

Subject SHORELINE RESERVATIONS FOR RECREATION AND ACCESS - SECTION 3 -PLA		Policy PL 3.02.01	
Compiled by - Branch Lands & Waters	Section Land Management	Date Issued December 2, 2002	
Replaces Directive Title Same	Number Same	Dated February 11, 1997	Page 1 of 3

1.0 DEFINITIONS

In this policy,

“lands fronting on a body of water” means lands directly abutting a body of water and excludes lands not directly abutting a body of water (e.g. abutting a shore road allowance).

"Minister" means the Minister of Natural Resources or his delegate (i.e., District Manager).

2.0 INTRODUCTION

Section 3 of the Public Lands Act provides that:

- a) where 25 percent or more of the frontage of lands fronting on a body of water are public lands, lands comprising at least 25 per cent of the frontage and to such depth as the Minister considers appropriate shall be set apart for recreational and access purposes; and
- b) where less than 25 per cent of the frontage of lands fronting on a body of water are public lands, all public lands fronting thereon and to such depth as the Minister considers appropriate shall be set apart for such purposes.

The intent of this legislation is to provide for adequate sustained access and recreational opportunities for present and future generations of Ontarians.

3.0 PROGRAM DIRECTION

3.1 Application

This policy applies provincially to all public lands.

3.2 Guiding Principles

Disposition is not to occur if it will conflict with shoreline frontages set apart for recreation and access purposes, in accordance with this policy, under section 3 of the Public Lands Act.

3.3 Goal

To ensure that adequate public lands are set apart to provide for sustainable access and recreation for present and future generations of Ontarians.

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3.4 Objectives and Strategies

- A) To ensure that the requirements and intent of section 3 of the Public Lands Act are complied with.

When considering the disposition of public land, on either an active or reactive basis, MNR staff will have regard to the requirements and intent of section 3.

- B) To establish depths to be set apart for recreation and access purposes where required by section 3 of the Public Lands Act.

The depth of public land to be set apart for recreation and access purposes will vary according to the depth of public land available, the viability of the site to provide realistic recreation and access opportunities and the likelihood of conflict between recreationists and adjacent property owners.

Depth of 30 Metres or More of Public Land Exists

Where section 3 of the Public Lands Act applies and a depth of 30 metres or more of public land exists, a minimum depth of 30 metres shall be set aside to provide recreation or access opportunities to occur on public land. However, in situations where there are no existing or potential recreational uses and/or access needs (e.g. landlocked parcel on a non navigable water body) the depth of the public land to be reserved may be reduced to approximately .33 metre (1 foot).

Depth of Less Than 30 Metres of Public Land Exists

Where section 3 of the Public Lands Act applies and the depth of public lands fronting on water is less than 30 metres, opportunities for viable public recreation and access opportunities diminish and the likelihood of conflict between recreationists and adjacent property owners increases. As a result, the depth of public land to be reserved under section 3 is variable and may be reduced to approximately .33 metre (1 foot). This reduction should generally not occur, however, if there are approved plans to increase recreation or access opportunities (e.g. land acquisition, development of shoreline promenades, etc.).

Applications to acquire road allowances in unincorporated territory and Crown shoreline reserves should not be declined for reasons of section 3 of the Public Lands Act. Where a decision is made to sell a road allowance or Crown shoreline reserve (in accordance with policy PL 4.11.03) on a body of water where less than 25 percent of the frontage is public land the depth of the land to be reserved may be reduced to approximately .33 metre (1 foot).

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- C) To provide criteria whereby the depth of public land to be set aside for recreation or access opportunities may be eliminated.

In the case of a disposition of public lands to the federal government, another provincial ministry, an incorporated municipality, or a conservation authority, where the intended use is to provide for recreation and access, the depth of public land to be reserved need not be considered. In effect, the lands would be set apart to be managed by that agency for recreation and access purposes resulting in no net loss of lands available for recreation and access.

In such a case, the disposition should be qualified to ensure for permanent recreation and access purposes (i.e., qualified order in council, qualified patent, lease, land use permit, etc.) during the term of the disposition.

- D) To ensure that MNR stewardship activities do not prevent public land frontage from being used for recreation and access purposes, where less than 25% of such frontage is public land.

MNR stewardship activities shall have regard to the intent of section 3. For example, where less than 25 percent of public lands front on water, signage should not be used to preclude public use of frontages which are set aside for recreation or access purposes.

- E) To establish criteria to be used in calculating 25% of the shoreline to be set apart.

On international or interprovincial waterways, only the frontage within Ontario is considered.

Mainland and island frontages are included in the calculation.

When calculating the frontage of a water body, the entire frontage of the shoreline shall be considered. The fact that a water body may cross one or more townships or MNR District boundaries is not a consideration (i.e., the 25% is not calculated on a township basis).

Municipal shore road allowances do not qualify as “public lands” for the purpose of section 3.

Public lands that do not front on a body of water (e.g. lands that front on a shore road allowance) do not qualify as frontage to be “set apart” for recreation and access purposes.

4.0 **REFERENCES**

- Public Lands Act, Section 3