



Safe Quiet Lakes Signs and Buoys Webinar Questions

How is the distance from shore determined for a Transport Canada green or red channel marker? Also the size of the marks and symbols. Given the speed of boats now they seem too close to shore. When did Transport Canada last review the adequacy of the size of buoys given the speed of boats?

Transport Canada does not install any buoys on any waterway. The Canadian Coast Guard does, and you'll know if it is a CG buoy if it has a number on it. They would determine where to put the buoys and are responsible for maintaining them.

There are thousands of different types of buoys- the individual placing the Private Buoy determines how large or small the buoy is going to be. Transport Canada does not make those determinations, other than the size requirements (which are laid out in the Guide to Private Buoys, found here: <https://www2.tc.gc.ca/publications/en/tp14799/pdf/hr/tp14799e.pdf>).

The guide states the following:

The PBR require that all private buoys meet minimum above-water dimensions of 15.25 cm (6 inches) in width and 30.5 cm (12 inches) in height. This buoy size is suitable only for very sheltered, low-traffic areas. Keeping in mind adverse weather conditions and varying sea states, a buoy should be large enough to be seen from the distance it takes a mariner to see, interpret and act upon its signal.

What colour light should be displayed on a swimming buoy?

If you determine that the swimming buoy should have a light on it (things to consider when making this decision- is there night time navigation in the area? Are other buoys in the area lit?), it must be a yellow light.

Placement of buoys at the mouth of the Indian River - originally they were at the mouth of the river as you left Lake Rosseau and entered the Indian River. Over the years these buoys have gone further and further into the Indian River and hence there is

These buoys are placed by the Canadian Coast Guard. They determine the location of the buoys- if the location has moved, you'll have to contact them as to why it has changed.

How does one find out if a certain lake is a 'scheduled lake'?

You can view the Schedule here: <https://laws-lois.justice.gc.ca/eng/acts/n-22/page-11.html#h-365179>

In addition to 'no wake' signs along our three rivers in Georgina, which all have speed restrictions through V.O.O.R.s, I would like to see a double sided buoy at the entrance to our harbour that says 'no wake' on one side and 'no swimming' on the other.

Transport Canada does not place buoys. Anyone can place a buoy as long as they comply with the Private Buoy Regulations. I would encourage you to read our Owner's Guide to Private Buoys (found here: <https://www2.tc.gc.ca/publications/en/tp14799/pdf/hr/tp14799e.pdf>). This document explains what types of buoys should be used in different situations, the size and identification requirements.

If you would like to place a buoy at the entrance of the harbour, you are free to do so, assuming you meet the regulations. Transport Canada does not support "No Wake", as that is an unrealistic ask of vessels (every vessel will have a wake, even a canoe). We encourage you to use words like "SLOW" and "CAUTION". You would use an Information Buoy (found on page 22 of the guide). You would need a separate buoy if you wanted to say "No swimming" - you can't have more than one message per buoy. Also, you may attempt to restrict swimming, but this is not enforceable if individuals continue to swim in that area.

If a private individual puts out a warning buoy marking a rock shoal, and includes their contact details, are they liable in the event a vessel hits the rock and damages its prop.

Yes, if a private buoy is placed and an accident occurs, the owner of the private buoy may be held liable. There is more information regarding this on Page 15 of the Guide to Private Buoys (found here: <https://www2.tc.gc.ca/publications/en/tp14799/pdf/hr/tp14799e.pdf>).

Why doesn't Transport Canada erect a warning buoy for marking a rock shoal when pointed out by individuals?

Transport Canada does not place any buoys in any waterways. The Canadian Coast Guard does place some buoys in some waterways, but I'm not overly familiar with their program and how they determine where to place buoys. You'd have to contact them to see what their program covers.

Are there any regulations on the placement of the very popular 'blow ups', particularly those large and semi permanently moored?

Yes, any inflatable rafts, slides, trampolines are considered 'works' under the Canadian Navigable Waters Act (CNWA) and are subject to our approval.

If the waterway is on the Schedule (see the Schedule here to check: <https://laws-lois.justice.gc.ca/eng/acts/n-22/page-11.html#h-365179>), then an approval is required.

If the waterway is not on the Schedule, you have the option to either:

- apply for approval of the works (same as above) under the *Canadian Navigable Waters Act* (CNWA section 10(1)(a)) (note: any future construction activities related to these works would continue to be regulated under the *Canadian Navigable Waters Act* (CNWA approval would be required)); or
- follow the public resolution process by publishing a notice and depositing the work in the online registry for public comment (CNWA section 10(1)(b)).

To start the public resolution process and publish a notification for the works, you will have to create an account through the [external submission site](#) and follow the prompts and instructions provided. I would recommend using the Project Review Tool (left side of the screen once you have logged in). It will walk you through the details. Once you have published your notification for the works- it can be found on our [Common Project Search Registry](#).

Can an association put up buoys to mark hazards and if so who's name goes on them?

An association can certainly install private buoys to mark hazards, as long as they meet the requirements of the regulations. A hazard buoy (white with orange diamond) should be used to mark rocks and shoals, and it needs to meet the size and identification requirements. Please see the Owners Guide to Private Buoys <https://www2.tc.gc.ca/publications/en/tp14799/pdf/hr/tp14799e.pdf>

If an association is placing the buoy, the association name should go on the buoy and either a phone number for someone on the association or a general email (that is monitored) could be used as well.

Who are responsible to clean out any fallen trees/debris in a canal or channel?

The Navigation Protection Program's mandate includes any man-made works. Our mandate does not include any natural occurrences such as trees, rocks, etc. However, if the natural obstruction happen to be stuck on a work as defined in the Act, then we may be able to address it through the Navigable Waters Works Regulations.

Floating debris does not fall under the responsibilities of the Federal government. You could reach out to your local authority, MNR, conservation authorities, etc. to see if there is any interest in removing the natural occurrences.

Is an orange marker considered a buoy?

I'm not sure exactly what a marker means- is it floating in the water, anchored and attempting to communicate something to a vessel operator? If so, then it is a buoy, but a non-compliant buoy. There is no compliant buoy that is a solid orange colour.

I encourage you to review our Guide to Private Buoys (found here: <https://www2.tc.gc.ca/publications/en/tp14799/pdf/hr/tp14799e.pdf>). It has a photo of every compliant buoy and explains how they should all be used, what size they need to be and how they should be properly identified.

Are the lake associations responsible and accountable to mark navigation channels (green and red buoys)? The municipality has delegated that to our lake association. Is that appropriate? Who is liable for improperly marked channels?

Lake associations are not responsible to mark navigation channels. Navigation channels as identified on charts produced by the Canadian Hydrographic Services (CHS) are maintained by the Canadian Coast Guard.

The municipality does not have the authority to delegate that responsibility as they have no jurisdiction over navigable waters in Canada. That is a federal mandate only, so they cannot delegate that task.

If an association decided to take on the task of marking navigation channels, that would be at their own doing.

An improperly marked channel would be the responsibility of whoever has marked it. If you think there is a channel that incorrectly marked with buoys, please contact the owner of the buoys (they should be marked with contact information). Anyone who places a buoy may be considered liable if an accident happens to occur.

If a lake association marks some of the hazards on the lake, does it increase their legal liability? That is does it give the message that they are marking ALL hazards?

A lake association is not responsible for marking hazards on a body of water. If they chose to do so, they should comply with the Private Buoy Regulations. In the event of an accident involving a private buoy, the owner(s) may be held liable for any resulting damages. The lake association (or anyone for that matter) can chose to mark a hazard, or chose not to. I would recommend that the association be transparent with their members if they are opting to mark some hazards, but not others. But it is ultimately not their responsibility so any buoys that are placed are considered a bonus!

I am not clear on lighting requirements for buoys. The presentation refers to darkness and poor visibility. When do buoys require lights?

The individual placing the buoy decides if the buoy requires a light. The following should be considered:

- Is there poor visibility in the area?
- Is there night time navigation in the area?
- Are the other buoys in the area lit?

The Minister of Transport may require changes (the addition of a light) if we were to receive comments or concerns regarding the buoy and we assessed that it would benefit from a light. But the starting decision would be with the individual placing the buoy.

Are there any plans to ban surf boats that do incredible damage to shorelines when owners have to go through hoops with environmental groups and pay large sums of money to protect their assets from the damages these boats do to shorelines.

Presently Transport Canada is working on many regulatory amendments, but none to do with banning any type of vessel. There is a forum where recreational boaters can bring up their concerns to Transport Canada in order to effect changes to regulations. It's called the Canadian Marine Advisory Council (CMAC) <https://tc.canada.ca/en/marine/engagement-opportunity-marine-safety-security-regulations>

The National CMAC is being planned for November 17-19, 2020. Registration will open in September. Keep an eye on the CMAC link above. This is the venue to request changes to the regulations. You must add this item to the agenda under recreational boating. Industry does drive a lot of changes to regulation this way. There is also a regional CMAC (Ontario only) but we do not have dates for those yet.

We need a sign at Ames Narrows. Don't recall seeing one there lately.

All Vessel Operation Restrictions should have proper regulatory signage that is installed and maintained by the municipality that requested the restriction. This is part of their obligations and sign agreement of the same when requesting the restriction. Transport Canada sent a letter to every single municipality that has a restriction in their area to remind them of their obligations in 2018. Please talk to your municipality about erecting said signage.

The restriction reads in the regulations like this "Joseph River connecting Lake Joseph to Lake Rosseau from the Ames Point entrance to the Joseph River Shoal, as described in column 2 (see Note 6)" "45°09'58"N 79°41'42"W to 45°08'28"N 79°38'50"W.

Note 6: This restriction applies to a vessel that is within 30 m of the shore or a dock, pier, raft, floating platform or another vessel that is anchored, moored or under way.

How are these rules enforced?

The authority to enforce under the Vessel operation restrictions lies with the following: <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2008-120/page-3.html#h-743173> . There is a complete list at this link.

I was told 3 years ago that it would be more likely to get a speed limit with a "Lake Plan" rather than my local authority applying for a VORR because the process is very long.

Any regulations restricting vessels on any waterway can only be made by Transport Canada. A lake association, a municipality etc., has no authority to make such regulations governing the operation of vessels. The VORR process is indeed a lengthy process – takes about 2 years, but regulations are not implemented lightly. This is to ensure that proper consultations take place, all affected parties have a chance for input, that an enforcement regime is in place and supports the restriction, that the municipality will erect and maintain signage of the restriction etc.

How many VORR applications are approved each year?

We receive maybe one application for VORR's per year. If an application meets all the requirements as outlined in my presentation, they pretty much always go through.

Is there a requirement for a prior incident to have occurred to apply for a VORR?

There is no requirement for an incident to have occurred in order to apply for a Vessel Operation Restriction. However, there should be solid evidence within the application regarding the potential for incidents to occur (if this is application is based on a safety concern). We are presently processing an application for a VORR on a body of water that didn't exist when the process was started. It will be a man-made waterway. But the evidence, consultations and reasons were very sound and extremely well thought out. It will be interesting to see if this one is passed. I can provide more information on this VORR once it is published in Gazette 1, not prior.

What is the best approach to get the 9km/h speed limits buoys in narrow channels?

The municipality is responsible for installing and maintaining any regulatory sign such as a speed sign if a restriction exists in the waterway. If a speed restriction does not exist in the waterway you are referencing (if you give me the name of the waterway I can check for you), AND the universal restriction of 10km within 30metres of shore doesn't apply because the channel has buoys (the 10/30 does not apply in any buoyed channel), the municipality or township can apply for a speed limit. They would have to go through all the steps that I outlined in my presentation. I'm attaching the Local Authorities Guide to the Vessel Operation Restriction Regulation process here that will guide an applicant through the process step by step.

Once a restriction is granted, it is the responsibility of the municipality to install the speed signs and maintain them.

Please note, the universal restriction that applies in the waters of Ontario is 10km within 30 m of shore. But this does not apply in:

- Canals or buoyed channels
- Rivers less than 100m in width
- If there is another speed restriction in place
- If towing a person and taking off perpendicular to and away from the shore.

Why are 'No Wake' signs now allowed?

The reason why 'No Wake' signs are not recommended from Transport Canada is because there is no regulation in respect to a vessel's wake. There are however, restrictions that regulate speed limits on Ontario waterways which can reduce the size and velocity of a wake produced from a vessel. These are referred to as "VORR's" (Vessel Operation Restriction Regulation).

VORR's can be applied for by your municipality/township. They would be responsible for the application, as well as placing/replacing of signage along the shore of the waterway, or buoys; if there isn't already an existing VORR in your area. You can reach out to your municipality/township and express your concern to them, and how it is felt that there should be a restriction in place for safety/property damage reasons.

There is also a universal regulation across all Ontario waterways known as the "10/30 Rule". This regulates a speed limit of no more than 10km/h within 30 metres of shore; with the exemptions being rivers that are less than 100 metres wide, and when the vessel is being operated perpendicular from shore (Away from shore). Now I'm not sure if this would apply in your area, but if it does; you can contact your local police department marine unit and request a higher enforcement presence in that particular area, and you can even take pictures/videos of operators who are not following this regulation and you can send them to the police department office and that may lead to the operator being charged.

Unfortunately, if there is no existing VORR, and the 10/30 Rule does not apply, there is no law or regulation that can be applied to the operator for damage caused by the vessel's wake, unless the police find their operation careless or dangerous.

Also, it is not feasible to have 'No Wake' signs because regardless of speed, any vessel will make some sort of wake. We suggest if using private buoys, to display "Low Wake Area" or "Slow Area".

Where can people purchase these approved private buoys?

Transport Canada does not endorse a single vendor, however we do have the following list of buoy suppliers across Canada. This list should not be construed as an exhaustive list, and none of these companies are endorsed by TC, but it can still be helpful for pointing members of the public in the right direction if they are having difficulty finding buoys that are compliant with the Private Buoy Regulations.

- <http://www.tidalmarine.ca/>
- <https://www.airmastersigns.com/>
- <https://godeepintl.com>
- <https://www.hydraunav.com/en/products/buoys-and-lights>
- <http://www.envirofloat.com/mooringbuoys.htm>

Who enforces the 9/30 rule? What can a citizen do if they see people (continually) being non-compliant.

I would like to reiterate that we have a 10/30 universal shoreline speed restriction, but not a 9/30 blanket restriction. There are some Muskoka Lakes that have a VORR where it is 9km within 30 metres of shore, a boat or a dock, but it applies to only those specific areas. You can find them in here <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2008-120/page-10.html#h-743391> . Scroll down to Part 2 (Ontario), *Muskoka-Parry Sound Area* and see items 8 through 13.

Enforcement of these restrictions, the 10/30 as well as any VORR falls to the local enforcement agencies or the OPP. For a complete list of all agencies in all areas of Ontario please click on this link <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2008-120/page-3.html#h-743173>

Enforcement agencies may sometimes accept a good video of the infractions being committed along with identifying information of the vessel in question (i.e) license number (bow numbers) in order to lay a charge.

Who is responsible to maintain current signage in waterways?

The responsibility of signage of vessel restrictions lies with the municipality which applied to have those restrictions in the area. In the cases where municipalities have amalgamated, they take on responsibilities of the municipality that joined them as well.

Once a new vessel operation restriction regulation is enacted, the municipality that applied for the restriction becomes responsible for:

- Informing the public about the new restriction
- Ensuring an enforcement regime is in place as described in their formal application
- Erecting and maintaining signage of the restriction.

How does an island affect the 10/30 rule in a narrow waterway?

If there is an island, the shore of the island will count as a shoreline and boaters must travel at 10km within 30m of that shore as well. If the waterway is too narrow – less than 60m from island to mainland, **and** the 10/30 applies in that waterway (that is if the waterway does not fall in the exemption list for the 10/30), the speed limit will be 10km for the entire width because you would be in close proximity to one shore or the other.

Assuming you have a VORR for speed, how do you enforce it?

Enforcement of all pleasure vessel restrictions, the 10/30 universal speed restriction as well as any VORR falls to the local enforcement agencies or the OPP. For a complete list of all agencies in all areas of Ontario please click on this link <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2008-120/page-3.html#h-743173>

Enforcement agencies may sometimes accept a good video of the infractions being committed along with identifying information of the vessel in question (i.e) license number (bow numbers) in order to lay a charge.

For clarification - speed signs cannot be erected under the universal 10/30 rule? Only under VORR?

While the 10/30 universal shoreline speed limit is in effect regardless of whether there is signage or not, we do recommend that the respective municipality erect such signs. The signage can be placed on a buoy or it could be a land based sign. This is a regulatory sign and therefore only your municipality can erect it. The words “within 30m of shore” will go outside the orange circle in a green information box so that it is big enough to read. Please see attached Signage Guide pages 7 for signs that have conditions attached.

The 9km/hour is based on the channel being narrow so you will always be closer than 30m from shore. This is in regards to my question about getting speed limit buoys. it is the law i understand but we would like to have signs to remind people

A Vessel Operation Restriction (VORR) such as the one on Lake Joseph, Muskoka etc, of 9km within 30m of the shore, dock, another boat etc. must have proper signage erected by the municipality. The universal speed limit of 10km within 30m of shore (if it applies in your body of water), can also have regulatory signs installed by the municipality. These are regulatory signs and cannot be installed by private individuals or associations. Sometimes an association or organization will enter into an agreement with a municipality to erect and maintain required signage. But this requires a written agreement between the municipality and the organization, signed off by the municipality and a copy sent to Transport Canada, Office of Boating Safety.

You mentioned the 30/10 doesn't apply to channels. What does?

The 10/30 rule does not apply in channels if they have buoys. If the channel has no buoys, the 10/30 will apply. If it a buoyed channel and the municipality wishes to have a speed limit or other vessel restriction in place in said channel, they can apply for a VORR (vessel operation restriction).

The 10/30 universal shoreline speed restriction applies in all waterways in Ontario with the following exceptions:

- Subsection (7) does not apply
 - **(a)** in respect of a vessel that is operated for the purpose of towing a person on water skis or on any other sporting or recreational equipment, if the vessel follows a course away from and perpendicular to the shore; and

- **(b)** in respect of a power-driven vessel that is operated
 - **(i)** in rivers that are less than 100 m in width or in canals or **buoyed** channels, or
 - **(ii)** in any waters referred to in Schedule 6 in respect of which a maximum speed is set out. (So if you have a VORR restriction, or another speed limit set out under the *Canada Shipping Act 2001*, the 10/30 will not apply. These restrictions trump the 10/30 rule)

While the 10/30 remains in effect regardless of whether signage has been erected, it is the responsibility of the municipality to install VORR signs as well as the 10/30 signs.

Any restrictions to posting signs on private property adjacent to channels, swimming areas?

While the 10/30 remains in effect regardless of whether signage has been erected, it is the responsibility of the municipality to install VORR signs, the 10/30 signs and basically any regulatory sign.

If you want to erect an information sign on your property, you can do that. It will be private sign and should not be made to look like a regulatory sign or be misleading to boaters in any way. If you wish you put this information on a buoy, you have to follow the dictates of the *Private Buoy Regulations* (PBR) that Courtney spoke about during the seminar. You can find the PBR online at <https://laws-lois.justice.gc.ca/eng/regulations/SOR-99-335/index.html>

Are there specific restrictions when it comes to speed/noise from seadoos?

While there are certain restrictions specific to the operation of personal watercraft (seadoos), there are no separate noise or speed restrictions. For instance, operators of personal watercraft must be at least 16 years of age and the lifejacket they wear must be inherently buoyant (not an auto inflatable or manual inflatable).

How would you recommend Lake Associations best encourage safe boating and adherence to the 10/30 rule? We have many PWC's that love to hug the shore while driving at very high speeds.

While there are certain restrictions specific to the operation of personal watercraft (seadoos), there are no separate speed restrictions. For instance operators of personal watercraft must be at least 16 years of age, and the lifejacket they wear must be inherently buoyant (not an auto inflatable or manual inflatable). They also must follow the 10/30 rule like all other vessels and carry the required safety equipment.

Education and outreach is what we recommend to teach boaters not only about the regulations, but general safe boating and boating etiquette. While ignorance is not an excuse, many are still unaware of the regulations. Safe Quiet Lakes has made commendable progress in this area. They are copied on this email and will be good resource to connect with for information.

Which buoys should we use to notify the 10/30 in the lake and in narrows/channels that aren't registered.

The 10/30 universal shoreline speed restriction applies in all waterways in Ontario with the following exceptions:

- Subsection (7) does not apply
 - **(a)** in respect of a vessel that is operated for the purpose of towing a person on water skis or on any other sporting or recreational equipment, if the vessel follows a course away from and perpendicular to the shore; and
 - **(b)** in respect of a power-driven vessel that is operated
 - **(i)** in rivers that are less than 100 m in width or in canals or **buoyed** channels, or
 - **(ii)** in any waters referred to in Schedule 6 in respect of which a maximum speed is set out. (So if you have a VORR restriction, or another speed limit set out under the *Canada Shipping Act 2001*, the 10/30 will not apply. These restrictions trump the 10/30 rule)

While the 10/30 remains in effect regardless of whether signage has been erected, it is the responsibility of the municipality to install VORR signs as well as the 10/30 signs. These are regulatory signs and can only be installed by the municipality. The municipality can contact us if they have any questions on the rules in place in any specific body of water.