

**A Proposal for the Designation, Boundaries and a Stewardship Council for
The Kawartha Highlands Signature Site (KHSS)**

Proposed by some Property Owners Of the Kawartha Highlands (POOKHs)

Below please find a win-win proposal to solve certain KHSS problems: the environment wins, the LSC / MNR wins, property owners win, the municipalities win, and visitors to the KHSS area win.

I. Background, The Round Tables and the Local Stakeholders' Committee:

During the last four and one half years the Great Lakes St. Lawrence Area Round Table, and the Ontario's Living Legacy Local Stakeholders' Committee, discovered that some persons presented information regarding some overuse and / or abuse of some parts of the KHSS. The problems presented focused on uncontrolled increases in the use of parts of the area by transients, primarily for the purposes of overnight camping, and related problems such as: inadequate roads, parking facilities, privies, fire pits, supplies of firewood and garbage disposal. These problems tended to be "site-specific". Many parts of the KHSS did not seem to be having any problems whatsoever.

Many of the problems were attributed to the failure of Parks Ontario and / or the Provincial Government to properly manage the existing Kawartha Highlands (non-operational) Provincial Park (KHPP).

There were few, if any, suggestions that local property owners were causing significant problems. To the contrary, local property owners were usually praised for the excellent stewardship they had provided for the area for the last five or six decades, or longer.

The naive "one size fits all" solution that has been recommended by the Local Stakeholders' Committee (LSC) at the end of these investigative processes is to re-designate most of the KHSS to be a Provincial Park, including General Use Crown Land adjacent to private properties. This recommendation has serious negative impacts on many KHSS property owners, who have not caused the problems.

Prior to Lands for Life and Ontario's Living Legacy, the owners of almost 2000 private waterfront properties, that were enveloped by private and Municipal property and / or General Use Crown Land, were able take full advantage of the Free Use Policy Privileges on nearby Crown Land.

Subject to reasonable environmental constraints, POOKHs were also able to develop trails, roads and utility corridors, to and from their properties, across nearby or adjacent General Use Crown Land.

As a result of the redesignation proposed by the LSC many POOKHs could lose their rights to access their properties by road or by trail, or to construct utility corridors, altogether.

Many, if not most, of the reasons persons have had for acquiring properties adjacent to Crown Land in the KHSS area are to enjoy Free Use Policy Privileges, and they are suddenly being expropriated.

Careful examination reveals that the Free Use Policy Privileges enjoyed by POOKHs will be greatly compromised by the LSC's recommendations. Stated differently, scarce recreational resources are being expropriated from KHSS property owners, and other locals, for export to transient visitors to the area.

II. Objectives and Values to Protect:

We propose win-win strategies and a stewardship / management council framework that will:

- a) facilitate the protection of the environment within the KHSS, or even a larger area,
- b) preserve property rights, especially property access rights, for POOKHs,
- c) preserve Free Use Policy Privileges for POOKHs,
- d) preserve Free Use Policy Privileges for transient visitors to the KHSS area,
- e) provide for optimal mitigation of potential conflicts arising from items c) and d), and
- f) restore the faith of KHSS property owners - the true local stakeholders - in a process that heretofore has excluded them, and that currently does not have their support.

III. Summary of the Problem:

When Crown Land adjacent to private properties is redesignated from General Use to either the Conservation Reserve (CR) or the Provincial Park (PP) designation, as recommended by the KHSS Local Stakeholders' Committee, then the rights and / or privileges of the owners of the private properties are enormously reduced, as has been discussed elsewhere:

- many privileges provided for by the Free Use Policy are reduced or lost altogether,
- many property access rights are reduced or lost altogether,
- as shown in Appendix 1 and on Map #1 almost 2000 properties are affected,
- there is no reason why property owners should have expected this redesignation,
- there is no valid reason why this redesignation should occur, and
- a much better win-win solution is available.

To preserve the rights and privileges of private property owners, a solution to the problem must be found that precludes private property from being made adjacent to, or contiguous with, Parks or Conservation Reserves. The solution must also provide for appropriate control and protection of KHSS environmental values, and the preservation of the rights and privileges of visitors to Crown Land in the KHSS the area.

IV. Summary of the Solution:

A solution is provided for within the mandate of the LSC - "boundary adjustments", or "exclusions". Exclude corridors of General Use Crown Land from portions of the KHSS proposed to be protected by the Park designation, as illustrated in light green on Map #1, so that no private property is adjacent to land designated provincial park (PP) or conservation reserve (CR).

NB: Exclusion of these General Use Corridors does not mean that they will be unprotected; to the contrary, they will be extremely well-protected as described below.

To address legitimate concerns of some persons who fear that the General Use corridors will be abused by excessive exercise of the Free Use Policy Privileges, control and / or protect these corridors with signage as provided for in the Free Use Policy and the Public Lands Act (PLA). In cases where signage is not adequate, Modified Management Areas (MMAs) should be established, as provided for in the District Land Use Guidelines, and as was suggested by the Great Lakes St. Lawrence Area Round Table. Management prescriptions for these MMAs can be developed at a very local level to prevent abusive uses and / or to minimize the effects of conflicting uses occurring (e.g. cottaging vs. camping, or cottaging vs. forestry or mining, or cottaging vs. trail use) on the same areas of Crown Land.

The attached Outdoor Card Proposal presents a method that could be used to manage / control the excessive exercise of some Free Use Policy Privileges anywhere within the KHSS, or even outside of the KHSS. It should be especially useful for managing issues associated with the increasingly intensive use of canoe routes (overnight camping) and, perhaps, the use of mechanized trail systems.

V. Proposed Solution Details:

1. As Jack van der Meer of Meteek & Co. did, recognize that there are corridors along which very significant cottage development has occurred, most of it decades ago. These corridors are in the vicinity of Pencil Lake, the Major Lakes Corridor shown on the attached maps, the Long-Loucks Corridor, the Big Cedar-Coon Lakes Corridor and the Mississagua River. Also, recognize that the "cottaging industry" has become a very important economic factor in the KHSS area.

2. Exclude these corridors from any areas of the KHSS that are to be redesignated PP or CR by the "boundary adjustment mechanism". Also, allow these corridors to retain the General Use designation and the associated Free Use Policy Privileges and Access Rights that property owners, and others, have enjoyed for decades, and that they expect to enjoy for decades to come.

NB: There is no intent to restrict Free Use Policy privileges for the exclusive benefit of property owners throughout these General Use corridors. Very clearly, these privileges must also be protected for the general public. Some spatial separation between different groups of users and mutually respectful rules for behavior may be required in some areas.

NB: As of June 30th, 2002, the exclusion of these General Use Corridors has been requested by every group, except one, representing property owners in the KHSS Area. The one exception, the Wolf Lake Cottagers' Association, rescinded its approval of the LSC's Draft Recommendations of August 2001 at its Annual general meeting on June 30th, 2002. As of July 6, 2002, it is known that a significant number of cottagers on Wolf Lake now favor the exclusions referred to above.

3. Where necessary, utilize Section 28 of the PLA and / or Section 3.4.4 (a) of the Free Use Policy to provide signage to prevent abusive practices within these General Use corridors.

4. Further, to provide additional control and / or protection, partition these corridors of General Use Crown Land into Modified Management Areas as provided for in the Bancroft and Minden District Land Use Guidelines. Note that this mechanism for protection was suggested by the GLSLA Round Table in 1998.

5. As required, or desirable, create "advisory committees" for the individual MMAs having representatives from property owners in the immediate vicinity of the MMAs, the LSC / MNR, the Municipality and, possibly, other fourth parties. The owners of properties adjacent to Crown Land on these committees will no doubt continue to passionately protect the area and the environment, as they have in the past, and they will be reassured by their "inclusion in the process". Something akin to a neighbourhood watch program might be expected to evolve.

NB: Signage and MMAs as described above should mitigate, or preclude, conflicts that might occur between cottagers and visitors to the area who might be camping or using trails, as examples, close to private property..

6. Recruit property owners from the individual MMA advisory committees to sit on an "Umbrella Council" along with appointees from the municipalities and representatives from the LSC / MNR. This "Umbrella Council" should become the "Stewardship Council" for the KHSS. Members of this Council should not be required to be members of any other association such as, for example, a cottagers' association or the SGKH, although they could be. Several of the lakes and areas affected by KHSS developments do not even have cottager associations. Gold Lake and Pencil Lake are examples. They too require representation.

7. Use ideas presented in the "Outdoor Card Proposal" to further control and protect, at low marginal cost, usage and / or abuse of any area of the KHSS, regardless of its designation.
8. The Outdoor Card Proposal is intended for intermediate situations in which usage has reached a threshold where interference with Free Use Policy provisions is required to prevent abuse, but where full-fledged park management infrastructure is not economically feasible. It could also be useful in many areas outside of the KHSS area where usage is approaching this threshold as, for example, in non-operational provincial parks that are being abused.
9. If any area of the KHSS (e.g. the KHPP) becomes developed with campsites to the extent that the usual provincial park infrastructure, management plans and enforcement make economic sense, then replace the Outdoor Card Model with the normal park management model in that specific area. It is unlikely that this will happen except in the existing KHPP, due to inadequate soil-cover elsewhere in the KHSS.
10. As planned by the MNR in 1983, proceed with the full development of the KHPP to partially satisfy the huge unsatisfied public demand for additional camping facilities in Southern Ontario. Once again, the KHSS area can not be considered to be the private reserve of local property owners.
11. It seems unlikely that capacity studies carried out in 1982 will be reduced by updated studies, because sewage treatment techniques and other relevant technologies have improved considerably since that time. The 1983 District Land Use Guidelines provided for the establishment of 212 campsites within the KHPP by the year 2000.
12. As proposed by the Municipality of Galway-Cavendish and Harvey, recognize that an access befitting an "Ontario Signature Site", with an interpretive centre, should be established directly off County Road #507. Since the majority of visitors to the KHPP are expected to come from the GTA, it is obvious from Map #1 that an access off #507 is the logical way to enter the KHPP.
13. Most of the hunt camps (recreational camps) located in the KHSS are within, or adjacent to, the Anstruther Recreation Reserve or the Burleigh-Harvey Recreation Reserve, RR #1 and RR #2, respectively, shown on Map #1. It would be reasonable to establish MMAs for these areas, and to create management prescriptions for them, that allow for proper mitigation of conflicts that may arise between hunters / anglers and other users.

Alternately, we understand that OFAH, the Ontario Federation of Anglers and Hunters, might prefer to have these areas designated as Remote Access Enhanced Management Areas as described in Section 7.3.3 of the Ontario's Living Legacy Land Use Strategy of July 1999. This should work well also.

These two areas, RR #1 and RR #2, could be expanded to include the areas external to the Spooner Boundaries shown in yellow on Map #1.

Appendix 1: Distribution of Properties Affected by KHSS Developments.

Recent studies by Jack van der Meer of Meteek & Co. show that during the past sixty years significant cottage development has occurred in four or five main areas (corridors) of the area now known as the Kawartha Highlands Signature Site (KHSS). Please see Map #1 and Map #2.

<u>Corridor</u>	<u>Lakes:</u>	<u>No. of Properties</u>	<u>Adj. to Gen. Use</u>	<u>Adj. to Res. Acc.</u>
#1	Pencil	45	45	--
#2	Catchacoma, Mississagua, Beaver, Gold, and connecting waterways, Anstruther, Rathbun, Wolf and Loon Call (the Major Lakes Corridor)	1652	1652	--
#3	Long and Loucks	60	--	60
#4	Big Cedar & Coon	160	160	--
#5	Bottle Lake	4	--	--
#6	Cox and Buzzard Lakes	4	--	4
#7	Approx. 400 acres to northeast of KHPP	3	2	1
#8	Mississagua River	<u>50</u>	<u>50</u>	<u>--</u>
	Total	1978	1909	65

Please note:

- All of the lakes mentioned above are either within, or contiguous with, the proposed KHSS area; therefore, owners of properties on these lakes are most affected by KHSS events. These figures do not include many private, **non-lakefront** properties on the periphery of the KHSS.
- The land designation maps in the MNR's Bancroft and Minden District Land Use Guidelines indicate that prior to the Lands for Life initiative:
 - **4** properties on Bottle Lake were enveloped by the existing Kawartha Highlands Provincial Park,
 - **65** properties in Burleigh Township (Long, Loucks, Cox and Buzzard Lakes) and **1** property in Anstruther Township were enveloped by restricted access designations, and
 - **1909** properties were enveloped by General Use Crown Land and/or other private or Municipal properties.
- Prior to Lands for Life and Ontario's Living Legacy, all of the owners of the 1909 private properties enveloped by private and Municipal property and / or General Use Crown Land were able take full advantage of the Free Use Policy Privileges on nearby Crown Land.

Subject to reasonable environmental constraints, they were also able to develop access to trails, roads and utility corridors, to and from their properties, across nearby or adjacent Crown Land.

Many of these property owners will be most adversely affected by current LSC proposals, to re-designate General Use Crown Land to the Provincial Park designation, if they are implemented!

There is no reason why these property owners should have expected this development to occur, and no valid reason why it should occur!

Appendix 2: Free Use Policy Section 3.4.4 a

3.4.4 Exceptions to Free Uses

The exceptions are:

- a) public lands which are posted or otherwise marked to prevent some or all activities;

Appendix 3: Public Lands Act, Section 28

Unauthorized occupation, etc., of posted public lands

28. (1) The Ministry may cause to be erected on any public lands, including a road under the jurisdiction of the Minister, signs prohibiting, controlling or governing,

- (a) the possession, occupation or any use or uses thereof; or
- (b) the parking of vehicles thereon. R.S.O. 1990, c. P.43, s. 28 (1).

Offences

(2) Every person who possesses, occupies or uses any public lands on which signs have been erected under clause (1) (a) in contravention of any such sign, or who parks a vehicle on public lands on which signs have been erected under clause (1) (b) in contravention of any such sign, and who has had a reasonable opportunity of seeing any of such signs, is guilty of an offence. R.S.O. 1990, c. P.43, s. 28 (2); 2000, c. 26, Sched. L, s. 9 (6).