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CHAPTER 6

An Act respecting the Kawartha Highlands Signature Site Park

Assented to June 26, 2003

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"all-terrain vehicle" means a self-propelled vehicle that is designed to be driven primarily on trails or terrain on which a road has not been constructed; ("véhicule tout terrain")

"management advisory board" means the Kawartha Highlands Signature Site Park Management Advisory Board established under section 5; ("conseil consultatif de gestion")

"management plan" means a plan prepared under section 8 of the *Provincial Parks Act*; ("plan de gestion")

"Minister" means the Minister of Natural Resources or such other member of the Executive Council to whom the administration of this Act may be assigned under the *Executive Council Act*; ("ministre")

"Ministry" means the Ministry of Natural Resources or the ministry of the member of the Executive Council to whom the administration of this Act may be assigned under the *Executive Council Act*; ("ministère")

"motor vehicle" means any vehicle propelled or driven otherwise than by muscular power, including an automobile, bus, all-terrain vehicle, motorcycle or motor assisted bicycle, but does not include a motorized snow vehicle; ("vehicule automobile")

"motorized snow vehicle" means a self-propelled vehicle designed to be driven primarily on snow; ("motoneige")

"Park" means the Kawartha Highlands Signature Site Park referred to in subsection 3 (1); ("parc")

"pre-existing road or trail" means,

(a) during the 12-month period that begins on the day section 13 comes into force, any road or trail that was constructed and in use on and before March 29, 1999, and

(b) after the end of the 12-month period described in clause (a), a road or trail referred to in clause (a) that has been approved by the Minister as a pre-existing road or trail for the purposes of this Act and is shown as such on a map that,

(i) is included in the management plan for the Park, or

(ii) is available at the Ministry and is identified as having been prepared with a view to being included in the management plan for the Park; ("route ou piste préexistante")

"road" means a route with a specially prepared surface that is intended to be used by automobiles and other vehicles licensed for use on a highway as defined in the *Highway Traffic Act*; ("route")

"superintendent" means the superintendent designated by the Minister for the Park under the *Provincial Parks Act*. ("directeur")

Purpose

2. The purposes of this Act are to ensure,

(a) that the protection of the ecological integrity of the Kawartha Highlands Signature Site Park is recognized as the overriding priority in the management and administration of the Park, so as to preserve, protect and enhance the natural composition and abundance of native species, biological communities and ecological processes in the Park;

(b) that the policies governing the Park, including its management, will protect the Park's natural and cultural values, maintain its traditional uses and provide the opportunity for recreational activities that are compatible with the natural heritage values and semi-wilderness character of the Park;

(c) that the Park will be managed so as to permit continued access to and enjoyment of private property and of Crown land that is subject to a land use permit, licence of occupation or lease under the *Public Lands Act* where that private property or Crown land is surrounded by Park lands or abuts Park lands; and

(d) that decisions with respect to the development and any major revision of the management plan for the Park are made with prior public consultation.

Application to Park

3. (1) This Act applies to the Kawartha Highlands Signature Site Park established under the *Provincial Parks Act*.

Lands included

(2) The Park shall be comprised of such lands as are set apart under the *Provincial Parks Act* and described in regulations made under that Act.

Provincial Parks Act applies

(3) The *Provincial Parks Act* and any regulation made under that Act applies to the Park.

Excluded lands

(4) The following types of lands shall not be included in the description of Park lands set out in the regulations made under the *Provincial Parks Act*, even though those lands are otherwise

surrounded by Park lands:

1. Lands that have been patented under or by authority of any statute, including mining patents, unless,
 - i. the lands are owned by the Crown in right of Ontario, or
 - ii. the lands are subject to an agreement under which the owner of the lands authorizes the Ministry to include the lands in the description of park lands in the regulations and to treat the lands as park lands for the purposes of the *Provincial Parks Act*.
2. Roads that, on the day this section comes into force, are under the jurisdiction and control of a municipality, including any right of way adjacent to the roads.
3. Any portion of an unopened road allowance that abuts the shoreline of a lake or river on one side of the allowance and, on the other side of the allowance, private property.
4. Land owned by the Crown in right of Canada.
5. Lands that, on the day this section comes into force, are subject to a lease, or occupied pursuant to a permit, granted under or by authority of any statute, regulation or order in council respecting mines, minerals or mining or aggregate extraction.
6. Lands that, on the day this section comes into force, have been staked and recorded in accordance with the *Mining Act*.

Expiry of lease, permit

(5) If a lease or permit referred to in paragraph 5 of subsection (4) expires or is revoked, cancelled or otherwise terminated, the lands that were the subject of the lease or permit shall form part of the Park on and after the day of the expiration, revocation, cancellation or termination, whether or not the regulation made under the *Provincial Parks Act* containing the description of Park lands has, as of that day, been amended to include those lands.

Same

- (6) Subsection (5) applies to lands described in paragraph 5 of subsection (4) where,
- (a) the lands are surrounded by Park lands; or
 - (b) the lands abut lands that are excluded from the Park under paragraph 1 of subsection (4) and together those lands are surrounded by Park lands.

Termination of mining claim

(7) If a mining claim in respect of lands that are excluded from the Park under paragraph 6 of subsection (4) expires or otherwise becomes invalid, the lands shall form part of the Park on and after the day of the expiration or invalidity, whether or not the regulation made under the *Provincial Parks Act* containing the description of Park lands has, as of that day, been amended to include those lands.

No expropriation

4. Despite subsection 3 (3) of the *Provincial Parks Act*, no land shall be expropriated under subsection 8 (3) or (4) of the *Ministry of Government Services Act* for the purpose of increasing the area of the Park.

Management Advisory Board

5. (1) The Kawartha Highlands Signature Site Park Management Advisory Board is hereby established.

Members

(2) The management advisory board shall consist of such members as may be appointed by the Lieutenant Governor in Council.

Board function

(3) The management advisory board shall provide advice to the Minister with respect to the planning and management of the Park including,

- (a) the identification of roads or trails that are to be approved as pre-existing roads and trails for the purposes of this Act;
- (b) the preparation of the management plan for the Park;
- (c) advertising and marketing with respect to the Park;
- (d) Park fees;
- (e) matters relating to the long-term sustainability of the Park; and
- (f) such other matters as may be specified by the Minister.

Park management, zoning

6. Any decisions, designations or approvals made or issued by the Minister under section 7 of the *Provincial Parks Act* with respect to the planning and management of the Park, the designation of zones or the construction, acquisition, operation or use of Park facilities, utilities or equipment shall be consistent with the purposes set out in section 2 of this Act.

Management plan

7. (1) The Minister shall ensure that the preparation of a management plan for the Park is initiated under section 8 of the *Provincial Parks Act* no later than one year after the day this section comes into force.

Same

(2) The Minister shall ensure that the management plan for the Park is consistent with the purposes set out in section 2.

Public consultation

(3) The Minister shall ensure that the management plan for the Park and any major revisions to that plan are prepared with prior public consultation.

Management of natural resources

8. The Park's natural resources shall be managed so as to protect the Park's ecological integrity in accordance with the purposes set out in section 2, the Park's management plan and with any document approved by the Minister relating to the management of natural resources in the Park, including a plan for the recovery of an extirpated, endangered, threatened or vulnerable species.

Restrictions on Park development

9. No facility that is intended to be used by the public shall be erected or constructed by the Ministry at a location that is within 100 metres of private property that is surrounded by Park lands or abuts Park lands on or after the day this section comes into force.

Roads and trails

No new roads

10. (1) Despite section 9 of the *Provincial Parks Act*, no new roads, including roads constructed solely to provide access to private property that is surrounded by Park lands or that abuts Park lands, shall be constructed in or through the Park on or after the day this section comes into force.

Exception

(2) Despite subsection (1), two new roads may be constructed in the Park, one of which shall provide public access to the Park from the western border of the Park and the other shall provide public access to the Park from the eastern border of the Park, if,

(a) the exact location of the entrances to the Park and of their route through the Park is approved by the Minister; and

(b) the construction begins within 30 months of the day this section comes into force.

Considerations for approval

(3) In approving the location of entrances to the Park and of the route of new roads constructed in the Park under clause (2) (a), the Minister shall take into consideration public concerns and shall ensure that the degree of intrusion into the Park and of potential environmental impacts are minimized.

Same

(4) Despite subsection (1), a new road may be constructed in the Park if the road is intended to be used solely for park management purposes.

Reconstruction

(5) Nothing in subsection (1) shall prevent the reconstruction or maintenance of an existing

road in the Park in accordance with section 9 of the *Provincial Parks Act*.

No new trails

(6) No new trails for all-terrain vehicles or motorized snow vehicles shall be constructed in the Park on or after the day this section comes into force.

Alteration of existing trails

(7) Despite subsection (6) and subject to the requirements of the *Environmental Assessment Act*, the superintendent may authorize the route followed by a pre-existing trail to be altered.

Exception

(8) Despite subsection (6), a new trail may be constructed in the Park if the trail is intended to be used solely for park management purposes.

Hunting, fishing and trapping

11. (1) For greater certainty, a person may hunt, fish and trap in the Park in accordance with the *Fish and Wildlife Conservation Act, 1997*.

Same

(2) Section 4 of the *Provincial Parks Act* does not apply to the Park.

Prohibited uses

12. (1) Despite section 20 of the *Provincial Parks Act* or any regulation made under that Act, the following activities shall not be carried out on lands that are part of the Park:

1. Prospecting, staking mining claims, developing mineral interests or working mines.
2. Aggregate extraction.
3. Peat extraction.

Same

(2) The following activities shall not be carried out on lands that are part of the Park:

1. Commercial forest harvesting.
2. Commercial electric power development.

Access rights for property owners, etc.

Application

13. (1) This section applies to,

- (a) an owner of private property that is surrounded by Park lands or that abuts Park lands;
- (b) a person who holds a lease of land, a licence of occupation or a land use permit issued

under the *Public Lands Act*, where the land is surrounded by Park lands or abuts Park lands;

(c) the guests of an owner or person described in clause (a) or (b);

(d) a tenant of an owner described in clause (a) or the tenant's guests; or

(e) if a business is operated on a property or lands described in clause (a) or (b), the owner of the business and any employee or customer of the business who are not using other Park facilities.

Use of vehicles

(2) Subject to subsection (3), a person described in subsection (1) may, without charge, enter the Park and operate a motor vehicle or a motorized snow vehicle in the Park,

(a) if it is necessary in order to gain access to the land and property described in subsection (1);

(b) if the normal means of gaining access to the land or property described in subsection (1) was, before the day this section comes into force, through the Park; or

(c) in order to access areas within the Park for hunting purposes.

Restriction

(3) A person operating a motor vehicle or motorized snow vehicle under subsection (2) shall not operate the vehicle in the Park unless they do so on a pre-existing road or trail or on a road constructed under subsection 10 (2).

OFSC trails

(4) Despite subsection (2), a person described in subsection (1) shall not operate a motorized snow vehicle on a pre-existing trail operated or maintained by or on behalf of the Ontario Federation of Snowmobile Clubs unless he or she holds a valid permit for such a trail under the *Motorized Snow Vehicles Act* or is otherwise entitled to use such a trail under that Act.

Ice fishing

(5) A person described in subsection (1) may, without charge, enter the Park and operate a motorized snow vehicle on a body of water in the Park that is covered with ice in order to engage in ice fishing.

Aircraft landings

(6) A person described in subsection (1) may land an aircraft in the Park, without charge for the landing or for entrance to the Park, in order to gain access to land or property described in subsection (1) if the superintendent has issued a permit authorizing the person to land an aircraft in an area of the Park set out in the permit.

Permit required

(7) Despite subsections (2) and (5), a person described in subsection (1) shall not operate a motor vehicle or a motorized snow vehicle in the Park unless the person has obtained a vehicle permit issued under the *Provincial Parks Act*, and no fee shall be charged in respect of the issuance of such a permit.

Limit on number of guests

(8) The superintendent may limit the number of vehicle permits to be issued without charge at one time to guests of a person described in clause (1) (a) or (b) or of a tenant of a person described in clause (1) (a).

Other rights of access

Mining and aggregate extraction

14. (1) A person who holds a valid mining claim or a mining lease under the *Mining Act*, or who holds a permit under the *Aggregate Resources Act*, with respect to lands that are surrounded by Park lands or that abut Park lands may, without charge, enter the Park and operate a motor vehicle or a motorized snow vehicle anywhere in the Park but only to the extent that it is necessary in order to access lands for the purpose of mineral exploration or development or of aggregate extraction, as the case may be.

Same, employees

(2) Any person who is employed by, or otherwise authorized by, the person referred to in subsection (1) to carry out mineral exploration or development or aggregate extraction on the lands described in subsection (1) may, without charge, enter the Park and operate a motor vehicle or a motorized snow vehicle anywhere in the Park but only to the extent that it is necessary in order to access lands for the purpose of mineral exploration or development or of aggregate extraction, as the case may be.

Limitation

(3) The right to enter the Park and operate a vehicle in the Park without charge under subsection (1) and (2) applies only where the sole means of accessing the land is through the Park.

Trapping

(4) A person who holds a licence to trap under the *Fish and Wildlife Conservation Act, 1997* in a registered trapline area that is situated in the Park, or a person authorized by the licence holder, may, without charge, enter the Park and operate a motor vehicle or a motorized snow vehicle anywhere in the Park but only to the extent that it is necessary in order to access the registered trapline area for the purpose of trapping.

Bait fish harvesting

(5) A person who holds a bait fish licence under the *Fish and Wildlife Conservation Act, 1997* with respect to a bait fish licence area situated in the Park, or a person authorized by the licence holder, may, without charge, enter the Park and operate a motor vehicle or a motorized

snow vehicle anywhere in the Park but only to the extent that it is necessary in order to access the bait fish licence area for the purpose of harvesting bait fish.

Use of vehicles

15. (1) No person shall operate a motor vehicle or a motorized snow vehicle in the Park unless they do so in accordance with this section or with section 13 or 14.

Motor vehicles

(2) A person may operate a motor vehicle in the Park if the motor vehicle is operated on a pre-existing road or trail or on a road constructed under subsection 10 (2) for one of the following purposes:

1. In order to access areas within the Park for hunting purposes.
2. In order to access a Park facility.

Limitation

(3) Despite paragraph 2 of subsection (2), a person operating a motor vehicle in the Park in order to access a Park facility shall only operate the motor vehicle on the roads or trails that provide the most direct route from the entrance of the Park to the facility.

Some vehicles restricted to roads

(4) Despite subsection (2), a motor vehicle that is not an all-terrain vehicle, shall not be operated on trails in the Park but shall only be operated on roads referred to in subsection (2).

Motorized snow vehicles

(5) A person may operate a motorized snow vehicle in the Park if the motorized snow vehicle is operated on a pre-existing road or trail or on a road constructed under subsection 10 (2).

Same, ice fishing

(6) A person may operate a motorized snow vehicle on a body of water in the Park that is covered with ice in order to engage in ice fishing.

OFSC member use of snowmobile trails

(7) A person who holds a valid trail permit issued under the *Motorized Snow Vehicles Act* or who is otherwise entitled under that Act to operate a motorized snow vehicle on a trail operated or maintained by the Ontario Federation of Snowmobile Clubs may, without charge for the use of the trail or for entrance to the Park, operate a motorized snow vehicle on any such trail that is located in the Park.

Park management, etc.

(8) A person may operate a motor vehicle or a motorized snow vehicle anywhere in the Park if the vehicle is operated for one of the following purposes:

1. In order to carry out park management activities.

2. In order to provide emergency services.

Landing of aircraft

16. Subject to subsection 13 (7), no person shall land an aircraft in the Park unless,

(a) he or she pays the fee imposed under the *Provincial Parks Act* and lands the aircraft in an area of the Park operated by the superintendent for that purpose and under the authority of a valid aircraft landing authorization issued under the *Provincial Parks Act*; or

(b) the landing is required for park management activities or for the provision of emergency services.

Right of access

17. (1) Subject to subsection (2), nothing in this Act shall limit or in any way diminish a right of access to or through land that is part of the Park where that right was granted under the *Public Lands Act* or other provincial legislation on or before March 29, 1999.

Change in route of access

(2) Subject to the requirements of the *Environmental Assessment Act*, the superintendent may authorize a change in the location of a trail or road providing a right of access if the change is required for reasons of public safety or in order to protect the Park's ecological integrity.

Authorized occupation of land

18. Nothing in this Act shall affect any right to occupy land that is part of the Park where the right to occupy the land was granted under the *Public Lands Act* before the day this section comes into force and is exercised in accordance with the terms and conditions contained in the instrument granting the right or in a provision under the *Public Lands Act*.

Offence

19. Every person who contravenes this Act is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.

Conflict

20. If there is a conflict between a provision in this Act and a provision in the *Provincial Parks Act* or a regulation made under that Act, the provision in this Act prevails.

***Environmental Assessment Act* applies**

21. The *Environmental Assessment Act* applies in respect of any undertaking, as defined in that Act, proposed in respect of the Park or carried out in the Park.

Commencement

22. (1) **Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.**

Same

(2) Sections 1 to 4 and 6 to 21 come into force on day to be named by proclamation of the Lieutenant Governor.

Short title

23. The short title of this Act is the *Kawartha Highlands Signature Site Park Act, 2003*.

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