

Outline of a WIN-WIN-WIN Scenario for the Designation, Boundaries and Management of

The Kawartha Highlands Signature Site

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

Objectives:

We propose boundary adjustments and designations for portions of the KHSS, along with a partial management committee framework, all motivated by win-win philosophies, that will:

- a) facilitate the protection of the environment,
- b) preserve property access rights, especially regarding access for POOKHs,
- c) preserve Free Use Policy Privileges for property owners,
- d) preserve Free Use Policy Privileges for 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 does not have their support.

The proposal relies on “**boundary adjustments**”, as provided for in the mandate of the Local Stakeholders’ Committee, and on “**Modified Management Area**” methods for protecting natural resource values that were suggested by the Lands for Life GLSLA Round Table in March 1998.

The proposal does not require any re-designation of General Use Crown Land adjacent to private property to either the Provincial Park or the Conservation Reserve designation; nor is any such re-designation desirable.

No new legislation, rules or regulations are required; but greater utilization of Section 3.4.4 a) of the Free Use Policy and Section 28 of the Public Lands Act to provide signage on a site-specific basis, may be required.

The proposal suggests a novel use of the Ontario Outdoors Card, which is already used to control hunting and fishing in the KHSS area. This use would require new “tags” for the cards which would facilitate controlling how, when and where visitors access the KHSS area for purposes of overnight camping and, perhaps, non-OFSC mechanized trail use. It would also allow them to dispose of waste at local landfill sites on a “pay to play” basis. It should be possible to implement these new uses for the Ontario Outdoors Card for very low marginal costs.

The Round Tables and the Local Stakeholders’ Committee:

During the information discovering processes carried out by the Great Lakes St. Lawrence Round Table and the Ontario’s Living Legacy Local Stakeholders’ Committee, **some** persons presented information regarding **some** overuse and/or abuse of **some** parts of the KHSS. The problems presented focused on **an uncontrolled increase in the use of the area by transients, primarily for the purpose 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**”. And some areas 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 Provincial Park.

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

The solution that has been recommended by the 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 impacts many KHSS property owners extremely negatively. And they have not been the cause of the problems!

Careful examination reveals that the Free Use Policy Privileges enjoyed by POOKHs will be seriously compromised by the LSC's recommendations. In addition, for many POOKHs, their rights to access their properties by road or by trail, or to construct utility corridors, could disappear altogether. Many of the reasons persons have had for acquiring properties adjacent to Crown Land in the KHSS area are suddenly being expropriated.

Stated differently, scarce recreational resources are being expropriated, conceivably, for export to transient visitors to the area.

Summary of the Problem:

When Crown Land adjacent to private properties is redesignated from General Use to either the Conservation Reserve or the Provincial Park designation, 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, just under 2000 property owners are affected.
There is no reason why they should have expected this development,
and no valid reason why it should occur! A better solution is available!**

To preserve the rights and privileges of private property owners, a solution to our problem must be found that precludes private property from being made adjacent to, or contiguous with, Parks or Conservation Reserves; while still providing appropriate control and protection.

A solution is provided for in 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.

To address legitimate concerns of some persons who fear that the General Use corridors will be abused by excessive use 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. In cases where signage is not adequate, Modified Management Areas should be established, as provided for in the 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) on the same area of Crown Land.

A Proposed Win-Win-Win Solution:

1. As Meteek 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 map, 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 Park or CR by the “boundary adjustment mechanism”, and allow these corridors to retain the General Use designation, and the associated Free Use Policy privileges and Access Rights, that property owners have enjoyed for years.
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.
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.
5. As required, or desirable, create “advisory committees” for the individual MMAs having representatives from: property owners in the immediate vicinity of the MMA, the MNR, the Municipality and, possibly, other fourth parties. The owners of adjacent properties on these committees will no doubt continue to passionately protect the area and the environment, as they have in the past, and will be reassured by their “inclusion in the process”.
6. Recruit property owners from the individual MMA advisory committees to sit on an “Umbrella Committee” along with appointees from the municipalities and representatives from the MNR. This “Umbrella Committee” could become the “co-stewardship council” for the KHSS.
7. Utilize the ideas presented in the “Outdoor Card Proposal” (attached) to further control and protect, at very 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 where usage has reached a threshold where some interference with Free Use Policy provisions is required, but full-fledged park management infrastructure is not economically feasible. It could be useful in many areas outside of the KHSS area where usage is approaching the threshold described above.
9. If any area of the KHSS (e.g. the KHPP) becomes developed 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 seems likely that this could only happen 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 public demand for additional camping facilities in Southern Ontario.

Appendix 1: How many properties and persons are affected?

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.

| <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:

1. 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.**
2. 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.
3. **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 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 they should have expected this development, 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).