuals prior to conviction. Prior to conviction, the disclosure of names is not necessary. It is merely gossip.

D : Information is released by the Lanark OPP as per the OPP Policy on media releases. The decision to publish or report that information is made by media outlets. Once the charge is laid, it is public information in the public court system. Any further information release at this point is at the discretion of the Crown attorney.

3) Cleaning of OPP Patrol Boats

"The risk of exporting water-born invasive species from one lake to another by boaters is real and prevalent. One of the best ways to reduce the risk is for boaters to "Drain, Clean & Dry" their boats after leaving one lake and before entering another. It appears that OPP boat patrols do not follow these recommendations and as such, increase the risk of transporting invasive species to other, non-affected lakes. What plans do the OPP have to reduce this significant risk to the environment?"

D : OPP members are directed to clean the OPP boats and bilge upon leaving a lake in order to prevent the transfer of invasive species. Sgt Newell advised that he wanted to know if it is not being done, so that it can be addressed. Sgt Newell also advised that he will make sure that this message gets out to his officers, and that he would be raising it as a topic at an upcoming seminar for OPP boat operators, and would work to include a lecture from the Ministry on Invasive species. A question came from the floor about the cleaning of private boats, and Sgt Newell advised that there were no laws regarding the washing of boats that was enforceable by the OPP.

4) Speeding/Dangerous Operation

Q: The topic of speeding/dangerous boat operation in general, particularly by those using the public boat launch on Little Silver Lake. Also, who is responsible for posting signs at public boat launches regarding speed and safe operation etc.

D : High speed was identified by various association rep's as a significant issue on many lakes. Some larger lakes, such as Big Rideau, have non-resident boats in their waters from all over the region and beyond, very large and very fast boats along with seadoos. High speeds and lack of OPP presence are of concern. The OPP utilize the media, social media (twitter and Facebook for ex.) to get their messages out concerning safety, speed and alcohol. The OPP that they have a low number of incidents on water vs. the highways, therefore the majority of OPP resources are directed to highway enforcement. The marine program is expensive to run and they have utilized a more efficient model for marine enforcement in the past 3 years in order to maximize resources. Strict marine enforcement is employed in order to get the message out to the public.

An association had problems with fishing tournaments which attracted a high number of boats. It was learned that speaking to officials at the Weigh-in area may assist in dealing with specific issues at the time. Some tournaments also offered "hourly" prizes, which lead to boats driving to and from the weigh-in location at high speeds frequently to qualify for these prizes, unnecessarily causing speeds and boat traffic to increase significantly on the lake. This type of tournament structure should be opposed whenever possible.

5) Boating Safety Kits

Q: A question regarding a lake resident who was stopped by the OPP this summer for a boat check. Reportedly the OPP officer was checking to ensure a safety kit was on board. The kit on board was of the type sold through Canadian Tire which is basically a boat bailer containing the other required items. Although this does meet legal requirements, the officer reportedly commented that they really were not the best option, in particular the small flashlight, which, once wet, rusts quickly and would be useless.

1. If these kits are considered 'poor' for the purpose intended, how is it they are approved?
2. What is a recommended option, especially for smaller crafts such as kayaks and canoes

D : Sgt Newell advised that it was the boaters responsibility to ensure that they always have good, working safety equipment. The specific kits are not "approved" per se, they contain the required equipment. Many flashlights will not last too long in a wet environment, so the boater needs to check the batteries regularly and may want to consider a more water-proof light than the one supplied in some kits. Caution was also urged regarding certain 'collapsible bailers' that are being sold in some places. Under the regulations, the bailers must be rigid, and not collapsible.

6) Equipment Requirements-SUP

Q : Please clarify the safety equipment requirements for Stand Up Paddle boards as they are becoming very popular.

D : A whistle and a life jacket is required: if life jacket is present but not being worn, then a throw line is also required. No throw line is required if the life jacket is being worn. A flashlight is required at night or times of poor visibility. The published Boating safety guide is not currently up to date with regard to SUP.

7) Inflatable Islands

Q : Can you clarify the law around inflatable islands and alcohol. Is it ok to have alcohol while lounging on the island if it is tied to the dock, but not if it is free-floating?

D : OPP try to be reasonable under the circumstances they encounter. People floating around on an island or similar floating device in the immediate area of the dock and cottage front, and there are no issues and no one is drunk - should be no problem. However, if a person is floating/travelling from point A to point B, they clearly fall under the navigation regulations for watercraft and alcohol laws.

8) Water Safety

OPP have investigated 17 drownings so far this year. Some of the drownings were collision related-no current breakdown of the incidents. Life jackets are going to be a focus issue for OPP enforcement. A reminder that life jackets must be **quickly and readily accessible** if they are not being worn by boaters. Being buried under a seat /under other gear etc does not qualify. It is hoped by Sgt Newell that there will be movement toward mandatory use.

There are no laws requiring ice fisherman or snowmobilers to have life jackets, but there are survival suits available for purchase.

Towing water skiers/tubers: There must be an adult spotter on the boat in addition to the driver. There must be available seating for all skiers/tubers on the tow boat, and there must be sufficient life jackets on the tow boat for all (those on the boat plus the persons being towed). For Seadoos, there must be a seat on the Seadoo for the driver, the spotter and the person being towed.

9) Water Ski Courses

Q : A water ski course that had been set up along the shore of a nearby lake. The course involved 23 large balls (or buoys) and spans quite a length of the shoreline, perhaps 15 properties. It was close enough to shore that that the writer of the email felt that the boat that traveled in and out of the course was a danger to wildlife, loons in particular, and could contribute to shoreline erosion. This was the second or third summer (but not consecutive years) that such a course had been set up on the lake by the same individual. The current Navigation Protection Act (NPA) contains a list of designated waterways where they require an approval for the operation/installation of a waterski course (many lakes are not designated). The new Bill C-69 Canadian Navigable Waters Act (CNWA) replaces the NPA, possibly in mid-2019, the regulatory scope will no longer be limited to only the Scheduled lakes. Upon passing, it is expected the CNWA would require the authorization of Transport Canada to install or operate a water ski course on ALL waterbodies of Ontario.

How aware are the OPP of the situation and the the upcoming changes in the regulations?

D : The OPP were not aware of this possible new legislation and would be looking into it. In any regard, the OPP would not enforce the new regulations; that would fall to Transport Canada.

10) Cottage Security -Off Season

Q : Now that many cottages are being closed up for the winter, there is a need for increased police patrols to prevent break and enters. What will the OPP be doing to help with this issue, realizing that most cottages are on private roads?

D : The OPP will encourage patrols with this issue in mind, however available resources are finite and private roads are private property and police won't generally enter onto private roads unless called there.

11) Drone Restrictions

Q : Are there any legal restrictions for Drones being operated over docks and cottages? There was an incident on one lake where a drone hovered over a dock where a person was sunbathing, causing them distress.

D : OPP advised that there were no drone regulations in place yet to cover these types of issues, however the OPP would investigate each individual complaint to determine if there may be other actions may be warranted.

11:12am - Meeting adjourned

Next Meeting - Friday September 20, 2019 (date and location to be confirmed)