

Date: June 16, 2021

Letter to Haliburton County Council

From: Councillor Moffatt, Mayor-Township of Algonquin Highlands

Re: Transient Use/Misuse of Crown Land

Haliburton County relies heavily on a tourism and seasonal economy entrenched in outdoor recreation, generational cottaging and being the gateway to Algonquin Park, the new QEII Park and myriad other assets. It has some 600 named lakes and many more that are unnamed its 4,000 square kilometres, approximately 49% of which is Crown Land.

In the 2016 census Haliburton County's growth was greater than the provincial average as more people 'moved to the cottage' or chose a lifestyle change. The County's successful tourism marketing campaign along with the individual work of many stakeholders has provided for more people to have 'discovered' the Haliburton Highlands.

These are positive outcomes toward community development however, in recent years there's been a steady increase in demand for access to free, back-country recreational opportunities; an increase made more profound by the pandemic, its resultant explosion in property sales and the public's widespread desire to be outdoors.

This combination of circumstances has steadily increased the use of some Crown lands to the point of misuse as well as increasing conflict among users, particularly between nearby/abutting property owners and transient users.

The Public Lands Act allows the public to enter onto and enjoy a variety of activities on Crown land, including camping, off-road vehicle use, and the discharge of firearms. Historically, people seeking back country experiences chose to travel 'out to the bush' for those experiences but it appears people are more frequently seeking these experiences at convenient locations closer to their homes and closer to roads.

There are growing calls for local governments to "do something" about the changing use of some Crown land parcels and I am today seeking support from County Council to open discussions with the appropriate provincial agencies about some of those parcels. The County of Haliburton straddles two MNR Districts: Bancroft and Parry Sound.

By way of background, Algonquin Highlands has been working with citizens in the Livingstone Lake area for about three years over growing concerns with Crown land use, particularly the use of firearms as well as related concerns about noise, pollution, garbage, illegal fires, and more.

I am aware that Minden Hills has been seeking resolution for a surge in access to the QEII park in relation to similar concerns, but would leave any details in this regard to the Minden Hills members of Council to expand upon.

A 2019, an Algonquin Highlands delegation with Minister Yakabuski at the AMO conference proved quite disappointing however, continued work by a citizens' group has resulted in a working relationship between the Parry Sound MNRF office and the concerned citizens, to which the Algonquin Highlands has lent its support, including ongoing correspondence with MPP Laurie Scott's office. In an effort to put a finer point on its support, Algonquin Highlands resolved at its May 20, 2021 meeting of Council to write to Minister Yakabuski seeking a prohibition firearms at the Livingstone Lake parcel of Crown land.

In response to the small newspaper note on the matter, I have been contacted by citizens in Algonquin Highlands, Minden Hills and Highlands East sharing similar stories of Crown Land misuse and their various efforts to get help from MNRF and OPP. Some excerpts from those emails are included in this report.

I subsequently spoke to my mayoral colleagues to learn of other Crown land issues they've had in preparation for today's discussion. I also spoke to senior employees of both OPP and MNRF and it's evident that keeping up with the changing use of Crown land falls between the jurisdictional cracks of municipalities, OPP and MNRF.

It's vital to clarify that these are not issues of gunshots in the distance, an occasional noisy weekend, intolerant neighbours, or woody walkers annoyed by an ATV; these are serious and sharply-increasing concerns about public safety due to the amplified growth of incompatible uses of specific Crown land parcels in proximity to private property.

Complaints include:

- Discharge of firearms in close proximity to private property
- Discharge of firearms that may or may not be legal
- Trespass on private property to reach Crown lands
- Conflicting use of said lands and subsequent confrontations
- Evidence of alcohol and firearm use
- Disruptive noise
- Environmental concerns such as:
 - Destruction of trees
 - Violation of wetlands

- Garbage, shells, debris, broken bottles, etc. left behind
- Pollution from lead shot still being used
- No toilet facilities

While the County and its member municipalities have worked hard toward embracing and benefitting from community change, the Crown Land matter has become a worrisome challenge to which none can keep apace.

Ontarians anticipate that municipalities will provide for both the safety and reasonable enjoyment of the private lands for which they pay taxes; and that the province will provide for faithful stewardship of public lands. However, the remoteness – or perceived remoteness, of some problem areas make oversight or enforcement by MNRF, OPP and municipalities next to impossible. Ultimately, municipalities cannot solve problems on land they don't own, over which they have no jurisdiction, and for which they don't have the tools or resources.

Various letters, discussions and meetings of private citizens and municipalities with OPP and both local and ministry MNRF staff have highlighted jurisdictional gaps where agencies are unable to monitor, intervene, enforce or otherwise be of any effective assistance in a quicklychanging landscape.

The Public Lands Act was written in a different time for a different generation using public land differently and it's simply not designed to address the current uses of public lands or the challenges upon them.

I'm seeking support from County Council to address this overarching issue and its related gaps at the County level to undertake the following:

1. Open dialogue with both the Parry Sound and Bancroft Districts of the MNRF in order to:
 - Identify the problem areas and evaluate their suitability for the activities being undertaken on them;
 - Seek the implementation of appropriate restrictions of certain uses at certain sites;
 - Seek an enhanced provincial educational campaign for appropriate uses and stewardship of Crown lands; and
 - Seek enhanced enforcement tools for each and all of the MNRF, OPP and municipalities to better reflect the current uses of these lands
2. By way of email, invite other municipalities in the province facing similar concerns to voice those concerns directly to the province.

Excerpts from emails received:

“There is a disused sand pit ... that has become a shooting range for people as far away as Oshawa. They use every type of firearm from pistols to AR15 assault rifles. Not only are we concerned for the safety of residents but garbage that is left behind from target practice. There is a safety issue as the road is used by pedestrians with children (and) there are campsites within range of a stray bullet - just a scary situation. We have been told its crown land and that the law allows them to shoot there, despite the fact they are carrying these weapons across private property to get there. Leaving garbage from target practice, shell casings, empty beer and liquor bottles doesn't seem to be an issue with the authorities. It is left to cottagers to confront these individuals not something I enjoy and actually scares me, but we have little choice left. As you can probably tell we are totally exasperated by the whole situation.”

“Almost every weekend, two (men) ... walked in the bush wearing full military clothing and their body covered in rifle clips and carrying Russian SKS rifles. They began shooting at trees at 10am and continued to shoot until dark. On many occasions, we called the Minden OPP and while these individuals were encouraged to leave (only for them to return the next weekend), no charges were laid. The OPP say ... to lay charges we would have to video tape them using firearms in a dangerous manner, and that destruction of trees with a firearm is a MNR issue. Thousands of rounds were spent each time they arrived. They were also using Tannerite, a binary explosive that detonates when shot at with a high- powered rifle. Shockingly, it's a legal explosive intended for long distance shooting. These individuals were packing large amounts of it into trees and the resulting explosion can only be described as something you would hear during war. They dropped a beautiful sugar maple 18"-20" in diameter by shooting at it. In five minutes, they killed a tree that required 100 years to grow that large. When these individuals were in the bush, we became hostages in our own house. I spoke to our local conservation officers and in fact showed (them) trees that were shot up and the tree that was felled. We were advised that there is not much they could do, other than issuing a \$75.00 fine for logging without a permit. (MNR staff) informed us that dangerous shooting on crown land is a police issue and that our course of action lies with the OPP, and so 'the buck is passed' from the MNR back to the OPP...”

“There is a section of Crown land that lies on the Western edge of Boshkung Lake . It is adjacent to many very valuable water front homes ... and was historically used for hiking, cycling, and wildlife watching by many public users and local property owners. Recently a (new property owner) chain-sawed trails throughout this tract of land without permission. The trails were cut

so that ATVs and side by sides could operate. This land is now used for ATV poker runs and rallies (that disrupts the enjoyment of nearby property owners)”

“These shooting sites and off-road vehicle use areas in Crown land are advertised on the internet through Canadian firearm forums and Large 4WD and ATV association sites.”

“The overarching issue is the location of the pit and its very close proximity to cottages, yearround residences, cottage access roads, laneways and trails which are regularly used and travelled by residents and cottagers. Firearms use in addition to nuisance land use activity ... poses an ongoing safety, well-being and quality of life issue for the residents.”

“When shooting occurs residents feel unsafe, vulnerable and threatened. They are also angry. Most will not travel or walk down access roads or laneways while shooting occurs and many will not leave their home or cottage, and if they are outside they will go inside. The shooting can last for a prolonged period of time, is extremely loud and nerve wracking and affects the well-being and quality of life of residents as they have no idea from what direction shooting is from and whether or not it is towards them. Shooting is often directed towards targets placed facing (the) lane and not on safe backstops. We have found targets placed directly in front of cottage access roads and in a line directly toward cottages.

During interruptions in shooting, residents out of fear, anger and frustration have often taken it upon themselves to approach target shooters and advise them of the situational risks and request they move to a different location. This is confrontational and involves a considerable amount of risk as the individual/s they are approaching are armed. Cottagers and homeowners should not be put in a position to manage safety issues on MNRF property.

There are many other locations nearby in the area where target shooting can be done safely including other pits with no homes or cottages close by.”

“We have sent many petitions and letters to Honorable Jeff Yurek, MPP Laurie Scott, MNRF and our local council...”

“We have contacted OPP, MNRF, local bylaw officer, our local councillor, the Township office and we cannot get anyone interested in our situation.”
