



Great Lakes
Cruising Club®

The Great Lakes Cruising Club
c/o David Spencer, Rear Commodore
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March 10, 2023

Ministry of Natural Resources and Forestry
Crown Lands Policy Section
300 Water Street, 5th Floor, North Tower
Peterborough, Ontario
K9J 3C7

Re: Comments on ERO 019-6590, Proposal to amend Ontario Regulation 161/17 to the Public Lands Act to change the requirements for camping on water over Ontario's public lands.

Dear Sir / Madam,

The Great Lakes Cruising Club is an organization founded in 1934 composed of approximately 2500 Canadian and American members. The primary purpose of the club is to promote and enhance cruising on the Great Lakes. We offer over 1000 harbour reports providing detailed information on ports and anchorages on all of the Great Lakes and connecting waterways. Our harbour reports are constantly updated by our members and are highly regarded as being among the most authoritative, accurate and up to date cruising guides on the Great Lakes. Our members generally are serious, mature, experienced boaters. Almost all own cruising boats that are equipped with facilities for overnight stays. Ownership is close to evenly split between sail and powerboats.

We are not an advocacy group but the proposed amendments significantly impact activities our members have enjoyed for decades so we have studied the proposed amendment to O.Reg. 161/17 and offer the following comments and recommendations. We note that there are serious concerns about the jurisdiction of the provincial government to legislate in the areas of navigation and anchoring, which we understand to be controlled by the federal government. We are having difficulty understanding the difference between "camping on water" as defined in the proposal and "reasonable moorage" for pleasure craft which is part of a common law federal right to navigate. We make these comments only on the assumption that the provincial government has the jurisdiction to pass this legislation.

1. Comment Re: Definitions

We applaud the initiative to distinguish between:

- a. a "camping unit" that is a watercraft with facilities for overnight stays intended primarily for navigation; and,

- b. a house-like structure intended for residential use or other long-term purposes and that is not intended for and has limited or no ability to navigate and defined as “floating accommodation”.

We believe all of our members’ boats are “watercraft” as defined in the proposed amendment and are also “vessels” and “pleasure craft” as defined by the Canada Shipping Act, 2001. We agree they should be distinguished from “floating accommodations” and should be treated differently. We appreciate the need to regulate “floating accommodations” on the Great Lakes, but we are not aware of any need to impose greater restrictions on watercraft on the Great Lakes.

Recommendation: *The GLCC supports the modified definitions that separate cruising boats (watercraft) from floating accommodations and recommends that this distinction is adopted if it is beneficial to efforts to regulate “floating accommodations”.*

2. Comment Re: The focus of these proposed amendments:

The primary focus of the proposed regulation changes seems to be the impact of “floating accommodations” and, in the “Regulatory Impact Analysis” included with ERO 019-6590, The Ministry has provided a brief analysis of the impact on the houseboat industry and the impact to those who are marketing floating accommodations.

However, the proposed changes also appear to cover private watercraft, notwithstanding the intention to distinguish them from floating accommodations. We were surprised and disappointed to see that the analysis is silent on the impact on the large group of Great Lakes boaters who enjoy vacationing on the Great Lakes in private watercraft. There are many thousands of privately owned watercraft that regularly visit the Great Lakes and enjoy anchoring there, an activity that is temporary and transitory in nature and accessory to navigation of these waters.

We also must voice serious concern that these proposed regulatory changes will establish grounds for conflict between landowners and boaters, by creating expectations among landowners about their ability and right to control where and for how long a watercraft may anchor.

Recommendation: *Proceed with regulations to address widespread concerns regarding floating accommodations, but set aside, or seek further input from boaters, property owners and other stakeholders before incorporating any other proposed amendments regarding camping on water.*

3. Comment Re: time limits:

The proposal seeks to reduce the number of days a camping unit can be on water at one location in a calendar year from 21 days to 7 days and, in order to shift locations, the camping unit must move 1km, not just 100m. We believe this will have the following detrimental and undesirable impact on many of our members:

- a. Some of our members travel long distances and may anchor at a specific location for 4 or 5 days in early July at the start of their journey and then return to the

same spot for 4 or 5 days in late August as they are returning to their home port. This would no longer be permitted.

- b. Other members keep their cruising boats in a marina on the Great Lakes and will regularly head out for a weekend, or a week or more, and will stop at various familiar anchorages on their trip. In one summer, they could easily exceed 7 days at one location in a calendar year, with each stay no more than one or two nights. For example, a cruising boater would only be allowed to anchor for three weekends at a familiar location in a season since the fourth weekend would include the eighth day at anchor thereby violating the 7 day limit.
- c. The proposal makes no accommodation for the need to take shelter due to weather or mechanical problems, which could prolong the stay of a watercraft well beyond the 7 days.

If the maximum number of days must be reduced, the proposed 7 days in a calendar year is too short. All of the anchoring by our members is temporary and transitory. None intend to anchor permanently or semi-permanently but rather, enjoy an anchorage for a limited time and then move on.

Recommendation: *The GLCC recommends that the limit to camp on water at one location for 7 days per calendar year is reviewed and adjusted to accommodate reasonable temporary and transitory use by cruising boaters throughout the boating season. If there is evidence that justifies adjusting the current 21 day limit, we suggest a limit on consecutive days camping on water would be more appropriate, rather than creating a limit of total number of days in a season.*

4. Comment Re: distance limits:

The Great Lakes Cruising Club strongly objects to the proposal to prohibit camping on water within 300 meters of a developed shoreline including any waterfront structure, dock, boathouse, erosion control structure, altered shoreline, boat launch and/or fill.

The GLCC recognizes that the waters of the Great Lakes are there for the enjoyment of everyone. We also recognize the potential for conflicting interests if cruising boaters and owners or occupants of shoreline property fail to respect one another. However, in almost all cases, it has been our experience that common sense has prevailed, and boaters and property owners have been able to peacefully co-exist and enjoy the Great Lakes. In fact, the GLCC makes a point of offering the following guidance to our members in our Harbour Reports, and in periodic cruising webinars offered by our club:

“While boaters are permitted to anchor almost anywhere that doesn't interfere with normal navigation, it is common courtesy to select an anchorage out of view, or at least a respectful distance away from cottages thereby enhancing privacy and enjoyment for both.”

Similarly, The Georgian Bay Association offers the following guidance in the “Georgian Bay for Everyone” section of their website:

“Georgian Bay waters are for everyone’s enjoyment. Whether a cottager or a boater, respect for each other’s interests and concerns is paramount to the enjoyment and protection of our pristine environment.

Anchor out of sight of cottages, or, if that is not possible, try to maintain reasonable sightline distances between boats and cottages. Anchor well away from boating channels. Minimize lighting but always have an anchor light on moored boats.”

We also agree with the following comment by the GBA: “In the end, Georgian Bay etiquette is pretty simple: be a considerate neighbor and use common sense.” Although the GBA wrote this specifically with a focus on Georgian Bay, the principles outlined apply to all the Great Lakes.

We believe that the proposed amendment to impose a 300 meter limit is arbitrary and excessive for the following reasons:

- a. The current guidance for boats to maintain a “respectful distance” or to “maintain reasonable sightline distances between boats and cottages” is adequate for the Great Lakes and has not resulted in serious conflict. Although this is not as objective as may be desirable, we believe it is consistent with the common law right to “reasonable moorage”.
- b. The 300 meter limit from any waterfront structure fails to consider line of sight and unreasonably includes areas that are out of the line of sight of the shoreside structure, even though they are within 300 meters.
- c. The limit provides shoreline property occupants with unreasonable dominion over lawful anchoring activities in a large publicly accessible area (up to 28 hectares) that would otherwise be available to be enjoyed by the public. Shoreline property occupants and owners are entitled to reasonable peaceful enjoyment of their property but the new proposed limitation is significant regulatory overreach that denies others reasonable peaceful enjoyment of public spaces.
- d. The limit fails to consider the value of long standing anchorages in the Great Lakes; many of them have been used for 70 years or more. The GLCC analysed 202 of our Harbour Reports for Georgian Bay and the Ontario portion of The North Channel and determined that 88 would be adversely affected by the proposed regulations and anchoring in 40 of these locations would be prohibited completely. Set out below are only five examples where anchoring would be prohibited outright or severely

restricted. These are all universally recognized as being among the top freshwater destinations in the world for cruising boaters:

- i. The Benjamin Islands 27.6km WNW of Little Current,
 - ii. Marianne Cove 22km E of Little Current, and
 - iii. Covered Portage Cove 3.7km NNW of Killarney
 - iv. The Bustard Islands 25 km NW of the mouth of Byng Inlet
 - v. Almost anywhere in The Thousand Islands of eastern Lake Ontario and the Saint Lawrence River, the Bay of Quinte, and nearby areas.
- e. The limit fails to accommodate vessels seeking shelter in a harbour of refuge.
- f. The limit fails to accommodate those anchoring in or adjacent to parkland where shoreline structures and docks are often placed specifically to attract boaters and camping on water.
- g. There will be a significant negative financial impact on the local economies that rely on seasonal business from boaters if the access to anchorages in areas like the 30,000 Islands in Georgian Bay, the North Channel or the Thousand Islands in the St. Lawrence River, is restricted. Those communities will see less boat traffic. For example, every summer Canadian and American cruising boats navigating “The Great Loop” travel through Lake Ontario, the Thousand Islands, the Trent Severn Waterway and into Georgian Bay and The North Channel, before entering the USA in Northern Lake Huron. They spend significant amounts of money on fuel, supplies, for entertainment and in restaurants in the marinas and small towns along their route, but they also rely on the ability to anchor. Many of these “loopers” consider the beautiful scenery and anchorages in Ontario as the highlight of their 6,000 mile journey around The Great Loop. If the loopers have no confidence they can anchor along their route, they are likely to simply not travel in Canadian waters.

We are pleased to provide further commentary or make a presentation to the MNRF to further articulate the impact to cruising boaters.

Respectfully Submitted,

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