October 18, 2007

David Coulas, Superintendent
Kawartha Highlands Signature Site
Ministry of Natural Resources
106 Monck Street, Box 500
Bancroft Ontario
K0L 1C0

Re:  **EBR#: PB05E6008**
K.H.S.S. Preliminary Park Management Plan

Dear Mr. Coulas,

The Stakeholder Groups of the Kawartha Highlands (SGKH) membership is comprised of local stakeholders who live, work and recreate in and around the Kawartha Highlands Signature Site.

The SGKH is an umbrella group whose members are generally other associations such as the OFAH, Township of North Kawartha, Bancroft Stewardship Council, Recreation Camps and of course virtually every active cottage association in the site. At a personal level many of the people we represent are themselves representative of multiple generations of local stewardship.

The SGKH is also one of the four signatories to the Kawartha Highlands Signature Site Charter (Charter). The Charter was the basis of the Kawartha Highlands Signature Site Park Act, 2003 (KHSSP Act).

The Charter and the KHSSP Act were the culmination of years of public consultation and represent a unique, local, ‘made in the Kawarthas’, approach to planning, management and stewardship.

The Charter and KHSSP Act guaranteed on-going local participation, continuation of traditional activities, protection of natural values, cultural values, and a scientific approach to the protection of ecological integrity. Our members doubted that such a unique approach would fit comfortably into an Ontario Parks planning template but we were reassured by politicians, MNR planners and members of the Local Stakeholder Committee that it was both possible and guaranteed in law. With these assurances we signed the Charter.

After long and careful consideration of the Kawartha Highlands Signature Site Preliminary Park Management Plan (PPMP) we find it lacking and in many places in contravention of the Charter and KHSSP Act both in word and in spirit.

Our comments and recommendations are provided below.
1.3 Planning Context

This section states that the PPMP is consistent with the direction contained in a number of different documents. It does not mention either the Charter or the KHSSP Act. Given that the KHSSP Act has precedence over the Provincial Park Act and regulations under that Act this oversight should be corrected. *(KHSSP Act: page 10, Section 20)*

The Charter is the most complete expression of the background, goals and vision for the KHSS.

The SGKH strongly recommends that the Charter should be included in perpetuity as part of the KHSSP Management Plan.

3.3 Cultural Resources

The Charter specifically refers to cottaging as a traditional activity that will “continue to be an integral component of the area”. *(Charter: page 5, Vision for the Kawartha Highlands Signature Site)*

With 500 permanent cottages in the KHSSP and another 1500 adjacent to it cottaging is by far the most popular activity and its most obvious cultural influence in the KHSSP. Incredibly the one of the few references to cottages in the PPMP is a brief statement implying that the sole role of private cottages was to provide accommodation for American tourists in the “last couple of decades of the 1880s and into the 1900s…” *(PPMP page 8, Section 3.3)*

A section dedicated to cottaging should be developed in conjunction with local cottage associations and incorporated into the PPMP.

A cottaging section could include:
- A definition of cottaging
- Historic role of cottaging in the area
- The current presence of cottages in the KHSSP
- A list of typical, traditional cottage activities enjoyed on land and water
- An examination of potential stewardship roles for cottage associations.

We also find references to activities and culture of recreation camps to be lacking and would encourage a dedicated section be developed for this important cultural tradition.

Given that many transient users of the KHSSP will be surprised at the existence of cottages and recreation camps in the area we believe that the PPMP should embrace both cottagers and recreational camp users as partners and let potential visitors know of this unique aspect of the KHSSP.

The SGKH is willing to co-ordinate or assist with these endeavors.

3.4 Recreation

This section should include a more complete reference to cottage and recreation camp activities. Cottaging is by far the largest form of recreation in the KHSSP and hunting/fishing is probably the second. Potential visitors should be aware that these activities are taking place.

We are also concerned that certain traditional activities enjoyed by cottagers and/or LUP holders may be overlooked and therefore disallowed. Obvious examples are berry picking, canoeing, sailing, swimming, regattas, water skiing etc.
5.0 Boundary
This section should include a statement that there will be no expropriation of land for the purpose of increasing the area of the Park as per the KHSSP Act. (KHSSP Act: page 4, Section 4)

The PPMP states, “An ecosystem approach allows park management to consider the relationship between the park and the surrounding environment.” (PPMP: page 9, paragraph 5)

Since there has been a tendency towards implementing buffer zones around parks and imposing environmental constraints and since much of the area surrounding the KHSSP is private property a clear statement must be made as to the meaning and possible implications of this statement.

7.0 Overview of Goals Objectives and Desired Outcomes
The inclusion of tables in the PPMP is a good idea. It provides an easy to follow format, especially for those who might be new to the process.

We appreciate the provincial context provided at the beginning of each table. We strongly recommend adding a local context that can be easily taken from the Charter and KHSSP Act.

The SGKH is willing to assist with the drafting of an appropriate local contextual statement for each table.

Table 1. Protection
For years cottage associations have been actively testing water, promoting septic systems, naturalizing shorelines and taking other positive action to promote ecological integrity. Most cottage associations have naturalists and sometimes biologists as members.

We recommend promoting partnerships with interested local stakeholder groups and the inclusion of “citizen science” to supplement park initiatives.

Table 2. Recreation
We believe that “high-intensity day-use” activities promoted as an Ontario goal is inappropriate for the KHSSP and its low-density, semi-wilderness focus. It is even inconsistent with the PPMP that states, “No new day use areas or beach development is proposed in the park.” (PPMP: page 36, Section 8.7.4)

The Goal in Table 2 allows too broad and restrictive a reading as it pertains to traditional recreational activities. Specifically where the Goal states, “while allowing traditional recreational activities to continue in a controlled manner which has the least impact to ecological integrity” it could be interpreted as endorsing the ban of all traditional activities.

We are similarly concerned with the term “authorized traditional recreational activities” used in Objectives 2.1.1. What does “authorized” mean? This term does not appear in the Charter or KHSSP Act. What are the criteria for authorization? Once again this term appears to endorse the de-authorization of some or all traditional activities based on an unstated criteria or whim.

Within this table a positive statement should be made about the continuation of traditional activities including, but not limited to hunting, fishing and cottaging.
Table 3. Public and Stakeholder Interests
The word “allow” in Goal 3.2 should be “guarantee” so that it reads: To guarantee continued access to and enjoyment of private and tenured land.

The corresponding Objective 3.2.1 should not restrict landowners to their property but allow for the enjoyment of the land and water adjacent to their property.

We are encouraged to read, “The Management Advisory Board works with the public and stakeholder groups to assist with the development of partnerships intended to achieve the vision for the park” (PPMP page 14, Desired Outcomes – last bullet point)

The SGKH believes this will be a positive step to engaging stakeholder groups to the betterment of the park and the fulfillment of the intent of the Charter and KHSSP Act.

The SGKH is willing to work actively and co-operatively with the Management Advisory Board to achieve these goals.

8.3.1.1 Private Recreation Camps
One of the criteria listed for granting a yearly LUP or enhanced tenure is, “an assessment of the effect of the camp on the natural heritage values and/or conflict with other users”. (PPMP: page 19, Section 8.3.1.1)

It is our hope that all users who share the KHSSP show respect for each other and their recreational activities. We are also aware that hunting can bring out sincere and even emotional responses on both sides of the issue. With these statements in mind it is important to remember that the KHSSP is a child of Lands for Life and later Ontario’s Living Legacy and that both of these initiatives guaranteed and actually promoted hunting as a living example of our cultural heritage.

8.3.1.3 Boat Caches
Boat caching is a traditional activity that has occurred in the KHSSP for generations. It is used for accessing private property, accessing hunt watches, removal of game, fishing and other recreational purposes. In recent years boats cached by cottagers have aided in search and rescue and fire fighting.

Boat caching does not harm the ecological integrity of the KHSSP and is a traditional activity guaranteed by the Charter and KHSSP Act. The PPMP must be modified to allow boat caching to continue.

The SGKH recommends a free permit system with specific locations and limits to the number of cached boats at any given spot appropriate to the location.

The SGKH is willing to assist park staff in identifying the owners of cached boats, removal of derelict boats and, where needed, the construction of boat racks.

8.3.2 Water Management
Many cottage associations have conducted water testing and have records dating back years. We are confident that they would share the historical information and aid park staff in monitoring water quality on an on-going basis.
8.3.8 Vegetation Management
The PPMP statement regarding a conditional ban on chainsaws in the KHSSP is too vague. It states, “Ontario Parks proposes to prohibit chainsaws in the park except as authorized by authority of the park superintendent.” (PPMP page 24, Section 8.3.8, 6th bullet point)

We have been told this is intended to restrict campers from bringing chainsaws into the park and the park superintendent will authorize other uses. You can appreciate that a chainsaw is an essential tool used by cottagers and LUP holders for fuelwood harvesting as well as road and trail maintenance.

It is the observation of our members that backcountry campers seldom use chainsaws although it is more prevalent with motorboat campers.

The SGKH recommends a ban on cutting live trees. It further recommends a positive statement as to the authorized uses of chainsaws for harvesting fuelwood, road and trail maintenance and for the purposes of search and rescue as well as other circumstances where safety is the concern.

The restriction on harvesting fuelwood within 100 m of private property and within .5 ha of an LUP are short sighted and counter productive to allowing some dead wood to remain as habitat.

The SGKH recommends that fuelwood permits should restrict the amount of fuelwood that can be harvested, not the location of the harvesting. With cooperation between permit holders and the park superintendent it is even possible that harvesting could be targeted, on an ad hoc basis, to blow downs on roads, trails, campsites and other locations identified by the park superintendent.

8.3.10 Fisheries Management
The PPMP allows the harvesting of bait-fish while proposing to disallow the use of bait-fish by anglers. While acknowledging the objectives of reducing the chance of spreading disease and invasive species into the KHSSP we find that the MNR already have restrictions in place that should meet these objectives.

The SGKH recommends allowing the use of bait-fish harvested within the KHSSP for the purposes of angling.

8.3.13 Research
The PPMP states, “Removal of natural materials or artifacts is strictly prohibited, unless authorized by the Park Superintendent, and any materials removed remain the property of Ontario Parks.” (PPMP: page 27, Section 8.3.13, 9th bullet point)

This statement would appear to ban berry picking a traditional activity enjoyed by generations of cottagers. It would also ban the collection of fallen leaves, pinecones, acorns and twigs – the very things small children collect to make a table centerpiece for a Thanksgiving dinner at the cottage.

The SGKH recommends that this point be reworded in such a way as to prohibit the removal of artifacts and natural materials of a significant cultural or natural value.
8.3.14 Inventory and Monitoring
The Charter, KHSSP Act and PPMP all speak to the importance of adaptive management, inventories and monitoring to protect the ecological integrity of the KHSSP.

At the same time the best-case scenario is that the KHSSP might have one staff Biologist and share the resources of district staff with all the other Provincial Parks. The resources available to the park do not appear to be adequate for the job at hand.

The SGKH recommends that partnerships with local stakeholder groups be formed to guide, encourage and avail the park of the resources of the “citizen scientists”. In a time of inadequate staffing and budgets we believe this would be a great asset to the park.

8.4 Recreation Management Policies
This section is silent on the recreational activities of cottagers and those who belong to recreational camps.

The SGKH recommends that the PPMP include a positive statement on the continuation of traditional recreational activities enjoyed by cottagers and recreational camp members.

8.4.1 Services for Visitors
The first bullet point in this section describes the services that may be provided to visitors including, “firewood, camping and grocery supplies, camping equipment rentals, canoe rentals, fishing equipment rentals and souvenirs”. (PPMP: page 28, Section 8.4.1, 1st bullet point)

These services are also provided by local businesses.

As one of its desired outcomes the PPMP lists, “The park’s current contribution to the local and regional economy continues.” (PPMP: page 13, Table 2 Recreation, Desired Outcomes 9th bullet point)

The SGKH recommends proceeding cautiously and consulting with local businesses with any plans to offer services that compete with local businesses.

The KHSSP Act states “No facility that is intended to be used by the public shall be erected or constructed by the Ministry at a location that is within 100 meters of private property that is surrounded by Park lands or abuts Park lands on or after the day this section comes into force.” (KHSSP Act: page 5, Section 9)

The SGKH recommends including this wording in section 8.4.1.

8.4.3 Hunting
The KHSSP Act clearly states: “11. (1) For greater certainty, a person may hunt, fish and trap in the park in accordance with the Fish and Wildlife Conservation Act, 1997. (2) Section 4 of the Provincial Parks Act does not apply to the Park.” (KHSSP Act: page 12, Section 11 points 1 and 2)

By “mistake” the KHSSP was regulated with a group of other parks under Regulation 665/98 of the Fish and Wildlife Conservation Act. This action contravenes the Charter and KHSSP Act.
The PPMP states, “M.N.R. is considering a change to the regulation to broaden the scope of hunting in the Kawartha Highlands to increase the number of species that can be hunted throughout the entire year.” (PPMP: page 28, Section 8.4.3, 1st bullet point)

This statement is both incorrect and misleading to the general public. It has caused unnecessary confusion and conflict as well as placing hunters in a position of unknowingly breaking the law.

The KHSSP Act states, “If there is a conflict between a provision in this Act and a provision in the Provincial Parks Act or a regulation made under that act, the provision in this Act prevails.”

(KHSSP Act: page 10 Section 20)

The SGKH strongly recommends that this regulatory “mistake” be corrected in the most expedient manner possible.

8.4.4 Recreational Fishing

The KHSSP Act clearly states, “Subject to Subsection (2), nothing in this act shall limit or in any way diminish a right of access to or through land that is part of the park where that right was granted under the Public Lands Act or other provincial legislation on or before March 29, 1999.”

(KHSSP Act: page 10, Section 17.1)

Yet the second bullet point in this section states, “No person is permitted to use an ATV to access lakes in the park for fishing purposes.” This statement contravenes the Charter and the KHSSP Act.

Stakeholders have been using ATVs to access lakes for the purposes of fishing for many years. With an aging population a restriction of this traditional activity will put a premature end to the enjoyment of fishing to our seniors and handicapped anglers.

The SGKH strongly recommends the removal of the second bullet point.

The PPMP allows the harvesting of bait-fish while proposing to disallow the use of bait-fish by anglers. While acknowledging the objectives of reducing the chance of spreading disease and invasive species into the KHSSP we find that the MNR already have restrictions in place that should meet these objectives.

The SGKH recommends allowing the use of bait-fish harvested within the KHSSP for the purposes of angling.

8.4.6 Mechanized Travel

Motorboats

The Charter clearly states; “Ontario Parks does not intend to apply for any federal restrictions on boating where there is private property.” (Charter: page 10)

Yet the PPMP’s first bullet point under Motorboats proposes to amend existing regulations and place restrictions on motorboat use.

The SGKH strongly recommends that all proposed motorboat restrictions that are in conflict with the Charter be withdrawn from the PPMP.
Snowmobiles
The KHSSP Act clearly states, “A person may operate a motorized snow vehicle in the park if the motorized snow vehicle is operated on a preexisting road or trail, or on a road constructed under subsection 10 (2).” (KHSSP Act: page 9, Section 15.5)

Yet the PPMP’s first bullet point under Snowmobiles limits snowmobile use to preexisting roads or trails for the “sole purpose of” gaining access to private or tenured property, or for recreational purposes on an Ontario Federation of Snowmobile Club (O.F.S.C.) trail.

The SGKH strongly recommends that this unwarranted and unnecessary restriction that is also in conflict with the Charter and KHSSP Act be withdrawn from the PPMP.

The PPMP’s second bullet point under Snowmobiles states, “For the purposes of gaining access to winter fisheries, motorized snow vehicles are restricted to traveling over frozen lakes.” This statement is obviously nonsensical. A snowmobile must travel over approved roads and trails in order to reach the frozen lake as per the Charter.

The SGKH recommends this bullet point be removed and that lakes (frozen or otherwise) are included as part of the approved trail network.

All-Terrain Vehicles (ATVs)
ATVs appear to have become the scapegoat for environmental abuse. While Jeep and ATV rallies are threats to the ecological integrity of the KHSSP and should not be allowed these activities have been limited to a few areas on the west side of the site. On the east side of the site ATVs often come and go without a trace.

Neither the Charter nor the KHSSP Act single out ATVs for specific comment – they are included as “motor vehicles”. See Charter page 16 Definitions.

The SGKH strongly recommends that, consistent with the Charter and KHSSP Act, ATVs should be managed along with all motor vehicles (not separately) and that Jeep and ATV rallies should not be permitted.

8.4.8 Other Recreational Uses
This section is rather limited in its scope on what can and can’t be done in the KHSSP. It does not address traditional activities at all. Cottaging and hunting are two categories of activities that should be included.

The SGKH recommends that the PPMP include a positive statement on the continuation of traditional recreational activities enjoyed by cottagers and recreational camp members.

The SGKH recommends that if a list of approved and unapproved activities is going to be made that a criteria be stated and that the actual list be an appendix that can be updated as required.

8.5.1 Natural Heritage Education
This section discusses both natural and cultural heritage but the title omits cultural.
The KHSSP is a unique park within the Ontario Parks system. The Charter and KHSSP Act celebrate, protect and define that uniqueness – the KHSSP is a “Made in the Kawartha’s” park.

The SGKH recommends that with some minor adjustments the natural and cultural heritage education theme could be made to reflect that uniqueness. For example the history of the area and the historic and on-going role of the diverse stakeholders/partners could easily be woven into the proposed initiative and make it MUCH MORE relevant to and reflective of the KHSSP.

8.5.2 Partnerships
This section is rather weak especially in light of the incredible history of stakeholder participation from the Lands For Life initiative through Ontario’s Living Legacy, the Local Stakeholder Committee, the Charter and the KHSSP Act.

While discussing the role of the Municipalities in the “park management plan and the “ongoing management of the park” the Charter clearly states: “The park will also seek to develop a range of other types of partnerships in order to ensure effective management and involvement of the stakeholders.” (Charter: page 10)

The SGKH strongly recommends that this section be made more positive in the park’s commitment to partnerships with stakeholders as an ongoing component of management planning, monitoring, “citizen Science” and other roles beneficial to the KHSSP.

8.6.1 Marketing
The marketing of the KHSSP should make clear the large number of cottages and recreational camps in and adjacent to the site. Marketing as a traditional park will lead to inappropriate expectations of some members of the public who are seeking a traditional park experience.

Marketing and signage should present the area as the “Kawartha Highlands Signature Site” with the Ontario Parks logo present as is done on the cover of the preliminary plan.

8.7.6 Backcountry Camping
The final bullet point in this section discusses an evaluation of the “backcountry campsites” in the KHSSP and a subsequent evaluation of the carrying capacity of the area.

The PPMP defines “backcountry” as, “A term applied to areas where there are no permanent access roads, developments or settlements. Camping facilities are generally primitive [fire pit, tent pads, pit privy] and a few other facilities exist.” (PPMP: page 41)

Closing campsites on access lakes is consistent with the semi-wilderness recreational vision and goals of the KHSSP.

Closing campsites on access lakes will improve safety when combined with a ban on launching a canoe at dusk and the provision of one or two overnight campsites at major access points for late arrivals. Local commercial operators could also provide overnight accommodations.

Closing campsites on access lakes will also reduce potential conflicts between campers and cottagers.

The SGKH strongly recommends that all non-backcountry campsites be closed.
Upon consideration of the PPMP the SGKH has come to the conclusion that at the root of most of our concerns is the obvious straying from the direction provided by the Charter and KHSSP Act by Ontario Parks in the preparation of this document.

While ecological integrity is the overriding goal it is not the only goal and it is not the goal for which all other goals are sacrificed. It does not justify banning traditional activities protected by the Charter and KHSSP Act. In fact the restriction or banning of any activity must be justified by inventory, monitoring and adaptive management – that is deductive science – not an opinion or a political point of view.

Perhaps the realization that the KHSSP will be under funded has led Ontario Parks to punitively restrict and ban certain activities rather than commit the resources to manage them.

Despite assurances to the contrary perhaps Ontario Parks had trouble fitting this unique area into its park template.

Regardless of the reasons the PPMP has strayed from the vision and direction of the Charter and KHSSP Act to the extent that the SGKH can not support it at this time.

It is in everyone’s interest to create a Management Plan that will reflect the vision, goals and direction provided in the Charter and KHSSP Act.

The SGKH strongly recommends that PPMP planners meet with active, interested Charter Signatories to resolve the issues outlined in this submission.

The SGKH looks forward to working positively and productively to resolve the conflicts between the PPMP and the Charter and KHSSP Act in order to achieve a Management Plan worthy of the history and uniqueness of the Kawartha Highlands.

Sincerely,

Len Bourne
Co-Chair SGKH

cc: Laurie Scott MPP Haliburton-Kawartha Lakes-Brock
Jeff Leal MPP Peterborough
Adair Ireland-Smith, Managing Director Ontario Parks
SGKH Members