

ONTARIO FEDERATION OF ANGLERS & HUNTERS



Ontario Conservation Centre

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May 15, 2017

Mr. Jamie Fligg, Policy and Program Advisor
Ministry of Natural Resources and Forestry
Policy Division
Crown Forests and Lands Policy Branch
Crown Lands Section
300 Water Street
Peterborough, Ontario
K9J 8M5

Dear Mr. Fligg:

Subject: EBR Registry Number 013-0211: Proposed regulation under the Public Lands Act to enable certain occupations of public land without the need for an occupancy instrument (e.g. land use permit, lease, licence of occupation)

On behalf of the Ontario Federation of Anglers and Hunters (OFAH), its 100,000 members, subscribers and supporters, and 740 member clubs, we have reviewed proposal 013-0211. Anglers, hunters, and trappers have a long-standing interest in Crown land use, and many of the activities we engage in and the associated structures (e.g. boat caches, tree stands, duck blinds, and ground blinds) have, in practice, been considered free uses on Crown lands in Ontario. The OFAH appreciates the opportunity to contribute towards the fair and accountable management of our Crown lands, and we are encouraged by the current direction of the regulation to legally recognize the rights to occupy lands for specific purposes without fees or occupancy instruments. However, we do have some questions related to the proposed regulation.

The OFAH is in full support of the review and clarification of activities and the placement of structures or things on Crown land that can occur without an occupancy instrument. We are pleased to see the specific inclusion of camping, trapline structures, trail shelters, boat caches, and shoreline structures in the proposed regulation. All of these occupations and many of the conditions mentioned represent important safety and sustainability values, in addition to the obvious cultural, recreational, and heritage values of the activities they are associated with. While there is general support for these occupations being maintained as “free use” (i.e. no occupancy instrument required), the OFAH has some questions about some of the stipulations that are provided and questions about the execution of the regulation.

Crown Land Camping

Free recreational camping on Crown lands by Canadian citizens is considered an intrinsic right in Ontario by most of the outdoors community and general public. While there is agreement that this activity should be free, most of the outdoors community believe there needs to be a time limitation to ensure that others have the ability to also use the land, as well as to ensure there are no long-term negative impacts from the occupation. The proposed 21-day camping limit on a single location (within 100 metres) by an individual or group of individuals is the status quo from the now defunct Free Use Policy, but we are curious if this is an appropriate amount of time and if there is any consultation or evidence-based reasoning for the proposed limit. With respect to enforcement of this time limit, does the MNR intend to provide a mechanism for the lodging of complaints and ensuring appropriate follow-up action is undertaken?

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Trapline Structures

The OFAH supports the provisions to allow the installation and maintenance of fur trapline structures on Crown lands. These structures are necessary for the effective management of our fur resources and are directly associated with a registered and permitted activity (i.e. registered trapline and trapper's licence). These structures are limited in abundance and occur over a large geographic area, much like other exempted occupations related to Sustainable Forest Licenses and Forest Management Plans.

Trail Shelters

Trail shelters and other safety shelters, while often not specifically related to angling, hunting, and trapping, provide a very critical service to the outdoor recreationists and public in general. These shelters can provide a refuge when individuals suffer an injury, are lost, or become stranded due to inclement weather or vehicular breakdown. When these situations arise, these shelters can mean the difference between life and death. Conditions to this section state trail shelters shall "not contain overnight facilities or be used for overnight accommodation," yet there is no clear definition of "overnight facilities." The OFAH would appreciate further conversation related to trail shelters and definitions of terms in the conditions to ensure that the intentions of the regulation and the needs of outdoor recreationists are adequately addressed.

Boat Caches

Boat caches are an important cultural, recreational, and heritage use of Crown land. The OFAH is curious if there has been a review and assessment of the NW Boat Cache Program – has the program effectively reduced potential impact to lakes and lands near portages?

Shoreline Structures


The proposed regulation clearly indicates the occupational authority for docks adjacent to private lands. There are also many occupations adjacent to waterbodies through the authority of an occupational instrument (e.g. a hunt camp as a Recreational Land Use Permit or lease) or through this regulation (e.g. trapline structures). Would docks associated with Crown land occupational authority require an additional occupational instrument?

Clarity Required

In addition to the occupations specifically described in the posting (e.g. camping, docks, etc.) other angling, hunting, and trapping activities and occupations were mentioned in brief as transitory or non-permanent use of public lands. While they are not specifically addressed in this posting, the OFAH wants to ensure these occupations continue to be permitted on Crown land in perpetuity. Any act, regulation, or policy related to Crown lands should clearly state that the activities of, and occupations related to angling, hunting, and trapping do not require any occupancy instruments. Any future changes regarding occupations of, and use of Crown lands must require public and stakeholder consultation.

In conclusion, the OFAH supports the creation of a new regulation pursuant to recent changes in the Public Lands Act which clarifies the legality of certain occupations and activities allowed on Crown land. This regulation will provide greater clarity to both the outdoors community and the provincial government. The OFAH appreciates the opportunity to work with the MNRF on the creation of the proposed Occupational Authority Regulation, and looks forward to continuing our work on this and other MNRF initiatives.

Yours in Conservation,


Robert Cole
Land Use Policy and Habitat Specialist

RC/gh

cc: OFAH Board of Directors
OFAH Land Use, Access, Trails Advisory Committee
Angelo Lombardo, OFAH Executive Director
Matt DeMille, OFAH Manager, Fish & Wildlife Services
OFAH Fish & Wildlife Staff