

WATER HAZARD MARKING



WATER HAZARD MARKING AND PRIVATE BUOYS

Marking hazards in the waterways of our lake and river communities is an increasingly common activity for organizations. If you are engaging in this activity, or considering launching a water hazard marking operation, take some time to review our recommendations for best practices.

Are We Allowed to Mark Water Hazards?

The Canadian Coast Guard states that *"In Canada, it is permissible for private individuals, clubs, corporations or other groups to establish aids to navigation or mooring buoys for their own use"*, and that *"The Canadian Coast Guard recognizes the value of these aids in contributing to the safety and well-being of the boating community."* All private buoys are governed by the Private Buoys Regulations, which specify the required marking, size, and identification of private buoys.

An Owner's Guide to Private Buoys is available on the Transport Canada website and should be consulted.

Choosing A Buoy

When selecting the marker to use in your community, the *Private Buoy Regulations of the Canada Shipping Act (2001)* must be followed.

Private Buoy Regulations require that:

- The buoy meet minimum above water dimensions of 6 inches in width and 12 inches in height.
 - This is the absolute minimum, suitable only for low traffic areas. In general, the buoy should be large enough to allow the watercraft operator to take appropriate action in time.
- The buoy must display on two opposite sides, the capital letters PRIV.
 - PRIV should be in white text when the buoy is red, green or black, and in black text when the buoy is white or yellow;
 - The name, address and telephone number of organization must be displayed in permanent and legible manner.
- The buoy must be constructed and maintained in a manner and with materials that ensure it remains in position while retaining the characteristics above. Rigid plastic foam or rigid molded plastic are good options.
- The buoy's anchor must be constructed with materials and maintained to ensure it remains in position.
- The buoy may not have a light, unless the light remains lit throughout the night and meets the requirements set out in Canadian Aids to Navigation published by the Coast Guard.

Liability Insurance and Water Hazard Buoys

The Coast Guard website states that *"in the event of an accident involving a private aid, the person(s) owning that aid to navigation may be held liable for any damages resulting from negligent operation and/or maintenance of the aid."* The FOCA Association insurance program is able to accommodate water hazard marking operations, however the underwriters do first require notification that you are engaged in these activities. The policy will then respond to liability claims alleging that the organization's negligence in the management of the buoys resulted in bodily injury or property damage to a third party.

Risk Management Practices

When engaging in water hazard marking, it is important that the organization has clear written protocols in place regarding the maintenance of the buoys. If markers are removed during the cold months, the dates on which they are put in and removed and their locations should be as consistent as possible. It is important that dedicated volunteers are responsible for regular checks to ensure the buoys are anchored and fully visible. Volunteers should maintain a log that tracks the dates of inspections, noting any concerns about the buoys and the dates of repair.

From a Risk Management point of view, communication is one of the best strategies associated with minimizing risks of water hazard marking activities. Your newsletter or eblast should include a regular notice about the buoys, including important dates, and locations. A disclaimer is also always helpful. It is key to provide as much notice to the community if there will be any changes to which hazards are being marked. Should a buoy come loose and float away, providing an email update or posting to your website/social media is an effective way of providing short-term notice of the issue so boaters may avoid the hazard area while the organization determines their repair/replacement procedure. In the event of a liability claim related to the buoys, records of strong communications can help to show the courts that you took reasonable steps to mitigate or avoid injury/damage to others, and to argue against allegations of negligence.

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