

December 13, 2019

Mayor Harding and Members of Council
Township of Muskoka Lakes

**Re: Mary Jane Lake, Revision to Proposed Zoning Bylaw Amendment and Draft Plan of Subdivision
Subdivision File S2018-7 (Ross) and Zoning By-law Amendment File ZBA-34/18 (By-law 2018-100)**

The Muskoka Lakes Association is here to express our continued concern for the revised proposal that has been submitted to the District and Township of Muskoka Lakes.

While we appreciate the owner's concessions in reducing the number of lots around the lake and the additional information provided by their consultants, two very large issues remain to be satisfied: water quality and wetland protection.

The consultants for the proponent have not provided any further clarification on two of the issues previously raised by the MLA and others – instead the issues have been dismissed or ignored by the consultants for the proponent. They include:

- a) the depth of the lake and current water quality – seeking instead to ask the district to define the water quality conditions; and
- b) the impacts of boating (wakes in particular) on the wetlands.

We reiterate the same concerns expressed by the MLA in our July 2019 submission and as expressed by North South Environmental and CanDetech as well:

There are wetlands around the shoreline. These wetlands, known as fens, are sensitive because they are floating mats and represent a unique type with associated rare species, including potential endangered species that are not expendable. **The evaluation undertaken for the proponent did not address the potential impacts on the fens from the expected boating use on this lake.** When lots are created on a shoreline it is not just buffers and setbacks that need to be considered but also the uses of the shoreline and lake – including boating. Just as we consider when a septic system is built we expect it to be used and therefore consider potential impacts and mitigation measures. A potentially shallow lake with a sensitive shoreline would not be suitable for power boats.

The Township of Muskoka Lakes OP requires that “(7.1) Natural features and areas shall be protected for the long term”.

The Township is assured that through the site plan agreement and approvals provisions that the shorelines will be protected:

“The subdivision plan will be implemented through conditions of draft approval, which will include the requirement for a subdivision agreement, and detailed site plan approval provisions that will protect and enhance the natural features of the property, particularly along the shorelines and within and adjacent to the existing wetlands.” (Hunter 2019)

Site plan approval does not extend to boats and their usage – only the shoreline structures, setbacks and building envelopes.

The owners have clarified the type of boats that they expect to have on the lake but **have not offered any evaluation of the impact of the wake on the shoreline, wetlands or habitats therein**. The wetlands along the shoreline have been identified by Riverstone as **fens** that they described as floating mats. This kind of wetland **would be sensitive to damage from waves**, as outlined in North South Environmental and CanDeteck’s reviews. A boating impact assessment of the proposed uses needs to be undertaken to inform the potential for development. In the absence of analysis, the precautionary principle would dictate the assumption of negative effect from wakes and seek to limit this potential effect which could include banning the use of motorized boats.

We were encouraged to read in the Hunter Report that the use of personal watercraft, other motorized boats and wake boats would be prohibited. However, we question how this can realistically be prevented in the long term. It may be fine for this generation of owners with the association planned but **what mechanisms are there in the future that the municipality has control over to prevent owners from breaching this contract with nature and neighbours?** We have seen time and again in Muskoka that neighbours make agreements and then rapidly turn around and seek to overturn them when they no longer suit their desires.

Mr. Hunter’s letter says it all “The boating impact on Mary Jane Lake is limited to the lake itself.”

The MLA maintains that the intended use for water skiing is too much for this lake and for the sensitive environment present. The homework has not been done to demonstrate that the development can protect the natural features and functions that are core to the policies in both the district and township official plans. Council should not approve this application. You cannot accept mitigation measures that have little chance of being implemented. Once the lots are approved, they cannot be undone.

Should council approve this application, the MLA suggests that given this is a privately-owned lake, the taxpayer should not be involved in monitoring the lake or providing aid should the mitigation measures proposed by the proponent not result in the protection of the shoreline and water quality. The district should not include this lake in their monitoring program.

The owners of the lake should be required to ensure water of adequate quality for the members of their association and that there be a clause on title that this lake is not part of the Lake Health program and therefore not eligible for district led remediation investigations or measures should they be required.

We cannot knowingly degrade this environment but if you chose to approve it, TML taxpayers should not be paying for it in the future.

We ask to be notified about this application, any decisions and further meetings.

Yours truly,

A handwritten signature in black ink that reads "Lawton Osler". The signature is written in a cursive, slightly slanted style.

Lawton Osler, President

C.c. Cheryl Mortimer, Clerk TML
Rian Allen, Senior Planner, TML
Samantha Hastings, Commissioner, District of Muskoka
Katie Edwards, General Manager, MLA