

WHAT IS HAPPENING WITH THE NEW PROVINCIAL PARKS LEGISLATION?

By Dr. Alison Dinwoodie

Earlier this year, a questionnaire from Tourism, Parks and Recreation (TPR) was circulated to ask for opinions on new provincial Parks legislation. This is the next development of the *Plan for Parks*, which was introduced last year. This Plan originally bore no relation to previous proposals. It was focused almost entirely on people, recreation and tourism – conservation, which previously had always been the priority, was not mentioned at all.

The consequent outcry from many sectors led to a full day public discussion with Minister Cindy Ady. This resulted in a new vision statement which was still primarily people-oriented, with protection just one of several actions: “*Alberta’s parks inspire people to discover, value, protect, and enjoy the natural world and the benefits it provides for current and future generations.*”

Compare this with the previous vision statement from 2004: “*Alberta’s parks and protected areas preserve in perpetuity landscapes, natural features*

and processes representative of the environmental diversity of the province.” Today government says: “the primary goal of preservation is balanced with three other goals: heritage appreciation, outdoor recreation and heritage tourism.” It may suggest that the primary goal of preservation really is not that primary after all if it has to be balanced with other goals.

The new legislation seeks to rationalize the Parks system by consolidating and streamlining three laws into one ‘Provincial Parks’ Act. The laws to be merged are: the *Provincial Parks Act*, the *Wilderness Areas, Ecological Reserves, Natural Areas*, and *Heritage Rangelands Act*, and the *Black Creek Heritage Rangeland Trails Act*. Heritage Rangelands will be given a new specific Act, and the Willmore Wilderness retains its own separate Act. The remaining three types of parks under the *Provincial Parks Act* and the three types of protected areas under the WAERNA Act will all be classified ‘Provincial Parks.’ The

ostensible reason for this new legislation is to simplify the Parks system so that the public has a more realistic expectation of what conservation values and recreation activities are supported in each park.

There may be advantages to the merger of these Acts as they can be confusing, with few clear definitions. But, if the legislation is to be effective, it must make clear that the primary purpose of the Act is to ensure the protection of Alberta’s natural heritage and biological diversity for future generations, with any human use being consistent with this goal, depending on the ecological sensitivity of a given area. It should also define the three zones (A-Recreation, B - Mixed Use and C - Conservation). It is difficult to see how changes in nomenclature or variations within zones will help to distinguish accurately the very different roles of the current mix of parks and protected areas. For example, a Wilderness ‘Park’ or Ecological ‘Park’ conveys a very different message from a Wilderness ‘Area’ or an Ecological ‘Reserve’!

Table 1: Types of Provincial “Parks” in Alberta

3 types under the Provincial Parks Act	No.	Average Area (sq.Km)
Wildland Provincial Parks (WPP)	32	541
Provincial Parks (PP)	75	29
Provincial Recreation Areas (PRA)	229	3.7
3 types under the Wilderness Areas, Ecological Reserves, Natural Areas, and Heritage Rangelands Act	No.	Average Area (sq.Km)
Wilderness Areas (WA)	3	336
Ecological Reserves (ER)	15	18
Natural Areas (NA)	137	3 (without 6 large Heritage Rangelands)

The general public at present poorly understands the parks system. When a questionnaire asked ‘what did Albertans want in their provincial parks?’ the reply was ‘more campsites and flush toilets.’ They usually think of the popular weekend get-away campsite areas, such as Crimson Lake, or special tourist destinations like Writing-on-Stone and take for granted the need to maintain the physical and ecological characteristics which makes these places so special.

Table 1 notes there are nearly 500 “Parks” in the current system. Only 15 percent of the “parks” listed there are what people commonly think of as Provincial Parks. The large majority (75 percent) are very small, highly developed Provincial Recreation Areas or unprotected Natural Areas. Looking at Provincial Recreational Areas (47 percent of the total) first they are easily classified as Zone A, primary use recreation. They are mostly small, well-developed sites that cater to a large number of people. They provide facilities such as campgrounds and day use viewpoints. Unfortunately, Parks has already had to close a number of these wayside stops recently because of lack of funds, or alternatively they have

become privatized and therefore less under Parks supervision. A few are larger areas identified for motorized recreation use, to recognize the increasing demand for such ‘playgrounds.’ But, there are also several similarly large areas used for more intensive non-motorized recreation e.g. Cooking Lake-Blackfoot (home of the annual Birkebeiner Ski Race). So how do you distinguish between types of Provincial Recreation Areas?

The second largest category of ‘parks’ is Natural Areas (28 percent of the total), which are the least well known and also the least protected. They too are very small in area and many were originally unallocated school allowances in each section of land. They are widely scattered around the province. They were intended to ‘protect sensitive sites of regional and local significance from disturbance and provide opportunities for local education and nature appreciation, with limited low-impact recreation activities.’ Unfortunately, because of the lack of legal protection and money to provide adequate support, many have been increasingly abused; the very attributes that made them significant have been under attack and sometimes destroyed. Parks has delisted

some NAs in exchange for a similar area of at least equal value by adding to an established park. For example, Astotin NA was exchanged for some increased land area in an adjacent Provincial Park. Larger areas are usually of more ecological value than small piecemeal bits but the variety of species found in a Natural Area like Astotin is not necessarily duplicated in the new reserve. Some feel that Parks would like to get rid of the majority of the NAs or turn them over to Alberta’s counties, as it is increasingly difficult for Parks to look after them properly, even if they were given more legal protection. In several cases, it is only the presence of the Volunteer Stewards keeping a watchful eye on them that has kept them alive.

There is an opportunity under the new legislation to include Natural Areas in their legally protected Conservation areas. It should also include most of the over 100 NAs which only have a Protective Notation Term (PNT). The PNT is a flag to indicate the NA’s significance, but it does not even outline the NA’s legal boundaries. Recently a county bulldozed a road right through the Clyde Fen NA, destroying the fenland drainage that was vital to maintaining several rare species. The county claimed they were unaware that the fen was even considered a special area!

And what about the larger lands at the other end of the spectrum? There are three large Wilderness Areas, White Goat, Siffleur and Ghost River, which, along with the Willmore, fill in the gaps in the Rocky Mountain National Parks. They are the most highly protected lands in the province, under the protected areas (WAERNA) Act. Wildland Provincial Parks, the corresponding larger wild areas under the *Provincial Parks Act*, may sound similar in intent to the WAs, but WPPs allow significantly different and more intensive activities. In the WAs, only foot traffic is permitted, to maintain their undisturbed natural state. But if they become re-classified as Wildland Parks, there will be immediate pressure to open them up to more recreation activities, such as horse use and hunting. Such activities have greater physical impacts and ecological disturbance. The Wildland Parks concept is also coming under pressure to allow more use of motorized vehicles, a use obviously contrary to the idea of non-intrusive, sustainable, nature-based backcountry recreation.



Dry Island Buffalo Jump Provincial Park.

PHOTO: S. NICHOLS

The two remaining categories may be easier to deal with as the current Provincial Parks conform to the familiar model of Zone A-Recreation (camp sites, and facilities etc.), occasionally Zone C - Conservation, (with strictly controlled visitor use). But the majority fall within Zone B - Mixed Use, (where almost any non-motorized outdoor activities may be permitted). Ecological Reserves, identified in the protected areas (WAERNA) Act, should clearly be zoned entirely as Zone C - Conservation. But this designation should come with a higher level of protection, meaning minimal human disturbance, to protect natural heritage in an undisturbed state and to create benchmarks for education and research.

What Will the New Parks Legislation Mean in Practice?

It would be nice to be able to answer that question. But, we live in a sea of confusion. For example, I attended the recent Stewards Conference at Sherwood Park on September 12th. Parks staff told us then that they knew no more than we did! So much for staff input (and “certainty” about what the new legislation is likely to offer)! It is supposed to be an ‘enabling’ Act which is likely to mean all the zoning details, etc. will be covered by Regulations (to be discussed later).

What, then, must the new legislation deliver “on the ground?” The emphasis in the protected areas currently under the WAERNA Act must place conservation before any recreation activities. We have been assured that the degree of protection

will not be watered down, but the government should seize the opportunity to increase protection, for example, by giving formal legal protection to Natural Areas.

It would also be helpful if the general intent of the different areas could also be described more exactly. Clarify, in other words, permissible activities. Designate Zones B and C (Mixed Use and Conservation), for example, for non-motorized recreation activities only. Motorized recreation is more suitable in designated Recreation Areas. Also be sure that mentions of ‘recreation’ always distinguish between motorized and non-motorized activities.

I am glad to see that any boundary changes proposed in Provincial Parks will require mandatory advance public notice. This useful condition would be extended to all categories. But, the same conditions should also apply to any zoning change – at the moment Ministerial Orders may make changes without any public notice whatsoever.

Park plans ostensibly are being developed to align with the Land-use Framework and TPR will be working closely with the Regional Advisory Councils. But, it is not clear enough if TPR will have a real influence it should have in the final decision for deciding how much development will take place in our Parks in a particular region. TPR’s major voice should come from the fact that our parks belong to all Albertans, not just the people who live in a specific region.

The legislation should also define

strict limits on any industrial development requiring surface access (e.g. oil/gas wells, mining, pipelines or other linear disturbances). Existing land-use commitments should be respected but, phased out as soon as possible, as at present.

I confess to scratching my head when I try to make sense of what Alberta is proposing. There are so many unknowns about this whole proposal that is difficult to foresee the future of our Parks. In fact, at the aforementioned Stewards Conference, one respected individual, who sits on many international committees for conservation and biodiversity, suggested what Alberta is proposing is a very retrograde step and demonstrates the province’s lack of commitment to conform to any of the international standards for protecting biodiversity.

One might say that, with the present information, Albertans are unlikely to have a better understanding of our parks system than they do now. It may be just as likely that they are more confused! The possibility of confusion aside I think we are missing a real opportunity to develop a world-class system of Parks and Protected Areas here.

Do Other Approaches Offer More?

There are some different initiatives that could be used to illustrate the merits of other approaches to the issue of provincial parks legislation. Three of them are:

1. Demonstrate the limitations or shortcomings of the proposed three zones. For example, the existing Whitehorse Wildland Park Management Plan lists 7 zones:

Preservation, two types of Wildland Zone, Natural Environment, Special Management, Access, and a Provincial Recreation Area (not in the WP but adjacent to it).

Under the new legislation, how would these zones be re-classified to ensure appropriate activities are understood? There needs to be much more explanation given to the public in this regard than I think the legislation offers us.

2. Encourage greater co-operation with other conservation/recreation bodies in the region. For example, the Beaverhills Initiative (BHI) has joined with three other major bodies including a National

Park and several different counties.

- Beaverhills NAs and the national Important Bird Area around Beaverhills Lake (currently dried out).
- Strathcona Wilderness Centre, a popular hiking, nature study and cross-country skiing destination that also runs very successful programs of outdoor education for schools.
- Blackfoot – Cooking Lake Recreation Area, with an extensive trail system for summer and winter non-motorized recreation.
- Elk Island National Park, under federal jurisdiction, with its own rules and regulations, but is compatible with the general direction of the other co-operating bodies.

Because of the wide local buy-in, it also encourages other local landowners to make conservation easements on their property, this co-operation between different bodies, and particularly the acceptance by the counties, indicates

a way towards a greater respect for a Conservancy area in a region under the Land-use Framework.

3. A recent local initiative to resolve disputes between motorized and non-motorized users. Two parcels of public lands and four NAs along the North Saskatchewan River in the vicinity of Drayton Valley have been designated as Eagle Point Provincial Park and Blue Rapids Provincial Recreation Area. The recreation bodies involved will look after their facilities and perform some trail maintenance. A local council manages it but Parks still has the authority for enforcement and maintenance of public roads. 🍂

Alison Dinwoodie has been a passionate advocate for and steward of Alberta's parks and protected areas for more than 30 years.



Franco Lo Pinto's most cherished creation carved from a piece of tree that had grown around this rock.

PHOTO: K. MIHALCHEON