

Kawartha Highlands

Signature Site



This Charter documents the main elements of the agreement reached in the focussed discussions related to the establishment, and long-term sustainable management and use of the Kawartha Highlands Signature Site Park.

Charter

Signatories:

Kawartha Highlands Local Stakeholder Committee

Ontario Federation of Anglers and Hunters

Partnership for Public Lands

Stakeholder Groups of the Kawartha Highlands

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Table of Contents

Preamble	3
Purpose of Charter	3
Vision for the Kawartha Highlands Signature Site	5
Direction for the Park	6
Purpose of the Park	6
Application of the Legislation to the Park, Park Boundaries, and Policy Issues	7
No Expropriation	8
Management Advisory Board	8
Park Management and Zoning	9
Resource Management	11
Restrictions on New Park Development	11
Roads and Trails	11
Limit on location of roads	11
Closing roads and trails	12
Status of existing road	12
Alterations to trails	12
Hunting, Fishing and Trapping	12
Prohibited Uses	12
Access Rights for Property Owners, etc.	13
Other Rights of Access	14
Operating Vehicles in Park	14
Landing of Aircraft	15
Right of Access	15
Authorized Occupation of Land	15
Offence	16
Conflict (Between the Kawartha Highlands Legislation and the <i>Provincial Parks Act</i>)	16
<i>Environmental Assessment Act</i> and Environmental Bill of Rights	16
Commencement	16
Short Title	16
Definitions	16
Implementation	17
Marketing and Communications	17
Aboriginal or Treaty Rights	17
Map	18

Preamble

The Kawartha Highlands Signature Site is an approximately 36,000 ha area of Crown land that was recommended as a protected area in the Ontario's Living Legacy Land Use Strategy (LUS). As described in the LUS, much of this large, scenic area is undisturbed, with high quality natural and recreational values. The rugged bedrock landscape contains numerous small lakes and wetlands, the shorelines of which contain uncommon eastern and southern plant species.

Some Crown lands within the Kawartha Highlands area are currently leased for private purposes, including hunt camps. There are also some mining lands. All of the Crown lands have been used for outdoor recreation for many years.

Many of the lakes within the Kawartha Highlands area have a long-established community of cottages and year-round residences on private lands. The members of this community have played a major role in the stewardship of the area and have been instrumental in encouraging its formal protection.

Since the release of the proposed LUS on March 29, 1999, considerable public discussion has occurred on how to best manage the Crown lands in the Kawartha Highlands. A Local Stakeholder Committee (LSC) was appointed by the Ontario government and solicited public input to develop recommendations for the government. The government also sought additional public input on the LSC's final report. A variety of views have been expressed, but underlying all the perspectives is the desire to maintain the essential ecological and social values of the area. In early 2003 a discussion process was undertaken, led by Chris Hodgson, MPP for Haliburton-Victoria-Brock, to develop a consensus among key stakeholder groups about the appropriate management of the area. This charter documents the main elements of the agreement that was reached in these discussions related to the establishment, and long-term sustainable management and use of the Kawartha Highlands Signature Site Park.

This charter includes proposed content for a "Kawartha Highlands Signature Site Park Act". The provincial Legislature has the ultimate authority to determine the content of legislation.

Purpose of the Charter

The purpose of this charter is to:

- Document the general agreement amongst a range of stakeholder groups in the Kawartha Highlands Signature Site area on how best to protect and manage the area for future generations,
- Develop a strategy for implementing the protection and management policies; and
- Provide interim direction for the management of the recommended park until such time as the area can be protected under legislation and a management plan is approved.





Vision for the Kawartha Highlands Signature Site

Our vision for the Kawartha Highlands Signature Site would be that of a legacy of protection and stewardship, ensuring that the semi-wilderness characteristics are preserved.

The protection of the ecological integrity of the area is of paramount importance. Long-term protection of both natural and cultural heritage values is required for the preservation of this unique area. Careful management is required to protect the environmentally sensitive aspects of the area, and to maintain it for the benefit of future generations.

Traditional activities including cottaging will continue to be an integral component of the area, and diverse low-density recreational opportunities will continue to be available.

Continued public involvement in the planning and management of this area is essential. Management of the area will respect the existing private lands and tenure within the park.

Direction for the Park

The Local Stakeholder Committee recommended the development of special legislation to give greater certainty for planned activities and management policies in the park. Not all of the LSC's recommendations are suitable for inclusion in legislation, as they deal with site-specific uses or users, or they deal with topics where there are no significant policy issues. These situations are best dealt with in a management planning process.

It is the intention of the Ontario Government that the Kawartha Highlands area will be established by regulation under the *Provincial Parks Act* and will become an operating natural environment class provincial park. The park designation does not apply to any privately owned lands in the area.

All stakeholders agree that protection of the ecological integrity of the Kawartha Highlands is essential, and is the overriding priority. To achieve this objective, management of the area should ensure that: the natural ecological processes are sustained; genetic, species and ecosystem diversity are assured for the future; and the area is managed in the context of the broader ecoregion. Particular consideration must be given to protecting the populations and habitats of any endangered, threatened or vulnerable species that may be identified.

The charter provides immediate and long-term direction for the management and planning for the area, and may be renewed by the Management Advisory Board. To the extent possible, the material presented below in *italics* (colour boxes) will be included in the legislation:

Purpose of the Park

[Note: Section 1, Definitions, is included near the end of the Charter.]

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 of the legislation to the park, park boundaries, and policy issues

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.*

The boundaries for the park will be substantially based on the recommendations of the Local Stakeholder Committee. The park will be approximately 36,000 ha with the inclusion of the existing Kawartha Highlands Provincial Park. The Kawartha Highlands Signature Site Park Act would apply to the entire park. Unopened road allowances in the park, except for shoreline road allowances that are located between private land and a water body, will be regulated as part of the park.

Formal public and Aboriginal notification processes will be carried out prior to the regulation of the park boundary. These processes will allow interested parties, Aboriginal people and First Nation communities to identify any detailed concerns with the specific location of the park boundary. The processes are not intended to deal with broad policy issues or major changes to the boundary. As part of these processes notices will be mailed to adjacent landowners, interested organizations, Aboriginal organizations and First Nation communities, and notices will be placed in appropriate local and regional newspapers.

The policy on new minor dispositions that was outlined in the Ontario's Living Legacy Land Use Strategy applies to the park. The policy permits minor dispositions where they do not affect the values an area is intended to protect. An example of this type of disposition is the sale of a small parcel of land to allow the

installation of a new or upgraded septic system. The installation of power or telephone lines across park lands to provide service to patented properties can also be authorized, subject to ensuring that the lines are constructed with minimal possible impact. Wherever possible, marine cables should be used to minimize the impact.

The policies for tenure that are outlined in the Ontario's Living Legacy Land Use Strategy for new provincial parks apply to the park. Existing authorized seasonal recreation camps are eligible for enhanced tenure but not purchase of land. Existing tourism facilities may be eligible for enhanced tenure, and decisions will be made in management planning.

Existing fuelwood permits may be renewed. Water access properties are eligible to apply for new fuelwood permits.

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.*
- (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.*

The Kawartha Highlands Signature Site Park management advisory board would provide on-going planning and management advice to the Minister of Natural Resources. An interim Board will be established at the time of the public release of this charter. The official Board would be established when the proposed legislation is passed.

The Board would:

- Consist of approximately ten members plus a Chair, representing the diverse interests of local and provincial stakeholders and users.
- Be appointed normally for a three-year term, with the initial appointments to be for a one, two or three year term so that membership of the committee changes on a staggered basis.
- Provide on-going advice on the planning and management of the park, including any financial considerations.
- Play a substantial role in the preparation of the Management Plan for the KHSS, and in the road and trail inventory process.
- Provide advice to the Minister on items related to the long-term sustainability of the KHSS area.
- Make specific recommendations on what advertising or marketing, if any, should occur in relation to the park.
- Make specific recommendations to the Minister regarding the fee structure for the area.
- Ensure that information is made available to the public about the ongoing work of the Board, and the progress of the park.
- Establish subcommittees where necessary, and these subcommittees should include members who are not on the Board.
- Be reimbursed for out-of-pocket expenses associated with Board duties.

It is recognized that ongoing public involvement is essential to the successful implementation of the vision for the park. Although the Management Advisory Board is a key component of this public involvement, there is a need for a variety of other types of involvement, including:

- Participation in the identification and review of existing roads and trails
- Development of the park management plan
- Ongoing partnership approaches to management.

Park Management and 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.*

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.*

Ontario Parks is responsible for preparing management plans for all provincial parks in the province. Management plans address topics such as zoning, operations, and seasonal uses. A comprehensive management plan requires inventories on natural and cultural heritage features, inventories of access and trail networks, and other site-specific information such as existing use patterns. Preparation of a management plan will be initiated within one calendar year of the legal

establishment (regulation) of the KHSS Park. The objective is to have an approved park management plan within two years of the initiation of planning. The Management Advisory Board will play a major role in the development of the management plan, with support from staff from the Ministry of Natural Resources.

The management plan will address a wide range of issues, and will incorporate the direction that has been identified in the legislation and charter, and will include the inventory and environmental screening of roads and trails. It will establish broad resource management policies for the park. The management plan and the resource management policies will provide for the traditional uses that occur within the area and will also respond, where necessary, to the LSC recommendations that have not been specifically dealt with in the Charter, including:

- Spiritual health and well being
- Artistic pursuits
- Bird watching
- Camping – identification of appropriate low density back country sites, and the maintenance regime for these sites
- Canoeing / Kayaking
- Cross country skiing
- Dog sledding
- Some aspects of flying (establishing a permitting system and confirming lakes to be accessible by float planes)
- Hiking
- Horseback riding
- Some aspects of hunting (example: safety issues)
- Motor boat controls, including possible horsepower limits, on lakes that are entirely surrounded by park land
- Some aspects of motor vehicle use
- Mountain biking
- Rock climbing
- Sailing
- Some aspects of snowmobiling
- Snowshoeing

The management plan will also outline the major elements of a planned monitoring program. This monitoring program will assess whether the ecological integrity of the park is being maintained or enhanced.

Some aspects of regulating the use of areas in and adjacent to the KHSS that were dealt with by the LSC are not under provincial jurisdiction. In these instances, the Management Advisory Board will assist local municipalities or individual cottage associations to examine (where appropriate) alternative approaches. These discussions could consider the use of motorboats (including water skiing) and personal water craft on lakes where there are private properties. Ontario Parks does not intend to apply for any federal restrictions on boating on lakes where there is private property.

Nothing in the park management plan will affect the ability of municipalities to exercise their powers to regulate the use of private and municipal lands. Planning of the Park should be coordinated with the municipalities so as to respect municipal responsibilities. Municipal support is essential to ensure that the park vision and values are fully considered in the review of any proposals for new lots, plans of subdivision or commercial development on private lands within or close to the park.

The park management plan, and the ongoing management of the park will recognize the essential role played by municipalities. Municipalities provide many key services, including fire protection, rescue, waste management, ambulance services, development and maintenance of municipal roads, and some policing. The park will also seek to develop a range of other types of partnerships in order to ensure effective management and the involvement of stakeholders.

Resource Management

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 prepared 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 New 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

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.*

Limit on location of roads

The western public access road will follow a corridor that ensures the minimum length of construction within the boundaries approximately defined by Lots 16 to 29 in Concessions VIII, IX, X and XI in Cavendish Township.

The eastern Access road location is undetermined but should not be longer than 2kms in length, beginning at the park boundary near Highway 28.

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 the impacts on ecological integrity 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.*

Closing roads and trails

Under existing provisions in the *Provincial Parks Act* the superintendent of the park may close roads or trails to use by motor vehicles. This power would primarily be used to address situations where continued use would result in significant environmental damage.

Any permanent closures of roads or trails must be authorized through an amendment to the park management plan. The amendment process will provide opportunities for public review and comment, including the involvement of the Management Advisory Board.

Status of existing roads

Existing roads that provide access to private properties will be regulated as part of the park, but maintenance will not normally become the responsibility of the park. These roads will continue to be maintained by the individuals or groups who are currently responsible, unless otherwise agreed to.

Alterations to trails

Realignments of existing trails can be permitted, subject to an approval process. Major realignments will be approved through a planning process with public consultation, while the superintendent can approve minor realignments. A proposed realignment of a snowmobile trail operated by the Buckhorn and District Snowmobile Club is a major trail realignment that will be considered under a project planning process, if the Club proceeds with the application.

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.*

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

Trapping licences may be issued under the *Fish and Wildlife Conservation Act* for trapline areas that fall partly or wholly within the park. MNR intends to issue trapping licences for all trapline areas partly or wholly within the park, contingent on meeting all normal licensing requirements.

Hunting and fishing will continue to be permitted within the park, under the controls of the *Fish and Wildlife Conservation Act*. To respond to public safety concerns there may be some limits on firearm discharge adjacent to park or private facilities. Public consultation will be carried out on any proposals to establish zones where firearm discharge would be prohibited.

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.

[Note: this section needs to be read in conjunction with sections 14, 15 and 16 which establish the controls on the use of motor vehicles and snowmobiles and on aircraft landing.]

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).*

Any limits on the number of free permits would be based on the reasonable occupancy capacity of the different types of accommodation within the park. For clarity, park day use fees will not be charged to tenure holders described in the section above, except for the use of park facilities.

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*

Operating Vehicles in Park

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 trail 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

The intent of this section is to continue to maintain the existing access, and if there are public safety or ecological integrity concerns, a new route will be found.

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.*
- (2) *Subject to the requirements of the Environmental Assessment Act, the superintendant may authorize a change in the location of a trail or road providing a right or 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 (between the Kawartha Highlands Legislation and the Provincial Parks Act)

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 and Environmental Bill of Rights

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.

The public will be invited to comment on significant policy proposals related to the KHSS through the Environmental Bill of Rights (EBR) Registry. These opportunities will primarily occur in conjunction with the development of the park management plan. The formal EBR opportunities for public input will be supplemented by a range of other opportunities for input.

Commencement

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

(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.

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;

“management advisory board” means the Kawartha Highlands Signature Site Park Management Advisory Board established under section 5;

“management plan” means a plan prepared under section 8 of the Provincial Parks Act;

“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;

“Ministry” means 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;

“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;

“motorized snow vehicle” means a self-propelled vehicle designed to be driven primarily on snow;

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

“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;

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

“superintendent” means the superintendent designated by the Minister for the Park under the Provincial Parks Act.

Implementation

The KHSS requires sufficient funding to provide the necessary infrastructure, operations and regulation of park users. Once regulated, Ontario Parks will be responsible for the operations and management of the area. In the interim, the Bancroft District, South Central region, will be responsible for administering the area.

For fiscal year 2003 - 2004 the following are MNR commitments:

- \$100,000.00 in additional operating funds to be used for:
 - The completion of the access network inventory;
 - Further minor improvements to existing access points, as required;
 - Site specific management of problem areas;
 - User surveys of the area.
- MNR commits to increased enforcement activity (by two existing Bancroft District conservation officers) in order to protect the values of the area.
- Both Ontario Stewardship Ranger and Ontario Ranger crews will once again assist with canoe route maintenance throughout the site.
- The Kawartha Highlands project office will continue.

For the longer term, it is recognized that the park will require substantial funding for planning, initial capital development, and annual operating and maintenance costs. Regulation of the area as a provincial park will allow the use of the provincial parks Special Purpose Account (SPA). The SPA allows revenues from provincial parks to be retained and used for park management purposes.

Marketing and Communications

Many groups and individuals have expressed concern regarding the short-term and longer-term marketing of the KHSS as an operating provincial park. The area will not be marketed until such time as adequate infrastructure is in place to meet the projected uses / user demand. The Management Advisory Board will also advise on the most appropriate signage and name for the Kawartha Highlands Signature Site.

















The existing KHSS Web site developed by the Ministry of Natural Resources will be maintained, and will serve as the single official source of information for parties interested in the implementation of this charter. The Web site will be modified to clearly indicate that formal park facilities have not yet been developed.

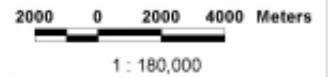
Aboriginal or Treaty Rights

Nothing within this charter abrogates or derogates from existing Aboriginal or Treaty rights.

Kawartha Highlands Signature Site

LEGEND

-  Local Stakeholder Committee (LSC) Extension Area
-  Forest Reserve
-  Proposed Forest Reserve
-  Original OLL KHSS Area
-  Current Provincial Park
-  Proposed LSC Subtraction Area
-  KHSS Perimeter Boundary
-  River and Stream
-  Water Bodies
-  Road
-  Town
-  Sharpe Bay Fen CR
-  Kawartha Barrens EMA
-  Peterborough Crown Game Preserve
-  Patent Land
-  Crown Land



This map is descriptive only and is intended for internal purposes. Do not rely on it as being a precise indicator of routes, locations of features, nor as a guide to navigation.

Base derived from the Ontario Digital Topographic Database, Scale 1:10,000, Universal Transverse Mercator, Grid Zone 17, North American Datum 1983, Canadian National Transformation

This map was produced by the Kawartha Highlands Project Office, Bancroft District, Ministry of Natural Resources in June 2003.

