

POLLUTION FROM LAND USE

ACTIVITIES

REFERENCE GROUP

LEGISLATIVE STUDY

INTERIM

REPORT

NO. 8

RECREATIONAL AREAS

DECEMBER 1976

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FEDERAL CONTROLS

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PROVINCIAL AND
LOCAL CONTROLS

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I. OVERVIEW

Septic tank and related pollution is the most frequent source of concern on national park, Indian reserve land or specially designated recreational lands (e.g. CORTS corridor). While provincial standards respecting septic tank pollution are often the yardstick by which federal agencies work, provincial law is normally not applicable to national park or Indian reserve lands.

Federal control of water pollution in recreational areas under federal jurisdiction, moreover, depends to a high degree on cooperation between non-environmental agencies responsible for administering such lands and those agencies with environmental expertise. Generally, agencies with an environmental control function act in an advisory capacity only.

II. JURISDICTIONAL MEASURES

A. National Parks Act ¹

The Act is administered by the Department of Indian Affairs and Northern Development. Under the Act the federal cabinet may make regulations for the preservation, control and management of national parks; the protection of fish, including the prevention and remedying of any pollution of waterways and the establishment, operation, maintenance and administration of utility, sewage, garbage and related works. ²

General
regu-
lations

Under the National Parks Act General Regulations ³ there is a prohibition against any person polluting any stream or body of water in a Park except as authorized by a Department director for the purpose of taking water for domestic and railway purposes under permit. ⁴ There is also a prohibition against any person depositing rubbish or offensive matter in a Park except in such places and at such times and under such conditions as a Parks superintendent may designate. ⁵ Earth-pit privies, out-closets or privy vaults are prohibited from being erected or used in any Park townsite or subdivision in which a water and sewer system has been installed. ⁶ Earth-pit privies, out-closets or privy vaults on property which cannot be serviced by a Park water and sewer system must be located at such a distance from any dwelling, well or other water supply that they will not in the opinion of the superintendent, create a nuisance or pollute water supplies or wells. ⁷

All buildings in a Park used for purposes of residence, business or tourist accomodation must be provided with a plumbing system including an adequate supply of potable water and suitable sanitary fixtures. Buildings in outlying areas may be supplied with sanitary privies, chemical closets or other such conveniences as the Superintendent may approve. ⁸ Sewage must be drained into a septic tank where there is no public sewer system. ⁹ Septic tank effluent must be chlorinated where the superintendent considers it necessary. ¹⁰

Water
and
sewer
regul-
ations

Under the National Parks Act Water and Sewer Regulations ¹¹ there is a prohibition against any person installing a septic tank or day privy in a Park without the permission in writing of the superintendent. ¹² There is also a prohibition against any person installing a sewer in a Park that is not to be connected to the sewerage system in that Park without the permission in writing of the superintendent. ¹³ An application for permission to install a septic tank or a sewer that is not to be connected to the sewerage system in a Park must be accompanied by plans and specifications of the proposed septic tank or sewer together with estimated costs. ¹⁴

The National Parks Act Garbage Regulations have been covered previously. ¹⁵

B. Indian Act ¹⁶

This Act is also administered by the Department of Indian Affairs and Northern Development. Because it is understood that there is some cottage development on reserves in the Bruce Peninsula, Georgian Bay area a number of Indian Act provisions are of relevance. Under the Act, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province except where such application would be inconsistent with treaties, Federal Acts or except where a matter is specifically dealt with in the Indian Act. ¹⁷ Whether this provision applies to non-Indian tenants on reserves is somewhat unclear because the "landlord" or "permittor" is the Crown itself rather than Indian Bands or individuals.

The Indian Reserve Waste Disposal Regulations ¹⁸ have been discussed previously. ¹⁵

III. AGREEMENTS

A. Canada-Ontario Rideau-Trent Severn Agreement (CORTS)

On February 20, 1975, the governments of Canada and Ontario entered into an agreement to implement a series of objectives relating to future recreational use along the 425 mile Rideau-Trent-Severn river corridor. The corridor is regarded as one of Central Canada's most significant recreational resources. The objectives include: a pollution-free environment; adequate open space; adequate public use and recreational areas; and adequate commercial and private development. Among the terms of the agreement are included the identification of the cause of water pollution, the improvement of water quality and the monitoring of water quality.

The corridor area is generally recognized as a unique mixture of recreational areas and already has a high level of cottage development. In this regard, among the targets for improvement that have been identified by both governments include: the elimination of septic tank sources of pollution; the control of boat wastes and the significant raising of the level of commercial and residential water treatment. Other concerns include that a cottage set-back from the high water mark be enforced in future with a complete prohibition on building, dredging and filling on narrow channels.

The role of the CORTS Program is to provide a framework plan for the implementation of the objectives approved by both governments.

In order to fulfill this role, the Agreement contains an administrative organization with a CORTS Advisory Committee of ten citizens from throughout the corridor and a CORTS Agreement Board, of ten public servants from both governments.

IV. COMMENT

National parks and sewage disposal

There are two national parks in Ontario (Point Pelee and Georgian Bay Islands) with a third under consideration for the Lake Superior Area. Where environmental problems have manifested themselves in these areas they have generally related to the adequacy of sewage disposal at areas such as temporary camp or resort sites. The responsibility for such areas resides with the Parks Branch of the Department of Indian Affairs and Northern Development (DIAND). Frequently, the Parks Branch will work in cooperation with or at the urging of the local district health offices and the Environmental Protection Service of Environment Canada where problems of sanitary sewage disposal are involved. Problems that have manifested themselves in the past and that have required the expertise or involvement of the above agencies have included unsatisfactory use and location of pits for sewage disposal; exposed leaching pits and; undyked or poorly located oil and gas tanks for boating use.

Indian reserves and cottage development

It is understood that the Department of Indian Affairs and Northern Development is the "landlord" or "permitter" in approximately 3900 leases on Indian Reserve lands within Ontario to non-Indian individuals for seasonal recreational cottage development. A majority of these leases would be for cottages in the Bruce Peninsula, Georgian Bay area.

The principal maintenance clauses in the DIAND standard form cottage lease for Indian reserve lands¹⁹ deal primarily with visual standards for garbage removal,²⁰ and fence maintenance.²¹ Lessees or occupiers may also be ordered to abate any nuisances and clean up the demised lands.²² Septic tanks or other sanitary waste disposal systems must conform with the specifications and sanitary standards of local boards of health.²³

Other clauses of the DIAND seasonal recreational leases to non-Indians require that the lessee "prior to any construction or alteration of the landscape on, or adjacent to the said lot, must submit a development plan" to a DIAND representative for approval.²⁴ This provision could in theory form the basis for the issuance of guidelines to the lessee as to how he will be expected to control erosion and sedimentation during the construction of cottages or other structures on such lands. It is understood, though, that no guidelines are specified by DIAND respecting control of erosion and sedimentation.

One additional clause in the DIAND standard form seasonal recreational lease is of interest. Tenants on reserve lands are required to "promptly observe, perform, execute and comply with all applicable laws, rules, requirements, orders, directions, ordinances and regulations of every federal, provincial or municipal or other authority or agency concerning the demised land and buildings or other improvements constructed" in or on such lands. ²⁵ Federal officials are currently reviewing what federal and provincial environmental laws and rules are legally enforceable on such leased lands to non-Indians. For example, many provincial laws under the "property and civil rights" heading of the British North America Act ²⁶ do not apply to "Indians, and Lands reserved for the Indians" which are stated to be within the "exclusive legislative authority" of the federal government. ²⁷ It is understood for example, that provincial rent control does not apply to the DIAND seasonal recreational leases.

At the same time section 88 of the Indian Act provides that "all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province," except to the extent that such laws are inconsistent with treaties, Federal Acts or except where a matter is specifically dealt with in the Indian Act. Whether or not section 88 applies to non-Indian tenants on reserve lands is regarded as problematical because the "landlord" or "permititor" is the Crown itself rather than Indian Bands or individuals. The federal Fisheries Act would appear not to be barred from such application to the Crown.

NOTES

1. R.S.C. 1970, c. N-13 as amended.
2. s.7
3. SOR/55-360 as amended.
4. s.14
5. s.17
6. s.18
7. s.19(2)
8. s.20(1)
9. s.20(2)
10. s.20(3)
11. SOR/68-440
12. s.9(1)
13. s.9(2)
14. s.9(3)
15. See Liquid, Solid and Deepwell Disposal Areas.
16. R.S.C. 1970 c. I-6.
17. s.88
18. SOR/74-153 as amended.
19. Department of Indian Affairs and Northern Development. Standard Form Seasonal Recreational Lease for Indian Reserve Lands (1976).
20. s.20
21. s.21
22. s.19
23. s.14. This would mean the standards under the Ontario Environmental Protection Act (Part VII) and the regulations for sewage systems.
24. s.15
25. s.9
26. The British North America Act, 1867 as amended. s.92(13)
27. s.91(24).

PART II - PROVINCIAL AND
LOCAL MEASURES

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I. OVERVIEW

Recreational area water pollution (e.g. pesticide use, recreational motor vehicles and private waste disposal) may be controlled at both the planning and operation phases. Through the municipal planning process, environmental agencies can recommend limits to cottage development on lakes that have reached their carrying capacity. Planning tribunals have been known to occasionally accept such agency arguments and limit lake cottage over-development even where local government was satisfied with a proposal.

Environment agency surveys of existing private home sewage systems on recreational lakes suggest that many such systems are inadequate. Remedial activity is undertaken once problems are identified. However, the great number of cottages in the province and the relatively small number of cottages surveyed annually suggests that it will be many decades before deficiencies in existing cottage disposal systems are rectified unless more funds are allocated to the problem.

Provincial government encouragement of motorized recreational vehicle use on provincial park and other public lands has increased in recent years. It is unclear whether the implications for water quality from possible increased erosion and sedimentation arising from such **vehicle** use in these areas has been a factor weighted prior to decisions respecting such governmental encouragement.

The majority of permits for pesticide applications to water in Ontario come from recreational communities. Special spray programs have also been developed where threats to public health have been perceived (e.g. from encephalitis bearing mosquitoes). Some municipal officials have doubted the effectiveness of such spray programs despite public pressure to have the programs carried out.

II. GENERAL ENVIRONMENTAL CONTROLS

A. Environmental Protection Act¹

The principal provisions of this statute have been reviewed in previous reports. Part VII of the Act, respecting rural sewage systems, is the main preventive tool for controlling septic tank and related pollution from recreational areas.

B. Ontario Water Resources Act²

C. Pesticides Act³

D. Conservation Authorities Act⁴

The principal provisions of these statutes have been reviewed in previous reports.

E. Environmental Assessment Act⁵

The principal provisions of this Act have been reviewed in previous reports. However, a number of developments respecting the regulation of certain recreational area activities have occurred which are of relevance.

1. Section 30 Exemption Orders

Under section 30 the Minister of the Environment is authorized with the approval of the provincial cabinet to exempt by order undertakings from the application of the Act and regulations subject to terms and conditions imposed by the Minister. The Minister may exempt such undertakings where he is of the opinion that it is in the public interest to do so. He must take into account the purpose of the Act⁶ and must weigh that purpose against the injury, damage or interference that might be caused to any person or property by the application of the Act to the undertaking. Exemptions or terms and conditions to exemptions may also be suspended or revoked by Ministerial order.⁷

Pursuant to this provision the Minister of Environment has exempted a number of Ministry of Natural Resources activities for varying periods. These activities include lake development plans (cottaging),⁸ cottage and camp sites on Crown land,⁹ master park plans¹⁰ and outdoor recreation trails.¹¹ It is understood that such undertakings will ultimately be subject to class,^{8,9,11} plan¹⁰ or planning manual⁸ environmental assessments. Such class or generic environmental assessments would frequently, but not necessarily always, be in lieu of individual (site specific) environmental assessments.

III. OTHER STATUTORY MECHANISMS - PROVINCIAL AND LOCAL

A. Provincial Parks Act¹²

The principal provisions of this statute have been reviewed in previous reports.¹³

In addition to provisions that have been previously mentioned respecting park classification¹⁴ and zoned use designations¹⁵ district foresters or park superintendents are authorized to open or close to travel any road or trail in a provincial park that is not under the control of the Ministry of Transportation and Communications.¹⁶

Under the regulations¹⁷ the use of boats¹⁸ may be prohibited on certain lakes within provincial parks.¹⁹ The use of vehicles²⁰ may be restricted in provincial parks to areas designated by a parks superintendent.²¹ The regulations also establish conditions and fees for the use and occupation of public lands within provincial parks for camp-site and other purposes.

B. Public Lands Act²²

The principal provisions of this statute have been reviewed in previous reports.

The Act is also administered by the Ministry of Natural Resources. The Act provides for the management and disposition of public lands,²³ post-disposition control, and the administration of roads on Crown lands.²⁴

Management includes setting apart (reserving)²⁵ zoning,²⁶ designating restricted areas,²⁷ removing unauthorized occupants and/or structures,²⁸ and controlling unauthorized littering or dumping on public lands.²⁹ Disposition may be by sale,³⁰ lease, licence,³¹ easement³² or land use permit.³³ Post-disposition control refers to follow-up administration of conditions to which the disposition was subject. (A sale or lease, for example, may stipulate that the land is to be, or is not to be, used in a particular manner, and every such condition is deemed to be annexed to the land).³⁴ Where such a condition is violated, the Minister of Natural Resources may apply to the county or district court for an order returning possession of the subject land to the Crown.³⁵ The Minister may also release the land from the condition in whole or in part.³⁶

C. Wilderness Areas Act³⁷

The Act was passed to establish and preserve areas that have unique natural features.³⁸ Development or utilization of the natural

resources in an area more than 640 acres in size is not affected by the Act.³⁹ Wilderness areas are designated under the regulations.⁴⁰ The provincial cabinet may make regulations for prohibiting or regulating and controlling the admission of persons to wilderness and prescribing terms and conditions.⁴¹ However, no regulations have been so promulgated.

D. The Tourism Act⁴²

The Act is administered by the Ministry of Industry and Tourism. The Ministry's objects include preservation and development of tourist and recreational attractions.⁴³ The provincial cabinet is authorized to make regulations governing the plans and specifications of tourist establishments and the facilities and equipment that must be provided.⁴⁴ Under the regulations,⁴⁵ plumbing must be attached to a public sewage system, a septic tank or absorption system, or any other system approved by a local health officer, the Ministry of Health, or an officer of the Ontario Ministry of Environment.⁴⁶ This provision would now be subject to Part VII of the E.P.A. (rural sewage systems) and the Plumbing Code currently under the O.W.R.A. but understood to be likely transferred to the authority of the Ontario Building Code.

E. Municipal Activities Under Planning Legislation

Regional governments, because of the broad geographic areas for which they have planning responsibility, can frequently exert a strong influence on the development of regionally significant recreational areas. Most regional government statutes, however, do not assign any specific responsibility to regional governments to acquire or develop land for recreational purposes.⁴⁷

Regional official plans frequently indicate that regional governments are prepared to take a lead role in developing policies related to open space and recreation. For example, the Regional Municipality of Waterloo Official Plan⁴⁸ indicates that the Waterloo Region principles on recreational area development include regional capability studies to determine recreational open space needs and regional responsibility "for ensuring that land used for recreational purposes does not conflict with Regional policies related to... protection of environmentally sensitive areas."⁴⁹

Regional policies in the Waterloo area also include assisting "in the coordination and when necessary, in the development in the Region of an open space trail system and scenic drive system suitable for year-round use." Currently, the Region is undertaking an in-depth investigation of the problems and prospects of reserving the best possible areas within the Regional Municipality for such recreational activities as hiking, snowmobiling, camping, skiing and related activities. The Waterloo Region also anticipates that the study will allow it to indicate "positive uses in areas presently barred from

development because of hazard land designation, environmental sensitivity or other negative zoning." While potential water pollution problems from the use of recreational areas are not raised explicitly in the study outline, it is understood that among the questions to be reviewed in the study include "what problems exist in greater and under enjoyment of open space resources."

Area municipal official plans sometimes note that "environmental protection and policy areas which are intended primarily to ensure preservation of the natural environment" may also be suitable to "accommodate certain recreational activities." ⁵⁰

In preparing for the development of official plans, area and regional planning departments can have a significant impact on controlling recreational water pollution by adopting planning and designated use criteria as solicited from agencies with environmental expertise. For example, if environmental agencies indicate that cottage development on a particular lake has reached the lake's capacity to assimilate wastes, or threatens to, ⁵¹ then planning agencies can develop the appropriate land use designations to ensure that further development that could be detrimental to the lake's water quality does not occur.

Where municipal government decisions fail to take into account water quality concerns, environmental agencies have been known to successfully appeal such cases to provincial planning tribunals. ⁵²

IV. NON-STATUTORY ACTIVITIES

A. Ministry of Environment Guidelines on Marinas and Cottages ⁵³

These guidelines provide a basis for Ministry of Environment review of construction activities associated with commercial or private development related to water-based recreation. These guidelines should be read together with other MOE guidelines respecting control of erosion and sedimentation generally.

Among the matters which are reviewed by MOE for marina and cottage development are suitability of soil for septic tanks; use of holding tanks and treatment facilities for watercraft wastes; disruption of marsh or aquatic ecosystems; impact of development on water quality (e.g. fuelling spills, etc.) and; the capacity of the respective area for additional boats.

These guidelines, in and of themselves, are of no legal effect. Because the MOE has approval authority for sewage systems under Part VII of the EPA a number of the above guidelines may be used as yardsticks in assessing an application under that Part. MOE may also use these guidelines in an advisory capacity during the municipal plan-

ning process when projected development on particular lakes may be evaluated for water quality impact.

B. Cottage Pollution Control Program

Since 1970 the Ontario Ministry of the Environment has been conducting a program to detect and correct problems of environmental pollution and nuisance in recreational areas. This normally involves inspections of approximately 3000-5000 cottages per year on various Ontario recreational lakes. There are over 250,000 private cottages in Ontario.

Information that is collected about private waste disposal methods at cottage and other establishments includes: the number of occupants at a cottage; plumbing details; location, size and age of the septic tank, cesspool or privy; topography of the lot and location of water bodies.

Where problems of nuisance or direct pollution are discovered the cottage owner is requested to take corrective action. Local health units (which normally enforce Part VII of the EPA) also receive the reports on any unsatisfactory systems and are expected to take further action where appropriate.

Table 1 illustrates the MOE findings respecting private disposal system status in selected recreational lake cottage areas in 1975.

While some health units regard the 1974 consolidation of previously fragmented authority for private sewage systems as an improvement (under Part VII of the EPA),⁵⁴ the table figures suggest that many private sewage disposal systems in unsewered areas are still inadequate. The cottage pollution control program surveys are certainly a valuable aid in isolating the magnitude of the problem of private disposal systems in recreational areas. However, because of the number of systems in the province (e.g. over 250,000 cottages in the province) the current level of MOE cottage surveying (approximately 5000 annually) suggests that it would take an estimated 50 years for the cottage pollution control program to evaluate all cottage systems in the province.

In addition to requesting all cottages with systems classified as nuisances or direct polluters to take corrective action, MOE also enters into agreements with cottagers to carry out abatement procedures. The cottage pollution control surveys have also led to relatively greater use of control orders and prosecutions of private sewage system owners than one sees in relation to conventional municipal or private landfill site operators.⁵⁵ This is understood to be the case in part due to the fact that there are a far greater number of private sewage systems than landfills and

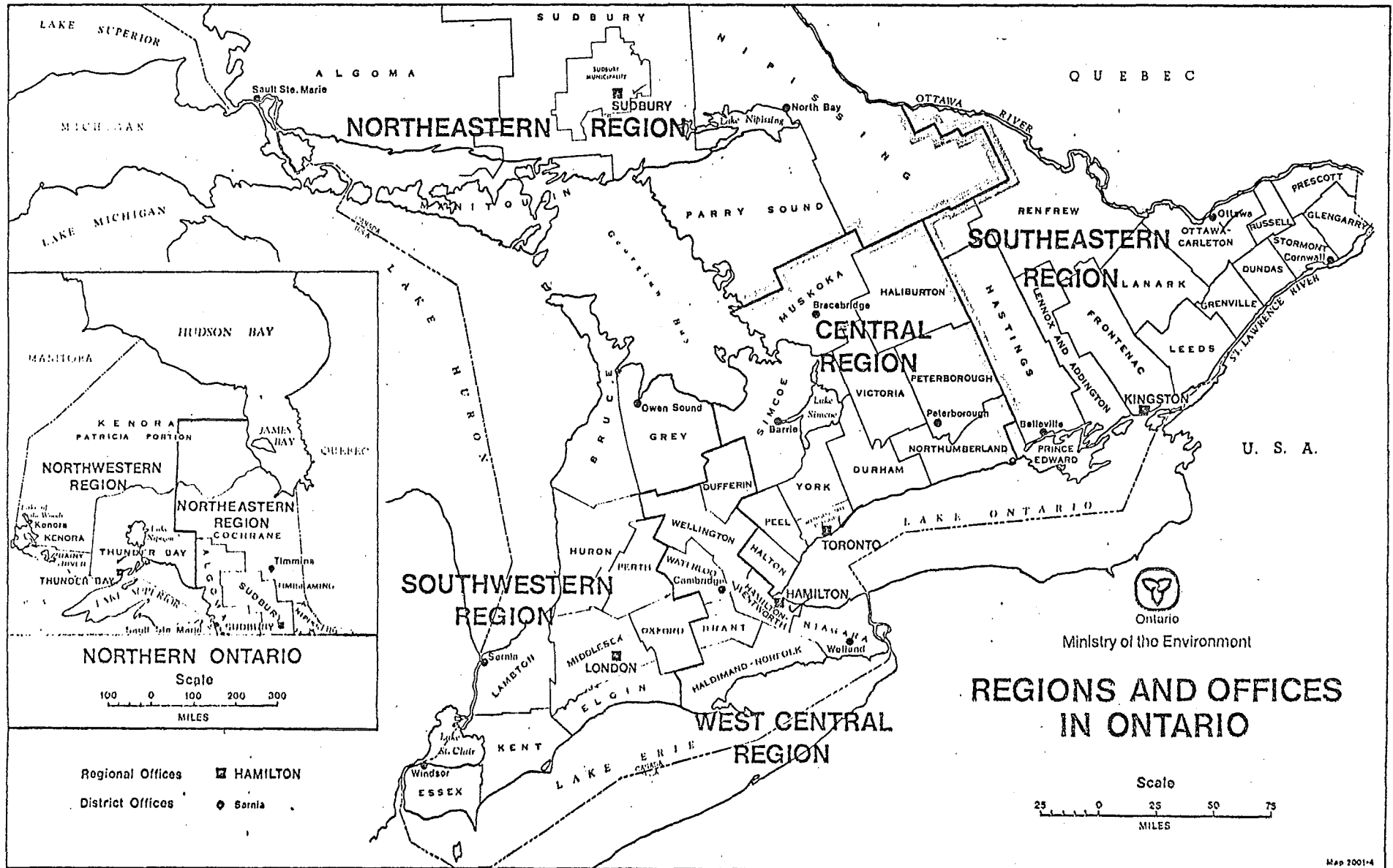
TABLE 1

STATUS OF COTTAGE POLLUTION CONTROL FOR SELECTED ONTARIO DISTRICTS
AND COUNTIES - 1975

County or District	Total Private Sewage Systems Surveyed	Percent Satisfactory	Percent Seriously Substandard ^a	Percent Nuisances ^b	Percent Direct Polluter ^c	Percent Unclassified ^d
Victoria County	1427 ^e	19.4	44.9	25.6	7.4	2.7
Muskoka District and Haliburton County	1448 ^f	36.0	21.0	35.0	1.0	7.0

Source: Ontario Ministry of Environment Central Region Office.
(See Map on page for geographic area covered by region).

- a. Indicates a state of neglect and potentially hazardous.
- b. Indicates wash water and/or solid waste directly escaping onto ground surface.
- c. Indicates a situation where sewage is contaminating the groundwater or reaching the lake either by direct discharge through a pipe or ditch or over the ground surface.
- d. Indicates unclassifiable because of owner absenteeism.
- e. On three county lakes.
- f. On six county and district lakes.



also because the former much more frequently than the latter are perceived by MOE to be direct threats to public health necessitating greater action.

C. Lake Capacity and Planning Studies

A number of studies and planning manuals have been developed or are in the process of being developed by several provincial agencies as tools for assessing and controlling water pollution from lake recreational development.

Private
Recreational
Development

The Lake Capacity Study is an interministerial undertaking (Ministries of Housing, Environment and Natural Resources) which is currently devising a method of forecasting the total environmental change of recreational cottage development and related activities on lake water quality. For example, if fifty to one hundred new cottages were permitted on a lake of a certain size, what would be the short and long term impact on the lake for such parameters as fishing, swimming etc. as a result of likely nutrient increases from septic tanks and other activities?

It is expected that a model or matrix will be developed measuring approximately seventy land/water parameters. This scheme will then be likely utilized during the Planning Act process whereby the Minister of Housing will be able to determine in consultation with other agencies and the use of the Lake Capacity model, approximately what level of recreational development may be appropriate for the particular lake.

It is understood that an initial report is due in 1-2 years.

Public
Recreational
Development

The Lake Planning Manual of the Ministry of Natural Resources⁵⁶ is designed to perform a similar function on lands that are primarily owned by the Crown (i.e. public lands). The Planning Manual notes that "The Ontario government has recognized the need for more recreational opportunities and has identified the significance of cottaging as a recreational form in Ontario. It has assumed the duty of meeting this need by providing opportunities for the Ontario public which are not sufficiently provided for by the private sector."⁵⁷ The Manual notes further that "consciousness of environmental capabilities and capacities is essential in this planning process to ensure the maintenance of Ontario's recreational resources for continuing future use."

The methodology developed for lake planning involves calculations respecting the particular lake's water quality, shoreland capacity, fishing capacity, boating limits and related factors as yardsticks for determining the level of development that will be permissible on a particular lake. It is understood that normally the Ministry of Natural Resources will select the most restrictive calculation as the

level of development that will be permitted on a lake.⁵⁸

This policy would appear to be especially important on Crown lands as approximately 87% of the land in Ontario is public or Crown land. Most of this land is located in the northern areas of the province. Other Ministry of Natural Resources studies indicate that the overall water quality in Northwestern Ontario, for example, is suffering because of "industrial and municipal pollution, and over use by recreationists."⁵⁹

V. AGREEMENTS

A. Canada-Ontario Rideau-Trent-Severn Agreement (CORTS)

See discussion under federal material, above.

VI. COMMENT

Pesticide Use

Pursuant to the Pesticides Act and Regulations, a permit is required by the Ministry of the Environment for spraying pesticides on ponds unless they are completely enclosed on the owner's property and there is no outflow. It is understood that approximately 400 permits are approved annually for pesticide applications to water. Most of these permits are for pesticide applications to recreational community water areas.

Recent concerns respecting the problem of encephalitis, have resulted in special spray programs being developed to control mosquitos. Provincial and municipal efforts have included instruction on eliminating insect breeding sites and use of repellents and insecticides in areas stretching from the northern fringe of Metropolitan Toronto to the top of Lambton County.

Some municipal officials regard such special spray programs as of dubious value since they doubt that the spraying ends the encephalitis threat. However, they felt that the public regards the spraying as necessary and that in such circumstances municipalities have little choice but to conduct the spray program.⁶⁰

Snowmobile, All-terrain Vehicle Use and Related Activities

The Ontario Ministry of Natural Resources administers several programs related to encouraging the use of trails for snowmobiles. In 1975, snowmobiling was permitted in Provincial Parks on approximately 200 miles of marked trails and 700 miles of park roads. In addition, over 600 miles of cross-country snowmobile trails were operated on

public lands. It is also understood that a special one-season snowmobile trail maintenance program, funded to \$1,000,000, was instituted to assist snowmobile clubs, municipalities and conservation authorities to improve the grooming of over 7,000 miles of trails across the Province. Direct financial aid (in the form of grants) was also made available to 132 eligible snowmobile clubs and agencies. ⁶¹

Some of the encouragement to motorized recreational vehicles arises from a 1974 select committee of the Ontario legislature report ⁶² which recommended that public land use areas be established for off-road vehicles. In conjunction with this recommendation, the select committee further recommended that technical criteria be developed and enforced to define areas where off-road vehicle use will not be allowed. Such non-use areas were described as including: areas where damage occurs that cannot be feasibly rehabilitated; areas where soils are classified as highly susceptible to erosion; designated wilderness areas, wildlife areas, and specified scientific or natural areas, and designated trails or recreational areas where the type of environment needed is incompatible with off-road vehicle use (e.g. open space and scenic trips along wild rivers).

While the MNR Trails Program encourages the use of trails by snowmobilers, no information was made available as to whether the implications of the program respecting water pollution from erosion and sedimentation have been considered or evaluated. In certain provincial parks where master plans have been developed, watershed management requirements include "prohibiting any practice which could cause deterioration in the volume or quality of water in the Park. " ⁶³

Recreational Home Private Waste Disposal and Construction ⁶⁴

It is understood that approximately 10,000 new cottage lots are brought on stream every year in Ontario. Of this figure, approximately 10% are produced by the Ministry of Natural Resources for use on public lands. Of the approximately 250,000 cottages in the province, 10% would also have been developed by MNR for public or Crown land areas as well. ⁵⁸

Private sewage system installation on public lands for cottage development is subject to the EPA sewage system regulations. While subdivision draft plans on Crown lands are not required to be submitted by MNR, it is understood that as a matter of policy MNR still submits draft plans to the Ministry of Housing. It is further understood that either the MNR lease or contract with a cottager can have construction conditions attached, but when MNR submits a draft plan, construction is not normally surveyed. While guidelines for cottage

construction are under development, it is understood that such items as settling ponds to control sedimentation are not incorporated. It is also understood that the MNR Lake Planning manual does not address the construction phase impact to water quality arising from cottage construction. Generally, the water quality impact from such activity is regarded by MNR as short term and reversible.

NOTES

1. S.O. 1971, c.86 as amended.
2. R.S.O. 1970, c.332 as amended.
3. S.O. 1973, c.25 as amended.
4. R.S.O. 1970, c.78 as amended.
5. S.O. 1975, c.69.
6. The purpose of the EAA is "the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment." (S.2).
7. S.30(b)(c).
8. Exempted until January 1982, with respect to certain listed plans.
9. Exempted until July 1979.
10. Exempted until July 1982, with respect to certain listed parks.
11. Exempted until August 1979.
12. R.S.O. 1970 c.371 as amended.
13. See Report No.6.
14. S.5
15. S.7(2)
16. S.15
17. R.R.O. 1970, Regulation 696 as amended.
18. Defined as a boat propelled by electric, gasoline, oil or steam power. In some circumstances boats must have a capacity in excess of 10 horse-power.
19. Ss.28 and 29.
20. Defined as a vehicle which may be self-propelled on snow, ice, land or water.
21. S.23.
22. R.S.O. 1970, c.380 as amended.
23. S.2
24. Ss.50-57
25. S.15
26. S.16. The Minister may designate areas where public lands are not open for disposition as summer resorts until a plan of subdivision is registered. (S.16(2)).
27. S.17
28. Ss.27 and 28
29. S.29
30. Ss.18 and 19
31. S.23
32. S.24
33. O. Reg.246/71 as amended S.18
34. S.21(1) of the Act
35. S.21(2)
36. S.22
37. R.S.O. 1970, c.498
38. S.2
39. S.3
40. R.R.O. 1970, O.Reg. 828 as amended.

41. S.7 of the Act
42. R.S.O. 1970 c.122 as amended
43. S.3
44. S.13(f)
45. O.Reg. 390/72 as amended
46. S.23
47. See, for example, Regional Municipality of Waterloo Act S.O. 1972 as amended.
48. Regional Municipality of Waterloo. Draft Official Plan. December 1975 as amended to August 1976.
49. Ibid, Chapter Ten - Open Space for Recreation
50. City of Mississauga. Draft Official Plan. Section on Open Space and Recreation. S.4.6.1. December 1976.
51. Environmental agencies may use such background information as the Lakealert Boat Limit Analysis, CORTS studies or field experience in arriving at their conclusions.
52. See, for example, Re Ministry of Natural Resources and the United Counties of Leeds and Grenville Land Division Committee (1975) 4 CELN 70 (Ontario Municipal Board) in which the OMB reversed a subdivision consent which, if approved, would have contributed to increased lake nutrient pollution because of cottage over-development. The OMB concluded that further recreational land development on an already polluted lake may require a greater standard of control to prevent further lake deterioration, even where municipal authorities were otherwise satisfied with the application. See also Re Township of Caledon (1973) 2 OMBR 366 and Re King Township Official Plan (1975) 3 OMBR 439 where concerns respecting potential septic tank pollution from new development are addressed by the OMB during the municipal official plan review process.
53. Ontario Ministry of the Environment. Water Resources Branch. Evaluating Construction Activities Impacting on Water Resources. January 1976. (Draft).
54. See Liquid, Solid and Deepwell Disposal Areas.
55. For example, in the same MOE regional office where since 1974 (through July 1976) no stop or control orders or prosecutions for landfill water pollution had been undertaken, at least six control orders and one prosecution had been undertaken against private sewage system owners.
56. Ontario Ministry of Natural Resources. Land Use Co-ordination Branch. Lake Planning. May, 1976.
57. Ibid, at page 1.
58. Interview with N.C. Gordon, Head, Lake Planning Unit, Land Use Co-ordination Branch, Ministry of Natural Resources, November 10, 1976, Toronto.
59. Ontario Ministry of Natural Resources. Strategic Land Use Plan - Northwestern Ontario: Background Information and Approach to Policy. (1974).

60. See, "Spray Program to 'fool' Public, Dobkin Says," The Globe and Mail, April 9, 1976.
61. Ontario Ministry of Natural Resources. Annual Report for the fiscal year ending March 31, 1975.
62. Legislative Assembly of Ontario. Final Report by the Select Committee on Motorized Snow Vehicles and All-Terrain Vehicles. 1974.
63. Ontario Ministry of Natural Resources. Algonquin Provincial Park Master Plan. 1974.
64. See discussion on Environmental Assessment Act, municipal activities, MOE cottage pollution control program, and lake capacity and lake planning studies above. See also Urban Areas and Liquid, Solid and Deepwell Disposal Areas reports.