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# Analysis of Second Reading of Bill 11: Provincial Parks and Conservation Reserves Act, 2005\*

*CPAWS Wildlands League and Sierra Legal Defence Fund*

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## Introduction

In November 2005, CPAWS Wildlands League hosted a forum for interested parties on the newly introduced *Provincial Parks and Conservation Reserves Act, 2005* (Bill 11).<sup>1</sup> Over 20 groups participated including representatives from academic institutions, environmental non-government organizations and lawyers. Although the general reaction to Bill 11 was positive, there were some very serious concerns expressed about its shortcomings by all present.

The remarks collected from this forum and others are summarized below. While these comments are drawn from the many submissions at this forum or in response to it, they should be seen as the sole property and representation of CPAWS Wildlands League and Sierra Legal Defence Fund.

## General Comments

We applaud the government of Ontario's efforts to set out on a new path toward meaningful long-term ecological stewardship of parks and conservation reserves in Bill 11. With its strong commitment to put nature first in parks and conservation reserves management, the proposed *Parks and Conservation Reserves Act* takes Ontario from the back to the front of the pack in terms of protecting park wildlife and wilderness – natural assets that for far too long have had only paper-thin protection in this province.

However, there are clearly elements within Bill 11 that undermine the central purpose of ensuring ecological integrity in the management of Ontario's system of parks and conservation reserves. In addition, there are several instances where protection would be made stronger through some simple wording changes.

The comments below are organized in into two specific sections. First, we present a narrative on the six key issues that must be addressed to satisfy our concerns, along with specific suggestions to address those concerns. We then summarize and organize our suggestions (including minor wording

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\* A version of this paper was presented at PRFO 2006, including recommendations for changes in the Act, some of which are noted in the previous paper by Robert Moos.

<sup>1</sup> Bill 11 can be found at the following URL: [http://www.onla.on.ca/documents/Bills/38\\_Parliament/session2/b011\\_e.htm](http://www.onla.on.ca/documents/Bills/38_Parliament/session2/b011_e.htm)

changes suggested by various interested parties) to correspond with Section numbering as in the First Reading of Bill 11 for ease of reference. Throughout this submission, *current wording in Bill 11 is italicized* and our suggestions are underlined.

### **A. Ecological Integrity**

To achieve the ecological integrity objective, Bill 11 must ensure that every aspect of protected areas planning and management is consistent with that goal. Addressing the considerable weaknesses outlined below with regards to ecological integrity will make Bill 11 consistent with the Ontario Biodiversity Strategy (OBS), which recognizes the concept of maintaining biodiversity on the greater landscape (defined through multiple mechanisms, particularly sections 22 – 26 of the OBS). Addressing the issue of the greater park ecosystem will also make Bill 11 consistent with the Provincial Policy Statement which requires municipalities to identify and protect significant wildlife habitat, including significant wetlands and forests, by ensuring that development (if allowed) does not damage the natural values and functions of such areas (*Provincial Policy Statement*, 2005: section 2.1). Finally, changes to address ecological integrity will make Bill 11 consistent with the MNR's stated strategic direction, particularly its emphasis on an ecosystem approach to resource management (*Our Sustainable Future: Strategic Directions*, 2005: 7).

### **Greater Park Ecosystem**

The greatest threat to ecological integrity (EI) comes from deleterious activities outside protected area borders. Bill 11 is completely silent on how EI within parks and conservation reserves will be protected from adjacent activities, thus leaving ecological integrity vulnerable to its greatest threat. It is imperative that an ecosystem management perspective is taken to ensure the ecological integrity of Ontario's system of parks and conservation reserves.

Therefore Bill 11 must include strong language regarding ecosystem management on the basis of the greater park ecosystem (GPE), which clearly articulates the intent to plan and manage parks and conservation reserves from an ecosystem perspective. We suggest the following clause be added to the Planning and management principles (s.3) in order to ensure full protection of EI within parks and conservation reserves:

s.3.3. An ecosystem management approach based on the greater provincial park ecosystem or the greater conservation reserve ecosystem shall be employed to maintain or restore ecological integrity within provincial parks and conservation reserves.

### **Fully Integrating EI Protection**

To achieve EI, the concept must be better integrated throughout Bill 11 so that it can be operationalized. A few key changes to Bill 11 would help to ensure

that this objective is met.

1. Wording needs to be changed to establish the maintenance and restoration of EI as the *over-riding* priority of planning and management (s. 3.1). This provision must read:

s.3.1. “*Maintenance or restoration of ecological integrity shall be the over-riding priority.*”

2. Bill 11 must commit to developing indicators of ecosystem integrity that will be used for the purposes of protected areas planning and management. To this end, the following should be added to Definitions (s.4), Advisory committees (s.22) and Management direction (s.9). In addition, a section should be added to Bill 11 requiring that the Minister develops Indicators of Ecological Integrity within 2 years of Royal Assent:

s. 4.(4) For the purpose of this Act and the regulations, ecological integrity shall be determined in accordance with the Indicators of Ecological Integrity.

*s. 22. The Minister, with the approval of the Lieutenant Governor in Council, may appoint committees to perform such advisory functions as are considered necessary or desirable in connection with the administration of one or more of the provincial parks, including the preparation of the Indicators of Ecological Integrity, and fix the terms of reference and procedures of such committees.*

s. 9.(3) *A management direction, ...*

(d) shall include the Indicators of Ecological Integrity.

3. The EI objectives for provincial parks and conservations reserves must be strengthened to include the concept of ecological restoration. In many protected areas, EI cannot be achieved unless restoration is undertaken. The words “and restored” should be added to the end of the EI objectives in s.2. :

*s.2.(1) The following are the objectives in establishing and managing provincial parks:*

*s.2.(1)1. To permanently protect representative ecosystems, biodiversity and provincially significant elements of Ontario’s natural and cultural heritage and to manage these areas to ensure that ecological integrity is maintained and restored.*

*s.2.(2) The following are the objectives in establishing and managing conservation reserves:*

*s.2.(2)1. To permanently protect representative ecosystems, biodiversity and provincially significant elements of Ontario’s natural and cultural heritage and to manage these areas to ensure that ecological integrity is maintained and restored.*

4. The impairment of ecological integrity is often incremental and difficult to predict. Given such uncertainty, a precautionary approach to planning and

management is needed. The precautionary principle is an emerging international norm in environmental legislation (incorporated into many federal laws in Canada). Its importance is recognized in *Our Sustainable Future: Strategic Directions* (2005: 7). The precautionary principle should be incorporated by adding the following Definition (s.4.(1)) and Planning and management principles (s.3), respectively.

s.4.(1) “**Precautionary approach**” means that where there are threats to ecological integrity, lack of scientific certainty will not be used as a reason for postponing measures to prevent damage to ecological integrity, and is the application in practice of the precautionary principle.

s.3.4. A precautionary approach shall be employed.

5. Management planning is central to achieving the EI objective and must be mandatory for all parks and conservation reserves. While Bill 11 requires that the MNR prepare a management direction that applies to each park and conservation reserve (s.9.(1)), it must also require that a management direction include a management statement or a management plan for all protected areas. All site level management should be covered by a management plan or a management statement. To this end, change the wording from “may” to “shall” in s.9.(3)(c):

s.9.(3)(c) “shall include a management statement or a management plan.”

The distinction between management statements (s.9.(4)) and management plans (s.9.(5)) is sufficient to provide flexibility in terms of the depth of planning that must occur, so that requiring the ministry to prepare one or the other for all protected areas is feasible and reasonable. However, these definitions set priorities for management attention based upon capital works rather than on EI needs. These definitions must be altered to ensure that the EI objective is operationalized at the management planning level.

*s.9.(4) A management statement is a document approved by the Minister that provides a policy and resource management framework that*

*(a) identifies key natural and cultural heritage features and processes;*

*(b) identifies current and expected internal and external impacts upon ecological integrity; and*

*(c) addresses a limited number of non-complex issues or proposals or both for limited capital infrastructure or resource management projects for one or more provincial parks or conservation reserves or for a combination of them.*

*s.9.(5) A management plan is a document approved by the Minister that provides a policy and resource management framework that*

- (a) identifies key natural and cultural heritage features and processes;
- (b) identifies current and expected internal and external impacts upon ecological integrity; and
- (c) addresses substantial and complex issues or proposals or both for substantial capital infrastructure or resource management projects for one or more provincial parks or conservation reserves or for a combination of them.

Similarly, Section 8 must make boundary changes subject to the test of ecological integrity. Section 8.(1) should be qualified to be “consistent with the purpose, dedication, objectives and principles of this Act.”

Section 12.(1) should likewise be reworded to direct attention to the purpose and objectives of the Act:

*s.12.(1) Land in provincial parks and conservation reserves shall be used and occupied in accordance with this Act and the regulations and in a manner that is consistent with the purpose, dedication, objectives and principles of this Act.*

Public review of management directions is essential. To ensure that these are posted on the *Environmental Bill of Rights* (EBR) Registry, change “or” to “and” in s.9.(8), so that it reads:

*... posted in the registry established under the Environmental Bill of Rights, 1993 and made available ...*

6. Ecological integrity shall ultimately be the test for approvals of any resource access roads and utility corridors. The general rule must be that resource access roads and utility corridors are prohibited. In a limited number of cases, and subject to the test in s.20, some resource access roads or utility corridors may be permitted. Thus, s.19 needs to be altered as follows:

*Resource access roads **prohibited***

*s.19.(0.1) Resource access roads and trails for non-provincial park and conservation reserve uses in provincial parks and conservation reserves are prohibited.*

Exception

*s.19.(1) Subject to the approval of the Minister, with or without conditions, resource access roads and trails for non-provincial park and conservation reserve uses in provincial parks and conservation reserves may be permitted in the following circumstances:*

*1. Roads and trails that are required for reasonable access to existing mining tenure or claims within a provincial park or conservation reserve or surrounded by a provincial park or conservation reserve.*

*2. Roads and trails that are required to access minerals or timber outside of a provincial park or conservation reserve.*

*Utility corridors* **prohibited**

*s.19.(1.1) Utility corridors, including but not limited to utility corridors for electrical transmission lines, in provincial parks and conservation reserves are prohibited.*

**Exception**

*s.19.(2) Subject to the approval of the Minister, with or without conditions, utility corridors, including but not limited to utility corridors for electrical transmission lines, may be permitted in provincial parks and conservation reserves if the utility corridor will service remote communities only.*

## **B. Prohibitions: Logging, Mining, Hydroelectric Development**

Industrial activity must be prohibited in protected areas. Logging, mining and hydroelectric development are inconsistent land uses with protected areas and compromise their ecological integrity. This must be clearly stated in the legislation.

Participants in our forum were pleased that industrial development was generally prohibited in parks and conservation reserves (s.15). However, serious concerns were expressed about the many exceptions to the prohibitions (s.16-18).

1. Bill 11 specifically allows logging in Ontario's flagship Algonquin Park to continue. It does not prohibit or even include a provision to phase out industrial logging in the park (s.16). It is unacceptable that logging and resource road building will be allowed to continue. Already, over 70% of the park is open to logging, with more than 8,000 km of industrial roads fragmenting thousands of hectares of the park. Industrial logging, no matter how well managed, has profound negative effects on ecosystems and species and does not belong in one of our highest profile parks. Eroding Algonquin's ecological integrity from within is unacceptable. We must treat it the same as all other parks and prohibit logging.

If this issue is not addressed in Bill 11, then the province must immediately move all land currently allocated that is not being logged into permanent protection and begin a review of the impacts of logging in Algonquin with a view to addressing these impacts and making Algonquin fully protected over time. The ecological integrity of Algonquin must receive the same protection as all other parks.

2. Bill 11 should clearly prohibit new 'Mining' land-use designations that would further threaten protected areas (e.g., Lake Superior Highlands C.R. proposal). The pattern of legitimizing illegal staking of withdrawn land through declaration orders must end.

3. Hydroelectric developments have negative impacts on the ecological integrity of protected areas. The exceptions provided to hydro, in Bill 11, must

minimize that impact by prohibiting development for export out of remote communities. Furthermore, re-development or alterations to any pre-existing hydroelectric facilities in protected areas must improve the ecological integrity of the protected area.

Section 18.(1) should also include the following:

re-development or alterations to any pre-existing hydroelectric facilities in protected areas must improve ecological integrity.

Section 18.(2) should read:

“...generation of electricity may be developed in provincial parks and conservation reserves for use within remote communities that are not connected to the IESO – controlled grid and not for export outside of the community.”

### **C. First Nations**

Bill 11 is silent on the Aboriginal and treaty rights of Aboriginal peoples and on their potential role in the creation, planning and management of parks and conservation reserves. It provides no creative opportunities for the possible development of an Aboriginal class of parks or for the co-management of protected areas with Aboriginal communities. These shortcomings are unacceptable and completely out of step with new protected areas legislation across Canada that reflects an increasing understanding and appreciation of Aboriginal rights and interests with regard to protected areas.

1. Bill 11 must provide clear direction to all involved in the creation, planning and management of protected areas. The Aboriginal and treaty rights of Aboriginal peoples must be honoured (as per the recognition and affirmation of those rights in section 35 of the *Constitution Act, 1982*). At a minimum, there should be a provision that states:

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*.

2. Bill 11 must require that prior to establishing new protected areas or enlarging an existing protected area, the Minister identify and consult with all local Aboriginal communities whose lands or traditional territories are affected by such establishment or enlargement. Suggested wording:

The Minister shall, prior to establishing a new provincial park or conservation reserve or enlarging an existing provincial park or conservation reserve identify and adequately consult with all local Aboriginal communities whose lands or traditional territories may be affected by such establishment or enlargement.

3. Bill 11 must ensure that in the formulation of each management plan, the following are considered: opportunities for co-operative management or joint management with local Aboriginal communities, inclusion of indigenous and traditional ecological knowledge, sharing of economic benefits from the protected area, and involvement of an Aboriginal person from local Aboriginal communities with traditional ecological knowledge in the preparation of the plan. Suggested wording:

The Minister shall ensure that in the creation of a new provincial park or conservation reserve and in the formulation of each management plan or direction,

(a) opportunities for co-operative management with local Aboriginal communities are considered;

(b) traditional ecological knowledge of Aboriginal peoples is considered; and

(c) an Aboriginal person with traditional ecological knowledge is considered for involvement among the individuals establishing the new provincial park or conservation reserve or preparing the management plan or direction.

4. The classes of protection should include places nominated by Aboriginal peoples. These should cover cultural significance, such as important fish and wildlife areas, areas important to maintaining traditional ways of life, and sites of ancient villages or rock paintings. We believe such a class of protected areas is important to respect Ontario and Canada's Aboriginal heritage. Such areas should be considered for full Aboriginal management. To this end, we propose the following change to s.7:

*(4) The objective of cultural heritage class parks is to protect elements of Ontario's distinctive cultural heritage, including sites nominated by Aboriginal peoples, in open space settings for their intrinsic value and to support interpretation, education and research.*

#### **D. Wilderness Class Parks**

Bill 11 weakens the protection afforded Wilderness Class Parks by altering the wording that has been used to describe this park class since the 1970's (s.7.(2)). The long-standing description of Wilderness class parks states that "Wilderness parks are substantial areas where the forces of nature are permitted to function freely and where visitors travel by non-mechanized means ..." Bill 11 replaces this with: "*The objective of wilderness class parks is to protect large areas where the forces of nature can exist freely and visitors travel **primarily by non-motorized means** ...*" [emphasis added]. This re-definition substantially alters the understanding of what Wilderness Parks are, with the potential to negatively affect the ecosystems that they protect and the recreational experiences that they offer, in serious ways. Bill 11 must revert to the long-standing definition

and clearly state:

“... where visitors travel by non-mechanized means...”

### **E. Park Boundary Permanence**

Bill 11 proposes to “permanently protect a system of provincial parks and conservation reserves” (s.1). “Permanent protection” is echoed in the objectives for both provincial parks (s.2(1)1) and conservation reserves (s.2(2)1). In order to ensure permanent protection, it is imperative that legislative amendment is required to alter boundaries of existing provincial parks and conservation reserves. The proposed land disposition provisions (ss.8(3) and 8(4)) contradict the purpose of Bill 11 and are completely unacceptable. The *Canada National Parks Act*, section 5, permits the establishment or enlargement of parks through regulation but does not permit existing park boundaries to be altered in order to remove lands from a park. Similar requirements are provided in the *Canada National Marine Conservation Areas Act*, Saskatchewan’s *Parks Act* (s.4), and British Columbia’s *Park Act* (s.5(6)). In Quebec, the *Parks Act* expressly prohibits the sale or exchange of park lands (s.5) and requires public hearings before changes to boundaries are made (s.4). Bill 11 should require that permanent protection for Ontario’s provincial parks and conservations reserves is consistent with these other jurisdictions. All reductions in protected areas must require the approval of the Legislative Assembly except in the case of claims respecting aboriginal rights or land being added to a National Park.

Sections 8(3) and 8(4) be removed and section 8(5) be renumbered.

Section 8(1) be amended to read [deleting “decrease or” from the third line]:

*The Lieutenant Governor in Council may by order set apart as a provincial park or a conservation reserve any area in Ontario, may increase the area of any provincial park or conservation reserve and may prescribe the boundaries of any provincial park or conservation reserve consistent with the purpose, dedication, objectives and principles of this Act.*

### **F. Municipal Jurisdiction**

Municipalities have jurisdiction over certain types of crown land such as unopened road and shoreline allowances. Bill 11 appears to adequately transfer all land within protected areas to provincial jurisdiction once the park or conservation reserve is regulated (s.30). However, there is no consistency of process regarding decisions by municipalities over provincial Crown Land under *interim protection* or when a *Federal/Provincial agreement* comes into existence to create a new federal protected area. This situation gives municipalities the right to issue road permits in interim protected areas without any requirement to notify the province or the public. This situation has occurred recently in an interim protected provincial park (Kawartha Highlands) and on

provincial Crown land managed as a national park by Parks Canada (Bruce Peninsula). Suggested wording:

Prior to making any land-use decisions regarding provincial Crown land that receives interim protection or is part of a federal provincial agreement and is under the jurisdiction of a municipality, the municipality shall engage in a public process, consistent with the *Environmental Bill of Rights, 1993*.

### **Specific Suggestions**

For ease of reference, all the specific suggestions are included here, organized to correspond with section numbering in Bill 11. *Current wording in Bill 11 is italicized and our suggestions are underlined.*

#### **Section 1, Purpose:**

*s.1. The purpose of this Act is to permanently protect a system of provincial parks and conservation reserves that includes ecosystems that are representative of all of Ontario's natural regions, protects provincially significant and other elements of Ontario's natural and cultural heritage, maintains biodiversity and provides opportunities for compatible, ecologically sustainable recreation and research.*

#### **Section 2, Objectives:**

*s.2.(1) The following are the objectives in establishing and managing provincial parks:*

*1. To permanently protect representative ecosystems, biodiversity and provincially significant elements of Ontario's natural and cultural heritage and to manage these areas to ensure that ecological integrity is maintained and restored.*

*2. To provide opportunities for ecologically sustainable land uses, including compatible outdoor recreation and associated economic benefits.*

*s.2.(2) The following are the objectives in establishing and managing conservation reserves:*

*1. To permanently protect representative ecosystems, biodiversity and provincially significant elements of Ontario's natural and cultural heritage and to manage these areas to ensure that ecological integrity is maintained and restored.*

#### **New section, Aboriginal rights:**

(1) 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.

(2) The Minister shall, prior to establishing a new provincial park or conservation reserve or enlarging an existing provincial park or conservation reserve, identify and adequately consult with all local Aboriginal communities whose lands or traditional territories may be affected by such establishment or enlargement.

(3) The Minister shall ensure that in the creation of a new provincial park or conservation reserve and in the formulation of each management plan or direction,

(a) opportunities for co-operative management with local Aboriginal communities are considered;

(b) traditional ecological knowledge of Aboriginal peoples is considered; and

(c) an Aboriginal person with traditional ecological knowledge is considered for involvement among the individuals establishing the new provincial park or conservation reserve or preparing the management plan or direction.

### **Section 3. Planning Principles:**

*s.3. The following principles shall guide all aspects of the planning and management of Ontario's system of provincial parks and conservation reserves:*

*1. Maintenance or restoration of ecological integrity shall be the overriding priority.*

*2. Opportunities for consultation shall be provided.*

*3. An ecosystem management approach based on the greater provincial park ecosystem or the greater conservation reserve ecosystem shall be employed to maintain or restore ecological integrity within provincial parks and conservation reserves.*

*4. A precautionary approach shall be employed.*

### **Section 4. Definitions:**

Add the following to subsection 4.(1):

**“Precautionary approach”** means that where there are threats to ecological integrity, lack of scientific certainty will not be used as a reason for postponing measures to prevent damage to ecological integrity, and is the application in practice of the precautionary principle.

*s.4.(3) For the purpose of subsection (2), ecological integrity includes, but is not limited to,*

*(b) levels of air and water and land quality consistent with protection of biodiversity and recreational enjoyment.*

s.4.(4) For the purpose of this Act and the regulations, ecological integrity shall be determined in accordance with the Indicators of Ecological Integrity.

**Section 5, Dedication:**

*s.5. Ontario's provincial parks and conservation reserves are dedicated to the people of Ontario and visitors for their inspiration, education, health, recreational enjoyment and benefit, and shall be planned and managed to maintain and restore their ecological integrity and to leave them unimpaired for future generations.*

**Section 7, Classification:**

*s.7.(1) The Lieutenant Governor in Council shall classify provincial parks in one of the following classes: ...*

*s.7.(2) The objective of wilderness class parks is to protect large areas where the forces of nature can exist freely and visitors travel by non-mechanized means while engaging in low-impact recreation to experience solitude, challenge and integration with nature.*

*s.7.(4) The objective of cultural heritage class parks is to protect elements of Ontario's distinctive cultural heritage, including sites nominated by Aboriginal peoples, in open space settings for their intrinsic value and to support interpretation, education and research.*

**Section 8, Boundaries:**

Sections 8(3) and 8(4) be removed and section 8(5) be renumbered.

Section 8(1) be amended to read [deleting "decrease or" from the second line]:  
*The Lieutenant Governor in Council may by order set apart as a provincial park or a conservation reserve any area in Ontario, may increase the area of any provincial park or conservation reserve and may prescribe the boundaries of any provincial park or conservation reserve consistent with the purpose, dedication, objectives and principles of this Act.*

**Section 9, Provincial park and conservation reserve planning:**

*s.9.(3) A management direction,*

*...*

*(c) shall include a management statement or a management plan.*

*(d) shall include the Indicators of Ecological Integrity.*

*s.9.(4) A management statement is a document approved by the Minister that provides a policy and resource management framework that:*

*(a) identifies key natural and cultural heritage features and processes;*

*(b) identifies current and expected internal and external impacts upon ecological integrity; and*

*(c) addresses a limited number of non-complex issues or proposals or both for limited capital infrastructure or resource management projects for one or more provincial parks or conservation reserves*

or for a combination of them.

s.9.(5) A management plan is a document approved by the Minister that provides a policy and resource management framework that:

(a) identifies key natural and cultural heritage features and processes;

(b) identifies current and expected internal and external impacts upon ecological integrity; and

(c) addresses substantial and complex issues or proposals or both for substantial capital infrastructure or resource management projects for one or more provincial parks or conservation reserves or for a combination of them.

s.9.(8) The results of the examination of management directions under subsection (7) shall be posted in the registry established under the Environmental Bill of Rights, 1993 and made available for public information by other appropriate means.

#### **Section 10. Reporting:**

s.10.(2) The report shall provide a broad assessment of the extent to which the objectives of provincial parks and conservation reserves are being achieved, including ecological and socio-economic conditions and benefits, the degree of ecological representation, number and area of provincial parks and conservation reserves, threats to and measures taken for ecological integrity and ecological health and socio-economic benefits.

s.10.(4) The reports shall be posted in the registry established under the Environmental Bill of Rights, 1993 and made available for public information by other appropriate means.

#### **Section 11. Administration:**

s.11.(1) The Minister is responsible for achieving the purpose and objectives of this Act and for the control and management of provincial parks and conservation reserves and shall designate a superintendent to have charge of each provincial park and a district manager or conservation reserve manager to have charge of each conservation reserve.

s.11.(2) As part of the approval of a management direction, the Minister shall define areas on maps or plans of provincial parks or conservation reserves as zones and [the word may has been deleted] prescribe or approve policies that apply to the zones.

#### **Section 12. Use and occupation of land:**

s.12.(1) Land in provincial parks and conservation reserves shall be used and occupied in accordance with this Act and the regulations and in a manner that is consistent with the purpose, dedication, objectives and principles of this Act.

**Section 14, Hunting:**

s.14.(3) Notwithstanding subsections (1) and (2), hunting, trapping, snaring or removal of species at risk is prohibited in provincial parks and conservation reserves.

**Section 15, Prohibited uses:**

*s.15.(1) The following activities shall not be carried out on lands or waters that are part of a provincial park or conservation reserve:*

*s.15.(1)5. Other industrial uses including, but not limited to, water taking and the use of mixing zones to meet water quality objectives, guidelines or standards.*

**Section 18, Exception, existing hydro-electricity generation sites:**

Section 18.(1) should also include the following: “re-development or alterations to any pre-existing hydroelectric facilities in protected areas must improve ecological integrity.”

*s.18.(2) Despite section 15 and subject to the approval of the Lieutenant Governor in Council, facilities for the generation of electricity may be developed in provincial parks and conservation reserves for use within communities that are not connected to the IESO-controlled grid and not for export outside of the community.*

**Section 19, Resource access roads and utility corridors:**

**Resource access roads prohibited**

s.19.(0.1) Resource access roads and trails for non-provincial park and conservation reserve uses in provincial parks and conservation reserves are prohibited.

**Exception**

*s.19.(1) Subject to the approval of the Minister, with or without conditions, resource access roads and trails for non-provincial park and conservation reserve uses in provincial parks and conservation reserves may be permitted in the following circumstances:*

- 1. Roads and trails that are required for reasonable access to existing mining tenure or claims within a provincial park or conservation reserve or surrounded by a provincial park or conservation reserve.*
- 2. Roads and trails that are required to access minerals or timber outside of a provincial park or conservation reserve.*

**Utility corridors prohibited**

s.19.(1.1) Utility corridors, including but not limited to utility corridors for electrical transmission lines, in provincial parks and conservation reserves are prohibited.

**Exception**

s.19.(2) Subject the approval of the Minister, with or without conditions, utility corridors, including but not limited to utility corridors for electrical transmission lines, may be permitted in provincial parks and conservation reserves if the utility corridor will service remote communities only.

**Section 22. Advisory committees:**

s.22. The Minister, with the approval of the Lieutenant Governor in Council, may appoint committees to perform such advisory functions as are considered necessary or desirable in connection with the administration of one or more of the provincial parks, including the preparation of the Indicators of Ecological Integrity, and fix the terms of reference and procedures of such committees.

**New section. Municipal land-use decisions when subject to interim protection**

Prior to making any land-use decisions regarding provincial Crown land that receives interim protection or is part of a federal provincial agreement and is under the jurisdiction of a municipality, the municipality shall engage in a public process, consistent with the *Environmental Bill of Rights, 1993*.

**Section 33. Facilities and services in provincial parks:**

s.33.(1) The superintendent in charge of a provincial park and the district manager or conservation reserve manager in charge of a conservation reserve may develop and operate facilities and provide services consistent with the purpose and objectives of this Act and subject to the management direction for the provincial park or conservation reserve.

s.33.(2) The superintendent in charge of a provincial park and the district manager or conservation reserve manager in charge of a conservation reserve may enter into agreements for the development and operation of facilities and the provision of services in respect of the provincial park or conservation reserve only if proposed developments, operations or services are consistent with the purpose and objectives of this Act and subject to the management direction for the provincial park or conservation reserve.

**Section 52. Regulations:**

s.52.(1) The Lieutenant Governor in Council may make regulations,

...

(e) protecting provincial resources in provincial parks and conservation reserves, including, but not limited to, flora, fauna, habitats, geological features, hydrologic features, scenic features, cultural features and archaeological features;

Remove the exemption power of clause 52(2)(e).

**Section 61, Mining Act:**

*s.61. Section 31 of the Mining Act is repealed and the following substituted:  
Provincial parks and conservation reserves  
On and after the day subsection 15 (1) of the Provincial Parks  
and Conservation Reserves Act, 2005 is proclaimed in force,  
prospecting or the staking out of mining claims or the development  
of mineral interests or the working of mines in provincial parks and  
conservation reserves is prohibited.*

**New section, Development of indicators of ecological integrity:**

The Minister shall develop Indicators of Ecological Integrity within 2 years of  
Royal Assent.

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