

LEONARD LAKE STAKEHOLDERS ASSOCIATION



October 20, 2016

To: District Municipality of Muskoka

Re: Proposed Official Plan Amendment No. 45 to the Muskoka Official Plan (Lake System Health Policy Update)

Leonard Lake Stakeholders Association makes the following submissions regarding the proposed official plan amendment 45 to the Muskoka Official Plan (the Amendment).

The Leonard Lake Stakeholders Association (LLSA) is a not for profit corporation formed in 2005 whose purpose is to advance the best interests of the stakeholders of Leonard Lake, including:

- A) To preserve, promote and enhance the quality of life on Leonard Lake for all users,
- B) To promote the safe use of Leonard Lake, and
- C) To recognize and promote the protection of the unique characteristics of Leonard Lake, and to encourage land use policy and stewardship approaches to ensure the long-term protection, maintenance and restoration of its natural, social and physical features including water, shoreline, watershed and adjacent lands.

Approximately 160 stakeholders own property on and around Leonard Lake (some own more than one property). LLSA membership averages 85-95, with memberships renewed annually.

Leonard Lake is “over-threshold” for phosphorus and is classified as a “special lake” in the Township of Muskoka Lake’s zoning by-law.

While the LLSA supports the District’s proposal to apply “best management practices” to development across the Muskoka Lakes, LLSA has a number of concerns about the District’s proposed Amendment and opposes the passage of the Amendment as currently drafted for the following reasons.

1. The Amendment weakens the protection for Leonard Lake and the other Muskoka lakes that are currently “over threshold” for phosphorous. The extension of “best management practices” to District lakes that are not “over threshold” or highly sensitive for phosphorus is a good thing, but does nothing for lakes that are already in that position. The end result of the proposed changes will most likely be changes to zoning at the area municipality level that would result in a greater density of development on over threshold lakes than would currently be allowed. This is a weakening of protection as the District itself implicitly acknowledges in its Lake System Health Program that there are limits to growth (development) for waterbodies: in other words, the more dense the development, the greater the negative impact on lake health.
2. We have witnessed a serious decline in our lake’s health over the past several decades. Until recently, and for as long as we can remember, we had nesting pairs of Common Loons – a symbol of Muskoka itself – at our lake every year and we saw the loons and heard their calls all summer long on a daily basis. But we have only sporadically had nesting pairs at the lake for the last decade, and now the sight or sound of a loon is an infrequent occurrence. There are significantly fewer tadpoles, frogs and crustaceans. Benthic counts are poor. There has been an increase in dissolved organic compounds (organic pollution) and algae growth in the lake. Both sodium and chlorine have risen fourfold since 1979, which indicates a problem from road salt. None of these lake health concerns have been addressed in this proposed revision – there is only a narrow focus on “recreational water quality” as measured solely by phosphorous and blue-green algae indicators. This approach treats the lake like a large swimming pool rather than a living ecosystem.
3. In the proposed Amendment, there is a narrow focus on “water quality” instead of on overall lake health. References are made to a variety of factors and lake stressors, but all three of the water quality triggers have a narrow focus on phosphorous (and algae blooms typically triggered by phosphorus). The District acknowledges that “while the identified water quality indicators continue to focus on phosphorus a long-term shift in focus to include a wider variety of indicators addressing multiple environmental stressors is anticipated.” It appears to be a shortcoming of the Amendment that none of the other lake stressors, such as environmental, development and human recreational stressors, have been taken into account at this stage.
4. The approach appears to be more “reactive” than “proactive” and we believe that particularly the phosphorous of 20 ug/L trigger is set at too high a level. Lower trigger levels would appear to be warranted in order to address serious water quality issues on a timely basis before it is too late. 20 ug/L would represent a tripling of the highest phosphorous levels measured on Leonard Lake in the past 37 years. How can that be the right threshold?

5. The District's Lake System Health Program, adopted in 2005 and incorporated in its Official Plan, contained as a key component a commitment to assess lake carrying capacity and limits to growth. This has not happened for Leonard Lake. There does not appear to be anything in this Amendment addressing lake carrying capacity issues and limits to growth which may be the fundamental underlying issue for the observed lake health issues. This Amendment is deficient in that it does not address this fundamental issue as a pre-requisite to any lot creation, development or redevelopment.
6. Even where the alarm bells are ringing under the proposed "water quality indicators", all that happens is a "causation study", provided the District then has the money to fund the study. No remedial actions are mandated for waterfront lot owners, just the possibility of a study to try to find out what when wrong. There is no moratorium on development. The study must determine that the cause of the water quality indicator "is related to development" in order for an "enhanced protection policy set" or "waterbody specific policies" to apply to ensure that lot creation, development, redevelopment can proceed without negatively impacting water quality". Is there never a time to say there must be no more lot creation and no more development – the lake is at capacity?
7. The Amendment takes a "one size, fits all" approach for all of the lakes other than the 7 transitional lakes. This shift in policy is reflected in the proposed elimination of the lake classifications "highly sensitive" and "over threshold" for water quality management purposes; classifications that applied in all but a few cases only to smaller lakes. It does not differentiate between small lakes and large lakes and does not take any special lake characteristics into account. For example, Leonard Lake is a small headwater lake with a surface area of 195 hectares, a maximum depth of 18.3 metres and a mean depth of 6.8 metres. Its sole sources of new water are rain, snow/ice melt and spring-fed water; it has no feeder rivers or streams. The rate at which water turns over in Leonard Lake is extremely low; this contrasts with the significant annual water turnover in the larger Muskoka lakes which are in a water chain receiving and discharging water throughout the year.

Water sourced through springs has very little oxygen. The combination of excessive plant growth where total phosphorous levels increase, low lake water turnover [refreshment] and low oxygen spring-fed water exposes Leonard Lake to a real threat of stagnation and lake death. Therefore, it is imperative that the stressors that the lake faces are appropriately recognized and taken into consideration when development and redevelopment of lakefront properties is being considered. We propose that the Amendment should add a new category "At Potential Risk" which would include the numerous Muskoka Lakes that are currently classified as "special", "over threshold" and/or "highly sensitive" to phosphorus.

The Amendment does not provide the township planning departments with the administrative tools to reflect individual lake factors in any proposed waterfront lot development. The Amendment should be revised to add stressors faced by the lake in question as issues that must be considered and reflected in any new waterfront lot development. Individual lake characteristics such as the rate of water turnover in the lake, the lake's water volume (the lakes capacity to absorb increased contaminants from increased use by new development), its water chemistry, recreational use, shoreline and natural feature degradation and other stressors on the lake in question should be considered.

8. We are concerned that there is heavy reliance on "best management practices" to protect water quality but that the townships do not have adequate resources to effectively implement the new approach and monitors and enforce the site plan agreements on a timely basis. There is a downloading of implementation to the townships, but without adequate funding and staff in place, this approach will be ineffective and without proper enforcement, the site plan controls and "best management practices" would be meaningless and efforts to protect the district lakes based on this will fail.
9. Given that the policies are only reviewed every 10 years and there appears to be minimal risk in postponing legislative action until next year, the District should allow further time for meaningful consultation with all affected parties. The Amendment should also not be passed until the municipalities concur and have detailed plans and commitments in place to secure the resources required to ensure successful implementation.

We would also like to reference the submissions made by Ken Riley, Bruce McNeely and Bill Tryon, all of whom are Leonard Lake stakeholders. We support, endorse and incorporate by reference their submissions as part of our submission.

Sincerely,



Joanne Rusnell
President

Leonard Lake Stakeholders Association