

September 12, 2018

To: The Mayor and All Council Members

From: Dr. Jo-Anna Dolling (email dollingjo@gmail.com)

Re: Maintaining Restricted Open Space within the Township of the North Shore.

Council has informed the residents of the township that there is a request for by-law rezoning in the Township of the North Shore from Open Restricted Space (ROS) to “Mineral Extraction”. There are many reasons for keeping the ROS designation unchanged in the area Northeast of Algoma Mills. One of the most important reasons stems from a new research discovery that began in June of 2017 and continued this summer on a small wetland area within the ROS. The research conducted by Laurentian University and The Northern Ontario School of Medicine has led to the discovery of a provincially and nationally significant large population of rare Blanding’s turtles. This turtle is a species at risk for extinction. It is listed as *threatened* in Ontario and *endangered* in Canada. A rough estimate of the new found population in the study area so far is 70 – 80 turtles and could be much larger in the overall ROS area. The preliminary data indicates the turtle population density could be estimated to be near 0.75 (almost one turtle for every hectare of land). According to the Government of Canada’s Species at Risk Public Registry, this could end up being one of the densest Blanding’s Turtle populations in Canada (<https://www.sararegistry.gc.ca>). In this report, the Government of Canada has developed a Canadian Recovery Strategy and is committed to “...maintain the presence of known Blanding’s turtle local populations where they occur.”

The data collected to date has demonstrated that this area within the ROS is a critical habitat for the mating, nesting, basking and overwintering of Blanding’s turtles. The rocky outcrops in this area provide an ideal nesting substrate and the water bodies in the winter are at a temperature that is essential for overwintering. Only a narrow temperature range permits hibernation over the long, cold winter months. Any habitat alteration leading to a change in temperature has been shown to result in the demise of the Blanding’s turtles. While nesting sites can be recreated, it has been shown that optimal overwintering sites are irreplaceable. It is of interest to note that a similar habitat control site in another location selected by the research staff in collaboration with the MNR has only yielded a few turtles lending further support that the area in question is indeed a unique environment.

Questions to ask ourselves: What is to be the legacy of the Townships council? Do we as a community want to promote the destruction of this wetland complex by rezoning the area to Mineral Extraction? Now that we have new knowledge, can we use this information to make a better informed decision on the area? Is this a reason to promote a conservation reserve on this ROS area and retain the land as a sanctuary for the Blanding’s turtle (and other species at risk not yet studied)? Is this area worthy of further research?

Another reason to maintain the ROS designation is to be forward thinking about educational opportunities this area has to offer. It is an opportunity to develop field

trips and engage students of all ages in several areas including science (ecology, geography, geology, biology) and culture (importance of the area to First Nation and Metis peoples). Becoming informed as to the cultural significance of the plants and animals would go a long way towards our efforts at connecting with our First Nations and Metis peoples (reconciliation). This could become a platform under which students and community members become educated with respect to the indigenous treaties as an important part of the history of Canada. Along with research initiatives, one can imagine the creation of a visitor centre or museum to be the first stop of an educational trek into the ROS. We need to be thinking long term – 100 years.

Questions to ask ourselves? What long term vision (out 100 years) do we have as a community? Are we satisfied with a decision to rezone so that human activity can destroy pristine habitat? Can we teach our children that conservation of environment should be paramount? At what cost are we willing to lose an irreplaceable natural educational resource?

In addition we should retain the ROS designation because “The North Shore is a great place to live and to visit, with fresh air, pristine lakes and open spaces.” This quote by the Mayor of the North Shore is not to be taken lightly and re-zoning the ROS is one step in the opposite direction. Further this land has always been viewed as an area to be restricted in its use as stated by Mr. Glenn Tunnock in 2016 “...the property is zoned Rural in the existing by-law, a zone which does not permit an aggregate operation. The ROS in the draft (new) by-law does not permit an aggregate operation as well.” (email dated 12/05/2016 to twpns@ontera.net). The community citizens and the town council who represent them are stakeholders and do have a say in what should be done with all of the property in the municipality including the ROS in question. With this new discovery council may have the justification and authority to maintain the ROS designation. The recent court decision of *Glaspell v. Ontario* makes a strong case. As stated in a recent publication (<https://municipallawblog.silvrback.com/glaspell-v-ontario>) “...zoning by-laws operate on the person or individuals using the land and not the land itself.” Zoning by-laws do not apply to the Crown or its Agents, but **do** apply to private individuals from companies who are not Crown agents.

I encourage the council to have open and transparent discussions regarding the future of the North Shore with the residents of the North Shore and surrounding municipalities, First Nation and Metis communities. I would also encourage the council to invite researchers to talk about the endangered/threatened species (there are currently five identified on the property – three turtle species, eastern whip-poor-will and myotis bat) and the importance of conserving our environment for generations to come. I would suggest that members of this community including the town council champion the idea of additional research to properly assess the true magnitude of the Blanding’s turtle sanctuary in the ROS area.

Yours sincerely, Jo Dolling, Resident of Lake Lauzon

