



## ALBERTA WILDERNESS ASSOCIATION

*"Defending Wild Alberta through Awareness and Action"*

Honourable Cindy Ady  
Minister of Tourism, Parks, Recreation and Culture  
#229 Legislature Building  
10800-97 Avenue  
Edmonton, AB  
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December 10, 2010

### **Re: Moving forward from Bill 29, the Alberta Parks Act**

#### **Dear Minister Ady**

Alberta Wilderness Association (AWA) appreciates the actions taken to withdraw Bill 29, the Alberta Parks Act. As we wrote to you earlier (July 13 and November 10, 2010), we are disappointed the bill was lacking in so many basic elements. We are writing to once again emphasize those critical elements which must form the basis of any parks legislation.

#### **Inadequate Consultation**

AWA has written a number of times to point out the inadequacies of consultation, and to suggest improvements throughout the Plan for Parks process, and has received little more than bland acknowledgements.

The enormous out-pouring of public opposition to Bill 29 – the hundreds of letters, emails and phone calls that your ministry received – were a clear reflection of the inadequacy of consultation with the Alberta public over a number of years. In fact it seems astonishing that a ministry responsible for parks managed so thoroughly to alienate so many of the people with whom it should be working closely to protect the province's protected areas. Albertans spoke clearly throughout the *Plan for Parks* process about the need to do a better job of protecting the environmental values in our parks, and the need to extend our already inadequate protected areas network. For example, the Alberta government's own parks planning process identified that Albertans wanted a clearer emphasis on protection: the November 2008 report, *What we Heard - Summary of stakeholder consultation on Alberta's Parks Planning Framework*, included "The *Draft Parks Planning Framework* needs more emphasis on protection and preservation of the environment." Yet instead Bill 29 focused on a never-justified need for "simplification" of the existing parks network, and a downgrading of park protection from existing

legislation to what the Edmonton Journal editorial rightly called the “arbitrary authority” of future ministers.

The depth of public opposition to Bill 29 is not only a reflection of poor consultation but also a blatant omission of the priorities of Albertans. Although you have spoken of the need to create “some amendments that create some reassurance,” Bill 29 is clearly beyond simple “amendments.” It will not be in anybody’s interests if a slightly modified version of Bill 29 comes back before the legislature in the spring, and environmental organizations, opposition groups and Albertans are forced once again to fight against our own government to defend our protected areas. It is critical that you and your ministry listen to what Albertans are saying and, if there really is a need for new parks legislation, to start with a completely new bill which truly reflects the values that Albertans have expressed for their protected areas, and the spectacular wilderness and wildlife resource with which we have been blessed.

From AWA’s perspective, the reaffirmation of how passionately Albertans care about their parks, and how engaged they are prepared to be in the face of threats to their beloved protected areas, even if these come from the Alberta government itself, is vital evidence of the passion that is needed within your ministry to develop meaningful protection.

## **Amendments**

You were recently quoted in the St. Albert Gazette as saying “I still really am committed to the bill...I think it will work, but I think if I add amendments it’ll be more robust.” AWA believes that Bill 29 was so fundamentally flawed that it will need a great deal more than “amendments” to make it in any way acceptable.

AWA believes that Bill 29 is far beyond being fixed by tinkering. It is so fundamentally flawed that it needs to be entirely scrapped and reworked from the beginning. AWA believes that we have explained to your ministry a number of the requirements for effective parks legislation. Building on our previous correspondence with you (July 13 and November 10, 2010), we are calling for a parks act that would truly recognize the exceptional ecological treasures of which the province should be so proud, including:

### ***Purpose Statement***

- The main purpose of provincial protected areas legislation must be to protect the natural values of the land: human activities (recreation and industrial) should be allowed only where they do not compromise this purpose. The primary priority, as expressed by Albertans in the 2008 Provincial Park’s Survey, is for increased investment in “Land set aside to protect natural areas in an undisturbed state” (72.7% of respondents).
- Preserving the ecological integrity of parks and protected areas must be mandated as the first priority in the new legislation, and not left up to future ministerial discretion. The needs of species at risk and their habitat must be one of the dominant principles of the designation and establishment of parks and protected areas within the new parks legislation.
- The existing *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act* (WAERNAHR) included “it is in the public interest that certain areas of Alberta be protected and managed for the purpose of preserving their natural beauty and safeguarding them from impairment and industrial development.” This statement must be included in any future legislation.

AWA offers the following as an effective purpose statement for a future parks act:

*“The purpose of this Act is to foster an Alberta parks and protected areas system that conserves unique and representative land within all Alberta’s six natural regions for present and future generations, enabling environmental conservation and tourism and recreation opportunities that are compatible with the conservation of ecological integrity.”*

### **Ministerial Discretion**

This downgrading of protection certainty away from the legislation and on to future ministers to make decisions with only a required period of public “notice” is flagrantly contrary to the interests of Albertans. This was one of the entirely unacceptable elements in Bill 29.

The Edmonton Journal (***Park Plan Poor***, Edmonton Journal November 20, 2010) correctly described Bill 29 as “dangerous,” pointing to the fact that “It puts the fate of Alberta’s 500 parks at risk because it allocates unprecedented power to the parks minister to determine what development will be allowed.” The Calgary Herald (***A Flawed Approach to Parks***, Calgary Herald November 25, 2010) agreed, pointing out the “serious flaws” in the bill. “Critics rightly note that this gives too much power to the minister and cabinet to set regulations behind closed doors.”

Certainty provided in current protected areas legislation needs to be continued and strengthened in any new legislation. For example,

“No person shall...take into or use in a wilderness area a horse, pack animal, cycle or any motor vehicle.”

“No person shall...take into or use in an ecological reserve

(i) a motor boat or off-highway vehicle,

(ii) a motor vehicle designed primarily for travel on highways other than on a road.”

(Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act; Section 8(1)(g))

A person shall not, without the permission of the Minister or except to the extent prescribed, (a) collect, destroy, damage, remove or move any plant life or animal life (including bird, reptile or amphibian eggs)... in, from or into a park or recreation area.”

(Provincial Parks Act, Section 9.2)

### **Wilderness Areas and Ecological Reserves**

Current certainty of activities allowed and prohibited in Wilderness Areas and Ecological Reserves must be maintained and expanded upon. Similar levels of certainty must be extended to include other protected areas designations, such as Wildlands and Natural Areas.

### **Clarity**

A November 25 news release from your ministry stated “The intent of Bill 29 was to help to make it easier for Albertans to understand what kinds of activities are allowed in parks.” AWA agrees with the intent to do a better job of communicating the complexities of Alberta’s protected areas network, but that Bill 29 was an utterly inept way of achieving this: using a “sledgehammer to crack a nut.”

If the intention of your ministry is to create clarity around the province’s parks network, then a tremendous amount could be achieved through improved signage in the parks, making it clear what

activities are allowed and which are not allowed. A simply constructed website could allow users to click on any given park, and find out immediately what they can and cannot do in that park.

### **Recreation**

The distinction between motorized and non-motorized recreation must be made explicitly. Motorized recreation is not appropriate in any protected areas other than Provincial Recreation Areas. A combination of 'delegated authority' proposals and inappropriate levels of ministerial discretion would leave the door continually ajar for proponents of motorized access in protected areas.

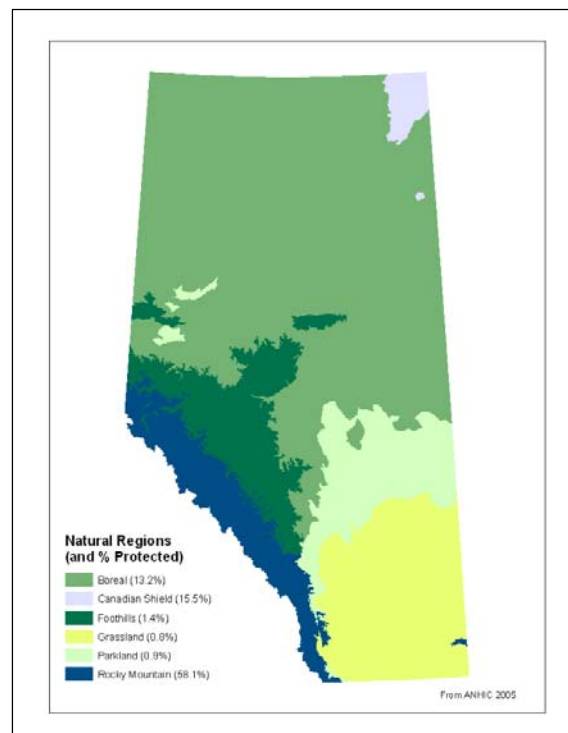
### **Delegated Authority**

This part of Bill 29 must be removed. Authority for management of protected areas must remain with the government, and not off-loaded on to interest groups. In the absence of management plans for a large number of protected areas (Bill 29 has no mention of management plans), it is unacceptable that management of activities within selected protected areas should instead be delegated to unaccountable groups.

### **Completion of Alberta's Protected Areas Network**

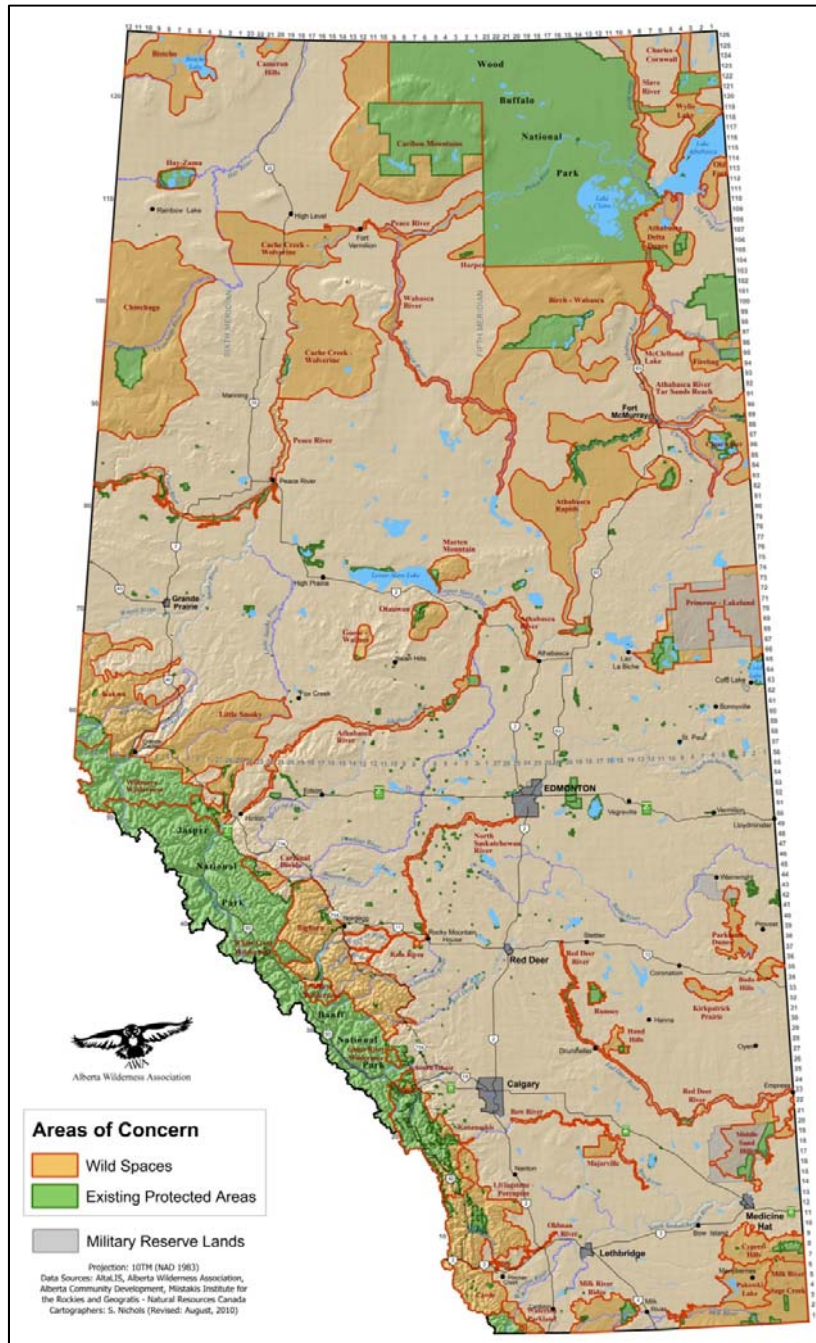
Alberta's Protected Areas Network is clearly incomplete, and it must be a clear intent of future parks legislation to address this discrepancy. According to your November 2008 *Summary of Stakeholder Consultation on Alberta's Parks Planning Framework*, "The Plan for Parks... states that Albertans support the acquisition of land for parks and that the Government of Alberta will continue to address gaps in the parks system." This must be reflected in any new parks legislation.

The protected areas targets established during the Special places program have still not been met. Three of Alberta's six Natural regions – the Grassland, Parkland and Foothills Regions – have less than 2 per cent of the land base protected:



The 2010 *Strategic Plan 2011-2020* for the Convention on Biodiversity (to which Canada is signatory), states that the new global target for land protection has been raised from 12.5% to 17% of representative ecological regions. The Alberta Parks Act must reflect this new global target.

AWA believes the need to establish and meet targets for meaningful protection in each of our six Natural regions is far greater than the need for new parks legislation. AWA's map of Wild Spaces, below, identifies areas throughout the province that are protected, and those that need protection.



*AWA's vision is for the Wild Places shown on this map to remain wild – forever. Some of these areas are essential cores that require protection to complete the provincial protected areas network. Others may function as corridors or transition zones, and still others require sound management to achieve the working landscape ideal, where economic development is integrated with conservation objectives.*

Alberta's current levels of protected areas are based upon the internationally-accepted standards of the International Union for Conservation of Nature (IUCN):

<b>Areas managed mainly for:</b>	
I	Strict protection [Ia) Strict nature reserve and Ib) Wilderness area]
II	Ecosystem conservation and protection (i.e., National park)
III	Conservation of natural features (i.e., Natural monument)
IV	Conservation through active management (i.e., Habitat/species management area)
V	Landscape/seascape conservation and recreation (i.e., Protected landscape/seascape)
VI	Sustainable use of natural resources (i.e., Managed resource protected area)

*(Guidelines for Applying Protected Area Management Categories, IUCN 2008)*

This system recognizes that protected areas networks are necessarily complex, reflecting the many different services which protected areas offer us (including biodiversity protection, watershed protection, recreation opportunities). Any future parks legislation in Alberta must conform to these internationally-recognized standards.

In your news release of November 25, you state "I look forward to continuing work with Albertans and respected conservation experts to achieve this, and bring back parks legislation next year." As an organization of "respected conservation experts" AWA look forwards to hearing from you at an early stage in the writing of any future parks legislation, and to working with you to achieve a protected areas system and a parks act of which Albertans can be truly proud.

Yours truly  
ALBERTA WILDERNESS ASSOCIATION



Nigel Douglas,  
Conservation Specialist

cc: Harry Chase, Alberta Liberal Party Critic for Tourism, Parks and Recreation  
cc: Brian Mason, NDP Party leader  
cc: Paul Hinman, Wild Rose Alliance Party  
cc: Dave Taylor, MLA