



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
T5K 2B6

January 21, 2011

Re: Further consultation on Bill 29, the Alberta Parks Act

Dear Minister Ady

Thank you for your ministry's email, January 6 2011, inviting feedback on Bill 29, the proposed Alberta Parks Act. Alberta Wilderness Association (AWA) has written to you on a number of occasions (December 10, November 10, and July 13 2010) about this proposed parks legislation.

So to clarify and summarize AWA's concerns with the proposed legislation, please find attached an analysis of AWA's perceived shortcomings in the original version of Bill 29. Whilst it is not a comprehensive review, the document highlights what we believe are the strengths in existing legislation, and what elements of existing legislation must be maintained in any new parks legislation.

Albertans made it abundantly clear in the fall of 2010 that Bill 29 fell far short of what they expected from legislation to govern their beloved parks and protected areas network. AWA believes that Bill 29 was so fundamentally flawed that it would need a great deal more than 'amendments' to make it in any way acceptable. We do not believe that the required changes to Bill 29, including the promised consultation, could possibly be achieved in time for Bill 29 to be introduced in the spring 2011 sitting of the Alberta Legislature.

AWA therefore requests that Bill 29 be withdrawn in its entirety until it can be re-written to better reflect the desires of Albertans. The legislation we currently have in place serves parks and protected areas far better than the proposed Bill 29 and would at least protect what we

have until such time as a new bill can be prepared; one which would represent the interests of Albertans.

Yours truly

ALBERTA WILDERNESS ASSOCIATION

A handwritten signature in black ink, appearing to read 'ND', is centered on a light blue rectangular background.

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

Recommendations for Amendments to Bill 29, the draft *Alberta Parks Act*

Alberta Wilderness Association

January 18, 2011

Issue	Current Parks legislation	Bill 29	Recommended
<p><i>Purpose statement for protected areas</i></p>	<p><i>Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act</i> (WAERNAHR): "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."</p>	<p>2(1)"The purpose of this Act is to foster an Alberta parks system that conserves unique and representative land within Alberta's natural regions for present and future generations while balancing environmental conservation and recreation and tourism opportunities."</p>	<p>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.</p> <p>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.</p> <p>In the 2008 <i>Survey of Albertan's Priorities for Provincial Parks</i> (sic), by far the highest number of respondents, 32.8% (the next-highest priority was 14.6%) identified Environmental protection/conservation as their Number one priority for future investment.</p> <p><i>"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."</i></p>

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<i>Internationally recognized standards for protected areas networks</i>	Alberta's current levels of protected areas are based upon the internationally-accepted standards of the International Union for Conservation of Nature (IUCN).	Proposes to remove existing network and replace it with 'zoning.' Zones are not defined in the legislation.	Alberta's current levels of protected areas are based upon the internationally-accepted IUCN standards, and these must be maintained. There may be some limited scope for simplifying, eg Natural areas/ Provincial Parks, Wildlands.
<i>Ministerial discretion</i>		<p>Bill 29 contains no rules on allowable or prohibited activities in a protected area.</p> <p>Bill 29 sets out the general Ministerial discretion in relation to dispositions in provincial parks.</p> <p>Bill 29 provides the discretion to the Minister to sell public land that is no longer needed for the purpose of provincial parks.</p>	<p>Rules on allowable or prohibited activities in a protected area must be defined in the legislation.</p> <p>Substantive protective provisions that exist in current protected area legislation must be carried forward in the Bill. Levels of protection must be defined in the legislation. Statutory rules about allowable and prohibited activities must be clearly defined in the legislation.</p> <p>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.</p> <p>No public land should be sold by the minister, particularly if occupied or frequented by species at risk.</p>

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Wilderness Areas	<p>Wilderness Areas are defined in legislation.</p> <p>Protection of the three Wilderness Areas – White Goat, Siffleur and Ghost River – is specified in the schedule of (WAERNA).</p> <p>Certain activities are prohibited in Wilderness Areas, including “travel in a wilderness area except on foot” as well as hunting, trapping or use of motor vehicles.</p>	<p>Ecological Reserves and Wilderness Areas will be downgraded to Provincial Parks.</p> <p>Zoning will be determined in future regulations.</p>	<p>Wilderness Areas must remain as existing levels of protection, and must retain, as a minimum, current legislated protection.</p> <p>No leases, timber dispositions or mineral leases are issued in Wilderness Areas.</p> <p>Certain activities must be prohibited in Wilderness Areas, including “travel in a wilderness area except on foot” as well as hunting, trapping or use of motor vehicles.</p>
Ecological Reserves	<p>Ecological Reserves are defined in legislation.</p> <p>An Ecological Reserve is a “representative example of a natural ecosystem in Alberta” and “contains unique or rare examples of natural or biological features.”</p> <p>No new industrial leases or dispositions may be issued, no hunting is permitted and no motorized vehicles are allowed.</p>	<p>Ecological Reserves and Wilderness Areas will be downgraded to Provincial Parks.</p> <p>Zoning will be determined in future regulations.</p>	<p>Ecological Reserves must remain at existing levels of protection, and must retain, as a minimum, current legislated protection.</p> <p>No leases, timber dispositions or mineral leases issued in Ecological Reserves.</p> <p>No hunting, fishing, operation of a motorized vehicle in an Ecological Reserve.</p> <p>Ecological Reserves must be protected to give us scientific baseline knowledge, to serve as the basis for understanding change and impacts on ecosystems.</p>

Issue	Current Parks legislation	Bill 29	Recommended
<i>Targets for future protection</i>	N.A.	N.A.	<p>Alberta’s Protected Areas Network is clearly incomplete, and it must be a clear intent of future parks legislation to address this discrepancy. 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.</p> <p><i>2008 Survey of Albertan’s Priorities for Provincial Parks (sic)</i>, identified “Land set aside to protect natural areas in an undisturbed state” as the highest priority “Area for Increased, Maintained or Decreased Investment” (72.7% believed there should be increased investment).</p> <p>The <i>2010 Strategic Plan 2011-2020</i> 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.</p>
<i>Species at Risk</i>	N.A.	N.A.	<p>In the continued absence of provincial species-at-risk legislation, new Parks legislation must include specific measures to address the need to protect species at risk and their habitat within the protected areas network.</p> <p>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.</p>

Issue	Current Parks legislation	Bill 29	Recommended
<i>Delegated authority</i>	N.A.	<p>“38(1) The Minister may, subject to and in accordance with the regulations, establish one or more delegated authorities with respect to recreational trails...”</p> <p>“39(1) The Lieutenant Governor in Council may make regulations (a) respecting the establishment of delegated authorities with respect to recreational trails... (f) authorizing a delegated authority to collect money by the levy of fees and charges... and authorizing the delegated authority to use the money for any purpose related to the operations of the delegated authority in the carrying out of a delegated power, duty or function;”</p>	<p>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.</p> <p>Privatization of trails on public lands is unacceptable.</p> <p>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.</p>

Issue	Current Parks legislation	Bill 29	Recommended
Motorized/ Non-motorized Recreation	<p>“No person shall...take into or use in a wilderness area a horse, pack animal, cycle or any motor vehicle.”</p> <p>“No person shall...take into or use in an ecological reserve (ii) a motor boat or off-highway vehicle, (ii) a motor vehicle designed primarily for travel on highways other than on a road.” <i>(Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act)</i></p>		<p>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.</p> <p>The Minister must issue an order closing or otherwise limiting access where such access is likely to have an adverse impact on an endangered or threatened species listed under Schedule 6 of the <i>Wildlife Regulation</i>.</p>
Public Notice		30 days of public notice is required prior to changes in provincial park status.	<p>Public consultation must be required rather than public notice. Public consultation must be required prior to issuing of any dispositions within parks.</p> <p>“A notice period in rulemaking is a poor substitute for the democratic accountability provided by debate in the elected house of representatives.” (S. Fluker)</p>
Public input		While TPR has “consulted” Albertans on a number of occasions, it has done a poor job of listening to Albertans’ concerns, and translating these into action.	