



Newsletter Winter 2012

Welcome to Our New President!

It is with great pleasure that the Round Lake Property Owners' Association welcomes Rob Norris to the helm of the RLPOA. The Board of Directors at our September 24 meeting officially approved Rob as President. His many years of experience in working with community groups will be a great asset to the Board and Association, and we look forward to assisting and working with him.

... and Welcome to a New Year!

As you will read in many of our newsletter articles, the RLPOA devotes significant effort to representing the interests of waterfront property owners on Round Lake and the Bonnechere River between the lake and the Tramore dam. **This edition features some of the current issues and negotiations.**

Other RLPOA programs remain high priorities: Stewardship (education and water quality monitoring); Safety (boating education and hazard marking, and Cottage Watch); Communications (newsletters, website and emails); Community Involvement.

Your participation and support are appreciated, and crucial to all of our efforts. Please assist us by sending in your membership fee and volunteering if and where you can. New members will receive hand-delivered coloured maps of Round Lake, over the summer.

particular complaints from property owners who had been unsuccessful in negotiating solutions with their offending neighbours, the RLPOA has become aware that there is beginning to be a problem around the lake. Perhaps some restrictions would be appropriate.

At the 2011 RLPOA Annual General Meeting, we asked for a show of hands as to how many of those present would or would not support the RLPOA exploring the possibility of KHR's instituting a **reasonable** noise bylaw. The response was overwhelming in the affirmative.

Prior to our following Board meeting, KHR considered and turned down a request from a Round Lake property owner for a noise bylaw. (Local newspapers reported that in discussing the request, some councillors offered their personal opinions that the fireworks should be an expected and accepted aspect of what should be tolerable and fun.) As the chief of police has suggested in a letter to the Township that one be instituted, and as the noise from firecrackers is the second highest listed by the Canadian Hearing Society as damaging on an ongoing basis, we think this may warrant Council's reconsideration—if our poll indicates widespread support. **Please send the enclosed form with your opinion—yea or nay—to the RLPOA.**

Boating Speed Restrictions On the Sherwood River, and Bonnechere River Between the Lake and the Tramore Dam

(Property owners on these tributaries)

Contrary to common belief, the Ministry of Transport's restriction of boating speed to 10 km/h within 30 m (98' 5") from shore does **not** apply to rivers that are less than 100 m (328' 1") wide. Unless there are Ministry speed restriction signs, boaters are allowed to travel as fast as safely possible.



Some years ago, the RLPOA received a request from property owners on the Sherwood, and more recently from one on the Bonnechere River, that we look into the possibility of speed restrictions. We have learned from a Ministry regulations officer that there are several approaches that could be taken by the Township.

The first step, of course, is for the RLPOA to find out what degree of support there may be for speed restrictions on the Sherwood and Bonnechere. We enclose mail-back forms for property owners within our membership area on both rivers, and ask that they **please respond**.

Opinion Surveys:

All Waterfront Property Owners: Whether You Choose to Submit Your Membership Fee or Not, Please Respond!

To the best of its ability, the RLPOA attempts to represent the interests of our membership area's waterfront property owners in general. **Please use the enclosed form(s) and envelope to send us your opinion.**

Noise Bylaw

(All waterfront property owners)

It used to be that fireworks revelries and loud parties were confined to specific holiday weekends. Now, any weekend seems to be cause for such celebration, and until the wee small hours—even on weekdays. **This "fun" for some seems to be causing problems for others:** babies startled awake late at night; property owners unable to sleep; panicked pets; loss of enjoyment of property. Having received some

Communications

Newsletters and Website

In 2011, the RLPOA provided the choice for property owners to either receive hard copies or to access the newsletters via the RLPOA website only. However, the low rate of membership response from those who opted for the latter, and the extra layer of administration required to manage this system were main factors in the RLPOA's recent decision to revert to our former practice of sending **hard copies to all**.

The newsletters and mail-in sheet will continue to be posted on our website (www.rlpoa.info), as well. As the newsletter is directed to property owners within our membership area, it is posted in a protected section. Thank you to Terri W. for her effective description of how to access it: Your user name is **property owner** (case sensitive). Note: We really mean "property owner"! Don't try to use your name here—it doesn't work. Your password is: **Round Lake** (case sensitive).

Email Notifications

The RLPOA occasionally sends short-notice emails with info that can't be accommodated in a timely fashion by our newsletter schedule. These might include **emergency notifications**, so we advise that you send us your address. We do not share your contact info with any outside organization, and we are careful to "blind copy" the messages.

The RLPOA has published the following article, submitted by the C108 Steering Committee, as it may be of interest and benefit to property owners on the lake. The RLPOA has no involvement in the litigation described, and does not warrant (has not corroborated) the contents of the article.

COALITION 108

(By C108 Steering Committee)

Coalition 108 is a group of Round Lake property owners who came together several years ago because of their concerns with damaging water and ice levels on the Lake. They decided to seek a legal opinion on whether Renfrew Power Generation (RPG), the dam operator, had the right to maintain water levels that damaged properties and eroded shorelines. To obtain that opinion they went (with financial assistance from the Township) to one of Canada's major law firms. Based on the opinion given by that firm, the Coalition resolved to take legal action to protect properties from damage and seek compensation for existing losses from RPG.

The final decision to take legal action was made only after extensive efforts by members of the Coalition to bring the excessive water levels and the damages caused by water and ice to the attention of RPG and to meet with RPG to come to a satisfactory solution. Unfortunately these efforts did not result in a resolution of the problem, and the Coalition therefore commenced a legal action in the Superior Court of

Ontario in 2009. The action claims that RPG has trespassed on land around the Lake and seeks both a court order to stop the trespass and a court judgment for damages for losses incurred. The Coalition proposed that the one action be treated as a class action to prevent the need for many owners around the Lake to each individually sue RPG.

An application was made to the Law Foundation of Ontario for funding to assist the action and the Coalition was pleased that the Committee which considers such applications agreed to fund the appropriate out-of-pocket costs of the action. (One significant cost is expected to be a major survey to show the historical and current flooding rights of RPG.). This funding, however, does not cover legal fees.

In late June 2011 the Superior Court agreed to certify the action as a class action on the issue of the boundary between the flooding rights of RPG and the private property of owners around the Lake. If the Coalition is successful in that part of the action it expects (in the absence of any reasonable steps by RPG) to seek to certify the part of the action claiming damages to property around the Lake so that it would also be dealt with as one proceeding rather than requiring multiple individual damage claims against RPG.

For further information about Coalition 108 please contact Don Bohart, a member of our steering committee and a long time resident at the Lake at 613-757-2636 or Doug Fraser, the treasurer of the Coalition, by e mail at dfraser237@nrtco.net. For information about the class action, you can read the advertisements that will be published in local newspapers and consult a website that will be established by our lawyers Fraser Milner Casgrain (www.fmc-law.com) which will have on it copies of the relevant legal documents.

Waste Management Planning

Attendance was thin (approximately fourteen, excluding press and Council and including representatives of only seven Round Lake properties) at the November 27 KHR Public Meeting at which the Township announced its plans for the future of waste management in KHR.

Environmental considerations have prevailed, and KHR will transport organic waste to Lafleche at Moose Creek, for which there is no partnership fee. KHR and residents can control the tipping fees and transportation costs by increasing recycling. (KHR hopes to soon offer electronics recycling). The ability to negotiate contract length will allow Council to explore other options as technology improves. Lafleche is a "hands on" operation; therefore equipment repairs are dealt with efficiently, on site.



KHR will: maximize options to plan, develop, and integrate diversion programs (Reduce, Reuse, and Recycle) by reviewing potential development of other incentives; work toward long-

range service security, including participation with other municipalities; focus on blue box capture rate improvements; continue to provide an organic waste alternative program.

Council has decided not to impose use of clear bags at this time, however it will raise the per bag fee.

KHR presented the following as the most feasible economic approach: The remaining landfill capacity at the Red Rock Road and at Killaloe sites will be used for construction and demolition, and bulky waste. Improved user facilities at Killaloe and Round Lake sites will handle residential waste, recycling, and organics. **The Red Rock site will be closed for public use.** Transfer stations will be located only at Killaloe and Round Lake sites. Hours at the Round Lake site will be the same as they have been at Red Rock.



In consideration of the RLPOA request to assign a flat rate per household rather than basing the funding on property values, Mayor Visneskie indicated that this issue is more complicated than it might seem. For example, an owner of three bush lots should not be required to pay three times as much as the owner of a single residential property. KHR is continuing to explore possible options that are fair to all.

The next planning stages include: KHR's review of feedback from the meeting; Ministry of Environment consultation and review; development of an implementation plan; MOE permits and approvals. KHR's implementation goal is spring/summer 2012.

The RLPOA had requested that there be no reduction in services, and the closure of the Red Rock site received considerable attention at the meeting. Councillor Ernie Cybulski, Chairman of the KHR Waste Management Committee, was asked to provide a clear explanation, for publication in this newsletter, as to why KHR cannot provide a person and a truck at the Red Rock site, even just through the summer months.

With thanks to Ernie for the following submission:

“When Council voted unanimously in favour of exporting waste to Lafleche Environment at Moose Creek, operational changes had to be made.

“The stationery compactor for domestic waste will be staged at the Killaloe waste site. The only way we can transport domestic waste from the Round Lake and Red Rock sites is in an uncompacted state. The waste, once collected at the sites and taken to the stationery compactor in Killaloe by a dump truck and trailer, will need increased handling to place the waste into the stationery compactor from the truck and trailer, one bag at a time. This procedure will increase the amount of time by our site attendants to stack and transfer the bagged domestic waste to Killaloe. It also nullifies our ability to collect the recyclables in totes to be transferred to Killaloe waste site in one trip.

“In order to collect the recyclables, a retaining wall and ramp would have to be constructed, and three lockable 40 yd. roll-off recycling bins would have to be purchased for each of the sites. This would eliminate the need of transporting the recyclables to the Killaloe waste site. The 40 yd. recycling bins, when full, would be moved by Bauman Industries and transferred to Renfrew. The users of the site will be placing their recyclables in the 40 yd. bins themselves. The time saved by this procedure would allow our attendants to handle the domestic waste and eliminate the need for extra hours of work.

“Because of where the waste has been disposed of at the Red Rock site, it would require extensive moving of the existing waste in order to create a staging area for a ramp and retaining wall. This would be a very costly endeavour. The installation of a retaining wall, ramp, and bins at each site, is a duplication of services as the sites are in such close proximity to each other. With the closure of the Red Rock site, the hours of operation at the Red Rock site would be transferred to the Round Lake site. In having the R.L. site open longer, there is no need for traveling time by the attendants and equipment. With the current infrastructure at the Round Lake and Red Rock sites, and the need to have recyclables and uncompacted domestic waste transferred to the Killaloe site, double-handling of these items would be required. Also, double trips from Killaloe to the Round Lake and Red Rock transfer stations would be necessary to complete the job. With the upgrades to the truck and infrastructure at the R.L. waste site, it would only require one trip to Killaloe. The aforementioned will need the approval of the Ministry of the Environment before anything can be implemented.”

Water Levels Report

(By RLPOA Water Levels Chairman Don Pouliot)

As you may recall, the current Water Management Plan (WMP) was developed under the mandate of the Ministry of Natural Resources (MNR) to impose upper and lower level limits on the dam operator, Renfrew Power Generation (RPG). The engineers who modeled the draft plan noted that it risked shoreline erosion at its upper limits. It was also vigorously opposed by 30% of the representatives on the Public Advisory Committee that participated in the plan's development, and by the RLPOA. It was nevertheless implemented by MNR in 2004. The negative results have been obvious and predictable over the years since, and this past year was no exception.



2011 was another year of shoreline devastation for many Round Lake property owners. It began with severe thermal ice push events (late December 2010) at water levels that were held well above the WMP's recommended typical operating line by RPG. As a direct result of simply too much

water in the Bonnechere River system, a further assault of excessive flooding took place in the spring, with high wind and waves. (See charts, Page 6.) In our opinion, all of this damage, as in the past, was due to a lack of judicious control of the interacting levels of both Golden and Round lakes.

As a result of the RLPOA's determined negotiations, the persistence of a number of property owners who suffered damages, and the strong representation of waterfront property owners by Killaloe Hagarty & Richards Mayor Janice Visneskie (who on two occasions presented to the Minister of Natural Resources in Toronto graphic evidence of past and present shoreline destruction), we may now be seeing some recognition on the part of the responsible authorities that the management of water levels over the years is causing real problems on Round Lake and needs to be addressed.

When the water level limit of the WMP is breached, the occurrence can be classified as either an "incident" (not preventable by the dam operator) or "noncompliance" (preventable and therefore the fault or responsibility of the operator). In its review of RPG's 2011 water levels management, **MNR found RPG to have been out of compliance with the WMP's upper limit** on two occasions. The finding of noncompliance allows MNR to impose various disciplinary measures, such as substantial fines. However, MNR has chosen a non-punitive approach and will merely retain the finding on record, to be considered should there be another contravention.

Such consequences (perhaps more aptly described as lack of consequences) are understandably regarded by angry property owners who since 2004 have suffered through two massive floods, four breaches of the WMP, annual ice push events, and thousands of dollars of damage, as a gentlest of possible slaps on RPG's wrist. However, MNR cited as factors in its decision RPG's cooperation during the review and RPG's expressed willingness to work with MNR toward preventing future occurrences. As the current supervisory regime at MNR is relatively new, it is also possible that they prefer to begin working with RPG in a non-adversarial manner. Whatever the motivations or reasoning may be, it is obvious that **the bottom line of any success in preventing the annual damage will have to be actual, effective action.**

Perhaps some indication of action is that so far this winter (as of this newsletter setup), we have seen water levels at freeze-up drop approximately 10 inches lower than the average of the last six years and approximately 15 inches over last year. Although this is less than the 20-24 inches requested by RLPOA to provide an effective 25-30 foot buffer to contain thermal ice push effects further away from shoreline properties, it is nevertheless a step in the right direction.

The underlying reason for the damage to Round Lake shorelines, as it has been over the last several years, is a **Water Management Plan that allows RPG to operate at levels that are too high.** A review of the WMP is due to commence in 2012, and may not be completed until 2014.

The RLPOA will seek an interim amendment to the Plan to prevent further damage during the review process, and will continue to keep the current plan's negative effects on the shorelines a priority for the review. Through our representation on the WMP's Standing Advisory Committee and participation in the review itself, we will persist in our negotiations to have the problems with the plan corrected.

Meanwhile, we appreciate and continue to need the support and assistance of our waterfront property owners. **It is extremely important that shoreline damage be documented, each year.** Please report any to: **Don Pouliot at (613) 756-2631** or email at **djfp@sympatico.ca** or any of the shoreline directors.

Also, be sure to check in on the water levels information provided on the RPG website (http://www.renfrewpg.ca/round_lake_water_levels.php). A link is provided on the RLPOA site (www.rlpoa.info). The water levels information will be particularly important at the approach of the spring freshet. The Killaloe Hagarty Richards website (www.killaloe-hagarty-richards.ca) will provide information as to how and where ratepayers can obtain sandbags.

Fish Stocking

Pickereel



For the last number of years, it seems only the luckiest of fishermen have been able to dine on Round Lake pickereel. In 2011, the RLPOA conducted an investigation as to the potential and prognosis of a stocking program. This involved considerable consultation with MNR Senior Fish and Wildlife Technician Darwin Rosien and Area Supervisor Al Hyde, and the Pembroke Outdoor Sportsman's Club. We are also grateful to Round Lake property owner Tim Erskine, an avid fisherman and stocking proponent, for his significant assistance in obtaining information. **Sadly, the RLPOA has had to conclude that the chances are poor, at best.**

Al gave the following outline the situation: "Walleye in Round Lake represent a population similar to any you would find in a cold water environment where lake trout are supported. The population is low density and slow growing because the water conditions aren't completely favourable to walleye. Walleye in Round Lake are largely shoal spawners however there is likely some spawning occurring in the various inflowing rivers and creeks. They spawn in early spring when the water temperature rises to 5 -8 degrees F. Some work was done on Jack's Creek to improve a spawning location but we don't have evidence that the location is being greatly utilized."

Extracts from an email received from Darwin:

"Walleye require specific habitat conditions to successfully carry out their life history requirements. The conditions in Round Lake are almost directly opposite to what walleye

require. In short, walleye require water that is high in nutrients and is turbid. These basic water conditions are essential in order to provide conditions for the lower level food web prey items (zooplankton, invertebrates) that walleye require at their early life stage. These items are also important to support larger prey items such as minnows and other forage fish.

“Round Lake is characterized as an oligotrophic lake. Oligotrophic is the term used to distinguish unproductive lakes (characterized by low nutrients), from productive, eutrophic lakes (those with an ample or excessive nutrient supply). The watershed and headwaters from which Round Lake receives its water is pristine Canadian Shield within Algonquin Provincial Park. As a result very little nutrients (Phosphorus, Nitrogen) and sediments enter Round Lake. This explains the clear water and absence of algae booms.



“The historical walleye population in Round Lake was effectively the result of a walleye introduction that occurred downstream in Golden Lake during the

1920's. At one time the Tramore Dam was operated in a way that permitted walleye from Golden Lake to pass into Round Lake (and vice versa) during high spring water levels. We actually have walleye tagging information that confirmed this occurred. The current operating regime for Round Lake doesn't seem to permit fish passage over Tramore Dam between Round and Golden Lake any longer. As a result, the existing walleye population within Round Lake is declining because their basic life history requirements are not being met (i.e. unsuitable nutrient and water clarity). Given these marginal habitat conditions, the walleye population is more susceptible to other pressures such as angling because of their slow growth and low reproduction.

“MNR did stock 250,000 walleye fingerlings into Round Lake from 1946-1948, eggs from 1952-53 and 1200 fingerlings once in 1986. These stockings were done before good stocking practices and provincial guidelines were established. The simple fact that these stockings as well as the influx of walleye from Golden Lake have never produced a self-sustaining walleye population in Round Lake speaks volumes about the suitability of the lake for walleye.

“Our current Provincial Stocking Guidelines only permit stocking of species into waters that meet all their life history requirements. Round Lake simply does not meet the basic needs of walleye and therefore MNR doesn't have plans to stock walleye into it.”

Why not try to do it ourselves?

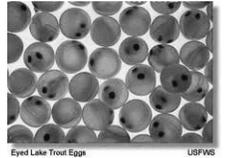
The Pembroke Outdoor Sportsman's Club (POSC) has recently refurbished their jar hatchery. Should we be able to utilize it, MNR would be willing to assist with the required catching of and stripping eggs from Round Lake pickerel. However, the size (1 gram/1 inch) and number of fry that the hatchery could produce in one year is limited, and it is doubtful that many would survive in the lake. We would be looking at doing this for quite a few years in a row, still with only a low chance of success. POSC cannot dedicate such a long-term effort to Round Lake, as there are other lakes that, unlike ours, do have a supportive environment for pickerel and are better candidates for stocking.

Although a positive outcome is not necessarily impossible for Round Lake, it is unlikely. It was disappointing for the RLPOA to have to determine that pickerel stocking is not a prudent commitment for our association.

Trout – Better News!

Round Lake water conditions are trout-friendly, and **MNR's Darwin Rosien** has been working diligently on this more positive possibility. His **email of Dec. 19th**:

“I've actually already started the process for getting Round Lake stocked with lake trout. I collected, fertilized and disinfected lake trout eggs from Round Lake in October and transported them to a hatchery where they will be reared 12 months and stocked back into Round Lake this coming fall.



“The uniqueness of the Round Lake strain prevents me from just stocking existing hatchery strain fish into Round Lake. And the disease testing and control protocols that are in place to protect the native stocks within our hatcheries also hinder me from getting the Round Lake strain into the hatchery system. (I'm currently working on that but it takes time).

“In the meantime, I did successfully negotiate a contract with North Hastings Community Fish Hatchery (See their link: <http://www.fishhatchery.ca/>) located near Bancroft to rear 5000 lake trout (\$1 per fish) each year for an initial 3 year period for a total of 15,000 fish. These fish will be a minimum size of 30 grams (~6 inches) and will be large enough for forage on minnows and other prey items. They will also be large enough to avoid predation from rainbow smelt, which I believe is the primary reason for the collapse of the lake trout population in Round Lake. Rainbow smelt are not native to Round Lake....first detected in Round Lake in 1989.

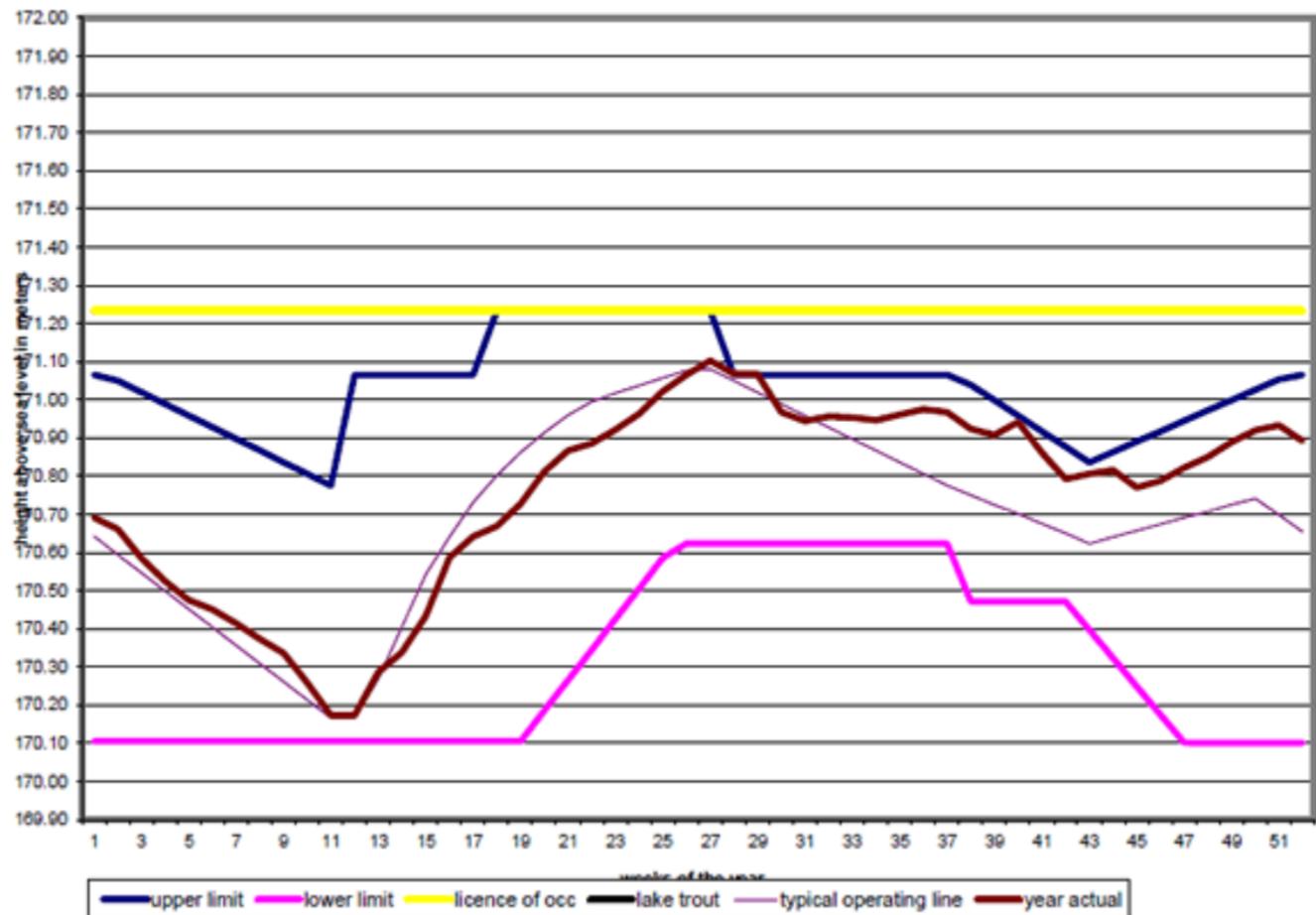
“I chose the NHCFH because it is brand new with state of the art hatchery technology with the added bonus of a re-circulating system. This system uses the same water over and over after filtering etc. and has the advantage of being able to control water temperature. Since the metabolic rate of fish is determined by water temperature, they are able to maximize growth by keeping the water at the optimal temperature.

“To illustrate why this is such an advantage here's an example: Our North Bay hatchery is fed by spring water that never exceeds 8 degrees Celsius even during the heat of summer. It takes 22 months to grow a lake trout to 20 grams. By comparison, the NHCFH can grow a lake trout to a minimum size of 30 grams in just 12 months.

“I have secured funding for the initial 3 years, and will be looking to build a longer-term financial plan to fund stocking to rehabilitate this population. I welcome any opportunity to work with the RLPOA in this project and any questions your membership may have about it.”

The RLPOA will be considering how we might support Darwin's efforts to rejuvenate the Round Lake fishery.

Round Lake Operating Regime 2010 for Week 52 Dec 27 to Jan 2
 Total Logs 15
 Revised chart



Round Lake Weekly Regime 2011 Week 52 Dec 26 to Dec Jan 1 2012 Total Logs 14

