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District of Muskoka

*Via email*

Dear Ms. Marden and Ms. Doyle

Re: Comments on the Muskoka Official Plan Amendment 6; Component 3 (Environmental Resiliency) and Component 4 (Lake System Health Policy)

The Muskoka Lakes Association has reviewed the various documents associated with the policy changes proposed through the Districts' Muskoka Official Plan Amendment 61 and attended the public information meeting held in December. We offer the following comments on the District Reports CPS-10-2025-5 Component 3 and CPS-10-2025-6 Component 4 for consideration as you move through this process.

### **Component 3 – Environmental Resiliency**

#### General Comments

Overall we are pleased to see the policies are being strengthened in favour of the environment with protection for features, water quality and quantity, the natural shoreline and the watershed, including looking forward to future impacts of growth and climate change. The policy changes also recognize the need to offer flexibility to reduce unintended consequences of rigid setbacks resulting in greater impacts from blasting or feature removal. The Muskoka Lakes Association is very supportive of this direction.

We note the shift in focus to resilience rather than sustainability, acknowledging the need to build adaptive capacity into environmental, economic, social and cultural systems and the synergies between such factors. We submit that there is a place for both as we consider the impact of choices in purchasing goods and services, so as not to lose the concept of sustainability in the policy framework.

B3 policy directions are changing to focus on the watershed rather than environment. Environment in some contexts includes social and economic considerations. Further, the environment includes the atmosphere, such as air quality, which is typically not an element of watershed management. With increasing impacts from wildfire smoke and past challenges of acid rain the inclusion of environment as a concept should be retained.

## Natural Heritage

In the current plan, C1.1 (xvi) continues to *encourage and support* the evaluation of wetlands. Many wetlands in Muskoka have not been evaluated given their remoteness or general lack of development potential, but this is changing. Beaver controlled wetlands are very important ecological features that are at risk from removal. We acknowledge the presence of many wetlands in Muskoka makes evaluation a potentially significant undertaking. We would encourage the DOM to develop some criteria for determining when a wetland should require an Ontario Wetland Evaluation System (OWES) evaluation (e.g. size, type, risk of impact, known species at risk) such that any evaluation recommended can be applied consistently so that they are given the protection they deserve, especially as elements of water management and carbon storage.

C1.1 and C1.2 Natural Heritage speaks to the protection of natural areas, features and functions as well as the need to include significant wildlife habitat. There are references to development of natural heritage strategy (C1.6.3 d) which would define a natural heritage system. We would encourage the DOM to enhance this language to commit to the development of a strategy as an element of, or to feed into, a watershed plan. Natural heritage systems are best determined at a regional scale for these systems link locally, and sometimes provincially. Consider modifying C1.1 to include an objective about developing the strategy cooperatively with the local municipalities. Protecting only features has shown to be ineffective in the long run, without consideration for its functions and linkages with larger or adjacent systems.

Further modifications to C1.4.4.1 a) recognize the implications of significant wildlife habitat through fragmentation from development. We also recommend that it explicitly recognize fragmentation from roads which are a significant barrier and hazard to many species. As the area grows so does the proliferation of roads and the creation of barriers. Infrastructure planned long ago, such as the Bracebridge bypass, are examples of fragmentation should it proceed in the originally anticipated form.

H1.3.2 notes that the DOM has approximately 89% forest cover. A new policy is proposed d) Area Municipalities are encouraged to establish *equitable tree canopy targets*. Forest cover and tree canopy cannot be used interchangeably. Forest cover defines the *ecosystem type*, whereas canopy cover quantifies the *density of treetops* within any given area, including forests, urban green spaces, or woodlands. We recommend changing canopy to forest cover to ensure that the functions of a forest are not replaced with individual trees.

## Flood Hazard Policy

There has long been a need for improved understanding about the flood hazards in Muskoka and we are supportive of the availability of Flood Plain mapping and the improvement of flood plain policy

as well as the recognition of the Integrated Watershed Management as a tool for effective flood management.

We note an error in I1.3.2 (iii) – the term is 100 **year** not *yard* flood level

I1.3.10 provides a special policy on boat houses and we support providing policy clarity on this.

However, it is unclear if a) applies only to **new** one-storey boathouses. It is implied but the language should reflect that of b).

There are now requirements to demonstrate in both policies a) and b) *that new hazards are not created and existing hazards are not aggravated and no adverse environmental impacts will result.* While we agree with the intent and boat house siting criteria typically address the latter, the flood plain evaluation will require additional technical evaluation by engineers. Criteria for when this would be required should be developed to reduce unnecessary expense to those seeking to build a boathouse.

Further policy c) now requires all boathouses be subject to a planning application but is unclear if it is to apply to all additions and redevelopment proposals of existing boathouses or only new boathouses.

I1.3.11 c) speaks to **minor additions to existing buildings in the flood hazard**. For consistency among applications of the same lake in different municipalities, we suggest that the DOM provide a guideline for what constitutes ‘minor’ and to allow residents to temper their expectations in advance.

Conservation Authorities in Ontario have developed policies and standards for measures that could form the basis for such guidance (such as [https://files.cvc.ca/cvc/uploads/2025/11/final\\_-CVC-Policies\\_FINAL\\_forboard\\_20251030-3\\_pa.pdf/](https://files.cvc.ca/cvc/uploads/2025/11/final_-CVC-Policies_FINAL_forboard_20251030-3_pa.pdf/) Section 6.2.2) and are compliant with Provincial policies.

I1.3.11 d) addresses the use of accessory buildings in the flood hazard. It limits this to structures that are not **habitable**. The definition of habitable should be provided as it is not covered in the PPS or previous version of the OP 2019.

Lake Muskoka is considered a large inland lake by the Ministry of Natural Resources and therefore subject to the requirements of their 1996 Technical Guide for Large Inland Lakes. Clarity should be provided as to how the 5m wave uprush limit will be determined and the implications for setbacks from the high-water mark. Conservation Authorities typically apply the cumulative or greater of all the influences on a hazard limit as the limit for development from which buffers are applied.

### Integrated Watershed Management

We are very supportive of the inclusion throughout the plan of references to Integrated watershed management. The OP 2019 contains policy C5. Improvements could be made to this section to reinforce how watershed planning will contribute to land use planning decisions – such as directing

land uses away from sensitive areas; guiding restoration or determining servicing capabilities or growth areas.

C5 d) directs that *all land use decisions within Muskoka shall promote water conservation and support the efficient use of water resources on a watershed and sub-watershed basis. We recommend that DOM determine how it will use the results of the plan to incorporate many of the other aspects of watershed planning into land use decisions.*

#### Climate change

We applaud the DOM for undertaking a number of climate assessments and plans and for moving quickly to include them with the OP policies. These policies recognize the link between environmental management, particularly flooding and climate change.

We are supportive of policy changes for minimizing flood impacts. We support the emphasis of modernized storm-water management plans and building the capacity of staff to review and apply measures that are becoming common place in the GTA.

While not a typical concern of the waterfront, the recognition in the policies for climate equity is supported.

With climate change we not only expect more changes to floods but also drought and wildfires. We cannot assuming that all of our lakes can support water supplies with sustained drought. Drought will most certainly put us at greater fire risk. Policy I1.3.16 replaces I2.8 and remained unchanged. While we appreciate that there are forest types that may be more conducive to fire, drought can make almost any vegetation tinder.

We also appreciate that wildfire mitigation should not negatively impact natural heritage features. We believe that this is a good opportunity for the DOM to lead on this complicated topic. Ultimately the policy as written could mean that none of the DOM or all of the District of Muskoka are suitable for development as the wildfire risk levels cannot be effectively mitigated if we are to protect the forest cover. The Fire Smart tools while helpful, are difficult to apply particularly around the lakes and rivers where people and forests interact. We need guidance that helps property owners think about this threat that we have been largely spared from. Perhaps DOM could work with Fire Smart to craft a ‘made in Muskoka’ version of their guidance documents.

We recommend that a policy, similar to I1.3.15 a) be inserted into I1.3.16

*The District of Muskoka shall, in collaboration with the Area Municipalities, develop and/or promote **wildfire** preparedness options for landowners **within forested areas** in an effort to mitigate **fire** damage.*

#### **Component 4 - Lake System Health Policy**

We have several specific comments on the various elements of the new policy as outlined in Component 4 as follows.

The content of Section C2.6 of the 2019 MOP is replaced with a new section C2.6. Generally, we are very pleased to see that policies are strengthened in favour of the environment including protection for the natural shoreline and continue to offer flexibility to site development where it will have the least impact on other valued features such as wetlands and outcrops. These strengthened policies are essential to the preservation of Muskoka's natural shoreline in the face of climate change.

The Lake System Health policies are focused on the shoreline and development on or adjacent to it. While we concur that development along the shoreline has the greatest potential to degrade water quality, the towns in the DOM are growing in area and densifying. There are more roads and more people which means more impervious surfaces and runoff carrying many contaminants into the rivers and lakes. While Component 3 recognizes the watershed relationship, the Lake Health policies remain focused on the shoreline. Some language linking the two would be beneficial in this document.

#### Section C2.6.2

The MLA was directly involved with the revisions to the Lake System Health Policy in 2015 that became OPA 45. As you know, the MLA carries out a very extensive citizen science water quality sampling program with now over 20 years of data. We welcome the opportunity to coordinate monitoring efforts among all the different government and volunteer agencies to ensure compatible data sets that can be used for a variety of purposes.

C2.6.2 c) notes the important role of stewardship to protect or remediate environmental conditions. There are tools such as monitoring data and lake plans, but the residents of the lakes shoulder the financial and technical burden of these efforts. In other parts of Ontario, organizations like Conservation Authorities provide technical expertise and financial support to landowners in the pursuit of restoration. Issues for some lakes, such as Three Mile, come from historical and current land uses around the shoreline and within the sub watershed. It is beyond the capabilities of the lake association or individual landowner to rectify the practises that contribute to continued degradation of water quality. We encourage the DOM to support – financially and technically - a stewardship program that can assist in addressing some of the most significant issues that landowners are facing.

C2.6.2 f) speaks to support for the development and implementation of septic re-inspection programs. We are very supportive of the need to continue this program and urge that priority be given to the inspection of high- risk systems.

C2.6.2 h) speaks to the development of remedial action plans or lake plans. Further to the comments made under c) these plans need to be supported by funding, data and monitoring that is not just focussed on spring turnover and long-term trends. The recommended changes to the triggers include removing causation studies. While we can agree that they have not been all that helpful in addressing causes of water quality problems, HESL 2024 notes that there are challenges

in having the appropriate data on which to evaluate the issues fully. We would encourage DOM to develop revised sampling guidelines that would outline how, where and the frequency of water testing for a lake and/or review and endorse a lake's sampling program such that the data results can be used to help identify cause-effect in addition to long-term water quality trends where required.

C2.6.2 h) i goes on to provide a bit more detail on lake plans and remedial action plans but other than policy and defining action, provides no further mechanism to take those recommendations and implement them. Environmental degradation does not just affect the use and enjoyment of shoreline properties; it can reduce property values and have greater public health implications. We encourage the DOM to outline more mechanisms to assist lake associations and property owners to get the action plans completed and into action on the ground, including refining a causation study approach that ensures the right data to inform action. We acknowledge the inclusion of policy for highly sensitive waterbodies in C2.6.4.3. and that c) District funding programs will also be targeted towards the waterbodies identified on Schedule E2 but feel that more detail could help lake associations understand the expectations for assistance.

### C2.6.3 Protecting Water Quality

C2.6.3.1 Background addresses many of the water quality issues that are facing Muskoka. We agree that blue-green algae have become an increasingly important concern, as has chloride. There are other emerging contaminants that might be worth mentioning and even sampling for as a special study to determine their importance – such as the chemicals used in insect control (mosquito, spider) that have become prevalent in Muskoka.

C2.6.3.2 General Policies b) states that *'all of the lakes in the District are considered to be **sensitive surface water features**'*. We are very supportive of this shift to recognize that if the balance is tipped it is too hard and expensive to get the lake back. Climate change is a threat to all lakes and is best addressed by a consistent District wide approach.

### C2.6.4 Minimizing and Mitigating Phosphorus Impacts

C2.6.4.1 General b) speaks to the requirement of net improvement be demonstrated and implies to water quality. That cannot be proven within the means of property owner. What can be done by landowners is to protect or improve the conditions that result in low impact to the nearshore water quality. To make this effective, more guidance will be required or conditions that would trigger the requirement (ie. If one is meeting all setbacks and protections is this still a requirement?)

C2.6.4.2 a) proposes that the minimum water frontage be increased to 90 m or 295 ft for new lot creation and a minimum lot size. We support larger lots, as it will reduce the numbers of buildings, structures and docks in the shoreline and thereby increase natural shoreline.

C2.6.4.2 c) proposes to continue the requirement of 75% of the linear shoreline frontage of a lot to be maintained in a natural state and introduces an increase to the buffer depth of 10 m to a total

depth of 30 metres (98 feet) from the shoreline for new or vacant lot development. HESL 2024 provide some scientific support for this number. In principle, it is important to have a wide and functioning buffer. It is also possible that the buffer may need to be restored even for new lot creation.

More consideration needs to be given to the implementation of the building setback in C2.6.4.2 j) minimum 30 metre (98 feet) setback from any shoreline. This puts the buffer limit, septic setback and the development limit potentially at the same position. Construction is messy and is not limited to the footprint of the structure. By having these limits coincident, intrusions or damage to the buffer vegetation can be expected especially to trees and roots. Perhaps the 30 m building setback could be modified to define it as a building envelop setback including consideration for construction setbacks for landscaping and structures. We would appreciate the opportunity to further discuss this issue.

C2.6.4.2 d) In this policy the buffer is also applied to islands. Perhaps peninsulas also warrant special mention here. This does not distinguish between islands that are already developed or new development. Clarity is sought on this.

C2.6.4.2 g) introduces a limit to impervious area on a lot to 10%. We are familiar with the science behind this number which was done at a much larger scale and typically for urban surfaces draining to storm sewer systems. The intent is valid, but to be applied, one needs to separate out the proportion of impervious surfaces that remain unmitigated (effective impervious cover). For example, a roof leader to a cistern means little runoff; or a green roof; or drainage into large natural areas, including buffers where it is filtered, infiltrated or evapotranspired. For non-urban situations this may be difficult and expensive to apply. Greater clarity around this should be provided before proceeding.

C2.6.4.2 Standard Protection Policies j) We request further discussion of how this policy will apply to existing non-conforming properties. It is proposed that *“A minimum 30 metre (98 feet) setback from any shoreline shall be required for **all development**, excluding shoreline structures, open decks and minor accessory structures.”* However, C2.6.4.2 e) speaks to best efforts where existing buildings are being reconstructed but seems to conflict with j).

The section does contemplate circumstances where *“iii) Redevelopment on an existing lot is proposed where the setback is not further reduced”*, but the standards governing such redevelopment are not clear. Those standards must be clarified. There will be many non-conforming properties which owners will understandably want to redevelop, and the District OP needs to provide balanced policy direction on the topic. In general, it is our position that redevelopment at the existing setback should be permitted with minor additions, and not major additions, but we look forward to discussing the issue in more detail. Clarity is also needed about the interaction between the District OP and the local municipality OPs on this issue.

We appreciate that flexibility remains to ensure that unintended consequences of rigid limits do not result in alterations to the environment that could have been avoided by a more thoughtful approach.

C2.6.4.3 e) New lake system health screening criteria being proposed, are:

- i) A long-term statistically significant ( $p < 0.1$ ) increasing trend in total phosphorus concentration demonstrated by at minimum 4 (four) spring overturn phosphorus measurements obtained through the District's Lake System Health Water Quality Monitoring program within the last fifteen (15) years. All samples collected within the 15-year period will be utilized to determine the long-term trend;
- ii) A 10 (ten) year average of phosphorus concentration of greater than 20  $\mu\text{g/L}$  demonstrated by at least 3 (three) spring overturn phosphorus measurements obtained through the District Lake System Health Water Quality Monitoring program within the last ten (10) years; and
- iii) Two or more blue-green algal (cyanobacteria) blooms confirmed and documented by the province over five (5) consecutive years.

The policy report suggests that these criteria are based partially on recommendations from HESL 2024, local issues and public feedback. HESL did not propose either i) or ii) as criteria, just iii). As noted in our earlier comments regarding C2.6.2h, i) and ii) remedial action plans will be directly impacted by changes, if any, to the DOM testing and data monitoring program. In order to obtain long-term statistically significant P data, more testing is required. If not, criteria i) and ii) will not be useful. While we support continued improvement in Lake Health Policies, we are interested in learning more about the implications of the changes.

On face value it appears that there is more specificity in criteria i) and ii) but there were no examples of how these changes to the existing policy would alter the determination of sensitivity or why the change is considered. We would appreciate seeing more analysis on how these changes would affect previous sensitivity outcomes.

The DOM does not have data annually for many sites and a longer (i) now 15 year) time frame is needed to determine trends. However, this length of time could let issues increase before being flagged for concern. This suggests that aligning and combining data sets from MLA and other lakes associations and the Lake Partner Program could improve the tracking of trends. We are all striving toward the same outcome and modifications to the various citizen science programs in the District to be compatible with the DOM's program should be discussed. The MLA is supportive of working on this with the DOM.

In the spirit of improvement, how would lakes that are naturally eutrophic be treated under ii)? Or is the policy looking for lakes that have or are tipping into eutrophic status. If the latter is the case, then waiting for them to hit 20  $\mu\text{g/L}$  makes it that much harder for potential management actions to

be initiated and even longer to become effective. Therefore, we would suggest that a lesser standard, of perhaps 15 µg/L might provide a better warning trigger.

Criteria iii) now provides for two or more BGA blooms in 5 years. Given the prevalence of BGA blooms in recent years, having more understanding of the methodology used by the Province/Health Units would be beneficial. The species composition and potential for toxin production appears to be measured but not biomass which may also provide an indication of severity. Further, we contend that there is a significant difference between a bloom in an isolated bay and a whole lake that experiences blooms, such as seen in Three Mile Lake. Is there a value to distinguishing between these circumstances?

Under the previous policy, lakes considered sensitive were then subject to enhanced BMPs, a detailed Causation Study to determine the role of shoreline development on water quality, a freeze on new lot creation and completion of a Remedial Plan if the causation study concluded that human phosphorus loading was likely the cause of increased phosphorus concentrations or the occurrence of cyanobacterial blooms. HESL's 2024 review of the DOM Lake Health Policy concluded that causation studies do not continue *as currently designed* as the data sources available were not suitable for determining cause and effect. They did recommend that future causation studies be used for more intense study of fewer lakes (e.g. Three Mile Lake), where more robust data can be collected with an aim to directly inform management. We encourage this approach, along with adequate funding support for monitoring and implementation.

Further, we seek clarification as to whether there are opportunities to delist a lake between 5 year reviews of the OP. There is a stigma associated with lakes being labelled highly sensitive and that may affect property values.

Following adoption of OPA 45, the MLA aligned our water quality monitoring program and analyses with the criteria/triggers outlined in the Causation Study Policies F-30, so we are watching these changes carefully for the implications on our analyses and reporting.

Finally, early in this OP review process we had requested that the DOM consider the creation of an expert panel to an provide independent technical review to ensure that any revisions have been vetted by numerous experts in this field of study, are scientifically sound, supported by future research and responsive to emerging trends. This did not happen. The workshop we attended a year ago did not explore the specifics of the Lake Health Screening Criteria or the process of undertaking a causation study.

Several of the criteria being proposed here have no scientific analyses attached, which in the past was the rationale at the DOM for not implementing other criteria. Before approving the lake health policies, we encourage the DOM, all your water quality partners and academics specializing in our lakes to have an expert panel to review and comment on the proposed policies and criteria to be

used so that the best scientific approach and policy framework are applied to the best lakes in the world.

#### C2.6.4.4 Enhanced Protection Policies

The precautionary approach is being used in applying the requirements for enhanced protection measures to development on Highly Sensitive Waterbodies. We are supportive of the application of these measures. The preamble to this policy speaks to development **on a** Highly Sensitive Waterbodies. These waterbodies are not separate from their watersheds. Where are the development policies that recognize the linkage between inland development/land uses and downstream water quality?

C2.6.4.4 b) calls for a Phase 1 and 2 Water Quality Impact Assessment, however, the components of such are really standard, or should be standard, requirements of any site plan for development and on-site sewage permitting. Additional clarification of the uniqueness of these requirements is suggested and perhaps a relabelling to *Development and Servicing Evaluation Requirements for Water Quality Protection*.

C2.6.4.4 d) proposes monitoring and reporting to the DOM by the property owner to confirm compliance with planning permits. Based on the observations we have made on the lakes, compliance with permit conditions is not being adhered to as buffers are reduced to mulch and manicured trees. If self-monitoring is allowed, then there needs to be some level of inspection or verification by the DOM and/or local municipality.

#### C2.6.5 Chloride Impacts

We are supportive of including measures to address chlorides in our environment.

C2.6.5.2 **Development Policies** direct that all development applications including a ‘*substantial amount of impervious surface*’ must submit a Chloride Impact Assessment. There is no definition associated for ‘substantial amount’. Earlier in the document 10% impervious cover was proposed but appeared to be focussed on shoreline properties. If 10% is being proposed in this context then please refer to our earlier comment under C2.6.4.2 g)?

Many shoreline properties are seasonal and may not use any de-icing agents. However, use is heaviest in towns, highways and roads. Storm water management facilities cannot effectively remove chlorides before discharging so therefore reduction is the first step. But so is the effort to reduce impermeable surfaces and shift to permeable surfaces, but they tend to be impractical as a replacement for many paved surfaces. Therefore, additional policy should be included to encourage the reduction in impermeable surfaces, such as less road width, parking area, as well as changes in winter maintenance standards or other measures.

### C2.6.6 Implementation

The policies directed at implementation are very rigorous. We suggest a couple of modifications as follows

C2.6.6 a) v) We suggest the following rewording to emphasize the need to protect existing vegetation first “Native tree and vegetative cover on the balance of the property shall be protected to the extent possible and through preparation of the vegetation protection plan with restoration of disturbed areas as terrain and soil conditions permit”.

C2.6.6 f) speaks to *other* tools in addition to land use permits so we suggest removing ‘adoption of the community planning permit system’ or adding site plan control if permitting is not considered covered

Thank you for the opportunity to provide these comments. We request a meeting to review some of the issues we have presented in more detail. Also, we look forward to taking part in future consultations. If you could advise us when the policies will be presented to committee, we would appreciate it.

Yours sincerely,



Deborah Martin-Downs  
Chair Environment Committee



Steve Rohacek  
Chair Government and Land Use Committee

c.c. Ken Pearce, President, MLA