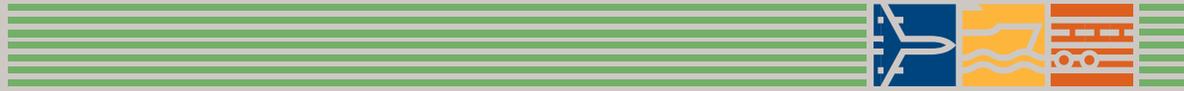




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TP 14350E

LOCAL AUTHORITIES' GUIDE

VESSEL OPERATION RESTRICTION REGULATIONS

www.tc.gc.ca/boatingsafety

Canada 

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Local Authorities' Guide: *Vessel Operation Restriction Regulations*

From [Transport Canada](#)

The *Vessel Operation Restriction Regulations* (VORR) allow any level of government to ask the federal government to restrict the use of either pleasure craft or commercial vessels on all bodies of water in Canada. This guide helps local authorities submit a formal submission to Transport Canada under these regulations.

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About the *Vessel Operation Restriction Regulations*—Local Authorities' Guide

We established the [Vessel Operation Restriction Regulations](#) (VORR) under the [Canada Shipping Act, 2001](#) (CSA 2001). These Regulations allow a local authority to ask the federal government to restrict any pleasure craft or commercial vessel on all bodies of water in Canada.

About local authorities

A local authority can be:

- a government of a municipality, township, parish, county or regional district
- any other government formed under the laws of a province or territory
- a department of a provincial or territorial government, or the federal government

Only a local authority can apply for a vessel operation restriction. Local community and citizen groups must seek the support of a local authority to address waterway concerns and conflicts.

About vessels

A vessel is a ship, boat or craft. Vessels can be navigated in, on, through or right above the water.

It's still a vessel if:

- it runs on a motor or not
- it's partly or fully used for navigation
- it's under construction

Why we may restrict vessels

By restricting vessels, we may be able to work toward:

- enhancing safety
- protecting the environment
- protecting the public interest

Purpose of this guide

This guide helps local authorities submit a formal submission to Transport Canada under *Vessel Operation Restriction Regulations*.

If information in this guide differs from any official documents to which it refers, those documents prevail.

About vessel operation restrictions

We may put restrictions in place to:

- prohibit all vessels
- limit engine power or type of propulsion
- impose speed limits
- restrict towing activities on any sporting or recreational equipment, including wake surfing
- prohibit a sporting, recreational or public event or activity

These restrictions can:

- apply at all times
- apply to certain times of the day, week, month or year
- target a particular type of craft on a waterway or a part of it, with proper justification

For more information, consult [Appendix 4: Types of vessel operation restrictions](#).

Our duties

At Transport Canada, we follow the [Cabinet Directive on Regulation](#) (CDR) to guide our regulatory activities. This is a rigorous process that ensures consistency, fairness, and transparency for Canadians.

We make sure that any proposed restrictions on vessel operation meet this Directive's requirements. These requirements include:

- **A problem or risk clearly exists**, federal government intervention is justified and a regulation is the best option
- **Canadians are consulted** and given an opportunity to participate in non-regulatory alternatives, or in developing proposals for regulatory change
- **The benefits outweigh the costs to Canadians**, their governments and businesses
- **The regulations present minimal adverse impacts** on the capacity of the economy to generate wealth and employment and present no unnecessary regulatory burden
- **Systems are in place** to effectively manage regulatory resources
- **Regulatory authorities** must commit to enforcing regulations

Your duties

As a local authority, you should use the *Vessel Operation Restriction Regulations* only as a last resort for solving problems.

Before applying for a vessel operation restriction:

- work with interested parties to find timely, effective and affordable solutions
- seek advice and guidance from the Regional Transport Canada Marine Safety and Security office

To find out if a vessel operation restriction applies on a body of water, consult schedules 1 to 8 of the [Vessel Operation Restriction Regulations](#).

Applying for a vessel operation restriction—Local Authorities' Guide

As a local authority, learn about each step in the application process.

- [Step 1: Preliminary assessment of the problem](#)
- [Step 2: Preparing and submitting a formal request for regulation](#)
- [Step 3: Review of the application by Transport Canada](#)
- [Step 4: Preparing a Regulatory Impact Analysis Statement](#)
- [Step 5: Publication in the *Canada Gazette*](#)
- [Step 6: Putting the restriction in place](#)

If you wish to **remove an existing restriction**, you need to follow this same process.

Submit any **minor amendment or update request** (such as changing the geographical coordinates) to your nearest [regional office](#). All regulatory amendment requests require a formal application to Transport Canada.

Step 1: Preliminary assessment of the problem

What we need from you

1. Complete the [preliminary assessment form for a Vessel Operation Restriction Regulations application](#)
2. Mail or email the completed form to the nearest [regional office](#)

What we will do

We will determine:

- if regulatory intervention is necessary by looking at the whole problem
- the potential impacts and challenges of a regulatory process

If your application meets the criteria, we move to step 2 of the process.

Step 2: Preparing and submitting a formal request for regulation

In this step, you will learn how to complete and submit a formal application for a vessel operation restriction.

What we need from you

1. Prepare a formal application
2. Mail or email the completed form and all essential components to the nearest [regional office](#)

You **must** include the following essential components:

- [Sources and causes of the problem](#)
- [Exploring, testing and evaluating various options for resolving the problem](#)
- [Public consultations](#)
- [Summary of the regulatory impacts \(cost-benefit analysis\)](#)

Consult [Appendix 1: Checklist for preparing and submitting a formal application](#) to make sure you've included everything.

You may submit your formal application at any time during the year. But, to be considered and potentially put in place for the following year's boating season, we must receive your application **no later than August 15**.

Sources and causes of the problem

More people and a larger number of vessels have led to increasing conflict among waterway users. User safety and sensitive ecosystems are at risk. However, boating, when conducted safely, contributes greatly to the enjoyment of millions of Canadians and is also a major contributor to the economy.

Each year, we get requests from local authorities to impose or amend restrictions on navigation. With these requests, local authorities want to:

- improve navigation safety
- protect the environment
- protect public interest

A variety of problems can arise. They can be temporary or become permanent issues. The first step is to identify the problem and potential areas for improvement. The following will assist in describing your issue:

Analyze the current situation

You should analyze all causes to fully understand a problem and its impacts.

- **Who?** Who are the people involved? Who needs to be informed?
- **What?** What is the issue?
- **When?** When did the problem arise?
- **Where?** Where did the problem occur?
- **Why?** What changed recently? What is new?
- **How?** How does the problem occur? Does the problem occur constantly or just occasionally?

Determine the cause of the problem

Problems can be simple or complex. The degree of difficulty in managing them can vary accordingly.

With simpler problems, apply the five “W’s” method to get to the root cause of the problem.

With complex problems, you may need to analyze them using more in-depth or specific evaluation methods, which involve exploring all possible causes.

By following a rigorous approach, your efforts will focus on the causes, not symptoms, of the problem.

Exploring, testing and evaluating various options for resolving the problem

1. Examine solutions that could eliminate any causes of the problem
2. Assess all possible options, factoring in their impact on people or affected groups, the surrounding environment and any other things that could be affected
3. Come to a consensus on the best solution and provide suggested alternatives

Come up with an action plan for implementing the solution. Allocate proper resources and establish a schedule to monitor progress. As part of a structured approach, make sure you gather data, assess the outcomes you get and determine the gaps between current outcomes and anticipated outcomes. Adjust the action plan as needed.

Explore alternatives

By looking at alternatives, you can sometimes achieve the same result as a vessel restriction without the need for regulation.

Non-regulatory alternatives

A simple, non-regulatory alternative could be having users agree to:

- respect each other’s rights
- operate in a courteous and considerate manner
- follow a voluntary code of conduct

Other alternatives to encourage courteous and safe boating practices might include:

- hanging posters in strategic places
- running radio ads
- organizing public awareness activities
- posting announcements and information on the Web

Conduct signs and buoys are the most common non-regulatory alternatives. A few examples of signs to improve behaviour include:

- Narrow Channel Ahead – Please Reduce Speed
- Caution – Swimming Area
- Please Reduce Your Wake
- Hazards Near Shore
- Caution – Shoal

Conduct signs and buoys can be very effective. However, Federal regulations forbid making them look like official Transport Canada restriction signs.

Before you put up a signboard on the shore, make sure it:

- is in compliance with any existing regulations
- is accessible and visible

Before using buoys, refer to the [Private Buoy Regulations](#) to learn more about the restrictions and standards that apply.

Regulatory alternatives

Another alternative to going through the formal regulatory process is to enforce existing acts and regulations on prohibited behaviours. For example:

- [Section 201 of the Small Vessel Regulations](#) states: “The operator of a pleasure craft shall take all reasonable steps to ensure the safety of the craft and of every person on board”.
- [Section 1007 of the Small Vessel Regulations](#) states: “No person shall operate a small vessel in a careless manner, without due care and attention or without reasonable consideration for other persons.”

Some provinces have adopted **universal speed restrictions** on all waters within their boundaries:

- within a distance of the shore
- with a predetermined speed

Consult [Section 2\(7\) of the Vessel Operation Restriction Regulations](#) for more details.

This limit is in effect whether it is posted or not. However, some exceptions apply:

- recreational towing (while travelling perpendicular from the shore)
- rivers less than 100 metres wide, as well as canals and buoyed channels
- waters where another speed limit is set in [Schedule 6 of the Vessel Operation Restriction Regulations](#)
- waters where another speed limit is established under the *Canada Shipping Act, 2001* or the *Canada Marine Act*

These province-wide limits are an effective, economical and quick means of addressing local concerns. They avoid costs associated with signage.

While signs are not required to enforce the province-wide shoreline speed restriction, they do help educate boaters and reduce incidents.

Exceptions to these limits exist when other federal regulations already apply, such as in public parks, controlled-access sites and historic canals. Contact your nearest [regional office](#) for advice.

Public consultations

Federal regulatory activity is governed by the Cabinet Directive on Regulation. This Directive requires that interested and affected parties be consulted when:

- developing or amending regulations
- setting up regulatory programs
- evaluating regulatory activity against stated objectives

We must make systematic efforts to ensure that interested and affected parties can take part in open, meaningful, and balanced consultations at all stages of the regulatory process.

Consultation is a mandatory and important process

The primary objective is to inform the public of concerns and problems related to a particular waterway. Consultation allows affected parties to provide input and suggestions to resolve any problems before government action.

Consultation opens possibilities

Consulting with interested and affected parties allows to:

- review potential solutions
- seek support from the community
- educate users of the body of water
- assess whether or not existing legislation or regulations apply
- assess whether or not any non-regulatory alternative solutions exist for stopping undesirable or prohibited behaviour

Consultation can help more clearly establish the advantages (benefits) and disadvantages (costs) of the solutions submitted. It can also establish potential impacts of the regulations on businesses, landowners and all other affected parties.

Consultation with Indigenous communities

Consultation and engagement with Indigenous communities is an important part of the formal application process. A proposed vessel operation restriction may trigger a legal duty to consult. Contact your nearest [regional office](#) early in your planning to learn more.

For more information, you can also read the [guidelines for the Indigenous consultation and accommodation process](#).

Effective consultations on the Regulations

The following is a summary of the essential information to know for effective consultations on the Regulations, in keeping with the Cabinet Directive on Regulation.

The extent to which stakeholders are involved in a consultation process varies considerably. It can range from simply providing them with information to engaging them in a true partnership with shared decision-making. Regulatory consultations tend to fall somewhere in the middle of this continuum.

Consultation is different than notification. Remember that consultation requires the local authority to have two-way communication with stakeholders, not just telling stakeholders what they want them to do.

There is no one-size-fits-all approach. The size and scope of the consultative process depends on the proposed regulations and the number of people or groups affected by them.

Good regulatory proposals begin with good planning and require an open mind. A clear and comprehensive consultation plan is key to achieving the objectives of the proposed regulations and facilitating a smooth consultative process. Developing a consultation plan requires time and resources.

The consultation plan should be proportional with the expected impact and scope of the proposed regulations. A well-designed regulatory consultation lets stakeholders provide input through a variety of mechanisms (such as public forums or advisory groups) that are both convenient and adapted to their abilities and resources.

The consultation plan should include realistic timelines that identify activities and set milestones for all aspects of the consultative process. It should also be flexible enough to allow for unforeseen circumstances.

The amount of time required for a consultation depends on the complexity of the issue and the consultation methods selected. It is easy to underestimate how long it will take to plan, implement, and evaluate a consultation process.

Involving stakeholders in determining timelines can be an important part of building and securing a positive relationship with them. Whether or not they take part in setting time frames, participants should be kept informed of the schedule and, in particular, of when their input will be solicited. This will keep them focused and allow for monitoring throughout the process and for any adjustments that may be required in objectives and plans. Agendas should be sent to stakeholders in advance of consultation sessions.

Sufficient time should be allowed for groups and individuals to become informed, examine the issues, consult within their organizations and develop a response. Consultations should take place **early and throughout** the process.

The consultation plan should include criteria for selecting participants. Given the variety of regulatory proposals, there is no single approach to selecting stakeholders. Some consultations may be geared toward specific clients and stakeholders. In other situations, participants might be selected on the basis of technical or local knowledge, subject-matter expertise, or the level of impact on their activities. Depending on the size and scope of the proposal, consideration should be given to how the general public would be consulted.

Ongoing evaluation throughout the process enables officials to:

- determine how well the consultation plan is being put into place (that is, whether the process is effective)
- measure success (that is, whether the information gathered is valid and reliable)
- determine whether adjustments should be made to advance the consultation objectives

Ongoing evaluation also allows participants to suggest next steps and helps to identify the elements of a troubled process.

An evaluation at the end of the process enables officials to gauge the success, impact, and results of the regulatory consultation. It allows them to identify what worked best and whether there were any unanticipated outcomes.

To help validate the structure of your consultation process, consult the following documents:

- [Checklist for successful consultations, Appendix 2: Consultation process](#)
- [Guidelines for Effective Regulatory Consultations](#)

Summary of the regulatory impacts (cost-benefit analysis)

The Regulatory Affairs Sector at Treasury Board Secretariat evaluates every regulation that Transport Canada proposes to identify its benefits and potential drawbacks. Regulatory proposals with medium or high impact require a more detailed justification.

The analysis must show that:

- the recommended regulatory approach is better than the non-regulatory alternative measures
- the benefits of the regulations outweigh the costs for Canadians
- the implementation and enforcement is structured so as to maximize the benefits over the costs

The Cabinet Directive on Regulation requires that departments and agencies:

- assess regulatory and non-regulatory options to maximize net benefits to society as a whole
- show how the costs and benefits are distributed across the various parties and economic sectors that will be impacted by the regulations

Therefore, it is useful to know in advance the probable impact level of any regulatory proposal when preparing consultations or collecting information. Knowing the impact level helps determine if a regulatory measure best serves the overall interests of stakeholders. The impact level may change as new information is discovered or with the conduct of additional consultations or analysis. A sound analysis helps to assess more precisely the efforts needed to justify a regulatory proposal. It is therefore recommended that such analysis be carried out as early as possible in the process.

The objective of a cost-benefit analysis is to determine the change, in net benefits, brought about by new regulations.

Preparation of the restriction application must contain a summary of the impacts of adopting the Regulations (cost-benefit analysis). That assessment will briefly describe the reasons behind the local authority's decision. The analysis includes the following four steps:

Step 1: Identify the problems and risks

Step 2: Define the regulations' objectives for regulatory intervention

Step 3: Develop alternative regulatory and non-regulatory measures and determine their impact

Step 4: Conduct an impact analysis – including a cost-benefit analysis and analysis of the various options, and make recommendations on the measures to be taken

Consult [Appendix 3](#) for more information on the cost-benefit analysis and [Cabinet Directive on Regulations](#).

For help and advice on developing a cost-benefit analysis, contact your nearest [regional office](#).

Step 3: Review of the application by Transport Canada

Once we receive your formal application with all essential components, the Transport Canada Marine Safety and Security Regional Office will review it.

If your application is **complete**, we will submit recommended applications to National Headquarters for review and processing, by no later than September 15 each year.

If your application is incomplete, we will return the application to you and request more information. Returned applications may result in delays.

Step 4: Preparing a Regulatory Impact Analysis Statement

At National Headquarters, we will further review your formal application to ensure it adheres to the requirements set out in the Cabinet Directive on Regulation. We may contact you for more information.

We will then prepare the regulatory submission, including the Regulatory Impact Analysis Statement (RIAS), for approval by the Treasury Board of Canada Secretariat. This statement provides a summary of the expected impact of the regulatory initiative.

Step 5: Publication in the *Canada Gazette*

Regulatory submission packages that meet the requirements of the Treasury Board of Canada Secretariat are generally pre-published in the [Canada Gazette, Part I](#), and include a stakeholder comment period. We review comments received during this time, and we can make any clarifications, changes or further amendments to either or both the RIAS and the proposed regulatory text.

If the proposal moves forward as planned, it is then published in [Canada Gazette, Part II](#), and becomes effective. We will inform you of this publication.

Step 6: Putting the restriction in place

Once a new vessel operation restriction is enacted, you are responsible for:

- informing the public about the new restriction
- ensuring an enforcement regime is in place as described in your formal application

Awareness, communication and signage strategies

You must inform the water plan users and raise awareness of a new vessel operation restriction. To be done, you can post signs or buoys in the designated areas or in public places close to where the restriction is. You need to make sure that your signs are made and posted in compliance with the applicable regulations.

You **must** comply with the Regulations for as long as the restriction is in effect. This means you will need to:

- post and maintain signs
- let Transport Canada know if the jurisdiction has changed
- inform water plan users
- promote and enforce the restriction

For a restriction to be effective, you need to let people:

- know that it exists
- fully understand what it requires them to do

As with road signs, vessel operation restriction signage needs to be visible and understandable. Also, for the public to respect them, they must be installed in appropriate locations on or near the body of water.

Both the [Vessel Operation Restriction Regulations](#) and the [Private Buoy Regulations](#) govern the appearance and location of vessel operation restriction signage.

Consult [Appendix 6: Vessel Operation Restriction Regulations Signage Guide](#) for help and advice on the technical specifications related to the signage requirements.

Commitment planning of regulatory enforcement

Per Section 4 of the *Vessel Operation Restriction Regulations*, if a local authority is seeking a vessel operation restriction, it must submit a request and a report to Transport Canada that specifies:

- the location of the water plan
- the nature of the proposed restriction
- information regarding the public consultations held
- the particulars regarding its implementation and enforcement
- any other information that is necessary to justify regulatory intervention

You need to submit a **summary** of the implementation plan, which may include, but is not limited to:

- governance (the people responsible for the regulations)
- those responsible for regulatory enforcement
- time lines
- signage plan
- communication plan
- budget and estimated costs
- the various agencies and partners working together to achieve the objectives

Assessment of regulatory effectiveness

Under the Cabinet Directive on Regulation, the departments and agencies responsible for federal regulations must promote their effectiveness. They must ensure that the regulations continually meet their initial objectives, and review the regulatory framework on an ongoing basis.

You could be required to collaborate with Transport Canada to review the regulatory framework, which consists of:

- the regulations' effectiveness at meeting the initial objectives

- the awareness, communication and signage strategies and the appropriate intervention level
- the clarity and accessibility of the regulations for users
- the overall impact of the regulations on the users and stakeholders affected
- the monitoring of the regulation and specific restriction for continued applicability

The mechanisms for follow-up, evaluation and reporting after putting a vessel operation restriction in place make it possible to assess its effectiveness, performance and impacts. A good evaluation of the process enables the right adjustments, at the right time, in the right place. Those mechanisms promote engagement and encourage the communities affected by the regulatory framework to continue their commitment.

USEFUL LINKS AND REFERENCES

Transport Canada - Marine Safety and Security www.tc.gc.ca/marinesafety

Transport Canada - Office of Boating Safety www.tc.gc.ca/boatingsafety

Canada Shipping Act, 2001 (CSA 2001) www.laws-lois.justice.gc.ca/eng/acts/C-10.15/

Vessel Operation Restriction Regulations www.laws-lois.justice.gc.ca/eng/regulations/SOR-2008-120/

Cabinet Directive on Regulatory Management <https://www.canada.ca/en/treasury-board-secretariat/services/federal-regulatory-management/guidelines-tools/cabinet-directive-regulation.html>

Canada Gazette www.gazette.gc.ca

Treasury Board of Canada Secretariat – Guidelines and Tools www.tbs-sct.gc.ca/rtrap-parfa/guides-eng.asp

Canadian Cost-Benefit Analysis Guide: Regulatory Proposals <https://www.canada.ca/en/treasury-board-secretariat/services/federal-regulatory-management/guidelines-tools.html>

Guidelines for Effective Regulatory Consultations www.tbs-sct.gc.ca/rtrap-parfa/erc-cer/erc-certb-eng.asp

Small Vessel Regulations <http://www.laws-lois.justice.gc.ca/eng/regulations/SOR-2010-91/>

Collision Regulations www.laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 1416/

Private Buoy Regulations www.laws-lois.justice.gc.ca/eng/regulations/SOR-99-335/

Contraventions Regulations <http://www.laws-lois.justice.gc.ca/eng/regulations/SOR-96-313/page-4.html>

Canada Marine Act www.laws-lois.justice.gc.ca/eng/acts/c-6.7/

Constitution Act, 1982 www.laws.justice.gc.ca/eng/const/page-15.html

Geographical Names Board of Canada www.nrcan.gc.ca/earth-sciences/geography/place-names/9174

Complete the preliminary assessment form for a *Vessel Operation Restriction Regulations* application—Local Authorities' Guide

As the local authority, please complete the following form as the first step of the application process.

You may complete your responses on-screen or by hand. But you must sign this form by hand. This form can be found at:

<http://wwwapps.tc.gc.ca/Corp-Serv-Gen/5/Forms-Formulaire/searchrs.aspx?formnumber=80-0051E>

When you're finished, mail or email this form to the nearest [regional office](#).

1. Local authority information

Contact name

Type of local authority ([refer to definition](#) to ensure you're eligible to apply)

Address

Telephone with area code

Email

2. Existing agreements with other local authorities

Other than you, are there other local authorities around the body of water (with a direct access)?

If there are other local authorities, is there agreement among you regarding the problem?

- Yes
 No

If yes, please list all local authorities who would have interest in this application.

3. Working with Indigenous groups

Based on local knowledge, would Indigenous groups be impacted by this application?

- Yes
- No

If yes, please provide details.

Based on local knowledge, have consultations with Indigenous groups ever been held regarding the water body under study?

- Yes
- No

If yes, please provide details.

4. Boating season information

What is your typical boating season (period)?

What is the approximate population (number of people) during the boating season period?

Is it a seasonal population?

- Yes
- No

If yes, what is the approximate population outside of the boating season?

5. Approximate number of users (vessels) on the water body in a typical season

Local residents

Tourists

Seasonal

Other

6. Approximate number of users (vessels) on the water body on a typical day

Number of vessels

7. Description of the problem(s)

Briefly describe the problem(s) encountered on the water body.

8. Explain the causes

Explain, to the best of your knowledge, the causes of the problem.

9. Describe those affected by the problem

Briefly describe, to the best of your knowledge, who is most specifically affected by the problem.

10. What the problem involves

What does the problem involve? (Choose at least one)

- Public safety
- The environment
- Public interest
- Other

If you chose other, please describe and identify the impacts due to the problem.

Impacts on public safety

If you chose public safety in question 10, what are the impacts due to the problem?

Impacts on the environment

If you chose the environment in question 10, what are the impacts due to the problem?

- Fauna, such as fish and mammals
- Flora, such as plants
- Minerals, such as sediments
- Invasive species
- Shorelines, such as banks, beaches and land
- Pollution from navigation and shipping activities
- Water quality, such as sources of drinking water
- Other

If you chose other, please identify the impacts on the environment.

Impacts on the public interest

If you chose public interest in question 10, what are the impacts due to the problem?

11. Description of the water body

What type of water body is it?

- Large bodies of water adjacent to oceans or large lakes, or rivers deep enough for large vessels: commercial navigation and pleasure boating for the most part.
- Inland waterways of average size with variations in depth – particularly rivers and inland waterways (lakes): pleasure boating for the most part.
- Small inland waterways with variations in depth, generally shallow – inland waterways (lakes): pleasure boating for the most part.
- Other

If other, please describe the water body.

Approximate size of the water body

Length

Width

Depth

Access points

Describe the type and number of private access points.

Describe the type and number of public access points.

12. Boating practices

What boating practices are commonly engaged in on the water body? (Select at least one)

- Fishing
- Towing activities
- Recreational boating (motorized)
- Recreational boating (non-motorized)
- Commercial shipping
- Seaplane
- Other

If you chose other, please describe the boating practice.

13. Potential impacts

Is it possible that establishing a regulation to restrict navigation has potential impacts on the economy?

- Yes
- No

If yes, please describe the potential impacts.

14. Information about the current problem

How long has the problem existed?

How often does the problem occur?

- Daily or constantly
- Weekly, often or regularly
- Monthly, occasionally or from time to time
- Yearly, sometimes or rarely

According to measurable observation, when the problem occurs, what are the consequences or impacts?

- Catastrophic consequences that are difficult to rectify and can endanger lives, safety or the environment
- Significant and major consequences that require serious interventions to rectify them
- Significant consequences (such as in costs or time lines)
- Minor consequences (short term, low cost)
- Minor, insignificant consequences

What alternate solutions have been tried or explored to resolve the problem? Did they work?

What types of resources are currently available for boating safety, awareness and oversight on this waterway? (Choose at least one)

- Federal policing
- Provincial policing
- Municipal policing
- Special constables
- Students – awareness education
- None
- Other

If other, please describe the resources available.

Are there any evidence-based scientific studies, specific to the waterway, which set out the issues or cause/effect relationships?

- Yes
- No

If yes, please describe the scientific studies.

Has the local authority already conducted public consultations regarding the problem?

- Yes
- No

If yes, briefly describe the type of consultations conducted, including Indigenous consultations and the results you obtained.

Are you aware and prepared to address the costs related to a regulation under the VORR?

- Yes
- No

If yes, which costs are you prepared to bear? (Choose at least one)

- Signage
- Regulatory application - enforcement
- Promotion & Education
- Communication
- Other

If other, please describe the cost related to regulation.

15. Your information

First and last name

Organization

Email

Telephone with area code

Signature

Date

Submitting this form

When you're finished, mail or email this form to the nearest [regional office](#).

Appendix 1: Checklist for preparing and submitting a formal *Vessel Operation Restriction Regulations* application—Local Authorities’ Guide

	1. Preliminary assessment form for a VORR application duly completed and signed.
	2. A formal request from the local authority (a copy of a municipal resolution).
	3. A map clearly indicating the boundaries of the site , which shows latitude/longitude (degrees/minutes/seconds) a description of the waterway including the official name, local name.
	4. A summary of alternative regulatory and non-regulatory options you have considered and tried, if applicable.
	5. The rationale behind the reasons why the Regulations would be the best option for solving the problem.
	6. A report of the consultation process, which includes (See APPENDIX 2) : a) A list of all key stakeholders (including those impacted by the proposal), a summary of their position on the issue and the means you used to contact them b) Copies of print advertisements used including their date, place and publication c) Dates and stations used for radio and/or television programs d) Copies of minutes of meetings (including a list of issues raised and the proposal for addressing each issue, and any Indigenous concerns) e) Summary of e-mails/letters/memoranda and telephone calls – for and against
	7. A cost-benefit analysis of the regulatory project's impacts in terms of health, safety, the environment, the economy, public safety, businesses, trade, society and culture for all stakeholders affected by the Regulations’ implementation (see APPENDIX 3).
	8. A description of your communication and signage strategies , how you will advertise the VORR to waterway users / The applicant’s commitment to produce, post and maintain the signage.
	9. A description of how you will enforce the restrictions along with a letter from the local enforcement agency confirming that they can carry this out.
	10. A description of how you will evaluate the effectiveness of the restriction.

Some advice for successful consultations

- The number of affected stakeholders and the waterway in question will determine the level of resources required to ensure comprehensive public consultations.
- Develop a consultation plan and circulate it to all stakeholders.
- Give all stakeholders an opportunity to review the issue, provide their input and come to a consensus on the best solution.
- Document all consultations.
- Remember - a survey is not considered complete consultation.
- Keep in mind that Transport Canada Marine Safety and Security (TCMSS) accepts restrictions regarding vessel operation based on the merit and need of the proposal, not solely on the number of supporters.
- Incomplete and/or non-inclusive consultations may lead TCMSS to return or reject a submission.

Three useful steps for successful consultations

1. Identify the stakeholders and public to be consulted

Indigenous consultation is an important obligation.

Each body of water involves a unique mix of stakeholders. Consultations must give all affected stakeholders the opportunity to provide input.

The list of stakeholders should include, in addition to the TCMSS, local government and non-government groups, local residents, local businesses, shoreline residents, individuals, Indigenous groups, and waterway users including fishers, boaters, ecologists, sports groups and, generally speaking, the residents of the immediate basin as well as emergency, safety and law enforcement officers.

2. Notify stakeholders of waterway concerns

Once stakeholders are identified, the local authority should inform them of the concerns/problems/issues/environmental studies, etc. that are the subject of the consultation. The local authority is responsible for advertising and holding public meetings according to its usual process for establishing regulations within its administration. It must take every available measure deemed suitable.

Both the way of notifying each stakeholder of the consultation and the way in which stakeholders can provide input may vary from area to area and for each stakeholder concerned. The local authority must keep a record of all consultations for possible future review. Here are some examples of how to notify stakeholders:

Awareness	Provide information and receive input on the consultation	Active participation of stakeholders in the consultation	Activities that encourage joint planning
<ul style="list-style-type: none"> • Organizing public meetings • Direct mail advertising / Exhibitions / Conferences • Newspaper inserts / Brochures • Reference centre • Appearing on local radio / TV shows - Information campaign • Public or localized notices: on boat launching ramps, in marinas, at harbours, in information booths in parks, on community bulletin boards, in local businesses, etc. • Using technologies / Social media / Blogging 	<ul style="list-style-type: none"> • Telephone • Direct lines • Discussion groups • Surveys • Website • Sending emails • Handouts 	<ul style="list-style-type: none"> • Public meetings • Public forums • Advisory groups • Workshops • Dialogue sessions 	<ul style="list-style-type: none"> • Planning workshop • Negotiation and mediation • Partnering with associations

3. Meet and share information

By this stage of the consultation process, stakeholders have been thoroughly consulted, and comments have been documented. If required, hold meetings to compile and summarize responses. Based on the input received from the consultations, the best solution to the problem should be identified.

If a local authority decides to propose a restriction, further questions can be expected from the public and other levels of government. The local authority may have to justify the choice for regulatory intervention. Accurate documentation will allow for proper evaluation and a clear record of events, and will support a case for a restriction, if necessary.

It is important to contact stakeholders to inform them of the results of the consultations and any resulting steps. Therefore, it is essential to develop a method that will make it possible to fulfil that objective. For example, a local authority might develop a web page for the purpose of sharing information and/or answering questions throughout the various steps of the process.

More information about the consultation process can be found at the following links:

- [Cabinet Directive on Regulations](#)
- [Aboriginal Consultation and Accommodation - Updated Guidelines for Federal Officials to Fulfill the Duty to Consult - March 2011.](#)

Checklist for successful consultations

You might find this checklist to be a useful tool during the consultation process. **This checklist is not comprehensive.** A good process should cover many of these aspects, in varying degrees. Start with the items that are most relevant in a particular situation. Add items as required.

Yes	N/A	A clear statement of purpose at the beginning of the consultation plan should:
		Explain the problem the proposed regulations are addressing.
		Explain why the regulations are being developed (i.e. economic, social, or safety benefits).
		Define what the proposed regulations will do.
		Describe how the regulations will be developed (i.e. process to be followed).
		Outline the scope of the regulatory consultation process.
		Identify the authority for the regulations.
		Be written in plain, easy-to-understand language.
		Add your own:

Yes	N/A	In conducting an external scan, officials must:
		Determine the level of public interest (including implications for Indigenous communities/groups).
		Examine how the general public might perceive the issue.
		Assess stakeholders' perceptions of the proposal.
		Review past positions of stakeholders.
		Assess the social, economic, health, and/or environmental impacts of the proposal.
		Review reports from relevant independent bodies.
		Assess whether there will be difficult choices or trade-offs.
		Determine whether certain stakeholder groups benefit more than others.
		Add your own:

Yes	N/A	In developing realistic timelines, officials must:
		Assess the level of knowledge, understanding, and expertise of stakeholders.
		Determine what information needs to be developed or collected for stakeholders.
		Determine the appropriate time of year for the consultations to take place.
		Prepare and implement a communication plan.
		Assess the time needed for participants and stakeholders to understand material, consult with their constituencies or members, and prepare input.
		Determine the amount of time required for the consultation.
		Assess how many consultation sessions are required.

		Determine how much time is required to analyze the results and report back to stakeholders.
		Add your own:

Yes	N/A	In selecting consultation tools, officials must:
		Research previous consultations to determine the methods usually used for consulting on this issue and with these stakeholders.
		Assess the advantages and disadvantages of using various consultation tools.
		Facilitate stakeholder involvement in selecting the most appropriate consultation tools.
		Add your own:

Yes	N/A	In selecting stakeholders, officials must:
		Define the range of stakeholder involvement.
		Determine participants' availability.
		Consider advertising in local newspapers, trade publications, on radio or television.
		Add your own:

Yes	N/A	In developing a budget for a regulatory consultation, officials must:
		Determine the funds available.
		Calculate the cost of notifying participants or the public of the consultations (i.e. advertising, mail-out, website).
		Add your own:

Yes	N/A	In facilitating a regulatory consultation process, officials must:
		Share expectations for the consultation process with participants and encourage participants to do the same.
		Let participants express their viewpoints, without expressing their own thoughts or feelings.
		Separate the problem into components and develop solutions for each component.
		Determine the potential for satisfactory resolution of a problem.
		Determine whether participants are willing to explore alternative solutions.
		Add your own:

Yes	N/A	In conducting an ongoing evaluation, officials must:
		Determine the tangible results expected from the consultation process.
		Assess the key activities that need to be carried out as part of the consultation.
		Evaluate whether the timetable allows enough time for input.
		Develop a tracking document.
		Ensure that all comments are recorded.

	Add your own:
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Yes	N/A	In conducting the final evaluation of the consultation process, officials must ask the following questions:
		Were the views received what you anticipated?
		Was the method effective in engaging different groups and individuals?
		Were the quantitative and qualitative information, response rate and representative sample those you anticipated?
		Was the timetable clear and adhered to? If not, why not?
		Were the supporting materials relevant? For example, did the consultation document encourage informed deliberation and dialogue? Was the information easy to access, clear, and objective?
		Did you follow up with those consulted, and was that input used?
		Add your own:

You may want to include this checklist as part of the consultation report you're including with your formal application.

Appendix 3: Cost-benefit analysis—Local Authorities' Guide

We suggest 4 steps of analysis to foster a structured approach to the evaluation of regulatory policies and alternative measures so that decision-makers can make informed recommendations.

[Step 1: Identify the public policy issues](#)

[Step 2: Set out the objectives the policy intends to achieve](#)

[Step 3: Develop alternative regulatory and non-regulatory options](#)

[Step 4: Conduct an impact analysis](#)

During steps 1 and 3, you should consult with Canadians and affected parties to properly take their feedback into consideration.

Step 1: Identify the public policy issues

Establish the baseline scenario

The first step in policy analysis is to identify and precisely define the key features and sources of the issues. Understanding and assessing the nature of the risks in this case becomes one of the key decision factors for government intervention.

An important element of the assessment is ensuring that the baseline scenario (actual situation) is properly defined.

Assess the impact of the policy

To define the impact of a policy, it is important to **assess the incremental impact of the policy on the issue**. This allows you to measure the additional impacts, in terms of benefits and costs, in comparison to what would have occurred in the absence of the policy. When conducting a policy's impact assessment, one should conceptualize two scenarios: one that does not include the policy (baseline scenario) and one that does include the policy (i.e. the "with regulation" scenario).

Whenever possible, try to evaluate the impact of the policy on the whole economy. Although you're more likely concerned with direct impacts on affected sectors and people, you should also think about:

- which other sectors might be indirectly impacted
- how you can measure those impacts

Assess risk

The gap between "without regulation" and "with regulation" indicates the stream of benefits over time as a result of government actions.

You will need to:

- assess the qualities and extent of risks associated with the issues
- specify the nature of uncertainty and risk involved in the baseline scenario, including innovation and scientific risks
- describe the assumptions made about the projection of benefits and costs in the future
- take into account regulations imposed by other regulatory agencies, such as provincial governments

Step 2: Set out the objectives the policy intends to achieve

The objectives should be precise and concrete. Wherever possible, define the desired future state in terms of measurable norms so that one can determine if the objective has been achieved.

The potential benefits of a policy can be represented by the gap between the baseline situation and the "with regulation" scenario. This gap may be determined by the degree of government intervention or stringency of the policy. The

assessment and consultation process will provide valuable information and help the regulatory authority set out alternative objectives for actions.

Step 3: Develop alternative regulatory and non-regulatory options

When regulating, one should consider **alternative regulatory options** within the regulatory framework, **non-regulatory options**, and the combination of regulatory and non-regulatory instruments. **This is because the recommended regulatory policy has to be proven superior not only to other regulatory options, but also to the non-regulatory alternatives and their combination.**

Regulatory options are a command and control approach where the government requires stakeholders to comply by law in order to attain a certain objective. This is in contrast to non-regulatory approaches that are designed to achieve the same objective through the forces of the market. One may initially begin with a voluntary approach and then over time move to a mandatory approach, if necessary.

Step 4: Conduct an impact analysis

Identify significant impacts

The impacts of a regulatory option can be classified into three sets of activities:

- **The first step** is to identify all possible impacts for each of the regulatory and non-regulatory options.
- **The second step** is to determine how these impacts are related to the fundamental variables that will determine their magnitude over time, e.g. growth in real income, relative price changes, and technological trends.
- **The third step** is to make projections of these fundamental variables and use these values to make projections over time of the benefits and costs produced by the potential interventions.

Initially, **all the possible impacts should be listed and evaluated** in consultation with experts in the field. Care needs to be taken to include all the potentially significant impacts and make a list of the minor impacts that can be expected to occur. Whenever possible, the likely sector or group should be identified that will be the beneficiary or bearer of the cost of the impact

Some impacts may be difficult to quantify because of their nature or the lack of data or scientific knowledge. These impacts should be described and documented.

Measure benefits and cost

It is possible to evaluate the benefits and costs by adding them up over all those affected to obtain the net benefit of the regulation. At the same time, a careful analysis needs to be made of who will bear the costs and who will receive the benefits from the regulatory action.

If an original estimation of the benefits for the specific situation is too difficult or will take too much time, then one must try to draw upon existing valuation estimates made by others in similar circumstances, especially when the level of employment and the cost of living are affected by regulatory actions.

Different methods for measuring cost and benefits:

- Surveys (conducted by mail, telephone or in person)
- Field observations
- Studies
- History
- Review of similar cases

While quantifying the benefits assists the decision makers in understanding the magnitude of the effects of alternative regulatory policies, **some benefits may be too difficult to quantify in monetary terms.** However, they also can be too

important to ignore. Quantification of the benefits and costs can then be evaluated in terms of efficiency rather than monetary benefits.

In cases where there are **diverse scientific views** leading to different assumptions, the effects of each assumption on the direction and magnitude of the results need to be discussed. If possible, a quantitative evaluation of the impacts of changes to the regulation.

Another source of uncertainty is the **presence of different models capable of explaining the same phenomenon**. Each alternative model may yield different results, therefore the model uncertainty also needs to be well documented and disclosed. Expert judgment might be needed in estimating the probability weights to be used in the calculation of the central value.

Central to the analysis is the need to identify the **affected subpopulations**, whether in a favorable or unfavorable manner, and how much they would gain or lose as a result of the implementation of the policy.

Equity is frequently raised in the stakeholder analysis. There is no doubt that **the impacts of policy actions on disadvantaged or vulnerable groups** should be properly assessed and documented by analysts.

Checklist for a cost-benefit analysis report

The model below presents a structure and the essential elements to use as a guide to produce a cost-benefit analysis **summary** report. This is a guide and therefore any additional relevant items can be added and analyzed as additional information.

Step 1: Identify the issues and risks and define the baseline situation	
	<p>At this stage, simply use a summary of the problem situation already prepared from the Preliminary Assessment or Consultation Stage. The method of defining the problem shouldn't be different from one stage to the next; it should be coherent and consistent.</p> <p>The goal is to properly define a base problem situation (baseline situation) and identify the risks posed by this situation.</p> <p>The problem can also be presented over time – if the issue has existed for a while.</p>
	Imagine two situations: one without regulation (the baseline situation) and the other with regulation and be able to describe them.
	Assess the impact of the regulatory project on the entire economy and people within the organization. Assess the features and the magnitude of the risks associated with the problems.
	With environmental problems, it is necessary to evaluate the risks. Also describe the difference between the unregulated situation and the regulated situation, the representation, the advantages and disadvantages that, over time, result from the measures taken by the government.
	Factor in the regulations imposed by other regulatory bodies, when applicable.
Step 2: Define the objectives that the regulations are supposed to achieve.	
	Determine whether government intervention is necessary and, if yes, to what extent.
	The objectives can be economic, environmental or social. Defining the objectives also involves factoring in the public's tolerance level.
	The objectives must be specific and concrete. When possible, the situation desired for the future must be defined in terms of measurable standards so that it is possible to determine whether the objective has ultimately been achieved.
	The description of potential gaps must be presented.
Step 3: Develop regulatory and alternative non-regulatory measures	
	At this stage of the analysis, present the existing regulatory measures and the alternative non-regulatory measures that have been tested – and the results obtained.
	If corrective measures have been taken, or decisions made, they have to be presented.
	It has to be demonstrated that the recommended regulatory project is superior not just to the other regulatory measures, but also to the non-regulatory alternatives or a combination of both.
Step 4: Assess the benefits and costs	
	<p>Identify the impacts</p> <p>Prepare a list of each potential impact and assess them, one by one.</p> <p>Determine which sector or group will benefit from an impact or bear the cost of it.</p> <p>Determine the sub-populations that will be affected.</p> <p>Some impacts are hard to quantify due to their nature or the lack of data or scientific knowledge. They have to be described and documented.</p>

Measure the advantages and disadvantages

Identify the areas of activity, individuals or organizations involved with the regulatory project.

Identify and measure the advantages and disadvantages using various methods:

- ✓ Surveys (conducted by email, by phone or in person).
- ✓ Field observations.
- ✓ Scientific studies.
- ✓ Review of similar cases – Background.
- ✓ Assumptions.

Quantify the advantages and disadvantages, their magnitude and, where possible, their monetary impacts terms.

Document the uncertainties and estimate the probability levels.

Ask yourself who is advantaged and who is disadvantaged by this policy, and what they amount to.

Identify the losses for each stakeholder category. If there are economic impacts, they have to be presented.

Determine the impacts for the disadvantaged groups.

Present the compromises where applicable.

Appendix 4: Types of vessel operation restrictions—Local Authorities’ Guide

Schedule of the Vessel Operation Restriction Regulations	Title of the schedule	Signage indicating the restriction in effect	Description of the signage
Schedule 1	Waters on which all vessels are prohibited		A diamond with a cross through it, in international orange
Schedule 2	Waters on which motorized vessels (including power-driven vessels and electric powered vessels) are prohibited		A circle around a propeller, with a line through it, in international orange
Schedule 3	Waters on which power-driven vessels are prohibited (vessels propelled by an internal combustion engine or a steam engine)		A circle around a propeller and gas tank, with a line through it, in international orange
Schedule 4	Waters in public parks and controlled access bodies of water on which motorized vessels (including power-driven vessels and electric powered vessels) are subject to an engine power limit		A circle around the maximum power limit in kilowatts, in international orange
Schedule 5 – Repealed	No title. Schedule 5 was repealed in 2017, and the contents were merged into Schedule 6.	N/A	N/A
Schedule 6 *	Waters on which motorized vessels (including power-driven vessels and electric powered vessels) are subject to a maximum speed limit (standardized, e.g. 5, 10, 15, 20, 25 km/h, etc.) * (not standardized, e.g. 6, 14, 22 km/h, etc.)		A circle around the maximum speed limit in kilometres per hour, in international orange
Schedule 7	Waters in which towing a person on any sporting or recreational equipment, or allowing a person to wake surf, is prohibited except during the permitted hours		A circle around the word “ski”, with a line through it, in international orange
Schedule 8	Waters in which a sporting, recreational or public event or activity is prohibited		A circle around the word “regatta”, with a line through it, in international orange

* Does not apply to a vessel that is required to comply with another speed limit established under the Canada Shipping Act, 2001 (CSA 2001) or the Canada Marine Act.

Appendix 5: Procedure for designating parties as enforcement officers—Local Authorities' Guide

Pursuant to section 16 of the VORR, the Minister of Transport may appoint enforcement officers in charge of applying sections 2 to 15 of the [Vessel Operation Restriction Regulations](#).

This procedure applies to the designation of persons or classes of persons as enforcement officers for the purpose of the Vessel Operation Restriction Regulations.

Pursuant to subsection 196 (1) of the Canada Shipping Act, 2001, the Minister of Transport may designate enforcement officers for the purposes of Part 10 of the Act.

This procedure applies to the designation of enforcement officers for the purposes of Part 10 of the [Canada Shipping Act, 2001](#).

Applications are forwarded to the TCMSS Regional Office for analysis and follow-up. TCMSS works with the applicant organization to determine the capacity, specialized training as well as experience needed to undertake enforcement designations. Once approved, the VORR is amended (section 16) and published in the *Canada Gazette*, and an official letter to the organization will confirm its designation under the VORR. The process for nominations under Part 10 of the [Canada Shipping Act, 2001](#) is similar, except that there is no publication in the *Canada Gazette*—only a designation letter from the Minister of Transport.

Summary steps for designating enforcement officers for the purposes of the VORR

Step 1: Municipal resolution

Step 2: The applicant ensures they have included all the relevant information in their application (*see checklist*)

Step 3: The applicant sends the nomination application to the TCMSS Regional Office

Step 4: TCMSS analyzes and approves compliant nomination applications. A copy of the approval is sent to the applicant

**CHECKLIST FOR THE APPLICATION
FOR DESIGNATING PARTIES AS ENFORCEMENT OFFICERS**

Municipal resolution

	The existence of a marine patrol (or the will to form one) authorized to police bodies of water in the municipality to apply the regulations associated with the <i>Canada Shipping Act, 2001</i>
	The appointment (and hiring) of marine patrollers
	The nomination of said patrollers as municipal inspectors

Application for authorizing the designation of enforcement officers

	<p>The applicant must send a written application containing the following information:</p> <ul style="list-style-type: none"> • The resolution(s) adopted by the municipality (or municipalities) • The name of the contact person from the organization • Identification of the marine patrollers that the municipality appointed as municipal inspectors • Specification that the application concerns enforcement in terms of pleasure craft (description of the regulation[s] that the municipal inspectors will apply) • The applicable geographic boundaries
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Application assessment by Transport Canada Marine Safety and Security (TCMSS)

	<p>If the persons or classes of persons to be appointed are not already qualified as enforcement officers, TCMSS validates the following additional elements:</p> <ul style="list-style-type: none"> • The governing body responsible for organization can guarantee that adequate training, tools and equipment are in place to qualify the persons or classes of persons for the role of enforcement officer (example of a governing body: municipality, township or province) • The training, tools and equipment proposed by the body ensure a satisfactory level of qualification for law enforcement
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Appendix 6 – Next steps —Local Authorities' Guide

Once you have been granted the right—and only then—to restrict boating on one or many water bodies in your area, you, as a local authority, are responsible for producing, posting and maintaining restriction signs.

The success of a restriction depends on people knowing that there is a restriction and what it requires them to do. As on any highway, signs must be easy to see and understand. In addition, signs must be placed on or near the waterway to increase the chance of people behaving the way you want them to.

For the sake of consistency, visibility and understanding, remember that *Vessel Operation Restriction Regulations* and *Private Buoy Regulations* under the *Canada Shipping Act, 2001 (CSA 2001)* govern the appearance as well as the placement of vessel restriction signs.

To understand your requirements when creating and designing signs and buoys under these Regulations, consult the [Signage guide for Vessel Operation Restriction Regulations](#).