



November 5, 2004

Mr. Bob Moos
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Protected Areas Legislation Review
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Thank you for the opportunity to comment on "*It's In Our Nature, A Shared Vision for Parks and Protected Areas Legislation*".

The Ontario Professional Planners Institute (OPPI) is the recognized voice of the Province's planning profession and provides vision and leadership on key planning issues. The Institute's 2,600 practicing planners are employed by government, private industry, agencies, and academic institutions. Members work in a wide variety of fields including urban and rural community development, urban design, environment, natural resources, transportation, health and social services, housing, and economic development. One objective of OPPI is to improve the quality of Ontario's environment and communities through the application of sound planning principles.

The parks and protected areas review addresses an important environmental consideration which directly affects our quality of life. We have both general and specific comments on the legislation. The general comments are intended to respond to the impetus for the Parks and Protected Area legislation and the specific comments arise from the Ministry's request for advice.

General Comments

The Parks system is generally based on a representational system wherein units within the eco-regions and sub-regions of the Province are preserved as parks and conservation reserves. It is an important component of an overall environmental management system which addresses public and private lands in Ontario and fits within an array of environmental management legislation and policies. More discussion on the development and management of parks and conservation reserves within this larger natural heritage system is warranted, particularly when viewed in the context of concurrent reviews being conducted on natural heritage planning in Ontario.

We, as planners, observe that "many threats to ecological integrity of protected areas are created by land use activities outside the boundaries" (source: *Wild by Law: A Report Card on Laws Governing Canada's Parks and Protected Areas and a*

Blueprint for making these Laws more Effective). Additional discussions on how Provincial Parks and conservation reserves fit into the larger natural heritage system would inform this discussion.

We also observe that there are parks within the system which do not fit well into an overall Provincial scheme. It is our opinion that greater attention is required for those parks which do not fit, than those which do. There must be, in our opinion, consideration of the need to revise the protected areas system to address lands which traditionally would not fit within the existing Parks system.

By way of example, the Kawartha Highlands Signature Site is one which warrants consideration. It is our opinion that the review should address this Park because it is clearly part of the Provincial Parks system. The enabling legislation currently contains additional provisions or varies Provincial Parks Act provisions to address the Kawartha Highlands circumstances, however, we believe that this Park should be fully integrated into the Parks system and its special enabling legislation rescinded.

Bronte Creek Provincial Park is another example. Bronte Creek Park is a near urban park which does not fit easily within the Provincial Parks planning framework. Nevertheless, it is a key natural heritage feature which performs an important environmental open space role within the Region of Halton.

Indeed, conservation reserves established under the Public Lands Act represent a significant expansion of the protected areas system. We believe that opportunities for possible expansions may be overlooked if we remain fixated on preserving the ecological integrity of the existing parks system. The possibility of a single legally integrated system under one statute may represent a better solution for protection, but a focus on existing legislative and policy may restrict our ability to look at potentially more effective alternatives.

UNESCO's Biosphere Reserve Program establishes a framework and procedures for public participation and involvement in protected area planning. This approach could be adapted for use within the planning for parks and conservation reserves to help address some of the stakeholder conflicts which arise from major industrial uses, non-industrial uses and administration and enforcement.

Application of such a procedure, with the necessary amendments, may also enable the system to look at the inclusion of private or institutional lands in addition to public lands within the system. This may be particularly effective in creating more opportunities in southern Ontario for new parks closer to our urban areas. It would also provide municipalities and First Nations with better opportunities for comment when parks and conservation reserves are planned and established.

Specific Comments

Legislative Proposals 1 and 2:

With respect to the Principles and Objectives, we support these proposals. We also recommend that these be expanded to address the manner in which the system fits within the larger natural heritage policy framework implemented within the administration of the Public Lands and Planning Acts.

Legislative Proposal 3:

With respect to classes and zones, we support this proposal. Further, the Public Lands Act provides a legislative mechanism for the creation of zones within plans for specific areas. We believe this would address zoning within conservation reserves. We note that the most effective mechanism is in Section 12 of the Public Lands Act, passed in 1998, but never proclaimed. We also recommend that a statutory obligation be made in the Provincial Parks Act to consult with municipalities and First Nations on these and other matters arising from administration of the Parks.

Legislative Proposal 4:

We support this initiative as far as it goes, however, we feel all wilderness areas should be incorporated within the Provincial Parks or conservation reserves system and the Wilderness Areas Act be rescinded once the transfer is complete. Unless there are sound reasons to maintain this distinction, and we have not seen any to date, in our opinion preservation of wilderness areas can be achieved within the current protection system.

Legislative Proposal 5:

We concur with the proposals with respect to planning and reporting as far as these go, however, we strongly recommend that specific public consultation requirements and practices, such as those identified above which apply to UNESCO Biosphere Sites, be applied by way of regulation, as has been done with the Forest Management Planning Manual under the Crown Forest Sustainability Act or the Provincial Standards Manual under the Aggregate Resources Act. Such requirements should apply equally to Provincial Parks and conservation reserves.

Alternatively, the Provincial Parks Act could be amended to provide for public consultation and review so as to establish legal consultation requirements such as in the Planning and Environmental Assessment Acts.

Legislative Proposals 6 and 7:

We agree with the recommendations on industrial and non-industrial uses with one exception. In Ontario, Provincial Parks were often established without adequate notice and consideration of First Nations needs particularly in the far north (i.e., remote hydro-electric power generation, forest management). In these situations, where First Nations are involved, these matters are best addressed through consultation which addresses the local situation more clearly provided the consultations take place within a properly structured planning framework. An

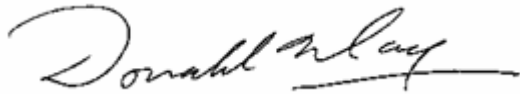
approach based on the UNESCO Biosphere Reserves framework may provide a more workable approach to sorting out these issues.

Legislative Proposal 8:

We concur with the proposals with respect to administration and enforcement, however we suggest the analysis would be improved with a discussion as to whether boundaries are better established by regulation or statute, as this has always been a key issue in any protected areas legislation review, with strong arguments on both sides.

We appreciate the opportunity to participate in this important dialogue and welcome the prospect of further discussion with the government as this matter proceeds. To schedule a meeting or for further information, please contact Loretta Ryan, MCIP, RPP, Manager, Policy and Communications at (416) 483-1873, ext. 26 or by e-mail at policy@ontarioplanners.on.ca

Sincerely,

A handwritten signature in black ink, appearing to read "Donald F. May". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Donald F. May, MCIP, RPP
President
Ontario Professional Planners Institute

Copy:

Honourable David Ramsay, Minister of Natural Resources
Greg Daly, MCIP, RPP, Director, Policy, OPPI
George McKibbin, MCIP, RPP, Chair, Natural Resources Working Group, OPPI
Loretta Ryan, MCIP, RPP Manger, Policy and Communications, OPPI