

LAND USE/ACCESS/TRAILS ADVISORY COMMITTEE REPORT  
APRIL 9, 2024

PRESENT: Mike Evers, Chair; Josef Brecka; David Chenier; Kerry Coleman; Roy DeCorte  
Stephen Huntley; Natalie Mechalko; Rick Moore; Stu Paterson; Roy Polsky

ABSENT: Bob Emery; Ben Kissner; Fazal Muhamed; Adam Mumby; Grier Ragot

STAFF: Matthew Robbins, Liaison; Mark Ryckman; Katelyn Norrie; Bradley Jung

GUESTS: Danny Whalen, Deputy Mayor, City of Temiskaming Shores and President, Federation  
of Northern Ontario Municipalities  
Chris Roman, Zone G  
Mark Robbins, Chair, FAC  
Neil Wiens, Chair, BGAC

Meeting began at 6:00 pm ET.

**1. Introductions/welcome to guests**

**2. Decision on ERO #019-7378 Protecting Black Ash and its habitat under the Endangered Species Act, 2007**

- A decision has been made regarding ERO 019-7378, “Protecting Black Ash and its habitat under the Endangered Species Act, 2007.”
- As per the original proposal, ESA “species protection” rules will only be applied to “...healthy Black Ash trees with a stem diameter at breast height of at least 8 centimetres...” in listed regions which have experienced significant impacts from emerald ash borer (EAB).
- Prohibitions in 9 (1) (b) and (c) of the ESA, which pertain to possessing, selling, buying, offering, etc., will not apply to Black Ash anywhere in the province.
- No decision has been posted on the proposed exemption of the above “species protection” rules for the forestry industry.
- Discussion:
  - Mark Robbins points out that “diameter at breast height” restrictions will be extremely difficult to enforce.
  - Roy Polsky asks for clarity on Black Ash resistance. Matt Robbins clarifies that a very small minority of ash trees of various species appear to have some level of natural resistance to EAB. These trees are known as “lingering ash.”
  - Mike Evers shares the devastation of EAB in his area and relates “lingering ash” to the elm trees which still exist on the landscape.
  - Roy DeCorte asks if this will affect a paddle-maker he knows, who imports Black Ash from the USA. Matt Robbins replies that it is unlikely to affect this.

**3. Discussion Document on the Implementation Framework for a Right to a Healthy Environment under the Canadian Environmental Protection Act, 1999**

- Document meant to address Bill S-5, *Strengthening Environmental Protection for a Healthier Canada Act*.
- This document outlines considerations for the development of a framework for the “Right to a Healthy Environment” under the Canadian Environmental Protection Act, 1999 (CEPA).
  - CEPA “...provides the legislative basis for a range of federal environmental and health protection programs. These include activities related to:
    - the assessment and management of risks from chemicals, polymers and living organisms;

- programs related to air and water pollution, hazardous waste, air pollutant and greenhouse gas emissions;
  - ocean disposal; and
  - environmental emergencies.
- o CEPA considered the cornerstone of Canada's environmental legislation.
- This will be the first time "the right to a healthy environment" has been incorporated into any federal law in Canada.
- In the context of the CEPA, the term "healthy environment" is defined as an environment that is clean, healthy, and sustainable.
  - o Applies to:
    - Air pollution
    - Water pollution
    - Risks posed by harmful substances
    - GHG emissions
    - Waste
- Part of this bill "Requires consideration of vulnerable populations, vulnerable environments and cumulative effects when conducting and analyzing certain assessments and reviews where information is available."
- Discussion:
  - o Roy DeCorte cautions that such a thing could be carried away.

#### 4. Review of Forest Management Guide for Boreal Landscapes and for Great Lakes-St. Lawrence Landscapes

- OFAH commented on the review of two forest management guides: Forest Management Guide for Boreal Landscapes, and the Forest Management Guide for Great Lakes-St. Lawrence Landscapes
  - o Landscape guides are part of a series of forest management guides that are required to be used by forest managers when planning and implementing forest management operations.
- OFAH comments included the suggestion to periodically review landscape guide indicators, emphasized the importance of effective auditing, highlighted the future need to adapt to changing needs of cold-weather species in the context of climate change, and encouraged the MNRF to increase their emphasis on public access opportunities.
- Discussion:
  - o Roy Polsky asks if this should be brought forward at his upcoming LCC meeting. Matt Robbins clarifies that they will be aware of it already.
  - o Neil Wiens says that LCCs have the opportunity to comment on road closures, that there is currently sufficient representation on these groups. In the far North, arguing for access can be somewhat more difficult due to the current caribou protections, but, overall, hunters are well represented.
  - o Josef Brecka highlights the extent to which the north is already stratified by roads and emphasizes the importance of protecting sensitive environments.
  - o Roy DeCorte underlines ongoing push from the Resource Management Advisory Committee for the forestry industry to post notices of road decommissioning ahead of time. He says they are fairly receptive to the idea.
  - o Chris Roman underlines the concerns recently shared with him by a representative from Kawartha ATV Association about the Highlands Wildlife Corridor project.
    - Matt Robbins and Mark Ryckman explain that our support for this project is predicated on the continued allowance for recreational activities like hunting, fishing, ATV use, etc., CRs, by default, allow hunting.

- Roy Polsky asks if the corridor is in the Algonquin land claim area, to which Mark Ryckman clarifies that, although it is certainly within the settlement area, he does not think this land would be part of the land transfer.

#### 5. Update on Pretty River Provincial Park access situation

- Background:
  - As a result of safety concerns, Pretty River Provincial Park has restricted parking along a primary roadway.
  - Some OFAH members have expressed concern over the impact these restrictions will have on our outdoor pursuits.
- Matt Robbins spoke with the Park Superintendent (John Fisher) and Assistant Park Superintendent (Benjamin Dasti).
  - The “temporary” parking space is being expanded and a crosswalk being put in at this location.
- More recently, we have been informed that the park is considering enlarging an existing pull-off area along the main road to accommodate more parking in this area, which would help hunters and anglers greatly.

#### 6. Update on “Medieval villages” issue

**Guest speaker:** Danny Whalen, Deputy Mayor of the City of Temiskaming Shores and President of the Federation of Northern Ontario Municipalities.

- Danny Whalen has been working on this for three years.
- Many years ago, some properties were transferred to aggregate companies but never given back to the province, and eventually sold. Many “medieval villages” are occurring on these lands.
- Four in Ontario: Kenogami, Long Lake, Swan Lake, and Cochrane.
- In Long Lake, 100 acres is being divided into 200 lots (1/2 acre lots).
- Danny Whalen suggests that part of the reason for their original name “Medieval” is because the intention was to create lots “without rules,” including lumber, fishing, fires, grey water disposal, development protocols, etc.
  - Leases have been advertised as such.
  - E.g. In their lease agreements, septic systems are prohibited; only composting or incinerating toilets are allowed. Grey water must be “dropped to the ground” (no French drain, can’t be held).
  - Involves clear-cutting water frontage.
  - Fire hazards: one resident covered the base of her trailer in straw bales.
- The Long Lake project is asking local landfills, fire service, etc., to open up to them, despite very little tax contributions to the area.
- Danny Whalen has had many meetings with Minister of Municipal Affairs and Housing. They have done a site inspection at Long Lake and found that all lots were contrary to building code.
- However, only the owner of the property can be fined, not individuals at each lot.
- Danny Whalen asks that the OFAH write a letter or letters to keep the pressure on the province.
- Discussion:
  - Mark Robbins feels confident that an issue of this nature will be dealt with by the province eventually.
- Matt Robbins seeks clarification on the relationship between this and aggregate licences. Danny Whalen clarifies that, historically, developers were “enticed” to build roads by selling to aggregate sites. Under today’s rules this would have to eventually go to remediation, but not historically. Some of these properties ended up staying in original “owners” name and are now being sold off.

- David Chenier asks about the size of Swan Lake. Danny clarifies that it is 437 acres.
- Neil Wiens suggests filing a mining claim on the pits, allowing for property takeover. He also says that the same thing is happening in the northwest on “Patent Lands.”
- Danny Whalen recalls that a similar issue also occurred within an aboriginal community in the northwest, but that it was shut down internally.
- Mike Evers asked Danny if these locations are taxed, to which he replied that they are, but taxes are miniscule.
  - Despite this, these locations would still receive local emergency services at the expense of incorporated municipality.
  - Also, the hospital is funded based on geography and demographics. The establishment of these communities would not count towards this funding but would place significant burden on the system.
- These projects are being continued in Panama.
- Mike Evers asked about ownership, to which Danny replied that the contracts have changed over time. Originally, the agreements stated that the owner of the unincorporated land was leasing these locations, but this is no longer the case. The province has the exclusive power to do this. There is an ongoing debate/conflict around this within the community.
- Roy Polsky asked if these projects have broken ground. Danny says yes, they are clear-cutting and forming roads with no permits.
- David Chenier says that, from personal experience, the group from Kenogami that is fighting these projects is “out there” and would not be a good partner. Far too radical.

## 7. Roundtable Updates + Open Discussion

### New items:

- Regulation detailing new Minister’s Permit and Review powers under the Conservation Authorities Act.
  - As of April 1, 2024, provisions in the Conservation Authorities Act grant the Minister new powers to “1) issue an order to prevent a conservation authority from issuing a permit and to take over the permitting process in the place of a conservation authority, and 2) review a conservation authority permit decision at the request of the applicant.”
  - If a proponent wishes, they can petition the Minister to issue an order.
- Non-operating Parks issue: Shoals, Obatanga and Kenny Lake
  - Some years ago, Ontario Parks converted 10 operating parks into non-operating parks (could not justify costs). At the time the OFAH looked into whether or not clubs could “adopt” the parks, but nobody could.
  - OntORA continues to bring this idea forward every few years.
    - OntORA has been an issue for us in the past, especially regarding crown land along the north shore of Lake Huron.
    - Working with, or in alignment with them, could be an optics issue.
  - Given the dramatic increase in park use resulting from Covid-19, the potential for redesignating these locations could be more feasible now.
    - We are not opposed to reopening these protected areas. We simply don’t have a solution to the problem.
  - Roy Polsky says that many of the radical members OntORA may have passed away, they have been oddly silent.
  - Neil asks about whether we have a plan for advocating for fishing and hunting if they were to reopen. Mark Ryckman indicates that we do not have a specific plan outlined, but we can certainly advocate.

- o Rick Moore says it would be good to have a list of all the implicated parks.
  - Roy Polsky seconds this.
- o The committee determines that this is an important enough topic to warrant further research and future discussion.

Round table:

- Roy DeCorte needs guidance from head office on underground nuclear waste. Mark Ryckman says we can circle back after staff consult the policy binder to inform our position.
- David Chenier suggests that Danny Whalen may be a good resource.
- Roy Polsky says that the mills in his area aren't harvesting enough (30% of what they are supposed to).
- Josef Brecka says that the Forest Stewardship Council Certification issue is still ongoing. Also, reminds the committee that we talked about the medieval villages years ago but, after he reached out to one of the communities, they never responded.
- Stu Paterson mentions the large Hydro project at Meaford.
- Neil Wiens says that, during his time in British Columbia, he noticed that there are pullover areas on almost every creek and river. We are far, far behind in this regard.
- Kerry Coleman says that Ontario Woodlot Association wrote a good letter to the MNRF and Ontario Nature on the subject of Black Ash. Will forward it to staff.

## 8. Closing Remarks/Meeting Adjourn

Respectfully submitted,

Mike Evers  
Chair