

## Maligne Lake

Why bother drafting management plans for Canada's National Parks? That's a question worth considering if you've been following the efforts of Maligne Tours to expand its business on Maligne Lake in Jasper National Park. In late July Parks Canada decided it would give further consideration to 13 of 14 elements of the company's development proposal. Parks Canada, in a move AWA applauded, rejected the most ecologically threatening element of the company's ambitions. This was the 66-suite "themed heritage accommodation" overnight lodge – what most people would call a luxury lodge. But a second overnight accommodation scheme – 15 tent cabins – survived and was included in the 13 elements Parks Canada accepted for further consideration.

The 2010 Management Plan uses refreshingly clear and straightforward language when it assesses the prospects for new overnight commercial accommodation outside of the Municipality of Jasper: "No new land will be released for overnight commercial accommodation outside the community." Parks Canada ignores this directive in its July press release and instead cherry picks from the Management Plan in order to try to justify its decision. The Agency trumpets the proposal for its "potential to improve communication and interpretation about the Maligne Valley, as identified as a key goal in the *approved* Jasper National Park Management Plan (2010)." (my emphasis) Communication and interpretation is key and carries weight because it's in an approved plan. Why didn't the approved

plan's clear language that "no new land will be released" receive equal billing?

I think at least part of the answer lies in the revenue or profit-generating importance of overnight accommodation to Maligne Tours. This certainly was a key theme of the company's presentation in Edmonton last November. The company's conceptual proposal presented the hotel and the tent cabins as "the primary reason behind this proposal."

In late August Ecojustice, on behalf of the Canadian Parks and Wilderness Society and the Jasper Environmental Association, filed a legal challenge to this Parks Canada decision. The tent cabins and the worth of the *Jasper National Park of Canada Management Plan (June 2010)* are at the centre of that challenge.

The thrust of the legal challenge is as straightforward as the language of the Management Plan; Jasper Superintendent Fenton erred in law or jurisdiction or acted unreasonably when he approved the tent cabin development proposal. It's contrary to the 2010 Management Plan and there's no credible basis to amend the Manage-

ment Plan to allocate lands for new commercial overnight accommodations.

Parks Canada's *Guide to Management Planning* makes it clear that Management Plans aren't set in stone. They may be amended "(w)hen changed circumstances affect major plan objectives both directly and significantly." But there's the rub. The only changed circumstances here are the financial circumstances of Maligne Tours. While we might feel for the company's owners it's hard to see how their financial situation affects the approved Management Plan's objectives directly and significantly. Parks Canada appears on course then to entertain bringing another Glacier Discovery Walk to Jasper National Park – a project without ecological merit that's best justified as an effort to boost a company's bottom line.

AWA remains optimistic that the death of the 66-suite luxury lodge – the most crucial financial component of the Maligne Tours conceptual proposal – will lead the company to do what Parks Canada should have done already. Pull the plug on the Maligne Lake development project.

- Ian Urquhart

