



Guide for the implementation of Vessel Operation Restriction Regulations

Given the growing interest in water activities, several stakeholders, including lake associations, are concerned about the impact of the increased presence of motorized boats on water bodies.

That is why restrictive regulations for the boat users are sometimes considered. However, there is a procedure to be respected and this document presents a brief explication of each step to follow.

First, it is important to know that the Canadian government regulates everything concerning the navigation on a water body. To adopt a vessel regulation it is necessary to refer to the Canada Shipping Act, 2001. Under this act, many vessel regulations exist, such as the Vessel Operation Restriction Regulations (VORR), which enables the regulation of the speed, the engine type or the way vessels are used (at any time or at specific periods of the day).



*vessel = a boat, ship or craft designed, used or capable of being used solely or partly for navigation in, on, through or immediately above water, without regard to method or lack of propulsion, and includes such a vessel that is under construction. It does not include a floating object of a prescribed class.

The adoption process for the *vessel operation restriction regulations* managed by Transport Canada contains many steps that may appear long and laborious. Most of the actions required to achieve this goal must be done with the consultation of all stakeholders. Those stakeholders are, amongst others:

- Residential and shoreline property owners
- Marina managers, sailing and boating businesses, waterskiing clubs, yacht clubs, campgrounds, aeronautical
- Lake and fishing associations
- Transport Canada
- Local municipalities
- Regulatory authority agencies
- First Nations

First, if you have a waterfront property and you decide to take such initiative, the first thing to do is to contact your lake association. If a lake association does not exist you must create a group of people concerned. Then, the association could contact your local municipality who will contact the nearest Office of Boating Safety of Transport Canada in order to be supported through the process. For the Province of Quebec, the office is located in Quebec city:

Quebec Area
Centre de Transports Canada
1550, avenue d'Estimauville, 4e étage
Québec (Québec)
G1J 0C8
Phone: (418) 648-5331
Email: bsn-quebec-obs@tc.gc.ca

Applicants (local municipalities) who wants to impose a regulation must meet certain requirements. To know them, the *Local Authorities Guide to Boating Restriction Regulations* (<http://www.tc.gc.ca/eng/marinesafety/debs-obs-resources-publications-restriction-menu-245.htm>) describes the steps to follow.

The local municipality have a major role to play because it is responsible for responding to different requirements of the process. It must submit a complete file to the Office of the Regional Transport Canada Boating Safety to attest that the requirements are fulfilled.

This document summarizes this guide and the central points to remember. Its goal is to help you in the process.



Step 1: Finding and demonstrating the issue

Initially, it is important to describe the problem in details. Its nature can be environmental, social or security related. Once the problem well-defined, the causes must be clearly established and described than it will be possible to find effective solutions to the problem.

The causal link is very important and should ideally be based on well-documented facts. The sources can be literature or expert reports addressing the problem.

This step should include a complete description of the water body (length, width, and depth), a count and description of the water access and a map clearly showing the limits of premises for the implementation of the desired regulation.

Step 2: Looking for alternative solutions

The adoption of a new regulation should not be the first solution. Other non-regulatory solutions must first be considered, such as the adoption of a code of ethics for boaters (see appendix). Could existing regulations help solve the problem? At this step, it may be interesting to consult all the stakeholders to know if they have any alternatives other than a regulatory one.

The applicant group must be able to justify why a specific restriction have been chosen. Eventually, those arguments will be presented in a public consultation.

In Canada, the activities on a lake or river are limited, amongst others, by the article 15 of the **Vessel Operation Restriction Regulations** (DORS/2008-120), which is part of the 2001 Canada Shipping Act (SC 2001, c 26). More specifically, the article states that : "Any person who operates a vessel shall do so safely and:

- a) Take into account the circumstances that may present a danger to the vessel or other boats;
- b) Avoid endangering the safety of persons engaged in activities in the waters.

In addition, to ensure the safety of persons during a sporting, recreational or public activity or event for which a permit has been issued, any person who uses a vessel must do so without interfering this activity or event. For any breach of the regulations, contact your local law enforcement agency (e.g. Sûreté du Québec).

As **alternatives of non-regulatory solutions**, it could include by example the installation of posters along the lake asking boaters to slow down near the swimming areas or the shore.

The installation of private buoys indicating navigation channels or swimming area is an interesting alternative. However, it must respect the **Private Buoy Regulations**.

Step 3: Describe in detail the users of the water body

In order to understand the problem and to determine the possible solutions, it is important to identify all of the water users such as businesses, residents, boaters (and types of activities performed), municipalities, and other organizations. Everyone should take part in the process and get involved in the research and development of solutions.



Do not forget to include the number and the description of the vessels used on the water.

Step 4: Lead a public consultation

Public consultations aim to bring together all stakeholders with concerns about the water body in order to explain the problems associated with the use of vessels and promote discussion between them. Each speaker must be able to speak on the issue and suggest a clue to the possible solutions. If there is any other way/option, (after a test of at least one season), a regulatory application may be submitted to the regional Office of Boating Safety. The regulatory application must contain: a summary of the consultation process, a list of major stakeholders, their positions, how they have been contacted and by what means, copies of print advertisements used including their date, place and publication, copies of posters/flyers and a list of locations displayed, dates and stations used for call-in programs, copies of minutes of meetings, summary of e-mail/letters, telephone calls.

Consultations should be held as soon as possible during the process so that all stakeholders can share concerns and try to find possible solutions.

Step 5: Determine the type of regulation to apply

The new rules must apply only to the problem set and for which a consultation was held previously. Depending on the nature of the problem, the choice of the best regulation to apply should fit in one of the eight categories of existing restrictions (RRVUB) whether:

- Appendix 1 - Prohibition of all vessels
- Appendix 2 - Prohibition of powerboats (electrical and mechanical)
- Appendix 3 - Prohibition of power-driven vessels
- Appendix 4 – Limitation of engine power (Public Parks and waters controlled access)
- Appendix 5 and 6 - Speed limit
- Appendix 7 - Prohibition of towing activities (ex. water skiing)
- Appendix 8 - Prohibition of sporting events, recreational or public activities

For further details go to :

<http://lois-laws.justice.gc.ca/eng/regulations/SOR-2008-120/>



Step 6: Perform a cost-benefit analysis of the application of the restrictive regulation

An analysis of the advantages and disadvantages related to the implementation of a new regulation is required in order to limit any potential harm, whether economic, environmental or social.

For example, it would be appropriate to be concerned about the implementation of new regulations restricting the activities of waterskiing on a lake with an existing water sports center. Another example is to ban the navigation in shallow zones that would restrain the access to some sites, such as campgrounds, outfitters, public beaches or other tourist attractions.

So to understand what are the benefits (and for whom) of the adoption of the new regulation and the costs and damages that may result, a preliminary assessment of the impact of the proposed regulation must be performed. The benefits must absolutely outdo and justify the costs of the restrictive regulation to be adopted. These analyses can be performed by a firm of experts.

Step 7: Determine who will apply the new rules

It is important to identify which authority will be applying the new regulation. Generally, the *Sûreté du Québec (SQ)* is the most recognized organization to support the implementation of the regulation, but the Royal Canadian Mounted Police (RCMP) and the municipal or local government may also be responsible for the application. The designated authority must validate its acceptance by signing a written agreement.

Step 8: Adoption of a resolution by the municipality

The municipality must adopt a resolution outlining the restrictions required to regulate the use of boats on the lake or the river in question. The municipality must also commit to plan, implement and maintain the necessary display.

Step 9: Send the complete application by the municipality

All steps must be well documented and transcribed in a report sent by the applicant who oversees the process in the Office of Boating Safety. Lake associations can not send themselves the demand.

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Région du Québec
Centre de Transports Canada
1550, avenue d'Estimauville,
4e étage
Québec (Québec), G1J 0C8
Tél. : (418) 648-5331
Télec. : (418) 648-7337

Analysis of the case takes about a year. Incomplete applications or those with gaps could be returned to the applicant or could be refused by one of the decision-making levels.

Here is what the applicant must provide:

- A description of the perceived problems, together with an analysis of all possible causes (cause and effect) and all the possible solutions;
- A summary of the non regulatory alternatives considered and tested, including the reasons showing why it is necessary to implement a restriction bylaw and the reasons why this particular restriction was chosen;
- A description of the consultation process, including the following (if applicable):
 - a) The list of stakeholders, their views as well as the means to communicate with them, including First Nations;
 - b) Copies of printed notices, including: release date and place of publication;
 - c) The dates and media channels used (newspapers, radio, television);
 - d) Copies of minutes of the meetings;
 - e) A summary of emails, letters, phone calls and submissions;
- A formal request of the applicant (ex. municipal resolution and application of restriction);
- An assessment of the impact of the proposed regulation (impact on health, safety, the environment, the economy, etc.);
- An analysis of costs and benefits;
- A map clearly showing the boundaries of the requested restriction, latitude/longitude (dd/mm/ss);
- A description of the water and its use, such as: official name (<http://www.toponymie.gouv.qc.ca/ct/accueil.html>), local name, length, width and depth body of water, type of activity and number of users, access points, population, types and number of boats;
- A description of the mechanisms of compliance and enforcement that will be implemented and a letter from the enforcement agency confirming its capacity to enforce it;
- A commitment from the local administration of the establishment and maintenance of the display;
- A description of the implementation of the security plan (communication and display).

Step 10 : Acceptance

Following the final review of the application, there will be a publication of the Regulation in Canada Gazette.

To know the list of water bodies where regulation is being introduced, refer to the appendixes of the Vessel Operation Restriction Regulations :

<http://www.lois-laws.justice.gc.ca/eng/regulations/SOR-2008-120/>

For any additional information, visit the website of the Office of Boating Safety, Transport Canada at :

[Office of Boating Safety - Transport Canada](#)

<http://www.tc.gc.ca/eng/marinesafety/debs-obs-menu-1362.htm>

Sources :

The Local Authorities' Guide to Boating Restriction Regulations :

<http://www.tc.gc.ca/eng/marinesafety/debs-obs-resources-publications-restriction-menu-245.htm>

An Owner's Guide to Private Buoys:

<http://www.tc.gc.ca/Publications/en/TP14799/PDF/HR/TP14799E.pdf>

Vessel Operation Restriction Regulations (SOR/2008-120):

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2008-120/>

Canada Shipping Act, 2001:

<http://www.lois-laws.justice.gc.ca/PDF/C-10.15.pdf>

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