

AUG 6, 2021

KLCOA Responses to J.L. Richards & Associates Ltd. (JLR). JLR and Hutchinson Environmental Services Ltd. (HESL) e-mail questionnaire (20JUL2021) -County of Haliburton Shoreline Preservation By-law

About your organization

1. Tell us about yourself and the organization you represent

The Kennisis Lakes are in northern region of the municipality of Dysart et al, Haliburton County. We are privileged to be able to enjoy our shoreline properties and I don't have to tell you that we are here in Haliburton County primarily for our lakes and our excellent water quality. Our two lakes Kennisis Lake and Little Kennisis Lake are at the top of the watershed for the Trent Severn waterway, and we are surrounded by unpopulated forested areas including the Haliburton Forest and Wildlife Reserve.

The Kennisis Lakes shorelines are predominantly developed, private land with no crown land preserves on our shorelines and only a few protected public access areas around the lake including a few public use islands.

There are approximately 1050 properties on the Kennisis Lakes with approximately 950 dwellings.

The Kennisis Lake Cottage Owners' Association (KLCOA) includes approximately 625 (2021) members, representing seasonal and permanent residence properties on the Kennisis Lakes. This number varies from year to year and during each year. The membership represents approximately 70% of the lake community from the potential 900 eligible properties. The KLCOA was incorporated in 1959. Website: klcoa.org

The [KLCOA purpose](#) is to serve its members by working to maintain a healthy and sustainable lake environment for the enjoyment of all. The Association serves a lake community with unique natural, physical and social characteristics.

The KLCOA operates as a registered non-profit organization in Ontario under the Ontario Business Corporations Act. We rigorously follow our published governance for KLCOA operations and activities. ([KLCOA letters-patent-and-bylaws](#)).

We have many insightful, knowledgeable, and passionate members in our community who have undertaken valuable initiatives, such as:

- Organization of social and recreational community events such as an annual Regatta, a Fireworks display, and a sailing Regatta

- Publication of a detailed [Lake Plan](#), reflective of input from the broader community and government organizations active within the surrounding watershed.
- Development of an inclusive [Stewardship](#) approach promoting education and social responsibility to manage and preserve our natural environment
- Distribution of up-to-date **knowledge-based material** to assist shoreline property owners with management of their property and their environment

Note : The answers to the following questions have been prepared and approved by the 16 person KLCOA Board of Directors.

With these responses, the board of directors is reflecting on the future of our lakes, the work that has been performed and the education presented to members and the community over the last approximately 20 years. **We are not representing all of our members or the community in support or non-support of the bylaw.** We have been encouraging our members to educate themselves regarding the bylaw and its significance and to reach out with questions and feedback as it relates to them as individuals and their own properties.

2. How much experience do you have with shoreline preservation?

The KLCOA has extensive experience with shoreline preservation and the rationale for keeping our shorelines natural as it relates to our water quality and lake health.

For many years, the KLCOA has endeavoured to protect our water quality by successfully advocating for the implementation of mandatory septic inspections. The KLCOA advocated for the original Shoreline Tree Preservation bylaw and has continued to encourage Haliburton County to strengthen the Shoreline Tree Preservation bylaw to include natural vegetation. The KLCOA performs water quality testing on our lakes to monitor changes in nutrient levels and has also been promoting the elimination of fertilizer use on our lakes through education. The KLCOA provided the training site support for the CHA/Haliburton Love Your Lake shoreline assessments and participated in the program with over 1000 shoreline properties assessed, and reports issued to all property owners. We have a Tree Planting program, several shoreline renaturalization sites and have held numerous workshops on shoreline preservation and renaturalization.

Perspective on Shoreline Preservation

3. What is your perspective on lake, lake health, and shoreline preservation?

Through surveys and communication with our members, the KLCOA has determined that maintaining healthy lakes and good water quality is a priority for the KLCOA and our members. The health of our lakes and the quality of our water is directly linked to minimizing the nutrient

loading in our lakes and to the health of our shorelines. The health of our lakes is also, now, inextricably linked to a healthy economy in Haliburton County. That was not always the case.

The data we have collected through our water quality testing programs on the Kennisis Lakes, does show increased nutrient levels since testing began over 20 years ago, with occasional spikes in nutrients in some years. On the Kennisis Lakes, we are at the top of our watershed, so most of the impact is from those of us who use the lakes. We have no up-watershed agricultural loading or settlements.

The Kennisis Lakes shorelines were assessed during the 2016 Love Your Lakes project. The recommended target for shorelines to have a positive impact on water quality is maintaining the shorelines at greater than 75% natural. The Kennisis Lakes assessment showed that we were in relatively good shape, where the cumulative natural and regenerative areas of our shorelines were found to be at 78%, just making the 75% grade.

We understand that our lake is under this critical threshold but just barely, highlighting the ongoing need to be vigilant about protecting our existing natural shorelines and encouraging shoreline renaturalization.

We understand that there are only a few things that we as individuals and as a community can do to substantively protect our water quality:

- 1) Maintain and regularly inspect our septic systems to ensure that they are functioning properly.
- 2) Protect our existing shoreline vegetation to act as a buffer for the nutrients and siltation entering our lakes from our septic systems and development. Without adequate shoreline vegetation cover, nutrients, silt and soil can freely flow into the lake increasing nutrient levels and smothering benthic creatures which play a vital role in the health of aquatic ecosystems.
- 3) Eliminate the use of fertilizers on shoreline properties.

4. How important is shoreline preservation in general? And Why?

Maintaining healthy lakes and good water quality is a top priority for the KLCOA and our members from an environmental perspective. Protecting our shorelines protects our water quality, so they go hand in hand.

Additional information regarding the importance of shoreline preservation and why, is provided in some of the answers above.

Perspective on Shoreline Preservation and Development in the County of Haliburton

5. Thinking about Haliburton County in particular, what do you think about the past and current developments and its impact on lakes and lake health?

Haliburton County has become one of Ontario's cottage country top destinations for shoreline property owners and for visitors. With the increased popularity, has come additional development. Increasingly, this development has been done without recognizing the importance of maintaining our water quality and the health of our lakes.

In the mid to late 2000's our County and Municipal governments started to differentiate between the needs of our "urban" areas and our shoreline communities. The elected officials and staff began to recognize the impact of shoreline property ownership both in terms of tax revenues and the connection between the health of the lakes to the health of the Haliburton economy. The local governments also started to introduce some protections for our lakes in zoning and other bylaws.

The County needs to encourage responsible development that protects the integrity of our shoreline, or lakes and our water quality. Incentives are a possible consideration to this end.

6. How important is shoreline preservation in the County? And Why?

Shoreline preservation is critically important in Haliburton County. As mentioned above, the health of our lakes and the quality of our water is directly linked to minimizing the nutrient loading in our lakes and to the health of our shorelines. The health of our lakes is directly linked to a healthy economy in Haliburton County. Without our clean lakes and rivers and our natural environment, Haliburton County would not have become a destination for shoreline property owners or our visitors.

Prior to the mid 2000's, there was limited focus in Haliburton County on formally protecting our lakes and lake health. Shoreline development, except for zoning bylaw shoreline setbacks was essentially uncontrolled. The KLCOA Lake Plan (<https://klcoa.org/about-us/lake-plan/documents/>) included many recommendations relating to development and shoreline vegetation protection. The KLCOA was an early advocator and contributor to the County Shoreline Tree Preservation bylaw when it was developed in ~2009.

Thoughts on Existing Regulatory Framework

7. How much do you know about the current regulatory framework around shoreline preservation in the County?

The KLCOA has been involved in County and Municipal Official Plan and Zoning bylaw reviews and comments and since the mid 2000's. The KLCOA has been providing comments and advice to both the County and Municipality as bylaws are proposed or revised. We are in general, very familiar with the current regulatory framework for shoreline preservation in the County.

8. What do you like about the existing framework?

One aspect of shoreline protection is the Shoreline Tree Preservation bylaw. It is good that the County has implemented the bylaw, and at the County level. The current Tree Preservation bylaw is reasonably simple and easy to understand.

9. What do you not like about the existing framework?

The current framework for shoreline preservation is split between some limited municipal shoreline protections and the County Tree Preservation bylaw which offers no protection for shoreline vegetation.

There is inadequate enforcement at the county level for the Tree Preservation bylaw and it is limited to a complaint-based model. A development permit (permit and site alteration plan) approach would be much more effective.

At the municipal level, there is no shoreline protection required when a building permit is issued other than correcting items such as non-compliant structures in the shoreline setback. There is no requirement for silt protection for our lakes during construction of an upland structures or during blasting/clearing. This aspect should be included in either the County SVP Bylaw or implemented in the municipal ZBLs.

10. What is missing in the existing framework?

The existing County framework is limited to protecting shoreline trees and does not address protecting shoreline vegetation which can help to reduce nutrients entering our lakes and protect our water quality as well as protecting our lakes from runoff and shorelines from erosion.

The municipal zoning bylaws have some protections on shoreline vegetation removal which should be moved to and integrated into the Haliburton County Shoreline Vegetation Protection bylaw.

The existing framework is complaint-based resulting in limited enforcement at the county level for the Tree Preservation bylaw as it is left up to neighbours or the community to report which can be problematic for a number of reasons. A development permit approach would be much more effective, where shoreline modifications would be required to be documented to assess against compliance.

There is little if any reporting back to the community on the status of actions by the County following infractions, charges, or restoration orders. The feedback loop for this is missing but is critically important as it would illustrate to potential offenders what the implications of non-compliance would be.

11. Any suggestions to improve the existing framework?

- 1) Enhance the bylaw to protecting shoreline vegetation, in addition to protecting shoreline trees. This should help to reduce nutrients entering our lakes and protect our water quality as well as protecting our lakes from runoff and shorelines from erosion.
- 2) The municipal zoning bylaws have some protections on shoreline vegetation. These should be aligned across the County and moved to and integrated into the Haliburton County Shoreline Vegetation Protection bylaw.
- 3) Move from a complaint-based reporting framework for shoreline development to a development permit approach. This would be much a more effective approach where planned shoreline modifications would be required to be documented to assess against compliance.
- 4) The implementation plan for the bylaw should include a requirement to reporting back to the community on the status of actions by the County following infractions, charges, or restoration orders. This feedback loop for this is missing but is critically important as it would illustrate to potential offenders what the implications of non-compliance would be.

Thoughts on the Draft By-law and the Process to develop the Draft By-law

12. How familiar are you with the draft by-law that was previously brought forward by County staff?

The KLCOA is very familiar with the draft shoreline Preservation Bylaw that was brought forward by the county.

13. Considering the draft by-law that was previously brought forward by County staff –

a. What did you like about it? And

- The draft bylaw included some increased protections for the preservation of vegetation on the shoreline properties in Haliburton County.
- The draft bylaw provided restrictions on shoreline vegetation removal and included development permitting for modifications to shorelines rather than leaving it up to property owners and a complaint driven process.
- Although somewhat difficult to understand the process, the draft bylaw did provide for property owners to submit simplified permit applications for minor development activities.
- The draft bylaw included concepts that **followed the science** behind natural shorelines and the protection of lake health (and referenced that science)
- The draft bylaw aligned with shoreline protection concepts in Ontario regulations in terms of setbacks and aligned with the shoreline setback requirements in most of our municipal zoning bylaws.
- The site alteration plan requirement list was long but thorough. An example of a completed site alteration plan (or a few examples) was missing and would have been very helpful.

b. What did you not like about it?

- Early drafts included some aspects that were not specifically related to shoreline vegetation protection such as storage of equipment, vehicles and other items on the shoreline. These should be left to the municipal bylaws and the rules should be harmonized and enforced.
- The draft bylaw included restrictions for attaching signs to trees. Although this is not a bad idea, it was not appropriate to be included as it distracted from the main purpose of the bylaw.
- The draft bylaw included restrictions and exemptions on the movement or addition of fill or soil. These were not clearly articulated, particularly for the case of “minor” landscaping or smaller residential projects. Examples would have been helpful here.

14. What do you think about the process that was followed by County staff to bring forward the draft by-law previously?

During the introduction of the draft by-law the information that was available from the County was the published draft bylaw and some descriptive information presented to Council. Unfortunately, as is the case, the draft bylaw document was written in bylaw language that most people found hard to read or fully understand and the descriptive information prepared by staff was difficult to find (buried in Council Agendas), relatively complex and challenging to read. In order for the implementation of this bylaw to be successful, communication is everything.

15. Do you think the process and the draft by-law could have been improved? If yes, please explain your suggestions.

As you are collecting input from our Haliburton community and doing your best to consider the science around shorelines and their impact on our water quality, we ask that you do your best to provide our members and everyone in the County with a clear, concise and easy to understand version of the draft bylaw before you move on to the next round of public consultations.

Back in January there was some backlash to the proposed bylaw based on social media posts, word of mouth and third-party interpretations. The only information that the general public could access easily from the County at that time, was the published draft bylaw. Unfortunately, as is the case, the draft bylaw document was written in bylaw language that most people found hard to read or fully understand. In order for the implementation of this bylaw to be successful, communication is everything.

In order for the KLCOA and our members to provide thoughtful feedback, we need to understand what the bylaw is, why it is necessary, what is in it and how it will directly affect our community. We need a "Coles Notes" version directly from the consultants drafting the bylaw in order to support meaningful discussion and feedback. This should include examples of how the bylaw would work for simple and complex cases as well as examples of any applications or forms required by the bylaw. In addition, relevant examples of enforcement actions and fines or restoration orders should be presented. This should be delivered in both written documents and in a workshop environment.