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## **Appendix A**

### **Crown Land Disposition and Lake Trout Lakes**

#### **A.1 Background – Why are Lake Trout Lakes Important?**

Lake trout lakes are rare. While only about one percent of Ontario’s lakes (i.e. approximately 2,280) are designated by policy and managed by the Ministry for lake trout, this resource represents 20-25% of all lake trout lakes in the world. The lake trout is an important fishery resource in Ontario and is a preferred species among many resident and non-resident anglers.

The lake trout is the only major, indigenous sport fish species in Ontario that is adapted to oligotrophic lakes (i.e. lakes with low levels of nutrients, high dissolved oxygen levels and typically deep areas with very cold water). The lake trout’s slow growth, late maturity, low reproductive potential and slow replacement rate make it a unique species in the province. As a top predator, the lake trout is an important part of the province’s natural heritage and an excellent indicator of the health of these fragile aquatic ecosystems.

Approximately 5% of the province's lake trout populations have already become extinct. Lake trout and lake trout lakes are particularly vulnerable to the impacts of human activities including harvesting, increased phosphorus inputs from cottage septic systems and other sources of nutrient enrichment, acidification, species introductions, and habitat destruction. Development on lake trout lakes may result in habitat degradation, diminished lake trout populations and a lower quality fishing experience.

Field and laboratory research has shown the detrimental effects of low dissolved oxygen levels on lake trout. In order to protect adult and juvenile lake trout habitat, the Ministry has adopted a 7 mg/L mean volume weighted hypolimnetic dissolved oxygen (MVWHDO) criterion to determine lakeshore development capacity on all inland lake trout lakes on the Precambrian Shield.

Given the importance and ecological sensitivity of lake trout lakes, the Ministry has historically worked to protect lake trout lakes from the adverse impacts of lakeshore development. Dating as far back to the early 1980’s, Ministry land use and resource management planning documents and guidelines have advanced a precautionary approach to the management of Crown land adjacent to lake trout lakes, including moratoriums on the sale of Crown cottage lots on lake trout lakes. The Ministry has also worked with municipalities and other ministries to advance the protection of lake trout lakes through the Planning Act and Ontario’s municipal land use planning process.

From a fisheries management perspective, the Ministry designates and manages lakes with lake trout populations as either “naturally reproducing lake trout lakes” or “put-grow-take lake trout lakes”.

Naturally reproducing lake trout lakes include those lakes that may have lost populations, but have been identified for rehabilitation. For example, recent water quality improvements have allowed the reintroduction of lake trout into previously acid damaged lakes in the Sudbury area, in order to re-establish viable self-sustaining populations.

Put-grow-take lake trout lakes are managed to provide recreational fishing opportunities or to direct angling effort away from more sensitive naturally reproducing lake trout lakes. Put-grow-

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take lakes are generally less sensitive to potential impacts of development than lakes managed for naturally reproducing lake trout populations. In some put-grow-take lakes, the spawning habitat necessary to support a self-sustaining lake trout population is not and never has been present. In other lakes, habitat has degraded to the point where a self-sustaining population cannot be successfully re-established. In both cases, lake trout are present through continued stocking.

While the risk of harm from additional development may be less on put-grow-take lakes because the lake trout population is not dependent on spawning habitat, a healthy environment and abundant suitable juvenile and adult habitat is required to maintain the population.

## **A.2 Lake Trout Lake Designation**

For purposes of applying this policy, a lake must be designated by policy by the Ministry for management as a lake trout lake.

The list of lakes in Ontario designated by Ministry policy for management as either a naturally reproducing lake trout lake or a put-grow-take lake trout lake are identified in *Inland Ontario Lakes Designated for Lake Trout Management*, May 2006 (OMNR 2006a) as amended and revised.

## **A.3 Crown Land Disposition**

The principle of this policy is that the Ministry will not dispose of vacant, undeveloped Crown land, where the disposition of Crown land could subsequently lead to impacts to habitat or lakeshore carrying capacity for lake trout.

The Ministry may however dispose of Crown land on lake trout lakes through application of the *Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects* and consideration of other Land Management policy directives in the following situations:

- where there is adequate lakeshore development capacity on put-grow-take lake trout lakes;
- the disposition relates to an existing occupation of Crown land with occupational authority (e.g. land use permit, lease, licence of occupation) as referred to in Section A.3.2 of this Appendix; or
- the disposition is recognized as not having a significant impact upon lake trout habitat (e.g. shore road allowances) as referred to in Section A.3.2 of this Appendix.

Note: Policy direction for the disposition of Crown land related to water power development on lake trout lakes will be addressed through future review of PL 4.10.05 Water Power Site Release and Development Review and associated water management planning procedures and guidelines.

Further details on Crown land disposition are provided in the following sections.

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### **A.3.1 Disposition Not Permitted**

Crown land on naturally reproducing lake trout lakes will not be disposed of including:

- shelf cottage lots contained in an existing plan of subdivision or established by a Crown land survey; and
- other undeveloped, vacant Crown lands (including the surface rights of lands identified on surveys and in letters patent as 200 foot or 400 foot reservations fronting patented mining lands) where the disposition to other parties (e.g. municipality, private developer, resource based tourism industry) could lead to subsequent development that could have negative impact to habitat or lakeshore carrying capacity for lake trout.

### **A.3.2 Disposition Permitted**

#### **Put-Grow-Take Lake Trout Lakes**

Crown land may be disposed of on put-grow-take lake trout lakes where it has been determined that the lake has sufficient lakeshore development capacity to accommodate the anticipated development impacts.

In these situations, lakeshore development capacity will be determined through application of the Ministry's criterion of 7 mg/L Mean Volume Weighted Hypolimnetic Dissolved Oxygen (MVWHDO). Application, data collection protocols and interpretation of the 7mg/L dissolved oxygen criterion will be consistent with the *Guidelines for the Application of a Dissolved Oxygen Criterion for the Protection of Lake Trout Habitat* (OMNR 2006b).

#### **All Lake Trout Lakes**

Crown land on all lake trout lakes (both naturally reproducing and put-grow-take lake trout lakes) may be disposed of in the following situations:

- minor expansion; improvement to; or land tenure or land use occupational authority upgrade (including sale) associated with existing occupations of Crown land authorized by land use permit, licence of occupation or lease (e.g. recreation camp, cottage lot under summer resort lease, commercial outpost camp, boathouse and other structural development), where tenure upgrade or sale would otherwise be permitted;
- disposition of shore road allowances and Crown shoreline reserves as defined in PL 4.11.03 Road Allowances and Crown Shoreline Reserves - Disposition;
- disposition related to wind power development (e.g. turbine location, support infrastructure);
- disposition related to commercial and industrial utility and telecommunication distribution and transmission corridors and support facilities, along with utility cables, heat loops, etc.. associated with residential and commercial uses;

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- disposition of small parcels of Crown land to an abutting patented landowner where additional land is required to:
  - meet the minimum lot size requirements of the local planning authority and the amount of Crown land sold is not of sufficient size to enable the patented land to be divided into two or more lots;
  - replace a poorly functioning sewage disposal system, as approved by MOE or the local health unit; or
  - obtain title to long standing major structural improvements (e.g. principle dwellings) encroaching on adjacent Crown land;
  
- disposition of Crown land on lake trout lakes associated with the below land use planning and land disposition projects which pre-date the approval of his policy:
  - *Lake Nipigon Basin Signature Site Ecological Land Use and Resource Management Strategy* (MNR 2002); and
  - disposition of Crown land in the City of Elliot Lake for recreational waterfront development, consistent with the community economic development intent of the City of Elliot Lake Act (2001).