

Wild by Law:
**A Report Card on Laws Governing Canada's Parks and
Protected Areas, and a Blueprint for Making these Laws
More Effective**

by

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EXECUTIVE SUMMARY

Canadians are deeply passionate about our parks and the diversity of life that these spectacular landscapes protect. Parks are seen as an integral component of our national identity. Former Prime Minister Pierre Elliott Trudeau referred to Canada's parks as "the greatest environmental treasures of the world."¹

It is deeply disturbing to discover that the laws intended to protect these priceless treasures for present and future generations of Canadians are, for the most part, grossly inadequate for such an important task. This report reveals that only the federal government's *Canada National Parks Act* and *National Marine Conservation Areas Act*, Nova Scotia's *Wilderness Areas Protection Act*, and Newfoundland's *Wilderness and Ecological Reserves Act* achieve passing grades. Every other province and territory gets a failing grade. Alberta and Ontario deserve special mention for earning F- (F minus), the worst grade possible.

The grades in this report are based on an evaluation of ten legal criteria, including: making the protection of ecological integrity the top priority; prohibiting industrial resource use; ensuring permanent protection through legislated boundaries; dedicating parks to future generations; requiring park planning processes that include the public; reporting on the state of parks; recognizing Aboriginal rights; guaranteeing a minimum of 12% of every ecosystem is protected; providing extra protection for wilderness areas and ecological reserves; and establishing a role in land-use decisions outside parks that have the potential to harm the parks.

Inadequate laws have direct consequences for parks throughout Canada, as the following examples suggest:

- logging continues in Algonquin Provincial Park and mining continues in the Niagara Escarpment World Heritage Site in Ontario;²
- mineral exploration continues in the Yukon's Tombstone Territorial Park;³
- in 2001, the government of B.C. eliminated the Southern Rocky Mountains Conservation Area and threatened to revoke the park status of the Southern Chilcotin Mountains;⁴
- exploration and drilling for oil and gas continues in Dinosaur Provincial Park and other protected areas in Alberta;⁵
- mineral exploration and mining continue in parks like Wapawekka Hills and Lac La Ronge in Saskatchewan;⁶
- logging continues to be allowed in Duck Mountain, Nopiming, Grass River, Whiteshell, and Clearwater Lake Provincial Parks in Manitoba;⁷
- Quebec removed legal protection for the Matamec Ecological Reserve in order to allow mining;⁸
- Nova Scotia allows mineral exploration and development in Moose River Provincial Park;⁹ and
- in 2000, the Panel on Ecological Integrity in Canada's National Parks reported that 38 out of 39 national parks are suffering from severe ecological stress.¹⁰

For decades, conservation advocates and environmental lawyers have lamented the weakness of laws intended to protect Canada's parks. Many provinces and territories, including the Northwest Territories, Nunavut, and Nova Scotia, have promised to amend and improve their park legislation. B.C.'s previous government drafted but did not enact a *Protected Areas of British Columbia Act* in 2000 which would have substantially improved its grade. In contrast, Alberta's proposed *Natural Heritage Act*, which has been shelved, would have made that province's poor legislation even worse.

Canada's protected areas system continues to be far from finished despite considerable progress during the 1990s. About 40 million hectares (100 million acres) were added to the Canadian protected areas system during the 1990s.¹¹ However, longstanding political promises to protect representative areas from all natural regions by the year 2000 remain unfulfilled. Less than 10% of Canada is currently protected, putting Canada behind 60 other nations and short of the international minimum threshold of 12%.¹²

Parks and protected areas are a critical component of our efforts to protect the diversity of life in Canada and represent a gift to future generations. It is imperative that these areas receive strong and enduring protection from human harm. Existing laws urgently need dramatic improvement in order to protect Canada's extraordinary natural legacy from being irreparably tarnished.

This report concludes with a blueprint for improving the laws governing protected areas in Canada, by selecting the best legislative provisions from across the country for the ten criteria in this report. Also included are noteworthy legislative provisions that earned bonus points for specific jurisdictions. The purpose of the blueprint is to identify effective precedents for governments, bureaucrats, lawyers, and environmental advocacy organizations working to improve protection for parks and protected areas in Canada.

Summary of Grades for Laws Governing Protected Areas

Canada's National Parks	
Terrestrial	B
Marine	C
British Columbia	F
Alberta	F-
Saskatchewan	F
Manitoba	F
Ontario	F-
Quebec	F
New Brunswick	F
Nova Scotia	B
Prince Edward Island	F
Newfoundland and Labrador	D
Yukon	F
Northwest Territories	F
Nunavut	F

INTRODUCTION

Canadians are deeply passionate about our parks and the diversity of life these spectacular landscapes protect. Parks are seen as an integral component of our national identity.¹³ The majority of Canadians believes that conservation should be the top priority in national parks, with recreation a distant second.¹⁴ Former Prime Minister Pierre Trudeau referred to Canada's parks as "the greatest environmental treasures of the world."¹⁵

This report card has two primary purposes. The first purpose is to evaluate the adequacy of the laws governing national parks, provincial parks, territorial parks, wilderness areas, ecological reserves, and other protected areas throughout Canada. The second purpose is to provide a blueprint for strengthening these laws by identifying the most effective provisions in existing legislation.

There are many signs that all is not well in Canada's parks:

- mineral exploration continues in the Yukon's Tombstone Territorial Park;¹⁶
- in 2001, the government of B.C. eliminated the Southern Rocky Mountains Conservation Area and threatened to revoke the park status of the Southern Chilcotin Mountains;¹⁷
- mining continues in an unprotected enclave in the heart of B.C.'s Strathcona Provincial Park and a logging road was built through the same park in 1999;¹⁸
- exploration and drilling for oil and gas continues in Dinosaur Provincial Park and other protected areas in Alberta;¹⁹
- mineral exploration and mining continue in parks like Wapawekka Hills and Lac La Ronge in Saskatchewan;²⁰
- logging continues to be allowed in Duck Mountain, Nopiming, Grass River, Whiteshell, and Clearwater Lake Provincial Parks in Manitoba;²¹
- logging continues in Algonquin Provincial Park and mining continues in the Niagara Escarpment World Heritage Site in Ontario;²²
- Quebec removed legal protection for the Matamec Ecological Reserve in order to allow mining;²³
- Nova Scotia allows mineral exploration and development in Moose River Provincial Park;²⁴ and
- Newfoundland allowed a modern day gold rush to continue during the process of establishing the proposed Torngat Mountains National Park Reserve, resulting in over 500 new mineral claims within the proposed park boundaries.

For an explanation of the causes of these problems, one must turn to the laws that govern activities in federal, provincial, and territorial parks and protected areas in Canada. Many of the provincial and territorial laws for parks were enacted decades ago. As a result, they fail to reflect either contemporary environmental values or modern ecological knowledge.

Explanation of Criteria and Grading Scheme

Federal, provincial, and territorial laws are graded on ten basic criteria, described below. Ten points are available for each of the ten criteria, for a total potential score of 100. Five points are awarded for partially meeting a criterion. Bonus and penalty points are assigned for particularly exemplary or dismal legal provisions. Scores are converted to letter grades based on the following scale:

80 to 100	A
70 to 79	B
60 to 69	C
50 to 59	D
25 to 49	F
24 and below	F-

The ten criteria used for grading protected areas legislation include:

1. Mandates conservation and ecological integrity as top priority

It is vital for legislation governing protected areas to clearly state that the overriding purpose is conserving nature and protecting ecological integrity. This statement of purpose will then guide all management decisions and be useful in determining any dispute that may arise about appropriate activities in parks.

2. Prohibits industrial resource use (logging, mining, etc.)

Prohibitions on industrial use are the primary factor distinguishing protected areas from the rest of the land base. Without explicit legislative language banning industrial development, parks become subject to a range of inappropriate activities, as is the case today in many provincial parks where logging, mining, and oil and gas development continue to be allowed. Provinces where resource extraction is allowed in parks urgently need to strengthen their protected areas legislation.

3. Protects permanently (boundaries legislated)

It is essential that park boundaries be enshrined in legislation in order to limit the likelihood that future governments will attempt to reduce the size of parks or eliminate parks. By requiring legislated boundaries, laws ensure that any changes to protected areas are subject to public scrutiny and debate.

A brief glimpse into the minutiae of the legal system is necessary to explain the ease with which governments can shrink or dismantle parks. Governments create laws and, pursuant to those laws, they can create regulations. Both laws and regulations have legal force, but there is a critical distinction in how laws and regulations are created. *Laws* must go through first, second, and third reading and

accompanying debates in provincial legislatures or Parliament before coming into effect.²⁵ This is an open, public, and generally time-consuming process. In contrast, *regulations* can be created behind closed doors by federal and provincial Cabinets, without public notice or debate.

4. Incorporates dedication to future generations

Protected areas are intended to safeguard Canada's extraordinary heritage not only for present Canadians but also for future generations. Legal experts believe that by explicitly dedicating parks to future generations, the law creates a trust-like obligation upon the government to manage parks in a manner that maintains their ecological integrity.

5. Ensures public participation in *mandatory* parks planning

Public participation in planning and management is vital to the ongoing success of protected areas in Canada. Legislation must provide a role for the public that is guaranteed, meaningful, and not subject to political discretion.

6. Requires reporting on the state of the parks

In order to ensure accountability, legislation should require governments to produce regular reports on the health of the parks system. Regular reporting will ensure that problems are identified at an early stage. Then remedial actions can be taken before a crisis develops.

7. Recognizes Aboriginal rights

Aboriginal rights are protected by Canada's Constitution. In order to clarify that these rights are not affected by protected areas legislation, many Aboriginal people believe that it is important to explicitly recognize this fact in legislation. In parts of Canada where there are still unresolved treaty negotiations, legislation should enable the designation of 'park reserves.' Park reserves are specifically subject to the outcome of treaty negotiations, and it is recognized that boundaries and management regimes may change when treaties are concluded.

8. Enshrines minimum of 12% protection of all ecosystems within jurisdiction

In 1992, all Canadian governments (federal, provincial, and territorial) committed themselves to achieving the internationally recognized minimum level of protecting representative examples of ecosystems in their jurisdiction totaling at least 12% of the land base. Entrenching this commitment in legislation provides assurance that the commitment will be fulfilled.

9. Provides additional protection for ecological reserves and wilderness areas

Ecological reserves and wilderness areas, by their very nature, are distinct from other protected areas. Ecological reserves are established for scientific reasons that may require a stricter level of protection in order to safeguard unique natural features for study and research purposes. Wilderness areas are intended to offer a unique variety of outdoor experiences. Therefore additional restrictions (e.g. limiting infrastructure, prohibiting motorized vehicles, and restricting visitor numbers) need to be authorized in legislation.

10. Establishes regional management responsibility

Many of the threats to the ecological integrity of protected areas are created by land-use activities outside their boundaries, such as the proposed open pit coal mine beside Jasper National Park, logging along the edge of Pacific Rim National Park, or bear hunting on the perimeter of Riding Mountain National Park. Laws should enable the agencies responsible for managing protected areas to participate in decisions that have the potential to result in harm to protected areas. This shared decision-making is necessary even where different jurisdictions are involved, as in the case of provincial land adjacent to a national park.

Each jurisdiction is graded on each of the ten criteria. The federal government receives two separate grades because it has different legislation governing the creation and management of terrestrial protected areas and marine protected areas.

Inadequate Funding

In addition to weak laws and regulations, another major contributor to the declining ecological integrity of parks and protected areas in Canada is a shortage of funding. Despite Canadians' pride in parks, park agencies lack the resources necessary to protect biodiversity. At the federal level, Parks Canada has been extensively downsized since the 1980s. Staffing levels and budgets are down by at least 40%.²⁶ At the same time, there are more national parks, and changes to the *Canada National Parks Act* mean that Parks Canada should allocate more resources to protecting ecological integrity. In comparison, the budget of the U.S. National Parks Service is four to five times larger than the Parks Canada budget although the American national park system is only 31% larger.²⁷

While Parks Canada faces significant resource challenges, the problems faced by provincial parks departments are far worse. For example, to manage approximately half as many hectares as Parks Canada, B.C. has less than one-tenth the park budget.²⁸ Between 1977 and 2000, the amount of land protected in B.C. tripled while the number of employees working for B.C. Parks fell by 10%. B.C. now has one field person for every five parks, and a budget of less than half of what it used to be.²⁹ In the past 15 years in Ontario, while the area of parks has increased by 50%, the number of visits has increased by 60%, the parks management budget has declined by 62%.³⁰ Similar cutbacks are affecting provincial parks systems across Canada.

Moving Forward

For decades, conservation advocates and environmental lawyers have lamented the weakness of laws intended to protect Canada's parks.³¹ Many provinces and territories, including the Northwest Territories, Nunavut, and Nova Scotia, have promised to amend and improve their park legislation. B.C.'s previous government drafted but did not enact a *Protected Areas of British Columbia Act* in 2000 which would have substantially improved its grade. In contrast, Alberta's proposed *Natural Heritage Act*, which has been shelved, would have made that province's poor legislation even worse.³²

Canada's protected areas system continues to be far from finished despite considerable progress during the 1990s. About 40 million hectares (100 million acres) were added to the Canadian protected areas system during the 1990s.³³ Longstanding political promises to protect representative areas from all natural regions by the year 2000 remain unfulfilled. Less than 10% of Canada is currently protected, putting Canada behind 60 other nations and short of the international minimum threshold of 12%.³⁴ Governments at all levels in Canada need to make a concerted effort to designate parks and protected areas. As Canada's Auditor General pointed out back in 1989, time is running out, as more and more of Canada's wilderness is developed.³⁵

This report concludes with a blueprint for improving the laws governing protected areas in Canada that includes the best provisions from across the country for the ten criteria included in this report. Also included are particularly noteworthy legislative provisions that earned bonus points for specific jurisdictions. The purpose of the blueprint is to provide effective precedents for governments, bureaucrats, lawyers, and environmental advocacy organizations working to improve protection for parks and protected areas in Canada.

Parks and protected areas are a critical component of our efforts to protect the diversity of life in Canada and represent a gift to future generations. It is imperative that these areas receive strong and enduring protection from human harm. Existing laws urgently need dramatic improvement in order to protect Canada's extraordinary natural legacy from being irreparably tarnished.

Canada's National Parks (Terrestrial)

Grade: B

Protected Areas Legislation

Canada National Parks Act, S.C. 2000, c. 32

Canada Wildlife Act, R.S.C. 1985, c. W-9, as amended

Migratory Birds Convention Act, 1994, S.C. 1994, c. 22

The federal government can establish national parks under the *Canada National Parks Act*, national wildlife areas under the *Canada Wildlife Act*, and migratory bird sanctuaries pursuant to the *Migratory Birds Convention Act, 1994*. National parks comprise the lion's share of the federal land that enjoys protected status, so this report card evaluates the *Canada National Parks Act*.

1. Prioritizes conservation/ecological integrity 10
The new *Canada National Parks Act* explicitly states that maintaining ecological integrity "shall be the first priority of the Minister when considering all aspects of the management of parks."
2. Prohibits industrial resource use (logging, mining, etc.) 5
There is no explicit provision in the *Canada National Parks Act* prohibiting industrial resource development. However, the regulations under the Act do prohibit the disposition or development of natural resources. Because these regulations are more vulnerable to weakening than a legislative prohibition, half points are awarded.
3. Protects permanently (boundaries legislated) 10
All national parks have their boundaries established in legislation, meaning that an Act of Parliament would be required to shrink a national park or eliminate it. Under the new *Canada National Parks Act*, a more efficient process is established for adding new parks while the stringent process for reducing them remains.
4. Incorporates dedication to future generations 10
Since 1930, national parks legislation has required that "the parks shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations."
5. Ensures public participation in mandatory planning 5
There is a legal obligation for the Minister to prepare management plans and review them every five years. However, the extent of public consultation (if any) is left to the Minister's discretion, so half points are awarded.

6. Requires reporting on the state of the park	10
Every two years the Minister is legally required to provide Parliament with a report on the state of existing parks and progress towards the establishment of new parks.	
7. Recognizes Aboriginal rights	10
The <i>Canada National Parks Act</i> explicitly states that it does not limit constitutionally protected Aboriginal rights. The law also enables the federal government to create national park reserves, areas that will become national parks pending the resolution of Aboriginal land claim negotiations.	
8. Enshrines minimum threshold of 12%	0
There is no minimum threshold established in Canada's protected areas legislation. Nor is there a legally binding commitment to protect areas representative of all of the country's ecological regions. According to the World Wildlife Fund, the federal government has protected 2.50% of the land within its jurisdiction. ³⁶ Despite many years of promises from the federal government to complete the national park system, 14 of Canada's 39 eco-regions still lack representation by a national park. ³⁷	
9. Provides additional protection for ecological reserves and wilderness areas	5
The <i>Canada National Parks Act</i> provides a mechanism for the designation of wilderness areas within national parks and also imposes a time limit for the Minister to make such designations. However, Canada has no federal ecological reserve legislation, so only half points are awarded.	
10. Establishes regional management responsibility	0
Despite a recommendation from the Panel on the Ecological Integrity of Canada's National Parks (2000), the <i>Canada National Parks Act</i> still fails to empower Parks Canada to address activities beyond park borders that threaten parks. ³⁸	
Bonus--for legislated limits to communities and commercial ski areas within national parks	5
Canada's total score (terrestrial)	<u>70</u>

Grade: B

Canada's National Parks (Marine)

Grade: C

Protected Areas Legislation

Canada National Marine Conservation Areas Act, Bill C-10, 2001

Oceans Act, S.C. 1996, c. 31

Canada Wildlife Act, R.S.C. 1985, c. W-9

Canada National Parks Act, S.C. 2000, c. 32

Saguenay-St. Lawrence Marine Park Act, S.C. 1997, c. 37

The Canadian government has been slow to designate marine protected areas, despite having four laws providing the power to do so. Although many sites are proposed, no marine protected areas have been formally designated under the *Oceans Act*, the *Canada Wildlife Act*, the *Canada National Parks Act*, or the *National Marine Conservation Areas Act*. The *Saguenay-St. Lawrence Marine Park Act* was passed to create one specific protected area in cooperation with the government of Quebec.

The House of Commons passed the *National Marine Conservation Areas Act* in November 2001. The *National Marine Conservation Areas Act* is the main law that the federal government intends to use to create marine protected areas, so the grades in this report are based on the *National Marine Conservation Areas Act*.

The *Oceans Act* also enables the federal government to create marine protected areas for conservation purposes, but the details of managing these areas are to be specified in regulations that do not yet exist. As a result, providing a grade based on the *Oceans Act* is not possible at this time.

1. Prioritizes conservation/ecological integrity 5
The new *National Marine Conservation Areas Act* has an ambivalent purpose section embracing both conservation and use.
2. Prohibits industrial resource use (logging, mining, etc.) 5
The *National Marine Conservation Areas Act* prohibits exploring or exploiting hydrocarbons, minerals, aggregates or any other inorganic material within marine conservation areas. One zone in each area must also be off-limits to all resource activities. However, apart from this restriction, the *Act* allows commercial and recreational fishing to continue, and explicitly prevents the superintendent of a marine conservation area from amending or suspending fishing permits.
3. Protects permanently (boundaries legislated) 10
Under the *National Marine Conservation Areas Act*, the federal Cabinet can create or enlarge marine conservation areas but cannot shrink or eliminate them. All national marine conservation areas will have their boundaries established in legislation.

- | | | |
|-----|---|----|
| 4. | Incorporates dedication to future generations
The <i>National Marine Conservation Areas Act</i> states that areas must be managed and used in a sustainable manner that meets the needs of future generations. | 10 |
| 5. | Ensures public participation in mandatory planning
There is a legal obligation for the Minister of Canadian Heritage to prepare management plans and review them every five years. Extensive public consultation is required, and an advisory committee must be established for each marine conservation area. | 10 |
| 6. | Requires reporting on the state of the parks
Every two years the Minister is legally required to provide Parliament with a report on the state of existing marine conservation areas and progress towards the establishment of new areas. | 10 |
| 7. | Recognizes Aboriginal rights
The <i>National Marine Conservation Areas Act</i> explicitly states that it does not limit constitutionally protected Aboriginal rights. The law also enables the federal government to create national marine conservation area reserves, areas that will become full-fledged national marine conservation areas pending the resolution of Aboriginal land claim negotiations. | 10 |
| 8. | Enshrines minimum threshold of 12%
There is no minimum threshold established in the <i>National Marine Conservation Areas Act</i> . Nor is there a legislated commitment to protect areas representative of all of the country's marine ecological regions. As of 2002, no national marine conservation areas have been legally designated. | 0 |
| 9. | Provides additional protection for ecological reserves and wilderness areas
The <i>National Marine Conservation Areas Act</i> requires that each conservation area contain at least one area zoned for full protection. | 5 |
| 10. | Establishes regional management responsibility
Despite a recommendation from the Panel on the Ecological Integrity of Canada's National Parks (2000), the <i>National Marine Conservation Areas Act</i> does not empower Parks Canada to address activities beyond park borders that threaten parks. | 0 |

Canada's total score (marine)

65

Grade: C

British Columbia

Grade: F

Protected Areas Legislation

Park Act, R.S.B.C. 1996, c. 344

Ecological Reserves Act, R.S.B.C. 1996, c. 103

Environment and Land Use Act, R.S.B.C. 1996, c. 117

The grades in this report are based primarily on the *Park Act*, which is the law that governs the majority of protected areas in British Columbia.

In 2000, the B.C. government drafted a new *Protected Areas of British Columbia Act*. Although the draft legislation was never introduced in the provincial legislature, it would have significantly improved the existing *Park Act* by: making ecological integrity the primary purpose; including a dedication to future generations; requiring public reports on the state of parks; and requiring management plans to be completed. The draft legislation would have boosted B.C.'s grade to at least a 'B' and possibly an 'A'. In 2001, a new provincial government was elected in B.C., making it unlikely that the new and improved legislation will be enacted.

1. Prioritizes conservation/ecological integrity 5
British Columbia's protected areas legislation fails to clearly make preserving ecological integrity the top priority. Conservation and recreation are given equal weight, so half points are awarded.
2. Prohibits industrial resource use (logging, mining, etc.) 5
There is no clear prohibition of industrial resource activity in British Columbia's protected areas legislation. However, provincial policy prohibits mining, logging, oil and gas development, and hydroelectric projects in parks. Since policy is much weaker than legislation, half points are awarded.
3. Protects permanently (boundaries legislated) 5
Although the boundaries of newer B.C. parks can only be changed through an Act of the legislature, older parks can be eliminated or reduced in size quickly and quietly by Orders-in-Council passed by the provincial Cabinet, so half points are awarded.
4. Incorporates dedication to future generations 0
British Columbia's protected areas legislation fails to mention future generations or establish a public trust.
5. Ensures public participation in mandatory planning 0
There is no requirement for either planning or public participation in British Columbia's protected areas legislation.

6. Requires reporting on the state of the parks British Columbia's protected areas legislation does not require mandatory reporting on the state of the parks.	0
7. Recognizes Aboriginal rights British Columbia's protected areas legislation makes no provision for Aboriginal rights despite the constitutional protection of these rights and despite the fact that much of the province was never subject to treaties.	0
8. Enshrines minimum threshold of 12% British Columbia stands alone among Canadian jurisdictions in that there is a legal requirement under the <i>Park Act</i> that the province must protect a certain amount of land (ten million hectares, or roughly ten percent of the province). When combined with national parks, ecological reserves, and other protected areas in B.C., the province is the first Canadian jurisdiction to meet the international minimum standard of protecting 12% of its area. However, according to the World Wildlife Fund, 64% of B.C.'s ecological regions still lack adequate representation. ³⁹	10
9. Provides additional protection for ecological reserves and wilderness areas The <i>Ecological Reserves Act</i> provides strong protection for ecological reserves while the <i>Park Act</i> allows for the designation of 'nature conservancy areas' which are defined as roadless wilderness areas.	10
10. Establishes regional management responsibility British Columbia's protected areas legislation fails to address activities beyond park borders that threaten parks. However, B.C. does have a system of special management zones that could, if managed properly, act as buffers around and corridors between protected areas, so half points are awarded.	5
British Columbia's total score	<u>40</u>

Grade: F

Alberta

Grade: F-

Protected Areas Legislation

Provincial Parks Act, R.S.A. 2000, c. P-35

Wilderness Areas, Ecological Reserves, Natural Areas, and Heritage Rangelands Act, R.S.A. 2000, c. W-9

Willmore Wilderness Park Act, R.S.A. 2000, c. W-11

The grades in this report are based on the *Provincial Parks Act* and the *Wilderness Areas, Ecological Reserves, Natural Areas, and Heritage Rangelands Act*, although it should be noted that the majority of the land protected in Alberta lies within national parks under the jurisdiction of the federal government.

In 1999, Alberta unveiled new legislation called the *Natural Heritage Act*. The *Natural Heritage Act* would have continued to allow extensive industrial activities in all protected areas and would not have been an improvement over existing laws. Due to extensive public opposition, the proposed law was not passed.⁴⁰

1. Priority is conservation/maintaining ecological integrity 5
Alberta's protected areas legislation fails to clearly make preserving ecological integrity the top priority. Conservation and recreation are given equal weight, so half points are awarded.
2. Industrial resource use (logging, mining, etc.) clearly prohibited 0
There is no clear prohibition of industrial resource activity in Alberta's protected areas legislation. In fact, industrial activities such as oil and gas development continue to be permitted in provincial protected areas, including parks, natural areas, and ecological reserves. The only protected areas where resource extraction is prohibited are wilderness areas.
3. Permanent protection (boundaries legislated) 0
Under Alberta's protected areas legislation, Cabinet can eliminate or reduce the size of parks without any public notice or process. The exception is that public notice is required to eliminate ecological reserves.
4. Dedicated to future generations 5
Alberta's protected areas legislation fails to mention future generations or establish a public trust, except in the non-legally binding preamble to the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*.
5. Public participation in mandatory planning 0
There is no requirement for either planning or public participation in Alberta's protected areas legislation.

6. Mandatory reporting on the state of the parks 0
Alberta's protected areas legislation does not require mandatory reporting on the state of the parks.
7. Recognition of Aboriginal rights 0
Alberta's protected areas legislation makes no provision for Aboriginal rights despite the constitutional protection of these rights.
8. Minimum threshold of 12% 0
There is no minimum threshold established in Alberta's protected areas legislation. Nor is there a legally binding commitment to protect areas representative of the province's eco-regions. According to the World Wildlife Fund, 9.99% of Alberta's land base is protected (mainly in national parks).⁴¹ However, 75% of the province's eco-regions lack adequate representation.
9. Additional protection for ecological reserves and wilderness areas 5
Although Alberta has the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*, this law still allows industrial activity to take place in some of these protected areas. Protection is strong for wilderness areas but flawed for ecological reserves where mining, logging, and petroleum and natural gas development can still occur.
10. Regional management responsibility 5
Alberta's *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act* is the only protected areas legislation in Canada that provides for buffer zones. Certain activities, such as strip mining and quarrying, are prohibited on provincial Crown land adjoining protected areas.

Alberta's total score 20

Grade: F-

Saskatchewan

Grade: F

Protected Areas Legislation

Parks Act, S.S. 1986, c. P-1.1

Ecological Reserves Act, S.S. 1979-80, c. E-0.01

1. Prioritizes conservation/ecological integrity 5
Saskatchewan's protected areas legislation fails to clearly make preserving ecological integrity the top priority. Conservation and recreation are given equal weight as purposes, so half points are awarded.
2. Prohibits industrial resource use (logging, mining, etc.) 0
There is no clear prohibition of industrial resource activity in Saskatchewan's protected areas legislation. In fact the *Parks Act* expressly permits logging in parks. Mineral exploration and mining are allowed in both parks and park reserves (i.e. areas designated as potential parks).
3. Protects permanently (boundaries legislated) 5
The boundaries of Saskatchewan parks can only be changed through an Act of the legislature. Park reserves, in contrast, can be eliminated or reduced in size by the provincial Cabinet without any public process, so half points are awarded.
4. Incorporates dedication to future generations 10
Saskatchewan's park lands are "to be maintained for the benefit of future generations."
5. Ensures public participation in mandatory planning 0
There is no requirement for either planning or public participation in Saskatchewan's protected areas legislation.
6. Requires reporting on the state of the parks 0
Saskatchewan's protected areas legislation does not require mandatory reporting on the state of the parks.
7. Recognizes Aboriginal rights 0
Saskatchewan's protected areas legislation makes no provision for Aboriginal rights despite the constitutional protection of these rights.
8. Enshrines minimum threshold of 12% 0
There is no minimum threshold established in Saskatchewan's protected areas legislation. Nor is there a commitment to protect areas representative of the province's ecological regions. According to the World Wildlife Fund, 6.01% of Saskatchewan is protected and 82% of the province's eco-regions lack adequate representation.⁴²

9. Provides additional protection for ecological reserves and wilderness areas 10
The *Ecological Reserves Act* provides strong protection for ecological reserves while the *Parks Act* allows for the designation of wilderness parks "to be used primarily for the preservation of natural landscapes in a natural state."

10. Establishes regional management responsibility 0
Saskatchewan's protected areas legislation fails to address activities beyond park borders that threaten parks.

Saskatchewan's total score 30

Grade: F

Manitoba
Grade: F

Protected Areas Legislation

Provincial Parks Act, C.C.S.M., c. P-20

Ecological Reserves Act, C.C.S.M., c. E-5

1. Prioritizes conservation/ecological integrity 5
Manitoba's *Provincial Parks Act* mentions biodiversity in the preamble but fails to clearly make preserving ecological integrity the top priority. Conservation and recreation are given equal weight, so half points are awarded.
2. Prohibits industrial resource use (logging, mining, etc.) 0
There is no clear prohibition of industrial resource activity in Manitoba's protected areas legislation. Logging and other industrial activities continue to occur in some Manitoba parks.
3. Protects permanently (boundaries legislated) 5
Although the boundaries of Manitoba parks can be changed by the provincial Cabinet, public consultation must take place first, so half points are awarded.
4. Incorporates dedication to future generations 10
Under the *Provincial Parks Act*, Manitoba's protected areas are dedicated to future generations.
5. Ensures public participation in mandatory planning 5
Although management plans must be prepared for Manitoba's parks, there is no requirement for public participation in this process, so half points are awarded.
6. Requires reporting on the state of the parks 0
Manitoba's protected areas legislation does not require mandatory reporting on the state of the parks.
7. Recognizes Aboriginal rights 0
Manitoba's protected areas legislation makes no provision for Aboriginal rights despite the constitutional protection of these rights.
8. Enshrines minimum threshold of 12% 5
Manitoba's *Provincial Parks Act* recognizes that the province is committed to meeting the international minimum standard of protecting 12% of its area. However, because this commitment is in the *Act's* preamble it is legally unenforceable, so half points are awarded. According to the World Wildlife Fund, 8.61% of Manitoba's land base is protected.⁴³ However, 72% of the province's ecological regions lack adequate representation.

9. Provides additional protection for ecological reserves and wilderness areas 10
The *Ecological Reserves Act* has a strong conservation purpose but fails to prohibit any activities, leaving this to regulations which are more easily changed. The *Provincial Parks Act* allows for the designation of wilderness areas where industrial activities are prohibited.

10. Establishes regional management responsibility 0
Manitoba's protected areas legislation fails to address activities beyond park borders that threaten parks.

Manitoba's total score 40

Grade: F

Ontario

Grade: F-

Protected Areas Legislation

Provincial Parks Act, R.S.O. 1990, c. P-34

Public Lands Act, R.S.O. 1990, c. P-43

Wilderness Areas Act, R.S.O. 1990, c. W-8

1. Prioritizes conservation/ecological integrity 0
Ontario's protected areas legislation fails to clearly make preserving ecological integrity the top priority.
2. Prohibits industrial resource use (logging, mining, etc.) 0
There is no clear prohibition of industrial resource activity in Ontario's protected areas legislation. Logging continues in Algonquin Provincial Park, the flagship of Ontario's protected areas network. The *Provincial Parks Act* explicitly allows mining, and a regulation called the *Mining in Provincial Parks Regulation* specifies 23 parks where mining may be permitted. While efforts are underway to eliminate mining from Ontario's parks, no legislative changes have been announced to date.
3. Protects permanently (boundaries legislated) 0
Ontario's parks can be quickly and quietly eliminated or reduced in size by the provincial Cabinet. Public notice may be provided through the registry created by the Environmental Bill of Rights but this public notice is not mandatory.
4. Incorporates dedication to future generations 5
Ontario's *Provincial Parks Act* states that parks "shall be maintained for the benefit of future generations." Unfortunately, a 1973 court decision determined that this language does not establish a public trust, which would obligate the provincial government not to take any actions that harmed parks. The language of the Act needs to be strengthened to clarify this point, so half points are awarded.
5. Ensures public participation in mandatory planning 0
There is no requirement for either planning or public participation in Ontario's protected areas legislation. It is up to the Minister's discretion whether or not to require management plans to be prepared for parks.
6. Requires reporting on the state of the parks 0
Ontario's protected areas legislation does not require mandatory reporting on the state of the parks. However, revenue generated by parks must be reported to the legislature.

7. Recognizes Aboriginal rights	Ontario's protected areas legislation makes no provision for Aboriginal rights despite the constitutional protection of these rights.	0
8. Enshrines minimum threshold of 12%	There is no minimum threshold established in Ontario's protected areas legislation. Nor is there a binding legal commitment to protect areas representative of the province's eco-regions. During the "Lands for Life" process, a goal of 12% protection was reached for the area being studied (which comprised about 45% of the province). According to the World Wildlife Fund, 8.74% of Ontario's land base is protected. ⁴⁴ However, 64% of the province's eco-regions lack adequate representation.	0
9. Provides additional protection for ecological reserves and wilderness areas	The <i>Public Lands Act</i> provides strong protection for conservation reserves by prohibiting all industrial activities. The <i>Wilderness Areas Act</i> allows for the designation of roadless wilderness areas, but natural resources can be exploited in any wilderness area greater than 260 hectares in size, so half points are awarded.	5
10. Establishes regional management responsibility	Ontario's protected areas legislation fails to address activities beyond park borders that threaten parks.	0
Ontario's total score		10

Grade: F-

Quebec
Grade: F

Protected Areas Legislation

Parks Act, R.S.Q. 1977, c. P-9

Ecological Reserves Act, R.S.Q. 1977, c. R-26.1

- | | |
|---|----|
| 1. Prioritizes conservation/ecological integrity | 10 |
| Quebec's protected areas legislation contemplates three different designations- conservation parks, ecological reserves, and recreation parks. Conservation parks and ecological parks clearly make preserving ecological integrity the top priority. Recreation is given priority in the third category. | |
| 2. Prohibits industrial resource use (logging, mining, etc.) | 10 |
| Both the <i>Parks Act</i> and the <i>Ecological Reserves Act</i> clearly prohibit industrial and commercial activities in Quebec's protected areas. In this regard, Quebec's laws governing provincial parks and ecological reserves are the strongest in Canada. | |
| 3. Protects permanently (boundaries legislated) | 5 |
| The boundaries of Quebec protected areas can be changed by the provincial Cabinet but only after giving public notice and, if requested, holding a public hearing. | |
| 4. Incorporates dedication to future generations | 0 |
| Quebec's protected areas legislation fails to mention future generations or establish a public trust. | |
| 5. Ensures public participation in mandatory planning | 0 |
| There is no requirement for either planning or public participation in Quebec's protected areas legislation. | |
| 6. Requires reporting on the state of the parks | 0 |
| Quebec's protected areas legislation does not require mandatory reporting on the state of the parks. | |
| 7. Recognizes Aboriginal rights | 0 |
| Quebec's protected areas legislation makes no provision for Aboriginal rights despite the constitutional protection of these rights. | |
| 8. Enshrines minimum threshold of 12% | 0 |
| There is no minimum threshold established in Quebec's protected areas legislation. Nor is there a legally binding commitment to protect areas representative of the province's eco-regions. According to the World Wildlife Fund, only 4.31% of Quebec's land base is protected and 92% of the province's eco-regions lack adequate representation. ⁴⁵ | |

9. Provides additional protection for ecological reserves and wilderness areas The <i>Ecological Reserves Act</i> provides strong protection for ecological reserves. There is no legislated protection for wilderness.	5
10. Establishes regional management responsibility Quebec's protected areas legislation fails to address activities beyond park borders that threaten parks.	0
Quebec's total score	<u>30</u>

Grade: F

New Brunswick

Grade: F

Protected Areas Legislation

Parks Act, S.N.B 1982, c. P-2.1

Ecological Reserves Act, S.N.B. 1975, c. E-1.1

1. Prioritizes conservation/ecological integrity 5
New Brunswick's protected areas legislation fails to make preserving ecological integrity the top priority. Although conservation is not mentioned in the *Parks Act*, it is emphasized in the *Ecological Reserves Act*, so half points are awarded.
2. Prohibits industrial resource use (logging, mining, etc.) 0
There is no clear prohibition of industrial resource activity in New Brunswick's protected areas legislation. Decisions on whether to permit logging, mining, and other industrial activities are left to the discretion of the provincial Cabinet.
3. Protects permanently (boundaries legislated) 5
New Brunswick parks can be eliminated or reduced in size quickly and quietly by the provincial Cabinet. Reducing the size of an ecological reserve or abolishing an ecological reserve requires public notice and a public hearing, so half points are awarded.
4. Incorporates dedication to future generations 10
New Brunswick's *Parks Act* states that provincial parks "shall be maintained for the benefit of future generations in accordance with this Act and the regulations."
5. Ensures public participation in mandatory planning 0
There is no requirement for either planning or public participation in New Brunswick's protected areas legislation.
6. Requires reporting on the state of the parks 0
New Brunswick's protected areas legislation does not require mandatory reporting on the state of the parks.
7. Recognizes Aboriginal rights 0
New Brunswick's protected areas legislation makes no provision for Aboriginal rights despite the constitutional protection of these rights.
8. Enshrines minimum threshold of 12% 0
There is no minimum threshold established in New Brunswick's protected areas legislation. Nor is there a binding legal commitment to protect areas representative of the province's ecological regions.

9. Provides additional protection for ecological reserves and wilderness areas 5
The *Ecological Reserves Act* provides strong protection for ecological reserves. There is no legislated protection for wilderness.

10. Establishes regional management responsibility 0
New Brunswick's protected areas legislation fails to address activities beyond park borders that threaten parks.

New Brunswick's total score 25

Grade: F

Nova Scotia

Grade: B

Protected Areas Legislation

Wilderness Areas Protection Act, S.N.S. 1998, c. 27

Provincial Parks Act, R.S.N.S. 1989, c. 367

Special Places Protection Act, R.S.N.S. 1989, c. 438

The *Provincial Parks Act*, although amended in 1992 and 1993, is considerably weaker than the *Wilderness Areas Protection Act*. The Government of Nova Scotia has promised to make these improvements to address this inconsistency. Because most protected areas in Nova Scotia are governed by the *Wilderness Areas Protection Act*, this Act will be the focus of the following assessment.

1. Prioritizes conservation/ecological integrity 10
Nova Scotia's *Wilderness Areas Protection Act* clearly makes preserving ecological integrity the top priority, emphasizing the importance of maintaining and restoring biodiversity. The *Provincial Parks Act* is more ambiguous.
2. Prohibits industrial resource use (logging, mining, etc.) 5
The *Wilderness Areas Protection Act* prohibits industrial resource activity in Nova Scotia's protected areas. However, pre-existing mineral exploration rights are not affected by the law, so half points are awarded.
3. Protects permanently (boundaries legislated) 10
The boundaries of Nova Scotia's wilderness areas can only be changed through an Act of the legislature.
4. Incorporates dedication to future generations 10
Nova Scotia's protected areas legislation dedicates both wilderness areas and provincial parks to the benefit of future generations.
5. Ensures public participation in mandatory planning 10
The *Wilderness Areas Protection Act* requires the Minister to prepare management plans in consultation with the public.
6. Requires reporting on the state of the parks 5
Nova Scotia's protected areas legislation does not require mandatory reporting on the state of the parks but extensive information must be filed with the province's Environmental Registry so half marks are awarded.
7. Recognizes Aboriginal rights 0
Nova Scotia's protected areas legislation makes no provision for Aboriginal rights despite the constitutional protection of these rights.

8. Enshrines minimum threshold of 12%	0
<p>There is no minimum threshold established in Nova Scotia's protected areas legislation. Nor is there a commitment to protect areas representative of the province's ecological regions. According to the World Wildlife Fund, 8.30% of Nova Scotia's land base is protected.⁴⁶ Forty-four percent of Nova Scotia's eco-regions enjoy adequate representation, the highest proportion in Canada although well short of the 100% objective.</p>	
9. Provides additional protection for ecological reserves and wilderness areas	10
<p>The <i>Wilderness Areas Protection Act</i> provides strong protection for wilderness areas and the <i>Special Places Protection Act</i> governs ecological reserves.</p>	
10. Establishes regional management responsibility	0
<p>Nova Scotia's protected areas legislation fails to address activities beyond park borders that threaten parks.</p>	
Double bonus - mentions maintaining and restoring biodiversity	+5
- emphasizes non-motorized recreation	<u>+5</u>
Nova Scotia's total score	<u>70</u>

Grade: B

Prince Edward Island

Grade: F

Protected Areas Legislation

Natural Areas Protection Act, R.S.P.E.I. 1988, c. N-2

Recreation Development Act, R.S.P.E.I. 1988, c. R-8

- | | |
|---|----|
| 1. Prioritizes conservation/ecological integrity | 10 |
| The purpose of Prince Edward Island's <i>Natural Areas Protection Act</i> is "to preserve natural areas in the province." | |
| 2. Prohibits industrial resource use (logging, mining, etc.) | 10 |
| Commercial activities are prohibited by regulations under the <i>Natural Areas Protection Act</i> . | |
| 3. Protects permanently (boundaries legislated) | 0 |
| Prince Edward Island's natural areas can be shrunk in size or eliminated by the responsible Minister without any public scrutiny. | |
| 4. Incorporates dedication to future generations | 0 |
| Prince Edward Island's protected areas legislation does not refer to future generations. | |
| 5. Ensures public participation in mandatory planning | 0 |
| There is no mandatory requirement for either planning or public participation in Prince Edward Island's <i>Natural Areas Protection Act</i> although the Minister has the discretionary ability to appoint an advisory committee. | |
| 6. Requires reporting on the state of the parks | 0 |
| Prince Edward Island's protected areas legislation does not require mandatory reporting on the state of the parks. | |
| 7. Recognizes Aboriginal rights | 0 |
| Neither the <i>Natural Areas Protection Act</i> nor the <i>Recreation Development Act</i> makes provision for Aboriginal rights despite the constitutional protection of these rights. | |
| 8. Enshrines minimum threshold of 12% | 0 |
| There is no minimum threshold established in the <i>Natural Areas Protection Act</i> or the <i>Recreation Development Act</i> . Nor is there a binding legal commitment to protect areas representative of the province's ecological regions. According to the World Wildlife Fund, only 4.19% of Prince Edward Island's land base is protected, while none of the province's eco-regions enjoy adequate representation. ⁴⁷ To be fair, Prince Edward Island is constrained by the high percentage of private land ownership (close to 90%). | |

9. Provides additional protection for ecological reserves and wilderness areas Prince Edward Island lacks legislation governing ecological reserves and wilderness areas.	0
10. Establishes regional management responsibility Prince Edward Island's <i>Natural Areas Protection Act</i> and <i>Recreation Development Act</i> fail to address activities beyond park borders that threaten parks.	0
Bonus--legislation emphasizes the importance of agreements with private landowners	+5
Prince Edward Island's total score	<u>25</u>

Grade: F

Newfoundland and Labrador

Grade: D

Protected Areas Legislation

Wilderness and Ecological Reserves Act, R.S.N. 1990, c. W-9

Provincial Parks Act, R.S.N. 1990, c. P-32

1. Prioritizes conservation/ecological integrity 10
Newfoundland and Labrador's *Wilderness and Ecological Reserves Act* is Newfoundland and Labrador's most important protected areas legislation and clearly makes preserving ecological integrity the top priority. The purposes outlined for wilderness reserves and ecological reserves include protecting biodiversity and ecological processes. The *Provincial Parks Act*, which governs far less land in Newfoundland and Labrador, sets aside land for recreation and picnic sites.
2. Prohibits industrial resource use (logging, mining, etc.) 5
The *Wilderness and Ecological Reserves Act* prohibits industrial resource activity, the construction of buildings, and the building of roads in Newfoundland and Labrador's wilderness and ecological reserves. However, Cabinet can make exceptions to these seemingly strict rules and pre-existing activities are allowed to continue, so half points are awarded.
3. Protects permanently (boundaries legislated) 5
The boundaries of Newfoundland and Labrador's wilderness and ecological reserves can be changed by the provincial Cabinet, although there must be public notice and a public hearing.
4. Incorporates dedication to future generations 0
Newfoundland and Labrador's protected areas legislation fails to refer to future generations.
5. Ensures public participation in mandatory planning 10
The *Wilderness and Ecological Reserves Act* establishes an Advisory Council for advising the minister on the establishment and management of protected areas. The majority of the advisory council must be members of the public. The *Act* requires the minister to prepare and publish a management plan for each protected area. Public hearings are required to discuss the creation of new protected areas and their management plans. These public participation provisions are the best in Canada.
6. Requires reporting on the state of the parks 0
Newfoundland and Labrador's protected areas legislation does not require mandatory reporting on the state of the parks.
7. Recognizes Aboriginal rights 0

Newfoundland and Labrador's protected areas legislation makes no provision for Aboriginal rights despite the constitutional protection of these rights.

8. Enshrines minimum threshold of 12%	0
<p>There is no minimum threshold established in Newfoundland and Labrador's protected areas legislation. Nor is there a binding legal commitment to protect areas representative of the province's ecological regions. The Government of Newfoundland and Labrador promised, in 1992, to achieve these goals by the year 2000. According to the World Wildlife Fund, only 4.28% of Newfoundland and Labrador's land base is protected while 89% of the province's eco-regions lack adequate representation.⁴⁸</p>	
9. Provides additional protection for ecological reserves and wilderness areas	10
<p>The <i>Wilderness and Ecological Reserves Act</i> provides excellent protection for Newfoundland and Labrador's wilderness areas and ecological reserves.</p>	
10. Establishes regional management responsibility	0
<p>Newfoundland and Labrador's protected areas legislation fails to address activities beyond park borders that threaten parks.</p>	
Double bonus - mentions preserving biodiversity at the ecosystem, species and genetic levels	+5
- allows designation of emergency park reserves	<u>+5</u>
Newfoundland and Labrador's total score	<u>50</u>

Grade: D

Yukon
Grade: F

Protected Areas Legislation

Parks and Land Certainty Act, S.Y. 2001, c. 46

The Yukon's *Parks and Land Certainty Act* was enacted in December 2001, making it the most recent protected areas legislation in Canada. The law is inadequate in many respects, and fails to live up to the promise of the Yukon's very progressive Protected Areas Strategy, a government policy created in 1998.

1. Prioritizes conservation/ecological integrity 5
The *Parks and Land Certainty Act* fails to make preserving ecological integrity the top priority, placing an equal emphasis on conservation and recreation.
2. Prohibits industrial resource use (logging, mining, etc.) 0
The *Parks and Land Certainty Act* does not prohibit industrial resource activity in the Yukon's protected areas. Existing third-party interests are not affected, and new permits for industrial development can be issued in some types of parks. As a result, mineral exploration can continue to take place in territorial parks despite government promises that this practice would be terminated.
3. Protects permanently (boundaries legislated) 5
The designation of Yukon territorial parks and their boundaries can be revoked or changed, although some form of public consultation is required.
4. Incorporates dedication to future generations 0
The *Parks and Land Certainty Act* mentions future generations but does not dedicate park lands to future generations or establish a public trust obligating the territorial government not to permit activities that harm the parks.
5. Ensures public participation in mandatory planning 10
There is a mandatory requirement that master plans be prepared for each park prior to any development in a park. Mandatory public participation is provided for but the extent of the participation is discretionary.
6. Requires reporting on the state of the parks 0
The *Parks and Land Certainty Act* does not require mandatory reporting on the state of the parks.
7. Recognizes Aboriginal rights 5
The Yukon's protected areas legislation makes no provision for Aboriginal rights despite the constitutional protection of these rights. However, it is the Yukon government's policy that protected areas will not be designated in First

Nations' traditional territory until land claims are settled. In many cases, the land claim process results in the establishment of new protected areas that enjoy a high degree of legal protection. One of the purposes of the *Parks and Land Certainty Act* is to implement the Yukon Government's obligations under Settlement Agreements with Aboriginal people.

- | | | |
|-----|---|---|
| 8. | Enshrines minimum threshold of 12% | 0 |
| | There is no minimum threshold established in the <i>Parks and Land Certainty Act</i> . Nor is there a legally binding commitment to protect areas representative of the province's ecological regions. However, these commitments are endorsed by "Wild Spaces and Protected Places: A Protected Areas Strategy for the Yukon," adopted in 1998. According to the World Wildlife Fund, 10.38% of the Yukon's land base is protected. However, 74% of the Yukon's ecological regions lack adequate representation. ⁴⁹ | |
| 9. | Provides additional protection for ecological reserves and wilderness areas | 5 |
| | The <i>Parks and Land Certainty Act</i> enables the designation of wilderness preserves and ecological reserves. However, while permits for new industrial activities are prohibited, existing industrial rights, permits, and activities in wilderness preserves and ecological reserves are allowed to continue. | |
| 10. | Establishes regional management responsibility | 0 |
| | The <i>Parks and Land Certainty Act</i> fails to address activities beyond park borders that threaten parks. | |

Yukon's total score	30
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Grade: F

Northwest Territories

Grade: F

Protected Areas Legislation

Territorial Parks Act, R.S.N.W.T. 1988, c. T-4

1. Prioritizes conservation/ecological integrity 5
The *Territorial Parks Act* fails to make preserving ecological integrity the top priority, placing an equal emphasis on conservation and recreation.
2. Prohibits industrial resource use (logging, mining, etc.) 5
The *Territorial Parks Act* does not prohibit industrial resource activity in Northwest Territories protected areas. The *Territorial Parks Regulations* prohibit industrial activities in Natural Environment Recreation Parks and Historic Parks. Since regulations can be changed more easily than legislation, half points are awarded.
3. Protects permanently (boundaries legislated) 0
The boundaries of territorial parks in the Northwest Territories can be changed by the responsible Minister.
4. Incorporates dedication to future generations 0
The *Territorial Parks Act* fails to mention future generations or establish a public trust obligating the territorial government not to permit activities that harm the parks.
5. Ensures public participation in mandatory planning 0
There is no mandatory requirement for either planning or public participation in the *Territorial Parks Act*.
6. Requires reporting on the state of the parks 0
The *Territorial Parks Act* does not require mandatory reporting on the state of the parks.
7. Recognizes Aboriginal rights 10
The *Territorial Parks Act* explicitly recognizes the constitutionally protected hunting and fishing rights of Aboriginal people and states that territorial parks are subject to the outcome of Aboriginal land claims settlements.
8. Enshrines minimum threshold of 12% 5
There is no minimum threshold established in the *Territorial Parks Act*. Nor is there a legally binding commitment to protect areas representative of the province's ecological regions. However, these commitments are endorsed by the Northwest Territories Protected Areas Strategy, approved in 1999.

9. Provides additional protection for ecological reserves and wilderness areas 0
The Northwest Territories lacks legislation governing ecological reserves and wilderness areas.

10. Establishes regional management responsibility 0
The *Territorial Parks Act* fails to address activities beyond park borders that threaten parks.

Northwest Territories' total score 25

Grade: F

Nunavut
Grade: F

Protected Areas Legislation

Territorial Parks Act, R.S.N.W.T. 1988, c. T-4, (as duplicated for Nunavut by s. 29 of the *Nunavut Act*)

Despite its failing grade, the government of Nunavut is strongly committed to establishing an outstanding system of protected areas. This commitment is reflected in the 1993 Nunavut Land Claim Agreement which endorses the value of parks and conservation areas and establishes a process for their designation.

Nunavut plans to upgrade its protected areas legislation in the near future.

1. Prioritizes conservation/ecological integrity 5
The *Territorial Parks Act* fails to make preserving ecological integrity the top priority, placing an equal emphasis on conservation and recreation.
2. Prohibits industrial resource use (logging, mining, etc.) 5
The *Territorial Parks Act* does not prohibit industrial resource activity in Nunavut's protected areas. The *Territorial Parks Regulations* prohibit industrial activities in Natural Environment Recreation Parks and Historic Parks. Since regulations can be changed more easily than legislation, half points are awarded.
3. Protects permanently (boundaries legislated) 0
The boundaries of territorial parks in Nunavut can be changed by the responsible Minister.
4. Incorporates dedication to future generations 0
The *Territorial Parks Act* fails to mention future generations or establish a public trust obligating the territorial government not to permit activities that harm the parks.
5. Ensures public participation in mandatory planning 0
There is no mandatory requirement for either planning or public participation in the *Territorial Parks Act*.
6. Requires reporting on the state of the parks 0
The *Territorial Parks Act* does not require mandatory reporting on the state of the parks.
7. Recognizes Aboriginal rights 10
The *Territorial Parks Act* explicitly recognizes the constitutionally protected hunting and fishing rights of Aboriginal people and states that territorial parks are subject to the outcome of Aboriginal land claims settlements.

8. Enshrines minimum threshold of 12%	10
There is no minimum threshold established in the <i>Territorial Parks Act</i> . Nor is there a legally binding commitment to protect areas representative of the province's ecological regions. However, the Government of Nunavut is committed to developing a "Protected Areas Strategy" and a "Parks and Conservation Areas System Plan." More importantly, about 14% of Nunavut's land base is protected or proposed for protection under the Nunavut Land Claim Agreement which in turn enjoys constitutional protection.	
9. Provides additional protection for ecological reserves and wilderness areas	5
Nunavut lacks legislation governing ecological reserves and wilderness areas but is in the process of creating conservation areas and wildlife sanctuaries, so half points are awarded.	
10. Establishes regional management responsibility	0
The <i>Territorial Parks Act</i> fails to address activities beyond park borders that threaten parks.	
Nunavut's total score	<u>35</u>

Grade: F

BLUEPRINT: The Best of Canadian Protected Areas Legislation

The following list provides the best provisions in existing Canadian laws governing parks and protected areas for the ten criteria included in this report. Also included are particularly noteworthy legislative provisions that earned bonus points for specific jurisdictions.

The purpose of this section is to provide precedents demonstrating ecologically informed legislative language for governments, bureaucrats, lawyers, and environmental advocacy organizations working to improve protection for parks and protected areas in Canada.

1. Mandates conservation and ecological integrity as top priority

The best sections in Canada identifying conservation as the top priority are found in the federal *Canada National Parks Act* and Nova Scotia's *Wilderness Areas Protection Act*.

Canada National Parks Act, S.C. 2000, c. 32

8. (2) Maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, shall be the first priority of the Minister when considering all aspects of the management of parks.

Ecological integrity is defined as "a condition that is determined to be characteristic of its natural region and likely to persist, including abiotic components and the composition and abundance of native species and biological communities, rates of change and supporting processes." *Canada National Parks Act*, S.C. 2000, c. 32, s. 2 (1)

Wilderness Areas Protection Act, S.N.S. 1998, c. 27

2. The purpose of this Act is to provide for the establishment, management, protection and use of wilderness areas, in perpetuity, for present and future generations, in order to achieve the following primary objectives:

- (a) maintain and restore the integrity of natural processes and biodiversity;
- (b) protect representative examples of natural landscapes and ecosystems;
- (c) protect outstanding, unique, rare and vulnerable natural features and phenomena,

and the following secondary objectives:

- (d) provide reference points for determining the effects of human activity on the natural environment;
- (e) protect and provide opportunities for scientific research, environmental education and wilderness recreation; and
- (f) promote public consultation and community stewardship in the establishment and management of wilderness areas, while providing opportunities for public access for sport fishing and traditional patterns of hunting and trapping.

2. Prohibits industrial resource use (logging, mining, etc.)

The most comprehensive prohibition of industrial uses is found in Quebec's *Parks Act*:

7. Notwithstanding any provision of law,
- (a) hunting or trapping of every kind is prohibited in a park; and
 - (b) all forms of prospecting, and any utilization, harvesting or harnessing of resources related to logging, mining or the production of energy, and the laying of oil or gas pipelines or power lines, are prohibited within the confines of the park.

Parks Act, R.S.Q. 1977, c. P-9

3. Protects permanently (boundaries legislated)

The *Canada National Parks Act* provides the most effective provisions for permanent protection of parks. Cabinet is allowed to create and expand parks but requires the approval of Parliament to revoke or shrink a park. The *National Marine Conservation Areas Act* contains similar provisions.

5. (1) Subject to section 7, the Governor in Council may, by order, for the purpose of establishing or enlarging a park, amend Schedule 1 by adding the name and a description of the park, or by altering the description of the park, if the Governor in Council is satisfied that
- (a) Her Majesty in right of Canada has clear title to or an unencumbered right of ownership in the lands to be included in the park; and
 - (b) the government of the province in which those lands are situated has agreed to their use for that purpose.
- (2) No amendment may be made by the Governor in Council to Schedule 1 for the purpose of removing any portion of a park.
- Canada National Parks Act*, S.C. 2000, c. 32

4. Incorporates dedication to future generations

The *Canada National Parks Act* includes a strong provision dedicating parks to future generations:

- 4 (1) The national parks of Canada are hereby dedicated to the people of Canada for their benefit, education and enjoyment subject to the Act and its regulations, and the parks shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations.
- Canada National Parks Act*, S.C. 2000, c. 32

5. Ensures public participation in *mandatory* parks planning

Newfoundland's *Wilderness and Ecological Reserves Act* requires management plans to be created and mandates extensive public participation throughout the planning process. The *National Marine Conservation Areas Act* also incorporates mandatory management planning (including review every five years) and extensive public involvement. Some of the provisions from the Newfoundland legislation are excerpted below:

6. The Wilderness and Ecological Reserves Advisory Council is continued for the purpose of advising the Lieutenant-Governor in Council through the minister on matters in relation to the establishment, management and termination of reserves and for the better administration of this Act.

7. (1) The Lieutenant-Governor in Council shall appoint up to 11 members to the advisory council with at least 6 of the 11 to represent the public.

11. (1) The advisory council may examine an area of the province in order to determine which areas are suitable for the establishment of a reserve.

12. (1) The advisory council shall give information on the areas determined as suitable for the establishment of a reserve under section 11 to interested departments of the governments of the province and Canada and to interested boards, commissions or other bodies, whether incorporated or unincorporated, members of which or the members of the board of management or board of directors of which, are appointed by an Act or by the Lieutenant-Governor in Council.

(2) Where, in the opinion of the advisory council, the comments received under subsection (1) from the interested departments and bodies do not change the opinion as to the suitability of the area for the establishment of a provisional reserve, the advisory council shall give a report to the Lieutenant-Governor in Council.

13. Where subsections 12(1) and (2) have been carried out, the minister shall prepare

- (a) a boundary description of the area that will constitute the provisional reserve; and
- (b) a statement of the purposes for establishing the provisional reserve.

15. Within one year from the date of the establishment of a provisional reserve, the minister shall prepare and publish, in a newspaper in circulation in the area of the provisional reserve, a notice that contains

- (a) a boundary description of the area of the proposed reserve;
- (b) an outline of the management plan of the proposed reserve; and

(c) a statement indicating that the minister requires written notice within the next 30 days where a member of the public intends to participate in a public hearing on the establishment of the reserve.

16. (1) The minister shall set a time and place for the holding of a public hearing by the advisory council to consider submissions, representations and objections respecting the establishment of a reserve including the boundary description and management plan of the proposed area.

21 (4) Before changing the area or management plan of a reserve under this section the Lieutenant-Governor in Council shall be supplied with recommendations of the advisory council in relation to the change.

Wilderness and Ecological Reserves Act, R.S.N. 1990, c. W-9

6. Requires reporting on the state of the parks

Both the *Canada National Marine Conservation Areas Act* and *Canada National Parks Act* require regular reports assessing the state of marine conservation areas and national parks:

12 (2) At least every two years, the Minister shall cause to be tabled in each House of Parliament a report on the state of the parks and on progress made towards the establishment of new parks.

Canada National Parks Act, S.C. 2000, c. 32

7. Recognizes Aboriginal rights

Both the *Canada National Marine Conservation Areas Act* and *Canada National Parks Act* contain similar provisions regarding the recognition of Aboriginal rights.

2(2) For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the *Constitution Act, 1982*.

Canada National Parks Act, S.C. 2000, c. 32

6. (1) Subject to section 7, the Governor in Council may, by order, for the purpose of establishing or enlarging a park reserve, amend Schedule 2 by adding the name and a description of the reserve, or by altering the description of the reserve, if the Governor in Council is satisfied that the government of the province in which the lands to be included in the reserve are situated has agreed to their use for that purpose.

(2) When a claim referred to in subsection 4(2) is settled, the Governor in Council may, by order,

(a) amend Schedule 2 by removing the name and description of the park reserve or by altering that description; and

(b) if the settlement provides that the park reserve or part of it is to become a park or part of one, amend Schedule 1 by adding the name and a description of the park or by altering the description of the park, if the Governor in Council is satisfied that Her Majesty in right of Canada has clear title to or an unencumbered right of ownership in the lands to be included in the park.

(3) Except as provided by subsection (2), no amendment may be made by the Governor in Council to Schedule 2 for the purpose of removing any portion of a park reserve.

Canada National Parks Act, S.C. 2000, c. 32

8. Enshrines minimum of 12% protection of all ecosystems within jurisdiction

The only jurisdiction in Canada with legislation imposing a minimum area of protected park land is British Columbia. B.C.'s *Park Act* states that:

5 (1) The Lieutenant Governor in Council may

(a) establish an area of Crown land as a Class A, Class B or Class C park, or as a recreation area, . . .

(2) Even though the power conferred on the Lieutenant Governor in Council by subsection (1) is expressed as being permissive, the Lieutenant Governor in Council must exercise that power to the extent and as often as may be necessary to ensure that the total area of parks and recreation areas

(a) is not less than 7 300 000 hectares, and

(b) will be not less than 10 000 000 hectares by January 1, 2000.

Park Act, R.S.B.C. 1996, c. 344

9. Provides additional protection for ecological reserves and wilderness areas

Newfoundland's *Wilderness and Ecological Reserves Act* provides strong protection for ecological reserves and wilderness reserves, as the following purpose sections indicate:

4. The Lieutenant-Governor in Council may set aside, as wilderness reserves, areas of the province that are subject to no or little human activity,

(a) to provide for the continued existence of those areas as large wilderness areas to which people may come and in which they may hunt, fish, travel and otherwise experience and appreciate a natural environment;

(b) to allow within those areas undisturbed interactions of living things and their environment;

(c) to preserve those large areas that may be necessary for the continued survival of a particular species; or

(d) to protect areas with primitive or extraordinary characteristics.

5. The Lieutenant-Governor in Council may set aside, as ecological reserves, areas of the province that contain a representative or unique ecosystem, species or natural phenomena

- (a) to provide for scientific research and educational purposes in aspects of the natural environment;
- (b) to preserve the habitat of an animal or plant species that is rare or endangered;
- (c) to provide standards against which the effects of development in other areas may be measured;
- (d) to provide an opportunity for study of the recovery of ecosystems from the effects of modification by human beings;
- (e) to preserve rare botanical, zoological, geological or geographical characteristics;
- (f) to preserve representatives of distinct ecosystems in the province; or
- (g) to preserve organisms in their natural habitat to ensure the preservation of their gene pools.

Wilderness and Ecological Reserves Act, R.S.N. 1990, c. W-9

Quebec also has strong legislative protection for ecological reserves, as the following section suggests:

7. The following activities are prohibited in ecological reserves: hunting, trapping, fishing, any activity related to mining, gas or petroleum exploration and development, and brine or underground reservoir exploration activity, prospecting, digging or boring, forest management activities, earthwork and construction activities, agricultural, industrial or commercial activities and, generally, any activity likely to alter the state or nature of ecosystems.

Ecological Reserves Act, R.S.Q. 1977, c. R-26.1

10. Establishes regional management responsibility

Alberta is the only province with a legislative provision restricting certain activities outside protected areas that could cause ecological harm inside protected areas:

12(1) The Lieutenant Governor in Council may, by regulation, designate any area of public land adjoining a wilderness area or ecological reserve as a controlled buffer zone.

- (2) On an area of land being designated as a controlled buffer zone,
 - (a) the Surface Rights Board established under the Surface Rights Act shall not make any order under that Act granting right of entry, use or taking of the surface of any land in a controlled buffer zone for the purpose of strip mining or quarrying,
 - (b) the Minister responsible for the Public Lands Act shall not issue or renew a lease under the Public Lands Act that would permit the use of the surface of any land in a controlled buffer zone for the purpose of strip mining or quarrying, and

- (c) no person shall cause, allow or undertake any strip mining or quarrying in the controlled buffer zone.
 - (3) On an area of land being designated as a controlled buffer zone,
 - (a) no approval, preliminary certificate or licence shall be issued nor registration effected under the Water Act with respect to any activity, diversion of water or operation of a works, and
 - (b) no person shall cause or allow or undertake any activity, diversion of water or operation of a works in the controlled buffer zone.
- Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*, R.S.A. 2000, c. W-9

Additional Legislative Provisions of Note

Newfoundland's *Wilderness and Ecological Reserves Act* includes an innovative provision allowing the Minister to designate an emergency reserve to protect an area from imminent industrial activity.

22. (1) The minister may order that an endangered area be established as an emergency reserve.
- (2) In this section, an endangered area is an area that
- (a) is under examination by the advisory council under section 11; or
 - (b) has been so examined and found suitable for the establishment in it of a reserve but is not yet established as a provisional reserve,
- and in the opinion of the minister is in danger because of some imminent activity, action or event of becoming an area that would not be suitable for the establishment in it of a reserve.
- Wilderness and Ecological Reserves Act*, R.S.N. 1990, c. W-9

Nova Scotia's *Wilderness Areas Protection Act* creates a comprehensive public registry of information about the status and management of protected areas. Access to this information is an essential aspect of ensuring meaningful public participation in park management.

- (4) The Minister shall file, in the environmental registry established pursuant to the *Environment Act*, a copy of
- (a) licences issued, and orders and decisions made, pursuant to this Act or the regulations;
 - (b) notices of designation served pursuant to this Act or the regulations;
 - (c) descriptions of wilderness areas designated pursuant to this Act;
 - (d) descriptions of wilderness areas changed by any actions taken pursuant to subsection 11(3) or (4);
 - (e) a management plan prepared for a wilderness area and a revised management plan;
 - (f) the Memorandum of Understanding dated June 24, 1998 referred to in subsection 11(2);

- (g) policies, programs, standards, codes of practice, guidelines, objectives, plans, directives and approval processes established pursuant to this Act or the regulations;
 - (h) convictions, penalties and other enforcement actions brought pursuant to this Act or the regulations;
 - (i) information or documents required by the regulations to be included in the environmental registry; and
 - (j) any other information or document considered appropriate by the Minister.
- Wilderness Areas Protection Act, S.N.S. 1998, c. 27*

Nova Scotia's *Wilderness Areas Protection Act* also, in recognition of the relatively high proportion of private land ownership in that province, requires the government to promote the designation of private land as wilderness.

14 (1) The Minister shall promote the voluntary establishment of privately owned lands as new wilderness areas or as parts of designated wilderness areas.

Wilderness Areas Protection Act, S.N.S. 1998, c. 27

ENDNOTES

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- ² Eagles, Paul F. J. 1993. "Environmental Management in Parks" in *Parks and Protected Areas in Canada*, Philip Dearden and Rick Rollins, eds. Toronto: Oxford University Press, p. 171.
- ³ Canadian Parks and Wilderness Society, Yukon Chapter. 2001. Media Release, March 20, 2001 at www.cpaws.org
- ⁴ Pynn, Larry. 2001. "NDP's protection for Spruce Lake area now in question," Vancouver Sun, August 8, 2001. See also Ministry of Sustainable Resource Management. 2001. Southern Rocky Mountain Backgrounder," November 15, 2001. See www.luco.gov.bc.ca/regional/kootenay/index.htm
- ⁵ Canadian Parks and Wilderness Society. 2000. Press Release, July 19, 2000. See www.cpaws.org/press/ab-oilgasleases-2000-0719.html protesting the sale of oil and gas leases in the Chinchaga and Milk River protected areas)
- ⁶ Appleby, Alan G. 1995. "Saskatchewan," in Monte Hummel, ed., *Protecting Canada's Endangered Spaces: An Owner's Manual*. Toronto: Key Porter, 1995, p. 79.
- ⁷ Turennes, Roger. 2000. "Conservation: The Filmon Legacy," at www.cpaws.org/chapters/mbeditorial.html
- ⁸ World Wildlife Fund. 1997. *Endangered Spaces Progress Report: 1996-97*, Toronto: World Wildlife Fund, 1997, p. 38.
- ⁹ *Provincial Park Regulations*, N.S. Reg. 69/89, as amended, s. 20(2).
- ¹⁰ Panel on the Ecological Integrity of Canada's National Parks. 2000. "Unimpaired for Future Generations? Conserving Ecological Integrity with Canada's National Parks," Two vols. Ottawa: Minister of Public Works and Government Services.
- ¹¹ World Wildlife Fund. 2000. *Endangered Spaces: The wilderness campaign that changed the Canadian landscape, 1989-2000*, Toronto: World Wildlife Fund Canada.
- ¹² Greene, Michael J.B. and James Paine. 1997. "State of the World's Protected Areas at the End of the Twentieth Century," Paper presented at the IUCN World Commission on Protected Areas Symposium "Protected Areas in the 21st Century: From Islands to Networks," Albany, Australia, November 24-29, 1997. See www.unep-wcmc.org/protected_areas/albany.pdf. The World Wildlife Fund ranks Canada 33rd while the Panel on Ecological Integrity ranks Canada as 36th. World Wildlife Fund Canada. 2000. *Endangered Spaces: The wilderness campaign that changed the Canadian landscape, 1989-2000*, Toronto: World Wildlife Fund Canada, p. 6. Panel on the Ecological Integrity of Canada's National Parks. 2000. "Unimpaired for Future Generations? Conserving Ecological Integrity with Canada's National Parks," Two vols. Ottawa: Minister of Public Works and Government Services, Vol. 2, p. 8-3.
- ¹³ Panel on the Ecological Integrity of Canada's National Parks. 2000. "Unimpaired for Future Generations? Conserving Ecological Integrity with Canada's National Parks," Two vols. Ottawa: Minister of Public Works and Government Services. Volume 1, p. 9.
- ¹⁴ An Angus Reid survey found that 3 out of 4 Albertans chose protection over recreation as the purpose of parks. A poll by BC Parks found that over 80% of respondents said that the main reason for parks is to protect wildlife and wildlife habitat. Woodard, Joe. 2000. "Albertans Pick Wilderness over Tourism," Calgary Herald, Aug. 19, 2000, p. B1. B.C. Parks. 1995. "Public Views About B.C. Parks: Summary Report," Victoria: Ministry of Environment, Land and Parks.
- ¹⁵ Trudeau, Pierre Elliot. 2000. "Foreword," in Roberta Bondar, *Passionate Vision: Discovering Canada's National Parks*. Vancouver: Douglas & McIntyre.
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- ¹⁸ A lawsuit seeking to stop construction of the logging road was unsuccessful. See *Society of the Friends of Strathcona Park v. British Columbia (Minister of Environment, Land and Parks)* (1999) 31 C.E.L.R. (N.S.) 274 (B.C.S.C.).

- ¹⁹ Canadian Parks and Wilderness Society. 2000. Press Release, July 19, 2000. See www.cpaws.org/press/ab-oilgasleases-2000-0719.html protesting the sale of oil and gas leases in the Chinchaga and Milk River protected areas)
- ²⁰ Appleby, Alan G. 1995. "Saskatchewan," in Monte Hummel, ed., *Protecting Canada's Endangered Spaces: An Owner's Manual*. Toronto: Key Porter, 1995, p. 79.
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- ²⁴ *Provincial Park Regulations*, N.S. Reg. 69/89, as amended, s. 20(2).
- ²⁵ Federal laws must then repeat the same process in the Senate.
- ²⁶ According to the Auditor General's 1983 report, Parks Canada had 5058 full-time employees in 1982-83. The Ecological Integrity Panel estimated that Parks Canada had 3000 employees in 2000. Panel on the Ecological Integrity of Canada's National Parks. 2000. "Unimpaired for Future Generations? Conserving Ecological Integrity with Canada's National Parks," Two vols. Ottawa: Minister of Public Works and Government Services. v. 1 p. 13. Budget cuts are from Searle, Rick. 2000. *Phantom Parks: The Struggle to Save Canada's National Parks*. Toronto: Key Porter, ch. 2, 5.
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- ²⁸ Peart, Bob. 2001. "Just the Facts--B.C. Parks Statistics and Figures" *Parks and Wilderness Quarterly* Vol. 12 No. 4, Winter 2000/2001, p. 12.
- ²⁹ Peart, Bob. 2001. "Just the Facts--B.C. Parks Statistics and Figures" *Parks and Wilderness Quarterly* Vol. 12 No. 4, Winter 2000/2001, p. 8. The budget comparison adjusts the 1977 figures for inflation (4%/annum) to ensure a valid comparison.
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- ³¹ See Nowlan, Linda. "Biodiversity Law and Policy in British Columbia,"; Kwasniak, Arlene. "Prairie Provinces,"; Attridge, Ian. "Ontario,"; Heckman, Kathryn. "New Brunswick,"; in Ian Attridge, ed. 1996. *Biodiversity Law and Policy in Canada*, Toronto: Canadian Institute for Environmental Law and Policy, McNamee, Kevin. "Preserving Ontario's Natural Legacy" in David Estrin and John Swaigen, eds. 1993. *Environment on Trial: A Guide to Ontario Environmental Law and Policy*. Toronto: Emond Montgomery.
- ³² See the analysis by Alberta's Environmental Law Centre at www.elc.ab.ca/reform/heritage.pdf
- ³³ World Wildlife Fund. 2000. *Endangered Spaces: The wilderness campaign that changed the Canadian landscape, 1989-2000*, Toronto: World Wildlife Fund Canada.
- ³⁴ Greene, Michael J.B. and James Paine. 1997. "State of the World's Protected Areas at the End of the Twentieth Century," Paper presented at the IUCN World Commission on Protected Areas Symposium "Protected Areas in the 21st Century: From Islands to Networks," Albany, Australia, November 24-29, 1997. See www.unep-wcmc.org/protected_areas/albany.pdf. The World Wildlife Fund ranks Canada 33rd while the Panel on Ecological Integrity ranks Canada as 36th. World Wildlife Fund Canada. 2000. *Endangered Spaces: The wilderness campaign that changed the Canadian landscape, 1989-2000*, Toronto: World Wildlife Fund Canada, p. 6. Panel on the Ecological Integrity of Canada's National Parks. 2000. "Unimpaired for Future Generations? Conserving Ecological Integrity with Canada's National Parks," Two vols. Ottawa: Minister of Public Works and Government Services, Vol. 2, p. 8-3.
- ³⁵ Auditor General of Canada. 1989. Report to Parliament, 1989. Ottawa: Minister of Supply and Services.
- ³⁶ World Wildlife Fund. 2000. *Endangered Spaces: The wilderness campaign that changed the Canadian landscape, 1989-2000*, Toronto: World Wildlife Fund Canada.
- ³⁷ Fourteen of 39 national natural regions still lack national parks. See the Parks Canada website at www.parkscanada.pch.gc.ca and World Wildlife Fund Canada. 2000. *Endangered Spaces: The wilderness campaign that changed the Canadian landscape, 1989-2000*, Toronto: World Wildlife Fund Canada.
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