

Background on HBM's Upcoming Meeting re Boathouses on Jack Lake and to Designate Sharpe's Bay as At-Capacity

2021 Apr 16

Greetings Lakers

With considerable interest in the upcoming Havelock Belmont Methuen (HBM) Public Meeting taking place via Zoom on April 23rd, 2021 (9:30- 12:30), we wanted to offer you some background, insights and updates.

First, please note our initial December 2019 article outlining our position on the subject of new dry-land boathouse builds (attached). Here's our follow-up.

What is the Public Meeting about?

It is important to note that our lake falls within two separate township jurisdictions; North Kawartha (NK) and HBM. The proposed HBM amendments have already been adopted by NK in 2019. As such, one key reason to support these amendments is to ensure that we have consistent shoreline protection guidelines throughout the lake.

The Public Meeting will focus on three amendments: two relating to HBM's Official Plan (OP) and one to HBM's zoning bylaws.

Early in 2019, HBM Council directed its staff to undertake a study to examine the issue of on-land boathouses (new in-water boathouses have already been prohibited by both NK and HBM townships). In December 2020, the Township hired a planning firm, FOTENN to examine:

- (a) designating Sharpe's Bay of Jack Lake "at-capacity",
- (b) deeming Jack Lake a 'cold water' lake, and
- (b) regulations restricting the construction of new dry-land boathouses within 30 metres/100 feet of the lake's high-water mark.

FOTENN has published a Report and some of the information cited in this write up comes from that Report. (Here is the link for the full Report starting on p.

46. <https://calendar.hbmtwp.ca/council/Detail/2021-02-02-0930-Regular-Council-Meeting/469c7d55-7ca5-4a99-8d17-acbf00e8f7db>)

What does 'cold water' lake and 'at capacity' mean and how do these designations impact lakers?

If passed, these amendments to the OP would be consistent with long- time provincial designations as well as those of NK Township.

The Ontario Government has recognized the whole of Jack Lake as a "cold water" lake fed by other cold waterways. Cold water lakes and streams are critical habitat for healthy cold-water fisheries, including trout. Such lakes are rare, and Jack Lake is one of them. Only about 1% of Ontario's lakes contain lake trout. Yet, this represents 20-25% of all Lake trout lakes in the world. Such lakes are part of our natural heritage yet significant number of Ontario lake trout populations have been lost or impaired. Unless properly managed, these fisheries will be lost forever.

Because of this, the province has assumed responsibility to properly manage this resource and advised municipalities to follow suit. In order to preserve the cold lake environment, development is only permitted if it does not adversely impact the habitat required for healthy cold-water fisheries.

Jack Lake has long been a Trout Lake. In 2006, the MNRF de-listed the lake as a "natural Lake Trout Lake" as it was believed the species population had been extirpated. Netting programs completed in 2008 and 2009 collected lake trout of different sizes and ages from several shoals in Sharpe's Bay, the largest and deepest of the four lake basins. Further assessments determined Sharpe's Bay to be at capacity for development. In 2015, the province re-listed Sharpe's Bay as a Lake Trout Lake. (FOTENN, January 2021).

Lakeshore capacity assessment is a planning tool used by the provincial government to predict how much development can take place along the shorelines of an inland lake on the Precambrian Shield (which is where Jack Lake is situated) without impairing water quality. This assessment measures levels of phosphorus and dissolved oxygen.

An 'at capacity' finding (such as the long-standing Jack Lake designation) means that any development activity such as the creation of additional lots or units or changes in land and water use that can adversely affect water quality and aquatic habitat is restricted. Note that this "at capacity" provincial designation is not up for debate. The proposed OP amendment would simply reflect this existing designation.

If passed the HBM amendments would not impact existing structures. So, if you already have a boathouse, for example, it would be "grandfathered" as a non-conforming legal structure.

For more information on 'at capacity', see the Lakeshore Capacity Assessment Handbook <https://www.ontario.ca/document/lakeshore-capacity-assessment-handbook-protecting-water-quality-inland-lakes#>

For more on Ontario's trout lakes, see <https://www.ontario.ca/page/inland-lakes-designated-lake-trout-management>

What these amendments mean for new dry-land Boathouses

The "at capacity" and "cold water" designations tie directly to the proposed dry-land boathouse rules. Again, this is in keeping with NK's recent bylaw change restricting new on land boathouse constructions. If passed, this bylaw amendment would not allow new builds within the 30 metre/100-foot buffer zone. Existing structures would be "grandfathered" as legal non-conforming structures.

JLA Position

JLA's support of these amendments is multi-faceted.

Property Values and Legacy

Especially in light of ongoing climate change, as lake stewards, we are concerned with preserving the lake for future generations. However, as property and cottage owners our motives are also to protect the value of our lakefront investments. As lake landscapes are developed, natural shorelines are often damaged or destroyed. Beneficial natural vegetation is cut, mown or replaced. This often leads to eroded shorelines, increased weed and green algae growth, degraded water quality and aquatic habitat, impaired aesthetic and a reduction in property values. (source: Muskoka Watershed Council, 2013).

We appreciate that some lakers may favour individual rights to build on one's own property. As property and cottage owners we understand this concern. We all have a right to develop, renovate and beautify our property perhaps with a view to increasing its overall value. However, over the longer term, protecting our shorelines goes to the heart of preserving the value of our properties as a community. We are not against development. Rather, we support responsible development. By protecting our shorelines and ensuring clean water for all cottagers, we are ensuring that these precious resources retain their value and exist for generations to come.

Jack Lake is Unique

Jack Lake is ecologically unique in several ways. It is a headwater lake in the Trent Severn Waterway system which impacts the quality and quantity of water determined from provincially significant wetlands surrounding the lake. It has three fish community types (warm water, cool water and cold water) and is situated within the Peterborough Crown Game Preserve. There are at least 31 Species at Risk with have been documented and recorded in the immediate area. Moreover, Ontario Nature has recently deemed Jack Lake's environs as one of the top three out of 25 designated fragile environments worthy of special protection.

Our lake is also unique given its 'cold lake', Lake trout lake and "at capacity" designations. In its uniqueness however, the lake is also ecologically fragile. Lake Trout lakes are particularly vulnerable to the impact of human activities, including exploitation, enrichment from cottage septic systems, acidification, species introductions, and habitat destruction. Because of their high sensitivity to disturbance, special protection is required for these lakes and their inhabitants.

(source: <https://www.ontario.ca/page/inland-lakes-designated-lake-trout-management>)

Progressive Stewardship

Given our primary mandate is that of lake stewardship, we are keen to protect and care for the lake and its surrounding environment. With this mission, when the JLA has an opportunity to represent the lake community to various levels of government, it does so in the spirit of progressive lake stewardship.

In particular, we are concerned with protecting the lake by modernizing perceptions of shoreline development. The days of indiscriminate building directly on the water's edge is no longer in step with a strong science-based understanding of lake ecology and environment. There has been a steady trend over the past 25 years toward retaining and preserving more natural shorelines. In fact, on lakes where overdevelopment has taken place, there are now efforts to undo the resulting ecological and environmental harm.

The JLA's approach is science-based. Today we know so much more about the impact and consequences of shoreline destruction and building within lakeshore buffer zones than we did 30 years ago. These scientific conclusions are well documented. (A good starting place for a quick review of this science is the Ontario government's Handbook referenced above.)

The value of our properties is directly related to the health of the environment. Our lake is a shared resource, and it is important that we preserve its value for today and generations to come.

JLA Board