



Date: March 21, 2018

To: Melissa Markham, Director of Planning, Township of Lake of Bays

Melissa Halford, Manager of Planning, District of Muskoka

From: Lake of Bays Heritage Foundation

CC: Lake of Bays Association, Muskoka Conservancy

Re: OPA 01/18 LOB & Z 01/18 LOB (Langmaid's Island)

This letter is submitted to both the District of Muskoka (DOM) and the Township of Lake of Bays (TLOB) as the Lake of Bays Heritage Foundation's (LBHF) initial response to the Planning Justification Report (PJR) and associated documents for the proposed development of Langmaid's Island.

LBHF is a community-based, not-for-profit organization committed to protecting the natural, built and cultural heritage of Lake of Bays. As a land trust, the LBHF encourages the protection of our heritage through education, voluntary stewardship, conservation easements, land donations and land acquisitions. LBHF owns and protects 170 acres and 6.5 kilometres of shoreline on the Lower Oxtongue River, a Muskoka Heritage Area.

Langmaid's Island, a Muskoka Heritage Area

Langmaid's Island is the second largest island on the lake with a 6,000 metre undisturbed shoreline. It was designated as a Muskoka Heritage Area in 1994 and was recommended as a candidate for an Area of Natural and Scientific Interest (ANSI). The significant natural values were then identified as diversity of habitats, undisturbed biotic communities, late growth successional forest, early successional deciduous forest, potential Lake Trout spawning shoals as well as a deer wintering yard. Additionally, the proximity of the island to the mainland was identified since it allowed for wildlife migration opportunities for many species. The sensitivity of this site is related to the natural quality of this forested island as a significant wildlife habitat and to the presence of an extensive undisturbed shoreline on a lake already heavily developed for recreational use. The Environmental Impact Study (EIS) undertaken by Riverstone states that 'The quality and lack of disturbance of the habitats is unquestionable' (Section 3.5.4 Muskoka Heritage Area). Extreme care should be taken in considering an application to remove the MHA designation and to subdivide the total island into 36 waterfront residential lots.

If this property were to be permanently protected, it would be another 'jewel in the crown' of the Township and proof of the Township's interest in retaining its natural values especially with the significant undisturbed shoreline where loons nest and many species reside. Indeed, this winter many deer have been seen on the island and, in the last few weeks, a bald eagle has been sighted at Langmaid's Island. The bald eagle is a Species of Concern and its greatest threats are pollution and the loss of natural shorelines.

LBHF feels strongly that **this property should not be developed any further than the existing developed footprint** as noted in Section D.98 of the TLOB Official Plan. The remainder of the property could be donated to LBHF or any other registered land trust and registered charity, for permanent protection, for educational opportunities, and for natural science research by such organizations as Ontario Ministry of Natural Resources and Forests (OMNRF) or Fisheries and Oceans Canada. A charitable tax receipt would be provided to the owners. Alternatively, the owner could enter into a Conservation Easement with LBHF or any other land trust to permanently protect the natural heritage of the island.

Correction

For the record, the **LBHF has never stated**, as the PJR (p.10 of App.G, re Section D.100 of the TLOB Official Plan) attributes to the LBHF, **that it is not feasible to preserve the whole island in its natural state**. This point of record is very significant for the DOM and the TLOB when considering Section D.100 of the TLOB Official Plan.

Comments on the Project Justification Report

The contents of the PJR and supporting documents are extensive and more time is required for further analysis. Based on an initial review, **LBHF finds the proposed development plan outlined in the PJR does not adequately protect the heritage values of Langmaid's Island**. The following are specific concerns and recommendations and further comments will be submitted once the Statutory Public Meeting has been scheduled.

1. Conservation Methods

-Diligent application of mitigation measures: The EIS acknowledges the sensitivity of the natural heritage values and many recommendations include the wording 'that the mitigation measures recommended below will reduce the risk of negative impacts to an acceptable level **when diligently applied**.' LBHF has concerns with the availability of time and resources in the municipalities to diligently oversee the number of required mitigation measures which have such a significant bearing on successful conservation.

-Fragmentation of designated conserved land: To conserve the habitats of the significant number of species the conserved land should be contiguous allowing for movement of species. Fragmented ecosystems have hidden and negative consequences. Fragmenting the ownership of the island will also impact the ability to protect the significant natural features.

-Conflict of interest in conservation structure: Conservation Easements can only be between the owner and a land trust or public entity. (Canada Land Trust-Standards and Practices). We understand that restrictive covenants are now being considered in place of the proposed conservation easements but they are not yet described as a part of this application. The proposed beneficiary of the restrictive covenant is Langmaid's Island NFP Corp that is responsible for common elements of the subdivision such as shuttling and parking. All property owners will be a member or a board member of Langmaid's Island NFP Corp which is clearly a conflict of interest that leads to self-serving interests and easy removal of restrictions. **Such a structure would not protect the heritage values in perpetuity.**

-Shoreline erosion and habitat disturbance in the west channel: Reports show 60% of the boat traffic from the shuttle will be in the sensitive channel on the west side of the island causing concerns about erosion and disturbed shoreline habitats.

-Overall protection of heritage values: Planning tools used must be adequate to protect the environmental features in perpetuity

2. Peer Reviews

-Environmental Impact Study: The EIS does not address all the values identified in the previous studies culminating in the MHA designation and the recommendation of the island as a candidate for ANSI. Unlike other jurisdictions, there is no Conservation Authority in Muskoka that can review the PJR and provide staff with advice and guidance on assessing a natural heritage area. We recommend TLOB require the proponent to provide for a fully funded peer review by a qualified company of TLOB's choice that is fully conversant with the criteria established for NHA designation available at <http://www.muskokawaterweb.ca/water-101/stewardship/heritage-areas/selection-criteria> As requested in an earlier email, involving OMNRF is also essential if the provincial interest expressed in the Provincial Policy Statement is to be respected and safeguarded credibly.

-Functional Servicing Report: The Peer Review needs to have access to more complete and larger-scale mapping than the diagrams and figures provided in the reports. These are required to adequately assess slopes on access corridors and intrusions of building envelopes into slopes greater than 30% where blasting may be required.

3. Recommendation

-Combined Public Meeting: Since aspects of the development fall under the jurisdiction of DOM, TLOB and the Town of Huntsville, a combined Statutory Public Meeting would be helpful to the community and other interested parties.

LBHF also supports the comments submitted by the Lake of Bays Association, in particular the recommendation for a Special Policy Area with 30 metre setbacks and close management of revegetation should sub-division and development move ahead.

Thank you for the opportunity to provide these initial comments that hopefully will be taken into consideration as you review the development application for Langmaid's Island.

P r e s e r v i n g t h e L e g a c y f o r G e n e r a t i o n s

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