

Consultation Document: Private Recreation Camps in Provincial Parks and Conservation Reserves

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1.0 Scope and Purpose

This consultation document describes a proposed approach for the authorization and management of private non-commercial recreation camps (sometimes known as hunt camps) located on public land in provincial parks and conservation reserves and managed by the Ministry of the Environment, Conservation and Parks (MECP).

It is intended to inform stakeholders and solicit feedback on key elements of the proposed approach. This consultation document should be considered in the context of the proposed regulatory amendments to Ontario Regulations (O. Reg.) 347/07 and 319/07 under the *Provincial Parks and Conservation Reserves Act, 2006* (PPCRA) currently posted on Ontario's Regulatory Registry 21-MECP016 and the Environmental Registry of Ontario 019-3474.

With respect to private recreation camps, the proposed regulatory amendments would enable the Minister to authorize the use and occupation of land in a provincial park or conservation reserve related to:

- Existing private recreation camps in all provincial parks or conservation reserves; and
- Existing structures used to access existing private recreation camps, including docks, bridges and other water crossings.

Currently, the Minister's authority is limited to issuing new authorizations for private recreation camps to extend the term of occupation of an existing instrument holder. The proposed regulatory amendments would allow the Minister to issue new authorizations, including to new individuals, for the use and occupation of land for existing private recreation camps. This new authority would allow current authorization holders the potential to pass on the private recreation camp structures to others.

The proposed regulatory amendments would also enable the Minister to authorize existing access structures (i.e., docks, bridges, other water crossings) in a provincial park or conservation reserve used to access existing private recreation camps.

MECP will consider any feedback received during this consultation when making a decision on regulatory amendments and final policy to guide the authorization and management of private recreation camps. Decision notices and the final policy will be posted on Ontario's Regulatory Registry and on the Environmental Registry of Ontario.

2.0 Background

Private recreation camps were established on public lands across Ontario from the 1920s to the 1970s. There is even evidence to suggest that some camps were first authorized in the early 1900s. Private recreation camps were originally authorized by what was then called the Ontario Department of Lands and Forests for use by groups of interested hunters and, in some cases, anglers.

There are currently 389 authorized private recreation camps that remain today across 51 provincial parks and 56 conservation reserves. Approximately 70% of private recreation camps are now considered waterfront occupations. Private recreation camps were originally permitted only in remote areas, but some are now located in more accessible areas due to development. Over 2,000 additional private recreation camps occupy public land outside of provincial parks and conservation reserves and are managed by the Ministry of Natural Resources and Forestry under the *Public Lands Act*.

Private recreation camps are still used for non-commercial wildlife viewing, and hunting and angling where regulations allow and where necessary authority has been granted. Associated structures are generally small (e.g., average accommodation structure in southern Ontario is approximately 50 square metres) and rustic, and most camps rely on outhouses and lack externally sourced electrical service (e.g., hydro) or drilled wells.

Enabling provisions in the regulation and the proposed policy being contemplated by MECP would not apply to cottage lots in Algonquin Provincial Park or Rondeau Provincial Park.

Since the late 1980s, Ontario's policy has been to phase out private recreation camps in provincial parks established prior to Ontario's Living Legacy Land Use Strategy (1999) (OLL LUS). The OLL LUS committed to the continued use of existing private recreation camps in provincial parks and conservation reserves identified in that strategy.

In 2009, the government consulted on the Ontario Parks Permitted Uses Amendment (Phase Out) Policy, which allows the continued use of private recreation camps subject to previous phase out decisions for the lifetime of the existing permit holder, or until the existing permit holder voluntarily forfeits the authorization. The same approach applies

for private recreation camps in Temagami and is identified in the Temagami Area Park Management Plan (2007). Approximately 10 private recreation camps have been phased out since 2015. Thirty-eight of the 389 remaining private recreation camps are currently identified to be phased out in accordance with the Phase Out Policy or Temagami Area Park Management Plan. These policies do not apply to the remaining 351 private recreation camps located in provincial parks and conservation reserves identified in the OLL LUS.

Private recreation camp authorizations across all provincial parks and conservation reserves are reviewed and renewed by the government regularly and are granted to the same permittee named on the authorization (land use permit) for a period of 1 to 5 years. The Minister's authority to issue these authorizations is currently limited under the PPCRA and regulations to extending the term of occupation of an existing instrument holder.

Recent (December 2020) legislative amendments to the PPCRA modified the occupational authority provision to enable the potential authorization of new occupational authority for existing private non-commercial uses, including private recreation camps, in circumstances prescribed by regulation.

The proposed policy being contemplated by MECP is in the context of the proposed regulatory amendments. This new direction would replace direction on the authorization of private recreation camps in the Phase Out Policy and result in amendments to 11 provincial park management plans, including the Temagami Area Park Management Plan (see Consultation Document – Provincial Park Management Plans Impact by Proposal for full list of plans).

3.0 Occupational Authority

3.1 Existing Authority under the PPCRA

Section 14 (2) of the PPCRA enables the Minister to authorize the use and occupation of land for private, non-commercial purposes if issuing or granting the instrument extends the term of occupation of an existing instrument holder.

This section also enables the Minister to authorize the use and occupation of land for private, non-commercial purposes with respect to an existing building or structure, an existing use or an existing occupation if circumstances prescribed in regulation are met.

3.2 Proposed Regulatory Authority

MECP is currently proposing regulatory amendments that would allow the Minister to issue new authorizations to individuals to use and occupy land for the purpose of an existing private recreation camp in provincial parks or conservation reserves and for

associated existing access structures (i.e., docks, bridges, other water crossings), provided the prescribed circumstances are satisfied.

The regulation would only enable new authorizations for existing private recreation camps and wouldn't permit any expansions of the land currently occupied.

Existing private recreation camps would include those currently authorized in provincial parks and conservation reserves and a small number of camps (less than 10) where authorizations have been terminated or expired since January 1, 2015 due to limits on the Minister's authority under the PPCRA to issue new occupational authority for private, non-commercial purposes, and where the buildings or structures still exist. Existing access structures would include all those built or erected as of January 1, 2021 and that continue to exist at the time of new authorizations. This proposal would not apply to cottage lot leases in Algonquin Provincial Park or Rondeau Provincial Park.

3.3 Constitutional Obligations

Consistent with the constitutional protection accorded Aboriginal rights and treaty rights under section 35 of the *Constitution Act, 1982*, the Minister would consider if continued use of the existing private recreation camp may adversely impact the exercise of Aboriginal or treaty rights or any credible title assertions, or if it is likely to impact active treaty negotiations or land claim settlement negotiations. In such circumstances MECP would be required to consult, and potentially accommodate, the affected Aboriginal community prior to the issuance of new occupational authority.

3.4 Policy Considerations for the Issuance of Occupational Authority

3.4.1 Compliance with Existing Authorizations

The proposed policy would set out that applicants are to be in compliance with any existing ministry authorizations related to the use of the private recreation camp before occupational authority prior to issuance or renewal.

3.4.2 Debts Owing to the Crown

The proposed policy would set out that applicants should not have any outstanding debts owing to the Crown before occupational authority is to be issued or renewed.

3.4.3 Transfers of Authorizations to New Individuals

The proposed policy would establish a process for requests made by existing authorization holders to potentially terminate their authorization in order for new individuals to seek authorization of the private recreation camp or access structure. This process would allow current authorization holders the potential to pass on the private recreation camp structures to future authorization holders, subject to MECP review and approval.

3.5 Occupational Authority Instruments and Length of Term

MECP is proposing a policy whereby the Ministry would consider issuance of 20-year licences of occupation for existing private recreation camps in place of the current approach of using short-term land use permits where prescribed circumstances are met. In some cases, individuals may only be granted short-term (1 to 5 years) land use permits. This may include, but is not limited to, scenarios:

- where a camp is located in an area of ongoing land claim or treaty negotiations
- to provide time for an individual to meet certain conditions prior to a licence of occupation

3.6 Use of Private Recreation Camps

The policy would include that private recreation camps are not to be used for permanent or year-round occupation or for commercial purposes (e.g., for short or long-term rentals). Appropriate terms and conditions would be included in the occupational authority.

3.7 Restoring the Land

The policy would address that upon expiry, surrender or cancellation of the occupational authority, the Minister may require a private recreation camp authorization holder to remove all camp structures associated with the lot and restore the site to a safe and clean condition, as directed by MECP. Appropriate terms and conditions would be included in the occupational authority.

4.0 Rents, Fees and Other Debts

Rent payable by private recreation camp authorization holders would provide a fair and reasonable rate of return to the Crown for the use and occupation of lands in a provincial park or conservation reserve.

Rents are based on market value of the land and would be kept current through practices such as indexation and periodic land appraisals.

2021 Crown rental rates for private, non-commercial accommodation is:

- 6% of market value of the land for a licence of occupation
- 5% of market value of the land for a land use permit.

Rent would remain unchanged in 2021.

Fees: Administrative fees would continue to be charged for the issuance of land use permits, licences of occupation or other instruments to use and occupy land.

The following payments would also be required for all land occupied by private recreation camp and access structures:

- For land located in unorganized territories, provincial land tax, pursuant to the *Provincial Land Tax Act*.
- For land located in a municipal territory, reimbursements to the Crown for payment in lieu of taxes (PILT) made by the Crown to municipalities pursuant to the *Municipal Tax Assistance Act*.

5.0 Conditions of Land Use

Private recreation camps are subject to the legislative and regulatory provisions of the PPCRA, including Ontario Regulations 347/07 and 319/07 regarding, for example, prohibitions on damage to public land and firearm use, and requirements to obtain a work permit under Ontario Regulation 345/07. Private recreation camps are also subject to the terms and conditions included in the authorization provided by the ministry and any relevant site-specific direction in management plans.

It is the responsibility of the private recreation camp authorization holder to acquire any other approval as may be required by law or to meet any other legal obligations that may apply (e.g., *Fish and Wildlife Conservation Act, 1997, Endangered Species Act, 2007*).

Any new work (e.g., construction, repairs) associated with a private recreation camp is subject to the requirement in the PPCRA to obtain a work permit. Issuance of work permits is guided by regulation (O. Reg. 345/07). In accordance with regulation, work permits are to be issued unless the work would be contrary to law, or inconsistent with management direction or MECP policies, or is likely to create a threat to the environment, public safety or to a natural resource. This analysis is done on a case-by-case basis during the review of a work permit application.

Requests in the past for work permits to enable construction that would significantly alter the existing extent and activities of use have been rare, limited to private recreation camps located in southern Ontario and have typically been denied under the work permit regulation analysis.

The proposed private recreation camp policy would address conditions of use that align with the ministry's current approach to the management of existing private recreation camps. The conditions would guide and limit decisions made by the Ministry during the review of work permit applications under O. Reg. 345/07. Conditions may also be included in occupation authority granted for private recreation camps.

The proposed approach would continue to provide flexibility for the existing use of private recreation camps and enjoyment of the land while prohibiting any significant future expansion or change in the current use.

5.1 Private Recreation Camp Structures

In the context of private recreation camps, structures on the land authorized for occupation and use are grouped into three categories: accommodation structures, ancillary structures, and sewage systems (see section 6.0 Glossary of Terms for definitions).

All existing structures, as of January 1, 2021, within the land authorized for a private recreation camp would be permitted to remain.

Recreational vehicles (e.g., camper) are not considered to be a structure and would not be permitted to occupy the authorized lands.

5.1.1 Requests to Expand Private Recreation Camp Structures

Work permit requests to expand existing (as of January 1, 2021) structures or to add new camp structures would only be considered for construction within previously disturbed areas of the site. New structures or sewage systems must have a water setback of at least 30 metres. Exceptions may be made to address health and/or safety concerns or to reduce environmental impacts, as deemed necessary by MECP.

Additional limits described below must also be followed.

Accommodation Structures:

- In some cases, site-specific conditions such as natural, Indigenous or cultural heritage values would result in MECP restricting any expansion or new construction of private recreation camp structures.
- Only one accommodation structure would be permitted to contain cooking, kitchen, or bathroom facilities, sewage systems or water intakes. This limit would not apply if more than one accommodation structure containing these facilities exists as of January 1, 2021.
- MECP would consider a one-time expansion of an existing accommodation structure or construction of new accommodation structure of up to 10 square metres. Only a single expansion would be considered per private recreation camp. Future private recreation camp authorization holders would not be permitted to further expand the size of camp structures.
- No new work would be permitted that would result in accommodation structures exceeding a combined total footprint greater than 60 square metres. This limit would not apply to accommodation structures that existed as of January 1, 2021, already exceed 60 square metres and were built in accordance with a work permit or where a work permit has been issued prior to January 1, 2020.

- No new work would be permitted that would result in the addition of a second storey or a basement, an inside bearing wall exceeding 2.44 metres in height, or a roof pitch exceeding 6-in-12.

Ancillary Structures:

- Ancillary structures would not be permitted to contain cooking, kitchen, or bathroom facilities. This limit would not apply if an ancillary structure(s) already containing these facilities exists as of January 1, 2021.
- No new work (as of January 1, 2021) would be permitted that would result in ancillary structures exceeding a total combined footprint greater than 20 square metres. This limit would not apply to ancillary structures that existed as of January 1, 2021 and were built in accordance with a work permit.

Sewage System:

- In most cases, MECP would only grant work permits for new or replacement Class 1 (i.e., outhouses) sewage systems except in limited circumstances to address health and/or safety concerns or to reduce environmental effects, as deemed necessary by MECP.
- Conditions for sewage systems would include that systems must adhere to provincial standards in Ontario's Building Code (O. Reg. 332/12 under *Building Code Act, 1992*).
- Construction of a new Class 2 sewage system (greywater system) would also require approval from the local sewage authority (District Health Unit or Conservation Authority).
- Construction of new Class 3 (cesspools) and Class 4 (septic beds) systems would not be permitted.

5.1.2 Replacement of Existing Private Recreation Camp Structures

Work permits for replacement of existing private recreation camp structures would be considered. Similar limits would apply:

- No replacement of an existing accommodation structure would result in accommodation structures exceeding a combined total footprint greater than 60 square metres.
- Applications for an equally sized replacement would be considered for accommodation structures that existed as of January 1, 2021, already exceed 60 square metres and were built in accordance with a work permit.

- No replacement of an existing ancillary structure would result in ancillary structures exceeding a total combined footprint greater than 20 square metres.

5.1.3 Relocation of Existing Private Recreation Camp Structures

Relocation of existing structures within the authorized land area may be permitted for health and safety reasons, or due to loss/damage such as fire or annual flooding.

5.2 New Connections to Provincial Electrical Grid

No new connections to the electrical grid would be permitted.

5.3 Water Source and Supply

No connections to municipal water supply or new drilled wells would be permitted.

Private recreation camp users should bring potable water to the camp. Water from open waterbodies should only be used as a source of potable water if it is disinfected and/or treated to meet the Ontario Drinking Water Quality Standards, as stipulated in Ontario Regulation 169/03 of the *Safe Drinking Water Act, 2002*.

5.4 Municipal Sewage

No connections to municipal sewage would be permitted.

5.5 Docks

Most private recreation camps have an existing dock (as of January 1, 2021). No new docks or swim rafts would be considered for a private recreation camp. The policy would provide for the authorization one (1) existing dock at most private recreation camps.

For private recreation camps that are accessible only by water, and where multiple water bodies must be crossed to access the private recreation camp, authorization for additional existing docks would be considered.

Additional, unauthorized docks would be required to be removed.

5.5.1 Replacement and Maintenance of Docks

Work permits would be considered for maintenance or replacement of an authorized dock with some limitations.

No work permit would allow for dock replacement that would result in a dock exceeding 15 square metres (even if the existing dock was bigger than that size). Any work would need to comply with additional conditions described in a best management practice document that would be shared with instrument holders upon request or when applying for a work permit (e.g., construction materials, timing windows to protect fish spawning). Relevant conditions would be included in the work permit.

5.6 Indigenous and Cultural Values

The PPCRA and the *Ontario Heritage Act* provide for the consideration and protection of provincially significant cultural heritage and conservation of provincial heritage properties, respectively. Cultural heritage must be considered when making development decisions within provincial parks and conservation reserves. MECP may place terms and/or conditions on authorizations to avoid impacts on known or potential cultural values.

Subsection 2(2) of both O. Reg. 347/07 (Provincial Parks) and O. Reg. 319/07 (Conservation Reserves) under the PPCRA prohibits a person from removing a relic or artifact in a provincial park or conservation reserve, or disturbing any site of archeological or historical interest in a provincial park or conservation reserve, except with written authorization of the park superintendent or conservation reserve manager.

Cultural heritage assessments may be required where an instrument holder proposes to carry out work that has the potential to involve significant ground or waterbed disturbance and/or disturb, alter or damage a known or potential Indigenous or cultural value. For example, in areas of high archaeological potential, an applicant may be required to procure an archaeological assessment, at their own expense, to inform MECP's review of their work permit application.

5.7 Species at Risk

Where the footprint of the camp is in the habitat of species at risk, MECP may impose additional limitations on occupational authority or on proposed work to avoid harm and harassment of individuals, or damage to or destruction of habitat (e.g., timing windows for construction activities).

5.8 Invasive and Non-native Species

As per section 7 in O. Reg. 347/07 and section 5 of O. Reg. 319/07, private recreation camp authorization holders would not be permitted to:

- plant, possess or otherwise introduce species that are not native to the ecodistrict, as determined by MECP, including non-native plants contained within pots, planters, or any other container; or
- plant or otherwise establish new lawns, gardens, or grass areas or expand existing lawns or grass areas.

5.9 Use of Fertilizers and Pesticides

Pesticide (e.g., herbicides and insecticides) and fertilizer use would not be permitted by the private recreation camp authorization holder or other users and would be limited through terms and conditions in the occupational authority.

5.10 Storage and Removal of Waste

Consistent with the regulations under the PPCRA, private recreation camp owners would not be permitted to deposit, compost, or burn any waste, building materials, garbage, or other foreign materials on the private recreation camp site or anywhere else in the provincial park or conservation reserve. Authorization holders would be responsible for the removal of waste and appropriate disposal at an approved waste disposal facility. Nothing in the policy would restrict the use of composting toilets.

Consistent with the existing regulations, wildlife attractants, including food or beverages, food preparation or storage equipment, cooking devices or utensils, garbage or recycling products, scented products or any other item, shall not be maintained or stored in a manner that is likely to attract wildlife without the written authorization of the superintendent.

5.11 Safe Storage and Use of Fuel

Safe storage and use of fuel would be limited through terms and conditions in the occupational authority.

All hazardous materials (e.g., gasoline, stove oil) would be required to be stored:

- in federally approved containers (where applicable); and
- at least 15 metres from the water's edge, or if less than 15 metres from the water's edge, within an appropriate private recreation camp structure (e.g., shed).

Private recreation camp users would be required to fuel their engines (e.g., generators, boats, pumps) at least 15 metres from the water's edge except for the following:

- boats that do not have a removable tank; and
- water pumps that are located less than 15 metres from the water's edge.

6.0 Glossary of Terms

In the proposed policy:

Access structure: A structure used to support access a private recreation camp including a dock, bridge, or other water crossing.

Accommodation structure: A structure designed for private, non-commercial use, that typically contains sleeping facilities, cooking, or other kitchen facilities, and may include bathroom facilities or other habitable rooms.

Ancillary structure: A fully enclosed structure that is not an accommodation structure or sewage system (e.g., storage shed, sauna). An ancillary structure must not contain cooking, kitchen, or bathroom facilities. An ancillary structure must not be a recreational vehicle (e.g., camper).

Ecological integrity: Refers to a condition in which biotic and abiotic components of ecosystems and the composition and abundance of native species and biological communities are characteristic of their natural regions and rates of change and ecosystem processes are unimpeded (same meaning as section 5(2) of the PPCRA).

Fair return to the Crown: The Crown, representing the people of Ontario, should receive fair compensation when rights to Crown Land are disposed of for private or commercial use. Compensation should reflect contemporary market values and program costs.

Market value: The most probable price which a property should bring in a competitive and open market as of the specified date under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus.

Occupational authority: Means an authorization by the Minister for a person to use or occupy land in a provincial park of conservation authority in accordance with section 14 of the PPCRA.

Private recreation camp: Public land (0.5 hectares) where occupational authority has been granted for private, non-commercial, recreational use including hunting, fishing, and wildlife viewing. Includes a small accommodation structure (estimated average size is 50 square metres) and sometimes additional ancillary structures (e.g., storage shed). Structures are often rustic; sites generally have Class 1 (outhouses) sewage systems and lack externally sourced electrical service or drilled wells. Does not include cottage lots located in Algonquin Provincial Park or Rondeau Provincial Park.

Rent: The annual payment by private recreation camp authorization holders to use and occupy the land as described in occupational authority (e.g., land use permit, license of occupation).

Sewage system: The same meaning as in the *Building Code Act, 1992*; includes outhouses, grey water systems, composting toilets, and septic systems.