

# ONTARIO FEDERATION OF ANGLERS & HUNTERS



*Ontario Conservation Centre*

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To Whom it May Concern:

Subject: ERO # 019-5119 Seeking input about the use of floating accommodations on waterways over Ontario's public lands

The Ontario Federation of Anglers and Hunters (OFAH) is Ontario's largest, non-profit, fish and wildlife conservation-based organization, representing 100,000 members, subscribers and supporters, and 725 member clubs. We have reviewed the bulletin for seeking input about the use of floating accommodations on waterways over Ontario's public lands and offer the following responses for consideration.

The following comments are scoped to the use of floating accommodations on open water; however, we also recommend that the Ministry of Northern Development, Mines, Natural Resources, Forestry (NDMNRF) review the current rules regarding ice huts. Many of the rules currently in place were created for small, non-overnight accommodations but there is a growing trend for large, overnight ice huts. We do not think it is appropriate to lump the rules around floating accommodations with the rules for ice huts, so we suggest a separate review and consultation. The *Public Lands Act* clearly defines ice huts and permits their use for overnight accommodations while ice fishing, so any change made for open water overnight accommodations should have no bearing on the rules around ice huts.

## Should the types of watercrafts that are allowed as "camping units" be clarified?

The OFAH believes that there should be regulations around what type of "camping unit" is permitted for watercrafts and what is required for them to be permitted. The NDMNRF should explore limiting what can be used as "camping units" for the purpose of overwater accommodations to only permit watercrafts or vessels that meet specific safety rules associated with occupancy limits, horsepower restrictions for motors, and lighting requirements which makes them safer for open water use (i.e., not permit cabins built on pontoons or a raft). Additionally, they must be specifically designed to contain wastewater and effluent. This is a major concern for the OFAH as there is currently a lack of regulation around containment of wastewater under the *Public Lands Act*. Any "camping unit" being used for overwater accommodations should be regulated to have the facilities to prevent leaking wastewater into the waterways. The *Discharge of Sewage from Pleasure Boats* regulation under the *Environmental Protection Act* dictates that no one shall allow sewage to be discharged from a pleasure boat and that any toilets and storage equipment are installed to be non-portable. But this regulation only applies to solid waste, and not grey water or liquid waste. The OFAH also questions the enforceability of this regulation - currently only environmental officers and police officers are authorized to issue tickets under this regulation. The OFAH suggests that the NDMNRF explore the addition of enforcement of this regulation to the purview of Conservation Officers (COs) or that a new regulation is made under the *Public Lands Act* to allow COs to ticket for the dumping of waste into Ontario's waterways. The enforcement of wastewater containment is critically important in areas where homes or cottages are drawing their water from the waterbody, but also important for water quality in general. There is a concern with allowing a "camping unit" to dump wastewater into one area over the course of 21 days, or even longer, and how that will impact the aquatic ecosystem. Even if the actual sewage is being contained, wastewater can contain detergents that alter the nutrient composition leading to algal blooms and potential harm to fish and fish habitat.

Furthermore, the regulation should be amended to limit the size of “camping units,” ideally dependent on the size of the waterbody they are on. Some of the larger “camping units” used for overwater accommodations could be so large and in the same area for so long that they interfere with other uses of the waterway (including boating and fishing). This would be mostly self-regulated if the “camping units” are actual watercrafts, as the launching infrastructure and depth of the lake would limit the size of boat on the waterway. However, the cabins built on rafts do not require the same depth and launching requirements and could therefore become too large for the waterbody they are on. The OFAH wants to prevent the instances of “floating towns” where a large portion of the waterway is being occupied all summer by floating accommodations.

Should the meaning of “camping purposes” be clarified?

The OFAH recommends that “camping purposes” be defined in regulation to ensure that floating accommodations are not being rented out on sites such as Airbnb; it is not a camping purpose if it is a commercial venture. This definition must be worded in a way as to not restrict rental companies from renting out houseboats in general, but only to restrict renting out accommodations that are already set up on Crown land or water. This would prevent people from being able to use Crown land or waters as their own private campground where they set up accommodations and charge people for their use.

As mentioned above, the *Public Lands Act* separates camping units for the purpose of camping and ice huts for the purpose of overnight accommodations for ice fishing. It is important that the definitions and rules for those two activities stay clearly separated. Although it may be the same waterbodies, ‘open water’ and ‘on ice’ overnight accommodations are different and must be considered separately. Additionally, there is an established tourism industry associated with ice hut rentals (including those facilitating overnight accommodations) that should be consulted on any changes to the regulations for overwater camping on open water that would interfere with these activities.

Should changes be made to the camping rules set out in Ontario Regulation 161/17 as they relate to camping on waterways over public lands?

The OFAH believes that there should be different rules for overwater camping and for camping over land. The requirement to move 100m may not be far enough for overwater accommodations, as it would theoretically allow a boat to stay on one small lake all summer. The biggest issue, however, is that the current regulations are not well enforced for camping on Crown land, let alone overwater accommodations. We strongly recommend increased enforcement of the existing rules as well as potentially more strict rules for overwater camping. One way to do this would be to create a free permit system, where people camping on Crown land would require a permit that lists where they are camping. If they still wish to camp after the 21 days, they would need to get a new permit for a different area. This would make enforcement of the 21-day and 100m movement regulations significantly easier, as currently it relies on COs constantly monitoring an area. There are not enough COs in the province to enforce this rule on land, so it is unlikely it is currently being enforced on the water.

The OFAH suggests that the NDMNRF work with the boating industry to review the types of anchors being used for long-term anchoring for houseboats and the potential aquatic habitat damage they could cause. Anchoring systems used for these long-term accommodations should prevent any and all movement as that could lead to constant disturbances to fish habitat over the time period that the boat is in that area. This could lead to cumulative impacts on lakes that get a high number of floating accommodations, and result in damage to special habitats like spawning areas, shoals, and nursery habitat. This is especially true under the current rules where a floating accommodation only has to move 100m to be permitted to stay another 21 days; the potential damage this could cause over an extended period of time should be evaluated and considered.

Should more restrictive municipal bylaws apply where they exist / are created?

The OFAH wants to stress that allowing for municipal bylaws to govern overwater accommodation is not appropriate. Access to and occupation of Crown land should be governed by the Ontario government and not in a piecemeal way by municipalities. The OFAH already devotes significant time and energy into working to remove Sunday gun hunting bylaws and to make no-discharge bylaws more reasonable to allow for hunting because municipal authority for public safety is inappropriately used to unnecessarily restrict hunting and firearm use. Bylaws like this are often made due to “not-in-my-backyard” principals and are determined by the ever-changing whim of revolving municipal councils. Giving municipalities the ability to govern what happens on Crown land is a dangerous precedent, so the OFAH would not support off-loading responsibility to municipalities. By having a consistent approach, it also prevents confusion and makes it explicitly clear what is allowed for the entirety of Ontario’s waterways.

Conclusions

The OFAH sees value in reviewing the rules around floating accommodations on Ontario’s waterways but any changes must be done carefully and explicitly so as not to infringe upon fishing, waterfowl hunting, and other uses of Crown lands and waters. The priority for regulatory change is the dumping of wastewater. Any floating accommodation should be mandated to contain both their effluent and their greywater to protect water quality. Additionally, overall enforcement needs to be increased, both for wastewater and for the existing rules around camping on Crown land and water. The 21-day limit was created for a reason, and it needs to be more robustly enforced. The OFAH wants to ensure that people have access to Ontario’s waterways for all the many uses available. Overabundant floating accommodations could significantly reduce the ability of others to utilize the waterbody for fishing, boating, and general recreation, so stricter rules around their use would be advisable.

Thank you for considering our comments.

Yours in Conservation,



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