


It's in

Our Nature

A Shared Vision for Parks and Protected Areas Legislation

Building Strong Communities

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Our Nature

A Shared Vision for Parks and Protected Areas Legislation

For the first time in 50 years, the government of Ontario is reviewing the legislation for Ontario's protected areas - our provincial parks, conservation reserves and wilderness areas.

The Ontario government is committed to the permanent protection and ecological integrity of our parks and protected areas. Through this review, the government will work with Ontarians to update protected areas legislation and strengthen the protection of our natural and cultural heritage. A key first step is listening to the views of stakeholders, Aboriginal communities and members of the public on how we can develop strong legislation that reflects the quality of our world class network of protected areas.

For more than a century, Ontario's unique network of parks and protected areas has preserved significant natural environments for future generations while providing recreational opportunities for outdoor enthusiasts.

Protected areas contribute to the health, vitality and economic prosperity of Ontario by supporting a quality of life that is second to none.

This discussion paper contains background information on Ontario's protected areas network and presents eight legislative proposals for public comment. The proposals generally focus on incorporating in law important protection provisions that are currently in policy.

Detailed descriptions of the proposals begin on page 10.

How are we going to consult with you?

We are working with Ontarians to enhance legislation for Ontario's protected areas. The Ministry of Natural Resources recognizes its Constitutional obligations to Aboriginal people, and will ensure that consultation opportunities are available for Aboriginal peoples.

Consultation will include:

- Providing a series of key legislative proposals as a basis for consultation.
- Making a discussion document available for review and comment electronically through the Environmental Bill of Rights Registry and the Ministry of Natural Resources and Ontario Parks websites.
- Providing the opportunity for people to email or mail in comments and suggestions.
- Meeting with key stakeholders.
- Meeting with Provincial Treaty Organizations and inviting input from Aboriginal communities.
- Holding public open houses in nine communities across Ontario (Thunder Bay, Timmins, Sault Ste. Marie, Sudbury, North Bay, Huntsville, London, Toronto and Ottawa).

The Ontario Parks Board of Directors, whose members are appointed by the Minister of Natural Resources, will review input we receive. The Board will provide recommendations to the Minister. Draft legislation will then be prepared for introduction in the Ontario Legislature.

How can you get involved?

A questionnaire has been developed that makes it easy for you to provide your views about the legislative proposals, and to make your own suggestions about protected areas legislation. A copy of the questionnaire is attached. An online version of the questionnaire is available and can be easily accessed by following links at

www.OntarioParks.com or
www.mnr.gov.on.ca.

The questionnaire will also be available at open houses being held in selected locations across Ontario. If you choose to fill out the attached questionnaire please send it to the following address:

Protected Areas Legislation
Review
Ministry of Natural Resources
P.O. Box 7000
300 Water Street
Peterborough, Ontario
K9J 8M5

What are protected areas?

Protected areas are lands and waters with defined boundaries established primarily to permanently protect natural heritage features such as unique landforms, plant communities and animal life. In Ontario, provincially owned and managed protected areas¹ include:

- Provincial parks established under the Provincial Parks Act;
- Conservation reserves established under the Public Lands Act, Regulation 805/94;
- Wilderness areas established under the Wilderness Areas Act; and
- Kawartha Highlands Signature Site Park. This park will be added to the protected areas network under the Kawartha Highlands Signature Site Park Act, passed in 2003 after substantial consultation. The act applies only to this park. Therefore the Kawartha Highlands Signature Site Park is not included in this review.

Ontario's network of protected areas has grown over the years. When the Provincial Parks Act was last reviewed and updated in 1954 there were only eight protected areas, all provincial parks. Today there are 316 parks and 249 conservation reserves, with a total area of 8.7 million hectares. This area is larger than the provinces of New Brunswick and Prince Edward Island combined.

1. Ontario has other protected areas that are not managed by the province. These include national parks managed by Parks Canada and some areas managed by conservation authorities and private conservation interests.

How it all began

Ontario's first provincial park – Algonquin – was established in 1893. The second, Rondeau Provincial Park, was established in 1894. When Quetico Provincial Park was established in 1913, the need for a legislative framework was recognized and the Legislature passed the first Provincial Parks Act.

At one time, parks were viewed only as places with spectacular scenery, prime habitat for game animals, and lands and waters suitable for camping, picnicking and swimming. Over the years, our views changed. Urban development and pressure on these natural resources for commercial, industrial and recreational use increased. The need to protect representative ecosystems, and special natural and cultural features, in a network of areas was

also recognized. As a result, Ontario's protected areas network grew at an increasing pace through the 20th century. Wilderness areas were added to the network in 1959. The first conservation reserves were established after a regulation was approved under the Public Lands Act in 1994.

Today, Ontario's protected areas network includes about 8.7 million hectares, or about nine per cent of the province's land base:

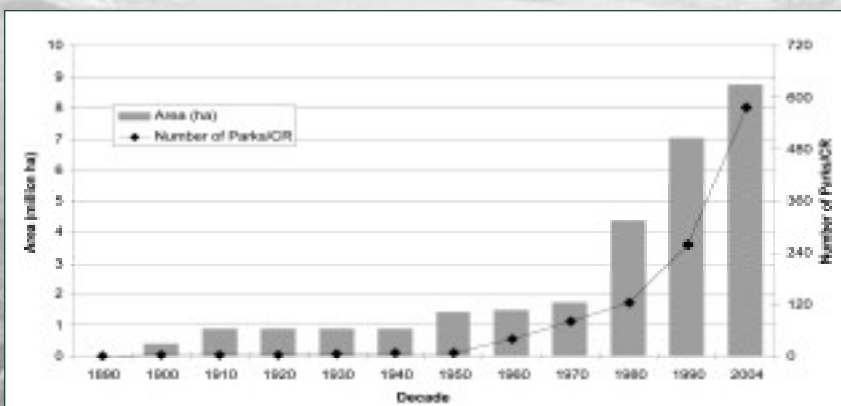
- 316 provincial parks with 7.7 million hectares regulated under the Provincial Parks Act;
- 249 conservation reserves with one million hectares regulated under the Public Lands Act; and
- 10 wilderness areas with 800 hectares regulated under the Wilderness Areas Act.

Why are protected areas important?

- They make a significant contribution to maintaining ecosystem health and diversity.
- They protect habitats for wildlife, including species at risk.
- They diversify local and regional economies by supporting tourism, especially ecotourism.
- They support forest "certification" that helps companies make their practices sustainable and market their products.
- They preserve genetic materials that have potential for new foods, medicines and other products.
- They have an important scientific and educational value.
- They provide places where people can enhance their health and well-being through enjoyment of nature and outdoor recreation.

Figure 1.

Growth of Ontario's Network of Protected Areas



A brief history of Ontario's Protected Areas System

- 1893 Algonquin – Ontario's first provincial park
- 1913 Provincial Parks Act was passed and Quetico Park was established
- 1954 A revised Provincial Parks Act passed (with 8 parks in the system)
- 1959 Wilderness Areas Act was passed
- 1960 72 provincial parks in the system
- 1965 10 new provincial parks established
- 1978 A new provincial parks policy was approved by Cabinet (this was reconfirmed in 1992)
- 1983 155 parks added to the system through province-wide land use planning
- 1994 Ontario created a new Conservation Reserve designation under the Public Lands Act
- 1996 Government released Nature's Best Framework and Action Plan
- 1996 Provincial Parks Act amended to include Special Purpose Account enabling revenue retention
- 1997 Lands for Life land use planning initiated to complete the system of parks and protected areas in the planning area
- 1999 378 new protected areas (parks and conservation reserves) amounting to 2.4 million hectares created/announced as part of Ontario's Living Legacy Land Use Strategy
- 2003 Kawartha Highlands Signature Site Parks Act established
- 2004 Protected areas legislative review initiated

The goal of the Ontario provincial parks system is:

To ensure that Ontario's provincial parks protect significant natural, cultural, and recreational environments, while providing ample opportunities for visitors to participate in recreational activities.

The four key objectives are:

- **Protection:** To protect provincially significant elements of the natural and cultural landscape of Ontario.
- **Recreation:** To provide outdoor recreation opportunities ranging from high-intensity day-use to low-intensity wilderness experiences.
- **Heritage Appreciation:** To provide opportunities for exploration and appreciation of the outdoor natural and cultural heritage of Ontario.
- **Tourism:** To provide Ontario's residents and out-of-province visitors with opportunities to discover and experience the distinctive regions of the province.

About Today's Protected Areas

Provincial Parks

Provincial parks are protected areas of lands and waters with defined boundaries established under the Provincial Parks Act primarily to permanently protect natural heritage features.

Provincial parks, managed by Ontario Parks, make up 88 per cent of the area of the protected areas network. Provincial parks range from small areas intended mainly to provide recreation, such as Port Bruce Provincial Park with 5.2 hectares, to huge wilderness parks such as Polar Bear with more than two million hectares. Many are actively operated to provide recreational opportunities – 105 operating parks provide facilities and/or services on a formal basis. These operating parks offer 18,810 vehicle-accessible campsites and 7,000 interior campsites accessible by foot or canoe.

Ontario's parks host more than 10 million visits each year, with use growing since the early 1990s. Consequently, they make a major contribution to Ontario's economy by encouraging tourism. Through park user surveys and socio-economic analysis, Ontario Parks has been able to determine the extent of this economic contribution. In 2001, expenditures by Ontario Parks and park visitors totalled more than \$290 million. Ontario Parks has authority under the Provincial Parks Act to use park revenues to fund park operations. This ensures that money spent in parks by park visitors is used to support parks.

Provincial parks have existed in some form for 111 years. With high levels of recreational use in many parks, a wide range of policies and regulations were developed to guide park use and protect park resources. Regulations focus on the dos and don'ts of park use and on fines for non-compliance. The policies are described in the Provincial Parks Planning and Management Policies (1992).

Highlights of these policies include:

- Goals, principles and objectives (protection, recreation, heritage education and tourism;)
- A park classification system with objectives for each class of park (classes include wilderness, nature reserve, natural environment, waterway, historical and recreation;)
- A park zoning system (wilderness, nature reserve, natural environment, historical, access and recreation;)
- Policies about which uses are permitted or restricted in various classes of parks and zones; and
- A framework for preparing management plans that guide the management of individual provincial parks.

The management planning framework sets out methodology and content requirements. There are two types of plans:

- Management plans prepared with public consultation, which enable facility development and active management;
- Interim management statements which identify values and the direction required to protect them. Interim management statements do not authorize new facility development or active management.

A management plan would have to be prepared before a new trail or campground could be developed or active wildlife management could be initiated.

Environmental Assessment Act

Projects in provincial parks are subject to the Environmental Assessment Act. Since 1978 provincial park undertakings have conformed to obligations issued under this act by the Minister of the Environment. A Class Environmental Assessment for Provincial Parks and Conservation Reserves is currently under review.

Spanish River Provincial Park



Representation is the concept that the full range of our natural diversity should be systematically identified and protected. It is the primary concept used to identify Ontario's network of protected areas.

- Areas identified using this concept contain the best available examples of Ontario's natural diversity.
- Geological diversity is defined by distinct geological features and themes.
- Terrestrial diversity is defined on the basis of Ecoregions and Ecodistricts (see Figure 2).
- Ontario is divided into 14 distinct ecoregions, each with a particular combination of climate, topography, landform and soil.

Conservation Reserves are different from Provincial Parks in that they:

- Are relatively new (parks have more history – 111 years).
- Were created primarily for protection (parks also have objectives for recreation, heritage appreciation and tourism).
- Have limited policy direction (parks have a strong policy framework).
- Utilize basic planning processes that, in some cases, do not require public consultation (public consultation is mandatory for park management planning).
- Do not currently employ a classification system or zoning (park management relies on both classification and zoning).

Figure 2.
Ecoregions of Ontario



Conservation Reserves

Conservation reserves are protected areas of lands and waters with defined boundaries established under the Public Lands Act, Regulation 805/94 primarily to permanently protect natural heritage features and provide recreation opportunities.

Conservation reserves make up about 12 per cent of the protected areas network. Regulation 805/94 of the Public Lands Act was passed in 1994 to establish this new type of protected area intended primarily to protect significant features and provide recreational opportunities. These areas have fewer restrictions on recreational and commercial uses than provincial parks. Commercial logging, mining, hydro-electric power development and other industrial uses are prohibited by this regulation.

Otherwise, the provisions of the Public Lands Act and associated regulations apply to conservation reserves.

A provincial policy for conservation reserves was approved in 1997. The policy states that the goal for conservation reserves is to protect natural heritage values on public lands while permitting compatible land use activities. It also:

- Formalizes strategies for identifying conservation reserves;
- Provides that statements of conservation interest or resource management plans should be prepared for each conservation reserve; and
- Lays out policies for dealing with a range of matters, including which activities are allowed to occur and which are prohibited.

Conservation reserves, unlike provincial parks, are not formally operated to provide facilities, services or collect fees. Informal recreation activities are generally allowed to continue, if compatible with protection of natural heritage.

Projects in conservation reserves are subject to the Environmental Assessment Act. As noted above, a Class Environmental Assessment for Provincial Parks and Conservation Reserves has been prepared and is under review by Ministry of the Environment.

Wilderness Areas

Wilderness areas are protected areas of lands and waters with defined boundaries established under the 1959 Wilderness Areas Act. They are intended to preserve the natural state of a specific area.

Wilderness areas make up about 0.001 per cent of the protected areas network. A total of 33 wilderness areas were established in Ontario, although no new wilderness areas have been established since the early 1960s. In fact, only 10 areas are located outside provincial parks or conservation reserves. No policies or regulations were ever developed for wilderness areas. As a result, the areas are generally managed in the

same way as Crown land. Legislation and policy for wilderness areas does not provide the same level of protection as existing legislation for parks and conservation reserves.

Lake Superior Conservation Reserve



Comparison of Provincial Parks, Conservation Reserves and Wilderness Areas

	Provincial Parks	Conservation Reserves	Wilderness Areas
Number	316	249	10 (plus 23 within provincial parks or conservation reserves)
Total Area	7.7 million hectares	1 million hectares	800 hectares
Legislation	Provincial Parks Act (first passed in 1913)	Public Lands Act, Regulation 805/94 (1994)	Wilderness Areas Act (1959)
Key Objectives	Protection, recreation, education, tourism.	Protection, compatible recreation.	Protection
Regulations	Provincial Parks Act Regulations (extensive regulations are in place to deal with recreational use).	Public Lands Act Regulations (only 805/94 applies specifically to conservation reserves; otherwise regulations applying to Crown land in general apply in conservation reserves).	Public Lands Act Regulations (regulations applying to Crown land in general apply in wilderness areas).
Policies	Ontario Provincial Parks Planning and Management Policies (1978, reviewed in 1992) Ontario's Living Legacy Land Use Strategy (1999).	Conservation Reserves Policy (1997) Ontario's Living Legacy Land Use Strategy (1999).	None
Public Services and Facilities	More than 18,000 car campsites, 6,500 back country campsites, 2,000 kilometres of trails, comfort stations, visitor centres, etc.	Compatible recreational activities such as hiking, hunting and fishing occur.	Compatible recreational activities such as hiking, hunting and fishing occur.
Revenue	Yes – fees are charged for use of parks that offer services and facilities; these fees support operation of parks.	Minimal – Fees are paid for any leases land use permits, etc. but fees are not charged to recreational users.	Minimal – Fees are paid for any leases, land use permits, etc. but fees are not charged to recreational users.



Bon Echo Provincial Park

How is Ontario doing in comparison to other jurisdictions?

Each Canadian province, territory, and the federal government has its own protected areas legislation. Many other countries also have some form of protected areas legislation.

In the United States, protected areas tend to be managed under a wide range of acts, each of which has specific provisions that apply to protected areas.

European countries tend not to have vast tracts of undeveloped land because thousands of years of human habitation has significantly changed most landscapes. Protected areas in Europe tend to accommodate farming, grazing, villages and other activities. In many cases much of the land in

European protected areas is privately owned. For these reasons, it is difficult to compare Ontario's legislation with jurisdictions outside Canada.

In Canada, the National Parks Act is considered by some to be the most effective protected areas legislation. It makes ecological integrity a guiding principle for managing national parks. It also makes park management planning and state of parks reporting (an assessment of how well parks are being protected) mandatory. Most other provinces and territories have not reviewed their protected areas legislation for some time.

In recent years, Ontario has made significant progress in increasing the number of parks and protected areas within the province. In 1999, Ontario's Living Legacy Land Use Strategy recommended 378 new parks and protected areas. To date, 290 of the 378 have been regulated. Despite this progress, there is still a need to update and strengthen Ontario's parks and protected areas legislation. Ontario will look to the National Parks Act as a benchmark to develop a "made-in-Ontario" legislative model.

Ecological Integrity can be defined as follows:

An ecosystem has integrity when it is deemed characteristic for its natural region including the composition and abundance of native species and biological communities, rates of change and supporting processes.

Report of the Panel on the Ecological Integrity of Canada's National Parks, 2000

Legislative Proposals

for Your Comment

Objectives for the Legislative Review

We want to develop strong legislation that reflects the quality of Ontario's network of protected areas, and ensures they are protected for future generations.

One important objective is to recognize that while protection and maintenance of ecological integrity is of primary importance, compatible activities can occur where appropriate.

Many of the measures that ensure the protection of ecological integrity are currently in policy, which can be changed without the approval of the Legislature. For that reason, it is also important to include in legislation the most important policies - those that support sound management of protected areas and promote protection of ecological integrity.

In recognition of the public interest in protected areas, it is important to include in legislation, measures that will enhance transparency and public accountability, such as mandatory reporting on the state of protected areas.

Silent Lake Provincial Park



Legislative Proposals

A series of legislative proposals has been developed to address the objectives described on page 10. The proposals provide a basis for you to provide comments and suggestions.

The eight proposals address the following topics:

1. Principles to Guide the Management of Protected Areas
2. Goals and Objectives to be Included in Legislation
3. Classification and Zoning
4. Assess Wilderness Areas
5. Mandatory Management Direction and State of Protected Areas Reporting
6. Major Industrial Uses
7. Continue to Address Non-Industrial Uses in Policy
8. Administration and Enforcement

Discussion of Legislative Proposals

1. Principles to Guide the Management of Protected Areas

Current legislation does not recognize key protection principles. Identifying such principles explicitly in legislation would demonstrate a firm commitment to permanent protection and guide development of regulations and policies. The intent of including such principles is to recognize that among a range of objectives, the protection objective is most important. This means that protected areas should be managed so that their native components (plants and animals) and processes (such as growth and reproduction) remain intact or are restored. This principle is known as ecological integrity.

Proposal 1:

Include in legislation fundamental principles to guide the management of protected areas including:

- Protected areas are dedicated to the people of Ontario.
- Protection and maintenance of ecological integrity comes first.
- Protected areas will provide compatible recreation for the health and enjoyment of Ontarians and visitors to the province.
- A network of protected areas will provide for the permanent protection of representative ecosystems and significant natural and cultural elements and habitats.

2. Goals and Objectives to be Included in Legislation

Current policy for protected areas recognizes that, while the protection objective comes first, there are other important complementary objectives. These objectives are currently formalized in policy. Including objectives in legislation would guide the development of policy for the protected areas network and management direction for individual areas.

Proposal 2:

Include the following objectives in legislation for provincial parks:

- To protect representative and provincially significant elements of the natural and cultural landscape of Ontario.
- To provide compatible outdoor recreation opportunities ranging from high-intensity day-use to low-intensity wilderness experiences.
- To provide opportunities for exploration and appreciation of the outdoor natural and cultural heritage of Ontario.
- To provide Ontario residents and out-of-province visitors with opportunities to discover and experience the distinctive regions of the province.

State the following objectives in legislation for conservation reserves:

- To protect representative and provincially significant natural heritage values on public lands.
- To provide opportunities for compatible land use activities including outdoor recreation.

3. Classification and Zoning

The Ontario Provincial Parks planning and management policies identify six classes of provincial parks, with objectives for each. The classes of parks are wilderness, nature reserve, historical, natural environment, waterway and recreation. The parks policies document also establishes zones, which are defined in each park through management planning. There is currently no policy basis for use of zoning as a management tool within conservation reserves.

Proposal 3:

Recognize the following provincial park classifications and associated objectives:

- **Wilderness Class** – Protect large areas where nature can exist freely, and visitors travel by non-mechanized means while practising low-impact camping to experience solitude, challenge and personal integration with nature.
- **Nature Reserve Class** – Represent the distinctive natural habitats and landforms of the province, and protect these for research and as gene pools to benefit present and future generations.
- **Historical Class** – Represent the distinctive historical resources of the province in open space settings, and protect these for interpretive, educational and research purposes.
- **Natural Environment Class** – Protect outstanding recreational landscapes with representative natural features and historical resources to provide high quality recreational and education experiences.

- **Waterway Class** – Incorporate outstanding recreational water routes with representative natural features and historical resources to provide high quality recreational and educational experiences.
- **Recreation Class** – Support a wide variety of compatible outdoor recreation opportunities for a large number of people in attractive natural surroundings.

Provide authority for the Minister of Natural Resources to establish additional park classes and zoning policies for provincial parks (this will recognize existing zones and allow the establishment of new classes and zones in the future if necessary.)

Provide authority for the Minister of Natural Resources to establish zoning policies for conservation reserves (this would allow for the establishment of a system of zoning in the future - currently zones are not used as a management tool in conservation reserves.)

4. Assess Wilderness Areas

Wilderness areas are a minor part of the protected areas network (a fraction of one per cent.) Although 33 wilderness areas were regulated, only 10 lie outside provincial parks or conservation reserves. The total area of the 10 wilderness areas is less than 800 hectares.

Proposal 4:

Evaluate the 10 wilderness areas that are outside provincial parks and conservation reserves. Where natural values justify protection, regulate the areas through a public consultation process as provincial parks or conservation reserves, whichever is most appropriate.

Bird's-foot Violet



Blanding's Turtle



5. Mandatory Management Direction and State of Protected Areas Reporting

Under current legislation, it is not mandatory to prepare management direction for provincial parks or conservation reserves. Rather, policies call for the Ministry of Natural Resources to prepare interim management statements and management plans for provincial parks, and statements of conservation interest and management plans for conservation reserves. It is proposed that management planning and reporting/monitoring be mandatory with legislated timelines.

Some jurisdictions including Parks Canada require State of the Protected Areas reporting. This reporting lets the public know how well protected areas are being managed and whether objectives are being met. Currently there are no formal reporting requirements for protected areas in Ontario.

Proposal 5

Require that:

- Management direction is approved for each protected area within a specified time frame after passage of the legislation or establishment of the area.
- Appropriate consultation is carried out regarding development of management direction.
- Public reporting on the state of protected areas to be prepared at five-year intervals.

6. Major Industrial Uses

Currently, industrial uses (mineral exploration and mining, commercial forest harvest, hydro-electric power development, the extraction of aggregate and peat or other industrial uses) are prohibited by regulation in conservation reserves and prohibited (with a few exceptions) by policy in provincial parks. There are provisions for exceptions, such as existing hydro-electric facilities, recognition of previous commitments for waterpower sites, existing licensed aggregate pits for public purposes, and waterpower development for park use or remote, off-grid First Nation communities.

An exception to the policy prohibition on logging in provincial parks is that commercial logging is permitted in portions of Algonquin Provincial Park. Commercial logging has gone on in Algonquin Park since the park was established in 1893 and is part of the social and economic heritage of central Ontario. The park was established in part to protect timber from encroaching agricultural settlement. Logging in the park provides significant economic benefits for surrounding communities. The park supplies 12 mills with all or part of their wood supply on a regular basis, and an additional 10 periodically. At least 2,800 people are employed in these mills.

Today, Algonquin is the only Ontario protected area where commercial logging continues, however, logging is only permitted in less than 1.5 per cent of the park in any given year. As with logging practices in surrounding areas, there is selective harvesting in

the park which is consistent with protection of natural values. The Algonquin Forestry Authority administers forest management in the park under the terms of an approved forest management plan. Forest management planning and forest operations are done in accordance with the Crown Forest Sustainability Act and policies contained in the park management plan. There is no proposal to change the policy related to logging in Algonquin Park.

Putting the prohibitions on industrial uses in legislation would elevate existing prohibitions to legislation to strengthen the level of protection.

Proposal 6

Prohibit major industrial uses:

- Commercial logging (with the exception of the recreation/utilization zone of Algonquin Provincial Park)
- Mineral exploration and mining
- Aggregate and peat extraction
- Electric power development (hydro, wind, solar, etc.)

Exceptions:

- Electric power development for park or First Nation use (e.g., a wind turbine to provide power for a park office; a micro-hydro installation to supply an off-grid First Nation community where no economically feasible alternative exists;) existing hydro-electric power facilities; and commitments made for new facilities prior to protected areas being established.
- Resource access roads and public utility corridors. As is currently the case, these uses could be considered on a case-by-case basis

in accordance with policy and consistent with the Environmental Assessment Act.

- Existing, approved pits (e.g., sand/gravel) established for public purposes, which will be permitted to continue. No new pits or quarries would be permitted.
- Felling of trees or removal of plant materials for approved projects and research, such as campground or road development, public safety, seed collection, collection of scientific specimens, development of utility corridors or resource access roads in accordance with management plans.

7. Continue to Address Non-Industrial Uses in Policy

Policies and regulations have been developed to provide direction on a wide range of activities in protected areas. Policies are approved by the ministry and can be applied with some degree of discretion. Application of regulations is not discretionary, but they can be amended by Cabinet. As noted above (see Legislative Proposal 6) the ministry proposes to incorporate in legislation prohibitions on some industrial uses, such as hydro-electric power development, that are currently addressed in policy or regulation. This recognizes that only the Legislature, through legislative amendments, should have flexibility to allow these particular activities to occur in protected areas.

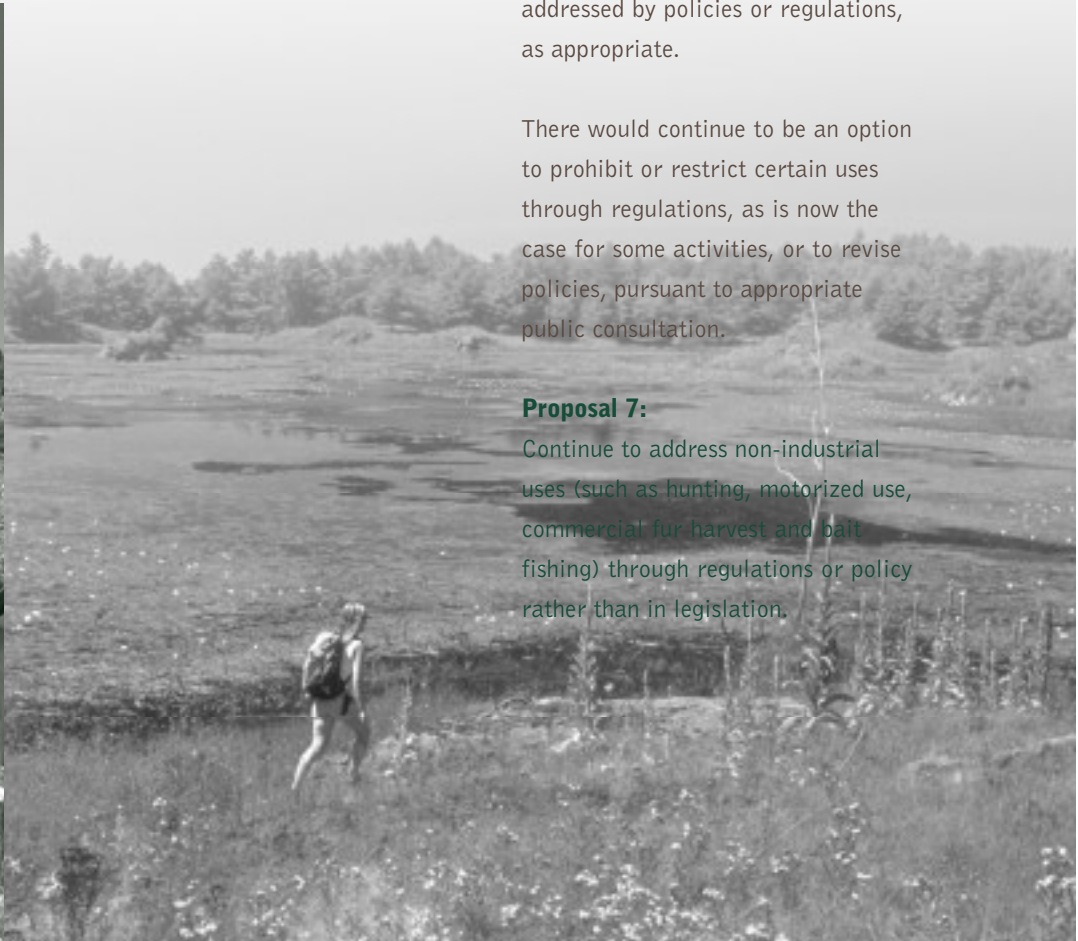
There are many other activities that may be appropriate in some circumstances, but not in others. These are most appropriately dealt with by policies or regulations, which allow a more flexible approach. For example, under current policies, private use of motorboats is not permitted in wilderness class parks. However, policies make an exception for lodges and outpost camps in wilderness parks to use motorboats in certain circumstances, in accordance with a park management plan. In park areas where the flexibility to allow use of motorboats is not needed, specific regulations prohibit their use. This flexible approach is possible because motorized use is dealt with by policies and regulations, not legislation. The intent is that non-industrial uses will continue to be addressed by policies or regulations, as appropriate.

There would continue to be an option to prohibit or restrict certain uses through regulations, as is now the case for some activities, or to revise policies, pursuant to appropriate public consultation.

Proposal 7:

Continue to address non-industrial uses (such as hunting, motorized use, commercial fur harvest and bait fishing) through regulations or policy rather than in legislation.

Frontenac Provincial Park



8. Administration and Enforcement

The Provincial Parks Act was amended in 1996 to ensure that park revenues are deposited in the Ontario Parks Special Purpose Account. Funds in this account can only be spent for park purposes. This allows Ontario Parks to make customer service improvements and ensures that park fees paid by visitors are used to fund park operations. Ontario Parks can undertake initiatives, such as the sale of souvenir merchandise and firewood and rental of canoes, which would not otherwise be feasible. It is appropriate to consider additional authorities that would make it possible to develop programs to encourage gifts, bequests and donations to support specific activities, such as education, monitoring, research and stewardship.

The Ministry of Natural Resources relies on a variety of partners to manage protected areas. These include local naturalist and conservation groups, volunteer groups known as "Friends" organizations, local municipalities, aboriginal communities, and businesses. Partnerships support a wide variety of activities from cleaning washrooms to delivering natural heritage education programs. It is important that protected areas legislation provide flexibility to enter into agreements for a wide range of activities.

The Public Lands Act was not designed to protect natural heritage features and does not provide suitably robust enforcement provisions. The Public Lands Act has no arrest or seizure sections. An offender may be

charged and penalized for a violation. However, there is no method by which the MNR may remove an active violator or person who is or may be about to engage in an activity that may damage a conservation reserve or other Crown lands. For provincial parks, a need for greater clarity and certainty with respect to the enforcement powers for provincial park wardens has been identified. Fines and penalties need to be updated.

The Provincial Parks Act has limited provision for land administration activities such as issuing and controlling land tenure (e.g., leases, land permits) and issuing work permits.

Proposal 8:

Update administrative and enforcement provisions by:

- Retaining existing authority for provincial park revenues to be deposited in an Ontario Parks Special Purpose Account dedicated to spending for provincial park purposes.
- Considering provision of new authorities to facilitate and encourage gifts, donations and bequests in support of programs to support protected areas research, monitoring, education, and other related purposes.
- Including a range of land administration provisions to support establishment of protected areas, effective management of lands, and administration of tenure, including:
 - Continue to establish or amend protected areas boundaries by regulation
 - Grant and administer leases, rights of way, easements, land use permits and work permits
 - Set and charge fees for land tenure of various types
 - Establish regulations relating to leases, rights of way, etc.
- Providing authority for the Minister of Natural Resources to undertake or enter into agreements to support:
 - Stewardship
 - Marketing and promotion
 - Education
 - Research
 - Other protected areas objectives
- Providing an up-to-date enforcement framework in accordance with the Provincial Offences Act, consistent with the priority placed on protection of natural values:
 - Powers of Minister of Natural Resources to make regulations with approval of Cabinet
 - Updated fines and penalties (upper limits will be set out in legislation)
 - Appropriate enforcement powers for officers

Next Steps

We hope that you will take the time to provide comments on the legislative proposals outlined in this discussion paper. Remember – this is your opportunity to help us strengthen the protection of Ontario’s parks and protected areas for the next 50 years and beyond. Your comments and ideas are important and will be carefully considered.

Let us know what you think by filling out an online questionnaire (following links at www.OntarioParks.com or www.mnr.gov.on.ca) or by completing the attached questionnaire and mailing it to the address provided on page two of this book. You can also provide comments through Ontario’s Environmental Bill of Rights Registry website (http://www.ene.gov.on.ca/envision/env_reg/ebr/english/).

Thank you for your participation.

